

OWENSBORO BOARD OF COMMISSIONERS

Special Called Meeting
July 21, 2020 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 – Mayor Pro Tem Larry Maglinger
4. BUSINESS

4.A. Minutes dated June 16, 2020 were unanimously approved upon motion of Mayor Watson with a second by Commissioner Conder.

4.B. The following board appointments were unanimously approved upon motion of Mayor Watson with a second by Commissioner Smith-Wright:

- **Audubon Bon Harbor Neighborhood Alliance** – Reappoint Zach Draeger to a two-year term effective July 1, 2020.
- **Dugan Best Neighborhood Alliance** – Reappoint Andrea Johnson to a two-year term effective August 1, 2020.
- **Dogwood Azalea Neighborhood Alliance** – Reappoint Ed Odom to a two-year term effective July 1, 2020.
- **Shifley-York Neighborhood Alliance** – Appoint Timothy Scheidegger, Scott Gilliam, Terri Hedges, Eric Houtchen, and Tracey Bivins Helm to a two-year term effective July 21, 2020.
- **Property Maintenance Code Enforcement Board** – Reappoint Dale Taylor to a three-year term effective July 1, 2020. Reappoint Lisa Fulkerson to a three-year term effective August 15, 2020.

- **Historic Preservation Board** – Reappoint Louise Murdock to a three-year term effective August 1, 2020.
- **Civil Service Commission** – Reappoint Shelley Shepherd to a three-year term effective July 18, 2020.
- **Ambulance Contracting Authority Board** – Appoint Lieutenant Mike Staples to fill the remainder of a term effective August 1, 2020 and ending January 1, 2023.

5. ORDINANCES- 2nd READING - NONE

6. ORDINANCES – 1ST READING - None

6.A. Ordinance 9-2020 entitled AN ORDINANCE CLOSING A PORTION OF THE SOUTH RIGHT-OF-WAY OF WEST FIFTH STREET ON THE NORTH SIDE OF THE PROPERTY LOCATED AT 1008 WEST FIFTH STREET, OWENSBORO, KENTUCKY AND CONTAINING 0.022 ACRES, AT THE REQUEST OF VISHA, LLC, was introduced and publicly read on first reading.

VISHA, LLC has petitioned the City for the closing of a 0.022-acre portion of the right-of-way located on the south side of West Fifth Street and on the north side of the property located at 1008 West Fifth Street. There are no other adjoining and/or abutting property owners. City Manager Pagan added that the property owner of 1008 W. 5th Street is the owner of all contiguous property to the portion of the alley to be closed. The request to close the alley was reviewed by city departments and utility providers, and no objections were raised.

6.B. Ordinance 10-2020 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 OWNED BY DAVIESS COUNTY SCHOOL DISTRICT FINANCE CORPORATION, LOCATED AT HAYDEN ROAD (NEAR HWY 603) MOST RECENTLY ASSIGNED THE ADDRESS OF 3901 FAIRVIEW DRIVE, CONTAINING 22.799 ACRES, MORE OR LESS, was introduced and publicly read on first reading.

An Ordinance annexing the property located at Hayden Road (Near Hwy 603) most recently assigned the address of 3901 Fairview Drive, containing 22.799 acres. City Manager Pagan explained the property being annexed is a portion of the site for the new Daviess County Middle School (DCMS). The other piece of the DCMS site is already in the city, and the school system needs the entire footprint of the school in the city to proceed with the project. As a result, they have provided consent for the consensual annexation.

6.C. Ordinance 11-2020 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 OWNED BY SENIOR GREEN, LLC, LOCATED AT 2224 PLEASANT

VALLEY ROAD, CONTAINING 24.737 ACRES, MORE OR LESS, was introduced and publicly read on first reading.

An Ordinance annexing the property owned by Senior Green, LLC, located at 2224 Pleasant Valley Road, containing 24.737 acres. City Manager Pagan commented this is a consensual annexation.

6.D. Ordinance 12-2020 entitled AN ORDINANCE OF THE CITY OF OWENSBORO, KENTUCKY, EXPANDING THE BOUNDARIES OF THE GATEWAY COMMONS DEVELOPMENT AREA (THE "DEVELOPMENT AREA"); APPROVING AN AMENDED AND RESTATED LOCAL PARTICIPATION AGREEMENT RELATING TO THE DEVELOPMENT AREA; APPROVING A FIRST AMENDMENT TO THE DEVELOPMENT PLAN RELATED TO THE DEVELOPMENT AREA; APPROVING A MASTER DEVELOPMENT AGREEMENT AMONG THE CITY, THE DEPARTMENT OF FINANCE & SUPPORT SERVICES OF THE CITY, G W DEVELOPMENT, INC. AND THE OWENSBORO REGIONAL WATER RESOURCE AGENCY, AND FURTHER RESTATING AND REAFFIRMING ORDINANCES 16-2015 AND 15-2018, was introduced and publicly read on first reading.

The City previously approved ordinances establishing and enlarging the Gateway Commons Development Area. The City has determined it to be advisable to further expand the boundaries of the Development Area. With the expansion of the Area, there is a need to amend and replace the Local Participation Agreement. An MOA was previously approved and executed with the Developer as related to the Development Area. A negotiated Master Development Agreement will replace the previous MOA. City Manager Pagan explained the three (3)-component ordinance pieces all-relating to the Gateway Commons Development Area and the use of Tax Increment Financing (TIF), to provide for public infrastructure within the development. First component is approval of the Master Development Agreement (MDA); the purpose of the TIF is to use state and local revenue generated by a development to reimburse for the cost of infrastructure within a development area. The MDA is the document that dictates the share of revenue received by each entity that have costs within the development area. For Gateway Commons, there are three (3) entities: Regional Water Resource Agency (RWRA), the Developer and the City. After negotiations among the three (3) entities, the agreed upon share of TIF revenue in proportion to city costs, with RWRA receiving twenty-two percent (22%) of the revenue, the Developer receiving sixty-five percent (65%), and the City receiving thirteen percent (13%). This fair and equitable sharing of revenue is agreeable to all three (3) parties. Second component of the Ordinance is to approve an amended Local Participation Agreement (LPA). The LPA is an internal document between the City and the City Finance Department providing the Finance Department the direction to administer the TIF. The Commission has previously approved the LPA, and this amendment makes minor changes to align the LPA with the Master Development Agreement. The third component is amending the Gateway Commons Development Area and Plan. The amendment expands the boundary of the Gateway Commons Development Area to include additional public infrastructure adjacent to the current boundary and to align the boundary with parcel lines. A previous amendment to the Development Area boundary was made to align with the TownePlace Suites parcel boundary.

Commissioner Conder asked if the sharing mechanism is for the local revenue only; City Manager Pagan responded that it is for both local and state. Commissioner Conder also asked if this TIF should have had an exclusion for the existing businesses that moved from one location to the development area and if other TIF communities have that exclusion. Casey Bolton, Commonwealth Economics, responded it is not the most common practice to include the exclusion and typically a TIF district has a specific goal to be achieved. There may be some movement, generally from less appealing space and there is a goal to backfill the vacated space. The adjustment to the MDA was to equitably balance more of the share of the state and local revenues so there is some equal responsibility with regard to qualifying under the state program and the local incentives. Previously, the local incentives were one hundred percent (100%) to the Developer; now, they are more split to include both state and local tax dollars so if the state agreement is not fully met and the state tax dollars are not fully achieved, there is still the same split applied to the local tax dollars. Commissioner Conder asked if language was in the amended agreement for the exclusion of existing businesses. Mr. Bolton stated it was not, however, language was added to the LPA to ensure the middle school taxes were not part of the agreement so the occupational taxes from the middle school would not be eligible for reimbursement to the Developer. Additionally, the Developer's award has been capped at \$27 Million per the original agreement, including the state revenues. Mayor Watson added that this is all consumer driven.

7. MUNICIPAL ORDERS

7.A. Municipal Order 17-2020 entitled A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE THE FILING OF A CORONAVIRUS RELIEF FUND (CRF) APPLICATION FOR REIMBURSEMENT OF INCURRED EXPENSES IN CRF FUNDS WITH THE DEPARTMENT FOR LOCAL GOVERNMENT (DLG); AND FURTHER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY DLG TO REIMBURSE CITY; AND FURTHER AUTHORIZING THE MAYOR TO ACT AS THE AUTHORIZED CORRESPONDENT FOR REIMBURSEMENT, was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Conder.

The City of Owensboro desires reimbursement for expenses incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) on behalf of its citizens. It is recognized that Coronavirus Relief Funds are available, pursuant to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). City Manager Pagan explained the CARES Act was a central component of the federal government's response to the COVID-10 pandemic. A large portion of the money went to states, and the State of Kentucky has made much of their portion available to local governments. The Department for Local Government requires this action by the City Commission as part of the City's application to submit for reimbursement for CARES ACT funding for which the City is eligible.

7.B. Consider Municipal Order 18-2020 entitled A MUNICIPAL ORDER ESTABLISHING AND MAINTAINING A FORMAL LIST OF THE ROADS WITHIN AND MAINTAINED BY THE CITY OF OWENSBORO, was approved 5-0 upon motion by Mayor Watson and a second by Commissioner Sanford.

The Kentucky Transportation Cabinet has mandated that the City adopt an updated list of local roads within and maintained by the City of Owensboro. The City has agreed to establish and maintain a formal list of the road names, route numbers and miles maintained.

7.C. Municipal Order 19-2020 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO NEGOTIATE AND EXECUTE A REAL ESTATE PURCHASE AGREEMENT FOR THE ACQUISITION OF PROPERTY LOCATED AT 1426 JACKSON STREET; DECLARING THE PROPERTY AS SURPLUS; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE A DEED TRANSFERRING THE PROPERTY IN ACCORDANCE WITH KRS 82.083 TO OWENSBORO AREA AFFORDABLE HOUSING SOLUTIONS, INC., was approved 5-0 upon motion by Mayor Watson and a second by Mayor Pro Tem Maglinger.

The City participates in neighborhood redevelopment in qualified census tracts through home ownership. The property owner of 1426 Jackson Street has agreed to sell such property to the City of Owensboro. The City desires to declare the property as surplus property so that it can be sold in accordance with KRS 82.083 to Owensboro Area Affordable Housing Solutions, Inc. City Manager Pagan stated the lot at 1426 Jackson Street will be purchased for \$9,000 and consolidated with the City-owned lot at 1428 Jackson Street, which was donated to the City by Ms. Mary Stinnett. The Owensboro Area Affordable Housing Solutions, Inc., in partnership with the City, will construct an affordable single-family home on this site that will be sold to a low-to moderate-income first-time homebuyer in the range of \$80,000 to \$90,000.

7.D. Municipal Order 20-2020 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A DEED CONVEYING THE CITY'S ONE-THIRD INTEREST IN LOT 3, CONSISTING OF 8.41 ACRES AND IDENTIFIED AS 3818 AIRPARK DRIVE, UNIT 2, PHASE 1 OF MID-AMERICA AIRPARK TO KENTUCKY BIOPROCESSING, INC., was approved 5-0 upon motion by Mayor Watson and a second by Commissioner Sanford.

The City owns one-third interest in Lot 3 on the Plat of Unit 2, Phase 1 of Mid-America Airpark (3818 Airpark Drive). Kentucky Bioprocessing, Inc. (KBP) signed an exclusive and irrevocable option to purchase said Lot 3 and now wishes to exercise said option. Brittaney Johnson, Economic Development Corporation President/CEO explained the sale is to KBP for any future development.

8. CITY MANAGER ITEMS

8.A. The financial report for the period ending May 31, 2020 was presented by Angela Hamric Waninger, Director of Finance and Support Services. After brief comments from the elected officials, the report was unanimously approved with a motion by Mayor Watson and a second by Commissioner Conder. Presentation attached.

8.B. The following personnel appointments were approved 5-0 with a motion by Mayor Watson and second by Commissioner Smith-Wright:

NEW HIRE/PROBATIONARY STATUS:

- **Jeffery L. Horton** – Probationary, full-time, non-civil service appointment to Radio Network Systems Technician with the Information Technology Department, effective August 3, 2020

PROMOTIONAL/PROBATIONARY STATUS:

- **Luke A. Cecil** – Probationary, full-time, non-civil service, promotional appointment to Fire Lieutenant with the Fire Department, effective August 2, 2020
- **Bradley S. Leonard** – Probationary, full-time, non-civil service, promotional appointment to Fire Lieutenant with the Fire Department, effective August 2, 2020
- **Clayton R. Tuma** – Probationary, full-time, non-civil service, promotional appointment to Fire Lieutenant with the Fire Department, effective August 2, 2020
- **Buster D. Davidson, III** – Probationary, full-time, non-civil service, promotional appointment to Fire Captain with the Fire Department, effective August 2, 2020
- **Edward M. Smith, II** – Probationary, full-time, non-civil service, promotional appointment to Fire Captain with the Fire Department, effective August 2, 2020
- **David K. Veach** – Probationary, full-time, non-civil service, promotional appointment to Fire Captain with the Fire Department, effective August 2, 2020
- **Chelsey J. Johnson** – Probationary, full-time, non-civil service, promotional appointment to Secretary with the Police Department, effective August 3, 2020

REGULAR STATUS:

- **Mark A. Hammonds** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective July 1, 2020
- **John D. Berry** – Regular, full-time, non-civil service appointment to Instrument Technician with the Public Works Engineering Department, effective July 8, 2020
- **Zane G. Rutherford** – Regular, full-time, non-civil service appointment to Roadworker with the Public Works Street Department, effective July 22, 2020
- **Don W. Troutman** – Regular, full-time, non-civil service appointment to Refuse Truck Driver with the Public Works Sanitation Department, effective July 15, 2020

8.C. City Manager Comments – Battalion Chief Steve Leonard commented on sky lanterns within the City as a follow-up to a concern from a resident. BC Leonard explained the issue had recently been discussed as the lanterns are flaming objects floating in the air with no direction. Several cities have banned the lanterns and he does recommend passing an ordinance doing the same. Mayor Watson intends to reach out again to Daviess County Fiscal Court (DCFC) for their interest in participating in a joint ordinance. City Manager Pagan added that when approached before, DCFC did not have an interest.

9. COMMUNICATIONS FROM ELECTED OFFICIALS

Brief comments were heard from the elected officials.

Commissioner Conder commented that the Drug Steering Committee intends to work on their mission statement and goals and the findings will be presented to both the City Commission and Daviess County Fiscal Court.

Mayor Watson encouraged everyone to shop and support our local businesses before shopping online. He also announced a Drug Threat Seminar being hosted at City Hall in September in which several federal, state and local representatives will be in attendance, including U.S. Attorney Russell Coleman, DEA, FBI, etc. The summit is being held in Owensboro to aide in securing federal funds to fight meth locally. He then asked each Commissioner if they were in agreement to move forward with the amended MDA and LPA; each agreed they were (Commissioner Conder said his only concern was with what could happen in the future).

10. ADJOURNMENT

There being no further business to discuss, the meeting unanimously adjourned at 5:49 p.m. upon motion of Mayor Watson and a second by Commissioner Smith-Wright.

Thomas H. Watson, Mayor

ATTEST:

Beth Cecil, City Clerk