

PLEASE TURN OFF YOUR CELL PHONE
DURING COMMISSION MEETING

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

July 3, 2007
5:00 p.m.

INVOCATION/PLEDGE - Mayor Tom Watson

PROCLAMATION:

July - "Energy Awareness Month"

SERVICE RECOGNITIONS:

- Gerald Alford, Computer Operations Manager, Information Services Department - 25 years
- Sandra Goodman, Administrative Aide, Fire Department - 20 years
- Carolyn Sue Fowler, Main Street Manager, Community Development Department - 20 years
- Tony Cecil, Operations Manager, Administration Department - 20 years

1. Consider approval of minutes of June 19, 26 & 28, 2007

ORDINANCE - 2nd reading

2. CONSIDER ON 2ND READING ORDINANCE NO. 24-2007, REZONING 1401 & 1429 LEITCHFIELD ROAD TO P-1 PROFESSIONAL/SERVICE

BACKGROUND: The applicant, Mukesh Gupta, is seeking a zoning classification amendment from R-4DT Inner City Residential to P-1 Professional Service for a 2.464 acre tract of land located at 1401 & 1429 Leitchfield Road. The applicant proposes to construct a new medical office building and to convert the existing residence on the subject property to general office and file storage area for the medical office. 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. 24-2007.

ORDINANCES - 1st reading

3. **CONSIDER ON 1ST READING ORDINANCE NO. 25-2007, AWARDING A NON-EXCLUSIVE, FIVE-YEAR FRANCHISE TO ATMOS ENERGY CORPORATION TO CONSTRUCT, OPERATE AND MAINTAIN A NATURAL GAS DISTRIBUTION SYSTEM ALONG, UNDER AND OVER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF OWENSBORO**

BACKGROUND: Ordinance No. 20-2007, approved on June 5, 2007, provided for the creation and sale of a new five-year, non-exclusive gas franchise to provide natural gas to the citizens of Owensboro, which franchise was to be sold to the highest bidder. Pursuant to KRS 424.140, the sale of the gas franchise was advertised in the Messenger-Inquirer on June 12, 2007. As specified in the newspaper advertisement, a bid opening was conducted by the City Manager on June 21, 2007. Atmos Energy Corporation 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 gas 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 Atmos Energy Corporation and the City, incorporating the terms and conditions stipulated in Ordinance 20-2007. The effective date of the Franchise Agreement is August 1, 2007.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

4. **CONSIDER ON 1ST READING ORDINANCE NO. 26-2007, CLOSING A TEN-FOOT WIDE ALLEY LOCATED ALONG THE REAR OF LOTS 13, 15 AND 17 RIVER ROAD**

BACKGROUND: This is an unimproved alley right-of-way located along the rear of Lots 13, 15 and 17 River Road. No objections were noted to the closing and no easements are required to be retained. All property owners abutting the public alley have previously given written, notarized consent to the proposed closure.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

MUNICIPAL ORDERS - one reading

5. **CONSIDER MUNICIPAL ORDER NO. 24-2007, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROSPECTIVE PROJECT PROFILE REQUESTING \$100,000 FROM THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT TO OFFSET EXPENSES INCURRED BY THE RIVERPARK CENTER WHILE SERVING AS HOST OF THE INTERNATIONAL MYSTERY WRITERS' FESTIVAL IN 2007**

BACKGROUND: The inaugural year of the International Mystery Writers' Festival took place at the Owensboro RiverPark Center June 13 through 17, 2007, and was quite an elaborate event attended by members of the movie and entertainment industry. In preparation for the festival, the

RiverPark purchased new items to decorate the center and upgraded and replaced air conditioners, lighting and sound equipment. A website was created to market the festival and provide online ticket ordering, and expenses were incurred to provide VIP hospitality such as lodging, meals and transportation. The RiverPark intends to request \$100,000 from the Governor's Office for Local Development (GOLD) to offset the costs of presenting the festival and must file a Prospective Project Profile in order to apply for the funding. The City is being requested to approve the request and the Mayor must execute the Prospective Project Profile before it is submitted to GOLD.

RECOMMENDATION: Adopt Municipal Order No. 24-2007.

6. **CONSIDER MUNICIPAL ORDER NO. 25-2007, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A DEED OF PERMANENT EASEMENT BETWEEN OWENSBORO RIVERPORT AUTHORITY AND THE CITY, CONVEYING TO THE CITY, FOR THE USE AND BENEFIT OF DART CONTAINER CORPORATION, AN EASEMENT ACROSS PROPERTY OWNED BY THE CITY AND LEASED TO DART**

BACKGROUND: Dart Container Corporation is currently expanding its facilities and refinancing its operations in the Owensboro Riverport Authority. The institution that is lending Dart the capital to refinance its operations has determined that an easement previously granted to the City by the Riverport in 1976 contains a "general legal description" and the location of the easement is unclear. It has requested Dart to seek a new Deed of Permanent Easement between the Owensboro Riverport Authority and the City to replace and redefine the 1976 easement by reflecting an "exact legal description" and to clarify the exact location of the 20-foot easement which contains a water pipeline and a styrene monomer pipeline.

RECOMMENDATION: Adopt Municipal Order No. 25-2007.

7. **CONSIDER MUNICIPAL ORDER NO. 26-2007, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND GULFSTREAM ENTERPRISES, LLC, UNDER THE TERMS OF WHICH GULFSTREAM PROPOSES TO DEVELOP A MIXED-USE PROJECT AT HIGHWAY 54 EAST AND THE BYPASS, TO BE KNOWN AS "GATEWAY COMMONS," WHICH DEVELOPMENT SHALL BE A "SIGNATURE TAX INCREMENT FINANCING PROJECT" RESULTING IN A MINIMUM CAPITAL INVESTMENT OF \$200,000,000**

BACKGROUND: House Bill 549, which was enacted by the 2007 General Assembly, enables cities to create a "development area" to increase property values, employment opportunities and economic activities, all of which will promote a valid public purpose. Owensboro, in an effort to stimulate the economy and provide entertainment and recreational opportunities for its residents, published a request for proposals seeking a potential developer to submit a proposal to plan and design a "development area" and illustrate the scope and type of project it proposed to develop. In response to the RFP, Gulfstream submitted a proposal to develop a mixed-use project to be known as "Gateway Commons" at the corner of Highway 54 East and the Bypass. The proposal will feature a 250-room hotel connected to a 135,000

square foot convention center and a 6,000 seat sports and entertainment arena. It also includes a 150,000 square foot medical/professional office complex, an upscale 150-unit apartment complex, a 150-unit condominium development and 130,000 square feet of out-parcels for restaurants and retail businesses. The development will connect with the Greenbelt and will be in close proximity to the new 500 million dollar hospital. If this development materializes, it will have a profound, positive effect on our community, our region and our State for future decades. It will provide a revitalized economy and a better quality of life for residents of this entire region. This Municipal Order authorizes and directs the Mayor to execute a Memorandum of Agreement between the City and Gulfstream, under the terms of which the City will support this project and Gulfstream's recovery of approved infrastructure costs and other signature project costs incurred in connection with the development of Gateway Commons.

RECOMMENDATION: Adopt Municipal Order No. 26-2007.

8. City Manager's items:

- A. Consider the financial report for the period ended May 31, 2007.**
- B. Consider the regular full-time Civil Service promotional appointment of Richard Main, Bus Driver, Transit Department, effective July 24, 2007.**
- C. City Manager's comments.**

9. 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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10. COMMUNICATIONS FROM ELECTED OFFICIALS

11. Adjournment