

**OWENSBORO BOARD OF COMMISSIONERS**

**Regular Called Meeting**

**May 17, 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 Mark Castlen

Commissioner Bob Glenn

Commissioner Jeff Sanford

**3. INVOCATION & PLEDGE – Commissioner Jeff Sanford**

**4. PRESENTATIONS**

**4.A.** Mayor Watson recognized Police Officer Eric N. Flory on his retirement effective May 31, 2022.

**4.B.** Mayor Watson presented the “National Police Week” proclamation to Officer Shayne Bratcher.

**4.C.** Mayor Watson proclaimed May 17, 2022 as “Olomouc, Czech Republic Day” and presented the proclamation to the visiting delegation from Olomouc. Olomouc’s Mayor Zbanek addressed the Commission and thanked the City of Owensboro.

**5. BUSINESS**

**5.A.** Minutes dated May 3, 2022 and May 10, 2022 were approved 5-0 upon motion of Mayor Watson with a second by Commissioner Glenn.

**6. ORDINANCES - 2nd READING**

**6.A.** Ordinance 07-2022 entitled AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022, AND AMENDING ORDINANCE 7-2021 TO APPROPRIATE ARPA FUNDS, PROVIDE FOR ADDITIONAL APPROPRIATIONS IN VARIOUS AREAS AND TO ESTABLISH BUDGET FOR POLICE FUNDS, was unanimously approved by a roll call vote on second reading by motion of Mayor Watson and a second from Commissioner Sanford.

Budget amendment to appropriate ARPA funds, provide for additional appropriations in various areas and to establish budget for police funds.

**6.B.** Ordinance 08-2022 entitled AN ORDINANCE ADOPTING AND APPROVING THE ANNUAL BUDGET OF THE CITY OF OWENSBORO, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2023, AND APPROPRIATING THE REVENUES TO THE VARIOUS DEPARTMENTS OF THE CITY AS SET FORTH HEREIN, was unanimously approved by a roll call vote on second reading by motion of Mayor Watson and a second from Commissioner Castlen.

The estimated revenues and fund balances set forth in the 2022-2023 Budget of the City of Owensboro are hereby appropriated to the various departments of the City of Owensboro for the fiscal year beginning July 1, 2022, and ending June 30, 2023, in the amount of \$140,513,161, inclusive of Internal Service Funds, for the various purposes designated in the 2022-2023 Annual Budget.

**6.C.** Ordinance 09-2022 entitled AN ORDINANCE ESTABLISHING THE COMPENSATION OF CITY EMPLOYEES AND NON-ELECTED CITY OFFICERS IN ACCORDANCE WITH A PERSONNEL AND PAY CLASSIFICATION PLAN, AS REQUIRED BY KRS 83A.070, was unanimously approved by a roll call vote on second reading by motion of Mayor Watson and a second from Mayor Pro Tem Maglinger.

KRS 83A.070(2) directs the legislative body of each city to fix the compensation of city employees and non-elected city officers in accordance with a personnel and pay classification which shall be adopted by ordinance.

**6.D.** Ordinance 10-2022 entitled AN ORDINANCE REPEALING AND REPLACING ORDINANCE 8-2005 WITH AN ORDINANCE CREATING AND ESTABLISHING FOR BID A NON-EXCLUSIVE TELECOMMUNICATIONS (OR RELATED NON-CABLE) FRANCHISE FOR THE PLACEMENT OF FACILITIES FOR THE GENERATION, TRANSMISSION, DISTRIBUTION AND SALE OF TELECOMMUNICATIONS OR RELATED NON-CABLE SERVICES WITHIN THE PUBLIC RIGHTS-OF-WAY OF CITY OF OWENSBORO FOR A TEN (10) YEAR DURATION; AND PROVIDING FOR COMPLIANCE WITH OTHER RELEVANT LAWS, REGULATIONS, STANDARDS, AND ORDINANCES; DEFINITIONS; WORK, MATERIALS AND CONSTRUCTION STANDARDS; WIRE MOVING AND TREE TRIMMING; PERFORMANCE BONDS; INDEMNIFICATION; INSURANCE; ACCESS TO PROPERTY AND INSPECTIONS; NOTICE OF FILINGS WITH THE PUBLIC SERVICE COMMISSION; NO VESTED RIGHTS; LIMITED ASSIGNMENT; NOTICE OF FORECLOSURE AND BANKRUPTCY; CANCELLATION OR TERMINATION; VIOLATIONS AND PENALTIES; PERMITTING AND INSPECTION FEES; ADDITIONAL PERMITTING AND OTHER REQUIREMENTS FOR SUBSTANTIAL NEW CONSTRUCTION; AND BID REQUIREMENTS; ALL EFFECTIVE ON DATE OF PASSAGE, was unanimously approved by a roll call vote on second reading by motion of Mayor Watson and a second from Commissioner Sanford.

The City of Owensboro seeks to repeal Ordinance 8-2005, which governs telecommunications franchises, and replace it with this Ordinance to reflect the changing landscape of telecommunications service in the City and the changes in federal and state law since 2005. This ordinance creates a non-exclusive franchise granting a telecommunications system within the City.

## **7. ORDINANCES - 1st READING**

**7.A.** Ordinance 11-2022 entitled AN ORDINANCE CLOSING A PORTION OF THE ALLEY RIGHT-OF-WAY LOCATED BETWEEN 408 FREDERICA STREET AND 322 WEST FOURTH STREET IN THE CITY OF OWENSBORO, KENTUCKY, was introduced and publicly read on first reading.

Rivercity Trio I LLC, has petitioned the City to close a portion of the alley right-of-way located between 408 Frederica Street and 322 West Fourth Street. All abutting property owners have submitted written, notarized consents. A public easement will be retained for OMU, RWRA, AT&T and Spectrum. City Manager Pagan explained the portion of the alley to be closed runs in the middle of the former Jerry Ray Davis Chrysler/Jeep/Ram dealership (map attached). The alley must be closed to allow the site to be redeveloped as a new residential facility.

**7.B.** Ordinance 12-2022 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 OR NEAR GOETZ DRIVE AND COVENTRY LANE, TRACT I (36.925 ACRES), TRACT II (16.099 ACRES) AND TRACT III (0.444 ACRES) CONTAINING A TOTAL OF 53.468 ACRES, MORE OR LESS, AT THE REQUEST OF OWENSBORO DEVELOPERS, LLC., was introduced and publicly read on first reading.

An Ordinance annexing the property located at or near Goetz Drive and Coventry Lane, Tract I (36.925 acres), Tract II (16.099 acres) and Tract III (0.444 acres) containing a total of 53.468 acres. There will be an annexation incentive agreement for the property (map attached). City Manager Pagan stated the property sold a few months ago, and the new owner plans to develop a residential neighborhood containing 177 lots.

**7.C.** Ordinance 13-2022 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 (GOETZ DITCH) LOCATED AT OR NEAR THE WENDELL FORD EXPRESSWAY AND GOETZ DRIVE CONTAINING 11.619 ACRES, MORE OR LESS, AT THE REQUEST OF THE CITY OF OWENSBORO, KENTUCKY, was introduced and publicly read on first reading.

An Ordinance annexing the property (Goetz Ditch) located at or near the Wendell Ford Expressway, and Goetz Drive, containing 11.619 acres. City Manager Pagan added that

the City owns this 11.619 acre property located north of Goetz Drive, between Goetz and the bypass, which was acquired in 2004 for flood mitigation. The property splits the property from the previous ordinance (map attached). Annexing the City property facilitates the planned residential subdivision, so as owner, the City consents to the annexation. City Manager Pagan will find out if a retention pond is needed and respond back to Commissioner Glenn.

## **8. MUNICIPAL ORDERS**

**8.A.** Municipal Order 17-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR THE PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (BVP) INITIATIVE GRANT ADMINISTERED BY THE BUREAU OF JUSTICE ASSISTANCE DESIGNED TO PROVIDE CRITICAL RESOURCES TO LAW ENFORCEMENT JURISDICTIONS FOR THE PURPOSES OF REIMBURSING THE OWENSBORO POLICE DEPARTMENT FOR FIFTY PERCENT (50%) OF THE TOTAL COST OF \$29,416.80, EXPENDED TO PURCHASE FORTY (40) NEW BULLETPROOF VESTS AND PLATES, THAT AMOUNT BEING \$14,708.40, was unanimously approved on one reading upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

The Owensboro Police Department has forty (40) bulletproof vests which will expire and require replacement during the next fiscal year. The City seeks to execute an application for a Patrick Leahy Bulletproof Vest Partnership Initiative Grant administered by the Bureau of Justice Assistance to purchase forty (40) vests with a 50% grant reimbursement of \$14,708.40. City Manager Pagan added that the City typically budgets to replace bulletproof vests every year, so funds are available to satisfy our match if we are awarded the grant.

**8.B.** Municipal Order 18-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A FY2022 STATE HOMELAND SECURITY GRANT THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$263,730.00, 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 upon motion of Mayor Watson with a second by 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 \$263,730.00 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.

**8.C.** Municipal Order 19-2022 entitled A MUNICIPAL ORDER AUTHORIZING THE SALE OF THE CITY OF OWENSBORO'S ONE-THIRD (1/3) INTEREST IN PROPERTY CONTAINING 24.58 ACRES LOCATED AT 4015 AIRPARK DRIVE AND AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT AND DEED CONVEYING THE PROPERTY TO R.L.R. INVESTMENTS, L.L.C., was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Glenn.

The City of Owensboro owns an undivided one-third (1/3) interest in 24.58 acres of vacant real property located at 4015 Airpark Drive, Owensboro, Kentucky, which is jointly owned by Economic Development Properties, Inc. (EDP). EDP has already approved the sale of its interest in the property to R.L.R. Investments, L.L.C. The conveyance by the City of the 24.58 acres of property at 4015 Airpark Drive will promote economic development within the City and the property should be sold or transferred in accordance with KRS 82.083(4)(b). City Manager Pagan explained that R & L Carriers will invest \$11M in a distribution center on the site, initially creating 35 jobs and ultimately plan to expand to 80 jobs. The distribution center will be a less than truckload facility (LTL). An LTL option allows a shipper to piggyback on a truck that is carrying one or more other shipper's goods when one company does not fill a truck. R.L.R. Investments, L.L.C. has properties for residential and commercial use across North America. Properties range from warehousing and manufacturing to vacation resorts, land for development and much more. They grew from one commercial freight facility in Wilmington, Ohio to owning hundreds of properties in 29 states. Mayor Watson explained that the EDP is comprised of himself, Judge/Executive Mattingly and Dean Stanley; an unanimous vote must take place in order to make projects happen.

**8.D.** Municipal Order 20-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF OWENSBORO AND THE CITY OF MAYFIELD GOVERNING THE REIMBURSEMENT OF COSTS ASSOCIATED WITH AID AND ASSISTANCE PROVIDED BY CITY EMPLOYEES, was unanimously approved on one reading upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

The City of Mayfield requested the City of Owensboro to provide aid and assistance necessitated by straight line winds, flooding and tornados occurring on or about December 10, 2021. Employees of the City of Owensboro did provide aid and assistance to the City of Mayfield. In order to obtain reimbursement for the aid and assistance provided by the City of Owensboro, the Parties wish to enter into a Memorandum of Agreement that memorializes the obligation of the City of Mayfield to reimburse the City of Owensboro. City Manager Pagan stated that similar to the Order with Hopkins County from the last meeting, this agreement is with the City of Mayfield.

**8.E.** Municipal Order 21-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO ECONOMIC INCENTIVE AGREEMENT BETWEEN THE CITY OF OWENSBORO AND BELL BANK, INC. AMENDING THE ACTIVATION DATE AND TERM OF THE AGREEMENT BY

WHICH THE CORPORATION SHALL LOCATE A MORTGAGE SERVICES FACILITY IN THE CITY OF OWENSBORO IN EXCHANGE FOR CERTAIN FINANCIAL INCENTIVES FROM THE CITY, INCLUDING A REBATE OF FIFTY PERCENT (50%) OF THE GENERAL FUND OCCUPATIONAL FEE ON GROSS WAGES FOR SEVEN (7) YEARS PROVIDED CERTAIN EMPLOYMENT TARGETS ARE SATISFIED, was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Castlen.

Bell Bank, Inc. desires to locate a mortgage services facility in the City of Owensboro which will create jobs and further stimulate local commerce. The City recognizes the economic impact of the Corporation's facility in Owensboro and has agreed to incentivize the Corporation for its job creation initiative in our community through a First Amendment to Economic Incentive Agreement. The Parties previously entered into an agreement through Municipal Order 06-2022. This updated agreement amends the activation date and term of the previous agreement establishing the benefits and obligations of each Party. City Manager Pagan explained that several months ago, the Board approved an incentive agreement with Bell Bank for their planned investment and jobs planned within the City. Unfortunately, there was a delay in the project not caused by the company. However, Bell Bank has announced they are proceeding with the project. Accordingly, this Municipal Order amends only the timeline for the activation of Bell Bank's incentive period. All other terms of the incentives remain the same, which is a seven (7) year, fifty percent (50%) General Fund Occupational Tax rebate to the company. A percentage rebate incentive aligns the interest of Bell Bank and the City: the more new tax revenue generated by the project, the more Bell is eligible to receive as an incentive, and the more the City retains as well. The incentive activates in three (3) years unless activated sooner by the company. Bell is required to maintain 135 employees in the local office to earn the incentive for each of the seven (7) years.

**8.F.** Municipal Order 22-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF OWENSBORO AND THE HOUSING AUTHORITY OF OWENSBORO BY WHICH THE HOUSING AUTHORITY SHALL MAKE PAYMENT IN LIEU OF AD VALOREM TAXES ON SPECIFIED HOUSING UNITS, was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Sanford.

The Housing Authority of Owensboro owns and manages approximately 248 units of affordable housing in the City of Owensboro. The Housing Authority is converting these units of affordable housing under the Rental Assistance Demonstration ("RAD") Program under Section 8 of the Housing Act and will lease the units to Churchill Park, LLLP, in which the Housing Authority will remain a general partner. The units of housing will continue to be available as a resource for low-income residents of the City of Owensboro. The Parties wish to enter into an Agreement requiring the continued payment by the Housing Authority of payments in lieu of ad valorem taxes for the covered units of affordable housing. City Manager Pagan stated the Housing Authority of Owensboro is a city agency that owns and manages 580 subsidized apartments throughout the City.

Among the properties is the Rolling Heights development, off of 18th Street, which was constructed in 1954. The Housing Authority is undertaking a project to improve Rolling Heights. Twelve (12) of the existing units will be demolished and replaced, which provides twelve (12) new accessible units designed to meet HUD requirements. The other 236 units will have substantial rehabilitation. The unit mix will be 49 one bedroom units (6 Accessible), 112 two bedroom units (4 Accessible), 70 three bedroom units (2 Accessible) and 17 four bedroom units (1 Accessible). The average unit size is 824 square feet.

As part of the initiative, the development will be rebranded as Churchill Park. The Housing Authority has invited TCG Development Advisors to be its partner for the project. As part of the funding package, a new entity will be created to secure tax credit financing. Because a new entity will technically own the site, this Municipal Order approves an agreement with the Housing Authority for the City to continue receiving a payment in lieu of taxes for city services provided in the development.

## **9. CITY MANAGER ITEMS**

**9.A.** The financial report for the period ending April 30, 2022 was presented by Angela Waninger, Director of Finance and Support Services (presentation attached). Motion was made by Mayor Watson to file the report for audit, received a second from Commissioner Glenn and pass unanimously.

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

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

- **Rachel E. Adkins** – Probationary, full-time, non-civil service, promotional appointment to Maintenance Worker with the Public Works Grounds Department, effective May 22, 2022
- **Ted S. Johnston** – Probationary, full-time, non-civil service, promotional appointment to Fire Driver/Engineer with the Fire Department, effective May 22, 2022

### **REGULAR STATUS:**

- **Mark E. Pfeifer** – Regular, full-time, non-civil service appointment to City Attorney with the Administration Department, effective May 24, 2022

**9.C.** City Manager Comments – None

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

Mayor Watson mentioned the Owensboro Police Department officer that is recovering from being shot and the Calloway County officer that recently passed.

## 11. OPEN PUBLIC FORUM

Gavin Logan, descending from Brooklyn, NY and a new resident of Owensboro, discussed his plans for some new developments downtown. He plans to provide price-point housing with a platform for younger individuals. The new concept will include a creative, all-inclusive community for one price.

## 12. ADJOURNMENT

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

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Thomas H. Watson, Mayor

ATTEST:

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Beth Davis, City Clerk