

OWENSBORO BOARD OF COMMISSIONERS

Regular Called Meeting

March 1, 2022 5:00 PM

Owensboro City Hall

101 E. 4th Street

Owensboro, Kentucky

1. CALL TO ORDER - Mayor Tom Watson

2. ROLL CALL - City Clerk Beth Davis

Present:

Mayor Tom Watson

Mayor Pro Tem Larry Maglinger

Commissioner Bob Glenn

Commissioner Jeff Sanford

Unavailable:

Commissioner Mark Castlen

3. INVOCATION & PLEDGE – Mayor Tom Watson

4. BUSINESS

4.A. Minutes dated February 8 and February 15, 2022 were approved 4-0 upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

5. ORDINANCES - 2nd READING

5.A. Ordinance 03-2022 entitled AN ORDINANCE CLOSING THE ALLEY RIGHT-OF-WAY LOCATED NORTH OF EAST 20TH STREET AND BEHIND 1924, 1926 AND 1928 TRIPLETT STREET IN THE CITY OF OWENSBORO, KENTUCKY was unanimously approved on second reading by motion of Mayor Watson and a second from Commissioner Sanford.

The City desires to close an alley right-of-way located north of East 20th Street and behind 1924, 1926 and 1928 Triplett Street. All abutting and adjoining property owners have consented to the closing. City Manager Pagan stated the Ordinance will close a section of an alley along a portion of Triplett Street and Gabe's Shopping Center; no utility easements are necessary (map attached). The alley is adjacent to the former Gabe's Tower site, owned by the City, along with three (3) of the six (6) parcels that are contiguous to the alley. The alley closure was initiated to facilitate the future sale and development of these properties.

6. ORDINANCES - 1st READING

6.A. Ordinance 04-2022 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 LOCATED AT 2731 WEST 2ND STREET, CONTAINING 10.416 ACRES, MORE OR LESS, AT THE REQUEST OF WESTERN KENTUCKY BOTANICAL GARDENS, INC., was introduced and publicly read on first reading.

An Ordinance annexing the property located at 2731 West 2nd Street, containing 10.416 acres, at the request of Western Kentucky Botanical Gardens, Inc. City Manager Pagan explained that Western Kentucky Botanical Garden purchased the property (map attached) in September and this annexation allows all of their property in the same jurisdiction. Because this is a tax-exempt property, there is no incentive associated with this annexation.

6.B. Ordinance 05-2022 entitled AN ORDINANCE CLOSING THE ALLEY RIGHT-OF-WAY LOCATED BEHIND 1633 MOSELEY STREET THAT IS A NORTH/SOUTH ALLEY FROM EAST 16TH STREET TO EAST 17TH STREET BETWEEN MOSELEY STREET AND SWEENEY STREET IN THE CITY OF OWENSBORO, KENTUCKY, AT THE REQUEST OF IMI REAL ESTATE, LLC, was introduced and publicly read on first reading.

IMI Real Estate, LLC has petitioned the City for the closing of an alley right-of-way located behind 1633 Moseley Street that is a north/south alley from East 16th Street to East 17th Street between Moseley Street and Sweeney Street. All adjoining and abutting property owners have consented in writing to the closure. An easement will be retained for Regional Water Resource Agency and OMU. City Manager Pagan presented a map with the location (attached).

6.C. Ordinance 06-2022 entitled AN ORDINANCE APPROVING AND ADOPTING TEXT AMENDMENTS TO APPENDIX F, ARTICLES 3, 8 AND 14 OF THE OWENSBORO METROPOLITAN ZONING ORDINANCE FOR THE CITIES OF OWENSBORO AND WHITESVILLE, AND DAVIESS COUNTY, was introduced and publicly read on first reading.

The Owensboro Metropolitan Planning Commission proposes amendments to the text of the Zoning Ordinance for the Cities of Owensboro and Whitesville, and Daviess County regarding revisions to Appendix F, Article 3 (General Zone & District Regulations) to avoid confusion between the Zoning Ordinance and the Kentucky Building Code; Article 8 (Schedule of Zones) will: (a) allow agriculture and other natural resource uses wider reign to apply traditional production techniques; (b) avoid the introduction of urban activities that would have a detrimental effect on residential activity, but allow some mixture of appropriate nonresidential uses; (c) will reserve the land in the Rural Service Area primarily for agricultural uses, other natural resource activities, and support uses that need to be near such activities; and (d) will encourage the application of increased buffers where heavy industrial and coal mining uses may be located in close proximity to existing rural

residences; and Article 14 (Definitions), will: (a) endeavor to create policies for regulating land use activities that are not overly burdensome while still protecting the public health, safety and welfare of the community; and (b) will encourage the grouping of activities so that uses of greater intensity (industrial or commercial) do not harm weaker types (residential and agricultural). City Manager Pagan explained the proposed changes were approved by the Owensboro Metropolitan Planning Commission (OMPC) and have been sent to both the City and County for consideration. OMPC Executive Director Brian Howard explained the two main text amendments: 1) requested by the County - the solar farms (large hundreds of acres) will now require a conditional use permit in agricultural and industrial zones only and 2) general housekeeping items dealing with swimming pools and set back requirements of unenclosed accessory structures.

7. MUNICIPAL ORDERS

7.A. Municipal Order 08-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A FY2022 COMPETITIVE GRANT THROUGH THE KENTUCKY 911 SERVICE BOARDS IN AN APPROXIMATE AMOUNT NOT TO EXCEED \$25,020.30, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO TO PURCHASE ONE CONSOLE POSITION FOR USE BY THE OWENSBORO-DAVIESS COUNTY CENTRALIZED 911 COMMUNICATIONS CENTER; A TEN PERCENT (10%) MATCH BEING REQUIRED FROM THE CITY, was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Glenn.

The Owensboro-Daviess County Centralized 911 Communications Center seeks to file an application for a FY2022 Competitive Grant through the Kentucky 911 Service Boards in an approximate amount not to exceed \$25,020.30, the proceeds of which the City of Owensboro will purchase an additional console position. A ten percent (10%) match is required from the City. City Manager Pagan said the additional console would be placed in a renovated spaced and would be available for training and potentially isolation for a COVID exposure or similar situation. The matching funds are available and will be absorbed by funds in the current budget.

7.B. Municipal Order 09-2022 entitled A MUNICIPAL ORDER DECLARING THE PROPERTIES LOCATED AT 716 E. 20TH STREET, 1926 TRIPLETT STREET, 1928 TRIPLETT STREET AND 2001 TRIPLETT STREET AS SURPLUS PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE REAL ESTATE PURCHASE AGREEMENTS AND DEEDS CONVEYING THE ABOVE LISTED PROPERTIES, , was unanimously approved on one reading upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

Properties located at 716 East 20th, 1926, 1928 and 2001 Triplett Street were acquired during the Triplett Twist Neighborhood Revitalization Strategy area to eliminate blight in the area. The cleared properties are now being declared as surplus properties and being sold for economic development purposes. City Manager Pagan stated that in 2017, the City purchased and demolished the structures located at 716 E. 20th, 2001 Triplett Street

and 1928 Triplett Street. The purpose of these purchases and demolitions was to further the goals of the Triplett Twist Neighborhood Revitalization Strategy Area through the elimination of slum and blight. In 2019, the City subsequently purchased 1926 Triplett Street, the site of Gabe's Tower, to demolish the structure; it had been unused and in disrepair for many years. Now that the objectives for these properties have been satisfied, this Municipal Order declares all four (4) properties surplus and authorizes their sale to Owensboro Warehouse Leasing LLC, the entity that owns Gabe's Shopping Center. The company plans to build new commercial space at the site, shown on a map (attached). The sales price for the four properties is \$425,000.

7.C. Municipal Order 10-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF OWENSBORO AND THE COMMONWEALTH OF KENTUCKY, DEPARTMENT OF MILITARY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT ESTABLISHING CONDITIONS FOR RECEIPT OF FEMA COVID RELIEF GRANT FUNDING, was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Glenn.

The City of Owensboro is eligible to receive COVID Relief Grant Funding from the Federal Emergency Management Agency (FEMA). The Commonwealth of Kentucky, Department of Military Affairs, Division of Emergency Management is administering the FEMA COVID Relief Grant Funding for governmental subdivisions in Kentucky, including the City of Owensboro. This Order authorizes execution of the Memorandum of Agreement establishing the conditions for receipt of the funds. City Manager explained the Order approves an agreement with the State for the receipt of FEMA reimbursement funds related to the COVID pandemic State of Emergency. The reimbursement is for actual costs of COVID-related personal protective equipment. Based on our costs, the City is eligible for \$70,441.

8. CITY MANAGER ITEMS

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

REGULAR STATUS:

- **Norman K. Lang** – Regular, full-time, non-civil service appointment to Telecommunicator with the Police Department, effective March 1, 2022
- **Sammy J. Lackey** – Regular, full-time, non-civil service appointment to Assistant Greens Superintendent with the Parks and Recreation Department, effective March 8, 2022
- **Stephen D. Franklin** – Regular, full-time, non-civil service appointment to Director of Public Works with the Public Works Department, effective March 14, 2022

- **Pamela E. Green** – Regular, full-time, non-civil service appointment to Occupational Revenue Clerk with the Finance Department, effective March 14, 2022

8.B. City Manager Comments – None

9. COMMUNICATIONS FROM ELECTED OFFICIALS

Mayor Watson acknowledged that March is Women's History Month. He also announced that in honor of Ukraine, the City will light the bridge in blue and yellow for the next thirty (30) days at 7pm for thirty (30) minutes.

10. OPEN PUBLIC FORUM - None

11. ADJOURNMENT

There being no further business to discuss, the meeting adjourned upon motion of Mayor Watson and a second by Commissioner Glenn at 5:28 p.m.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk