

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

January 16, 2007

5:00 p.m.

INVOCATION/PLEDGE - Commissioner Cathy Armour

PROCLAMATION:

January 21-27 - "National Nurse Anesthetists Week"

SERVICE RECOGNITIONS:

- Bruce Burns, Sergeant, Police Department - 20 years
- Richard Carter, Police Officer, Police Department - 20 years
- Leonard Grenier, Jr., Police Officer, Police Department - 20 years
- Timothy Mitchell, Sergeant, Police Department - 20 years
- Cary Scott Norris, Police Officer, Police Department - 20 years

1. Consider approval of minutes of January 2, 8 & 9, 2007
2. Consider appointments
3. 2007 Legislative Issues: Senator David Boswell
Representative Tommy Thompson
Representative John Arnold, Jr.
Representative Jim Glenn

ORDINANCES - 1st reading

4. CONSIDER ON 1ST READING ORDINANCE NO. 1-2007, AMENDING CHAPTER 24, ARTICLE II, SECTION 16-21(m) OF THE OWENSBORO MUNICIPAL CODE UPDATING THE CITY'S OCCUPATIONAL LICENSE FEE ORDINANCE TO ADOPT 2006 CALENDAR YEAR AMENDMENTS AND REVISIONS 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 cities 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 Owensboro Municipal Code must be amended to adopt the December 31, 2006, calendar year revisions and amendments to the Internal Revenue Code.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

5. CONSIDER ON 1ST READING ORDINANCE NO. 2-2007, REZONING PROPERTY AT 3015 OLD HARTFORD ROAD TO P-1 PROFESSIONAL SERVICE

BACKGROUND: Western Kentucky Regional Blood Center is seeking a zoning classification amendment from I-1 Light Industrial to P-1 Professional/Service for a 2.555± acre tract of land located at 3015 Old Hartford Road. The applicant has operated their offices at this site for 26 years. The current zone of I-1 is inappropriate for this site and the requested zone of P-1 would be appropriate due to the long-term use and history of this site. The applicant is requesting the zone change in order to construct a small addition to their existing building. The addition will be approximately 1,216 square feet. Ample paved parking exists at the site along with all other urban services. By a vote of 9-0, 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.

6. CONSIDER ON 1ST READING ORDINANCE NO. 3-2007, REZONING 2600 WEST 10TH STREET; 1008, 1016 & 1018 OMEGA STREET; AND 2517, 2521 & 2523 LANCASTER AVENUE TO I-2 HEAVY INDUSTRIAL

BACKGROUND: The applicant is seeking a zoning classification amendment from I-1 Light Industrial and R-4DT Inner-City Residential to I-2 Heavy Industrial for a 1.84 acre tract of land located at 2600 West 10th Street; 1008, 1016 & 1018 Omega Street; and 2517, 2521 & 2523 Lancaster Avenue. Applicant desires to continue the use of the subject property as an auto and truck parts storage business and as a salvage yard. Applicant has been operating a parts storage and salvage operation at 1008 Omega Street for the past 10 years. Applicant was unaware that he was operating a salvage yard in violation of the local OMPC regulations. Applicant desires to expand his business operation on the properties located on Omega Street, 10th Street and Lancaster Avenue to include a salvage operation, which includes disassembling disabled vehicles and the recycling of automobile and truck parts, and to store and disassemble disabled vehicles. By a vote of 9-0, the Owensboro Metropolitan Planning Commission has recommended that the proposed zoning classification amendment be approved based upon the following findings:

- (1) The proposal is the most logical and practical use of this property in the Mechanicsville Subdivision, and
- (2) The recommendations from the property owners at 2526 West 10th, 2529 West 10th, 2523 West 10th, 2517 West 10th,

1002 Omega Street, 1007 Omega Street, 2516 Lancaster Avenue, 2526 Lancaster Avenue, and 2538 Lancaster Avenue.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

MUNICIPAL ORDERS - one reading

7. **CONSIDER MUNICIPAL ORDER NO. 1-2007, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A DEED CONVEYING A 50' X 126' LOT ON THE CORNER OF 7TH AND SYCAMORE STREETS TO THE HOUSING AUTHORITY OF OWENSBORO**

BACKGROUND: By Deed dated August 24, 1908, and recorded in Deed Book 85, page 109, in the Daviess County Clerk's Office, the City of Owensboro, Kentucky, acquired a tract of real property (50 x 126 feet) located on the corner of 7th and Sycamore Streets in Owensboro, Kentucky. On June 5, 1984, the City of Owensboro, Kentucky, entered into a lease agreement with the Municipal Housing Authority of Owensboro (now the Housing Authority of Owensboro), 2161 E. 19th Street, Owensboro, Kentucky, to lease said property to the Housing Authority for a term of ten years, renewable on ten-year terms thereafter by Lessee, unless the agreement is terminated by either the City of Owensboro or the Housing Authority. It was intended by the parties to the lease agreement that said property be utilized by the Housing Authority for the recreational use and benefit of Housing Authority tenants. The Housing Authority of Owensboro assumed full responsibility for improvements to and maintenance of the property, and agreed to hold the City of Owensboro harmless from any liability associated therewith. The property is vacant and has not been used by the City of Owensboro for any public purpose. It is further determined that the City of Owensboro has no present or anticipated future use for said property, and that the ownership thereof imposes on the City unnecessary legal liability and maintenance costs. It is recommended that said surplus property be transferred to the Housing Authority of Owensboro for its public use and benefit as authorized by law.

RECOMMENDATION: Adopt Municipal Order No. 1-2007.

8. **CONSIDER MUNICIPAL ORDER NO. 2-2007, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY, DEPARTMENT OF MILITARY AFFAIRS, UNDER THE TERMS OF WHICH THE STATE WILL LEASE TO THE CITY 1.72 ACRES ON PARKVIEW DRIVE, ADJACENT TO THE SPORTSCENTER, TO CONSTRUCT AND THEREAFTER OPERATE A PUBLIC ICE ARENA**

BACKGROUND: The City of Owensboro desires to construct, operate and maintain a new enclosed public ice rink facility to provide additional recreational opportunities and amenities for its citizens. The City has negotiated a ninety-nine (99) year lease with the Department of Military Affairs, to lease a part of its National Guard Armory property to the City for the intended use of constructing a new ice arena. The proposed ice arena will not be detrimental to the operations of the National Guard Armory. This municipal order authorizes and directs the Mayor of the

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

City of Owensboro to execute all documents to effectuate this agreement with the Commonwealth of Kentucky, Department of Military Affairs, acting by and through John R. Farris, Secretary of the Finance and Administration Cabinet, under the terms of which the City will lease 1.72 acres of National Guard Armory property located on the southeast corner of Parrish Avenue and Parkview Drive from the Commonwealth of Kentucky for the construction, operation and maintenance of a new ice rink facility for public use and benefit.

RECOMMENDATION: Adopt Municipal Order No. 2-2007.

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

A. Consider the probationary full-time Civil Service appointments of Jarred Warren to Mechanic, City Garage, effective January 29, and Robert Youngblood to Stormwater Laborer/Maintenance Helper, Street/Stormwater Department, effective January 22, 2007.

B. City Manager's comments.

10. **OPEN PUBLIC FORUM**

11. **COMMUNICATIONS FROM ELECTED OFFICIALS**

12. **Adjournment**