

OWENSBORO BOARD OF COMMISSIONERS

Regular Called Meeting
January 3, 2023 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
Commissioner Mark Castlen
Commissioner Larry Maglinger
Commissioner Bob Glenn
Commissioner Pam Smith-Wright

3. INVOCATION & PLEDGE – Commissioner Mark Castlen

4. Honorable Jay A. Wethington, Chief Circuit Judge, Daviess Circuit Court, administered the Oath of Office to the incoming Commissioners. The results of the 2022 general election: Mark Castlen (7,293 votes); Larry Maglinger (6,984 votes); Bob Glenn (6,830 votes); and Pamela L. Smith-Wright (6,773 votes).

5. PRESENTATION

5.A. Mayor Watson presented the “Law Enforcement Appreciation Day” Proclamation to Officer Ballenilla.

6. BUSINESS

6.A. ELECTION OF MAYOR PRO TEM: Motion was made by Mayor Watson and a second from Commissioner Smith-Wright to appoint Commissioner Mark Castlen as Mayor Pro Tem; motion passed 4-1 with Mayor Pro Tem Castlen abstaining.

6.B. The following board appointment was approved by motion of Mayor Watson and second by Commissioner Glenn and passed unanimously:

- **Property Maintenance Code Enforcement Board** – Appoint Joey Burshears to a three-year term effective January 6, 2023

7. ORDINANCES - 2nd READING

7.A. Ordinance 01-2023 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 4513 U.S. HIGHWAY 60 WEST, 4575 U.S. HIGHWAY 60 WEST AND 280 HARBOR HILLS DRIVE CONTAINING A TOTAL OF 133.893 ACRES, MORE OR LESS, AT THE REQUEST OF DEER VALLEY SUBDIVISION, LLC, was read for approval on second reading. Motion was made by Mayor Watson and a second from Mayor Pro Tem Castlen. Upon roll call vote, the motion carried unanimously.

An Ordinance annexing the property located at 4513 U.S. Highway 60 West, 4575 U.S. Highway 60 West and 280 Harbor Hills Drive containing a total of 133.893 acres. There will be an annexation incentive agreement for the property. City Manager Pagan stated the property is owned by Jagoe Homes and they are planning the *Heatherstone* development with 333 lots.

7.B. Consider Ordinance 02-2023 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 3805 WEST FIFTH STREET ROAD CONTAINING A TOTAL OF 114.245 ACRES, MORE OR LESS, AT THE REQUEST OF BIG RIVERS ELECTRIC CORPORATION, was read for approval on second reading. Motion was made by Mayor Watson and a second from Commissioner Maglinger. Upon roll call vote, the motion carried unanimously.

An Ordinance annexing the property located at 3805 West Fifth Street containing a total of 114.245 acres. There will be an incentive agreement for the property. City Manager Pagan explained the consensual annexation is for property behind the Green River Area Development District (GRADD), and will be accessed from an extension of Industrial Drive south of West Second Street. Big Rivers will construct a transmission operations center at the site.

8. ORDINANCES - 1st READING - None

9. MUNICIPAL ORDERS

9.A. Municipal Order 01-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH DEER VALLEY SUBDIVISION, LLC PROVIDING FOR THE CONSENSUAL ANNEXATION OF UNINCORPORATED PROPERTY LOCATED IN DAVIESS COUNTY AT 4513 U.S. HIGHWAY 60 WEST, PORTIONS OF 4575 U.S. HIGHWAY 60 WEST AND 280 HARBOR RIDGE DRIVE, CONTAINING A TOTAL OF 133.893 ACRES, MORE OR LESS; AND FURTHER PROVIDING THAT THE CITY SHALL REIMBURSE DEER VALLEY SUBDIVISION, LLC ONE HUNDRED PERCENT (100%) OF THE TOTAL AD VALOREM (EXCLUDING SCHOOL TAX), NET PROFITS, AND OCCUPATIONAL TAX REVENUES DERIVED FROM THE PROPERTY OVER DESIGNATED FIVE (5) YEAR

PERIODS, was unanimously approved on one reading by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

Deer Valley Subdivision, LLC has consented to the annexation of the property located at 4513 U.S. Highway 60 West, portions of 4575 U.S. Highway 60 West and 280 Harbor Ridge Drive, containing a total of 133.893 acres. The Order sets forth the terms and conditions of the annexation incentive. City Manager explained the incentive agreement is the typical agreement, however, it allows for two (2) phases.

9.B. Municipal Order 02-2023 entitled A MUNICIPAL ORDER AMENDING MUNICIPAL ORDER 41-2022 TO CHANGE THE APPLICATION FOR FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO THE TOTAL AMOUNT OF \$11,212,250.00; AND AUTHORIZING AND DIRECTING THE FUNDS TO BE DISBURSED TO OWENSBORO GRAIN COMPANY, LLC TO FACILITATE CONSTRUCTION OF A WALL ON THE BANK OF THE OHIO RIVER TO ENSURE THE CONTINUED STABILITY OF OWENSBORO GRAIN'S FACILITIES; AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH OWENSBORO GRAIN COMPANY, LLC CONCERNING THE FUNDS, was unanimously approved on one reading by motion of Mayor Watson and a second by Commissioner Smith-Wright.

The Board of Commissioners approved Municipal Order 41-2022 authorizing Owensboro Grain Company, LLC to apply for funds from the Federal Emergency Management Agency in the amount of \$10,766,250.00 so that it can construct a 1400' sheet pile wall on the south bank of the Ohio River to ensure the continued stability of its facilities. The total cost for the project has increased and Owensboro Grain now desires to apply for funds in the amount of \$11,212,750.00 from FEMA. The City remains as a conduit for the funds and will have no obligations concerning the application or the project and its costs.

City Manager explained that since the previous Order was approved, the cost of the project has increased. The City still will have no financial obligation or cost for the project. The cost increase was \$446,600.

9.C. Municipal Order 03-2023 entitled A MUNICIPAL ORDER AUTHORIZING THE APPLICATION FOR FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE TOTAL AMOUNT OF \$5,352,167.00 TO FACILITATE UPGRADES TO THE STORM SEWER DRAINAGE SYSTEM IN THE YORK PARK AREA TO MITIGATE LOCALIZED FLOODING, was unanimously approved on one reading by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

The Federal Emergency Management Agency has HMGP (Hazard Mitigation Grant Program) funds available for the purpose of supporting local communities in undertaking hazard mitigation projects. The City desires to apply for funds in the amount of \$5,352,167.00 from FEMA so that it can reconstruct the existing storm sewer system with larger conveyances as well as disconnection from the combined sewer system. City Manager Pagan stated the ongoing project in design has already been appropriated

ARPA funds. To stretch funds further, the ARPA funds could be re-appropriated if the grant is approved. However, the project will proceed regardless of whether the grant is approved.

10. CITY MANAGER ITEMS

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

REGULAR STATUS:

- **Andrew L. O'Bryan** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective January 3, 2023
- **Terry D. Seaton** – Regular, full-time non-civil service appointment to Maintenance Equipment Operator with the Public Works Street Department, effective January 3, 2023

11. REMARKS AND RECOGNITION OF GUESTS

Each of the Commissioners recognized their family, friends and supporters in the recent election.

Mayor Watson commended the families for allowing their loved one to serve and thanked the elected officials for agreeing to serve.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 5:24 p.m. by motion of Commissioner Smith-Wright and a second by Mayor Pro Tem Castlen.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk