

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

December 6, 2005

5:00 p.m.

INVOCATION/PLEDGE - Commissioner Candance C. Brake

PRESENTATION: Kevin Bruner
Christmas Parade Chairman

1. Consider approval of minutes of November 1 & 7, 2005
2. Consider appointments
3. Upcoming Legislative Issues: Senator David Boswell
Representative Joe Bowen
Representative Tommy Thompson
Representative John Arnold

ORDINANCES - 1st reading

4. CONSIDER ON 1ST READING ORDINANCE NO. 46-2005, AMENDING CHAPTER 25, ARTICLE I, SECTION 25-4 OF THE OWENSBORO MUNICIPAL CODE TO AUTHORIZE THE CITY ENGINEER TO DESIGNATE PRIORITY ONE AND PRIORITY TWO TRAFFIC ROUTES TO BE USED DURING WEATHER RELATED EMERGENCIES AND ALSO TO CONDUCT AN ANNUAL REVIEW AND DESIGNATE OTHER STREETS AS PRIORITY ONE AND PRIORITY TWO SNOW ROUTES

BACKGROUND: City Ordinance 57-90 (codified in Chapter 25, Article I, Section 25-4 of the Owensboro Municipal Code) adopted October 16, 1990, currently addresses snow routes. The ordinance, as written, lists the names of all street routes with a Priority One or Priority Two rating. However, there are no objective written criteria by which these priority ratings were established. Under the present ordinance, the Commission is required to amend the ordinance each time a street is added, deleted or a priority rating changed, in order for the street to be an official snow route. This new ordinance, with written criteria for establishing street priorities, is a more comprehensive document. The proposed street rating system is based on objective criteria that is publicly defensible. By listing the criteria for street ratings rather than street names,

the ordinance will not require Commission approval each time a change is made.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

5. **CONSIDER ON 1ST READING ORDINANCE NO. 47-2005, AMENDING CHAPTER 27, ARTICLE II, SECTIONS 27-11 THROUGH 27-18 OF THE OWENSBORO MUNICIPAL CODE ELIMINATING ALL REGULATION OF AND REFERENCES TO AUTOMOBILE BODY REPAIR SHOPS, AND ESTABLISHING AN ANNUAL ADMINISTRATIVE FEE TO BE PAID BY WRECKER SERVICES AND VEHICLE STORAGE FACILITIES TO COMPENSATE OPD FOR THE SIGNIFICANT AMOUNT OF OVERTIME SPENT IN ADMINISTRATION AND OVERSIGHT OF THE ROTATIONAL WRECKER AND ASSIGNED STORAGE LOT SYSTEMS**

BACKGROUND: The Owensboro Police Department currently distributes its wrecker business among eight (8) wrecker services on a rotational basis. Five (5) of those wrecker service businesses have their own vehicle storage lot and those without lots are assigned to use one of the five (5) existing lots. The OPD Public Safety Communications Unit maintains the list and notifies wrecker businesses to pick up wrecked or abandoned vehicles at the request of police officers. The day-to-day operations of the wrecker and storage lot system are administered by the OPD Traffic Unit Supervisor, under the authority and supervision of the City Manager. The Wrecker Service Advisory Committee was established by Ordinance 36-93 in August of 1993, to monitor the program and perform specific duties related thereto. Prior to 2003, wrecker service and storage lot rates were not regulated and there was a lot of disagreement among wrecker business owners and numerous complaints from customers. OPD performed a study and compared wrecker charges in the ten largest cities in Kentucky. As a result of that study, standardized rates were established in late 2003 and preprinted billing forms were provided to the wrecker business owners. A copy of each bill that was sent to a customer was also sent to OPD for review on a monthly basis. To compensate the Owensboro Police Department for the inordinate amount of time spent supervising the wrecker and storage lot rotational system, this ordinance establishes an annual administrative fee that will eventually be passed on to the customer in the form of an "administrative fee" category added to the wrecker and storage lot bills. The annual fee paid by each wrecker service or storage lot will be the amount required to cover 16 overtime hours per month for a one-year period. Based on the current monthly overtime rate of \$5,749.00, the storage lots will pay 60% or an annual fee of \$690.00 and the wrecker services will pay 40% or an annual fee of \$329.00. Annual administrative fees will be calculated at the beginning of each year and adjusted according to the number of overtime hours worked by personnel of OPD directly related to the wrecker and storage lot systems the previous year. This ordinance also amends Chapter 27, Article II, by eliminating all references to automobile repair shops and making other non-substantive language changes to correct grammatical errors and improve diction.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

6. CONSIDER ON 1ST READING ORDINANCE NO. 48-2005, REZONING 827 CLAY STREET TO R-4DT INNER-CITY RESIDENTIAL

BACKGROUND: Applicant, Simpson Investments, Inc., is seeking a zoning classification amendment from B-4 General Business to R-4DT Inner-City Residential for a 0.10 acre tract of land located at 827 Clay Street. Subject property has been used for a single-family residence since 1891. The house on this site has been demolished and plans are being made to build a new house under Community Development guidelines. Several properties in a one block radius have been rezoned to R-4DT and now have new homes on them. The subject property is part of a redeveloping residential area. By a vote of 7-0, 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: Introduce and publicly read ordinance on first reading.

7. CONSIDER ON 1ST READING ORDINANCE NO. 49-2005, REZONING A PORTION OF 615 CRABTREE AVENUE TO I-1 LIGHT INDUSTRIAL

BACKGROUND: Applicant, James Phillip Edge, Sr., is seeking a zoning classification amendment from B-4 General Business to I-1 Light Industrial for a 0.023 acre tract of land located at 615 Crabtree Avenue. The subject property is located in a Business/Industrial Plan Area and is surrounded by a mix of residential, commercial and industrial uses. There is an existing building on 615 Crabtree Avenue that is currently vacant. The proposal is to remove 8 to 9 feet from 615 Crabtree Avenue to consolidate with the adjoining tract that is currently zoned I-1 Light Industrial. The rezoning and subsequent lot consolidation is a logical expansion of an existing Light Industrial (mini-warehouses) land use. The additional rezoning strip will allow improved vehicular access to the current mini-warehouse facility. By a vote of 7-0, 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: Introduce and publicly read ordinance on first reading.

8. CONSIDER ON 1ST READING ORDINANCE NO. 50-2005, ANNEXING 4450 MEDLEY ROAD

BACKGROUND: The proposed annexation is one residential lot containing 10.015 acres with no public improvements. There is an annexation incentive agreement related to this development.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

9. **CONSIDER ON 1ST READING ORDINANCE NO. 51-2005, ANNEXING THE WEST MARTIN LUTHER KING JR. LOOP RIGHT-OF-WAY**

BACKGROUND: The proposed annexation consists of 36.214 acres, and includes two detention basins that were constructed along with the west loop.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

10. **CONSIDER ON 1ST READING ORDINANCE NO. 52-2005, ANNEXING 4701 US HIGHWAY 60 EAST AND A PORTION OF ELLIS SMEATHERS ROAD**

BACKGROUND: The proposed annexation for 4701 US Highway 60 East contains 91.51 acres, and the portion of Ellis Smeathers Road contains 0.699 of an acre, for a total of 92.209 acres. Ellis Smeathers Road is a private road owned by Yager Materials; however, a portion of said road adjacent to US Highway 60 East is owned by the Commonwealth of Kentucky. All parties have consented to the proposed annexation. There is no annexation incentive agreement related to this annexation.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

MUNICIPAL ORDER - one reading

11. **CONSIDER MUNICIPAL ORDER NO. 29-2005, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONTRACT WITH GRITS FOR TRANSPORTATION SERVICES FOR THE DISABLED COMMUNITY**

BACKGROUND: Total cost of services - \$86,500. (City share is \$43,250 - Federal share is \$43,250).

RECOMMENDATION: Adopt Municipal Order No. 29-2005.

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

A. Consider the financial report for the period ended October 31, 2005.

B. Consider the audit report for the Fiscal Year ended June 30, 2005.

C. Consider the probationary full-time non-Civil Service promotional appointments of Darren Peach to Assistant Fire Chief, Matt Purcell to Captain, Chris Luttrell to Lieutenant, and Chris Belcher to Driver/Engineer, Fire Department, effective December 11; and the probationary full-time non-Civil Service appointment of April Pogue to Clerk/Typist, Police Department, effective January 3, 2006.

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