

## **OWENSBORO BOARD OF COMMISSIONERS**

**Special Called Meeting**  
**March 16, 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 – Mayor Tom Watson**

**4. PRESENTATIONS**

**4.A.** Dave Kirk, Visit Owensboro, gave an update on the recent Burger Week event held in Owensboro. He thanked the City Public Events and IT Departments for their assistance with the event which equated to 11,606 featured burgers sold and just under \$70,000 in sales on those burgers alone.

**4.B.** Mayor Watson recognized the following staff members retiring March 31, 2021: Adam S. Johnston (OPD); Steve Lynn (Administration); and Wayne Shelton (Public Works).

**4.C.** Mayor Watson acknowledged the following proclamations that would be sent to the requesting entities:

- National Social Work Month
- Women's History Month
- National Community Development Week (April 5-9)
- National Public Safety Telecommunicators Week (April 11-17)

**4.D.** Abby Shelton, Community Development Director, gave a presentation on the Northwest NRSA Community Catalyst Grants (presentation attached). Mayor Pro Tem Maglinger and Commissioner Sanford mentioned the possibility of adding a boat dock to allow boaters to dock and enjoy the riverfront amenities.

**4.E.** Chief James Howard, presented the Fire Department's 2020 Annual Report (attached).

## 5. BUSINESS

**5.A.** Minutes dated March 2, 2021 were approved 5-0 upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

**5.B.** The following board appointments were unanimously approved upon motion of Mayor Watson with a second by Commissioner Sanford:

- **Apollo Area Neighborhood Alliance** – Reappoint Peggy Kutsor to a two-year term effective March 8, 2021
- **Owensboro-Daviess County Industrial Development Authority Board of Directors** – Reappoint Nate Pagan to a four-year term effective April 10, 2021
- **Northwest Neighborhood Alliance** – Reappoint Amber Acton, Lindsey Board, Rafe Buckner, Marshall Coleman, Sheila Crowe, David Curry, David Glover, Denny Hinton, and Justin Kline to a two-year term effective April 17, 2021
- **Shifley-York Neighborhood Alliance** – Reappoint Reggie Helm to a two-year term effective April 25, 2021
- **Wesleyan Shawnee Neighborhood Alliance** – Reappoint David Rudd to a two-year term effective April 25, 2021

**6. ORDINANCES- 2<sup>nd</sup> READING - None**

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

**7.A.** Ordinance 6-2021 entitled AN ORDINANCE CLOSING A PORTION OF A STREET RIGHT-OF-WAY BEING FOUST AVENUE BETWEEN 711 FOUST AVENUE AND 1802 WEST 7TH STREET IN THE CITY OF OWENSBORO, KENTUCKY, AT THE REQUEST OF LOCAL PROPERTY HOLDINGS, LLC, was introduced and publicly read on first reading.

Local Property Holdings, LLC has petitioned the City for the closing of a portion of a street right-of-way located between 711 Foust Avenue and 1802 West 7th Street. An easement will be retained by Atmos Energy, Owensboro Municipal Utilities and Regional Water Resource Agency. City Manager Pagan explained the ordinance is closing a portion of Foust Avenue, between W. 7th Street and the railroad where the section of street to be closed ends into the railroad. The property owner requesting the closure owns all property contiguous to the right-of-way to be closed. A utility easement will be retained by Atmos, OMU and RWRA to access their infrastructure.

**8. MUNICIPAL ORDERS**

**8.A.** Municipal Order 9-2021 entitled A MUNICIPAL ORDER LEVYING A SPECIAL ASSESSMENT FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN ENERGY PROJECTS IN COOPERATION WITH AND UPON REQUEST OF OWENSBORO SENIOR PARTNERS, LLC, PROVIDING FOR THE DEPOSIT OF THE PROCEEDS OF THE ASSESSMENT, ASSIGNING THE ASSESSMENT TO A DESIGNATED INVESTOR, AUTHORIZING THE EXECUTION OF AN EPAD PROGRAM FINANCING AGREEMENT WITH THE PROPERTY OWNER, PROVIDING FOR AN ADJUSTMENT TO THE ASSESSMENTS IN ANY FISCAL YEAR BY THE OWENSBORO BOARD OF COMMISSIONERS; AND TAKING OTHER ACTION RELATED TO THE IMPOSITION OF THE ASSESSMENT, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Glenn.

The City created an Energy Project Assessment District ("EPAD") pursuant to the authority of Sections 65.205 to 65.209 of the Kentucky Revised Statutes and established the procedures for administration of the City's EPAD Program through Ordinance 32-2015. Owensboro Senior Partners, LLC has applied to the City requesting the City levy a special assessment on a parcel being located at 3050 Calumet Trace, Owensboro, Kentucky, in order to finance the acquisition, construction and improvement of the "energy project" as defined in the KRS and described in the Property Owner's completed Application. City Manager Pagan explained the project: In 2015, the State created a program for Energy Program Assessment Districts (EPAD), at which time the City adopted the program. Properties can request to be assessed a higher or supplemental property tax and have rebated back as a method to finance certain projects. The benefits of this financing program, which are not available with traditional loans, include lower interest rate, extended repayment terms, and no down payment. EPAD assessments remain with the property if the owner sells, and it does not tie up other credit lines for the property owner. This is all done at no cost to the taxpayer. The City was recently approached by a company about a potential EPAD project.

Ben Spies, DMK Development Group, LLC, touched on the highlights of a presentation (attached) explaining the \$22.5M project which will consist of constructing a three (3) story senior center consisting of 115 units: 51 independent units, 44 assisted living units and 20 memory care units. Financing will be made available through the following methods: Independence Bank construction loan - seventy-five percent (75%); an ownership group - ten percent (10%) of equity; and the remaining fifteen percent (15%) will come from PACE financing. He anticipates \$1.5M in annual salaries and Trilogy Health Services will manage the center. They do intend to use as many local contractors as possible. Laura Theilmann, Frost, Brown & Todd, expounded on the EPAD component of the project. In 2015, Kentucky authorized EPAD financing and the City of Owensboro approved the legislation locally. Under the formula set up, the City will collect \$1,418 each year as a processing fee for the program.

**8.B.** Municipal Order 10-2021 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 CITY-COUNTY 9-1-1

OPERATIONS THROUGH ACCESS TO THE DAVIESS COUNTY SHERIFF'S DEPARTMENT RADIO FREQUENCY AND OUTLINING THE USAGE POLICY, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Glenn.

The City and County previously granted Daviess County Public Schools (DCPS) Special Law Enforcement Agency access to Law Information Network of Kentucky (LINK) and the Consolidated 9-1-1 Operation and Central Dispatch. Access to a law enforcement radio frequency is a necessary adjunct to the Central Dispatch Agency and its role in providing information to all law enforcement. DCPS lacks a radio frequency with ready access to the Consolidated 9-1-1 Operation and Central Dispatch. The City, County and Sheriff will authorize Daviess County Public School's Special Law Enforcement Agency's employees' access to and use of the Sheriff's law enforcement radio frequency and by entering this Memorandum of Agreement, Daviess County Public School's Law Enforcement Agency shall access the Central Dispatch operated by City and County through Sheriff's radio frequency. City Manager Pagan added that at the February 2 Commission meeting, an agreement was approved related to Daviess County Public School's new School Law Enforcement Officers. This Municipal Order approves another agreement for the rollout of the DCPS law enforcement department related to their use of dispatch. Currently, the City and County fund dispatch in proportion to each's call volume. The agreement for consideration has DCPS fund the system at either one percent (1%) of the cost or based on its actual call volume, whichever is greater.

## **9. CITY MANAGER ITEMS**

**9.A.** The financial report for the period ending January 31, 2021 was unanimously approved to file for audit upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger. The presentation given by Angela Waninger, Finance and Support Services Director is attached.

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

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

- **Dennis J. Pearl** – Probationary, full-time, non-civil service appointment to Refuse Truck Driver with the Public Works Sanitation Department, effective March 29, 2021
- **Quinten L. Smeathers** - Probationary, full-time, non-civil service appointment to Refuse Truck Driver with the Public Works Sanitation Department, effective March 29, 2021
- **Joseph C. Withrow** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective March 29, 2021

- **Dalton A. Howard** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective April 5, 2021
- **Tomarah D. Young** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective April 5, 2021
- **Jakob S. Mueller** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective April 5, 2021, *contingent upon successful completion of all post-offer, pre-employment requirements*

#### **PROMOTIONAL / PROBATIONARY STATUS:**

- **Aaron M. Hamilton** – Probationary, full-time, non-civil service, promotional appointment to Police Sergeant with the Police Department, effective March 28, 2021
- **Nicholas E. Wellman** – Probationary, full-time, non-civil service, promotional appointment to Police Sergeant with the Police Department, effective March 28, 2021

#### **REGULAR STATUS:**

- **Kathryn M. George** – Regular, full-time, non-civil service appointment to Assistant TAC Telecommunicator with the Police Department, effective March 29, 2021
- **Kevin M. Lanham** – Regular, full-time, non-civil service appointment to Battalion Chief with the Fire Department, effective March 29, 2021
- **Richard D. Peach** – Regular, full-time, non-civil service appointment to Battalion Chief with the Fire Department, effective March 29, 2021

City Manager Pagan noted that Jakob Mueller has since passed the required post-offer, pre-employment requirements.

#### **9.C. City Manager Comments – None**

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

Mayor Pro Tem Maglinger stated the Owensboro Hydrofair will host the North American Championship in August. Hydroplanes from Canada to California will be in attendance and he thanked Randy Leitz for bringing it to Owensboro.

Commissioner Castlen thanked Parks Director Amanda Rogers for helping to organize a pickleball learning session at Dugan Best; and for striping the tennis courts at Kendall-Perkins Park and Dugan Best to temporarily convert them to into pickleball courts.

Commissioner Glenn mentioned a successful community vaccination in the Northwest NAB.

Mayor Watson thanked Senator Matt Castlen, Representatives Suzanne Miles, D.J. Johnson, and Jim Gooch for their hard work in Frankfort during the legislative sessions. He also expressed his disgust with the recent racial slurs that took place during a home buyer event held virtually by H.L. Neblett Center. He invited those involved to meet with him.

#### **11. CLOSED SESSION**

**11.A.** Motion was made by Mayor Watson and seconded by Mayor Pro Tem Maglinger to enter into a Closed Session under KRS 61(1)(b) to discuss property acquisition. Motion carried unanimously.

**12.** Motion was made by Mayor Watson and seconded by Commissioner Sanford to return to open session.

#### **13. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned upon motion of Mayor Watson and a second by Commissioner Glenn at 6:30 p.m.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Davis, City Clerk