

**MINUTES of SPECIAL MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 14, 2005**

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 7:00 p.m. on December 14, 2005. Mayor Elaine N. Walker called the meeting to order. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Delane Simpson, Commissioner Brian K. Strow, Commissioner Mark D. Alcott, Commissioner Brian "Slim" Nash and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

SPECIAL PRESENTATION

On behalf of the Board of Commissioners, Department Heads and other City staff, Police Chief Bill Waltrip presented Interim City Manager Kenneth R. Thompson with special thanks and gifts of appreciation for his dedication and service to the City of Bowling Green during the past few months.

CHANGE ORDER OF AGENDA

Comm. Nash made a motion to change the order of the agenda to consider Ordinance No. BG2005 - 53 regarding cable franchise renewal before the Shawnee issue at this time. Motion was seconded by Strow, and a roll call vote was taken.

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

Motion to change the order of the agenda to consider item numbered 2 at this time was approved by unanimous vote.

**ORDINANCE NO. BG2005 - 53
(First Reading)**

ORDINANCE RELATING TO CABLE TELEVISION FRANCHISE

**AN ORDINANCE OF THE CITY OF BOWLING GREEN SECTION
OF THE BOWLING GREEN-WARREN COUNTY CABLE
FRANCHISE AUTHORITY APPROVING A FRANCHISE
EXTENSION AGREEMENT WITH INSIGHT KENTUCKY
PARTNERS II, L.P. AND AUTHORIZING THE MAYOR TO
EXECUTE THIS AGREEMENT ON BEHALF OF THE CITY**

Title and summary of Ordinance No. BG2005 - 53 was read by City Clerk Katie Schaller. City Attorney Gene Harmon provided background regarding the existing cable franchise agreement which was renewed in 1996. He reviewed the franchise renewal process that began in 2004, including the completion of a franchise fee audit, a public opinion survey on cable television and a technical review audit of the Insight cable system. Attorney Linda Ain, representing the City-County Cable Franchise Authority, indicated that this five-year extension which included an additional peg channel for government access was in the best interest of the City and County. Ms. Ain responded to

questions regarding upcoming changes in state law and the recommendation to act before the end of this year. Insight Communications General Manager Rick Williams commented about the positive results of the survey and audits. Motion was made by Alcott and seconded by Simpson for first reading of said Ordinance. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2005 - 53 was approved by unanimous vote.

RESUME REGULAR ORDER OF AGENDA

ORDINANCE NO. BG2005 - 52

(First Reading)

ORDINANCE DENYING RIGHT-OF-WAY CLOSING

ORDINANCE DENYING THE CLOSING OF NAVAJO DRIVE AND SHAWNEE WAY AS RECOMMENDED BY THE CITY-COUNTY PLANNING COMMISSION

Title and summary of Ordinance No. BG2005 - 52 was read by the City Clerk. Planning Commission Director Andy Gillies provided an overview of a presentation given to the Planning Commission by Gresham Smith & Partners as a third party independent study of the issue, which included recommendations to improve traffic flow in the area. Public Works Director Emmett Wood reviewed the staff recommendation to maintain the temporary closures until such time as proper traffic calming measures could be installed and additional access points (connecting Patton Way to Yale Drive and extending Patton Way to Fields Drive) and inclusion of a right turn lane on Patton Way at Nashville Road which are anticipated for development in the near future could be completed. Mr. Gillies and Mr. Wood responded to questions regarding a time estimate for completion of the two additional connectors and right turn lane, potential for installation of traffic lights and types of traffic calming measures.

Mayor Walker opened the floor for public comments which were limited to five minutes each. Charles Smith of 2737 Utah Drive, May Barnes of 2615 Navajo Drive, L. Rhea Taylor of 2707 Kiwanis Court, Frank Epley of 1246 Shawnee Way, Larry Martin of 2617 Navajo Drive, Marvin Hood of 2620 Navajo Drive, Frank Bergin of Shawnee Estates and Jack Hoeft of 2613 Yuma Drive expressed support for permanent closure citing traffic speed, volume and safety, noise, trash and loss of neighborhood vitality as major concerns.

Thomas Baldwin of 313 Lost River Lane, Wilma Johnson of 257 Lost River Lane, Barbara Ehling of 222 Lost River Lane, Brian Sturgeon of 275 Lost River Lane, Barbara Burns of 2614 Yuma Drive, Mary Elizabeth Rhodes of 735 Patton Way, downtown resident Shailen Bhatt and Kenny Nealy of Investors Realty & Management Company expressed opposition to permanent closure which would divert traffic to other roadways and set a precedent for developers. Speakers urged the Board to consider the staff recommendations and use of traffic calming measures.

Comm. Strow indicated he supported continued temporary closure to allow time for traffic calming measures and other roadway development to occur. Comm. Simpson stated he would like to

see a compromise and that some traffic calming measures were needed now regardless of closure. He stated that he would support the Shawnee neighborhood. Comm. Alcott stated that connectivity does not address the number of people and that he was leaning toward keeping the roads temporarily closed for future reconsideration once improvements are made. Comm. Nash agreed that interconnectivity was good; however, he stated that there should be a limit. He further stated that traffic should be shifted to major thoroughfares and away from neighborhood streets. Mayor Walker indicated that she would be more diligent when reviewing designs for developments from this point forward to be sure that they do not put the burden of traffic on neighborhoods. She also stated that she was interested in the development of the two new roads.

Upon clarification that the ordinance included language directing the Public Works Department to install traffic calming measures before the temporary closures were to be removed, motion was made by Nash and seconded by Strow for first reading of said Ordinance. With no further discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow
 Voting Nay: Simpson, Alcott, Nash and Walker
First reading of Ordinance No. BG2005 - 52 was defeated by majority vote.

There was additional discussion regarding how the Board should proceed from this point. Mayor Walker stated that it was this Board's obligation to look at future developments, which should include connectivity, but not at the expense of a neighborhood.

Comm. Alcott stated he preferred that the Board not take any further action at this time and allow the temporary closures to remain in place. He suggested reconsideration of the issue once the additional roadways were developed. City Attorney Gene Harmon recommended that a timeframe be established for when the Board would reconsider the issue instead of leaving it open ended. Public Works Director Emmett Wood concurred that 24 months would be a suitable timeframe.

Motion was made by Alcott and seconded by Strow to retain the temporary closures of Shawnee Way and Navajo Drive for a period of two years (24 months), or until such time as all traffic connections and traffic calming devices as discussed by both Public Works and Planning Commission are completed, whichever comes first. At that time, the Board of Commissioners will reconsider the issue regarding permanent closure of Shawnee Way and Navajo Drive. Comm. Nash stated he would like to consider the permanent closure of Navajo Drive now. Once all discussion ended, a roll call vote was taken.

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

Motion to retain temporary closures for two years or until such time as all traffic connections and traffic calming devices are completed, whichever comes first, and to reconsider the issue at that time was approved by majority vote.

ADJOURNMENT

This being a special meeting and with no further business to come before the Board of Commissioners, at approximately 9:10 p.m., Mayor Walker declared this meeting adjourned.

(Minutes-Board of Commissioners-December 14, 2005)

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller