

PLEASE TURN OFF YOUR CELL PHONE  
DURING COMMISSION MEETING

## AGENDA

### OWENSBORO BOARD OF COMMISSIONERS

Tuesday, March 18, 2008

5:00 PM

**INVOCATION & PLEDGE:** Commissioner David Johnson

**PROCLAMATIONS & PRESENTATIONS:**

- International Bluegrass Music Museum Presentation – Mike Ricks
- Annual Report on Phase II Stormwater Permit – Misty Sampson/GRADD
- Riverfront Update – Paul Kissinger/EDSA

**BUSINESS:**

1. Consider approval of minutes dated March 4 and March 13, 2008.
2. Consider appointments:
  - **Housing Authority Board of Directors** – Reappoint Linda Kincaid to a four-year term effective March 20, 2008.
  - **Civil Service Commission** – Reappoint Roger Adams and Scott Miller to three-year terms effective April 7, 2008.
  - **Owensboro-Daviess County Building Code Appeals Board** – Reappoint Sandra Thomas to a four-year term effective May 6, 2008.
  - **Historic Preservation Board** – Reappoint Gary Adams, Ed Allen, and Jack Braden to three-year terms effective May 16, 2008.

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

3. **CONSIDER ON 2<sup>ND</sup> 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, **NON-RESIDENTIAL AND/OR COMMERCIAL STRUCTURES**; 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. **As recommended by the Commission at the March 4, 2008 meeting, the ordinance was amended to include language adding regulation of non-residential and commercial structures as well as residential structures.**

**RECOMMENDATION:** Adopt Ordinance No. 6-2008.

**ORDINANCES – 1<sup>st</sup> reading:**

4. **CONSIDER ORDINANCE NO. 7-2008** - ORDINANCE AMENDING CHAPTER 3, ARTICLE II, SECTION 3-30 OF THE OWENSBORO MUNICIPAL CODE, AMENDING THE RENEWAL DATE FOR ALCOHOLIC BEVERAGE CONTROL LICENSES FROM JULY 1 TO FEBRUARY 1 OF EACH YEAR, TO CORRESPOND WITH THE STATE LICENSING SYSTEM WHICH REQUIRES THAT RENEWAL DATES BE STAGGERED FOR EACH COUNTY, IN CONFORMITY WITH KRS 243.090(1), AS INDICATED IN THE “ABC TABLE OF LICENSE EXPIRATION DATES BY ZIP CODE”; AND FURTHER AMENDING CHAPTER 3, ARTICLE II, SECTION 3-31, SUBSECTION (d) TO PROVIDE THAT BEGINNING FEBRUARY 1, 2009, ANY PERSON WHO APPLIES FOR A NEW ABC LICENSE SHALL BE CHARGED THE FULL FEE IF SIX (6) MONTHS OR MORE REMAIN BEFORE THE LICENSE IS DUE TO BE RENEWED.

**BACKGROUND:** In 2004, the Kentucky Alcoholic Beverage Control Board established a staggered system of license renewal dates designed to distribute the workload as uniformly as possible within the offices of the local ABC administrators and the State ABC Office. Under the new system, the license renewal date for Daviess County begins February 1 and ends January 31 of each year. However, the City of Owensboro never amended its ordinance to reflect the new licensing periods and the discrepancy between the State and local renewal dates is causing confusion for license holders. To implement the change in dates, for the period beginning July 1, 2008, and ending January 31, 2009, City license holders shall be required to pay a one-half year license fee for renewals and thereafter, licenses shall be issued on an annual basis.

**RECOMMENDATION:** Introduced and publicly read ordinance on first reading.

5. **CONSIDER ORDINANCE NO. 8-2008** – Amending the 2007-2008 annual budget of the City of Owensboro.

**BACKGROUND:** This budget amendment appropriates funds to the General Fund for a new bus in Transit Fund, downtown development in the Economic Development Fund, a zamboni in Fleet and Facilities Replacement Fund, a grant for body armor and a grant for mobile data terminals.

**RECOMMENDATION:** Introduced and publicly read ordinance on first reading.

**MUNICIPAL ORDERS – one reading:**

None

## **CITY MANAGER ITEMS:**

- A. Consider the financial report for the period ended February 29, 2008.
- B. Consider the regular full-time non-Civil Service appointment of **Justin Reesy** to the position of Firefighter with the Fire Department effective March 20, 2008; the probationary full-time Civil Service appointment of **Christopher Millay** to the position of Roadworker with the Street Department effective March 24, 2008; and the regular full-time Civil Service appointment of **Jason Link** to the position of Roadworker with the Street Department effective March 26, 2008.

## **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 less than 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**