

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

June 7, 2005

5:00 p.m.

INVOCATION/PLEDGE - Commissioner Charlie Castlen

PRESENTATION BY MAYOR TOM WATSON

SERVICE RECOGNITIONS:

- Joseph Beatty, Purchasing Manager, Finance Department - 20 years
- Doug Fulkerson, Engineering Aide, Engineering Department - 20 years
- Jackie Boone, Bus Driver, Transit Department - 15 years

1. Consider approval of minutes of May 17, 2005
2. Consider appointments

ORDINANCES - 2nd reading

3. **CONSIDER ON 2ND READING ORDINANCE NO. 18-2005, AWARDING A 10-YEAR TELECOMMUNICATIONS FRANCHISE TO KENTUCKY DATA LINK, INC., FOR THE SUM OF \$10,000 ADJUSTED ANNUALLY FOR INFLATION AFTER THREE YEARS**

BACKGROUND: Ordinance No. 8-2005 approved on February 15, 2005, provided for the creation and sale of a new ten (10) year, non-exclusive telecommunications franchise to provide telecommunications facilities and services to the citizens of Owensboro, which franchise was to be sold to the highest bidder. Pursuant to KRS 424.140, the sale of the telecommunications franchise was advertised in the Messenger-Inquirer on April 30, 2005. As specified in the newspaper advertisement, a bid opening was conducted by the City Manager on May 10, 2005. Kentucky Data Link, Inc., was the sole bidder, having submitted the bid that is attached to this ordinance and made a part thereof. The final step in this process is for the Board of Commissioners to approve an ordinance confirming the sale of the telecommunications franchise, awarding the bid to the highest bidder and directing the Mayor, on behalf of the City of Owensboro, to execute the Franchise Agreement between Kentucky Data Link, Inc., and the City, incorporating the terms and conditions stipulated in Ordinance 8-2005. The effective date of the Franchise Agreement is June 10, 2005, and will be effective for a term of ten (10) years.

RECOMMENDATION: Adopt Ordinance No. 18-2005.

4. **CONSIDER ON 2ND READING ORDINANCE NO. 19-2005, ADOPTING AND APPROVING THE ANNUAL BUDGET OF THE CITY OF OWENSBORO FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2006, AND APPROPRIATING THE REVENUES TO THE VARIOUS DEPARTMENTS OF THE CITY**

BACKGROUND: Total appropriations, inclusive of all internal service funds and all transfers, are \$66,262,889.

RECOMMENDATION: Adopt Ordinance No. 19-2005.

5. **CONSIDER ON 2ND READING ORDINANCE NO. 20-2005, AMENDING CITY OCCUPATIONAL LICENSE FEE ORDINANCE 5-2005 TO INCLUDE A NEW SECTION 16-34(b)(1) PROHIBITING BUSINESSES AND INDIVIDUALS FROM ENGAGING IN BUSINESS WITHOUT A BUSINESS LICENSE AND ESTABLISHING A CRIMINAL PENALTY NOT TO EXCEED \$500, OR IMPRISONMENT NOT TO EXCEED 30 DAYS**

BACKGROUND: The City has become more aggressive in its efforts to collect delinquent taxes from persons and businesses operating and earning income within the City, as well as those operating businesses without a valid business license. Currently, there are approximately sixty (60) businesses that have filed their occupational and/or net profits tax return and have failed to remit the taxes due and owing or they have failed to timely file returns and as a consequence, their business license has been revoked. In addition, there are a number of businesses and individuals that are working in Owensboro that have simply chosen to neglect the law and work without a business license. As a result, the City is losing tax revenues required to provide municipal services to the citizens of Owensboro. In February of 2005, the Board of Commissioners adopted Ordinance 5-2005, which made numerous revisions to the City's occupational license fee ordinance to comply with recent legislation enacted by the State of Kentucky. However, the language in Ordinance 5-2005 did not clearly prohibit businesses and individuals from conducting business activities in Owensboro without a valid business license and also failed to establish a specific criminal penalty for violations thereof. The City needs the legal ability to criminally prosecute unlicensed businesses and persons that are engaged in an occupation, trade, profession or business activity in Owensboro without the business license required in Section 16-24(d)(1) of the Owensboro Municipal Code, and in order to do so, a new Subsection (1) in Section 16-34(b) is proposed which shall prohibit any person or business from engaging in any such business within the City without the required license. The proposed language in the ordinance also provides that the criminal penalty for violation thereof shall be a misdemeanor punishable by a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

RECOMMENDATION: Adopt Ordinance No. 20-2005.

6. **CONSIDER ON 2ND READING ORDINANCE NO. 21-2005, REZONING PROPERTY IN THE 801 BLOCK OF WEST FIFTH STREET, 401 BLOCK OF POPLAR STREET, AND PORTIONS OF 814 & 816 WEST FOURTH STREET TO B-4 GENERAL BUSINESS**

BACKGROUND: The applicant, H.L. Neblett Community Center, is seeking a zoning classification amendment from B-4 General Business and R-4DT Inner-City Residential to B-4 General Business for a 1.5 acre tract of land. The applicant proposes to replace the existing H.L. Neblett Community Center with a new multi-purpose building. The property consists of numerous small parcels with existing B-4 and R-4DT zoning. In order to consolidate all the properties into a single 1.505 acre tract, the lots currently zoned R-4DT at the northwest corner must be rezoned to B-4 General Business. By a vote of 7-0 (with 1 disqualification), the Owensboro Metropolitan Planning Commission has recommended that the proposed zoning classification amendment be approved in that the proposal is in compliance with the adopted Comprehensive Plan.

RECOMMENDATION: Adopt Ordinance No. 21-2005.

7. **CONSIDER ON 2ND READING ORDINANCE NO. 22-2005, REZONING PROPERTY AT 821 AND 825 WEST 11TH STREET TO I-2 HEAVY INDUSTRIAL**

BACKGROUND: The applicant, Dahl & Groezinger, is seeking a zoning classification amendment from I-1 Light Industrial to I-2 Heavy Industrial for a 0.22 acre tract of land located at 821 and 825 West 11th Street. The existing lots are vacant and across an alley from the existing Dahl & Groezinger scrap metal business. A proposed alley closing will allow the lots to be consolidated with the recently rezoned Dahl & Groezinger 3.4 acre tract. The rezoning will be a logical expansion of the applicant's current I-2 zone. By a vote of 7-0 (with 1 disqualification), the Owensboro Metropolitan Planning Commission has recommended that the proposed zoning classification amendment be approved in that the proposal is in compliance with the adopted Comprehensive Plan.

RECOMMENDATION: Adopt Ordinance No. 22-2005.

8. **CONSIDER ON 2ND READING ORDINANCE NO. 23-2005, REZONING PROPERTY LOCATED AT 404 EAST 24TH STREET TO B-4 GENERAL BUSINESS**

BACKGROUND: The applicant, Alan Jarboe, is seeking a zoning classification amendment from R-1C Single-Family Residential to B-4 General Business for a 0.372 acre tract of land located at 404 East 24th Street. Applicant proposes to start a new business known as "Miss Daisy's Tearoom and Gift Shop." By a vote of 8-0, the Owensboro Metropolitan Planning Commission has recommended that the proposed zoning classification amendment be approved in that the existing R-1C zoning is inappropriate and the proposed B-4 zoning is appropriate.

RECOMMENDATION: Adopt Ordinance No. 23-2005.

9. **CONSIDER ON 2ND READING ORDINANCE NO. 24-2005, AMENDING POLICIES 201 AND 302 OF THE CITY OF OWENSBORO PERSONNEL POLICY MANUAL RELATING TO ESTABLISHING A NON-CIVIL SERVICE GENERAL LABORER POSITION**

BACKGROUND: The City is adding a new General Laborer position that will be exempted from Civil Service law. For most positions, the City adheres to strict Civil Service procedures in regard to recruitment. However, the City must always strive for efficiency in its efforts to supply needed services to its taxpayers. Civil Service prevents us from transferring positions from one department to another in most circumstances. In regard to the position of laborer, it is becoming more and more necessary to share positions between departments to enhance efficiency. This revision will enable us to develop a necessary laborer pool down the road, in which full-time laborers may be transferred as needed between departments. This revision may also enable some employees, whose positions are likely to be eliminated in the Fiscal Year 2005-2006 budget, to apply for openings in which they may not otherwise be eligible.

RECOMMENDATION: Adopt Ordinance No. 24-2005.

ORDINANCES - 1ST reading

10. **CONSIDER ON 1ST READING ORDINANCE NO. 25-2005, ANNEXING THE REAR PORTION OF 3240 WEST PARRISH AVENUE**

BACKGROUND: This proposed annexation is one commercial lot with no public improvements. There is no annexation incentive agreement related to this property.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

11. **CONSIDER ON 1ST READING ORDINANCE NO. 26-2005, AMENDING THE 2004-2005 ANNUAL BUDGET FOR THE CITY OF OWENSBORO**

BACKGROUND: The proposed amendment budgets the \$600,000 contingencies and corrects lease revenues in the General Fund; budgets a turf grant and additional projects in the Facilities Maintenance Fund; budgets a \$420,000 KHC HOME grant in the Community Development Fund; plus various other expenditures in the Recreation Fund, Economic Development Fund, and Your Community Vision Fund.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

12. **City Manager's items:**

A. **Consider the financial report for the period ended April 30, 2005.**

B. **Consider the probationary full-time non-Civil Service appointment of Patricia Woodward to Clerk Typist, Police Department, effective June 13; and the**

probationary full-time Civil Service appointment of Tammy Lewis to Accounting Clerk, Finance Department, effective June 13, 2005.

- C. Consider the retirement resignation of Paul Gatewood, Police Officer, Police Department, effective June 30, after 10 years of service.
- D. City Manager's comments.

13. OPEN PUBLIC FORUM

Members of the audience are invited to address the City Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Clerk's record, and limit their remarks to under five (5) minutes. As an unagendized item, no response is required from City staff or the Commission, and no action can be taken; however, the Commission may instruct the City Manager to agendize the item for a future meeting.

14. COMMUNICATIONS FROM ELECTED OFFICIALS

The elected officials will answer questions previously received from the general public and they will announce special events or activities of public interest occurring within the City.

15. Adjournment