

OWENSBORO BOARD OF COMMISSIONERS

Special Called Meeting

December 14, 2021 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 – Mayor Tom Watson

4. PRESENTATIONS

4.A. Mayor Watson presented Kris Wink, Grounds Crew Leader, with the 2021 Cap Gardner Award.

4.B. Kris Wink, Grounds Crew Leader, was recognized for her retirement effective December 31, 2021.

4.C. The OMU & Owensboro Neighborhood Alliance Golden Santa Award was presented to Michael and Amanda Murphy at 2136 Fieldcrest Drive and Darren Fegett at 2006 McFarland Avenue. Both families won a \$250 gift certificate from OMU and a dining gift certificate from the Neighborhood Alliance.

5. BUSINESS

5.A. Mac Neel, Alexander Thompson Arnold, PLLC, presented the FY2020-2021 Audit Report for consideration (presentation attached). City Manager Pagan explained that state law requires the City be audited each year to provide both the Board of Commissioners and the public accountability, transparency and assurance that the City's financial affairs are handled appropriately. After brief discussion, motion to approve the audit was made by Mayor Watson with a second by Commissioner Castlen; motion passed unanimously. (Item was considered during City Manager comments due to Mr. Neel arriving later in the meeting).

5.B. Minutes dated November 16, 2021 were approved 5-0 upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

5.C. Board Appointments

The following board appointments were approved 4-0 upon motion of Mayor Watson with a second by Commissioner Glenn. Commissioner Sanford abstained from the vote. Mayor Watson explained the Walk of Fame Advisory Board was created in 2012 and had since become inactive. He is revitalizing the Board, therefore the appointments are staggered to avoid all terms expiring at the same time.

- **Owensboro Human Relations Commission** –Reappoint Anna Kuthy, Dr. Veena Sallan, Dr. Eunice Taylor, and Heather Yeiser to a three-year term effective January 1, 2022.
- **Ambulance Contracting Authority** – Reappoint Richard Peach to a four-year term effective January 1, 2022.
- **Owensboro-Daviess County Regional Airport Board**– Reappoint Madison Silvert to a four-year term effective January 9, 2022.
- **Seven Hills Neighborhood Alliance** – Appoint Dinah Crowley, Marilyn Kaye Yeiser-Taylor, David Norris, and Christian Potts to a two-year term effective December 14, 2021.
- **Owensboro Metropolitan Board of Adjustments** – Reappoint Fred Reeves to a four-year term effective January 1, 2022.
- **Owensboro Metropolitan Planning Commission** – Appoint Greg Raque to a four-year term effective January 1, 2022.
- **Greater Owensboro Chamber of Commerce Board of Directors** – Appoint Jeff Sanford to a one-year term effective January 1, 2022.
- **Senior Community Center of Owensboro-Daviess County** – Reappoint Joe Mason, Jennifer Allen, Ed Higdon, John Burlew, Brenda Nesmith, Kirk Kirkpatrick, and Bill Cooper to a three-year term effective January 1, 2022.
- **Walk-of-Fame Advisory Board** – Appoint Lelan Hancock to a three-year term effective December 14, 2021. Appoint David Johnson and Candance Brake to a two-year term effective December 14, 2021. Appoint John Iracane to a one-year term effective December 14, 2021.

6. ORDINANCES - 2nd READING

6.A. Ordinance 16-2021 entitled AN ORDINANCE REVISING THE CITY OF OWENSBORO EMPLOYEE HANDBOOK CHAPTER 1000, SUBCHAPTER 1004, PAY CHART ENTITLED “ADMINISTRATIVE SERVICES” THEREBY ESTABLISHING THE POSITION OF “CUSTOMER SERVICE REPRESENTATIVE”; AND FURTHER 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 on second reading by motion of Mayor Watson and a second from Commissioner Sanford.

It is necessary to amend a position in Chapter 1000, Subchapter 1004, in the Pay Charts entitled “Administrative Services” to establish the position of Customer Service Representative. 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. City Manager Pagan explained the Ordinance is adding the position of Customer Service Representative (CSR) to the pay charts. The pay charts include all full-time positions approved by the Board of Commissioners. This change makes the CSR a full-time position, the City has had CSRs as part-time positions since 1999. Historically, we have had three (3) part-time CSRs that collectively covered normal business hours. Because of the difficulty in hiring and retaining part-time positions, we are swapping three (3) part-time positions for one (1) full-time position. There is a slight cost of this change of just over \$10,700.

The CSR role is important as it is typically the front line that first communicates with citizens when they contact the City. A CSR receives complaints and questions through calls, emails, the city app and walk-ins. They assist with everything from complaints on property maintenance, sanitation, and street issues to citizens in contact with the correct department or outside agency and also provides support for special projects. CSRs log approximately 14,000 calls/contacts each year.

6.B. Ordinance 17-2021 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 RECEIVE THIRD ROUND OF CARES FUNDING; RECEIVE AND APPROPRIATE FUNDS FOR DOWNTOWN CHRISTMAS LIGHTING; FUND TRANSITION OF THREE (3) NON FULL-TIME CUSTOMER SERVICE REPRESENTATIVE POSITIONS TO ONE (1) FULL-TIME CUSTOMER SERVICE REPRESENTATIVE POSITION; RECEIVE FUNDING AND PROVIDING FOR THE CONSTRUCTION OF THREE (3) TENNIS COURTS; AND TO PROVIDE FOR PURCHASE OF A POLE CAMERA FROM THE STATE DRUG FUND, was unanimously approved on second reading by motion of Mayor Watson and a second from Commissioner Castlen.

Budget amendment to receive third round of CARES funding; receive and appropriate funds for downtown Christmas lighting; fund transition of three (3) non full-time Customer Service Representative positions to one (1) full-time Customer Service Representative position; receive funding and providing for the construction of three (3) tennis courts; and to provide for purchase of a pole camera from the State Drug Fund.

7. ORDINANCES - 1st READING

7.A. Ordinance 18-2021 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 3238 KIDRON VALLEY WAY, CONTAINING 1.167 ACRES, MORE OR LESS, AT THE REQUEST OF KIDRON INVESTMENT, LLC, was introduced and publicly read on first reading.

An Ordinance annexing the property located at 3238 Kidron Valley Way, containing 1.167 acres. There will be an annexation incentive agreement for the property. City Manager Pagan explained the property is a multi-tenant commercial building containing Wasabi 54 and a couple of other businesses. An annexation incentive agreement will be considered at the next meeting.

8. MUNICIPAL ORDERS

8.A. Municipal Order 41-2021 entitled A MUNICIPAL ORDER APPROVING 5.9% COST-OF-LIVING INCREASE FOR ALL ELIGIBLE PENSION ANNUITANTS UNDER THE (CLOSED) CITY EMPLOYEES' PENSION FUND, was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Sanford.

The Board of Trustees of the (closed) City Employees' Pension Fund met and by unanimous vote recommends a 5.9% cost of living increase for eligible annuitants effective with pension checks received in January 2022. City Manager Pagan explained the closed plan is not the County Employee Retirement System plan in which our current and recently retired city employees participate. This plan has fourteen (14) members and is financially sound.

8.B. Municipal Order 42-2021 entitled A MUNICIPAL ORDER APPROVING A 2.3% COST-OF-LIVING INCREASE FOR ELIGIBLE ANNUITANTS OF THE OWENSBORO POLICE AND FIREFIGHTERS' RETIREMENT FUND (CLOSED), was unanimously approved on one reading upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

The Board of Trustees of the Owensboro Police and Firefighters' Retirement Fund (closed) met and unanimously recommends a 2.3% cost of living increase for eligible annuitants effective with pension checks received in January 2022. City Manager Pagan stated the

2.3% increase is the amount required by language in the governing state statute as the twelve (12) month increase in the Consumer Price Index. This closed plan has thirty-two (32) pensioners.

8.C. Municipal Order 43-2021 entitled A MUNICIPAL ORDER AUTHORIZING THE APPLICATION FOR FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE TOTAL AMOUNT OF \$8,036,250.00; 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 upon motion of Mayor Watson with a second by Commissioner Glenn.

Owensboro Grain Company, LLC desires to apply for funds in the amount of \$8,036,250.00 from FEMA's Building Resilient Infrastructure and Communities Program Funds 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. Owensboro Grain agrees to be solely responsible for the local share of 25% of the project cost in the amount of \$2,678,750.00. The City of Owensboro will act as a conduit for obtaining the funds from FEMA and disbursing them to Owensboro Grain for its use in accordance with an Agreement concerning said matter. City Manager Pagan explained that Owensboro Grain (OG) is experiencing instability along a portion of the riverbank. The grant request will provide funding to stabilize the bank and the twenty-five percent (25%) match will be the sole responsibility of OG. The City will submit the application but will have no financial obligation or cost. GRADD is writing the application and will administer the grant if awarded.

8.D. Municipal Order 44-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE CITY OF OWENSBORO THROUGH ITS OWENSBORO FIRE DEPARTMENT AND MERCY AMBULANCE OF EVANSVILLE, INC. d/b/a AMERICAN MEDICAL RESPONSE, was unanimously approved on one reading upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

The City of Owensboro through its Owensboro Fire Department (OFD) desires to obtain an advanced life support license and must partner with another licensed ambulance agency. Mercy Ambulance of Evansville, Inc. d/b/a American Medical Response (AMR) is a licensed ambulance agency operating within Daviess County, Kentucky. OFD seeks to enter into a Mutual Aid Agreement with AMR, setting forth the terms by which AMR will provide advanced life support non-transport first response assistance. Per City Manager Pagan, OFD has provided Basic Life Support (BLS) alongside the ambulance service for many years. Now, OFD seeks to provide non-transport Advanced Life Support (ALS). The City is required to formalize the relationship with AMR to meet the licensing requirements

set forth by the Kentucky Board of Emergency Medical Services. The Mutual Aid Agreement will set forth the details of each party. Commissioner Glenn asked if the firefighters will be administering Narcan. Chief Howard explained that OFD (and OPD) carries and administers Narcan now. Chief Howard added that since 2006 OFD has been responding in a First Responder BLS role, for which no state license was required. OFD requires firefighters achieve the EMT certification by the end of their 18-month probationary period. OFD is responding to medical runs and they typically arrive on scene prior to the ambulance (due to the proximity of the stations) therefore, the Municipal Order and Mutual Aid Agreement would allow OFD to administer non-transport ALS.

8.E. Municipal Order 45-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT FOR THE ACQUISITION OF PROPERTY LOCATED AT 426 WALNUT STREET; DECLARING THE PROPERTY AS SURPLUS; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE A DEED TRANSFERRING THE PROPERTY IN ACCORDANCE WITH KRS 82.083 TO HABITAT FOR HUMANITY OF OWENSBORO-DAVIESS COUNTY, INC., was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Glenn.

The City of Owensboro seeks to acquire 426 Walnut Street to perform additional improvements in qualifying census tracts using HOME funds in compliance with National Housing and Urban Development objectives of removing blighted properties. The City desires to declare the property as surplus property so that it can be transferred in accordance with KRS 82.083 to Habitat for Humanity of Owensboro-Daviess County, Inc. to develop a new single family home which will be sold to a low-to-moderate income family. City Manager Pagan said the property purchase and transfer to Habitat will be funded by federal housing funds and the project is in the Northwest Revitalization area.

8.F. Municipal Order 46-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT FOR THE ACQUISITION OF PROPERTY LOCATED AT 56 WOODFORD AVENUE; DECLARING THE PROPERTY AS SURPLUS; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE A DEED TRANSFERRING THE PROPERTY IN ACCORDANCE WITH KRS 82.083, was unanimously approved on one reading upon motion of Mayor Pro Tem Maglinger with a second by Commissioner Glenn.

The City of Owensboro seeks to acquire 56 Woodford Avenue to perform additional improvements in qualifying census tracts using HOME funds in compliance with National Housing and Urban Development objectives of removing blighted properties. The City desires to declare the property as surplus property so that it can be transferred in accordance with KRS 82.083. Similar to the previous Order, City Manager Pagan stated that the City will administer the construction of a new home on the property which will be sold to a low-to-moderate income qualifying resident.

8.G. Municipal Order 47-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR CYBERSECURITY PREPAREDNESS GRANT FUNDING THROUGH THE KENTUCKY LEAGUE OF CITIES INSURANCE SERVICES ASSOCIATION IN THE AMOUNT OF \$15,000.00, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO FOR REIMBURSEMENT OF EXPENSES ALREADY INCURRED; NO MATCH REQUIRED FROM THE CITY, was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Sanford.

Kentucky League of Cities Insurance Services Association (KLCIS) offers a Cybersecurity Preparedness Grant to its insureds as a risk management tool against cyberattacks. The City of Owensboro has expended funds for multi-factor authentication, data backup and disaster recovery and endpoint detection in its efforts to prevent cyberattacks. The City seeks reimbursement for amounts expended to prevent cyberattacks. City Manager Pagan added that the City has already expended budgeted funds for several cyber security measures and this grant will reimburse those funds.

8.H. Municipal Order 48-2021 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SUBAWARD AGREEMENT FOR GRANT FUNDING FROM THE FINANCIAL COMMISSION FOR APPALACHIA HIGH INTENSITY DRUG TRAFFICKING AREA IN THE AMOUNT OF \$19,000.00, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE OWENSBORO POLICE DEPARTMENT; NO MATCH REQUIRED FROM THE CITY, was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Castlen.

The Office of National Drug Control Policy awards grant funding through the Financial Commission for Appalachia High Intensity Drug Trafficking Area (FCAHIDTA) to participating jurisdictions. The City of Owensboro Police Department is a subaward recipient from FCAHIDTA in the amount of \$19,000.00 for calendar year 2022. City Manager Pagan explained that several months ago, our area was approved to participate in the HIDTA program which is a federally recognized drug task force with federal, state and local partners working to fight drug trafficking. OPD has one (1) officer dedicated exclusively to the HIDTA and the funding will be used to reimburse the City for overtime related to HIDTA investigations.

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 Sanford:

NEW HIRE/PROBATIONARY STATUS:

- **Anthony D. Small** – Probationary, full-time, non-civil service appointment to Public Works Mechanic with the Public Works Transit Department, effective December 20, 2021
- **Sean E. Kaufman** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective December 20, 2021, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **Aleph G. Zavala** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective December 20, 2021
- **Andrew L. O'Bryan** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective January 3, 2022, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **Benyamin A. Krieger** – Probationary, full-time, non-civil service appointment to Telecommunicator with the Police Department, effective January 3, 2022
- **Tina L. Stallings** – Probationary, full-time, non-civil service appointment to Telecommunicator with the Police Department, effective January 3, 2022
- **Terry D. Seaton** – Probationary, full-time, non-civil service appointment to Maintenance Equipment Operator with the Public Works Street Department, effective January 3, 2022

PROMOTIONAL/PROBATIONARY STATUS:

- **Ian N. Clark** – Probationary, full-time, non-civil service, promotional appointment to Fire Lieutenant with the Fire Department, effective December 19, 2021
- **Robin W. Cooper** – Probationary, full-time, non-civil service, promotional appointment to Citizens Service Representative with the Administration Department, effective December 19, 2021
- **Aquado R. Douglas** – Probationary, full-time, non-civil service, promotional appointment to Refuse Truck Driver with the Public Works Sanitation Department, effective December 19, 2021

REGULAR STATUS:

- **Jeffery Scott Brown** – Regular, full-time, non-civil service appointment to Crew Leader with the Public Works Sanitation Department, effective December 6, 2021

9.B. Snow Season Update – Kevin DeRossitt, Deputy Director of Public Works explained how Public Works trains, prepares, and implements snow removal for the City (presentation attached).

9.C. Cravens Pool Update – Not presented due to an illness

9.D. City Project List – Brief comments were heard (list attached).

9.E. City Manager Comments – City Manager Pagan asked for updates from the OPD and OFD as they have assisted the tornado victims. Fire Chief Howard stated that fourteen (14) firefighters assisted with a large infrastructure collapse team in Mayfield at the candle factory, as well as search and rescue. Nine (9) firefighters traveled to Bowling Green to assist with search and rescue. Major Winkler (OPD) said that OPD was contacted by Bowling Green Police Department to assist with securing areas and neighborhoods so BGPD could answer service calls. Fifteen (15) officers and three (3) supervisors were sent to work twelve (12) hour shifts. OPD primarily relied on officers that volunteered on their day off as to not impact service to the City residents. City Manager Pagan added that a GIS staff member also assisted in Dawson Springs with search and rescue.

10. COMMUNICATIONS FROM ELECTED OFFICIALS

Commissioner Castlen complimented the recent event held for Moneta Sleet Jr. at Max Rhoads Park.

Commissioner Sanford and Mayor Watson complimented the Energy on Ice rink and the sponsors.

Mayor Watson thanked Tim Ross for turning on the bridge lights for a group of 85 legislators visiting the riverfront.

11. OPEN PUBLIC FORUM

Todd Camp (2242 N. Stratford Drive) Pastor at New Life Church (400 Crabtree Avenue) asked the availability of funds (ARPA or other) to update Dugan Best Recreational Center and to assist the west side community specifically. Mayor Watson invited Mr. Camp to meet with him to discuss in more detail.

Mayor Watson announced that Friday After 5 Christmas Edition is hosting a tornado relief fundraiser on December 17 at the Holiday Inn Owensboro Riverfront.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned upon motion of Mayor Watson and a second by Commissioner Castlen at 1:27 p.m.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk