

OWENSBORO BOARD OF COMMISSIONERS

Regular Called Meeting

May 3, 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 Bob Glenn

4. PRESENTATIONS

4.A. Francine Marseilles gave an update on the upcoming Friday After 5 season (presentation attached).

4.B. Mayor Watson presented the "Professional Municipal Clerks Week" proclamation to City Clerk Beth Davis.

5. BUSINESS

5.A. Minutes dated April 19, 2022 and April 21, 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 by motion of Mayor Watson and a second from Commissioner Glenn.

- **Owensboro Historic Preservation Board** – Reappoint Kathryn Burlew to a three-year term effective May 17, 2022

6. ORDINANCES - 2nd READING – None

7. ORDINANCES - 1st READING

7.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 introduced and publicly read on first reading.

Budget amendment to appropriate ARPA funds, provide for additional appropriations in various areas and to establish budget for police funds. City Manager Pagan explained the budget amendments: appropriate ARPA funds for the York drainage project; send the other ARPA funds to the General Fund and appropriate the funding for OMU and the Cravens Pool repairs and improvements - \$2.5 million will remain unappropriated for future use at your discretion; additional funding for overtime and fuel for the Fire Department (the overtime was necessary to maintain minimal staffing); extra funds for the Recreation Fund due to revenue shortfalls at the Edge Ice Arena while it was closed; funds for overages in fuel and utilities in the Parks Department; because of timing, in the current fiscal year two payments will be made for the periodical aerial photography that GIS Manager Will Carpenter referenced during the budget work session; to reflect additional revenue and expenses in the Public Events budget related to the Air Show (the revenue exceeded expenses, so this is a net gain for the General Fund); funding for soundproofing improvements at the Bluegrass Museum; at the advice of the auditor, included are various restricted Police funds including funds for secondary employment, the Explorers Program, Juvenile Diversion, the DARE program, and Camp KOPS (the funds have no impact on the General Fund).

7.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 introduced and publicly read on first reading.

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. City Manager Pagan stated there were no changes to the draft budget that was presented in April, including no changes to the City tax rates. The General Fund is balanced.

7.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 introduced and publicly read on first reading.

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 that State law requires the City adopt a pay plan by ordinance and this adopts the pay charts for the 22-23 fiscal year. It is a companion to the budget, and the changes to the pay chart for next fiscal year reflect the changes previously discussed.

7.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 introduced and publicly read on first reading.

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. City Manager said the State requires the City to have franchise agreements with companies who use city right-of-way for their business. For example, the City has franchise agreements with Spectrum and Atmos for their infrastructure within city rights-of-way. City Attorney Mark Pfeifer further explained this Ordinance replaces a prior Ordinance from 2005 and the laws have changed. One change is there is a 1.3% tax on gross revenues of telecom companies and the City has opted to accept that in lieu of franchise fees. The City is participating in the State pool rather than imposing a separate franchise fee, which is slightly more financially beneficial to the City. The agreement covers everything that would be involved in internet and data transmission, and does not affect cable, satellite television, radio or television broadcasting. It covers all operations of a franchise except pole location, the franchisee will need to work with OMU for separate pole location agreements. After going through a bid process, unless extended by the Commission, the franchisee will have to have telecommunication services available within one (1) year.

8. MUNICIPAL ORDERS

8.A. Municipal Order 15-2022 entitled A MUNICIPAL ORDER APPROVING THE 2022-2023 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP FUNDS, PREPARED BY THE COMMUNITY DEVELOPMENT DEPARTMENT AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE SAME, was unanimously approved on one reading upon motion of Mayor Watson with a second by Commissioner Glenn.

The Citizens Advisory Committee has recommended that the Owensboro Board of Commissioners accept the 2022-2023 Annual Action Plan for Community Development Block Grant and HOME Funds in order to continue to address the need for housing and community development in the community. City Manager Pagan explained the Annual Action Plan is a document mandated by the U.S. Department of Housing and Urban Development (HUD) that outlines local affordable housing and community development needs and identifies strategies for addressing them. The plan identifies activities that the City expects to undertake through direct action or through the provision of funding to other entities. In addition to outlining housing and community development strategies, the Annual Action Plan includes the City's application for the federal grants received from HUD. These grants, the Community Development Block Grant (CDBG) and the HOME Investment Partnership (HOME), fund the majority of the affordable housing and neighborhood improvement programs provided by the City. The City has not received final notification on the amounts of the awards.

8.B. Municipal Order 16-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MUTUAL AID AND ASSISTANCE AGREEMENT BETWEEN THE CITY OF OWENSBORO AND HOPKINS COUNTY FISCAL COURT, was unanimously approved on one reading upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

The City of Owensboro and Hopkins County Fiscal Court desire to provide aid and assistance to the other in the event of disaster or emergency by entering into a Mutual Aid and Assistance Agreement. City Manager Pagan stated the City sent staff to Bowling Green, Mayfield, and Hopkins County in the aftermath of the December tornado. Those communities can reimburse us for our costs and be reimbursed by FEMA, but doing so requires we have a mutual aid agreement with the jurisdiction. Bowling Green has an agreement that will suffice, but Hopkins County does not. This Municipal Order authorizes a mutual aid agreement with Hopkins County necessary for them to reimburse us and then for them to submit for reimbursement for staff time in that community following the tornado.

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:

- **Tony Hernandez** – Probationary, full-time, non-civil service appointment to Refuse Truck Driver with the Public Works Sanitation Department, effective May 8, 2022

PROMOTIONAL/PROBATIONARY STATUS:

- **John D. Berry** - Probationary, full-time, non-civil service, promotional appointment to Construction Inspector with the Public Works Engineering Department, effective May 8, 2022

REGULAR STATUS:

- **Kevin D. DeRossitt** – Regular, full-time, non-civil service appointment to Deputy Director of Public Works with the Public Works Department, effective May 9, 2022
- **Bryson N. Morrow** – Regular, full-time, non-civil service appointment to Recreation Facilities Manager with the Parks and Recreation Department, effective May 10, 2022

9.B. City Manager Comments – None

10. COMMUNICATIONS FROM ELECTED OFFICIALS

Thanks were sent to the Northwest Neighborhood Alliance for their partnership with the Arbor Day and Deep Roots Garden events.

Commissioner Sanford stated that he believed a lot of people would come to Owensboro if we had an indoor sports facility.

Mayor Watson thanked everyone for thoughts and prayers after the loss of his Mother-in-law, Mary Aull.

11. OPEN PUBLIC FORUM

KWC Volleyball Coach Eric Hagan (1570 Fogle Road), spoke on the importance of Owensboro having an indoor sports facility. He believes the facility would be very successful and it already has a lot of community support. Representatives from AVA and OVC volleyball clubs were in attendance at the meeting.

Daniel Goodwin (1517 Herr Ave.) spoke about the issues the neighbors are having around the English Park area with homeless people.

12. CLOSED SESSION

12.A. Motion was made by Commissioner Sanford and seconded by Commissioner Glenn to enter into a Closed Session under KRS 61.810(1)(b) for discussions on the future acquisition or sale of real property by a public agency. The motion carried unanimously.

Motion was made by Mayor Watson and seconded by Mayor Pro Tem Maglinger to return to open session.

13. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 5:53 p.m. by motion of Mayor Watson and a second by Commissioner Glenn.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk