

## OWENSBORO BOARD OF COMMISSIONERS

**Regular Meeting**  
**June 4, 2019 5:00 PM**  
Owensboro City Hall  
101 E. 4th Street  
Owensboro, Kentucky

1. CALL TO ORDER - Mayor Tom Watson

2. ROLL CALL – Beth Cecil, City Clerk

Present:

Mayor Tom Watson  
Mayor Pro Tem Larry Maglinger  
Commissioner Pam Smith-Wright  
Commissioner Larry Conder  
Commissioner Jeff Sanford

3. INVOCATION & PLEDGE – Mayor Tom Watson

4. PRESENTATIONS

4.A. Mayor Watson presented a Proclamation for Steven B. Wahler Day and the Carnegie Medal to the family of Mr. Wahler for his heroic efforts to save a child in 2017.

4.B. The Men's Health Month Proclamation was read and will be mailed.

5. BUSINESS

5.A. Minutes dated May 14, 2019, May 17, 2019 and May 21, 2019 were unanimously approved upon motion of Mayor Watson with a second by Commissioner Smith-Wright.

5.B. The following board appointments were approved 5-0 upon motion of Mayor Watson with a second from Commissioner Conder.

- **Senior Community Center of Owensboro-Daviess County** – Appoint D.J. Johnson to a three-year term expiring December 31, 2021.
- **Dugan Best Neighborhood Alliance** – Reappoint Andrea Johnson to a term expiring August 1, 2020.

## **6. ORDINANCES – 2<sup>ND</sup> READING**

**6.A.** Ordinance 9-2019 entitled AN ORDINANCE ADOPTING AND APPROVING THE ANNUAL BUDGET OF THE CITY OF OWENSBORO, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2019, AND ENDING JUNE 30, 2020, AND APPROPRIATING THE REVENUES TO THE VARIOUS DEPARTMENTS OF THE CITY AS SET FORTH HEREIN, was approved 5-0 on second reading upon motion by Mayor Watson with a second from Mayor Pro Tem Maglinger.

The estimated revenues and fund balances set forth in the 2019-2020 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, 2019, and ending June 30, 2020, in the amount of \$124,119,283, inclusive of Internal Service Funds, for the various purposes designated in the 2019-2020 Annual Budget.

**6.B.** Ordinance 10-2019 entitled AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019, AND AMENDING ORDINANCE 9-2018 TO FUND THE BUDGET CONTINGENCY AND CORRECT PURCHASE ORDER ROLLOVERS IN THE GENERAL FUND; TO PROVIDE FOR PURCHASE OF ELEVEN (11) SETS OF BODY ARMOR FROM THE PROPERTY RECOVERY FUND; TO RECEIVE FEDERAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS FOR PURCHASE OF BREATHALYZERS, TRAFFIC DATA COLLECTOR AND ACCIDENT RECON EQUIPMENT IN THE JAG GRANT FUND; AND TO PROVIDE FOR CONVENTION CENTER OPERATIONS, was approved 5-0 on second reading upon motion by Mayor Watson with a second from Commissioner Smith-Wright.

Budget amendment to fund the budget contingency and correct purchase order rollovers in the general fund; to provide for purchase of eleven (11) sets of body armor from the property recovery fund; to receive federal Justice Assistance Grant (JAG) funds for purchase of breathalyzers, traffic data collector and accident recon equipment in the JAG grant fund; and to provide for Convention Center operations.

**6.C.** Ordinance 11-2019 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 CURRENTLY OWNED BY GATEWAY LAND, LLC AND LOCATED AT 2945 HIGHWAY 54, CONTAINING 2.361 ACRES, MORE OR LESS, was approved 5-0 on second reading upon motion by Mayor Watson with a second from Commissioner Sanford.

An Ordinance annexing the property located at 2945 Highway 54, containing 2.361 acres.

**6.D.** Ordinance 12-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN

UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 2280 TAMARACK ROAD, CONTAINING 48.296 ACRES, MORE OR LESS, was approved 5-0 on second reading upon motion by Mayor Watson with a second from Mayor Pro Tem Maglinger.

An Ordinance declaring the City's intent to annex property located at 2280 Tamarack Rd., containing 48.296 acres. Commissioner Smith-Wright asked for clarification on how the negotiations were proceeding. She stated she was unsure if the DCPS employees were aware that negotiations were still ongoing. Mayor Watson said a decision is close to being made that would make the teachers (DCPS employees) whole while creating extra revenue for the school system. Commissioner Conder stated that he believes a win-win-win scenario will come out of the negotiations for all parties.

**6.E.** Ordinance 13-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 4610 GOETZ DRIVE, 4514 GOETZ DRIVE AND 1621 SOUTHTOWN DRIVE, CONTAINING 52.238 ACRES, MORE OR LESS, was approved 5-0 on second reading upon motion by Mayor Watson with a second from Commissioner Conder.

An Ordinance declaring the City's intent to annex property located at 4610 Goetz Drive, 4514 Goetz Drive and 1621 Southtown Drive, containing 52.238 acres.

**6.F.** Ordinance 14-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 1622 SOUTHEASTERN PARKWAY, CONTAINING 6.370 ACRES, MORE OR LESS, was approved 5-0 on second reading upon motion by Mayor Watson with a second from Commissioner Sanford.

An Ordinance declaring the City's intent to annex property located at 1622 Southeastern Parkway, containing 6.370 acres.

**6.G.** Ordinance 15-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 4255 NEW HARTFORD ROAD, CONTAINING 31.683 ACRES, MORE OR LESS, was approved 5-0 on second reading upon motion by Mayor Watson with a second from Mayor Pro Tem Maglinger.

An Ordinance declaring the City's intent to annex property located at 4255 New Hartford Road, containing 31.683 acres.

**6.H.** Ordinance 16-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 6000 FAIRVIEW DRIVE, CONTAINING 22.799 ACRES, MORE OR LESS, was approved 5-0 on second reading upon motion by Mayor Watson with a second from Commissioner Sanford.

An Ordinance declaring the City's intent to annex property located at 6000 Fairview Drive, containing 22.799 acres.

**6.I.** Ordinance 17-2019 entitled AN ORDINANCE DECLARING THE CITY OF OWENSBORO'S INTENT TO ANNEX INTO THE CITY CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF DAVIESS ADJOINING THE PRESENT BOUNDARY LINE OF THE CITY, BEING PROPERTY LOCATED AT 2909 HIGHWAY 54, CONTAINING 14.877 ACRES, MORE OR LESS, was approved 5-0 on second reading upon motion by Mayor Watson with a second from Mayor Pro Tem Maglinger.

An Ordinance declaring the City's intent to annex property located at 2909 Highway 54, containing 14.877 acres.

Commissioner Smith-Wright stated that before she found out that negotiations were ongoing, she had intended to vote against the ordinances. City Attorney Steve Lynn announced that City Clerk Beth Cecil has certified the list of property owners to whom the notice of intent to annex was sent, those being the Daviess County Board of Education, the Daviess County School District Finance Corporation, the Daviess County School Finance Corporation and the Board of Education of Daviess County, Kentucky, and the list of property owners is hereby made a part of the official record of this meeting.

Sean Land, attorney for Daviess County Board of Education (DCBE), reiterated that the DCBE could not agree to annexation at the expense of its employees. Sheriff Keith Cain, Daviess County Sheriff's Office (DCSO), expressed his concern with the suggestion that the annexation is needed to enhance and increase the security at the schools affected with the implication that this is particularly necessary because of recent school tragedies across the nation, further stating that suggestion is untrue. The DCSO and Daviess County Public Schools has formed a partnership model that is known and respected across the Commonwealth and the active shooter training has been presented to over 2,000 teachers/staff within DCPS and various other schools. Sheriff Cain discussed in depth the training that DCPS staff members/schools receive through the DCSO. He also mentioned the school

resource officers that are engaged within the school system. Sheriff Cain stated that he is not implying that annexation would result in a lesser degree of police services.

City Manager Pagan said the City and DCPS are very close to an agreement that would make DCPS employees whole and negotiations are ongoing.

Dwane Smeathers, Daviess County Fire Chief, spoke on the quality fire suppression and emergency medical services that are provided to the Daviess County schools and community as a whole by the Daviess County Fire Departments.

Kevin Lowe (3810 Cross Creek Trail – Principal of Meadowland Elementary) spoke against the annexations.

Matt Robbins (Daviess County Schools Superintendent) said considerable progress has been made in last 4-5 hours in the negotiations and the negotiations will continue.

## **7. ORDINANCES – 1<sup>ST</sup> READING - NONE**

## **8. MUNICIPAL ORDERS**

**8.A.** Municipal Order 17-2019 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A FY2019 STATE HOMELAND SECURITY GRANT THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$12,300.00, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO FIRE DEPARTMENT TO PURCHASE CONFINED SPACE RESCUE HARDLINE COMMUNICATIONS EQUIPMENT; NO MATCH IS REQUIRED., was approved 5-0 on motion of Mayor Watson with a second by Commissioner Sanford.

The Owensboro Fire Department (OFD) responds to rescue incidents of persons incapacitated within confined spaces and it places the Owensboro Fire/EMS personnel in harm's way. The typical radio system used for communication does not operate within such confined spaces. The grant funds will be used to purchase hardline communications equipment specifically designed for such rescue incidents. No match is required.

## **9. CITY MANAGER ITEMS**

**9.A.** The following personnel appointments were approved 5-0 upon motion of Mayor Watson and a second by Commissioner Smith-Wright:

### **REGULAR STATUS:**

- **Deidra Dailey** – Regular, full-time, non-civil service appointment to Telecommunicator with the Police Department, effective June 10, 2019

- **Jessica Pierce** – Regular, full-time, non-civil service appointment to Lead Telecommunicator with the Police Department, effective June 10, 2019
- **Ronnie Ferguson** – Regular, full-time, non-civil service appointment to Sanitation Manager with the Public Works Department, effective June 10, 2019

#### **PROBATIONARY:**

- **Marvin Ammons** – Probationary, full-time, non-civil service appointment to Public Works Driver/Sanitation with the Public Works Department, effective June 10, 2019
- **Kevin Lang Jr.** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective July 1, 2019
- **Kenneth Rideout** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective July 1, 2019
- **Mark Hammonds** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective July 1, 2019

**9.B. City Manager Comments - None**

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

Communications were heard from the elected officials.

Mayor Pro Tem Maglinger asked City Manager Pagan if an offer was made and rejected by the Daviess County Public Schools (DCPS) to take care of their employees so they were not out any expense (in the beginning of the annexation process). City Manager Pagan responded affirmatively.

Commissioner Conder recognized Charlotte Burton who was awarded the Court Appointed Special Advocate (CASA) Association 2019 National CASA Board Member of the Year recently in Atlanta, Georgia.

#### **11. OPEN PUBLIC FORUM**

The following spoke against the Daviess County Public School annexations: Larry King (3941 Man-O-War Loop); Lora Wimsatt (2609 Wisteria Gardens); and Gayle Edmonds (2411 Daviess Street).

#### **12. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 6:05 p.m. upon motion by Mayor Watson and a second by Mayor Pro Tem Maglinger.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Cecil, City Clerk