

OWENSBORO BOARD OF COMMISSIONERS
Regular Called Meeting
June 20, 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 Sharon NeSmith

Commissioner Bob Glenn

Commissioner Pam Smith-Wright

3. INVOCATION & PLEDGE – Commissioner Pam Smith-Wright

4. BUSINESS

4.A. Minutes dated June 6, 2023 and June 13, 2023 were unanimously approved by motion of Mayor Watson and second by Commissioner Glenn.

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

- **RiverPark Center Board of Directors** - Reappoint Lelan Hancock to a three-year term effective July 2, 2023
- **Property Maintenance Code Enforcement Board** – Reappoint Jeff Sanford to a three-year term effective July 2, 2023

5. ORDINANCES - 2nd READING

5.A. Ordinance 14-2023 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 FUNDING FOR WAGE STUDY, MAYOR CONTINGENCY, INFORMATION TECHNOLOGY AND GARAGE EQUIPMENT NEEDS AND BEN HAWES IRRIGATION PROJECT; TO RECEIVE AND APPROPRIATE CARES ACT FUNDING FOR RENTAL ASSISTANCE AND SMALL BUSINESS RELIEF; TO PROVIDE APPROPRIATIONS AND RECEIVE REIMBURSEMENT FOR SECONDARY EMPLOYMENT SERVICES AND VARIOUS POLICE GRANTS; AND TO TRUE-UP TIF REVENUES AND APPROPRIATIONS FOR YEAR END, was unanimously approved by a roll call vote on second reading by motion of Commissioner Glenn and a second by Mayor Pro Tem Castlen.

Budget amendment #3 to provide funding for wage study, Mayor contingency, Information Technology and Garage equipment needs and Ben Hawes irrigation project; to receive and appropriate CARES Act funding for rental assistance and small business relief; to provide appropriations and receive reimbursement for secondary employment services and various police grants; and to true-up TIF revenues and appropriations for year end. City Manager explained this is a typical, end of year budget amendment like we consider prior to the end of each year.

5.B. Ordinance 15-2023 entitled AN ORDINANCE CLOSING AN ALLEY RIGHT-OF-WAY ADJACENT TO 1624 PARRISH COURT, 1625 CARY COURT AND 1617 CARY COURT IN THE CITY OF OWENSBORO, KENTUCKY, was unanimously approved by a roll call vote on second reading by motion of Mayor Pro Tem Castlen and a second by Commissioner Glenn.

Jordan Maddox has petitioned the City of Owensboro pursuant to KRS 82.405(2) to close an alley right-of-way adjacent to 1624 Parrish Court, 1625 Cary Court and 1617 Cary Court. Adjoining and abutting property owners have given their written consents to the closing. An easement will be retained for Owensboro Municipal Utilities and Regional Water Resource Agency within the alley (map attached).

5.C. Ordinance 16-2023 entitled AN ORDINANCE CLOSING AN ALLEY RIGHT-OF-WAY ADJACENT TO 1627 MAYO AVENUE IN THE CITY OF OWENSBORO, KENTUCKY, was unanimously approved by a roll call vote on second reading by motion of Mayor Watson and a second by Commissioner Glenn.

Janet Brown has petitioned the City of Owensboro pursuant to KRS 82.405(2) to close an alley right-of-way adjacent to 1627 Mayo Avenue. Adjoining and abutting property owners have given their written consents to the closing. An easement will be retained for Owensboro Municipal Utilities and Spectrum Cable within the alley (map attached).

5.D. Ordinance 17-2023 entitled AN ORDINANCE OF THE CITY OF OWENSBORO, KENTUCKY, PROVIDING FOR THE CREATION AND SALE OF A FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF OWENSBORO, KENTUCKY, FOR A TERM OF TWENTY (20) YEARS, IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO A MINIMUM OF THREE PERCENT (3%) OF THE GROSS REVENUES DERIVED FROM THE FRANCHISE AWARDED HEREIN; AND FURTHER ESTABLISHING A PROCESS BY WHICH THE SUCCESSFUL FRANCHISEE SHALL BE PERMITTED TO DISTURB AND EXCAVATE PUBLIC RIGHT-OF-WAY WITHIN THE CITY IN ORDER TO CONSTRUCT, INSTALL, MAINTAIN AND/OR REPAIR ITS GAS FACILITIES, FIXTURES AND OTHER INFRASTRUCTURE ON TERMS AND CONDITIONS SET FORTH HEREIN; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER, was unanimously approved by a roll call vote on second reading by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

The existing natural gas franchise between the City of Owensboro, Kentucky, and Atmos Energy Corporation expired on May 6, 2023. The Constitution of the Commonwealth of Kentucky and the Kentucky Revised Statutes, authorize municipal corporations to require public utilities to operate under franchise agreements and to grant utilities the right to use public right-of-way on such terms and conditions as are deemed reasonable and necessary. The Board of Commissioners has determined that the construction, operation, maintenance and utilization of a natural gas franchise over, across or under public right-of-way in the City of Owensboro, benefits said utility and the customers it serves.

6. ORDINANCES – 1st READING - None

7. MUNICIPAL ORDERS - None

8. CITY MANAGER ITEMS

8.A. The financial report for the period ending May 31, 2023 was presented by Finance and Support Services Director Angela Waninger. After brief discussion, motion was made by Mayor Watson to file the financial report for audit, second was made by Commissioner Smith-Wright and carried unanimously. Presentation attached.

8.B. The following personnel appointments were unanimously approved upon motion by Mayor Watson and second by Commissioner NeSmith.

NEW HIRE/PROBATIONARY STATUS:

- **Sarah R. Dowell** – Probationary, full-time, non-civil service appointment to Accounting Clerk with the Finance Department, effective July 3, 2023
- **Brandon R. Hunt** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective July 3, 2023

PROMOTIONAL/PROBATIONARY STATUS:

- **John D. Berry** – Probationary, full-time, non-civil service, promotional appointment to Engineering Technician with the Public Works Engineering Department, effective July 2, 2023
- **Cody D. Cliff** – Probationary, full-time, non-civil service, promotional appointment to Police Sergeant with the Police Department, effective July 2, 2023
- **Whitney A. Payne** – Probationary, full-time, non-civil service, promotional appointment to Police Sergeant with the Police Department, effective July 2, 2023

REGULAR STATUS:

- **Mark A. Pearre** – Regular, full-time, non-civil service appointment to Instrument Technician with the Public Works Engineering Department, effective June 19, 2023

- **Sean E. Kaufman** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective June 20, 2023
- **Aleph G. Zavala** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective June 20, 2023
- **Whitney M. McFarland** – Regular, full-time, non-civil service appointment to Administrative Aide with the Finance Department, effective June 20, 2023

8.C. City Manager Comments – None

9. COMMUNICATIONS FROM ELECTED OFFICIALS

Members of the Commission discussed the events they recently attended.

Mayor Watson asked the staff to provide recommendations to combine a work session and commission meeting to provide for a more efficient meeting schedule.

10. OPEN PUBLIC FORUM

Gayle Fuqua (2713 Strawbridge Place) expressed her concerns related to fireworks being set off within the neighborhood.

Andy Gamblin (2920 Yale Place) mentioned his concerns with The District, RiverPark Center funding and the mall.

11. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 5:29 p.m. by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk