

OWENSBORO BOARD OF COMMISSIONERS

Special Called Meeting
February 2, 2021 5:00 PM
Via Video Teleconference

1. CALL TO ORDER - Mayor Tom Watson

2. ROLL CALL – Beth Davis, City Clerk

Present:

Mayor Tom Watson

Mayor Pro Tem Larry Maglinger

Commissioner Mark Castlen

Commissioner Bob Glenn

Commissioner Jeff Sanford

3. INVOCATION & PLEDGE – Commissioner Mark Castlen

4. PRESENTATIONS

Mayor Watson presented the following proclamations:

4.A. "Congenital Heart Defect Awareness Week" Proclamation

4.B. "Black History Month" Proclamation

5. BUSINESS

5.A. Mac Neel, Alexander Thompson Arnold, PLLC presented the Audit Report FY June 30, 2020 with a clean opinion (presentation attached). Mayor Watson made a motion to accept the audit report; Commissioner Glenn seconded the motion and it passed unanimously.

5.B. Minutes dated January 19, 2021 were approved 5-0 upon motion of Commissioner Castlen with a second by Mayor Pro Tem Maglinger.

5.C. Board Appointments:

The following board appointments were approved 5-0 upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger:

- **Citizens Advisory Committee on Community Development** – Appoint Bruce Houpp effective February 2, 2021
- **Audubon-Bon Harbor Area Neighborhood Alliance** – Reappoint Bryant Bell to a two-year term effective March 8, 2021

- **Owensboro-Daviess County Board of Ethics** – Reappoint Mark Starnes to a three-year term effective March 2, 2021
- **Owensboro Housing Authority Board** – Reappoint Jean Maddox to a four-year term effective March 21, 2021
- **Owensboro Historic Preservation Board** – Appoint Kathryn Burlew to fill the remainder of an unexpired term which ends May 16, 2022
- **Owensboro-Daviess County Building Code Appeals Board** – Appoint Paul West as a joint city-county appointment to a four-year term effective May 6, 2021

6. ORDINANCES- 2nd READING

6.A. Ordinance 2-2021 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 TOM BLUE FURNITURE, INC. AND LOCATED AT 2737 VEACH ROAD, CONTAINING 1.349 ACRES, MORE OR LESS, was unanimously approved on second reading upon motion of Mayor Watson and a second by Commissioner Glenn.

An Ordinance annexing the property located at 2737 Veach Road, containing 1.349 acres. There will be an annexation incentive agreement for the property.

6.B. Ordinance 3-2021 entitled AN ORDINANCE CLOSING AND ABANDONING A PORTION OF AN ALLEY RIGHT-OF-WAY BETWEEN 1701 BRECKENRIDGE STREET AND 1714 HALL STREET IN THE CITY OF OWENSBORO, KENTUCKY, AT THE REQUEST OF HABITAT FOR HUMANITY OF OWENSBORO, was unanimously approved on second reading upon motion of Mayor Watson and a second by Mayor Pro Tem Maglinger.

Habitat for Humanity of Owensboro (Habitat) has petitioned the City for the closing of an alley right-of-way between 1701 Breckenridge Street and 1714 Hall Street. Habitat is the owner of the only lots that adjoin and abut the portion of the public alley right-of-way to be closed. An easement shall be retained by Atmos Energy.

7. ORDINANCES – 1ST READING - NONE

8. MUNICIPAL ORDERS

8.A. Municipal Order 2-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH TOM BLUE FURNITURE, INC. PROVIDING FOR THE CONSENSUAL ANNEXATION OF UNINCORPORATED PROPERTY LOCATED IN DAVIESS COUNTY AT 2737 VEACH ROAD, CONTAINING 1.349 ACRES, MORE OR LESS; AND FURTHER PROVIDING THAT THE CITY SHALL REIMBURSE TOM BLUE FURNITURE, INC. ONE HUNDRED PERCENT (100%) OF THE TOTAL AD VALOREM (EXCLUDING

SCHOOL TAX), NET PROFITS, AND OCCUPATIONAL TAX REVENUES DERIVED FROM THE PROPERTY OVER A DESIGNATED FIVE (5) YEAR PERIOD, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Glenn.

Tom Blue Furniture, Inc. has consented to the annexation of the property located at 2737 Veach Road, containing 1.349 acres. The Order sets forth the terms and conditions of the annexation incentives. City Manager explained the Order approves the incentive agreement for the Tom Blue Furniture annexation that was approved earlier in this meeting. The Agreement reflects the standard annexation incentive terms for such projects, which is a five (5) year, one-hundred percent (100%) General Fund incremental tax rebate.

8.B. Municipal Order 3-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF OWENSBORO AND BIG RIVERS ELECTRIC CORPORATION, BY WHICH THE CORPORATION SHALL RELOCATE ITS HEADQUARTERS TO THE CITY OF OWENSBORO IN EXCHANGE FOR CERTAIN FINANCIAL INCENTIVES FROM THE CITY, INCLUDING A REBATE OF THE PURCHASE PRICE OF THE FOLLOWING REAL ESTATE; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT WITH THE DAVIESS COUNTY FISCAL COURT FOR ITS FIFTEEN PERCENT (15%) INTEREST IN REAL PROPERTY LOCATED AT 711 W. THIRD STREET; AND FURTHER DECLARING 700 AND 710 WEST SECOND STREET AND 711 W. THIRD STREET AS SURPLUS PROPERTIES; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE DEEDS TRANSFERRING THOSE PROPERTIES TO BIG RIVERS ELECTRIC CORPORATION IN ACCORDANCE WITH KRS 82.083, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Glenn.

The Order authorizes a Memorandum of Agreement between the City of Owensboro and the Big Rivers Electric Corporation for the purpose of establishing the benefits and obligations of each for the relocation of Big Rivers headquarters into downtown Owensboro. Also authorizes the execution of a Real Estate Purchase Agreement with the Daviess County Fiscal Court to acquire their fifteen percent (15%) interest in the property located at 711 W. Third Street. Further declaring 711 W. Third and 700 and 710 West Second Street as surplus properties. City Manager Pagan stated the relocation of the headquarters to Owensboro will involve approximately one-hundred twenty (120) jobs with a payroll of \$14 million/year. Big Rivers will locate on Second Street in the block immediately west of Boardwalk Pipeline Partners (former site of Royce Restaurant). The City acquired the properties and assembled the block with the intent to locate a headquarters-type project on the site. The Order approves the incentive agreement for the project. The incentives include selling the property to Big Rivers for the value as assessed by the Property Valuation Administrator, and subsequently rebating the purchase price back to the company, and a ten (10) year fifty percent (50%) General Fund Occupational Tax rebate. The Agreement requires Big Rivers to retain its headquarters in downtown Owensboro for forty (40) years. Big Rivers President and CEO Bob Berry has signed the Agreement.

8.C. Municipal Order 4-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A FY2020 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM THROUGH FEMA IN AN APPROXIMATE AMOUNT OF \$195,764.00, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO TO PURCHASE CARDIAC MONITORS AND RELATED EQUIPMENT AND SUPPLIES REQUIRED FOR ALS FIRST RESPONSE LICENSING, AND TRAINING FOR EMERGENCY MEDICAL PERSONNEL FOR USE BY THE OWENSBORO FIRE DEPARTMENT; A MATCH OF \$17,796.73 IS REQUIRED BY THE CITY, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Glenn.

The Owensboro Fire Department is committed to the health, security and quality of life of our citizens and visitors through increasing survivability of cardiovascular emergencies while providing a higher standard of care. OFD desires to apply for the grant funds to purchase cardiac monitors and related equipment and supplies required for ALS First Response licensing and training for Emergency Medical Personnel. City Manager Pagan explained that the Order authorizes a grant application for three (3) cardiac monitors and related equipment for the Fire Department at a cost of \$195,764.00. This equipment is needed as the City prepares to provide advanced life support service to the community. The grant requires matching funds of \$17,796.73; two (2) monitors were budgeted this year, therefore, funds are available to pay the match. The grant, if awarded, will allow the acquisition of three (3) monitors for substantially less than the cost of the two (2) budgeted.

8.D. Municipal Order 5-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A FY2021 COMPETITIVE GRANT THROUGH THE KENTUCKY 911 SERVICES BOARD IN AN APPROXIMATE AMOUNT NOT TO EXCEED \$165,000.00, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO TO PURCHASE A NEW RECORDER FOR USE BY THE OWENSBORO-DAVIESS COUNTY CENTRALIZED 911 COMMUNICATIONS CENTER; A TEN PERCENT (10%) MATCH BEING REQUIRED BY APPLICANTS; CITY'S MATCHING CONTRIBUTION SHALL NOT EXCEED \$12,045.00, was unanimously approved on one reading by motion of Mayor Watson and a second from Mayor Pro Tem Maglinger.

The Order authorizes the Owensboro-Daviess County Centralized 911 Communications Center to apply for a FY2021 Competitive Grant through the Kentucky 911 Services Board to purchase a new recorder for the Center. The City's matching portion of the grant shall not exceed \$12,045.00. City Manager Pagan stated that the Order authorizes approval of a grant application for Dispatch to purchase a new recorder at a cost not to exceed \$165,000.00. The current recorder was purchased when the City and County first combined dispatches over a decade ago and is no longer serviced by the manufacturer. Therefore, it is obsolete in that it does not have capability to record Next Generation 911, which the Dispatch Center is transitioning to later this year. Like all Dispatch costs, the required grant match will be shared by the City and County, and the City's share will not exceed \$12,045.00. The City has budgeted funds available to

satisfy the match, therefore, additional funds are needed. The cost share based on call volume is City seventy-three percent (73%) and County twenty-seven percent (27%).

8.E. Municipal Order 6-2021 entitled A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE DAVIESS COUNTY FISCAL COURT AND DAVIESS COUNTY PUBLIC SCHOOLS (SPECIAL LAW ENFORCEMENT AGENCY) ALLOWING DAVIESS COUNTY PUBLIC SCHOOLS (SPECIAL LAW ENFORCEMENT AGENCY) ACCESS TO THE LINK TERMINAL THROUGH THE 9-1-1 CONSOLIDATED CENTRAL DISPATCH AGENCY AND OUTLINING THE USE POLICY, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Sanford.

Daviess County Public Schools (DCPS) has created and operates a Special Law Enforcement Agency, a police department as authorized by KRS 61.900 to KRS 61.930. They desire access to the City-County 9-1-1 Operations and the Law Information Network of Kentucky (LINK). The Order authorizes access and a Memorandum of Agreement with DCPS and Daviess County Fiscal Court to establish guidelines for use by DCPS. City Manager added that the Agreement with the County and Daviess County Public Schools allows DCPS' School Law Enforcement Officers to access the Law Enforcement Network of Kentucky (LINK). As is allowed in a section of State law, DCPS has hired their own officers instead of contracting with the Sheriff's office. The Agreement allows the DCPS officers to access LINK, which is the system officers use to run a name for warrants or outstanding issues. By previous agreement between the City and County, Chief Ealum is the local administrator of our LINK connection and he will oversee the DCPS officers' use of the system. Mayor Watson asked if DCPS would be involved in financing any fees associated with the use of LINK. City Manager Pagan said there will be an additional and separate agreement for the use of dispatch.

9. CITY MANAGER ITEMS

9.A. The following personnel appointments were approved 5-0 with a motion by Mayor Watson and second by Commissioner Glenn:

NEW HIRE/PROBATIONARY STATUS:

- **Brandon L. Boling** – Probationary, full-time, non-civil service appointment to Roadworker with the Public Works Street Department, effective February 15, 2021
- **Blake L. Alvey** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 15, 2021
- **Colby L. Smith** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 15, 2021
- **Matthew P. Statdfield** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 15, 2021

9.B. City Manager Comments – None

10. COMMUNICATIONS FROM ELECTED OFFICIALS

The Board of Commissioners thanked the Fire Department for their responsiveness in a few recent situations. Mayor Watson read a thank you letter from Gates Settle for the Fire Department's quick response to a house fire.

Commissioner Castlen passed along complaints he has received regarding the condition of the former Texas Gas property located on Frederica Street. City Manager will contact the owner and request an update. Mayor Watson also responded that over \$3 million has been spent on asbestos removal of the building to date and there are more floors to address.

Commissioner Glenn would like to lobby for a closer mass COVID-19 vaccination site, stating the closest one is in Paducah.

11. CLOSED SESSION

11.A. Mayor Watson made a motion to enter into a Closed Session under KRS 61.810 (1)(g) discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal; Commissioner Sanford seconded the motion and it carried unanimously. Live streaming of the meeting was paused for the closed session.

12. RETURN TO OPEN SESSION

The closed session adjourned upon motion of Mayor Watson and a second by Commissioner Sanford; motion passed unanimously and live streaming resumed.

13. ADJOURNMENT

There being no further business to discuss, the meeting adjourned upon motion of Mayor Watson and a second by Mayor Pro Tem Maglinger at 6:04 p.m.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk