

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MAY 17, 2011**

The Board of Commissioners of the City of Bowling Green, Kentucky met in regular session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 7:00 p.m. on May 17, 2011. Mayor Joe W. Denning called the meeting to order. An invocation was given by Pastor Ed Gent, the Administrator of Education at Eastwood Baptist Church, and all present recited the Pledge of Allegiance. Assistant City Manager/City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Bruce Wilkerson, Commissioner Melinda M. Hill, Commissioner Brian "Slim" Nash, Commissioner Bill Waltrip and Mayor Joe W. Denning. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS

Operation P.R.I.D.E. Executive Director Ray Lackey presented P.R.I.D.E.'s monthly residential award to William A. Wilson for improvements made to his property located at 941 Park Street. Mr. Wilson accepted the award and expressed his appreciation. Mr. Lackey also reminded everyone that the 3rd Annual Olde Stone Run for PRIDE event would be held on Saturday, May 21st and a pasta dinner would be held the night before on Friday, May 20th.

**WKU GATEWAY TO DOWNTOWN BOWLING GREEN
TAX INCREMENT FINANCING (TIF) DISTRICT QUARTERLY REPORT**

On behalf of himself and his family, Doug Gorman expressed his appreciation for living in what he referred to as the greatest city in America and he thanked the Board of Commissioners, City staff and, in particular, Police and Fire departments for all that they do. As the Chairperson of the Warren County Downtown Economic Development Authority, Mr. Gorman provided a brief update regarding TIF activities and projects already underway. He indicated that they were in a good position to reach \$150 million of completed projects for Signature TIF status by the required 2014 deadline. Mr. Gorman also provided an overview of some other potential projects in the development stages and a progress report of the construction underway in Block 12.

In response to several questions from Mayor Denning, Mr. Gorman reported that a hotel was still anticipated to be constructed in Block 12 once financing could be obtained and a parking garage with a residential, commercial and retail wrap for Block 6 was in the discussion stage with several interested parties. He also responded that Mr. Hutcherson remained involved with the potential development of Block 4 and/or Block 6.

CITY MANAGER

City Manager Kevin D. DeFebbo had no comments at this time.

RECOGNITIONS

Mayor Denning recognized members of Boy Scout Troop 510 who were in attendance at the meeting.

APPROVAL OF MINUTES

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

Minutes of Regular Meeting May 3, 2011

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Wilkerson and seconded by Nash to approve said minutes as written. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of May 3, 2011 was approved by unanimous vote.

ORDINANCE NO. BG2011 – 20

(Second Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER FIVE TO THE
CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING
BUDGET FOR FISCAL YEAR 2011

Title and summary of Ordinance No. BG2011 - 20 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for second reading of said Ordinance. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2011 – 20 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 93

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF GARY
L. BROWN TO THE BOWLING GREEN FIRE DEPARTMENT BURN
VICTIM FUND BOARD OF ADVISORS

Summary of Municipal Order No. 2011 - 93 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 93 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 94

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF CRISTI
W. PRUITT TO THE BOWLING GREEN AUDIT COMMITTEE

Summary of Municipal Order No. 2011 - 94 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. Mayor Denning recommended the appointment to replace Charles Hayes, who also served as chair of the committee. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2011 - 94 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 95

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FEDERAL VICTIMS OF CRIME ACT (VOCA) GRANT FUNDS THROUGH THE COMMONWEALTH OF KENTUCKY JUSTICE CABINET FOR THE PARTIAL FUNDING OF A VICTIM ADVOCATE POSITION FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$36,990

Summary of Municipal Order No. 2011 - 95 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Comm. Waltrip, and former Police Chief, noted this was the nineteenth year for the grant and that he was proud of the work performed by April Fulcher since the program began. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 95 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 96

MUNICIPAL ORDER AUTHORIZING SECOND EXTENSION OF DEMOLITION OF STRUCTURES AND SITE CLEARANCE SERVICES (BID #2009-41) WITH KENWAY CONTRACTING, INC. OF BOWLING GREEN, KENTUCKY IN AN AMOUNT NOT TO EXCEED \$100,000

Summary of Municipal Order No. 2011 - 96 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo indicated this was an annual contract to provide services as needed throughout the year. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 96 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 97

MUNICIPAL ORDER APPROVING THE ACQUISITION OF 310 E. THIRD AVENUE FROM MILLER & YORK LLC FOR \$74,000 AND AUTHORIZING THE CONVEYANCE OF SURPLUS PROPERTY LOCATED AT 533 WEST MAIN TO MILLER & YORK

Summary of Municipal Order No. 2011 – 97 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. DeFebbo remarked that the City was recently involved in purchasing property in the same 200 block of College Street (310 E. Third Avenue being the last piece of the block) for the future expansion of parks and recreation or other public purpose. He indicated that there were plans being developed to demolish the structures on the property after use for public safety training and salvage by Habitat for Humanity. City Attorney Gene Harmon commented that the closing on the property would take place after the current tenants vacated the buildings. Comm. Waltrip commended staff for inspecting the structures and

for taking the steps necessary to demolish them. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 97 was approved by unanimous vote.

WORK SESSION

Following clarification of the ability to add the ordinance to the agenda after the work session discussion concluded, the Board of Commissioners reviewed proposed Ordinance No. BG2011-21 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.

Mr. DeFebbo noted that the Board had initiated discussions at a previous work session about the recent change in State law regarding fireworks regulation at the local level and directed staff to prepare a draft ordinance for consideration. City Attorney Gene Harmon identified several other cities that had already passed similar ordinances regulating fireworks. He outlined the specific definitions of varying types of fireworks as defined in Kentucky Revised Statutes (KRS), including any restrictions of use, and the requirement for a permanent and standalone structure to store or sell fireworks. Mr. Harmon also reviewed the permitting and inspection requirements, fee structure, penalties and restrictions for use of fireworks during a certain time of day.

Mayor Denning inquired if tent sales would still be allowed. Mr. Harmon explained that tent sales would not be permitted for sale of defined fireworks. However, Comm. Wilkerson pointed out that novelty, non-fireworks and trick noise makers could continue to be sold in tents as has occurred in past years. Comm. Waltrip clarified that this ordinance would not affect the types of sales that people had made in past years from tents. Assistant Fire Chief Brian O'Callaghan commented about the different types of fireworks and non-fireworks.

There was also discussion regarding a 200 foot restriction from structures for use of fireworks, which was included in State statute. Comm. Waltrip suggested extending the hours for the use of fireworks contained in the draft ordinance from between 10:00 a.m. and 12:30 a.m. to between 10:00 a.m. and 1:00 a.m.

In response to an inquiry from Comm. Wilkerson, Mr. Harmon reported that Warren County Attorney Amy Millikan had expressed some interest in seeing the City's ordinance and the possibility of the County passing something as well.

RECONVENE IN REGULAR SESSION

Once the discussion concluded in the work session, the Board of Commissioners reconvened in regular session at approximately 7:55 p.m. to consider action. Motion was made by Hill and seconded by Waltrip to add Ordinance No. BG2011 – 21 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Ordinance No. BG2011 – 21 to the agenda was approved by unanimous vote.

ORDINANCE NO. BG2011 – 21

(First 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 first reading of said Ordinance. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 21 was approved by majority vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:00 p.m., Mayor Denning declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor Pro Tem, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller