

OWENSBORO BOARD OF COMMISSIONERS

Regular Called Meeting

December 20, 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 Jeff Sanford

4. PRESENTATIONS

4.A. Mayor Watson presented the Cap Gardner Employee of the Year Award to Joe Sublett, Property Maintenance Manager.

4.B. The OMU & Neighborhood Alliance Golden Santa Award was presented to David and Carol Ralph of 2706 Redford Drive.

5. BUSINESS

5.A. Mac Neel, Alexander Thompson Arnold, LLC, presented the audit report for FY2022 (presentation attached). Motion was made by Mayor Watson and seconded by Commissioner Glenn to accept the audit report; motion passed unanimously.

5.B. Minutes dated December 6, 2022 were unanimously approved by motion of Mayor Watson and a second from Mayor Pro Tem Maglinger.

5.C. The following board appointments were unanimously approved by motion of Mayor Watson and a second by Commissioner Sanford:

- **Owensboro Sister Cities and Regions Board** – Appoint Leigh Ann Tipton to a three-year term effective December 20, 2022.
- **Owensboro-Daviess County Regional Airport Board** – Reappoint Michael King to a four-year term effective January 9, 2023.

- **Ambulance Contracting Authority Board** – Reappoint Major Mike Staples to a four-year term effective January 2, 2023.
- **Civil Service Commission** – Reappoint Keith Ellis to a three-year term effective January 9, 2023.
- **Property Maintenance Code Enforcement Board** – Reappoint Glenn Morrison to a three-year term effective January 5, 2023. Reappoint Samuel Tandy to a three-year term effective February 5, 2023.
- **Green River Area Council On Aging** – Appoint Darla Barker to a three-year term effective January 1, 2023

The following board appointment was approved 4-1 by motion of Mayor Watson and a second by Mayor Pro Tem Maglinger; Commissioner Glenn recused himself.

- **Greater Owensboro Chamber of Commerce Board of Directors** – Appoint Bob Glenn to a one-year term effective January 1, 2023.

The following board appointments were approved 4-1 by motion of Mayor Watson and a second by Commissioner Sanford; Commissioner Castlen recused himself.

- **City Employees' Pension Board (Closed)** – Reappoint Josh Bachmeier to a four-year term effective January 9, 2023. Appoint Mark Castlen to fill the remainder of an unexpired term which ends December 31, 2024.

6. ORDINANCES - 2nd 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 read on second reading and received a motion for approval from Mayor Watson and a second by Commissioner Glenn (no vote). Commissioner Castlen commented that he has received negative vibes from the community and he cannot support the dock at the current cost as it is not a good investment. It is an expensive, seasonal amenity that only a few people will utilize. He is in support of a smaller dock, potentially modeled like the County's dock (they turned it over to a private entity to operate). Commissioner Glenn stated he is in support of the dock and as a river city it is a good investment. The community has had one in the past and the issue has been discussed for years. If the dock is going to be constructed, it needs to be done right. Commissioner Sanford stated he thinks the indoor sports facility needs to have more money invested in it; he is not supportive of the boat dock as presented. Mayor Pro Tem Maglinger added that the boat dock was part of the downtown master plan and should have been constructed two (2) years ago. Fifteen (15) years ago, Owensboro was a boating destination and now we have a \$200 Million Dollar riverfront with no access to the river. He discussed the importance of having a year-round dock.

After discussion, Mayor Watson made a motion to postpone Ordinance 28-2022 indefinitely; motion was seconded by Commissioner Castlen and passed unanimously by roll call vote.

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.

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 read on second reading and received a motion for approval from Mayor Watson and a second by Commissioner Glenn (no vote).

City Manager Pagan explained that the Ordinance was a companion to Ordinance 28-2022 which took receipt of the bond proceeds, therefore, he recommended a similar action. Mayor Watson made a motion to postpone Ordinance 29-2022 indefinitely; motion was seconded by Commissioner Glenn and passed unanimously by roll call vote.

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 read for approval on second reading and carried unanimously by a roll call vote upon motion of Mayor Watson and a second by Commissioner Castlen.

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. 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 and utilized as one property.

7. ORDINANCES - 1st 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 introduced and publicly read on first reading.

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 (map attached).

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 introduced and publicly read on first reading.

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 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. Map attached.

8. MUNICIPAL ORDERS

8.A. Municipal Order 51-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF OWENSBORO AND KENERGY, GRANTING A PERPETUAL EASEMENT FOR THE PURPOSE OF CONSTRUCTING AND THEREAFTER OPERATING, MAINTAINING, REPAIRING AND RECONSTRUCTING ELECTRIC TRANSMISSION LINES ACROSS A PORTION OF HILLCREST GOLF COURSE, was unanimously approved on one reading by motion of Mayor Watson and a second by Mayor Pro Tem Maglinger.

Kenergy requests a perpetual easement for the purpose of constructing and thereafter operating, maintaining, repairing and reconstructing electric transmission lines and appurtenant facilities over and across a portion of Hillcrest Golf Course. City Manager Pagan stated this Order authorizes a new, permanent utility easement for Kenergy. The State Transportation Cabinet has a project to construct a roundabout at the intersection of Fairview Drive, Old Hartford Road and Foors Lane (eastern corner of the golf course). Map attached.

8.B. Municipal Order 52-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A BACKUP AMBULANCE SERVICE PROVIDER AND FINANCIAL SERVICE SUBSIDY AGREEMENT BETWEEN THE CITY OF OWENSBORO, DAVIESS COUNTY FISCAL COURT AND OWENSBORO HEALTH, INC. ENSURING CONTINUOUS AMBULANCE SERVICE IF THE CURRENT AMBULANCE SERVICE AGREEMENT IS TERMINATED, was unanimously approved on one reading by motion of Mayor Watson and a second by Commissioner Glenn.

Mercy Ambulance of Evansville, Inc., d/b/a AMR ("AMR") currently provides emergency medical ambulance services and emergency medical services to the City of Owensboro and Daviess County. Owensboro Health Inc. ("OH") is willing to assume operational and financial responsibility for ambulance services if the current agreement with AMR is terminated. The City of Owensboro, Daviess County Fiscal Court, and OH have agreed to execute a "Backup Ambulance Service Provider and Financial Service Subsidy Agreement" to ensure continuous ambulance service for citizens of Owensboro and Daviess County. City Manager Pagan explained that in 2019, the previous ambulance provider terminated service in our community and the City and County had to procure a new provider, thus AMR was chosen. During the process, it was clear that Owensboro Health needed to be a partner with the City and County for provision of ambulance service

considering their expertise in medical treatment and finance. In the new Agreement, Owensboro Health joins as a partner in providing emergency medical service to Owensboro-Daviess County and will take the lead in securing another ambulance provider should our current provider AMR exit our market.

In addition to providing their expertise, the Agreement includes Owensboro Health providing financially as well. For the last three (3) years, the City and County have paid \$150,000 to AMR for the cost of ambulance service. In the new Agreement, Owensboro Health will provide \$150,000 a year for the next three (3) years toward this cost. For the remaining three (3) years in the AMR contract, Owensboro Health will provide up to \$500,000 a year toward the cost of ambulance service. As such, this Agreement represents a true partnership between the City, County and Owensboro Health regarding vital emergency medical services in our community.

8.C. Municipal Order 53-2022 entitled A MUNICIPAL ORDER APPROVING CHANGES TO ARTICLE 5 OF THE ARTICLES OF INCORPORATION OF OWENSBORO HEALTH, INC., AS REQUIRED BY ARTICLE 10 OF ITS ARTICLES OF INCORPORATION; THE PROPOSED AMENDMENTS TO ARTICLE 5 INCLUDE AN INCREASE IN THE BOARD OF DIRECTORS FROM FOURTEEN (14) TO SIXTEEN (16) MEMBERS, AND AN INCREASE IN THE NUMBER OF CITY APPOINTEES TO THE BOARD OF DIRECTORS FROM THREE (3) TO FOUR (4) MEMBERS, was unanimously approved on one reading by motion of Mayor Watson and a second by Mayor Pro Tem Maglinger.

The OH Board of Directors has proposed changes to Article 5 of the Articles of Incorporation, which changes are being submitted to the Owensboro Board of Commissioners for its approval in accordance with Article 10 of the Articles of Incorporation. City Manager Pagan explained both Municipal Order 53-2022 and 54-2022 together since they essentially make the same changes to two (2) different documents, the Bylaws and Articles of Incorporation. The primary change to both documents pertains to the size and composition of the Owensboro Health Board of Directors. Currently, the Board is comprised of fourteen (14) members with three (3) each appointed by the City and the County (50% of the Board); one (1) joint City-County medical appointment, four (4) community representatives and three (3) members of the medical staff. As the health system has grown with facilities in other communities, there has been interest in having representation from those communities on the Board. The amendments include sixteen (16) board members with four (4) each appointed by the City and the County (still 50% of the Board) and allows for both community and medical representatives from other locations. Daviess County Fiscal Court has approved the changes.

