

## OWENSBORO BOARD OF COMMISSIONERS

**Regular Meeting**  
**May 21, 2019 5:00 PM**  
Owensboro City Hall  
101 E. 4th Street  
Owensboro, Kentucky

1. CALL TO ORDER - Mayor Tom Watson

2. ROLL CALL – Beth Cecil, City Clerk

Present:

Mayor Tom Watson  
Mayor Pro Tem Larry Maglinger  
Commissioner Pam Smith-Wright  
Commissioner Larry Conder  
Commissioner Jeff Sanford

3. INVOCATION & PLEDGE – Mayor Pro Tem Larry Maglinger

4. PRESENTATIONS

4.A. Mayor Watson swore in Police Officer John R. Bell, II.

4.B. Dana Peveler, Executive Director with Senior Community Center of Owensboro-Daviess County accepted a proclamation for Older Americans Month and gave a brief update on the Center (attached).

5. BUSINESS

5.A. Minutes dated May 7, 2019 were unanimously approved upon motion of Mayor Watson with a second by Commissioner Smith-Wright.

5.B. The following board appointments were approved 5-0 upon motion of Mayor Watson with a second from Commissioner Sanford.

- **Dugan Best Neighborhood Alliance** – Appoint Deborah Street to a two-year term expiring May 21, 2021.
- **Owensboro Sister Cities and Regions Board** – Reappoint Katherine Zboril to a three-year term expiring June 4, 2023.

6. ORDINANCES – 2<sup>ND</sup> READING

**6.A.** Ordinance 8-2019 entitled AN ORDINANCE CLOSING AND ABANDONING A PORTION OF AN ALLEY RIGHT-OF-WAY BETWEEN 1121 MOSELEY STREET AND 416 EAST 11TH STREET IN THE CITY OF OWENSBORO, KENTUCKY, AT THE REQUEST OF HAYDEN DEVELOPMENT, LLC, was approved 5-0 on second reading upon motion by Mayor Watson with a second from Commissioner Conder.

Hayden Development, LLC has petitioned the City to close and abandon a 20 foot wide alley right-of-way which runs between 1121 Moseley Street and 416 East 11th Street. The adjacent property owner has consented in writing to the closure.

## **7. ORDINANCES – 1<sup>ST</sup> READING**

**7.A.** Ordinance 9-2019 entitled AN ORDINANCE ADOPTING AND APPROVING THE ANNUAL BUDGET OF THE CITY OF OWENSBORO, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2019, AND ENDING JUNE 30, 2020, AND APPROPRIATING THE REVENUES TO THE VARIOUS DEPARTMENTS OF THE CITY AS SET FORTH HEREIN, was introduced and publicly read on first reading.

The estimated revenues and fund balances set forth in the 2019-2020 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, 2019, and ending June 30, 2020, in the amount of \$124,119,283, inclusive of Internal Service Funds, for the various purposes designated in the 2019-2020 Annual Budget. City Manager Pagan explained with just a few minor changes, the budget is as presented in April. There are no tax rate changes and the budget creates a pension reserve account.

**7.B.** Ordinance 10-2019 entitled AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019, AND AMENDING ORDINANCE 9-2018 TO FUND THE BUDGET CONTINGENCY AND CORRECT PURCHASE ORDER ROLLOVERS IN THE GENERAL FUND; TO PROVIDE FOR PURCHASE OF ELEVEN (11) SETS OF BODY ARMOR FROM THE PROPERTY RECOVERY FUND; TO RECEIVE FEDERAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS FOR PURCHASE OF BREATHALYZERS, TRAFFIC DATA COLLECTOR AND ACCIDENT RECON EQUIPMENT IN THE JAG GRANT FUND; AND TO PROVIDE FOR CONVENTION CENTER OPERATIONS, was introduced and publicly read on first reading.

Budget amendment to fund the budget contingency and correct purchase order rollovers in the general fund; to provide for purchase of eleven (11) sets of body armor from the property recovery fund; to receive federal Justice Assistance Grant (JAG) funds for purchase of breathalyzers, traffic data collector and accident recon equipment in the JAG grant fund; and to provide for Convention Center operations.

**7.C.** Ordinance 11-2019 entitled AN ORDINANCE ANNEXING TO THE CITY OF OWENSBORO CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING

PROPERTY CURRENTLY OWNED BY GATEWAY LAND, LLC AND LOCATED AT 2945 HIGHWAY 54, CONTAINING 2.361 ACRES, MORE OR LESS, was introduced and publicly read on first reading.

An Ordinance annexing the property located at 2945 Highway 54, containing 2.361 acres.

**7.D.** Ordinance 12-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 2280 TAMARACK ROAD, CONTAINING 48.296 ACRES, MORE OR LESS, was introduced and publicly read on first reading.

An Ordinance declaring the City's intent to annex property located at 2280 Tamarack Rd., containing 48.296 acres.

**7.E.** Ordinance 13-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 4610 GOETZ DRIVE, 4514 GOETZ DRIVE AND 1621 SOUTHTOWN DRIVE, CONTAINING 52.238 ACRES, MORE OR LESS, was introduced and publicly read on first reading.

An Ordinance declaring the City's intent to annex property located at 4610 Goetz Drive, 4514 Goetz Drive and 1621 Southtown Drive, containing 52.238 acres.

**7.F.** Ordinance 14-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 1622 SOUTHEASTERN PARKWAY, CONTAINING 6.370 ACRES, MORE OR LESS, was introduced and publicly read on first reading.

An Ordinance declaring the City's intent to annex property located at 1622 Southeastern Parkway, containing 6.370 acres.

**7.G.** Ordinance 15-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 4255 NEW HARTFORD ROAD, CONTAINING 31.683 ACRES, MORE OR LESS, was introduced and publicly read on first reading.

An Ordinance declaring the City's intent to annex property located at 4255 New Hartford Road, containing 31.683 acres.

**7.H.** Ordinance 16-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 6000 FAIRVIEW DRIVE, CONTAINING 22.799 ACRES, MORE OR LESS, was introduced and publicly read on first reading.

An Ordinance declaring the City's intent to annex property located at 6000 Fairview Drive, containing 22.799 acres.

**7.I.** Ordinance 17-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 2909 HIGHWAY 54, CONTAINING 14.877 ACRES, MORE OR LESS, was introduced and publicly read on first reading.

An Ordinance declaring the City's intent to annex property located at 2909 Highway 54, containing 14.877 acres.

City Manager Pagan made the following comment: The City has reached an agreement with the County regarding annexation of some schools around the edge of the City. After evaluating school locations and development in the areas in which they're located, a consensus was reached for which schools should be annexed into the City and which should stay in the County. Schools to be annexed include: Apollo, Daviess County High, Daviess County Middle (new), Burns Elementary, Burns Middle and Highland, and also the central office and bus garage. The City is not annexing all schools that could legally be annexed. Schools not being annexed include: Meadow Lands, Audubon, Deer Park, and College View. This initiative reduces and in some case eliminates pockets of unincorporated locations surrounded by the city, which has long been a priority of the City and County. Such pockets lead to uneven and inefficient provision of services, and skew infrastructure funding compared to utilization. This results in a fundamental inequity: those who benefit from a service should pay for it, but that's not the case for pockets for unincorporated areas. The City and County have an innovative revenue sharing partnership regarding the annexations to mitigate the financial impact of the County. The City's net revenue from the annexations will go into the pension reserve account, ultimately benefitting all pension employees. These schools will benefit from the additional staffing levels and closer proximity of OPD and OFD. Both Daviess County Public Schools (DCPS) and the City are extremely vital to the future of our community, and it's in the community's best interest that we have a productive relationship. City Manager Pagan added that he is ready to work with DCPS on this issue and other issues in which both entities are involved.

Sean Land, (401 Maple Avenue) legal counsel for Daviess County Board of Education spoke on behalf of the Board stating that the Board objects to the proposed non-consensual annexations. However, the Board is not adverse to the City. With or without annexation, the properties will remain exempt from ad valorem property taxes, and the Board of Education is exempt from all other taxes, such as the Insurance Premium Tax. The burden of annexation will be borne entirely by the Board employees. The Board cannot in good faith accept any incentive (benefit) to annex when the employees are incurring the burden. The Board was asked to reconsider the annexations as things currently stand. Pam Howell (1008 Rogers Court) spoke against the annexations.

