

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held FEBRUARY 15, 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 February 15, 2011. Mayor Pro Tem Joe W. Denning called the meeting to order. An invocation was given by Chaplain Damon Carlisle, 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 Bill Waltrip, Commissioner Bruce Wilkerson, Commissioner Brian "Slim" Nash and Mayor Pro Tem Joe W. Denning. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Operation P.R.I.D.E. Executive Director Ray Lackey announced that P.R.I.D.E.'s March commercial award was given for improvements made to 301 State Street, which was owned by the Housing Authority of Bowling Green. Housing Authority Modernization Coordinator Dale Eichelberger and Hunt Realty listing agent Penny Masden-Copas accepted the award. Ms. Masden-Copas expressed appreciation for the recognition.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of pending litigation against the City and discussion which might lead to the appointment of an individual member of the Board of Commissioners. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (c) and (f). Denning called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (1) (c) and (f) was approved by unanimous vote.

Mr. DeFebbo also announced that the Housing Division achieved another 100% score in its annual Section 8 assessment (Section Eight Management Assessment Program) by the Department of Housing and Urban Development (HUD) with 2.5 fewer employees, 97 more vouchers and with \$33,340 of General Fund savings (now utilizing no General Fund monies to run the program). He gave special recognition to Housing Coordinator Elvira Ramic for her involvement in the achievement.

In addition, Mr. DeFebbo reported that the City's Building Division recently received an Insurance Services Office (ISO) rating of 3. He explained the ISO rated two categories, residential and commercial construction, and both received the same rating. He further reported that no other city in Kentucky rated better than Bowling Green, and Bowling Green was one of two cities that received a rating of 3 in the residential category and one of four cities to receive a 3 in the commercial construction category. Mr. DeFebbo extended his appreciate to staff for helping to achieve this rating. Mayor Pro Tem Denning asked the City Manager to relay the Board of Commissioners' appreciation to all the Housing and Community Development staff for their hard work and dedication.

APPROVAL OF MINUTES

Minutes of Regular Meeting February 1, 2011 and Special Meeting of February 8, 2011

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

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

Motion to approve the minutes of the regular meeting of February 1, 2011 and special meeting of February 8, 2011 was approved by unanimous vote.

PUBLIC COMMENTS

Mayor Pro Tem Denning opened the floor for any public comments and there were none.

MUNICIPAL ORDER NO. 2011 - 31

MUNICIPAL ORDER APPOINTING JOE W. DENNING MAYOR OF
THE CITY OF BOWLING GREEN TO FILL THE VACANCY
CREATED BY THE RESIGNATION OF ELAINE N. WALKER

Summary of Municipal Order No. 2011 - 31 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Mayor Pro Tem Denning asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 31 was approved by majority vote.

SWEARING-IN OF MAYOR JOE W. DENNING

Chief District Judge Sam Potter, Jr. administered the Oath of Office for Mayor of Bowling Green, Kentucky to Joe W. Denning, and when completed, introduced Mayor Denning as the 43rd Mayor of Bowling Green since 1870.

Mayor Denning expressed his gratitude for this opportunity, and he stated he would always refer to Bowling Green as “our City.” He also commented he was proud to live in Bowling Green and he would work with the other members of the Board of Commissioners to look to the future and place Bowling Green in the forefront with Louisville and Lexington.

MUNICIPAL ORDER NO. 2011 - 32

MUNICIPAL ORDER ELECTING BRUCE WILKERSON AS
MAYOR PRO TEM TO FILL THE VACANCY CREATED BY JOE
W. DENNING

Summary of Municipal Order No. 2011 - 32 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 32 was approved by majority vote.

ORDINANCE NO. BG2011 - 7
(Second Reading)
ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF A PORTION OF
OLD MORGANTOWN ROAD TO BOOKSTORE WAY

Title and summary of Ordinance No. BG2011 - 7 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson 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: Waltrip, Wilkerson, Nash and Denning
 Voting Nay: None

Ordinance No. BG2011 - 7 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 33

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
JACKIE T. STRODE, BRETT HIGHTOWER AND EDWIN D.
PHELPS TO THE BOWLING GREEN-WARREN COUNTY
MILITARY LIAISON BOARD

Summary of Municipal Order No. 2011 - 33 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip 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: Waltrip, Wilkerson, Nash and Denning
 Voting Nay: None

Municipal Order No. 2011 - 33 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 34

MUNICIPAL ORDER APPROVING THE PROMOTION OF SANJA
DUDARIC TO THE POSITION OF COMMUNICATIONS
DISPATCHER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2011 - 34 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Police Chief Doug Hawkins reviewed the qualifications for the recommended promotion. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Wilkerson, Nash and Denning
Voting Nay: None
Municipal Order No. 2011 - 34 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 35

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF
TERRILL E. SHARBER TO THE POSITION OF POLICE CAPTAIN
AND BELDEN T. PARRY TO THE POSITION OF POLICE
SERGEANT IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2011 - 35 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. Police Chief Doug Hawkins reviewed the qualifications for each recommended promotion. Mayor Denning commented about the quality of the City's Police Department and congratulated both individuals. He asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Wilkerson, Nash and Denning
Voting Nay: None
Municipal Order No. 2011 - 35 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 36

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF DAVID R. STERNER, JR. TO THE POSITION
OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2011 - 36 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 the Police Department continually recruits for certified officers, and he recommended the appointment. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 36 was approved by unanimous vote. Following the vote and responding to a question about hiring a certified officer from another state and if full attendance was required for the Kentucky Police Academy, Police Chief Doug Hawkins clarified that Officer Sterner could begin field training immediately and would only need to attend four weeks of the Academy.

MUNICIPAL ORDER NO. 2011 - 37

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-
TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR
FORMER MAYOR ELAINE N. WALKER TO ATTEND THE
UNITED STATES CONFERENCE OF MAYORS WINTER
MEETING IN WASHINGTON, D.C.

Summary of Municipal Order No. 2011 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Municipal

Order. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 37 was approved by majority vote.

MUNICIPAL ORDER NO. 2011 - 38

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR COMMISSIONER BILL WALTRIP TO ATTEND THE KENTUCKY LEAGUE OF CITIES CITY OFFICIALS ACADEMY IN CAVE CITY, KENTUCKY

Summary of Municipal Order No. 2011 - 38 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, Nash and Denning
 Voting Nay: None
 Abstaining: Waltrip

Municipal Order No. 2011 - 38 was approved by majority vote.

ORDINANCE NO. BG2011 - 6

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 27 (PROPERTY CODE) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO ESTABLISH REPEAT OFFENDER POLICIES

Title and summary of Ordinance No. BG2011 - 6 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for first reading of said Ordinance. DeFebbo indicated that this issue had been previously discussed and he recommended its approval. City Attorney Gene Harmon explained the proposed fine structure which mirrored existing civil fines, which set a maximum fine of up to \$600 if a citation was not contested and a maximum fine of up to \$1,200 if frivolously appealed. He also explained that the Code Enforcement Board (CEB) could use its discretion when imposing penalties for violations.

Comm. Wilkerson indicated that the maximum fine that could be imposed for a criminal violation (Class A Misdemeanor) was \$500, which was less than the maximum amount proposed for these civil fines. He acknowledged there was no limitation directly in state law with regard to civil fines. However, he contended that if taken to court, a Judge may be hard pressed to up hold a fine in the civil area higher than what could be up held in the criminal area. In light of this concern, Comm. Wilkerson suggested that the maximum civil fine imposed should not exceed the maximum criminal fine of \$500. In addition, as matter of policy and unless frivolously appealed, Comm. Wilkerson stated he was not comfortable with CEB being able to impose a doubled fine simply for someone to have his day in court and lose.

In response, Mr. Harmon advised that the imposition of these fines in the ordinance was at the discretion of the Board of Commissioners. He noted that a civil violation was recommended instead

of a criminal violation because criminal violations could also impose jail time. He pointed out that the Code of Ordinances already had a number of existing fines that exceeded \$500 in several areas, and that from the beginning, the CEB had always been permitted to double fines within its discretion.

Comm. Wilkerson suggested there should be more unification of all the penalties across the whole Code of Ordinances' book. Now that there were several chapters including civil fines, Mr. Harmon agreed that a review to determine consistency of those penalties was a good idea. Comm. Wilkerson inquired if the other Board members would be willing to entertain such a global review of the fines and offenses rather than amending this ordinance from the floor. Comm. Waltrip nodded in agreement.

Comm. Nash stated he had no objection with looking at the overall structure of civil fines; however, he fully supported this ordinance as it was written, including the fines. In this particular case, he remarked the amount and doubling of the fines seemed more appropriate here, than possibly in other areas, since they were discussing repeat offenders. He described complaints he had received from residents wanting the City to have the ability to do more to address consistent violations of the same properties or by the same owner of multiple properties. Comm. Nash remarked that the existing enforcement language, lacking the ability to take into consideration multiple violations of multiple properties by the same owner, was not favorable to the citizenry. In an effort to address that imperfection, he again voiced his support for this ordinance as written and agreed to a broad study of the fine structure at a later date. He indicated it was important to recognize that this ordinance did not mandate doubling of fines, but provides the ability for the CEB to double fines for frivolous challenges. He described the imposition of fines as another tool for the CEB to use at its discretion to persuade compliance. Once the discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 6 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 8

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

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

Title and summary of Ordinance No. BG2011 - 8 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for first reading of said Ordinance. DeFebbo indicated that the amendment process provided the discipline for managing the budget throughout the year. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 8 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 9

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 6 (BUILDING REGULATIONS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO REVISE TEMPORARY SIGN PERMIT FEES

Title and summary of Ordinance No. BG2011 - 9 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for first reading of said Ordinance. DeFebbo reiterated that the Housing and Community Development Department had been working on revising the sign ordinance through an administrative approach, which was also discussed during the earlier work session. He recommended approval of the proposed changes and the Department's plan to use an educational approach to work with the community. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 9 was approved by unanimous vote.

BOARD OF COMMISSIONERS COMMENTS

Mayor Denning commented about the appointment process for the vacant City Commissioner seat, which became vacant once Commissioner Denning was sworn in as Mayor. He disclosed that the Board of Commissioners had received eighteen resumes from interested candidates as of the submission deadline at 4:00 p.m. today. He explained that during the next 30 days, including the possibility of special meetings during that time, the Board would review the resumes and determine the protocol to make a final decision.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:35 p.m. in closed session pursuant to KRS 61.810 (1) (c) and (f) as previously approved. There was no action expected to follow the discussion.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 7:55 p.m., Mayor Denning declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) an update regarding the third draft to the Bowling Green/Warren County Comprehensive Plan and a timeline for its review and approval; 2) a plan to accept request for proposals (RFP) for future use of the vacant building at Kereiakes Park, formerly leased as a daycare facility to Community Action of Southern Kentucky; 3) a proposed amendment to Chapter 27 (Property Code) related to implementation of a repeat code offender policy; and 4) a proposed amendment to Chapter 6 (Building Regulations) related to revisions for temporary sign permits, including fees and enforcement.

(Minutes-Board of Commissioners-February 15, 2011)

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller