

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held DECEMBER 5, 2006**

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 December 5, 2006. Mayor Pro Tem Brian "Slim" Nash called the meeting to order. An invocation was given by Commissioner-Elect Bruce Wilkerson, 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 Delane Simpson, Commissioner Brian K. Strow, Commissioner Mark D. Alcott and Commissioner Brian "Slim" Nash. Absent: Mayor Elaine N. Walker. There was a quorum of the Board of Commissioners.

**PUBLIC COMMENTS**

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

**CITY MANAGER**

City Manager Kevin D. DeFebbo announced that the City, the City-County Planning Commission and community partners would be sponsoring a series of community forums about growth in the Bowling Green area. He stated that the first of the three part series would be held at 7:00 p.m. on Thursday, December 14, 2006 at the Sloan Convention Center and its focus would be on anticipated growth trends presented by demographer Ron Crouch of the Kentucky State Data Center at the University of Louisville.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting November 21, 2006 and Special Meeting November 28, 2006

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

ROLL CALL:            Voting Yea:    Simpson, Strow, Alcott and Nash  
                              Voting Nay:    None

Motion to approve the minutes of the regular meeting of November 21, 2006 and special meeting of November 28, 2006 was approved by unanimous vote.

**ORDINANCE NO. BG2006 - 44  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE**

**ORDINANCE REZONING A TRACT OF LAND CONTAINING  
65.0549 ACRES FROM AG (AGRICULTURE) AND RS-1B (SINGLE  
FAMILY RESIDENTIAL) TO PUD (PLANNING UNIT  
DEVELOPMENT) LOCATED ON LOVERS LANE, WITH BINDING**

ELEMENTS, PRESENTLY OWNED BY LOVERS LANE LAND AND FARM, LLC

Title and summary of Ordinance No. BG2006 - 44 was read by Assistant City Manager/City Clerk Katie Schaller. Motion was made by Simpson and seconded by Alcott for second reading of said Ordinance. Mayor Pro Tem Nash asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Simpson, Strow, Alcott and Nash  
Voting Nay: None

Ordinance No. BG2006 - 44 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 284

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH JOHN DEERE COMPANY OF CARY, NORTH CAROLINA UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF A JOHN DEERE BACKHOE IN THE TOTAL AMOUNT OF \$29,483.25

Summary of Municipal Order No. 2006 - 284 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the approval of the purchase to replace a fifteen year old piece of equipment. Comm. Simpson noted that although the purchase was from an out of state location, the expenditure would actually be made locally. Motion was made by Alcott and seconded by Strow for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Simpson, Strow, Alcott and Nash  
Voting Nay: None

Municipal Order No. 2006 - 284 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 285

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES TO LEXINGTON, KENTUCKY FOR MAYOR ELAINE N. WALKER AND CITY MANAGER KEVIN D. DEFEBBO

Summary of Municipal Order No. 2006 - 285 was read by the Assistant City Manager/City Clerk. Motion was made by Alcott and seconded by Simpson for consideration of said Municipal Order. Mayor Pro Tem Nash asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Simpson, Strow, Alcott and Nash  
Voting Nay: None

Municipal Order No. 2006 - 285 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 286

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO

MAYOR ELAINE N. WALKER FOR ATTENDING THE KCTCS  
PRESIDENT'S GALA AND BENEFACTORS AWARDS DINNER IN  
LOUISVILLE, KENTUCKY

Summary of Municipal Order No. 2006 - 286 was read by the Assistant City Manager/City Clerk. Mayor Pro Tem Nash requested that a breakdown of the travel expenditures be included with each future item for approval from the Legislative Department. Ms. Schaller stated that she would provide such information. Motion was made by Alcott and seconded by Strow for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Simpson, Strow, Alcott and Nash  
                          Voting Nay:   None

Municipal Order No. 2006 - 286 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 287

MUNICIPAL ORDER APPROVING AND AUTHORIZING  
EXECUTION OF AMENDMENT TO LEE SQUARE HOUSING  
PROJECT AGREEMENT

Summary of Municipal Order No. 2006 - 287 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the amendment to deed the lots to HANDS at this time versus later in the process. In response to a question from Comm. Alcott, Housing and Community Development Director Alice Burks indicated that there had been some delays due to weather, but that the lot preparation would be completed very soon. Motion was made by Alcott and seconded by Strow for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Simpson, Strow, Alcott and Nash  
                          Voting Nay:   None

Municipal Order No. 2006 - 287 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 288

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID  
#2007-23 FOR FAIRVIEW CEMETERY II EXPANSION AND  
DEVELOPMENT FROM SCOTT & MURPHY, INC. OF BOWLING  
GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$201,920.83

Summary of Municipal Order No. 2006 - 288 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the project and recommended the bid award that would add approximately twelve more years of life for Fairview Cemetery. Parks Maintenance Division Manager Gerald Belcher responded to questions regarding the perpetual fund and commented about the development design for the expansion. Mr. DeFebbo confirmed that he did not see the City getting out of the cemetery business. Motion was made by Simpson and seconded by Alcott for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Simpson, Strow, Alcott and Nash  
                  Voting Nay: None  
Municipal Order No. 2006 - 288 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 289

MUNICIPAL ORDER AUTHORIZING EXECUTION OF  
AMENDMENT TO DOWNTOWN REDEVELOPMENT  
AGREEMENT RELATED TO THE BOWLING GREEN AREA  
CHAMBER OF COMMERCE HEADQUARTERS BUILDING AND  
AUTHORIZING TERMINATION OF LEASE AGREEMENT WITH  
SAMUEL KIRTLEY, JR. FOR PROPERTY LOCATED AT 728 AND  
730 COLLEGE STREET

Summary of Municipal Order No. 2006 – 289 was read by the Assistant City Manager/City Clerk. DeFebbo stated that this item was previously discussed at the November 21, 2006 work session and included an amendment to change the location of an initially agreed upon parking lot location. Downtown Redevelopment Authority (DRA) Executive Director Cheryl Blaine responded to questions regarding whether the proposed alternative for parking relocation was presented to the DRA Board and if any other alternatives were considered. She indicated that the issue was examined by a DRA committee and since the City already owned the Kirtley property that was the option developed.

Comm. Alcott disagreed with ending a lease that was generating funds for the City. He stated that he thought there were other alternatives to be considered and that he was not ready to make a decision. Comm. Strow also expressed his disagreement with removing an operating business to put in a parking lot. He suggested the temporary use of Circus Square property for needed parking until the park development began, which would provide more time to determine a solution for a permanent parking location. He further stated that he would rather keep the original agreement for parking.

Chamber of Commerce Board Chairman Rick Kelley responded to questions regarding a possible shared wall between the Kirtley building and a building which he personally owned, the responsibility of the Chamber with demolishing the building and to cover any damages incurred, and the need for additional parking somewhere within the block to be in place by the time the Chamber opened. He requested that the Board make a decision one way or the other in order to proceed with preparation of the parking.

There was further discussion regarding the Chamber's need for parking, the desire to not break up a developable piece of property downtown, the current and estimated market lease rates for the Kirtley space and the timing to resolve the issue. As the owner of the property in question, Sam Kirtley, Jr. addressed the Board. He indicated that he had just recently heard about the issue and expressed concern regarding the potential for a shared wall between the two buildings and the difficulty with vacating the building in 90 days since he would have to find a new location first and then move. He described the circumstances at the time he agreed to sell the property to the City and the negotiations which occurred. He also expressed his desire that the building not be demolished for a parking lot.

Mayor Pro Tem Nash made a motion, which was seconded by Alcott, to table (postpone) Municipal Order No. 2006 – 289 for two weeks for exploration of comments made by Commissioners Alcott and Strow regarding other alternative solutions, and to meet with local realtors regarding the affect to marketing the property on State Street if the parking lot was placed as originally planned. Comm. Strow suggested that the possible shared wall be investigated as well during that time and to consider the marketability of the College Street property as well. With no further discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea: Simpson, Alcott and Nash  
                          Voting Nay: Strow

Motion to table (postpone) Municipal Order No. 2006 - 289 for two weeks was approved by majority vote.

MUNICIPAL ORDER NO. 2006 – 290

**MUNICIPAL ORDER TO PARTICIPATE IN THE NATIONAL CALL  
TO ACTION FOR AFFORDABLE HOUSING THROUGH  
REGULATORY REFORM BY CREATING A TASK FORCE**

Summary of Municipal Order No. 2006 - 290 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the request by Housing and Urban Development (HUD) to form a small consortium. Housing and Community Development Director Alice Burks explained the initiative and the City’s role to push homeownership and affordable housing. She noted that the task force’s review and recommendations needed to be completed in one year. She also mentioned that a certain number of early participants in this initiative would receive national recognition. Comm. Alcott commented about issues the HANDS Board had encountered regarding the current Kentucky Building Code regulations and its affect on being able to build affordable housing. Motion was made by Alcott and seconded by Simpson for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Simpson, Strow, Alcott and Nash  
                          Voting Nay: None

Municipal Order No. 2006 - 290 was approved by unanimous vote.

**ADJOURNMENT**

Mayor Pro Tem Nash announced that December 19, 2006 was the next scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 7:45 p.m., Mayor Pro Tem Nash 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 subject: introduction of Sidewalk Program draft.

ADOPTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Mayor, Chairman of Board of Commissioners

ATTEST: \_\_\_\_\_  
City Clerk

*Minutes prepared by Assistant City Manager/City Clerk Katie Schaller*