## **8. MUNICIPAL ORDERS**

**8.A.** Municipal Order 14-2019 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A BULLETPROOF VEST PARTNERSHIP (BVP) INITIATIVE GRANT ADMINISTERED BY THE BUREAU OF JUSTICE ASSISTANCE DESIGNED TO PROVIDE CRITICAL RESOURCES TO LAW ENFORCEMENT JURISDICTIONS FOR THE PURPOSES OF REIMBURSING THE OWENSBORO POLICE DEPARTMENT FOR FIFTY PERCENT (50%) OF THE TOTAL COST OF \$11,339.00, EXPENDED TO PURCHASE SEVENTEEN (17) NEW BULLETPROOF VESTS AND PLATES, THAT AMOUNT BEING \$5,669.50, was approved 5-0 on motion of Mayor Watson with a second by Commissioner Sanford.

The Owensboro Police Department has seventeen (17) bulletproof vests which will expire and require repair during the next fiscal year. The City seeks to execute an application for a Bulletproof Vest Partnership Initiative Grant administered by the Bureau of Justice Assistance to purchase seventeen (17) vests with a fifty (50%) grant reimbursement of \$5,669.50.

**8.B.** Municipal Order 15-2019 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A FY2019 STATE HOMELAND SECURITY GRANT THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$51,581.00, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE OWENSBORO POLICE DEPARTMENT TO PURCHASE PARTS AND UPGRADES FOR THE EXISTING HAZARDOUS DEVICE UNIT'S REMOTEC ANDROS F6A ROBOT, FOR WHICH NO MATCH IS REQUIRED, was unanimously approved upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

The Owensboro Police Department (OPD) purchased a Remotec Andros F6A robot in 2005 which is used by the Hazardous Devices Unit which is in need of replacement parts and upgrades. The robot has been utilized multiple times within OPD's jurisdiction and regionally during training exercises and threats such as

explosive devices, active shooters, chemical spills or incidents and train derailments over the past fourteen (14) years.

**8.C.** Municipal Order 16-2019 entitled A MUNICIPAL ORDER ADOPTING AN INVESTMENT POLICY FOR THE CITY OF OWENSBORO, was approved 5-0 upon motion of Mayor Watson with a second by Commissioner Conder.

The City of Owensboro recognizes the need to revise and update its investment policy to invest funds in a manner which will provide the highest investment return with the maximum security of principal while meeting the daily cash flow demands of the City and conforming to all state statutes and the City regulations governing the investment of public funds.

## **9. CITY MANAGER ITEMS**

**9.A.** The financial report for the period ending March 31, 2019 was approved for audit upon motion by Mayor Watson with a second by Commissioner Sanford; motion carried unanimously.

**9.B.** The following personnel appointment was approved 5-0 upon motion of Mayor Watson and a second by Mayor Pro Tem Maglinger:

### **NEW HIRE / PROBATIONARY:**

- **Samantha Conley** – Probationary, full-time, non-civil service appointment to Telecommunicator with the Police Department, effective June 10, 2019.

**9.B.** City Manager Comments - None

## **10. COMMUNICATIONS FROM ELECTED OFFICIALS**

Communications were heard from the elected officials.

## **11. OPEN PUBLIC FORUM**

The following spoke against the Daviess County Public School annexations: Steven Goodrid (809 James Gerard Drive); Bailey Bennett (2576 Palomino Place); Jackie White (2701 Lewis Lane); Julia Hobbs (4309 Plantation Pointe); Kim Welborn (5401 Gerald Drive); Donnella Cason; Trina Riney (8350 Riney Road) and Casey Chapman.

## **12. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 5:57 p.m. upon motion by Commissioner Smith-Wright and a second by Commissioner Sanford.

---

Thomas H. Watson, Mayor

ATTEST:

---

Beth Cecil, City Clerk