

OWENSBORO BOARD OF COMMISSIONERS

Regular Called Meeting

August 16, 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

Mayor Watson recognized City Clerk Beth Davis' birthday and led the group in singing.

4.A. Mayor Watson recognized the retirement of Mike Shepherd, Public Works.

4.B. Mayor Watson presented Joel Utley with the "Mayor's Award of Distinction". Mr. Utley was known as the "Voice of the Panthers". He was the radio announcer for KWC basketball program for 61 years before recently retiring.

4.C. Becky Barnhart, Executive Director for the Senior Community Center of Owensboro-Daviess County (Center) presented to the Commission (attached). Ms. Barnhart explained the Center provides many services/programs to the senior community. Currently, the Center is utilizing the City owned building on Second Street (rent free). There have been discussions surrounding the Center and YMCA sharing space. Ms. Barnhart shared concerns about the collaboration: inadequate amount of space, limited overlapping services, various concerns that the Center operates under the Older Americans Act with specific federal requirements, financial pro-forma reflects a deficit in the first year of operation, lack of public forums, short timeframe to discuss changes between the YMCA board meeting and the Center board meeting, seniors have not been involved in the planning or consulting and most of the seniors do not want a shared space with children and teens. Ms. Barnhart also submitted a petition opposing the merger with YMCA.

5. BUSINESS

5.A. Minutes dated August 2, 2022 and August 9, 2022 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 and a second by Commissioner Sanford.

- **Owensboro Riverport Board** – Reappoint Joanna Shake and Jacob Reid to a four-year term effective September 10, 2022
- **Owensboro-Daviess County Drug and Alcohol Steering Committee** – Reappoint Shelley Newcom and Debbie Zuerner as a joint city-county appointment to a three-year term effective September 2, 2022

6. ORDINANCES - 2nd READING

6.A. Ordinance 17-2022 entitled AN ORDINANCE ESTABLISHING THE CITY OF OWENSBORO TRANSIENT ROOM TAX AND PROCEDURES FOR ITS COLLECTION AND ENFORCEMENT, was approved 5-0 on second reading by a roll call vote upon motion of Mayor Watson and a second from Commissioner Glenn.

KRS 91A.390 authorizes cities of the home rule class, including Owensboro, to impose a transient room tax on the rent for occupancy of a suite, room, rooms, cabins, lodgings, campsites, or other accommodations charged by any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or any other place in which accommodations are regularly furnished to transients for consideration or by any person that facilitates the rental of the accommodations by brokering, coordinating, or in any other way arranging for the rental of the accommodations. The Board of Commissioners wishes to establish a transient room tax as an additional source of revenue for events, facilities and staff to enhance tourism in Owensboro and Daviess County. City Manager Pagan stated that revenue from the transient room tax will provide, either directly or indirectly, funding for the sports facility. Based on a change to state law earlier this year, transient room taxes will apply to Airbnb and similar short-term rental companies as traditional hotels. However, apartments and stays in duration of thirty (30) days or more are exempt from the tax. Because of these provisions, almost all transient room tax revenue will be generated by visitors to our community instead of local residents. The economic impact study for the indoor sports facility projected the project would generate 12,360 new room nights per year. This conservative number, based on only 50% of weekends hosting tournaments, would increase our hotel occupancy three (3) percentage points.

6.B. Ordinance 18-2022 entitled AN ORDINANCE ESTABLISHING THE OWENSBORO TOURIST AND CONVENTION COMMISSION; PROCEDURES PROVIDING FOR THE APPOINTMENT AND TERMS OF MEMBERS; POWERS OF COMMISSION; AND AUDIT OF COMMISSION'S BOOKS AND ACCOUNT, was approved 5-0 on second reading by a roll call vote upon motion of Mayor Watson and a second from Commissioner Castlen.

KRS 91A.350 authorizes cities of the home rule class, including Owensboro, to establish a tourist and convention commission for the purpose of promoting and developing convention and tourist activities and facilities. The Board of Commissioners wishes to establish the Owensboro Tourist and Convention Commission for the purpose of promoting and developing convention and tourist activities and facilities. In order to avoid the duplication of services and maximize efficiency, the City intends for the tourist and convention commission to contract for services with the existing Owensboro Daviess County Convention & Visitors Bureau and the City of Owensboro. City Manager Pagan added that state law requires the creation of a tourist commission when transient room taxes are enacted. This ordinance creates a tourist commission with the structure as required. We have an existing Convention and Visitor Bureau (CVB), Visit Owensboro, who does an excellent job marketing our community, and we do not want to duplicate their efforts. We envision the new tourist commission created by this ordinance to contract with the City to provide tourism generating facilities. Further, we expect the tourist commission created by this ordinance to contract with Visit Owensboro to ensure the existing CVB continues marketing on behalf of our community as it has for years.

6.C. Ordinance 19-2022 entitled AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023, AND AMENDING ORDINANCE 08-2022 TO REVISE BEGINNING FUND BALANCES, CARRYOVER APPROPRIATIONS FOR ALL OUTSTANDING ENCUMBRANCES, CAPITAL PROJECTS AND RE-BUDGET FUNDS; REMOVE THREE (3) FULL-TIME TELECOMMUNICATOR POSITIONS AND ADD THREE (3) FULL-TIME CALLTAKER POSITIONS, was approved 5-0 on second reading by a roll call vote upon motion of Mayor Watson and a second from Commissioner Glenn.

Budget amendment to revise beginning fund balances, carryover appropriations for all outstanding encumbrances, capital projects and re-budget funds; remove three (3) full-time Telecommunicator positions and add three (3) full-time Calltaker positions.

7. ORDINANCES - 1st READING

7.A. Ordinance 20-2022 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 2753 VEACH ROAD, CONTAINING 0.376 ACRES, MORE OR LESS, AT THE REQUEST OF ALLEN RENFROW, was introduced and publicly read on first reading.

An Ordinance annexing the property located at 2753 Veach Road containing a total of 0.376 acres. There will be an annexation incentive agreement for the property. Map of property attached.

7.B. Ordinance 21-2022 entitled AN ORDINANCE REPEALING ORDINANCE 12-2022 IN ITS ENTIRETY, WHICH WAS APPROVED BY THE OWENSBORO BOARD OF COMMISSIONERS ON JUNE 7, 2022, AND ANNEXING TO THE CITY OF OWENSBORO CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF

DAVISS 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 (15.655 ACRES) AND TRACT III (0.444 ACRES) CONTAINING A TOTAL OF 53.024 ACRES, MORE OR LESS, AT THE REQUEST OF OWENSBORO DEVELOPERS, LLC, was introduced and publicly read on first reading.

Ordinance 12-2022 was approved on June 7, 2022 annexing into the City property located at or near Goetz Drive and Coventry Lane. The Ordinance misstated the acreage and described the property incorrectly. Therefore, Ordinance 12-2022 is being repealed and Ordinance 21-2022 is annexing the correctly described property. City Manager Pagan explained Ordinance 21 and 22 both received approval at the May 17 meeting. We have subsequently learned that the acreage and legal descriptions the we received from the engineering firm for the development project were incorrect. Therefore, Ordinance 21-2022 and 22-2022 repeal the prior ordinances and contain the correct language. Map of property attached.

7.C. Ordinance 22-2022 entitled AN ORDINANCE REPEALING ORDINANCE 13-2022 IN ITS ENTIRETY, WHICH WAS APPROVED BY THE OWENSBORO BOARD OF COMMISSIONERS ON JUNE 7, 2022, AND 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.

Ordinance 13-2022 was approved on June 7, 2022 annexing into the City property (Goetz Ditch) located at or near the Wendell Ford Expressway and Goetz Drive. The Ordinance described the property incorrectly. Therefore, Ordinance 13-2022 is being repealed and Ordinance 22-2022 is annexing the correctly described property.

7.D. Ordinance 23-2022 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 3107 LEITCHFIELD ROAD (HWY 54) AND LEITCHFIELD ROAD (HWY 54) RIGHT OF WAY, CONTAINING 0.880 ACRES, MORE OR LESS, AT THE REQUEST OF MALI HWY 54, LLC, was introduced and publicly read on first reading.

An Ordinance annexing the property located at 3107 Leitchfield Road (Hwy 54) and Leitchfield Road (Hwy 54) right of way, containing a total of 0.880 acres. City Manager Pagan stated the subject property has been acquired along with the former Bob Evans Restaurant location next door, and the two parcels will be combined into a single tract for redevelopment. The Bob Evans location is already in the City, and the entire site must be in the same jurisdiction, hence this ordinance to annex the portion not currently in the City. Accordingly, there will not be an annexation incentive for this project.

7.E. Ordinance 24-2022 entitled AN ORDINANCE LEVYING AD VALOREM TAXES FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023, AT THE RATE OF 26.40 CENTS PER \$100 OF ASSESSED VALUATION OF REAL PROPERTY, 27.61 CENTS PER \$100 OF ASSESSED VALUATION OF PERSONAL PROPERTY, AND 30.30 CENTS PER \$100 OF ASSESSED VALUATION OF VEHICLES, AND PROVIDING FOR THE COLLECTION AND APPORTIONMENT OF SAME, was introduced and publicly read on first reading.

Ordinance to levy ad valorem taxes for municipal purposes for the fiscal year commencing July 1, 2022 and ending June 30, 2023, at the rate of 26.40 cents for \$100 of assessed valuation of real property, 27.61 cents per \$100 of assessed valuation of personal property, and 30.30 cents per \$100 of assessed valuation of vehicles. Also to provide for the collection and apportionment of same. City Manager Pagan explained that this ordinance sets three different property tax rates for the year. The largest by revenue and most well-known is on real property, or real estate. There is no proposed change to the real estate rate from last year, continuing with a rate of 26.4 cents per \$100 of valuation. With this rate, a property assessed at \$100,000 would pay \$264 in property tax to the City. No change is proposed for the vehicle rate, remaining at 30.3 cents per \$100. On personal property, the ordinance includes a rate of 27.61, down from 33.02 cents per \$100 last year; the personal property rate is calculated automatically based on the real property rate. The real property rate is the most prominent rate, and is what is referred to when discussing our property tax rate as it is the source of the majority of the property tax revenue.

8. MUNICIPAL ORDERS

8.A. Municipal Order 27-2022 entitled A MUNICIPAL ORDER ADOPTING THE DAVIESS COUNTY SOLID WASTE MANAGEMENT PLAN 2023-2027 UPDATE, was approved 5-0 on one reading upon motion of Mayor Watson and a second from Mayor Pro Tem Maglinger.

Daviess County Fiscal Court is required by KRS 224.43-340 and KRS 224.43-345 to submit an update of the area solid waste management plan. The Daviess County Solid Waste Management Plan 2023-2027 Update sets the agenda for implementation of solid waste reduction and management for the years inclusive of 2023-2027. The City of Owensboro, being within Daviess County, adopts the Plan.

9. CITY MANAGER ITEMS

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

NEW HIRE/PROBATIONARY STATUS:

- **Renee L. Mackey** – Probationary, full-time, non-civil service appointment to Bus Driver with the Public Works Transit Department, effective August 29, 2022

- **Carla S. Ellis** – Probationary, full-time, non-civil service appointment to Telecommunicator with the Police Department, effective September 12, 2022

PROMOTIONAL/PROBATIONARY STATUS:

- **Whitney L. Brown** – Probationary, full-time, non-civil service, promotional appointment to Senior Accountant with the Finance Department, effective August 28, 2022

REGULAR STATUS:

- **Steven E. Schroeder** – Regular, full-time, non-civil service appointment to Refuse Truck Driver with the Public Works Sanitation Department, effective August 16, 2022

9.C. City Manager Comments – City Manager Pagan wished City Clerk Beth Davis a Happy Birthday.

10. COMMUNICATIONS FROM ELECTED OFFICIALS

Members of the Commission discussed the events they recently attended.

Commissioner Castlen said Happy Birthday to his daughter Jill. He also recognized Mandy Roby for organizing the Owensboro Community Collaborative Task Force.

Mayor Watson recognized State Representative D.J. Johnson in attendance at the meeting.

11. OPEN PUBLIC FORUM

Father Jamie Dennis (Blessed Mother Church, 515 E 22nd Street) explained that previously a caution sign was installed near the church displaying a blind person in the area. He crosses the street daily to get to the church. However, recently the sign has been replaced with a handicap sign (wheelchair). He requested the prior sign be reinstalled. He is disappointed that there was no discussion prior to the sign being removed.

City Manager Pagan stated the prior sign was erroneously installed and is in violation of federal code and city ordinance. He apologized for the miscommunication. City Engineer Kevin Collignon added that the City has adopted the federal document that provides policy on street markings, signs, etc. The “blind person in the area” sign was not in compliance. The City receives numerous requests for a variety of signs and we are only able to install the federally approved ones. The sign with the wheelchair is the international sign for handicapped.

Cheryl Lott (President of Support Alliance for Visually Impaired – SAVI) spoke on behalf of the organization and said they support the blind person sign.

Becky Barnhart (Executive Director of Senior Community Center of Owensboro-Daviess County) recognized their board members and staff in attendance at the meeting.

Birdie Coleman (SAVI member) also spoke in favor of the blind person signage and in support of Father Jamie.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 6:03 p.m. by motion of Mayor Watson and a second by Commissioner Castlen; motion carried unanimously.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk