

**OWENSBORO BOARD OF COMMISSIONERS**  
**Regular Called Meeting**  
**January 16, 2024 - 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

Commissioner Sharon NeSmith

Commissioner Bob Glenn

Commissioner Pam Smith-Wright

Unavailable:

Mayor Pro Tem Mark Castlen

**3. INVOCATION & PLEDGE – Commissioner Sharon NeSmith**

**4. PRESENTATIONS**

**4.A.** Mayor Watson proclaimed February 2, 2024 as “National Wear Red Day”.

**4.B.** Jaklyn Hill, Executive Director for Owensboro Human Relations Commission provided an update. She gave a brief history update, their goals and mission, education opportunities and stats for 2023.

**4.C.** Angela Waninger, Finance and Support Services Director, presented the Popular Annual Financial Report FYE June 30, 2023 (attached). The report is available on the City’s website and hard copies may be obtained at City Hall.

**4.D.** Parks Director Amanda Rogers provided the Parks Department summer events update (attached).

[City Manager Pagan exited the meeting at 4:25pm]

**4.E.** The Project List was made available. There was brief discussion on Cravens Pool. Commissioner Glenn asked where the firefighters from Station 3 will be located while that station is being rebuilt. Assistant City Manager Lelan Hancock responded the firefighters and their equipment will be housed at the former Facilities Maintenance building on Lancaster Avenue.

## 5. BUSINESS

**5.A.** Minutes dated December 19, 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:

- **Owensboro Parks & Recreation Advisory Board** – Reappoint Scott Ingram to a two-year term effective January 18, 2024
- **Owensboro-Daviess County Regional Airport Board** – Appoint Christopher Schindler to a four-year term effective January 21, 2024

## 6. ORDINANCES - 2nd READING

**6.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 read for approval on second reading and unanimously approved by roll call vote upon motion of Mayor Watson and a second by Commissioner Glenn.

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. Assistant City Manager Lelan Hancock stated the ordinance is for an electrical service franchise in the areas of the City that are outside the OMU territory. Kenergy was the only bidder and they own the electrical distribution service infrastructure in the City and outside the OMU service area. The franchise is for a ten (10) year term.

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

**7.A.** Ordinance 2-2024 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 ADJACENT TO 4359 HARBOR HILLS TRACE (TRACT 1) CONTAINING 0.074 ACRES, MORE OR LESS, AND PROPERTY LOCATED ADJACENT TO 4335 AND 4323 HARBOR HILLS TRACE (TRACT 2) CONTAINING 0.105 ACRES, MORE OR LESS, AT THE REQUEST OF BREKK PROPERTIES, LLC, was introduced and publicly read on first reading.

An ordinance annexing the property located adjacent to 4359 Harbor Hills Trace (Tract 1) containing 0.074 acres, and property located adjacent to 4335 and 4323 Harbor Hills Trace (Tract 2) containing 0.105 acres, at the request of Brekk Properties, LLC. Assistant City Manager Hancock further explained the consensual annexation was requested by the property owner because he is acquiring additional acreage behind the currently annexed lots (map attached).

**7.B.** Ordinance 3-2024 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 PROVIDE FOR RECEIPT OF GRANT FUNDS AND ASSOCIATED APPROPRIATIONS AND TO ADJUST CARRYOVERS IN TRANSIT AND CENTRAL DISPATCH, was introduced and publicly read on first reading.

Budget amendment to provide for receipt of grant funds and associated appropriations and to adjust carryovers in Transit and Central Dispatch. Assistant City Manager Hancock explained that the amendment primarily involves the receipt and expenditure of grants, including grants for OPD, Transit, and a U.S. Tennis Association grant for the tennis complex on Bittel Road. In addition, the amendment provides the additional funding necessary to proceed with the Cravens Pool project.

## **8. MUNICIPAL ORDERS**

**8.A.** Municipal Order 1-2024 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT AND DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 2008 MCCULLOCH AVENUE; DECLARING THE PROPERTY AS SURPLUS; AND FURTHER AUTHORIZING THE MAYOR TO EXECUTE A DEED TRANSFERRING THE PROPERTY IN ACCORDANCE WITH KRS 82.083 TO HABITAT FOR HUMANITY OF OWENSBORO-DAVIESS COUNTY, INC., was read for approval on one reading and unanimously approved by motion of Mayor Watson and a second by Commissioner Smith-Wright.

The City of Owensboro seeks to acquire 2008 McCulloch Avenue to perform additional improvements in qualifying census tracts using HOME funds in compliance with National Housing and Urban Development objectives of removing blighted properties. The City desires to declare the property as surplus property so that it can be transferred in accordance with KRS 82.083 to Habitat for Humanity of Owensboro-Daviess County, Inc. to develop a new single family home which will be sold to a low-to-moderate income family. Assistant City Manager Hancock stated the Order authorizes the purchase and subsequent transfer of 2008 McCulloch Ave. The City will transfer the property and a \$35,000 grant to Habitat for Humanity for a low-to-moderate income qualifying resident to continue our long-standing partnership with Habitat. Both the purchase and Habitat grant will be funded by federal housing funds. This project is the first in the new NRSA area which we will move to after Riverview in the northwest, where we've been for the last four (4) years.

**8.B.** Municipal Order 2-2024 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 \$44,000.00, 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 read for approval on one reading and unanimously approved by motion of Mayor Watson and a second by Commissioner NeSmith.

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 \$44,000.00. Assistant City Manager stated the grant will be used for overtime for police traffic enforcement programs and no match is required.

**8.C.** Municipal Order 3-2024 entitled A MUNICIPAL ORDER DECLARING PROPERTY LOCATED AT HILLCREST GOLF COURSE AS SURPLUS PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING 0.764 ACRES, AND PERMANENT AND TEMPORARY EASEMENTS OVER ADDITIONAL TRACTS, TO THE COMMONWEALTH OF KENTUCKY, FOR THE USE AND BENEFIT OF THE TRANSPORTATION CABINET, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A ROUNDABOUT AT THE INTERSECTION OF OLD HARTFORD ROAD, FAIRVIEW DRIVE AND FOORS LANE, was read for approval on one reading and unanimously approved by motion of Mayor Watson and a second by Commissioner Glenn.

The City owns an undivided one-half (1/2) interest in property located at 4346 Old Hartford Road which contains Hillcrest Golf Course and now desires to declare a 0.764 acre portion of this property to be surplus property, so it can be sold to the Commonwealth of Kentucky, for the benefit of the Transportation Cabinet ("Commonwealth"), for a roundabout to be constructed at the intersection of Old Hartford Road, Fairview Drive, and Foors Lane. The City also desires to grant permanent and temporary easements to the Commonwealth over and across portions of the Hillcrest Golf Course property to allow for construction and maintenance of the roundabout. Conveyance of the property and easements will have substantial benefit to citizens of Owensboro in alleviating traffic at the intersection, and will have only a temporary minimal impact upon golfers at Hillcrest. Assistant City Manager Hancock explained the State Transportation Cabinet has a project to construct a roundabout at the intersection of Fairview Drive, Old Hartford Road, and Foors Lane to improve traffic flow (map attached). This is the intersection with the traffic signal by Hillcrest golf course. However, the State needs a small portion of city-owned property to complete the project. As a result, the Order authorizes the sale of approximately three-quarters of an acre at the corner to the State. The property was appraised, and the State is paying us the appraised value of \$67,800. While a right-of-way of the existing Hillcrest parking lot will be taken out by the project, the State is including the construction of replacement parking in the scope of work, at no cost to the City. Our Parks and Engineering staff have been reviewing plans for the project, and are confident that the project will have no impact on the golf course.

## **9. CITY MANAGER ITEMS**

**9.A.** Angela Waninger, Director of Finance and Support Services, presented the financial report for the period ending December 31, 2023 (attached). 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:**

- **Cheryl A. DePriest** – Probationary, full-time, non-civil service appointment to Telecommunicator with the Police Department, effective January 29, 2024
- **Cameron D. Ernspiker** – Probationary, full-time, non-civil service appointment to Telecommunicator with the Police Department, effective January 29, 2024
- **Beth A. Ebelhar** – Probationary, full-time, non-civil service appointment to Clerk/Typist with the Public Works Sanitation Department, effective January 29, 2024, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **Misty R. Miller** – Probationary, full-time, non-civil service appointment to Bus Driver with the Public Works Transit Department, effective January 29, 2024, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **Ryan C. Black** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 12, 2024
- **Wyatt W. Griskey** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 12, 2024
- **Brandon M. Pate** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 12, 2024

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

- **James Bryce Hamm** – Probationary, full-time, non-civil service, promotional appointment to Road Worker with the Public Works Street Department, effective January 28, 2024

### **REGULAR STATUS:**

- **Damon N. Brandle** – Regular, full-time, non-civil service appointment to Firefighter with the Fire Department, effective January 5, 2024
- **Colton W. Baker** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective January 18, 2024
- **Christina E. Butler** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective January 7, 2024

- **Kevin J. Green** – Regular, full-time, non-civil service appointment to Laborer/Maintenance Helper with the Public Works Grounds Department, effective January 3, 2024

**9.C. City Manager Comments – None**

**10. COMMUNICATIONS FROM ELECTED OFFICIALS**

Members of the Commission discussed the events they recently attended.

Commissioner NeSmith discussed the work that Owensboro Health is doing in the community and their outreach work.

Commissioner Glenn recognized Rafe Buckner for being awarded the NAACP award.

**11. OPEN PUBLIC FORUM**

DeMarcus Curry, Pastor of Asbury United Methodist Church, announced an upcoming three (3) day teen job fair. On March 12, Fifth Third Bank will host a financial workshop, on March 13 the Kentucky Career Center will hold mock interviews and help with resumes, and on March 14 the job fair will take place. Contact Mr. Curry at [dcurry50@msn.com](mailto:dcurry50@msn.com) for more details.

**12. CLOSED SESSION**

**12.A.** Motion was made by Mayor Watson and seconded by Commissioner Glenn to enter into a closed session under KRS 61.810(1)(f) for discussions which might lead to the appointment, discipline, or dismissal of an individual employee without restricting that employee's right to a public hearing if requested; motion carried unanimously.

Motion was made by Mayor Watson and seconded by Commissioner Smith-Wright to return to open session; motion carried unanimously.

**13. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 5:22 p.m. by motion of Mayor Watson and a second by Commissioner NeSmith.

---

Thomas H. Watson, Mayor

ATTEST:

---

Beth Davis, City Clerk