

PLEASE TURN OFF YOUR CELL PHONE
DURING COMMISSION MEETING

AGENDA

SPECIAL CALLED MEETING OWENSBORO BOARD OF COMMISSIONERS

Tuesday, January 22, 2008
5:00 PM

INVOCATION & PLEDGE: Mayor Pro Tem Al Mattingly, Jr.

SWEARING IN CEREMONY:

- Mayor Tom Watson will administer Oath of Office to City Manager Bill Parrish

PRESENTATIONS:

- Energy & Environment Presentation - Jill Flachskam and Aloma Dew with the Sierra Club
- "The Big Read" - Kaye Brown and Brenda Hauser
- "On The Line" program on Cable Channel 44 featuring the Fire Department – Harvey Sopher, Information Services Director

BUSINESS:

1. Consider approval of minutes dated January 3, January 8, and January 15, 2008.
2. Consider appointments:
 - **Property Maintenance Enforcement Board** -Appoint Jim Cox to a three-year term effective February 1, 2008.

ORDINANCES – 2nd reading

None

ORDINANCES – 1st reading

3. **CONSIDER ON 1st READING ORDINANCE NO. 1-2008** – AMENDING CHAPTER 24, ARTICLE II ENTITLED “OCCUPATIONAL LICENSE FEES”, SECTION 16-21(m) OF THE OWENSBORO MUNICIPAL CODE UPDATING THE CITY OF OWENSBORO’S OCCUPATIONAL LICENSE FEE ORDINANCE TO ADOPT 2007 CALENDAR YEAR AMENDMENTS AND REVISIONS MADE TO THE INTERNAL REVENUE CODE, AS REQUIRED BY KRS 67.750.

BACKGROUND: Kentucky Revised Statute 67.750 was amended by the State Legislature and went into effect in June of 2005, requiring localities to annually amend their Occupational License Fee ordinance to adopt all 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 occupational tax program which is allowed by Kentucky Revised Statute. As a result of this legislation, 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, 2007, 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: Introduce and publicly read ordinance on first reading

4. **CONSIDER ON 1st READING ORDINANCE NO. 2-2008** AMENDING POLICIES 101, 201, 202, 302, 303, 308, 601, 612, 801, and 806 OF THE CITY OF OWENSBORO PERSONNEL POLICY MANUAL RELATING TO EMPLOYMENT, EMPLOYEE CONDUCT, AND PROBLEM RESOLUTION.

BACKGROUND: The Personnel Policy Manual revisions relate to employment, employee conduct, and problem resolutions. Most, if not all, of the revisions represent clarifications or general updates in nature. Of these, the most significant are: (1) Reference to the Police and Fire Personnel Procedures Manual for employment methods for restructuring and reclassifying hazardous duty positions as civilian positions; (2) Clarification of employment methods for part time, temporary, and interim employees; and (3) Clarification of employee rights regarding public speech and conduct.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

MUNICIPAL ORDERS – one reading

5. **CONSIDER MUNICIPAL ORDER NO. 3-2008** AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY, COUNTY AND OWENSBORO- DAVIESS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, UNDER THE TERMS OF WHICH THE CITY AND COUNTY SHALL ESTABLISH A DOWNTOWN DEVELOPMENT DISTRICT AND SHALL EACH APPROPRIATE AN ANNUAL SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) FOR AN INITIAL TERM OF THREE (3) YEARS BEGINNING JANUARY 1, 2008, FOR THE AUTHORITY TO CREATE AND IMPLEMENT A LONG-TERM PLAN AND EMPLOY A FULL-TIME DIRECTOR TO PROMOTE AND STIMULATE DOWNTOWN REDEVELOPMENT. **BACKGROUND:** The City and County have determined that for downtown Owensboro to be redeveloped and/or revitalized, they must provide financial support and responsible oversight to make it happen. The legislative bodies, together with the Owensboro-Daviess County Industrial Development Authority, have agreed to enter into a Memorandum of Agreement memorializing the legal obligations of the City and County to create the boundaries of a Downtown Development District and appropriate \$50,000.00 each to the Authority for an initial term of 3 years beginning January 1, 2008. The Authority shall create and implement a long-term Downtown Development Plan designed to promote and stimulate growth and development within the Downtown Development District, and shall employ a full-time Downtown Development Director who will focus 100% of his/her time and energy to the development of the downtown area of Owensboro. In addition, the City and County shall each allocate increment property tax revenues to the Authority derived from the Downtown Development District as outlined in the Memorandum of Agreement. The City and County are hopeful that during the initial 3-year period, and beyond, tangible progress and redevelopment that will serve as a catalyst for private investment in downtown Owensboro.

RECOMMENDATION: Adopt Municipal Order No. 3-2008.

6. **CONSIDER MUNICIPAL ORDER NO. 4-2008** AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF OWENSBORO, KENTUCKY, AND DAVIESS COUNTY, UNDER THE TERMS OF WHICH THE CITY AND COUNTY SHALL ACQUIRE PROPERTY FOR THE LOCATION, CONSTRUCTION, OPERATION AND MAINTENANCE OF A JOINT 9-1-1 EMERGENCY OPERATIONS CENTER, WITH THE UNDERSTANDING THAT THE PARTIES WILL ESTABLISH THE MANAGEMENT STRUCTURE FOR THE OPERATION OF THE CENTER, INCLUDING, BUT NOT LIMITED TO, HIRING OF EMPLOYEES, BENEFITS, ALLOCATION OF COSTS FOR PERSONAL PROPERTY AND EQUIPMENT REQUIRED FOR THE OPERATION OF THE CENTER; AND FURTHER PROVIDING THAT THIS AGREEMENT MAY BE TERMINATED BY EITHER PARTY AT ANY TIME PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE 9-1-1 FACILITY.

BACKGROUND: The City and County intend to purchase property in the 900 block of Allen Street and the 100 block of East 9th Street, to construct, operate and maintain a new facility to house the joint 9-1-1 Emergency Operations Center and the Emergency Management Administration. The City and County will share capital and operating costs on a pro-rata basis. They will share the responsibility and costs for staffing the Center, employee compensation, benefits, furniture, equipment and vehicles on a pro-rata basis. A Director of Emergency Management will be hired jointly by the City and County to manage the Emergency Operations Center. The agreement between the City and County for this project may be terminated at any time by either party prior to the commencement of construction by written notice to the other. The parties will then decide how to dispose of jointly-owned property.

RECOMMENDATION: Adopt Municipal Order No. 4-2008.

7. **CONSIDER MUNICIPAL ORDER NO. 5-2008** AMENDING SECTIONS I, II, AND III OF THE "POLICE AND FIRE PERSONNEL PROCEDURES MANUAL," RELATING TO ENTRY-LEVEL, LATERAL, PROMOTIONAL, RESERVE PART TIME POLICE OFFICER, AND CIVILIAN RECRUITMENT. **BACKGROUND:** The Police and Fire Personnel Procedures Manual revisions pertain to police and fire department employee minimum requirements and employment methods. Many of the revisions are simply clarifications and/or enhancements of existing policies. The most significant revisions pertain to the establishment of (1) a new "rolling" list method of recruitment, which will hopefully expedite and enhance new police officer recruitment; (2) multiple exam times/sites, which will hopefully expedite and enhance recruitment, including minority recruitment; (3) employment methods for reserve police officers and restructured positions; and (4) enhanced promotional employment methods.

RECOMMENDATION: Adopt Municipal Order No. 5-2008.

CITY MANAGER ITEMS:

- A. Consider the probationary full-time Civil Service promotional appointment of Adam Cecil to the position of Web Analyst/Programmer with the Information Services Department, effective January 28, 2008; the probationary, full-time non-Civil Service promotional appointment of Joseph Taylor, Jr. to the position of Fire Inspector with the Fire Department, effective February 3, 2008; the probationary full-time non-Civil Service promotional appointment of Jason Pickrell to the position of Fire driver/Engineer with the Fire Department, effective February 3, 2008; the probationary part-time non-Civil Service appointment of Jeff Burnett to the position of Reserve Police Officer with the Police Department, effective January 28, 2008; and the probationary part-time non-Civil Service appointment of Dane Holder to the position of Reserve Police Officer with the Police Department, effective January 28, 2008.

- B. Consider the retirement resignation of Robert "Bob" Whitmer, City Manager with the Administration Department, effective March 1, 2008, after 16 years of service.

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.

COMMUNICATIONS FROM ELECTED OFFICIALS

ADJOURNMENT