

**OWENSBORO BOARD OF COMMISSIONERS**  
**Regular Called Meeting**  
**December 19, 2023 - 4:00 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 Pam Smith-Wright**

**4. PRESENTATIONS**

**4.A.** Mayor Watson presented the Cap Gardner Employee of the Year Award to Amber Schrecker, Assistant Greens Superintendent at Hillcrest Golf Course. Mrs. Schrecker has been with the City for twenty-two (22) years in the Parks Department.

**4.B.** Retirement Recognitions – Mayor Watson recognized the following on their retirements: Tammie Harrington, Telecommunicator with Central Dispatch for twenty-two (22) years (not in attendance) and David Taylor, Property Maintenance Inspector for five (5) years.

**4.C.** Jake Trogden, Street Manager, gave a presentation on the snow routes. It included information on staff training, equipment and materials used for snow season (presentation attached).

**4.D.** The Project List was made available. City Manager Pagan added that Cravens Pool has not been delayed and the anticipated opening date is May 2024. Commissioner Glenn asked about the restrooms being locked at Ben Hawes during the weekday. City Manager Pagan explained the restrooms are closed for the winter since they are not heated.

**5. BUSINESS**

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

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

- **GRADD Regional Transportation Committee** – Reappoint Kevin Collignon to a one-year term effective January 1, 2024
- **Greater Owensboro Chamber of Commerce Board of Directors** – Appoint Pamela Smith-Wright to a one-year term effective January 1, 2024
- **Owensboro Human Relations Commission** – Reappoint Icces Crocker and Charles Mountjoy to a three-year term effective January 1, 2024
- **Ambulance Contracting Authority** – Reappoint John Gleason to a four-year term effective January 1, 2024. Appoint Ted Johnston to fill the remainder of an unexpired term which ends December 31, 2025 (replacing Richard Peach)
- **Owensboro City Utility Commission** – Reappoint Suzy LaMar and Dr. Tom Maddox to a three-year term effective January 8, 2024
- **Owensboro Metropolitan Planning Commission** – Reappoint Skyler Stewart and Bill Weikel to a four-year term effective January 1, 2024
- **City Employees' Pension Board (Closed)** – Reappoint Lynn Holland to a four-year term effective January 7, 2024
- **Owensboro Tourist and Convention Commission** - Appoint Tim Ross and Whitney McFarland to three year terms effective January 1, 2024. Appoint Andrea Benke and Eric Farmer to two year terms effective January 1, 2024. Appoint Ashtyn Redmon, Brandon Dukes and Steve Johnson to one year terms effective January 1, 2024.

6. ORDINANCES - 2nd READING - None

7. ORDINANCES - 1st READING

7.A. Ordinance 1-2024 entitled AN ORDINANCE OF THE CITY OF OWENSBORO, KENTUCKY, PROVIDING FOR THE CREATION AND SALE OF A FRANCHISE FOR THE PRIVILEGE OF DISTRIBUTING AND SELLING ELECTRICITY ON, ABOVE, ALONG AND BELOW PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF OWENSBORO, KENTUCKY, FOR A TERM OF TEN (10) 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 EXCAVATE, DISTURB AND RESTORE PUBLIC RIGHT-OF-WAY

WITHIN THE CITY IN ORDER TO CONSTRUCT, INSTALL, MAINTAIN AND/OR REPAIR ITS ELECTRICAL DISTRIBUTION SYSTEM, 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 introduced and publicly read on first reading.

The term of the existing Electric Franchise Agreement between the City and Kenergy Corp. will expire on December 31, 2023. The Kentucky Constitution and Kentucky Revised Statutes stipulate that all new municipal franchises shall be bid after advertising and notice in the local newspaper. Bids shall be sealed, presented to the City in writing, and upon bid opening, the franchise shall be awarded, subject to approval by the Board of Commissioners. This ordinance creates a non-exclusive franchise under which the successful bidder shall be entitled to utilize public right-of-way within the City to furnish electric utility services to industrial, commercial and residential customers within the City of Owensboro. The term of the franchise shall be ten (10) years. The successful franchisee shall pay to the City annually three percent (3%) of its gross revenues derived from the sale of electric power and energy transmitted on, under and across the City's public right-of-way. The franchise fee shall be paid quarterly. The City shall retain the right to inspect the franchisee's electrical distribution system installed under the terms of this franchise and also franchisee's records to verify the accuracy of the franchise fee being paid to the City.

This ordinance details all terms and conditions relative to the construction, installation, operation, removal, maintenance and/or repair of the electrical distribution system and franchisee's responsibilities while using the City's public right-of-way and infrastructure to provide electric power and energy to our citizens. City Manager Pagan explained the State Constitution authorizes the City to have franchise agreements with companies who use city right-of-way for their business. The current electrical system franchise began in 2013 for a ten (10) year term, and it expires this year. This ordinance creates a new electrical distribution service franchise, which will be advertised, and after receiving bids, will be brought to a future Board of Commissioners meeting to be awarded.

This franchise is for electrical service in areas of the City that are outside the OMU service territory. As a municipal utility, OMU is exempt from the franchise process. On a practical level, Kenergy is the only reasonable bidder since they own the electrical distribution service infrastructure in the City, outside the OMU service area. The same process was taken for a new natural gas franchise earlier this year. The Atmos agreement was for twenty (20) years, but this ordinance calls for a ten (10) year term. Other than this difference in length, the terms of the electric service franchise will be the same as the natural gas franchise previously approved.

#### **8. MUNICIPAL ORDERS – None**

## 9. CITY MANAGER ITEMS

**9.A.** Angela Waninger, Director of Finance and Support Services, presented the financial report for the period ending November 30, 2023 (attached). Mrs. Waninger noted the actual revenue numbers were over budget mainly due to the collection of Property Taxes (\$7.1 Million was collected) and Insurance Premium License Fee (\$3.9 Million was collected). Mayor Watson made a motion to file the financial report for audit and it was seconded by Commissioner Smith-Wright; motion carried unanimously.

**9.B.** The following personnel appointments were unanimously approved by motion of Mayor Watson and second by Commissioner NeSmith:

### **NEW HIRE/PROBATIONARY STATUS:**

- **Brian A. Mays** – Probationary, full-time, non-civil service appointment to Road Worker with the Public Works Street Department, effective January 2, 2024, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **James A. Wathen, Jr.** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective January 2, 2024, ***contingent upon successful completion of all post-offer, pre-employment requirements***

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

- **Steven A. Menteer** – Probationary, full-time, non-civil service, promotional appointment to Infrastructure Manager with the Information Technology Department, effective December 31, 2023
- **Jared M. Peacock** – Probationary, full-time, non-civil service, promotional appointment to Fire Driver/Engineer with the Fire Department, effective December 31, 2023
- **Joshua D. Sexton** – Probationary, full-time, non-civil service, promotional appointment to Fire Driver/Engineer with the Fire Department, effective December 31, 2023

### **REGULAR STATUS:**

- **Christopher L. Besecker** – Regular, full-time, non-civil service appointment to IT Project & Support Manager with the Information Technology Department, effective December 31, 2023

**9.C.** City Manager Comments – City Manager Pagan recognized Chief James Howard on his 25<sup>th</sup> year of service. He also recognized Angela Waninger who was recently

nominated and featured in the *Kentucky Gazette's* "2023 Notable Women in Kentucky Government".

**10. COMMUNICATIONS FROM ELECTED OFFICIALS**

Members of the Commission discussed the events they recently attended and wished everyone a Merry Christmas.

**11. OPEN PUBLIC FORUM – None**

**12. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 4:40 p.m. by motion of Mayor Watson and a second by Commissioner Smith-Wright.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Davis, City Clerk