

**MINUTES of SPECIAL MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JUNE 14, 2011**

The Board of Commissioners of the City of Bowling Green, Kentucky met in special session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 4:00 p.m. on June 14, 2011. In the absence of Mayor Joe W. Denning, Mayor Pro Tem Bruce Wilkerson called the meeting to order. Assistant City Manager/City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Brian “Slim” Nash, Commissioner Bill Waltrip, Commissioner (Mayor Pro Tem) Bruce Wilkerson and Commissioner Melinda M. Hill. Absent: Mayor Joe W. Denning. There was a quorum of the Board of Commissioners.

REMOVE FROM TABLE

Motion was made by Hill and seconded by Waltrip to remove Ordinance No. BG2011 – 21 from the table for discussion and consideration at this time. With no discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson and Hill
 Voting Nay: None

Motion to remove Ordinance No. BG2011 – 21 from the table for consideration at this time was approved by unanimous vote.

**ORDINANCE NO. BG2011 – 21
(Second Reading)**

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING CHAPTER 15 (BUSINESS AND
GENERAL REGULATIONS) OF THE CITY OF BOWLING GREEN
CODE OF ORDINANCES TO CREATE A NEW SUBCHAPTER
RELATED TO THE SALE, STORAGE AND USE OF FIREWORKS
AND AMENDING CHAPTER 9 (GENERAL OFFENSES) TO MAKE
OTHER RELATED CHANGES**

Title and summary of Ordinance No. BG2011 - 21 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Wilkerson for second reading of said Ordinance. Comm. Hill said she would like to see the City allow fireworks to be sold in tents and to change the time of day that fireworks could be used, as well as the number of days out of the year they could be used. Mayor Pro Tem Wilkerson pointed out that if the number of days was changed that would be considered a more substantial amendment. City Attorney Gene Harmon explained the Board’s ability to make minor changes to the ordinance at this stage that would not impact its second reading status. He confirmed that the proposed changes to allow tent sales and to adjust the hours of use would be considered minor changes and anything beyond that would require a new first reading of the ordinance.

Although Comm. Nash was opposed to the intent of the ordinance and expressed frustration with the new state laws, he stated he understood the need to compromise on the issue. He acknowledged that he would, however, come back at a later date to propose limiting the number of days fireworks could legally be discharged in the City. He replied to an inquiry from Comm. Hill regarding his thoughts about determining the limited number of days, which included the consideration of all the different ethnicities of the community and consulting other community leaders. Comm. Waltrip remarked about

*Note: Minutes are a summary of the discussions; a video recording of this entire meeting is maintained by the Office of City Clerk.

the ability to proceed with a good compromise that would allow people to buy and use fireworks in the same city.

Mayor Pro Tem Wilkerson expressed concern with and opposed allowing the use of tents to house explosive devices. He surmised that a permanent structure would provide better protection. Fire Chief Greg Johnson commented that in talking with other cities and conducting further research, a fire taking place in a tent versus a permanent structure was not that much different since the area would quickly be closed off. Although, he speculated that a tent might actually be easier for some of the fire equipment to access.

To provide increased protection, Mayor Pro Tem Wilkerson inquired if there was any interest from other Board members to extend the distance required for tents to be located away from other structures, streets and sidewalks, such as 200 feet which was required for the use of fireworks to take place. Mr. Harmon affirmed that the Board could implement stricter regulation instead of the 50-foot set back provided in the ordinance. Comm. Nash stated he liked the premise of the increased distance, but was not convinced enforcement would be consistent.

Roger Loyd, fireworks retailer, specified that in all of his thirty years in business and of the thousands of tents put up in Tennessee, he was not aware of any fires that took place in a tent used for the sale of fireworks. He pointed out that since a tent could not be locked up, there was always someone in the tent to secure its contents 24 hours a day. With regard to the suggestion by Mayor Pro Tem Wilkerson, Mr. Loyd requested that the set back required for tents not be more than 50 feet.

Comm. Hill made a motion, seconded by Waltrip, to amend Ordinance No. BG2011 – 21 to remove the requirement that sales of fireworks be in permanent structures and to change the time of day fireworks could be used to 12:30 a.m. Mr. Harmon reiterated the motion to clarify the two specific changes would be made in Section 15-15.04(d)(1) (remove the word permanent) and in Section 15-15.04(i) (striking 1:00 a.m. and adding 12:30 a.m.). Comm. Hill confirmed this amendment meant that all fireworks could be sold in tents. With no other discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip and Hill
 Voting Nay: Wilkerson

Motion to amend Ordinance No. BG2011 - 21 to allow tent sales and to reduce the hours fireworks could be used during the day was adopted by majority vote.

Mayor Pro Tem Wilkerson asked for any other discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip and Hill
 Voting Nay: Wilkerson

Ordinance No. BG2011 - 21 as amended was adopted by majority vote.

WORK SESSION

Continuing deliberation of the Annual Operating Budget for Fiscal Year 2011/2012 as presented by the City Manager at the previous work session, the Board of Commissioners reviewed and discussed in more detail the recommended Fiscal Year 2012 agency funding. Through a consensus driven process, the Board adjusted some funding levels for agencies requesting assistance for the next year. The proposed revisions included one-time funding in the amount of \$62,000 for improvements to the animal shelter through the BG/WC Humane Society and an additional \$33,045 (total \$55,000 as requested) in

funding for Capitol Arts Alliance. In review of the proposed FY2012 Legislative budget, the Board chose to remove the membership fee (\$3,797) for the National League of Cities (NLC).

Once discussion concluded and with no other suggested changes to the budget recommendation, Assistant City Manager/City Clerk Katie Schaller indicated that a final budget would be presented to the Board for consideration at its next regular meeting. In addition, she specified that a special meeting would be needed before June 30th to complete the second reading, as well as consider other budget related items including agency appropriations.

CLOSED SESSION

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion which might lead to the discipline or dismissal of an individual employee without restricting that employee's right to a public hearing if requested. Motion was made by Nash and seconded by Hill to convene in closed session pursuant to KRS 61.810 (1) (f). Mayor Pro Tem Wilkerson called for roll call vote.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson and Hill
 Voting Nay: None

Motion to convene in closed session pursuant to KRS 61.810 (1) (f) was approved by unanimous vote. Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 5:25 p.m. in closed session.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 5:40 p.m., Mayor Pro Tem Wilkerson declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller