

OWENSBORO BOARD OF COMMISSIONERS

Regular Meeting
June 05, 2018 5:00 PM
Owensboro City Hall
101 E. 4th Street
Owensboro, Kentucky

1. CALL TO ORDER - Mayor Tom Watson

2. ROLL CALL - City Clerk Beth Cecil

3. INVOCATION & PLEDGE - Commissioner Larry Conder

4. BUSINESS

4.A. Consider Approval of Minutes dated May 1, 2018, May 22, 2018 and May 31, 2018.

5. ORDINANCES - 2nd READING

5.A. Consider Ordinance 7-2018 entitled AN ORDINANCE AMENDING CHAPTER 16, ARTICLE I, SECTION 16-4, SUBSECTION V., PARAGRAPH (N) TO DELETE THE PROHIBITION OF A MOBILE FOOD UNIT VENDOR FROM LOCATING OR OPERATING WITHIN ONE HUNDRED (100) FEET OF THE PROPERTY LINE OF THE REAL PROPERTY OF BUSINESSES SELLING FOOD TO THE GENERAL PUBLIC; AND FURTHER DELETING THE PROHIBITION OF LOCATING OR OPERATING ON AVENUES, STREETS, ROADS, DRIVES, OR SIDEWALKS ADJACENT TO THE BOUNDARIES OF A PUBLIC PARK; AND FURTHER PROVIDING THAT MOBILE FOOD VENDORS SHALL BE SUBJECT TO THE SAME PARKING RESTRICTIONS AS ALL OTHER LICENSED VEHICLES.

Due to legal challenges across the United States which have resulted in court decisions that minimum distance prohibitions bear no rational relation to a legitimate state or city interest and are unconstitutional, the City now desires to amend the mobile food unit ordinance and delete the prohibition of a mobile food unit vendor from locating or operating within one hundred (100) feet of the property line of the real property of businesses selling food to the general public and further deleting the prohibition of locating or operating on avenues, streets, roads or drives adjacent to the boundaries of a public park. Mobile food vendors will also be subject to the same parking restrictions as other licensed vehicles.

RECOMMENDATION: Approve Ordinance 7-2018 on second reading.

6. ORDINANCES - 1st READING

6.A. Consider Ordinance 8-2018 entitled AN ORDINANCE AMENDING THE OWENSBORO ZONING ORDINANCE ADOPTED MARCH 14, 1980, SO AS TO INCLUDE

WITHIN THE P-1 PROFESSIONAL/SERVICE ZONE PROPERTY LOCATED AT 207 PHILLIPS COURT.

The Owensboro Metropolitan Planning Commission considered a proposal to change the zoning classification of property located at 207 Phillips from R-4DT Inner City Residential to P-1 Professional/Service on April 12, 2018. The property shall be consolidated with property to the west at 1535 Frederica Street, no new access to Phillips Court shall be permitted, a final development plan shall be submitted for Planning Commission approval and the neighbors shall be notified of the plan submittal in the same manner as a zoning map amendment application, signage shall be limited to a monument sign not to exceed 25 square feet on the face of the sign with up lighting only, and all parking lot lighting shall be down lighting only.

RECOMMENDATION: Ordinance 8-2018 introduced and publicly read on first reading.

6.B. Consider Ordinance 9-2018 entitled AN ORDINANCE ADOPTING AND APPROVING THE ANNUAL BUDGET OF THE CITY OF OWENSBORO, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, AND ENDING JUNE 30, 2019, AND APPROPRIATING THE REVENUES TO THE VARIOUS DEPARTMENTS OF THE CITY AS SET FORTH HEREIN.

The estimated revenues and fund balances set forth in the 2018-2019 Budget of the City of Owensboro are hereby appropriated to the various departments of the City of Owensboro for the fiscal year beginning July 1, 2018, and ending June 30, 2019, in the amount of \$120,467,008, inclusive of Internal Service Funds, for the various purposes designated in the 2018-2019 Annual Budget.

RECOMMENDATION: Ordinance 9-2018 introduced and publicly read on first reading.

7. MUNICIPAL ORDERS

7.A. Consider Municipal Order 14-2018 entitled A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A DEED OF EASEMENT WHEREBY THE CITY OF OWENSBORO WOULD GRANT A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO REGIONAL WATER RESOURCE AGENCY (RWRA) LOCATED AT 1102 WEST FOURTH STREET.

The City of Owensboro owns certain property to which the Regional Water Resource Agency (RWRA) has requested an easement access for purposes of performing work and maintenance. The City should grant to RWRA a permanent sanitary sewer easement fifteen (15) feet in width and located at 1102 West Fourth Street and grant a temporary construction easement ten (10) feet in width on the north side and twenty (20) feet in width on the south side of the permanent sanitary sewer easement.

RECOMMENDATION: Approve Municipal Order 14-2018 on one reading.

8. CITY MANAGER ITEMS

8.A. Consider Personnel Appointments

- **Deidra Dailey** – Probationary, full-time, non-civil service appointment to Telecommunicator with the Police Department, effective June 10, 2018
- **Jessica Pierce** – Probationary, full-time, non-civil service promotional appointment to Lead Telecommunicator with the Police Department, effective June 10, 2018
- **Mellody Stephenson** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective June 25, 2018
- **Bruce Bryant** – Probationary, full-time, non-civil service appointment to Laborer/Maintenance Helper with the Police Department, effective June 25, 2018
- **Ronnie Ferguson** – Probationary, full-time, non-civil service, promotional appointment to Sanitation Manager with the Public Works Department, effective June 11, 2018
- **Samuel Bodine** – Regular, full-time, non-civil service appointment to Greens Superintendent with the Parks and Recreation Department, effective May 13, 2018
- **Dustin Hamm** – Regular, full-time, non-civil service appointment to Laborer/Maintenance Helper with the Public Works Department, effective June 12, 2018
- **Sarah Harris** – Regular, full-time, non-civil service appointment to Accountant with the Finance Department, effective June 12, 2018
- **Kevin Morris** – Regular, full-time, non-civil service appointment to Maintenance Worker with the Public Works Department, effective June 12, 2018
- **Craig Sutter** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective June 12, 2018

8.B. City Manager Comments

9. COMMUNICATIONS FROM ELECTED OFFICIALS

10. OPEN PUBLIC FORUM

Members of the audience are invited to address the City Commission on any matter of public concern that was not on tonight's agenda. Comments are limited to issues within the scope and responsibility of this Commission.

City Commission meetings are held to conduct city business for the benefit of Owensboro citizens and taxpayers. The meetings are not intended to serve as public forums for candidates who are campaigning for political office. 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.

At this time, anyone who wishes to address the City Commission please make their way to the podium to be recognized. **Speakers must state their name and address for the Clerk's record**, and limit their remarks to three (3) minutes or less. Since the item is not on the agenda, no response is required from City staff or the Commission. The Mayor reserves the right to extend time to the speaker.

11. ADJOURNMENT