

## OWENSBORO BOARD OF COMMISSIONERS

### Regular Called Meeting September 5, 2023 5:00 PM

Owensboro City Hall  
101 E. 4th Street  
Owensboro, Kentucky

1. CALL TO ORDER - Mayor Tom Watson

2. ROLL CALL – Beth Davis, City Clerk

Present:

Mayor Tom Watson

Mayor Pro Tem Mark Castlen

Commissioner Sharon NeSmith

Commissioner Bob Glenn

Commissioner Pam Smith-Wright

3. INVOCATION & PLEDGE – Commissioner Bob Glenn

4. PRESENTATIONS

4.A. Mayor Watson presented a “National Recovery Month” Proclamation to Dr. RonSonlyn Clark, Boulware Mission. Dr. Clark recognized the staff of Amy Pride, Teresa Thomas and Art Flores and discussed the mission of the organization.

4.B. Tim Ross, Public Events Director, gave an update on the upcoming air show (presentation attached).

5. BUSINESS

5.A. Minutes dated August 15, 2023 were unanimously approved by motion of Mayor Watson and a second from Commissioner Smith-Wright.

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

- **Alliance for a Drug-Free Owensboro and Daviess County** – Reappoint Erica Wade to a three-year term expiring September 2, 2026.
- **Northwest Neighborhood Alliance** – Appoint Patricia Mosby to a two-year term effective September 5, 2023.
- **Senior Community Center of Owensboro-Daviess County Board** – Appoint Mark Schmidt to fill the remainder of an unexpired term which ends December 31,

2024 (replacing Ed Higdon). Appoint Jennifer Burke to fill the remainder of an unexpired term which ends December 31, 2024 (replacing Joe Mason). Appoint Patti Taylor to a three-year term effective September 5, 2023.

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

**6.A.** Ordinance 20-2023 entitled AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, SECTION 2-16 OF THE OWENSBORO MUNICIPAL CODE TO UPDATE THE MEETING SCHEDULE OF THE OWENSBORO BOARD OF COMMISSIONERS was unanimously approved by a roll call vote on second reading by motion of Commissioner Smith-Wright and a second from Mayor Pro Tem Castlen.

The change will eliminate the noon work session on the second Tuesday of the month and move the 5:00 p.m. meeting on the third Tuesday of the month to 4:00 p.m. City Manager Pagan added that this is second reading of an ordinance changing the Board of Commissioners meeting times as recently discussed. The first monthly meeting is unchanged, so it remains at 5:00 pm on the first Tuesday of each month. The work session on the second Tuesday is removed, and the meeting on the third Tuesday of each month is moved up one hour to begin at 4:00 pm. This meeting, on the third Tuesday, will begin with traditional work session type items, before moving on to consideration of action items. This was the preferred option of the options we discussed at the July work session.

**6.B.** Ordinance 21-2023 entitled AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024, AND AMENDING ORDINANCE 13-2023 TO REVISE BEGINNING FUND BALANCES, CARRYOVER APPROPRIATIONS FOR ALL OUTSTANDING ENCUMBRANCES, CAPITAL PROJECTS AND RE-BUDGET FUNDS was unanimously approved by a roll call vote on second reading by motion of Mayor Pro Tem Castlen and a second from Commissioner Glenn.

Budget amendment to revise beginning fund balances, carryover appropriations for all outstanding encumbrances, capital projects and re-budget funds. City Manager Pagan further explained that this is second reading of the typical carryover budget amendment. The amendment accounts for projects in progress that were not finished by the end of the previous fiscal year on June 30. It also provides updated balances for the various funds based on actual performance last year instead of the estimates used when the current budget was drafted earlier this year. One new item is worth mentioning: an amendment includes a new appropriation of \$92,500 to the Airport for a grant match for a taxiway rehabilitation project.

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

**7.A.** Ordinance 22-2023 entitled AN ORDINANCE CONFIRMING THE SALE AND AWARDDING A NON-EXCLUSIVE GAS FRANCHISE TO ATMOS ENERGY CORPORATION FOR THE PLACEMENT OF FACILITIES FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF GAS FOR HEATING AND OTHER PURPOSES WITHIN

THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF OWENSBORO FOR A TERM OF TWENTY (20) YEARS, IMPOSING A FRANCHISE FEE OF THREE PERCENT (3%) OF ATMOS ENERGY CORPORATION'S GROSS ANNUAL REVENUES FROM THE SALE, DISTRIBUTION, AND DELIVERY OF GAS WITHIN THE CITY OF OWENSBORO AND AUTHORIZING THE MAYOR TO SIGN A FRANCHISE AGREEMENT WITH ATMOS ENERGY CORPORATION, was introduced and publicly read on first reading.

The creation and sale of a non-exclusive franchise, for a term of twenty (20) years, for the privilege of constructing, operating, maintaining and distributing natural gas along and under public rights-of-way within the corporate boundaries of the City of Owensboro was approved June 20, 2023. The only bid received was from Atmos Energy Corporation. Therefore, this ordinance awards the franchise to Atmos and authorizes a Gas Franchise Agreement. City Manager Pagan explained that in June, the Board of Commissioners approved the creation of a new natural gas franchise agreement. As required by state law, we put the franchise out for bid. As expected, Atmos Energy was the sole bidder, since they own the natural gas infrastructure in the City. Therefore, this is first reading of an ordinance awarding the natural gas franchise to Atmos. The franchise term is for twenty (20) years, with a three percent (3%) fee for use of the public right of way. One percent (1%) of the fee will go to the General Fund, with two percent (2%) going to the Economic Development Fund, which must be utilized for that purpose. Atmos is comfortable with the terms of the agreement.

**7.B.** Ordinance 23-2023 entitled AN ORDINANCE LEVYING AD VALOREM TAXES FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR COMMENCING JULY 1, 2023, AND ENDING JUNE 30, 2024, AT THE RATE OF 26.40 CENTS PER \$100 OF ASSESSED VALUATION OF REAL PROPERTY, 27.08 CENTS PER \$100 OF ASSESSED VALUATION OF PERSONAL PROPERTY, AND 30.30 CENTS PER \$100 OF ASSESSED VALUATION OF VEHICLES, AND PROVIDING FOR THE COLLECTION AND APPORTIONMENT OF SAME, was introduced and publicly read on first reading.

An Ordinance to levy ad valorem taxes for municipal purposes for the fiscal year commencing July 1, 2023 and ending June 30, 2024, at the rate of 26.40 cents for \$100 of assessed valuation of real property, 27.08 cents per \$100 of assessed valuation of personal property, and 30.30 cents per \$100 of assessed valuation of vehicles. Also, to provide for the collection and apportionment of same. City Manager Pagan further explained this is first reading of an ordinance setting three (3) different property tax rates for the year. The largest by revenue and most well-known is on real property, or real estate. There is no change proposed to the real estate rate from last year, continuing with a rate of 26.40 cents per \$100 of valuation. With this rate, a property assessed at \$100,000 would pay \$264 in property tax to the City. We also set other related property rates. No change is proposed to the vehicle rate, remaining at 30.30 cents per \$100, the same rate it's been for many years. On personal property, the ordinance includes a rate of 27.08 cents, down from 27.61 cents per \$100 last year; the personal property rate is calculated based on the real property rate. Again, the real property rate is the most prominent rate, and is what is referred to when discussing our property tax rate as it is

the source of the far majority of the property tax revenue. We are pleased to propose no change in that rate for your consideration.

**7.C.** Ordinance 24-2023 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 45 BOOTH FIELD ROAD (HWY 3067), CONTAINING 0.995 ACRES, MORE OR LESS, AT THE REQUEST OF JUSTIN CAMACHO AND KASEY DUPONT, was introduced and publicly read on first reading.

An ordinance annexing the property located at 45 Booth Field Road (Hwy 3067), containing 0.995 acres at the request of Justin Camacho and Kasey Dupont. There is an annexation incentive associated with the annexation. City Manager Pagan stated this a consensual annexation. The owner purchased a contiguous property that is already in the City, and they have to annex this property in order to combine the two (2) parcels. Map attached.

## **8. MUNICIPAL ORDERS**

**8.A.** Municipal Order 31-2023 entitled A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO ACCEPT A HOME INVESTMENT PARTNERSHIPS – AMERICAN RESCUE PLAN (HOME-ARP) GRANT FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED TO ITS AWARD, was unanimously approved on one reading by motion of Mayor Pro Tem Castlen and a second by Commissioner Glenn.

The Order authorizes the City to accept a HOME Investment Partnerships – American Rescue Plan (HOME-ARP) grant in the amount of \$1,007,867.00. Mr. Pagan stated the City was notified that we would receive \$1,007,867.00 in HOME-ARP funds. These are pandemic relief funds that must be used for the HOME program, which is one of the programs the Community Development Department manages. This Order approves the paperwork associated with receipt and disbursement of the funds. The funds will be used for affordable rental housing.

**8.B.** Municipal Order 32-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT FOR THE ACQUISITION OF PROPERTY LOCATED AT 600 WEST THIRD STREET, was unanimously approved on one reading by motion of Mayor Pro Tem Castlen and a second by Commissioner NeSmith.

Joel David Osborne owns certain real property located at 600 West Third Street in Owensboro, Daviess County, Kentucky and desires to sell the property. The City of Owensboro seeks to acquire said property for use as parking for the indoor sports complex and to continue revitalization in the downtown area. Mr. Pagan explained that the City already owns property to the south, east and west of this site to be acquired. The property contains a structure that is dilapidated, and we've received complaints about its appearance. If approved, the plan is to demolish the building and incorporate the site in

the parking lot the City owns to the south. The indoor sports facility (currently in design) is planned to be located across the street, so the site will be parking for that project and other public events and venues in the area. Purchase price is \$725,000, and we expected to acquire the site eventually, so funds are available for the purchase. Map attached.

**8.C.** Municipal Order 33-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR LAW ENFORCEMENT PROTECTION PROGRAM GRANT FUNDING THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$50,093.90 THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO POLICE DEPARTMENT TO PURCHASE ROUNDS OF AMMUNITION FOR PATROL RIFLES AND PATROL PISTOLS; NO MATCH REQUIRED FROM THE CITY, was unanimously approved on one reading by motion of Mayor Watson and a second by Commissioner Glenn.

The Owensboro Police Department (OPD) annually purchases ammunition for patrol rifles and patrol pistols. The ammunition is used for training purposes, required range activity and duty weapons. The OPD seeks to purchase ammunition to be used in patrol rifles and patrol pistols through the Law Enforcement Protection Program grant awarded by the Kentucky Office of Homeland Security.

**8.D.** Municipal Order 34-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR LAW ENFORCEMENT PROTECTION PROGRAM GRANT FUNDING THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$9,988.43, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO POLICE DEPARTMENT TO PURCHASE EIGHTY-EIGHT (88) NEW BALLISTIC PLATE CARRIERS; NO MATCH REQUIRED FROM THE CITY, was unanimously approved on one reading by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

The Owensboro Police Department (OPD) provides each of its sworn officers with bulletproof vests and ballistic plates and carriers. The carriers purchased in 2020 which are now in need of replacement due to wear and use. The OPD seeks to purchase eighty-eight (88) new ballistic plate carriers through the Law Enforcement Protection Program grant awarded by the Kentucky Office of Homeland Security.

**8.E.** Municipal Order 35-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR THE SERVICES TRAINING OFFICERS PROSECUTORS (STOP) VIOLENCE AGAINST WOMEN ACT FORMULA GRANT PROGRAM THROUGH THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET IN THE AMOUNT OF \$2,992.50, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO POLICE DEPARTMENT TO PURCHASE TWO (2) DATA PILOT ACQUISITION DEVICES; A TWENTY-FIVE PERCENT (25%) IS MATCH REQUIRED FROM THE CITY, was unanimously approved on one reading by motion of Commissioner Smith-Wright and a second by Commissioner NeSmith.

The Owensboro Police Department (OPD) cited 198 individuals in calendar year 2022 for domestic violence crimes. In order to thoroughly investigate these crimes and provide victim assistance, the Investigations Division at the OPD examines electronic devices such as cell phones, tablets and other storage devices. The Data Pilot acquisition device increases digital forensic capabilities by allowing data to be uploaded on scene and permits the electronic device to be returned to the victim. The OPD requests grant funds through the Services Training Officers Prosecutors (STOP) Violence Against Women Act Formula Grant Program to purchase two (2) Data Pilot acquisition devices. A twenty-five percent (25%) match of \$997.50 is required and budgeted.

**8.F.** Municipal Order 36-2023 entitled A MUNICIPAL ORDER OF THE CITY OF OWENSBORO, KENTUCKY, SUPPORTING SUBMITTAL OF AN ECONOMIC DEVELOPMENT FUND APPLICATION TO THE KENTUCKY ECONOMIC DEVELOPMENT CABINET BY GREATER OWENSBORO ECONOMIC DEVELOPMENT CORPORATION, FOR ACCESS INTO THE MASSIE SITE PROPERTY LOCATED WITHIN DAVIESS COUNTY, KENTUCKY, was unanimously approved on one reading by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

Greater Owensboro Economic Development Corporation (GOEDC), is involved in the development of a 184 acre industrial park in Owensboro-Daviess County which will leverage over \$423,500.00 in investment towards the development of the site and be a benefit to the citizens and residents of the City and County. The City supports the request of GOEDC to apply for funding for the project. Mr. Pagan said the GOEDC markets to and recruits economic development prospects for the community. The GOEDC has been awarded a state PDI grant for \$211,750.00 for due diligence for a potential industrial site. However, the grant must be administered by a city or county. To assist our partners, this Municipal Order authorizes the City to administer the grant on behalf of the GOEDC.

## **9. CITY MANAGER ITEMS**

**9.A.** The Financial Report for the period ending July 31, 2023 was presented by Angela Waninger, Director of Finance and Support Services (attached). There being no discussion, motion was made by Mayor Watson and seconded by Commissioner Smith-Wright to file the financial report for audit; motion carried unanimously.

**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:**

- **Andrew J. Mock** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective September 25, 2023

### **PROMOTIONAL/PROBATIONARY STATUS:**

- **Luke A. Cecil** – Probationary, full-time, non-civil service, promotional appointment to Fire Captain with the Fire Department, effective September 10, 2023
- **Ted S. Johnston** – Probationary, full-time, non-civil service, promotional appointment to Fire Lieutenant with the Fire Department, effective September 10, 2023
- **Romance Moore** – Probationary, full-time, non-civil service, promotional appointment to Bus Driver with the Public Works Transit Department, effective September 10, 2023
- **Katherine M. Phelps** – Probationary, full-time, non-civil service, promotional appointment to Assistant TAC Telecommunicator with the Police Department, effective September 10, 2023

### **REGULAR STATUS:**

- **Marvin L. Ammons** – Regular, full-time, non-civil service appointment to Maintenance Equipment Operator with the Public Works Grounds Department, effective September 11, 2023
- **Jonathan W. Cook** – Regular, full-time, non-civil service appointment to Maintenance Equipment Operator with the Public Works Grounds Department, effective September 11, 2023
- **Landon D. Roberts** – Regular, full-time, non-civil service appointment to Parks and Recreation Facilities Specialist with the Parks Department, effective September 11, 2023

**9.C. City Manager Comments** – None.

## **10. COMMUNICATIONS FROM ELECTED OFFICIALS**

Members of the Commission discussed the events they recently attended.

Commissioner Smith-Wright mentioned the Freedom Walk, in its 21<sup>st</sup> year, that will take place on September 11<sup>th</sup>. She added that any veterans interested in receiving non-perishable food can sign up at any veteran service organization (VFW, American Legion, Amvets, etc.) to receive boxes of food each month. Deliveries will begin next month.

Mayor Pro Tem Castlen mentioned the upcoming “Groovin’ on the Green” at Moneta Sleet Jr Park on September 30<sup>th</sup>.

Commissioner Glenn invited everyone to the Seven Hills Neighborhood Alliance End of Summer Block Party on September 7<sup>th</sup>.

## **11. OPEN PUBLIC FORUM**

Senator David Boswell congratulated Friday After 5 on a successful season.

Fran Marseille (Friday After 5 Executive Director) thanked the City for its support. She said the event averaged 7,000 in attendance each week.

## **12. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 5:56 p.m. by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Davis, City Clerk