

**OWENSBORO BOARD OF COMMISSIONERS**  
**Regular Called Meeting**  
**December 6, 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 – Mayor Pro Tem Larry Maglinger

4. BUSINESS

4.A. Minutes dated November 15, 2022 were unanimously approved by motion of Mayor Watson and a second from Commissioner Castlen.

4.B. The following board appointments were unanimously approved by motion of Mayor Watson and a second by Commissioner Glenn.

- **Owensboro Metropolitan Board of Adjustment** – Reappoint Tori Thompson and Andrew Howard to a four-year term effective January 1, 2023.
- **Owensboro Metropolitan Planning Commission** – Appoint Sharla Wells to a four-year term effective January 1, 2023.
- **GRADD Regional Transportation Committee** – Reappoint Kevin Collignon to a one-year term effective January 1, 2023.
- **Green River District Board of Health** – Reappoint Brent Kelley to a two-year term effective January 1, 2023.
- **Owensboro Human Relations Commission** – Appoint Charles Mountjoy to fill the remainder of an unexpired term which ends December 31, 2023 (replaces Timothy Collier).
- **Walk-of-Fame Advisory Board** – Reappoint John Iracane to a three-year term effective December 15, 2022.

- **City Utility Commission** – Reappoint Tony Cecil and Paul Martin to a three-year term effective January 1, 2023.

## **5. ORDINANCES - 2nd READING**

**5.A.** Ordinance 27-2022 entitled AN ORDINANCE REVISING THE CITY OF OWENSBORO EMPLOYEE HANDBOOK CHAPTER 1000, SUBCHAPTER 1004, PAY CHART ENTITLED “PROFESSIONAL / TECHNICAL” THEREBY ADDING THE POSITION OF “COLLECTION SPECIALIST” AND REMOVING THE POSITION OF “ASSISTANT OCCUPATIONAL TAX ADMINISTRATOR”, was approved 5-0 on second reading by roll call vote upon motion of Mayor Watson and a second by Mayor Pro Tem Maglinger

It is necessary to amend Chapter 1000, Subchapter 1004, in the Pay Chart entitled “Professional/Technical-Exempt”, “Professional/Technical-Non-Exempt”, and associated organizational charts to replace the position of “Assistant Occupational Tax Administrator” with the position of “Collection Specialist”.

## **6. ORDINANCES - 1st READING**

**6.A.** Ordinance 28-2022 entitled AN ORDINANCE OF THE CITY OF OWENSBORO, KENTUCKY AUTHORIZING THE ISSUANCE OF ITS CITY OF OWENSBORO, KENTUCKY GENERAL OBLIGATION BONDS, SERIES 2023A IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$44,920,000 (WHICH AMOUNT MAY BE INCREASED BY UP TO \$4,495,000 OR DECREASED BY ANY AMOUNT) FOR THE PURPOSE OF FINANCING THE COSTS OF THE ACQUISITION, CONSTRUCTION, INSTALLATION, AND EQUIPPING OF (I) AN INDOOR SPORTS COMPLEX, (II) A TRANSIENT BOAT DOCK LOCATED ALONG THE OHIO RIVER IN DOWNTOWN OWENSBORO, (III) A TRAINING CENTER FOR THE OWENSBORO FIRE DEPARTMENT, (IV) FIRE STATION REPAIRS AND IMPROVEMENTS FOR THE OWENSBORO FIRE DEPARTMENT, AND (V) VARIOUS OTHER COMMUNITY DEVELOPMENT PROJECTS; APPROVING THE FORMS OF THE BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF A NOTICE OR NOTICES WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; ESTABLISHING A BOND PAYMENT FUND FOR THE BONDS; AFFIRMING THE EXISTING SINKING FUND; AUTHORIZING THE ACCEPTANCE OF THE BID OF THE PURCHASER FOR THE BONDS; AND REPEALING INCONSISTENT ORDINANCES, was introduced and publicly read on first reading.

The City of Owensboro has determined that it is a public purpose of the City to acquire, construct, equip, and install (i) an indoor sports complex, (ii) a transient boat dock located along the Ohio River in downtown Owensboro, (iii) a training center for the Owensboro Fire Department, (iv) fire station repairs and improvements for the Owensboro Fire Department, and (v) various other community development projects, all for the well-being and benefit of the citizens of the City (Project). In order to achieve these objectives, the City has determined that it is necessary and desirable at this time to proceed with the

issuance of its General Obligation Bonds, Series 2023A in the approximate principal amount of \$44,920,000, which amount may be increased by \$4,495,000 or decreased by any amount, (i) to finance all or a portion of the costs of the Project; (ii) to pay capitalized interest on the Bonds, if desirable; (iii) to pay all or a portion of the cost of credit enhancement for the Bonds, if any; and (iv) to pay all or a portion of the costs of issuance of the Bonds. At the November 15 meeting, City Manager Pagan explained the funding for the various projects contained within this ordinance. It included the cost for each project as well as how we will service or pay the debt costs over the 20-year term of the bonds. He presented a summary showing the cost for each project (presentation attached). The only change from the previous meeting is the line for issuance costs. The various professionals involved in the process, such as our financial advisor, bond attorneys, and underwriters, are compensated for their service, so that cost is included. Stan Kramer, 234 Rosehill Avenue (Versailles, KY) the City's financial advisor, was in attendance and gave an overview of the bond process and ordinance. He stated the bond issue is planning to sell on January 10. An official statement is put together with the City's information and it released to potential bond bidders around the country. The bonds will be sold at a competitive sale to the lowest bidder and there are generally 4-10 bidders for this type of sale. Commissioner Castlen asked for the current rate. Mr. Kramer stated he estimates an average of 4.2% total interest cost. Mayor Watson asked if there would be an ethical issue for elected officials to participate in the bond (as a secondary sale). Mr. Pagan added that it's his understanding that individuals cannot bid and it is typically a syndicate group. Mr. Kramer stated if anyone is interested in a secondary sale, he can refer them to the winning bidder or potential groups in advance. The bonds can be refinanced in 2030. Mayor Watson asked if the "various projects" will need to come before the Board for approval before spending money. City Manager Pagan said there will be future discussions and approvals.

**6.B.** Ordinance 29-2022 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 PROVIDE FOR BOND ISSUANCE AND RELATED PROJECTS; UPDATED INFRASTRUCTURE AND SERVERS FOR 9-1-1 TELEPHONE SYSTEM; VARIOUS OTHER ITEMS NEEDED BY POLICE DEPARTMENT; AND CORRECTIONS TO CDBG AND H.O.M.E. FUNDS, was introduced and publicly read on first reading.

Budget amendment #2 to provide for bond issuance and related projects; updated infrastructure and servers for 9-1-1 telephone system; various other items needed by Police Department; and corrections to CDBG and H.O.M.E. funds. City Manager Pagan explained that the amendment primarily accounts for the receipt and expenditure of proceeds from the bond ordinance previously read. In addition to the projects, the amendment includes a server replacement for Central Dispatch funded by surplus dispatch funds, so no new revenue is needed. Software and various canine-related expenses from restricted drug funds are included for the Police Department. The amendment also incorporates an accidental omission from the previous carryover budget amendment.

**6.C.** Ordinance 30-2022 entitled AN ORDINANCE CLOSING THE ALLEY RIGHT-OF-WAY BETWEEN 1410 WEST 5TH STREET AND PROPERTIES FROM 1508 TO 1438 WEST 5TH STREET IN THE CITY OF OWENSBORO, KENTUCKY, was introduced and publicly read on first reading.

The City of Owensboro desires to close the alley right-of-way located between 1410 West 5th Street and properties from 1508 to 1438 West 5th Street. Consent of abutting property owners has been obtained. City Manager Pagan stated the Ordinance closes a platted alley south of West 5th Street. All contiguous property owners have provided written consent for the closure, including the City, who initiated the closure. The alley to be closed is behind the parcels the City purchased on West 5th St. In order to fully utilize the properties, the alley needs to be closed (map attached).

## **7. MUNICIPAL ORDERS**

**7.A.** Municipal Order 46-2022 entitled A MUNICIPAL ORDER APPROVING A 5% COST-OF-LIVING INCREASE FOR ALL ELIGIBLE PENSION ANNUITANTS UNDER THE (CLOSED) CITY EMPLOYEES' PENSION FUND, was unanimously approved on one reading by motion of Mayor Watson and a second by Commissioner Castlen.

The Board of Trustees of the (closed) City Employees' Pension Fund met in special session on November 16, 2022 and voted 3-1 to recommend to the Owensboro Board of Commissioners that eligible annuitants receive a 5% cost-of-living increase effective with pension checks received in January 2023. City Manager Pagan explained the Order authorizes a 5% cost of living adjustment for pensioners of the closed City Employees' Pension plan. This is a closed, legacy retirement plan, and not the County Employee Retirement System, in which our current or recently retired city employees participate. The 5% cost-of-living increase was recommended by the City Employees' Pension Board at their November meeting. Last year, a 5.9% adjustment was provided. The plan has 13 remaining members, and is financially sound, meaning funds provided to the members come from investments in the plan.

**7.B.** Municipal Order 47-2022 entitled A MUNICIPAL ORDER APPROVING A 5% COST-OF-LIVING INCREASE FOR ELIGIBLE ANNUITANTS OF THE OWENSBORO POLICE AND FIREFIGHTERS' RETIREMENT FUND (CLOSED), was unanimously approved on one reading by motion of Mayor Watson and a second by Mayor Pro Tem Maglinger.

The Board of Trustees of the Police and Firefighters' Retirement Fund (closed) met on November 16, 2022 and voted 3-1 to recommend a 5% cost of living increase effective with pension checks received in January 2023. City Manager stated the Order provides the annual cost-of-living increase for a closed, legacy pension plan. This item, however, is for the closed Police and Firefighters' Retirement plan, but it also provides a 5% cost-of-living adjustment for members. This closed pension plan has no assets, so the City funds the cost each year from the General Fund. Thirty members remain in the plan.

**7.C.** Municipal Order 48-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF OWENSBORO AND DAVIESS COUNTY FISCAL COURT FUNDING A JUVENILE DRUG AND MENTAL HEALTH COURT PROGRAM FOR FOUR (4) YEARS, was unanimously approved on one reading by motion of Mayor Watson and a second by Commissioner Sanford.

The City and County wish to enter into a Memorandum of Agreement that the City and County will each provide funding for the Juvenile Drug and Mental Health Court Program in the amount of \$75,000.00 annually, for a total of \$150,000.00, for the next four (4) years through December 31, 2026. City Manager Pagan said that in 2013, the City and County partnered to offer a Juvenile Drug Court Program in our community, and the agreement was renewed to continue the program in 2015 and 2018. This Municipal Order authorizes a new 4-year agreement for juvenile drug court, and adds a mental health component to the program. The County Attorney's office administers juvenile drug court. County Attorney Claud Porter said they have determined there is a need for the juvenile mental health treatment and related it to the drug court program to provide additional services. Commissioner Castlen asked where the mental health treatments will occur. Mr. Porter responded that they have a few local programs they currently use and they will seek additional providers that are interested. Commissioner Glenn asked if there is a limit on medical costs covered. Mr. Porter explained that there typically is a limit and this program allows them to help cover those costs.

**7.D.** Municipal Order 49-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT FOR THE ACQUISITION OF PROPERTY LOCATED AT 500, 516 AND 524 WEST THIRD STREET, 501, 515, 517, 519 AND 521 WEST FOURTH STREET, 323 AND 325 CEDAR STREET AND 316 LOCUST STREET, was unanimously approved on one reading by motion of Mayor Watson and a second by Commissioner Glenn.

Gipe Enterprises, Inc. owns real property located at 500, 516 and 524 West Third Street, 501, 515, 517, 519 and 521 West Fourth Street, 323 and 325 Cedar Street and 316 Locust Street and now desires to sell the property. The City of Owensboro seeks to acquire said property to locate an indoor sports complex and to continue revitalization in the downtown area. City Manager Pagan explained that based on direction from the Commission to pursue an indoor sports facility, over the last few months staff analyzed several sites as possible locations for the project. They analyzed four sites in depth, including sites downtown, on south Frederica, in the Highway 54 corridor, and on the west side in the Carter Road, Parrish Avenue area. Various considerations, including cost acquisition, site conditions, and impact on the visitor experience were also reviewed. After deliberation and discussion between the Commission, staff, and our sports tourism consultant, the consensus emerged to locate the facility downtown (map attached).

A downtown location allows the City to best leverage past city investments such as the Convention Center, Locust Street parking garage, and Smothers Park. The sports flooring

at the Convention Center allows both facilities to be used to host larger events. Adequate parking is available in the Locust Street parking garage and the former Roberts Brothers Auto lot, which is immediately west of the site and is city owned. The proximity to downtown hotels will allow out of town patrons to walk from their hotel to the sports facility. Based on these factors, this Municipal Order authorizes the purchase of the block bounded by Third and Fourth Streets and Locust and Cedar Streets as the location for the indoor sports facility. Mayor Watson asked the size of the facility; Mr. Pagan said the recommended size is 88,000 square feet and a typical city block is 90,000-91,000 square feet so it would accommodate the size.

## **8. CITY MANAGER ITEMS**

**8.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***

- **David J. Mooneyhan** – Probationary, full-time, non-civil service appointment to Road Worker with the Public Works Street Department, effective December 19, 2022
- **Andrew B. Robertson** – Probationary, full-time, non-civil service appointment to Road Worker with the Public Works Street Department, effective December 19, 2022
- **Christen L. Jachimowicz** – Probationary, full-time, non-civil service appointment to Collection Specialist with the Finance Department, effective December 27, 2022

### ***REGULAR STATUS***

- **Aquado R. Douglas** – Regular, full-time, non-civil service appointment to Refuse Truck Driver with the Public Works Sanitation Department, effective December 19, 2022

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

## **9. COMMUNICATIONS FROM ELECTED OFFICIALS**

Members of the Commission complimented the Christmas parade organizers and participants.

Mayor Watson recognized Big Rivers for providing sponsorship of the Downtown Dancing Lights.

## **10. OPEN PUBLIC FORUM**

Amy Nix (4515 Stony River Cove) shared her thoughts on spending issues of the City. She encouraged the Commission to let developers do the developing and look more into long-term costs. She suggested returning to a limited scope of government and cease purchasing property for developing ventures.

## **11. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 5:31 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