

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

February 20, 2007

5:00 p.m.

INVOCATION/PLEDGE - Commissioner Candance Brake

A TRIBUTE TO FORMER MAYOR "CAP" GARDNER

PRESENTATIONS:

- Tracy Marksberry, Executive Director
(The Learning Community Contract)
- Dr. William L. Tyler
(Western Kentucky Botanical Garden)
- Bill Parrish, Street/Sanitation Superintendent
(Leaf Collection)
- John Kazlauskas, Police Chief
(Severe Weather Public Safety)

YES WE CAN ANNOUNCEMENTS

1. Consider approval of minutes of February 6 & 13, 2007
2. Consider appointments

ORDINANCES - 2nd reading

3. CONSIDER ON 2ND READING ORDINANCE NO. 4-2007, ANNEXING PHASE 2 OF THE VILLAGE OF HEARTLAND SUBDIVISION - 3.155 ACRES

BACKGROUND: There is an annexation incentive agreement related to this residential development.

RECOMMENDATION: Adopt Ordinance No. 4-2007.

4. **CONSIDER ON 2ND READING ORDINANCE NO. 5-2007, ANNEXING MALLARD CREEK DEVELOPMENT - 3.862 ACRES**

BACKGROUND: This is a residential development and the annexation incentive agreement is Item No. 10 on the agenda.

RECOMMENDATION: Adopt Ordinance No. 5-2007.

5. **CONSIDER ON 2ND READING ORDINANCE NO. 6-2007, ANNEXING 2934 KY HIGHWAY 54 (WENDY'S RESTAURANT) - 1.010 ACRES**

BACKGROUND: This is a single, commercial lot and there is no annexation incentive agreement related to this development.

RECOMMENDATION: Adopt Ordinance No. 6-2007.

6. **CONSIDER ON 2ND READING ORDINANCE NO. 7-2007, A JOINT CITY/COUNTY ORDINANCE ESTABLISHING A 20-MEMBER UNIFICATION REVIEW COMMISSION TO STUDY THE FEASIBILITY OF UNIFYING LOCAL GOVERNMENTS AND DEVELOP A PLAN FOR CONSOLIDATION OF CITY AND COUNTY GOVERNMENTS, SAID COMMISSION TO BE FUNDED BY THE CITY AND COUNTY IN PROPORTION TO THEIR RELATIVE POPULATION**

BACKGROUND: KRS 67.900 through 67.940 was adopted by the Kentucky Legislature and became effective July 12, 2006, providing that the City and County must adopt a joint ordinance to create a Unification Review Commission to study the feasibility of unifying the governments of Owensboro and Daviess County and if unification is proposed, to develop a plan for consolidation of City and County governments. If a plan is developed, it must be completed within two (2) years of the Commission's appointment. If the joint ordinance is adopted and the Unification Review Commission is appointed, it shall be funded by the City and County in proportion to their relative population as provided in KRS 67.908. By adoption of this joint ordinance, the City Board of Commissioners and the Daviess Fiscal Court find and declare that the unification of City and County governments will promote the efficient and economical management of the affairs of local government and minimize the duplication of services and is in the best interest and benefit of the citizens of Owensboro and Daviess County.

RECOMMENDATION: Adopt Ordinance No. 7-2007.

ORDINANCES - 1ST reading

7. **CONSIDER ON 1ST READING ORDINANCE NO. 8-2007, REZONING 2402 FRENCH STREET TO R-4DT INNER-CITY RESIDENTIAL**

BACKGROUND: Carl W. Kimbley is seeking a zoning classification amendment from I-1 Light Industrial to R-4DT Inner-City Residential for a 0.186 acre tract of land located at 2402 French Street. Depending on the type of manufactured home proposed for the site, a

conditional use permit may be necessary. By a vote of 8-0, 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. 9-2007, REZONING 1126 TRIPLETT STREET TO P-1 PROFESSIONAL/SERVICE

BACKGROUND: Triplett Street Building, Inc., is seeking a zoning classification amendment from I-1 Light Industrial to P-1 Professional/Service for a 0.504 acre tract of land located at 1126 Triplett Street. The applicant proposes to construct a medical facility to house a sports rehabilitation office. By a vote of 8-0, 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.

9. CONSIDER ON 1ST READING ORDINANCE NO. 10-2007, REZONING 912 WALNUT STREET TO B-4 GENERAL BUSINESS

BACKGROUND: Audubon Area Community Services is seeking a zoning classification amendment from R-4DT Inner-City Residential to B-4 General Business for a 0.530 acre tract of land located at 912 Walnut Street. The purpose for this rezoning is to provide additional parking for the existing Audubon Area office building, to construct a garage for company vehicles and to allow some incidental storage of toys and other items. In order for the new building construction to take place, the subject property must be consolidated with the existing Audubon Area tract. A minor subdivision plat to consolidate these tracts has been submitted to the OMPC office. By a vote of 8-0, 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.

MUNICIPAL ORDER - one reading

10. CONSIDER MUNICIPAL ORDER NO. 5-2007, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH J.E.D. RENTALS FAMILY PARTNERSHIP, LTD., PROVIDING FOR CONSENSUAL ANNEXATION OF 3.862 ACRES TO BE DEVELOPED AND KNOWN AS MALLARD CREEK DEVELOPMENT, IN EXCHANGE FOR REIMBURSEMENT OF THE COST OF CERTAIN PUBLIC FACILITIES DEDICATED TO PUBLIC USE OVER A FIVE-YEAR PERIOD

BACKGROUND: J.E.D. Rentals Family Partnership, Ltd, a local partnership owned and operated by brothers, Jerry and Ernie Davis, is the owner of a 3.862 acre tract of property to be developed and known as Mallard Creek Development, which is located along the west margin of J. R. Miller Boulevard and at the north end of Kipling Drive in Daviess County, Kentucky. OMPC approved a final plan for development of the 3.862 acres on February 8, 2007. When the Developer purchased the property, it was zoned R-1B Single-Family. A zoning classification change to R-1C Single Family Residential was recommended for approval by the Owensboro Metropolitan Planning Commission at its February 8, 2007 meeting. As an inducement to J.E.D. Rentals Family Partnership, Ltd. to consensually annex the subject 3.862 acres, this agreement requires the City to reimburse it for the actual cost of construction of various defined public facilities dedicated to public use within the annexed development, in an amount not to exceed the total ad valorem (excluding school tax) tax revenues derived from annexed property over a 5-year period, commencing on March 1, 2009, or upon receipt of a written request for same by J.E.D. Rentals Family Partnership, Ltd. to the City of Owensboro, whichever occurs first. This Memorandum of Agreement details the terms and conditions of the agreement between J.E.D. Rentals Family Partnership, Ltd. and the City.

RECOMMENDATION: Adopt Municipal Order No. 5-2007.

11. City Manager's items:

- A. Consider the financial report for the period ended January 31, 2007.
- B. Consider the probationary full-time Civil Service promotional appointment of Joseph Connelly to Administrative Aide, Parks & Recreation Department, effective February 21; and the regular full-time Civil Service promotional appointments of Thomas Hall to Crew Leader, Street Department, effective February 28, and Steven Bickett to Maintenance Equipment Operator, Street Department, effective February 28, 2007.
- C. City Manager's comments.

12. 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.
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13. COMMUNICATIONS FROM ELECTED OFFICIALS

14. Consider a closed session to discuss the future acquisition of real property pursuant to KRS 61.810(1)(b)

15. Adjournment