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DURING COMMISSION MEETING

**AGENDA**  
**OWENSBORO BOARD OF COMMISSIONERS**  
**SPECIAL CALLED MEETING**  
January 8, 2008  
5:00 p.m.

**INVOCATION & PLEDGE** - Commissioner Cathy Armour

**PRESENTATIONS:**

- Recognize Elizabeth “Betty” Whitehouse, Systems Analyst/Programmer with the Information Services Department for 25 years of dedicated service to the City of Owensboro
- 2007-2008 Fiscal Year Six-Month Budget Update – Bob Whitmer

**BUSINESS:**

1. Consider approval of minutes dated December 18, and December 21, 2007
2. Consider appointments
  - **Civil Service Commission** – Reappoint Naomi Sutton to a three-year term effective January 8, 2008.
  - **City Employees’ Pension Fund Board of Directors** – Reappoint Jim Grise to a four-year term effective January 8, 2008.
  - **Owensboro Metropolitan Planning Commission** – Appoint Rita Moorman to a four-year term effective January 1, 2008.
  - **Owensboro Riverport Authority** – Appoint Rob Ebelhar to fill the remainder of Eric Anderson’s term which expires September 9, 2010.

**ORDINANCES – 2<sup>nd</sup> reading**

None

**ORDINANCES – 1<sup>st</sup> Reading**

None

### **MUNICIPAL ORDER – one reading**

3. **Consider Municipal Order No. 1-2008** authorizing and directing the Mayor to execute a Termination of Lease Agreement by and between 54 Property Management, LLC, and the City of Owensboro, terminating a prior lease between Jagoe Development Corporation and the City, and providing that since 54 Property Management purchased a 25-ft. strip of property from Jagoe Development, LLC in June of 2007, that was previously leased to the City for the extension of the Greenbelt Trail, it shall, at its sole expense, assume Jagoe's prior obligation and extend the Greenbelt from Heartland Subdivision to Highway 54/East Parrish Avenue, simultaneous with the development of the adjoining property.

**Background:** Jagoe Development Corporation is the developer of Heartland Subdivision, a 203-acre subdivision lying between Highway 54 and Old Hartford Road. In March of 1997, when this subdivision was annexed into the City, Jagoe Development Corporation leased to the City, a 25-ft. strip of land immediately adjacent to and east of Byers Avenue with the understanding that the City would construct and maintain a dedicated pedestrian walkway/bikeway running parallel to East Byers Avenue. Jagoe Development reserved the right to place advertising flags, banners and signs on the land to market available residential properties in the subdivision. This lease was executed on January 30, 1998, for a term of 99 years and the construction of the Greenbelt in that area has not yet been completed. In October of 2004, due to the rapid development of Heartland Subdivision, Jagoe Development no longer needed the right to advertise in this 25-ft. strip of property and requested the term be reduced to seven years, terminating September 30, 2011. A First Amendment to the Lease was executed reducing the term and further providing that the 25-ft. strip of property would be conveyed to the City for no additional consideration at the end of the seven-year term. By deed dated June 27, 2007, Jagoe Development conveyed to 54 Property Management, title to the leased 25-ft. strip of property. 54 Property Management is now requesting the City execute a Termination of Lease Agreement, terminating the original lease with Jagoe and the amendment thereto, with the understanding that 54 Property Management will assume Jagoe's prior obligation and, at its sole expense, extend the Greenbelt Trail from its present terminus in Heartland Subdivision to Highway 54/East Parrish Avenue, simultaneous with the development of the adjoining property. This Municipal Order authorizes the Mayor to execute the Termination of Lease.

4. **Consider Municipal Order No. 2-2008** authorizing and ratifying, nunc pro tunc, the execution of an agreement between the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, and the City, under the terms of which the Commonwealth of Kentucky will reimburse the City in an amount not to exceed \$200,000 of State reimbursement funding for the resurfacing and repair of various city streets within the City of Owensboro.

**Background:** Municipal Order 30-2005 adopted December 6, 2005 authorized the Mayor to execute an agreement with the State for \$719,558 for resurfacing of sections of 32 streets. By Municipal Order 10-2007 adopted March 20, 2007, the Mayor was authorized to execute an agreement with the State for an additional \$700,000 for resurfacing and repair of specified city streets. By Municipal Order 29-2007 adopted August 21, 2007, the Mayor was authorized to execute a third agreement with the State for \$500,000 for resurfacing and repair of four additional concrete streets. Late in Gov. Fletcher's administration, a decision was made to distribute funding for street work from the Governor's contingency account. The City was granted an additional \$200,000 of State reimbursement funding to be used for resurfacing of various city streets. This Municipal Order ratifies, nunc pro tunc, the Mayor's execution of the agreement with the State for the City to receive this additional funding.

**Recommendation:** Adopt Municipal Order No. 2-2008

**5. CITY MANAGER'S ITEMS:**

- A. Consider the probationary full-time non-Civil Service promotional appointment of Arthur Ealum, Jr. to the position of Police Captain with the Police Department, effective January 13, 2008; the probationary full-time non-Civil Service promotional appointment of Douglas Esther to the position of Police Lieutenant with the Police Department, effective January 13, 2008; the probationary full-time Civil Service appointment of Larry Hart to the position of Refuse Truck Driver with the Sanitation Department, effective January 14, 2008; the regular full-time non-Civil Service appointment of Thomas Ferry to the position of Police Officer with the Police Department, effective December 26, 2007; the regular full-time Civil Service appointment of Lori Pedley to the position of Occupational License Inspector with the Finance Department, effective January 16, 2008; and the regular full-time Civil Service appointment of Jarred Warren to the position of Mechanic with the City Garage, effective January 29, 2008.
- B. Consider the retirement resignation of Anthony Howard, Police Officer with the Police Department, effective December 31, 2007, after 19 years of service.
- C. City Manager's comments.

**6. 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. Since the item is not on the agenda, 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 place the item on a future agenda for discussion.

City Commission meetings are held to conduct City business for the benefit of Owensboro citizens. The meetings are not intended to serve as public forums for candidates who are campaigning for political office. However, the City of Owensboro traditionally allows and welcomes local organizations who wish to utilize the Commission Chambers as a site for political forums. Political candidates, like any citizen, may address any item on the City Commission's agenda. During the open public forum, any citizen of Owensboro may address a specific city-related issue not on the agenda, but candidates for any political office will not be allowed to use the Commission meeting to promote his/her candidacy for public office.

**7. COMMUNICATIONS FROM ELECTED OFFICIALS**

**8. ADJOURNMENT**