

OWENSBORO BOARD OF COMMISSIONERS

Regular Called Meeting

January 17, 2023 5:00 PM

Owensboro City Hall

101 E. 4th Street

Owensboro, Kentucky

1. CALL TO ORDER – Bree Griffith, Senior at Daviess County High School called the meeting to order.

2. ROLL CALL - City Clerk Beth Davis

Present:

Mayor Tom Watson

Commissioner Mark Castlen

Commissioner Larry Maglinger

Commissioner Bob Glenn

Commissioner Pam Smith-Wright

3. INVOCATION & PLEDGE – Commissioner Bob Glenn

4. PRESENTATION

4.A. Mayor Watson presented the "Daviess County High School Cheer Team Day" Proclamation. The team recently won the 2022 KHSAA State Competitive Cheer Championship and will be competing in the 2023 UCA National High School Cheerleading Competition next month. Callie Wilkerson accepted the proclamation on behalf of the Daviess County High School Cheer Team.

5. BUSINESS

5.A. Minutes dated December 13 and December 20, 2022 and January 3 and January 10, 2023 were unanimously approved by motion of Mayor Watson and a second from Commissioner Glenn.

5.B. The following board appointments were approved by motion of Mayor Watson and second by Mayor Pro Tem Castlen and passed unanimously:

- **Owensboro Area Shelter and Information Services Board** – Appoint Claud Porter to a three-year term effective January 17, 2023
- **Seven Hills Neighborhood Alliance** – Reappoint Melinda Schoenwald to a two-year term effective February 17, 2023

6. ORDINANCES - 2nd READING

6.A. Ordinance 03-2023 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 \$35,350,000 (WHICH AMOUNT MAY BE INCREASED BY UP TO \$3,535,000 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 TRAINING CENTER FOR THE OWENSBORO FIRE DEPARTMENT, (III) FIRE STATION REPAIRS AND IMPROVEMENTS FOR THE OWENSBORO FIRE DEPARTMENT, AND (IV) 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 for approval on second reading and passed unanimously by roll call vote upon motion of Mayor Watson and second from Commissioner Smith-Wright.

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 training center for the Owensboro Fire Department, (iii) fire station repairs and improvements for the Owensboro Fire Department, and (iv) various other Community Development projects, all for the well-being and benefit of the citizens of the City. 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 \$35,350,000, which amount may be increased by \$3,535,000 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 04-2023 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 THE 9-1-1 TELEPHONE SYSTEM; VARIOUS OTHER ITEMS NEEDED BY THE POLICE DEPARTMENT PROVIDED FOR BY THE STATE AND FEDERAL DRUG FUNDS; CORRECTIONS TO CDBG AND HOME FUNDS; ADDITIONAL FUNDING AND APPROPRIATIONS IN TRANSIT; AND TO PROVIDE FOR COMMISSION APPROVED INCENTIVES, was read for approval on second reading and passed unanimously by roll call vote upon motion of Mayor Watson and second from Commissioner Glenn.

Budget amendment #2 to provide for bond issuance and related projects; updated infrastructure and servers for the 9-1-1 telephone system; various other items needed by the Police Department provided for by the State and Federal drug funds; corrections to CDBG and HOME funds; additional funding and appropriations in Transit; and to provide for Commission approved incentives. City Manager Pagan pointed out this is final approval for receipt of bond funds and the expenditures for the various projects of the approved bond ordinance.

7. ORDINANCES - 1st READING

7.A. ORDINANCE 05-2023 entitled AN ORDINANCE AMENDING CHAPTER 25, ARTICLE IV, DIVISION 1, SECTION 25-118 OF THE OWENSBORO MUNICIPAL CODE TO INCLUDE PARKING WITHIN FIVE (5) FEET OF A DRIVEWAY, was introduced and publicly read on first reading.

Ordinance amends Chapter 25, Article IV, Division 1, Section 25-118 of the Owensboro Municipal Code to include no parking within five (5) feet of a driveway. City Manager explained that the City has an existing parking ordinance that prohibits parking on a crosswalk, within an intersection, within ten (10) feet of a mailbox, within ten (10) feet of fire hydrant, and blocking a fire station. Further, state law restricts a parked vehicle from blocking a public or private driveway, among other restrictions. However, blocking a driveway entirely and ensuring unfettered access to a driveway are two (2) different considerations. We've received several complaints about vehicles parking at the edge or corner of a driveway. In this scenario, the driveway isn't blocked as prohibited in state law. However, a motorist may have difficulty or not be able to enter or leave a driveway because parked vehicles restrict their turning radius. Therefore, this ordinance amendment prohibits parking within five (5) feet of the driveway.

8. MUNICIPAL ORDERS

8.A. Municipal Order 04-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A KENTUCKY TRANSPORTATION CABINET OFFICE OF HIGHWAY SAFETY GRANT IN AMOUNT OF \$45,000.00, THE PROCEEDS OF WHICH WILL ENABLE THE OWENSBORO POLICE DEPARTMENT TO PROVIDE OVERTIME TRAFFIC ENFORCEMENT DURING SPECIFIC MOBILIZATIONS WITHIN THE CITY OF OWENSBORO TO ENHANCE PUBLIC SAFETY; NO CASH MATCH BEING REQUIRED BY THE CITY, was introduced and publicly read for approval on one reading by motion of Mayor Watson and second from Commissioner Maglinger.

The Owensboro Police Department officers provide traffic enforcement during mobilizations in an effort to reduce traffic offenses. The grant funds will directly cover overtime for specific mobilizations. This grant would allow the Owensboro Police Department to enhance public safety through direct enforcement during the "Click It or

Ticket", "Speed Weeks" and the "Drive Sober or Get Pulled Over" mobilizations. The estimated costs of overtime and expenses are a total of \$45,000.00.

8.B. Municipal Order 05-2023 entitled A MUNICIPAL ORDER DECLARING THE PROPERTIES LOCATED AT 1601 EAST 19TH STREET AND 1727 BLUFF AVENUE AS SURPLUS PROPERTIES AND AUTHORIZING THE MAYOR TO EXECUTE REAL ESTATE PURCHASE AGREEMENTS AND DEEDS CONVEYING THE PROPERTIES, was introduced and publicly read for approval on one reading by motion of Mayor Watson and second from Mayor Pro Tem Castlen.

The City of Owensboro owns certain real property located at 1601 East 19th Street and 1727 Bluff Avenue and now desires to declare these properties to be surplus properties, so they can be transferred to L & S Homes, LLC. City Manager Pagan stated this order declares surplus and authorizes the transfer of property at 1601 East 19th Street and 1717 Bluff Avenue to L & S Homes. The property on East 19th Street was acquired for improvements to Bluff Avenue while the Bluff Avenue property was acquired for blight elimination. The purposes for which the properties were acquired have been fulfilled, so the City made the properties available for bid. L & S Homes submitted a bid and currently owns the neighboring property on East 19th Street.

8.C. Municipal Order 06-2023 entitled A MUNICIPAL ORDER AWARDING A NON-EXCLUSIVE FRANCHISE FOR A TERM OF TEN (10) YEARS FOR A TELECOMMUNICATIONS SYSTEM TO OPENFIBER KENTUCKY COMPANY, LLC, was introduced and publicly read for approval on one reading by motion of Mayor Watson and second from Commissioner Glenn.

By Ordinance 10-2022, the City of Owensboro created a ten (10) year, non-exclusive franchise for a telecommunications system within the City and offered at bid a non-exclusive telecommunications franchise pursuant to the Ordinance. After publication of said advertisement, the City of Owensboro received a bid from OpenFiber Kentucky Company, LLC ("OFKY"). The City awards the non-exclusive telecommunications franchise to OFKY. City Manager Pagan explained the State constitution 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 referenced the ordinance that was approved last year to establish a non-exclusive telecommunications franchise that encompasses internet and telecom services (not cable). OpenFiber was the only company to submit a bid. City Manager Pagan added that the agreement is non-exclusive so if another company is interested in providing service at a later date, they are able to do so.

9. CITY MANAGER ITEMS

9.A. Angela Waninger, Finance and Support Services Director presented the Financial Report for the period ending December 31, 2022. Motion was made by Mayor Watson

and seconded by Commissioner Maglinger to file the report for audit; motion carried unanimously. Presentation attached.

9.B. The following personnel appointments were unanimously approved by motion of Mayor Watson and second by Mayor Pro Tem Castlen.

NEW HIRE/PROBATIONARY STATUS:

- **Tina R. Lynch** – Probationary, full-time, non-civil service appointment to Recreation Facilities Manager with the Parks and Recreation Department, effective January 30, 2023
- **Jacob O. BuGay** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 6, 2023
- **David M. Haynes** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 6, 2023
- **Cory M. Axton** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective February 13, 2023, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **KeyRon J. Catlett** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective February 13, 2023, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **Jacob S. Pace** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective February 13, 2023, ***contingent upon successful completion of all post-offer, pre-employment requirements***

REGULAR STATUS:

- **Matthew S. Cissell** – Regular, full-time, non-civil service appointment to Fire Lieutenant with the Fire Department, effective January 16, 2023
- **Elizabeth A. Moore** – Regular, full-time, non-civil service appointment to Bus Driver with the Public Works Transit Department, effective January 26, 2023
- **Mark A. Lusk** – Regular, full-time, non-civil service appointment to Police Sergeant with the Police Department, effective January 30, 2023
- **Loren T. Yonts** – Regular, full-time, non-civil service appointment to Police Sergeant with the Police Department, effective January 30, 2023
- **Billy A. Carter** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective February 19, 2023

- **Derek M. Sutton** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective February 19, 2023

9.C. City Manager Comments - None

10. COMMUNICATIONS FROM ELECTED OFFICIALS

Members of the Commission discussed the events they recently attended.

Mayor Pro Tem Castlen congratulated Samantha Buford Payne and Lori Buford Castlen for choreographing the winning dance routine for the Lip Sync Battle (RWRA). He mentioned that Beverly's Hearty Slice will soon be expanding to three (3) states. Artists can submit their art work for an art show at the Daviess County Public Library in honor of Black History Month.

Mayor Watson mentioned the gun violence that police officers experience around the country and thanked Chief Ealum for the training that OPD members receive.

11. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 5:34 p.m. by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk