

OWENSBORO BOARD OF COMMISSIONERS

April 20, 2021 5:00 PM

Special Called Meeting
City Hall
101 E. 4th Street
Owensboro, KY 42303

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 Pro Tem Larry Maglinger

4. PRESENTATIONS

4.A. Retirement Recognitions - Mayor Watson recognized the following staff members: Gayle Shockley (Engineering) March 31, 2021; Leslie Smeathers (Personnel Dept.) April 30, 2021; and Bill Thompson (Public Works Dept.) April 30, 2021.

4.B. Mayor Watson read the following proclamations:

- Fair Housing Month (mailed to Owensboro Realtors Association)
- Occupational Therapy Month – accepted by Jessica Hatfield (TheraTree Pediatric Therapy) and Trisha Phelps (Progressive Sports Therapy).

5. BUSINESS

5.A. Minutes dated March 16, 2021 were approved 5-0 upon motion of Mayor Watson with a second by Commissioner Sanford.

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

- **Wesleyan-Shawnee Neighborhood Alliance** – Reappoint Dr. Clyde Miller to a two-year term effective April 25, 2021

- **Seven Hills Neighborhood Alliance** - Reappoint Rob Norris to a two-year term effective April 8, 2021
- **Dugan Best Neighborhood Alliance** - Reappoint Deborah Street to a two-year term effective May 22, 2021
- **Owensboro Historic Preservation Board** – Reappoint Gary Adams to a three-year term effective May 17, 2021

6. ORDINANCES- 2nd READING

6.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 unanimously approved on second reading by motion of Mayor Watson and second from Mayor Pro Tem Maglinger.

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.

7. ORDINANCES – 1ST READING - NONE

8. MUNICIPAL ORDERS

8.A. Municipal Order 11-2021 entitled A MUNICIPAL ORDER APPROVING THE COMMUNITY CATALYST GRANT PROGRAMS TARGETED FOR THE NORTHWEST NEIGHBORHOOD REVITALIZATION STRATEGY AREA was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Glenn.

The Community Catalyst Grant Programs will be funded through local funding and focused within the boundaries of the Northwest Neighborhood Revitalization Strategy Area to address housing, economic and community development through a Single Family Rental Rehabilitation Reimbursement Program, Single Family New Development Program, Single Family Rehabilitation Program, a 50/50 (fifty/fifty) Demolition Grant and beautification projects. City Manager Pagan explained that the City typically has a redevelopment target area, called a Neighborhood Revitalization Strategy Area, where the City invests Community Development Block Grants funds received from the federal government. Triplet Twist area is being finished and the next area will be the Northwest Initiative. The federal funds are well utilized and appreciated, there are some restrictions on how the funds can be used. As a result, some members of the Commission expressed a desire to supplement the federal funding with local funding that would be more flexible for meeting needs in the area. Mayor Watson previously asked Commissioner Maglinger and Commissioner Sanford to be involved, and the Commissioners have worked closely with city staff over the last few months. Ms.

Shelton previously presented the proposed locally funded programs. This Municipal Order approves the programs for local funding as presented last month. Actual funding for the programs is subject to the annual budget process.

8.B. Municipal Order 12-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT FOR THE ACQUISITION OF PROPERTY LOCATED AT 118 EAST VETERANS BOULEVARD, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Glenn.

Audubon Properties II, LLC, owns the property located at 118 East Veterans Boulevard which the City has leased for several years. The property owner now desires to sell the real property and the City wishes to acquire said property to continue revitalization in the downtown area. City Manager Pagan further explained the Order authorizes the purchase of 118 E Veterans Blvd. The City has leased the property for the last several years and the owners recently approached the City about the property acquisition. The City utilizes the property for employees working downtown and in Smothers Park, and we own the two (2) parcels contiguous to the east. With the purchase, the City will own approximately one-half (1/2) of the frontage along Veterans Boulevard for the block between Daviess and Allen Streets, the area could make a good redevelopment project at some point in the future.

8.C. Municipal Order 13-2021 entitled A MUNICIPAL ORDER AMENDING AND CORRECTING MUNICIPAL ORDER 22-2020, AS THAT ORDER RELATES TO THE SALE OF APPROXIMATELY TWENTY-TWO AND NINE HUNDRED TWELVE THOUSANDTHS (22.912) COMBINED ACRES OF SURPLUS REAL PROPERTY LOCATED ON PLEASANT VALLEY ROAD, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Glenn.

Per Municipal Order 22-2020, the City and Professional Properties and Construction, LLC entered into a Real Estate Purchase Agreement. This Order retroactively identifies the appropriate state statute related to property disposition. City Manager Pagan spoke on both Municipal Order 13-2021 and 14-2021 as they relate to the same subject.

In August of 2020, the Commission approved the acquisition of 24.280 acres at the end of the existing Fairview Drive for an extension of that street. Only 1.368 acres are needed for right-of-way for the Fairview Drive extension. Therefore, in August the Commission also authorized the sale of the remaining 22.874 acres that are not required for the project for the same price as paid for the property.

The sale of city property is governed by state law. In the 2020 Municipal Order that approved the sale of the unneeded property, the incorrect subsection of the law was referenced. Municipal Order 13-2021 corrects the reference from KRS 82.083(4)(g) to KRS 82.083(4)(b).

City Manager Pagan further explained that the City was previously awarded a \$500,000 grant to extend Fairview Drive. The grant entailed the drive going from the existing termination to Hayden Road. There was a small property acquisition (1.368 acres)

required for the extension; however, the property owner would not sale that small required acreage. Therefore, the City purchased 24.280 acres, retained the required 1.368 acres and resold the remaining acreage for the same purchase price, thus making the City whole.

8.D. Municipal Order 14-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN ADDENDUM TO THE AUGUST 14, 2020 REAL ESTATE PURCHASE AGREEMENT ENTERED INTO WITH PROFESSIONAL PROPERTIES AND CONSTRUCTION, LLC, CONCERNING THE SALE OF APPROXIMATELY TWENTY-TWO AND NINE HUNDRED TWELVE THOUSANDTHS (22.912) COMBINED ACRES OF REAL PROPERTY FORMERLY LOCATED ON PLEASANT VALLEY ROAD, was unanimously approved on one reading by motion of Mayor Watson and a second from Mayor Pro Tem Maglinger.

Per Municipal Order 22-2020, the City and Professional Properties and Construction, LLC entered into a Real Estate Purchase Agreement related to two (2) tracts of property formerly located on Pleasant Valley Road. The Parties have agreed to modify the terms of the Purchase Agreement to bifurcate the sale and purchase of Tracts 1 and 2 so as to permit the Parties' to proceed with a closing for Tract 2. City Manager Pagan said this Municipal Order amends the agreement for selling the unneeded property (as mentioned in MO 13-2021). The agreement originally had the property selling in a single transaction. However, the unneeded property is actually two (2) separate tracts so the amended agreement allows the sale to proceed in two (2) separate transactions, the first by June 30 of this year, and the second no later than two (2) years from the first transaction. The sales price does not change, it is still the same price as the City paid for the property. In addition, the buyer is paying the city an additional \$50,000 earnest deposit toward the transaction. The project on one of the parcels is ready to move forward and in order to meet the same opening date as the new middle school, they need to get started. The road, which is being constructed with a public/private/private partnership is a much needed public improvement.

8.E. Municipal Order 15-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A FY2021 STATE HOMELAND SECURITY GRANT THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$263,530.00, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE OWENSBORO POLICE DEPARTMENT TO PURCHASE A TACTICAL MULTIPURPOSE RESPONSE AND RESCUE VEHICLE, FOR WHICH NO MATCH IS REQUIRED, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Sanford.

The Owensboro Police Department (OPD) faces a number of significant threats to our residents and critical infrastructure. OPD sustains a highly trained Emergency Response Team (ERT) to respond to all incidents that exceed the capability of patrol within their jurisdiction, including terrorist attacks, hostage situations and mass shooting incidents. OPD is requesting to apply for grant funds in the amount of \$263,530.00 through the State Homeland Security Grant that may be awarded by the Kentucky Office of Homeland Security, for which no match is required. The funds will be used to purchase a tactical multipurpose Response and Rescue Vehicle. City Manager Pagan

further explained the Order authorizes a Homeland Security grant application for a new response vehicle for the Police Department Emergency Response Team (ERT). The vehicle is expensive at approximately \$263,530, but there is no match for the grant, so it will not cost the City anything to acquire it if the grant application is successful. Chief Ealum explained that the vehicle would enable officers to approach a mass shooting or active shooter scene with adequate cover for officers to save human lives. The vehicle can carry up to twenty-two (22) people and is a proactive step.

8.F. Municipal Order 16-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A FY2021 STATE HOMELAND SECURITY GRANT THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$29,086.73, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO TO PURCHASE BALLISTIC PANELS AND SURVEILLANCE CAMERAS FOR CITY HALL, FOR WHICH NO MATCH IS REQUIRED, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner Glenn.

The City seeks to enhance the security at City Hall by installing ballistic paneling on the dais in the Commission Chambers and upgrading and enhancing security cameras located within and around City Hall. The City is requesting to apply for grant funds in the amount of \$29,086.73 through the State Homeland Security Grant that may be awarded by the Kentucky Office of Homeland Security, for which no match is required. City Manager Pagan explained the Order is for another Homeland Security grant application, for security improvements for City Hall and the Commission Chambers. The application also includes the request for security cameras around the perimeter of City Hall. No match is required, so the improvements will not require city funding if the application is approved.

9. CITY MANAGER ITEMS

9.A. The financial report for the periods ending March 31, 2021 and February 28, 2021 were unanimously approved to file for audit upon motion of Mayor Watson with a second by Commissioner Sanford. 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:

- **Joseph A. Payne** – Probationary, full-time, non-civil service appointment to Laborer/Maintenance Helper with the Public Works Street/Stormwater Department, effective April 26, 2021
- **Jennie L. Kluck** – Probationary, full-time, non-civil service appointment to Revenue Clerk with the Finance Department, effective May 3, 2021

PROMOTIONAL / PROBATIONARY STATUS:

- **Dana M. Payne** – Probationary, full-time, non-civil service, promotional appointment to Recreation Specialist with the Parks and Recreation Department, effective April 25, 2021

REGULAR STATUS:

- **Jonah L. Brawner** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective April 14, 2021
- **Kyle E. Patton** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective April 14, 2021

9.C. City Manager Comments – City Manager Pagan recognized Chief Art Ealum with a service pin in honor of his thirty (30) years of employment with the City.

10. COMMUNICATIONS FROM ELECTED OFFICIALS

Mayor Watson, Commissioners Sanford and Glenn discussed the importance of the COVID vaccinations and encouraged everyone to get it.

Commissioner Castlen commented on the tremendous success of the community garden (Deep Roots Garden) that recently opened in Max Rhoads Park. He and Mayor Watson are hopeful it will continue to other areas. He also welcomed Murphy Excavation into the City.

Commissioner Sanford and Mayor Pro Tem Maglinger both commented that they and city staff traveled to Paducah and had a very successful informational meeting.

Mayor Watson spoke on the dedicated service from Chief Ealum. He requested Commissioner Castlen keep the Commission updated on the progress of the Deep Roots Garden.

11. OPEN PUBLIC FORUM - None

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned upon motion of Mayor Watson and a second by Commissioner Glenn at 6:01 p.m.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk