

OWENSBORO BOARD OF COMMISSIONERS
Regular Called Meeting
April 4, 2023 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 Mark Castlen

Commissioner Larry Maglinger

Commissioner Bob Glenn

Commissioner Pam Smith-Wright

3. INVOCATION & PLEDGE – Commissioner Bob Glenn

4. PRESENTATIONS

4.A. Kim Johnson, Daviess County Coordinator and Coach Jeff Johnson (352 Hill Avenue) both spoke about the Special Olympics Daviess County, a non-profit organization (presentation attached). There are two hundred (200) registered athletes in Daviess, Ohio, Hancock, Henderson, Muhlenberg and McCracken counties ranging in age from eight (8) to eighty-four (84). Mrs. Johnson stated the group would like to be able to host state events in Owensboro and would like to partner with city parks to access facilities.

4.B. Mayor Watson presented the “National Public Safety Telecommunicators Week” proclamation to Paul Nave, Owensboro-Daviess County 9-1-1 Director.

4.C. Alzheimer’s Awareness - Cindy Sheriff (4302 Spring Bank Drive) is a representative for western Kentucky and southern Indiana Alzheimer’s Association. She shared information on the disease, caregiving, and community programs.

5. BUSINESS

5.A. Minutes dated March 21, 2023 were unanimously approved by motion of Commissioner Smith-Wright and a second from Commissioner Glenn.

5.B. The following board appointments were unanimously approved by motion of Commissioner Smith-Wright and a second from Commissioner Glenn:

- **Civil Service Commission** – Reappoint Blake Edge and Joanne Kendall to a three-year term effective April 9, 2023
- **Northwest Neighborhood Alliance** – Reappoint David Curry, Justin Kline, Rafe Buckner, Marshall Coleman, and Sheila Crowe to a two-year term effective April 18, 2023
- **Owensboro-Daviess County Industrial Development Authority Board of Directors** – Reappoint Ed Ray to a four-year term effective April 20, 2023

6. ORDINANCES - 2nd READING - None

7. ORDINANCES - 1st READING

7.A. Ordinance 10-2023 entitled AN ORDINANCE CLOSING AN ALLEY RIGHT-OF-WAY LOCATED BEHIND 1805 AND 1811 WEST 9TH STREET THE CITY OF OWENSBORO, KENTUCKY, was introduced and publicly read on first reading.

Lavoro, LLC (Petitioner), has petitioned the City of Owensboro pursuant to KRS 82.405(2) to close an alley right-of-way located behind 1805 and 1811 West 9th Street. Adjoining and abutting property owner has given a written consent to the closing. An easement will be retained for Regional Water Resource Agency within the alley. City Manager Pagan explained the alley runs from Conway Avenue to Poindexter Street behind 1805 and 1811 West 9th Street (map attached).

7.B. Ordinance 11-2023 entitled AN ORDINANCE AMENDING CHAPTER 19, ARTICLE I, SECTION 19-5 OF THE OWENSBORO MUNICIPAL CODE, ENTITLED “PARK HOURS” WHICH CHANGES THE HOURS OF OPERATION FOR SMOTHERS PARK TO 5:00 A.M. TO 12:30 A.M; AND AMENDING CHAPTER 19, ARTICLE I, SECTION 19-6, OF THE OWENSBORO MUNICIPAL CODE, ENTITLED “RESTRICTED ACTIVITIES” TO UPDATE LANGUAGE CONCERNING REQUIRED TRAINING FOR INDIVIDUALS WHO HAVE BEEN GRANTED A VARIANCE TO SELL ALCOHOLIC BEVERAGES ON CITY PROPERTY, was introduced and publicly read on first reading.

There has been an increase in illegal activity occurring at night in Smothers Park which has caused damage to park facilities and resulted in the need for greater police presence in the park. In order to promote public safety and reduce the strain on public resources, it is necessary to reduce the hours of operation for Smothers Park to 5:00 a.m. to 12:30 a.m. The amended ordinance also updates the required alcohol beverage server training description. City Manager Pagan stated two (2) changes are being made to the Parks Department ordinance; the first changes the hours since very few events occur overnight and the second relates to the requirement for any person serving alcoholic beverages to have TIPS training. The State no longer offers TIPS training, therefore, the language in the ordinance will become a more general reference following the Kentucky Department of Alcohol Beverage Control.

8. MUNICIPAL ORDERS

8.A. Municipal Order 17-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SUPPLEMENTAL AGREEMENT TO THE JULY 16, 2015 MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF OWENSBORO AND OMU BY WHICH OMU SHALL PAY THE CITY AN AMOUNT AVERAGING \$55,000.00 PER YEAR FOR TEN (10) YEARS IN ADDITION TO ITS EXISTING TRANSFERS TO THE CITY FOR ECONOMIC DEVELOPMENT PURPOSES, was read for approval on one reading and unanimously approved by motion of Mayor Watson and a second by Commissioner Maglinger.

The City of Owensboro and Owensboro Municipal Utilities (“OMU”) LLC entered into a Memorandum of Agreement dated July 16, 2015, setting out transfers from OMU to the City for the value of services, also known as “payment in lieu of taxes” or “PILOT”. OMU is willing to aid the City in its economic development efforts by increasing its annual transfer obligations set forth in the Memorandum of Agreement. The City of Owensboro and OMU desire to enter into a Supplemental Agreement to increase the amount of annual transfer to the City for economic development purposes for ten (10) years. City Manager Pagan explained that OMU expressed an interest in being more involved in economic development. This Municipal Order approves an agreement with OMU and entails the utility providing \$55,000 a year for ten (10) years. The funds must be deposited in the City’s Economic Development Fund, so use of the funds is limited to that purpose.

8.B. Municipal Order 18-2023 entitled A MUNICIPAL ORDER REPEALING IN ITS ENTIRETY MUNICIPAL ORDER 48-2022 AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN UPDATED 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 AND DESIGNATING DAVIESS COUNTY PUBLIC SCHOOLS AS THE PROGRAM’S SUPERVISING AGENCY AND FISCAL AGENT was read for approval on one reading and unanimously approved by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

On December 6, 2022, the Board of Commissioners of the City of Owensboro approved Municipal Order 48-2022 authorizing and directing the Mayor to execute a Memorandum of Agreement (MOA) between the City of Owensboro and Daviess County Fiscal Court funding a Juvenile Drug and Mental Health Court Program for four (4) years. Since that date it has become apparent that a new supervising agency and fiscal agent is needed to ensure the efficient operation of the program, and Daviess County Public Schools has agreed to serve as the program’s supervising agency and fiscal agent. This Order repeals the previous Order and approves the updated MOA. City Manager Pagan stated the County Attorney’s office has previously administered the program. However, after discussions among involved parties at the Judicial Center, a request was made to change fiscal agents for the program. The new agreement moves administration of the program from the County Attorney’s office to Daviess County Public Schools. The financial terms for the program remain the same at \$75,000 per year.

9. CITY MANAGER ITEMS

9.A. The following board appointments were unanimously approved by motion of Commissioner Maglinger and a second by Commissioner Glenn:

NEW HIRE/PROBATIONARY STATUS:

- **James Todd Napier** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective April 9, 2023, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **Michael E. Nichols** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective April 24, 2023, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **Kelton J. Boyland** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective April 24, 2023, ***contingent upon successful completion of all post-offer, pre-employment requirements***

REGULAR STATUS:

- **Anthony D. Small, Jr.** – Regular, full-time, non-civil service appointment to Laborer/Maintenance Helper with the Public Works Street Department, effective March 21, 2023
- **Jason D. Winkler** – Regular, full-time, non-civil service appointment to Deputy Chief of Police with the Police Department, effective April 10, 2023
- **Jason V. Lee** – Regular, full-time, non-civil service appointment to Police Lieutenant with the Police Department, effective April 10, 2023
- **Michael E. Staples** – Regular, full-time, non-civil service appointment to Police Major with the Police Department, effective April 10, 2023

9.B. City Manager Comments – Abby Shelton, Community Development Director, presented results from the second round of received funds for COVID-19 programs through CDBG. To-date, one hundred fifty-seven (157) applications were received for the rental portion and sixteen (16) business applications have been received. Funding is on a first-come, first-served basis and \$252,187 is available in this round.

10. COMMUNICATIONS FROM ELECTED OFFICIALS

Members of the Commission discussed the events they recently attended.

Mayor Watson read a proclamation declaring the month of April 2023 as “Child Abuse Prevention Month”.

11. OPEN PUBLIC FORUM

Terry Modl (1731 McCulloch Avenue), Pastor for Immanuel Baptist Church spoke against drag shows being held at the GhostLight Lounge at the RiverPark Center and asked if any attempt had been made to stop the shows. Mayor Pro Tem Castlen mentioned that the State is trying to pass ruling limiting drag shows being held within any government building; stated it is a first amendment right and the City should follow the State's lead.

Robert Morris (727 Maple Avenue) spoke about the smoking ordinance and the historic racing facility. He stated that a smoking area should be designated. He also recommended lighting the full Glover Cary Bridge (including section over Second Street). He would like to see the grain silos and hoppers located on the riverfront have an Owensboro symbol on them visible to those entering the City; asked the Science Museum to power wash their building/windows and see more investment in school resource officers.

Dr. Jim Tidwell (Owensboro Health) thanked the Board for voting to protect indoor smoking.

Andy Gamblin (2920 Yale Place) spoke out against the drags shows at the GhostLight Lounge and the RiverPark Center.

Charles Hayden (1751 Pawnee Place) told a symbolic story about throwing bricks.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 6:07 p.m. by motion of Mayor Watson and a second by Commissioner Smith-Wright.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk