

OWENSBORO BOARD OF COMMISSIONERS

Special Called Meeting
August 04, 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 Tom Watson

4. BUSINESS

4.A. Minutes dated July 21, 2020 were unanimously approved upon motion of Mayor Watson with a second by Commissioner Sanford.

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

- **Shifley-York Neighborhood Alliance**: Appoint Robin French to a two-year term effective August 4, 2020.

5. ORDINANCES- 2nd READING

5.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 unanimously approved on second reading upon motion of Commissioner Smith-Wright and a second by Commissioner Sanford.

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.

5.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 unanimously approved on second reading upon motion of Mayor Watson and a second by Mayor Pro Tem Maglinger.

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 consensual annexation is of approximately 22.8 acres at 3901 Fairview Drive, which is portion of the site for the new Daviess County Middle School. The other portion of the Daviess County Middle School 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.

5.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 approved 5-0 on second reading upon motion of Mayor Watson and a second by Commissioner Sanford.

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 of approximately 24.7 acres located at 2224 Pleasant Valley Road, owned by Senior Green LLC.

5.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 approved 5-0 on second reading upon motion of Commissioner Smith-Wright and a second by Commissioner Sanford.

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 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 MDA is the document that dictates the share of revenue received by each entity that have costs within the development area. For Gateway Commons, that is three entities: RWRA, the Developer, and the City. After negotiations among the three parties, the TIF revenue will be shared in proportion to city costs, with RWRA receiving 22% of the revenue, the Developer 65%, and the City 13%. This is a fair and equitable sharing of revenue and all three parties are agreeable to this arrangement. The 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 ensure the LPA is consistent with the Master Development Agreement. The third portion of this Ordinance is amending the Gateway Commons Development Area and Plan. This 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. The Development Area boundary has previously been amended to accommodate the construction of the TownePlace Suites.

Commissioner Conder clarified recent reports and stated the Agreement concentrates on Gateway Commons, as it is an overall good project, but an eye needs to be kept on the rest of the city. He stated he was asked and is responding that neither he nor any of his family members have any type of financial investment in the development or developer.

Mayor Watson added that with this project, 210 acres were added to the City; allowing another 44.74 acres to be annexed and Fairview Drive to connect with the relocation of the new Daviess County Middle School. It has also allowed Owensboro Grain to buy the former middle school site for future expansion and put the property on the tax rolls. The City has grown by 2.1% or 277.53 acres by partnering with this developer. It also adds OMU customers, which is important to the City's General Fund and dividend. To date, this project has added \$57,233,968 to the tax rolls, not including the Daviess County Public School lot sale. Gateway tenants are paying more in property taxes and their previous spaces are being backfilled. Mayor Watson requested anyone with development ideas to please bring them forward. Only one-third (1/3) of Gateway Commons has been built out.

Commissioner Smith-Wright added that she is too concerned with the west and south sides of the city and encouraged all developers to step forward with ideas and plans.

6. ORDINANCES – 1ST READING - None

7. MUNICIPAL ORDERS

7.A. Municipal Order 21-2020 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF OWENSBORO, KENTUCKY, AND THE COUNTY OF DAVIESS, KENTUCKY, UNDER THE TERMS OF WHICH THE CITY WILL APPLY FOR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS IN THE AMOUNT OF \$20,411.00 WHICH WILL BE ALLOCATED TO THE CITY OF OWENSBORO POLICE DEPARTMENT TO PURCHASE TEN (10) AR-15 RIFLES FOR THE EMERGENCY RESPONSE TEAM AND 105 RED DOT OPTICS FOR PATROL RIFLES, AND TWENTY-SEVEN (27) FLIP-UP REAR SIGHTS; NO MATCH IS REQUIRED OF THE CITY, was unanimously approved on one reading upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

The City desires to execute a Memorandum of Agreement with Daviess County Fiscal Court to apply for the 2020 Edward Byrne Memorial Justice Assistance Grant Funds in the amount of \$20,411.00 which will be used for OPD to purchase ten (10) AR-15 rifles for the Emergency Response Team, 105 Red Dot Optics for Patrol Rifles, and twenty-seven (27) Flip-up Rear Sights; No match is required by the City. City Manager Pagan explained the City and County alternate which entity applies each year and 2020 is the year the City will apply. If funded, the grant proceeds will be used for rifles and sights.

7.B. Consider Municipal Order 22-2020 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF APPROXIMATELY TWENTY-FOUR AND TWO TENTHS AND EIGHT HUNDREDTHS (24.280) ACRES OF REAL PROPERTY LOCATED AT PLEASANT VALLEY ROAD FOR PURPOSES OF EXTENDING FAIRVIEW DRIVE; AND AUTHORIZING THE MAYOR TO EXECUTE A DEED TRANSFERRING ANY SURPLUS FROM THE PROPERTY, was approved 5-0 upon motion by Mayor Watson and a second by Commissioner Sanford.

Authorize the Mayor to execute a Real Estate Purchase and Sale Agreement for the acquisition of approximately 24.280 acres of real property located at Pleasant Valley Road for the purpose of extending Fairview Drive; also authorize Mayor to execute a Deed transferring any surplus from the property. City Manager Pagan explained that in working with the various partners, a plan has been developed for the extension of Fairview Drive from its current end in the Downs subdivision to the intersection of Hayden Road and Hwy 603. This Order authorizes a portion of the right-of-way for the Fairview Drive extension. The City will purchase 24.280 acres from the Pantle family, which is the smallest portion of the property the owners would sell. Of the 24.28 acres purchased, only 1.366 acres are needed for the right-of-way for Fairview Drive extension. The Order further declares surplus and authorizes the sale of the remaining 22.874 acres that are not required for the project. The City will sell the 22.874 acres to Professional Properties & Construction LLC, a local developer and builder, at the same cost the City paid for the property.

7.C. Municipal Order 23-2020 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH

THE BOARD OF EDUCATION OF DAVIESS COUNTY, KENTUCKY AND THE DAVIESS COUNTY SCHOOL DISTRICT FINANCE CORPORATION ESTABLISHING THE DUTIES OF THE PARTIES FOR IMPROVEMENTS TO HAYDEN ROAD AND FAIRVIEW DRIVE, was approved 5-0 upon motion by Mayor Watson and a second by Commissioner Sanford.

Authorize and direct the Mayor to execute a Memorandum of Agreement with the Board of Education of Daviess County, Kentucky, and the Daviess County School District Finance Corporation establishing the duties of the parties for improvements to Hayden Road and Fairview Drive. City Manager Pagan further explained this Order approves an agreement with Daviess County Public Schools (DCPS) that depicts responsibilities of each party related to the Fairview Extension. The City will acquire the right-of-way as discussed in Municipal Order 22-2020 and contribute to the construction cost of the project. The City was awarded a \$500,000 grant from the Kentucky Transportation Cabinet for the project, which the City will administer. DCPS will make improvements to the intersection of Hayden Road and Hwy 603. The primary improvement is a turning lane from Hayden Road into the new Fairview Drive extension. The turning lane will initially be a private entrance for the school that will transition to being a public portion of the project when the entire Fairview Drive extension is completed and dedicated.

7.D. Municipal Order 24-2020 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH SENIOR GREEN, LLC ESTABLISHING THE DUTIES OF THE PARTIES FOR IMPROVEMENTS TO HAYDEN ROAD AND FAIRVIEW DRIVE, was approved 5-0 upon motion by Mayor Watson and a second by Commissioner Smith-Wright.

Authorize and direct the Mayor to execute a Memorandum of Agreement with Senior Green, LLC establishing the duties of the parties for improvements to Hayden Road and Fairview Drive. City Manager Pagan stated the Order approves an agreement between the City and Senior Green LLC, who owns land to the northeast of the new Daviess County Middle School. The Senior Green property will be across the Fairview Drive extension from the middle school. The City responsibilities are the same as in the agreement with Daviess County Public Schools, to acquire the right-of-way, contribute to the cost of the extension, and administer the state grant. The Senior Green responsibilities are to provide the remaining portion of the right-of-way or property needed for the project and to complete the excavation for the project.

8. CITY MANAGER ITEMS

8.A. The following personnel appointment was approved 5-0 with a motion by Mayor Watson and second by Mayor Pro Tem Maglinger:

REGULAR STATUS:

- **Seth R. Flener** – Regular, full-time, non-civil service appointment to Assistant Recreation Facilities Manager with the Parks and Recreation Department, effective August 13, 2020

8.B. City Manager Comments – Between the various agreements, five (5) different entities are involved in the Fairview Drive extension project. This is a public-public-private-private-private partnership. He thanked each of the parties involved for their commitment and flexibility to the project.

9. COMMUNICATIONS FROM ELECTED OFFICIALS

Brief comments were heard from the elected officials.

Each member of the Commission expressed their respect and love for Mr. Jack Wells and mourn his passing.

Commissioner Smith-Wright announced the kick-off for the 8th year of her “Pay it Forward, Give a Hand” campaign which runs August 8 – August 17.

Mayor Pro Tem Maglinger recognized the Nicky Hayden family and all they do for the community, to include the recent ribbon cutting of Nicky Hayden Apartments.

Commissioner Sanford and Mayor Watson both mentioned the national news on the City’s unemployment rate.

10. ADJOURNMENT

There being no further business to discuss, the meeting unanimously adjourned at 5:37 p.m. upon motion of Mayor Watson and a second by Commissioner Sanford.

Thomas H. Watson, Mayor

ATTEST:

Beth Cecil, City Clerk