

PLEASE TURN OFF YOUR CELL PHONE
DURING COMMISSION MEETING

AGENDA

OWENSBORO BOARD OF COMMISSIONERS

Tuesday, April 1, 2008

5:00 PM

INVOCATION & PLEDGE: Commissioner Cathy Armour

PROCLAMATIONS & PRESENTATIONS:

- “**Jazz Appreciation Month**” – April, 2008
- Recognize **Jonathan Cook**, Facilities/Grounds Laborer/Maintenance Helper with the Facilities Maintenance Department, for 20 years of dedicated service.
- Recognize **Kristina Wilcox**, Crew Leader with the Facilities Maintenance Department for 20 years of dedicated service.
- Recognize **Ronald Heep**, Fire Chief with the Fire Department for 30 years of dedicated service.
- “Cool Cities” Update – Lelan Hancock

BUSINESS:

1. Consider approval of minutes dated March 18, 2008.
2. Consider appointments:
 - **Seven Hills Neighborhood Alliance Board (NAB #8)** – Reappoint Grace Blaire, Irene Brumley, Bill Nalley and Karen Williamson to two-year terms effective April 19, 2008.
 - **Owensboro Human Relations Commission** – Appoint Elsayed Mohamed to a three-year term effective April 1, 2008.
 - **Daviess County Assessment Appeals Board** – Appoint Dana Thornberry to a three-year term effective May 18, 2008.

ORDINANCES – 2nd reading:

- 1. CONSIDER ON 2ND READING ORDINANCE NO. 7-2008** – “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: Adopt Ordinance No. 7-2008.

- 2. CONSIDER ON 2ND READING 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: Adopt Ordinance No. 8-2008.

ORDINANCES – 1ST READING

- 3. CONSIDER ON 1ST READING ORDINANCE NO. 9-2008** – “AN ORDINANCE CLOSING THE FOLLOWING PUBLIC RIGHT-OF-WAY:

BEING A PORTION OF LEITCHFIELD ROAD, WHICH VARIES IN WIDTH, APPROXIMATELY 468.12 FEET IN LENGTH AND BEING SITUATED ALONG THE NORTH MARGIN OF LEITCHFIELD ROAD AND BEING

EAST OF THE NEW CONSTRUCTION FOR 18TH STREET AND BEING SOUTH OF TRACT 3 AS SHOWN ON THE RECORD PLAT OF "OWENSBORO SCHOLAR HOUSE SUBDIVISION" APPEARING OF RECORD IN PLAT BOOK 36, PAGE 204, IN THE OFFICE OF THE DAVIESS COUNTY CLERK TO WHICH PLAT REFERENCE IS MADE FOR A MORE PARTICULAR DESCRIPTION AS TO THE BOUNDARY BETWEEN LOT NO. 3 AND THE LOCATION OF THE NEW CONSTRUCTION FOR 18TH STREET. THE PUBLIC RIGHT-OF-WAY CLOSED CONSISTS OF 0.34 ACRES OR 16,901 SQUARE FEET."

BACKGROUND: This ordinance will allow closing a portion of right-of-way on Leitchfield Road to be closed at the request of The Learning Villa, Ltd., which owns all the property immediately adjacent to the portion of right-of-way. The request was forwarded to all City departments and City utilities and no objections were noted to the closing.

RECOMMENDATION: Introduce and publicly read on 1st reading.

4. **CONSIDER ON 1ST READING ORDINANCE NO. 10-2008** – "AN ORDINANCE ABANDONING AND CLOSING A CERTAIN PUBLIC RIGHT-OF-WAY LOCATED AT 12TH STREET BETWEEN DAVIESS STREET AND J. R. MILLER BLVD. IN THE CITY OF OWENSBORO, KENTUCKY WITH THE CITY RETAINING THE ALLEY BETWEEN DAVIESS STREET AND J. R. MILLER BLVD. THAT CONNECTS EAST PARRISH AVENUE AND THE UNFINISHED PORTION OF 12TH STREET, SAID ALLEY TO REMAIN OPEN AND FURTHER RETAINING A PUBLIC ACCESS EASEMENT LEADING FROM SAID ALLEY TO DAVIESS STREET; AND FURTHER PROVIDING THAT THE ENTIRE AREA TO BE CLOSED SHALL BE RETAINED AS A PERMANENT EASEMENT FOR THE USE AND BENEFIT OF REGIONAL WATER RESOURCE AGENCY AND OWENSBORO MUNICIPAL UTILITIES."

BACKGROUND: This right-of-way closure is sought by a property who wishes to submit a development plan to Owensboro Metropolitan Planning Commission and Engineering for review and approval for a commercial strip mall with a restaurant. All property owners immediately adjacent to the portion of the right-of-way proposed to be closed have signed the Consent Forms for Closure. The remaining six property owners in the City block that back up to the public alley have been notified by certified mail of the request for closure. The alley should not be affected by this closure because a public access easement will be retained for residents of this block and for the general public's use.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

5. **CONSIDER ON 1ST READING ORDINANCE NO. 11-2008** – “AN ORDINANCE ABANDONING AND CLOSING THE WESTERN SIX FEET OF TWO SECTIONS OF CENTER STREET, THE SOUTHERN SECTION BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF EAST THIRD STREET AND RUNNING NORTH TO THE SOUTH RIGHT-OF-WAY LINE OF EAST SECOND STREET, AND THE NORTHERN SECTION BEGINNING IN THE NORTH RIGHT-OF-WAY LINE OF EAST SECOND STREET AND RUNNING NORTH TO THE FORMER WATER STREET, AND LOCATED IN THE CITY OF OWENSBORO, DAVIESS COUNTY, KENTUCKY, WHICH RESERVES A PERMANENT EASEMENT IN FAVOR OF RWRA ACROSS THE SOUTHERN SECTION TO ACCOMMODATE CONTINUED USE, OPERATION, MAINTENANCE AND IMPROVEMENT OF A FORCE MAIN AND A TUNNEL SEWER, AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A DEED CONVEYING SAME WITHOUT WARRANTY OF TITLE.”

BACKGROUND: Owensboro Grain Company owns all the property immediately adjacent to the two portions of right-of-way proposed to be closed. This closure is requested to resolve the patent ambiguity of record in Deed Book M at page 515. No objections were noted to the closing. However, RWRA has existing utilities situated in the southern most portion of the proposed closure. Therefore, if closed, this portion of the said right-of-way closure will be retained as a permanent utility easement.

RECOMMENDATION: Introduce and publicly read ordinance on first reading.

MUNICIPAL ORDERS – one reading:

None

CITY MANAGER ITEMS:

- A. Consider the probationary full-time non-Civil Service promotional appointment of Jeffrey Burnett to the position of Police Officer with the Police Department effective April 6, 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