

OWENSBORO BOARD OF COMMISSIONERS
Regular Called Meeting
February 6, 2024 - 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 – Mayor Tom Watson

4. PRESENTATIONS

4.A. Mayor Watson proclaimed February 2024 as “American Hearth Month”.

4.B. Mayor Watson proclaimed February 2024 as “Black History Month”.

5. BUSINESS

5.A. Minutes dated January 16, 2024 were unanimously approved by motion of Mayor Watson and a second by Commissioner Glenn.

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

- **Senior Community Center of Owensboro-Daviess County Board** – Reappoint Calvin (C.W.) Williams and Tina Wright to a three-year term effective February 16, 2024
- **Owensboro Human Relations Commission** – Appoint Dava Kelly to fill the remainder of an unexpired term which ends December 4, 2025 (replacing Joseph Acquisto)

6. ORDINANCES - 2nd READING

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

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. City Manager Pagan explained the consensual annexation was requested by the property owner because he is acquiring additional acreage behind his currently annexed lots.

6.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 read for approval on second reading and unanimously approved by roll call vote upon motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

Budget amendment to provide for receipt of grant funds and associated appropriations and to adjust carryovers in Transit and Central Dispatch. City Manager Pagan 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.

7. ORDINANCES - 1st READING

7.A. Ordinance 4-2024 entitled AN ORDINANCE CONFIRMING THE SALE AND AWARDED A NON-EXCLUSIVE ELECTRIC FRANCHISE TO KENERGY CORP. FOR THE CONSTRUCTION, OPERATION, MAINTENANCE AND DISTRIBUTION OF ELECTRICITY FOR LIGHT, HEATING AND OTHER PURPOSES WITHIN THE PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF OWENSBORO FOR A TERM OF TEN (10) YEARS, IMPOSING A FRANCHISE FEE OF THREE PERCENT (3%) OF KENERGY CORP.'S GROSS ANNUAL REVENUES DERIVED FROM THE FRANCHISE AWARDED HEREIN AND AUTHORIZING THE MAYOR TO SIGN A FRANCHISE AGREEMENT WITH KENERGY CORP, was introduced and publicly read on first reading.

The creation and sale of a non-exclusive franchise, for a term of ten (10) years, for the construction, operation, maintenance and distribution of electricity within the public rights-of-way within the corporate boundaries of the City of Owensboro was approved on January 16, 2024. The only bid received was from Kenergy Corp. Therefore, this ordinance awards the franchise to Kenergy and authorizes an Electric Franchise Agreement. City Manager Pagan stated the Board of Commissioners recently approved an ordinance creating a new electric franchise for portions of the City outside the OMU service territory. The franchise was bid as required, and as expected Kenergy was the only company to submit a proposal. Therefore, this ordinance is awarding the franchise to Kenergy. The terms are the same as with the Atmos franchise recently approved with the exception that this term is for ten (10) years, while Atmos' is twenty (20) years.

7.B. Ordinance 5-2024 entitled AN ORDINANCE AMENDING CODE OF ORDINANCES FOR RATES FOR WATER AND WATER UTILITY SERVICE AS ADOPTED BY THE CITY UTILITY COMMISSION OF THE CITY OF OWENSBORO, KENTUCKY ON JANUARY 18, 2024, was introduced and publicly read on first reading.

The City Utility Commission of the City of Owensboro, Kentucky, by Resolution passed on January 18, 2024, approved and adopted by the said Commission pursuant to the Statutes of the Commonwealth of Kentucky and the Ordinances of the City of Owensboro, Kentucky. This Ordinance reflects the Water System Rate revisions. City Manager Pagan introduced Tim Lyons, General Manager of OMU who gave a presentation along with their consultant, Jillian Jurczyk with Utility Financial Solutions, LLC (attached). In synopsis, Mr. Lyons and Ms. Jurczyk recommended a base revenue adjustment of nine percent (9%) increase in March of 2024 and March of 2025. The increases would cost the average residential customer \$1.90 effective March 1, 2024 and an increase of \$2.00 effective March 1, 2025. The last base revenue adjustment was approved by the Board of Commissioners in 2018.

8. MUNICIPAL ORDERS - None

9. CITY MANAGER ITEMS

9.A. The following personnel appointments were unanimously approved by motion of Commissioner Glenn and second by Mayor Pro Tem Castlen:

NEW HIRE/PROBATIONARY STATUS:

- **Benjamin R. Miller** – Probationary, full-time, non-civil service appointment to Bus Driver with the Public Works Transit Department, effective February 12, 2024
- **Steven J. Mueller** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 26, 2024, ***contingent upon successful completion of all post-offer, pre-employment requirements***

- **David M. Spalding** – Probationary, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 26, 2024

PROMOTIONAL/PROBATIONARY STATUS:

- **Emily J. Anderson** – Probationary, full-time, non-civil service, promotional appointment to Recreation Specialist with the Parks and Recreation Department, effective February 11, 2024

REGULAR STATUS:

- **Tina R. Lynch** – Regular, full-time, non-civil service appointment to Recreation Facilities Manager with the Parks and Recreation Department, effective January 30, 2024
- **Henry J. Briner** – Regular, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 15, 2024
- **Joseph P. Brown** - Regular, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 15, 2024
- **William Houston Riney** - Regular, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 15, 2024
- **Victor C. Schutzius** - Regular, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 15, 2024
- **Justin D. Wheeler** - Regular, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 15, 2024
- **Jackson B. Woodard** - Regular, full-time, non-civil service appointment to Firefighter with the Fire Department, effective February 15, 2024
- **Bryan T. Velotta** – Regular, full-time, non-civil service appointment to Evidence Collection Unit Tech with the Police Department, effective February 27, 2024

9.B. City Manager Comments – None

10. COMMUNICATIONS FROM ELECTED OFFICIALS

Members of the Commission discussed the events they recently attended.

11. OPEN PUBLIC FORUM – None

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 6:12 p.m. by motion of Mayor Watson and a second by Commissioner Smith-Wright.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk