

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

January 3, 2006

5:00 p.m.

INVOCATION/PLEDGE - Commissioner Ron Payne

PRESENTATION:

Certificate of Outstanding Service to Ben Miller

1. Consider approval of minutes of December 20, 2005
2. Consider appointments

ORDINANCES - 2nd reading

3. CONSIDER ON 2ND READING ORDINANCE NO. 53-2005, UPDATING THE CITY OF OWENSBORO'S OCCUPATIONAL LICENSE FEE ORDINANCE TO ADOPT 2005 CALENDAR YEAR AMENDMENTS AND REVISIONS AND FUTURE AMENDMENTS MADE TO THE INTERNAL REVENUE CODE

BACKGROUND: Adoption of state-mandated legislation that went into effect in June of 2005, and codified in KRS 67.750, requires localities to annually amend their Occupational License Fee ordinance to adopt the amendments and revisions made to the Internal Revenue Code during each succeeding calendar year. This amendment process is necessary since the assessment of the occupational license fee is based primarily on the provisions of the Internal Revenue Code in effect at the end of each calendar year, minus any state or local language controlling administration of the program which is allowed by Kentucky Revised Statute. As a result, Chapter 24, Article II, Section 16-21(m) of the City of Owensboro's Occupational License Fee ordinance must be amended to adopt the December 31, 2005, calendar year revisions and amendments to the Internal Revenue Code, and future amendments to the IRS Code in effect at the end of each taxable year.

RECOMMENDATION: Adopt Ordinance No. 53-2005.

4. CONSIDER ON 2ND READING ORDINANCE NO. 54-2005, ANNEXING HIGHLAND POINTE DEVELOPMENT LOCATED AT 2800 & 2810 KY HIGHWAY 54 AND 3200 ALVEY PARK DRIVE, AND GREENBELT PROPERTY LOCATED IN THE 2800 BLOCK OF KY HIGHWAY 54

BACKGROUND: The Highland Pointe Development is 75.617 acres and the Greenbelt property is 0.663 of an acre for a total of 76.280 acres. An annexation incentive agreement for this commercial development will be considered at the January 3, 2006, meeting.

RECOMMENDATION: Adopt Ordinance No. 54-2005.

5. **CONSIDER ON 2ND READING ORDINANCE NO. 55-2005, REZONING 2800 & 2810 KY HIGHWAY 54 AND 3200 ALVEY PARK DRIVE WEST TO B-4 GENERAL BUSINESS**

BACKGROUND: B & K Development, LLC, is seeking a zoning classification amendment from A-U Urban Agriculture, MHP Manufactured Housing Park and I-1 Light Industrial to B-4 General Business. Applicant proposes to develop the property as a retail shopping complex with potential uses including a specialty retail center, home improvement superstore, multiplex theatre, bowling alley, discount superstore, electronics superstore, restaurants, banks, video rental, furniture store, office superstore and other retail development. 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: Adopt Ordinance No. 55-2005.

6. **CONSIDER ON 2ND READING ORDINANCE NO. 56-2005, REZONING A PORTION OF 2211 WEST 2ND STREET TO B-5 BUSINESS/INDUSTRIAL**

BACKGROUND: Applicant, Henry E. O'Bryan, is seeking a zoning classification amendment from I-2 Heavy Industrial to B-5 Business/Industrial for a portion of 2211 West 2nd Street (0.815 acre). Applicant proposes to construct a building, paved parking and appropriate infrastructure for an auto sales lot at the site. 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: Adopt Ordinance No. 56-2005.

7. **CONSIDER ON 2ND READING ORDINANCE NO. 57-2005, REZONING 300 EAST 14TH STREET TO B-5 BUSINESS/INDUSTRIAL**

BACKGROUND: Flower Enterprises, LLC, is seeking a zoning classification amendment from I-1 Light Industrial to B-5 Business/Industrial for a 0.731 acre tract of land located at 300 East 14th Street. Applicant proposes to construct an insurance office on said property. 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: Adopt Ordinance No. 57-2005.

MUNICIPAL ORDER - one reading

8. **CONSIDER MUNICIPAL ORDER NO. 1-2006, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH B & K DEVELOPMENT, LLC, PROVIDING FOR THE CONSENSUAL ANNEXATION OF 75.617 ACRES LOCATED AT THE INTERSECTION OF THE WENDELL FORD EXPRESSWAY AND HIGHWAY 54 IN EXCHANGE FOR REIMBURSEMENT OF THE COST OF CERTAIN PUBLIC FACILITIES DEDICATED TO PUBLIC USE OVER A FIVE-YEAR PERIOD**

BACKGROUND: B & K Development, LLC, is the owner of a 75.617 acre tract of property, to be known as Highland Pointe, which is located at the intersection of the Wendell Ford Expressway and Kentucky Highway 54 in Daviess County, Kentucky. The Owensboro Metropolitan Planning Commission approved a preliminary plan for development of the 75.617 acres on November 10, 2005. As an inducement to B & K Development, LLC, to consensually annex said property, this agreement requires the City to reimburse them for the actual cost of construction of various defined public facilities dedicated to public use for the annexed development, in an amount not to exceed the total ad valorem (excluding school tax) tax revenues derived from the annexed property over a 5-year period, commencing upon receipt of a written request for same by B & K Development, LLC, to the City of Owensboro or January 1, 2009, whichever occurs first.

RECOMMENDATION: Adopt Municipal Order No. 1-2006.

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

A. **Consider the regular full-time non-Civil Service appointments of Arthur Maglinger and David Brandon Rose to Police Officer, Police Department, effective January 19, 2006.**

B. **City Manager's comments.**

10. **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.

11. **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.

12. **Adjournment**