8.D. Municipal Order 54-2022 entitled A MUNICIPAL ORDER APPROVING CHANGES TO ARTICLES III AND IV OF THE BYLAWS OF OWENSBORO HEALTH, INC., AS REQUIRED BY ITS ARTICLES OF INCORPORATION, AND SECTION 7.01 OF THE BYLAWS WHICH STATES THAT CERTAIN AMENDMENTS ADOPTED BY THE OWENSBORO HEALTH, INC. BOARD OF DIRECTORS ARE SUBJECT TO APPROVAL BY THE CITY AND COUNTY; THE PROPOSED AMENDMENTS TO SECTIONS 3.03, 3.07, 3.10, 4.03(a), 4.05, 4.06, AND 4.07 INCLUDE AN INCREASE IN

THE BOARD OF DIRECTORS FROM FOURTEEN (14) TO SIXTEEN (16) MEMBERS, AND AN INCREASE IN THE NUMBER OF CITY APPOINTEES TO THE BOARD OF DIRECTORS FROM THREE (3) TO FOUR (4) MEMBERS, was unanimously approved on one reading by motion of Mayor Watson and a second by Commissioner Glenn.

The OH Board of Directors has proposed changes to Article III, Sections 3.03, 3.07 and 3.10, and Article IV, Sections 4.03(a), 4.05, 4.06 and 4.07 of the bylaws, and are being submitted to the Owensboro Board of Commissioners for its approval, in accordance with Article VII, Section 7.01 of the bylaws.

8.E. Municipal Order 55-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF OWENSBORO AND BIG RIVERS ELECTRIC CORPORATION, BY WHICH THE CORPORATION SHALL RELOCATE ITS LINEMEN, DISPATCH AND OTHER TECHNICAL EMPLOYEES TO THE CITY OF OWENSBORO IN EXCHANGE FOR CERTAIN FINANCIAL INCENTIVES FROM THE CITY, was unanimously approved on one reading by motion of Mayor Watson and a second by Mayor Pro Tem Maglinger.

Big Rivers Electric Corporation desires to relocate its linemen, dispatch and other technical employees to the City of Owensboro, Kentucky which will create jobs and further stimulate local commerce. The City recognizes the economic impact of the Corporation's move to Owensboro and hereby agrees to incentivize the Corporation for its relocation and job creation initiative in our community. The Parties wish to enter into a Memorandum of Agreement that memorializes the benefits and specific obligations of each. City Manager Pagan explained that the primary incentive is a ten (10)-year, 50% General Fund Occupational Tax rebate. In addition, the City will provide Big Rivers \$1.5 Million to construct the extension of Industrial Drive which will be used to access the facility. This new portion of Industrial Drive will be a city street, and it will be more efficient to provide the funds to Big Rivers and have them include the new street construction in their scope of work instead of the City procuring a separate contractor and possibly having to coordinate or schedule two (2) different contractors. The City will also provide a rebate on the cost of the land. Map attached.

9. CITY MANAGER ITEMS

9.A. The Financial Report for the period ending November 30, 2022 was unanimously approved to file for audit by motion of Mayor Watson and a second by Commissioner Castlen (presentation attached).

9.B. The following personnel appointments were approved 5-0 with a motion by Mayor Watson and a second by Mayor Pro Tem Maglinger:

NEW HIRE/PROBATIONARY STATUS:

- **Kevin J. Green** – Probationary, full-time, non-civil service appointment to Laborer/Maintenance Helper with the Public Works Grounds Department, effective January 2, 2023

REGULAR STATUS:

- **Robin W. Cooper** – Regular, full-time, non-civil service appointment to Citizens Service Representative with the Administration Department, effective December 19, 2022
- **Anthony D. Small** – Regular, full-time, non-civil service appointment to Mechanic with the Public Works Transit Department, effective December 20, 2022
- **Melinda S. Main** – Regular, full-time, non-civil service appointment to Bus Driver with the Public Works Transit Department, effective December 27, 2022

9.C. City Manager Comments - None

10. COMMUNICATIONS FROM ELECTED OFFICIALS

Members of the Commission said farewell to Commissioner Sanford as his term ends.

Mayor Watson presented a plaque of appreciation to Commissioner Sanford.

11. OPEN PUBLIC FORUM

Eddie Shelton thanked Mayor Watson and Commissioner Castlen for their positions on the boat dock.

Cheryl Burks-McCarthy (7819 Curdsville Delaware Road) was in attendance as a member of Leadership Owensboro.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 6:10 p.m. by acclimation.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk