

TOWN OF BOWLING GREEN

ORDINANCES, LICENSES AND PERMITS COMMITTEE
MINUTES

7-17-2013

COMMITTEE MEMBERS PRESENT: Dan Webb (Chairman) and Jean Davis (Member)
OTHER COUNCIL MEMBERS PRESENT: Glenn McDearmon, Mary F. Coleman,
Mark Bissoon and Otis Wright. (A quorum was formed)
OTHERS PRESENT: Town Manager Stephen Manster, Account Clerk Laura Gifford
and Town Attorney Andrea Erard.

The Vice Mayor called the meeting to order at 6:15 P.M.

Frog Level Amateur Radio Enthusiasts – Mr. Manster, Town Manager, presented Council with a Memorandum of Agreement for use of the Town’s water tower as an amateur radio repeater site (a copy is attached to these minutes). He stated that Motorola was fine with the agreement if the frequencies stayed in place. Mr. Manster said that MetroCast has requested a copy of the FCC Amateur License and contact information. MetroCast also requested the need of an equipment certification to ensure its own frequency, which Mr. Bean had previously mentioned that he would not be certifying his equipment, but it is not required. Mr. Manster suggested that there be an agreement between Southern Corrosion, the company that maintains the water tower, FLARE and the Town. He also suggested adding a sentence stating no modifications are allowed to the existing tower without the Towns permission and Southern Corrosion. Mr. Manster also noted that as part of the agreement, FLARE will be doing some repair work to the site and will be required to hire a licensed contractor. Town Attorney suggested that some photos or video should be attached to this agreement to show the condition of the facility. She also suggested adding a sentence stating the water tower itself shall only be accessed by those persons expressly authorized by the Town of Bowling Green who possess the requisite training and experience. Mr. Manster stated that he was concerned about the terms of the agreement due to a sixty days written notice to the other party for termination of the agreement. His concern is that in cases of interruption of service to others the agreement could not be terminated for sixty days and possibly leaving customers without service for that long would not be good. Mr. Manster also wanted to note that Mr. Bean had stated that the equipment can be used by any and all amateur radio operators at no cost.

Mayor _____ Clerk _____

On motion by Ms. Davis, seconded by Ms. Coleman, Council voted to approve the agreement as amended subjected to final review and approval from the Town Attorney. Voting Aye: Webb, Coleman, McDearmon and Davis. Abstained: Wright and Bissoon.

Noise Control Ordinance – Mr. Manster presented Council with two examples of Noise Ordinances. One was created by the Town Attorney and the other is the Caroline County Ordinance that was recently adopted. The Town Attorney advised Council that a noise ordinance has to be specifically tailored to situations that exist in Bowling Green that Council wants to address. She also stated that the ordinance has to clearly have a measurable noise or sound standard. Mr. Manster said that the county had adopted an ordinance that has specific decibel levels and tables that are measured by a device and specific times of the day that would pertain to the ordinance. Mr. McDearmon had some concern about the county not being able to enforce the Town of Bowling Green Ordinances. Mr. Manster told Mr. McDearmon that he had spoken with Major Moser, Caroline County Sheriff’s Office, and they do not have any record of a mutual agreement between the town and the county. Mr. Manster stated that he would gather more information regarding a mutual aid agreement between the town and county to see if the county would then be able to enforce Town Ordinances. The Town Attorney answered a question from Mr. Bissoon about why doesn’t Caroline County’s Noise Ordinance apply to Bowling Green. She stated that she could speak with Sheriff Tony Lippa about enforcement of their ordinance, but she cautions Council about the possibility of allowing that because all of their limits may apply in Bowling Green and all may not be appropriate. The matter was referred to the Town Manager for further investigation.

The Chairman declared the meeting adjourned.

Mayor _____ Clerk _____