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DURING COMMISSION MEETING

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

Tuesday, March 4, 2008

5:00 PM

INVOCATION & PLEDGE: Commissioner Candance Brake

PROCLAMATIONS & PRESENTATIONS:

- Presentation of “Mayor’s Certificate of Appreciation” to Maestro Nicholas Palmer, in honor of his 10th season with the Owensboro Symphony Orchestra
- Recognition of Connie Chapman, Police Sergeant with the Police Department for 30 years of service
- Recognition of Vincent Bermudez, Greens Superintendent with the Parks and Recreation Department for 20 years of service
- Strategic Vision Update – City Manager Bill Parrish

BUSINESS:

1. Consider approval of minutes dated February 5 and February 15, 2008.
2. Consider appointments:
 - **Human Relations Commission Board of Directors** – Appoint Dennis Welsh and Donna Nolan to three-year terms effective March 1, 2008.
 - **Public Safety Communications Board** – Appoint Lt. Col. David Thompson to a one-year term effective March 15, 2008. Reappoint Police Chief Glenn Skeens, Sgt. Chris Brown, Fire Chief Ronnie Heep, and Assistant Fire Chief Darren Peach to one-year terms effective March 15, 2008.
 - **Owensboro-Daviess County Board of Health** – Appoint Bill Parrish to fill the remainder of Bob Whitmer’s term which expires August 1, 2008.

ORDINANCES – 2nd reading:

3. **CONSIDER ON 2nd READING ORDINANCE NO. 3-2008** – AMENDING CHAPTER 25, ARTICLE III, SECTION 25-73 OF THE OWENSBORO MUNICIPAL CODE, ENTITLED “DESIGNATED TRUCK ROUTES; EXEMPTIONS; AND ENFORCEMENT THEREOF” WHICH PROHIBITS THE OPERATION OF ANY TRUCK ON ANY STREET OR OTHER PUBLIC RIGHT-OF-WAY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY NOT DESIGNATED AS AN OFFICIAL TRUCK ROUTE, TO ADD MARTIN LUTHER KING JR. LOOP FROM FARMVIEW DRIVE TO J.R. MILLER BOULEVARD AS AN OFFICIAL TRUCK ROUTE FOR THE CITY OF OWENSBORO, KENTUCKY. **BACKGROUND:** The City Engineering Department recently reviewed the existing truck route ordinance and discovered that since its completion, Martin Luther King Jr. Loop was never incorporated as an official truck route. This ordinance simply amends Chapter 25, Article III, Section 25-73 of the Owensboro Municipal Code to add Martin Luther King Jr. Loop as an additional truck route for trucks traveling around the southern perimeter of the City of Owensboro.

RECOMMENDATION: Adopt Ordinance No. 3-2008.

4. **CONSIDER ON 2nd READING ORDINANCE NO. 4-2008** – AMENDING CHAPTER 25, ARTICLE XI, SECTION 25-635, OF THE OWENSBORO MUNICIPAL CODE CHANGING THE MAXIMUM SPEED LIMIT FOR THE OPERATION OF MOTOR VEHICLES ON J.R. MILLER BOULEVARD FROM THE SOUTH MARGIN OF FIFTH STREET TO THE SOUTH MARGIN ON BYERS AVENUE TO 35 MILES PER HOUR; AND FURTHER ESTABLISHING A SPEED LIMIT OF 45 MILES PER HOUR ON MARTIN LUTHER KING JR. LOOP FROM FARMVIEW DRIVE TO J.R. MILLER BOULEVARD WHERE IT INTERSECTS WITH SOUTHTOWN BOULEVARD. **BACKGROUND:** The City Engineering Department recently reviewed the speed limit ordinance and discovered that the speed limit on J.R. Miller Boulevard, from the bridge to Byers Avenue, changed four (4) times. Since speed limits within the City can only be changed by ordinance and in an effort to make the speed limit uniform, the City Engineer is requesting that Section 26-235 of the Code be amended to reflect the speed limit on J.R. Miller Boulevard from Fifth Street to the south margin of Byers Avenue be thirty-five (35) miles per hour. The current speed limit from the foot of the bridge to Fifth Street is already thirty-five (35) miles per hour. The speed limit will then be the same for the entire street until it reaches Byers Avenue, when it changes to forty-five (45) miles per hour. It then connects with Martin Luther King Jr. Loop which also has a speed limit of forty-five (45) miles per hour. In addition, the speed limit on Martin Luther King Jr. Loop has never been officially incorporated into the City’s speed limit ordinance, so by this amendment, it is being included and the speed limit of forty-five (45) miles an hour is being authorized.

RECOMMENDATION: Adopt Ordinance No. 4-2008.

ORDINANCES – 1st reading:

5. **CONSIDER ON 1ST READING ORDINANCE NO. 6-2008 – AMENDING CHAPTER 5, ARTICLE II, SECTION 5-17 OF THE OWENSBORO MUNICIPAL CODE ENTITLED “ADOPTED”, BY ADOPTING THE “2007 KENTUCKY RESIDENTIAL CODE” AND THE “2007 KENTUCKY BUILDING CODE,” TO REGULATE AND CONTROL THE DESIGN, CONSTRUCTION, REPAIR, LOCATION, REPLACEMENT AND USE OR MAINTENANCE OF RESIDENTIAL DWELLINGS; AND FURTHER PROVIDING THAT ANY FUTURE EDITIONS OF THE KENTUCKY BUILDING CODE AND/OR THE KENTUCKY RESIDENTIAL CODE ADOPTED BY THE KENTUCKY BOARD OF HOUSING, BUILDINGS AND CONSTRUCTION, SHALL AUTOMATICALLY BE ADOPTED BY THE CITY OF OWENSBORO, KENTUCKY.**

BACKGROUND: On January 16, 1981, the Owensboro Board of Commissioners adopted Ordinance 5-1981 which authorized the transfer of Building Code operations from the City to the Owensboro Metropolitan Planning Commission. The Director of OMPC was delegated the responsibility for supervision of housing and building code officials, the issuance of building permits and the collection of fees charged for those services. On May 12, 1988, the City and OMPC entered into an agreement under the terms of which the OMPC would administer the enforcement of Chapter 5 of the Owensboro Municipal Code entitled “Buildings and Building Regulations.” Article III, Section 5-17 of the Code adopted the Kentucky Building Code for Owensboro and Daviess County and thus, the Building Inspection Department of OMPC began enforcing the provisions of that Code. On February 28, 1996, the City, County and OMPC signed a Local Expanded Jurisdiction Agreement with the State department of Housing, Buildings and Construction, Division of Building Code Enforcement, which agreement allows our community to conduct local review and inspections for those projects that would normally require State review. At that time, the City and County maintained separate Building Inspection offices, but in 2000, the County discontinued its inspection and permitting duties and the City assumed responsibility for those functions for both jurisdictions. The Local Expanded Jurisdiction Agreement with the State provides for a review and renewal process to occur every three years. When the required documentation was submitted to the State for the 2008 renewal, approval was made contingent upon our local legislative body enacting an ordinance adopting a new “2007 Kentucky Residential Code.” OMPC is already enforcing the new Code since Ordinance 30-98 adopted on July 7, 1998, automatically charges OMPC with enforcement of the most current residential building code. However, the State has mandated that all cities and counties throughout the State enact an ordinance specifically adopting the 2007 Kentucky Residential Code which will be enforced in conjunction with the Kentucky Building Code.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

MUNICIPAL ORDERS – one reading:

6. **CONSIDER MUNICIPAL ORDER NO. 8-2008** AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FUNDING AGREEMENT WITH THE KENTUCKY HOUSING CORPORATION (KHC) AND THE CITY OF OWENSBORO, UNDER THE TERMS OF WHICH A \$110,000 HOUSING ASSISTANCE FUND (HAF) GRANT WILL BE AWARDED TO THE CITY OF OWENSBORO, FOR THE CONSTRUCTION OF SINGLE-FAMILY HOMES TO BE MARKETED AND SOLD TO LOW-TO-MODERATE INCOME PERSONS. **BACKGROUND:** The Kentucky Housing Corporation (KHC) is awarding a \$110,000 Housing Assistance Fund (HAF) Grant to the City to be used to construct new single-family homes that will be marketed and sold to low to moderate income individuals and families.

RECOMMENDATION: Adopt Municipal Order No. 8-2008.

7. **CONSIDER MUNICIPAL ORDER NO. 9-2008** AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF OWENSBORO TO EXECUTE THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT UNDER THE TERMS OF WHICH THE CITY SHALL PROMOTE AND IMPLEMENT LAND USE POLICIES AND PUBLIC INFORMATION CAMPAIGNS URGING GOVERNMENTS AND THE PUBLIC TO REDUCE GLOBAL WARMING LEVELS AND GREENHOUSE GASES. **BACKGROUND:** Members of the Sierra Club made a presentation at the Board of Commissioners meeting held January 22, 2008 encouraging local action to educate the community regarding energy and environment issues. A request was also made for the City of Owensboro to sign an agreement with the U.S. Mayor's Climate Protection pledging to monitor global warming emissions in City operations by implementing programs and practices.

RECOMMENDATION: Adopt Municipal Order No. 9-2008.

8. **CONSIDER MUNICIPAL ORDER NO. 10-2008** RESCINDING MUNICIPAL ORDER 27-2007 AND TERMINATING THE LEASE AGREEMENT APPROVED THEREIN; AND FURTHER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A GENERAL WARRANTY DEED BY AND BETWEEN THE CITY OF OWENSBORO AND THE COMMONWEALTH OF KENTUCKY, DEPARTMENT OF MILITARY AFFAIRS, CONVEYING 0.803 ACRES OF PROPERTY LOCATED ON HICKMAN AVENUE, IN OWENSBORO, KENTUCKY, TO THE STATE OF KENTUCKY, FOR NO MONETARY CONSIDERATION, WITH THE UNDERSTANDING THAT THE DEPARTMENT OF MILITARY AFFAIRS WILL LEASE BACK TO THE CITY 2.886 ACRES OF PROPERTY FOR THE CONSTRUCTION AND OPERATION OF A NEW PUBLIC RECREATIONAL FACILITY; AND FURTHER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A NEW AGREEMENT LEASING TO THE CITY, FOR A TERM OF 99 YEARS, A 2.886 ACRE PARCEL OF PROPERTY TO FACILITATE THE CONSTRUCTION AND OPERATION OF THE AFORESAID PUBLIC RECREATIONAL FACILITY. **BACKGROUND:** In 2007 the City reached an agreement with the State Department of Military Affairs to lease a 1.720 acre parcel of the National Guard Armory's property adjoining the Sportscenter for a term of 99 years, on which the City proposes to construct a public recreational facility that will

contain a public ice arena. Subsequent to the execution of the lease, it was discovered that if the building was constructed as designed, it would be located on two (2) adjoining and unconsolidated tracts of property, in violation of the requirements of the Kentucky Building Code and the building setback requirements in the Zoning Ordinance. The City then approached the Department of Military Affairs and recommended that the City convey a 0.886 acre parcel of its property to it and subsequent to the conveyance, the State could then lease back to the City sufficient property (2.886 acres) that would enable the City to proceed with construction of the recreational facility without violating the Kentucky Building Code or the local Zoning Ordinance requirements. Municipal Order 10-2008 has three major components: (1) Municipal Order 27-2007 that approved the execution of the previous Lease Agreement with the State is rescinded and the Lease Agreement is terminated; (2) It authorizes the Mayor to execute a Deed conveying 0.803 acres of City property that lies between the Sportscenter and the National Guard Armory, to the Commonwealth of Kentucky, Department of Military Affairs, for no compensation as authorized under KRS 82.083(3)(a); and (3) it authorizes the Mayor to execute a new 99-year Lease Agreement between the City and the Department of Military Affairs, under the terms of which the City shall lease from the State 2.886 acres of property, under the same terms and conditions as set forth in the previous Lease Agreement.

RECOMMENDATION: Adopt Municipal Order No. 10-2008.

9. **CONSIDER MUNICIPAL ORDER NO. 11-2008** AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A DEED BY AND BETWEEN THE CITY OF OWENSBORO, KENTUCKY, AND CITY UTILITY COMMISSION OF THE CITY OF OWENSBORO, KENTUCKY, CONVEYING TWO (2) PARCELS OF PROPERTY LOCATED BETWEEN WEST FOURTH AND WEST FIFTH STREETS, ON WHICH THERE IS A WATER STORAGE TANK THAT IS OWNED AND MAINTAINED BY OWENSBORO MUNICIPAL UTILITIES. **BACKGROUND:** In 1939, the City purchased property located between West 4th and 5th Streets for the use and benefit of OMU, and a water storage tank was constructed on the site. Then in 1959, the City purchased an adjoining parcel of property for use by OMU. The water storage tank is no longer being used by OMU and is scheduled to be torn down some time in 2008. OMU is currently negotiating with AT&T for construction of a cell phone tower on the property. In order for OMU to transfer the property to AT&T, the City must convey fee simple title of both tracts of property to OMU for no consideration, as authorized by KRS 82.083(3).

RECOMMENDATION: Adopt Municipal Order No. 11-2008.

CITY MANAGER ITEMS:

- A. Consider the financial report for the period ended January 31, 2008.

- B. Consider the probationary full-time non-Civil Service promotional appointments of **Whitney (Adamson) Dilger, Andrew Bell, Kenneth Burns, James Green** and **Joseph Jones** to the positions of Police Officer with the Police Department, effective March 3, 2008; the probationary full-time non-Civil Service promotional appointment of **Kristie Basham** to the position of Lead Telecommunicator with the Police Department, effective March 9, 2008; the probationary full-time non-Civil Service promotional appointments of **George Ballard**, and **Edward Krahwinkel** to the positions of Police Sergeant with the Police Department, effective March 9, 2008; and the regular full-time non-Civil Service appointments of **Robert Alvey, Jr., Benjamin Cecil, Ryan Coffman, Heath Devine, James Grant IV, Nicholas Morris**, and **Jacob Seaton** to the positions of Firefighter with the Fire Department, effective February 21, 2008.
- C. Consider the retirement resignation of **Timothy Mitchell**, Police Sergeant with the Police Department, effective February 29, 2008, after 21 years of service; and the retirement resignation of **Anthony Brian Osborne**, Police Officer with the Police Department, effective February 29, 2008, after 20 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