

**OWENSBORO BOARD OF COMMISSIONERS**

**Regular Called Meeting**

**June 18, 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

Mayor Pro Tem Mark Castlen

Commissioner Sharon NeSmith

Commissioner Bob Glenn

Unavailable:

Commissioner Pam Smith-Wright

3. INVOCATION & PLEDGE – Mayor Tom Watson

4. PRESENTATIONS

**4.A.** Mayor Watson recognized Eagle Scouts Eli Currington, Blake Locher and Andrew Tanner for their community projects and presented each of them with a “Mayor’s Certificate of Appreciation”. Currington built a GaGa Ball Pit in Ben Hawes Park, Locher constructed a shade structure on the Greenbelt Trail and Tanner built and installed three (3) U.S. flag retirement boxes, one (1) at Smothers Park, one (1) at the Parks and Recreation Administrative Center, and the other at The American Legion Post #9. Troop 3611 Leader Chris Wurth spoke briefly stating that less than four percent (4%) of scouts achieve Eagle Scout level. Parks and Recreation Director Amanda Rogers thanked the Eagle Scouts for their hard work in the community.

**4.B.** Ciera Simon, Engineering Technician, spoke briefly on the community projects that the Stormwater Department presents to local school children (presentation attached).

**4.C.** Tim Ross, Public Events Director, gave an update on the upcoming Friday After 5, Fourth of July and Great Race events (presentation attached).

**4.D.** An update on Medicinal Cannabis was presented by City Attorney Mark Pfeifer (attached). In 2023, SB47 was enacted to allow the use of medical marijuana, effective January 1, 2025. During the 2024 session, HB829 was passed to amend the statute and allow licenses to be issued to businesses this year, rather than 2025. However, January 1, 2025 is the date when dispensaries can open to the public. The Cabinet for Health and Family Services issues licenses for five (5) types of cannabis businesses: cultivators,

processors, producers\*, safety compliance facilities and dispensaries (\*not licensed in the initial application process). In the first round of license applications there will be only four (4) dispensary licenses granted in the Green River region, which is comprised of seven (7) counties. Each county can only have one (1) dispensary from the initial round of applications. The other types of businesses are not subject to the same restrictions. The State statute dictates that a cannabis business cannot be located closer than one thousand feet to any elementary or secondary school or daycare center. Use of medical marijuana requires a registry identification card which states you are a Kentucky resident without a disqualifying felony and written certification for a qualifying condition from a medical practitioner, the statute lists the approved conditions. Medical marijuana cannot be smoked and cannot be consumed by vaping in public transportation or in a public place. DUI laws still apply to individuals using medical marijuana and employers are not required to allow or accommodate medicinal marijuana use in the workplace. There are very strict requirements on usage amount and THC content. The City has several options: (1) do nothing and the State law will apply; however, if the County passed an ordinance prohibiting medical marijuana, then the City would have to pass an ordinance if it wanted businesses to locate in the City; (2) prohibit with an ordinance; however, the citizens could still petition and vote to allow it; (3) pass with restrictions, however, the restrictions cannot be less than the State's regulations. Additional fees can be assessed based on any additional costs caused by the operation of the cannabis businesses; or (4) pass a resolution allowing the citizens of Owensboro to vote to allow medical marijuana but take no position otherwise. The timeline:

- July 1, 2024 – Cabinet can begin issuing licenses
- August 13, 2024 – Deadline for County Clerk to receive a resolution passing the matter to voters (so it can be placed on ballot)
- October 2024 – Lottery for licenses if applications exceed the number of available licenses
- December 31, 2024 – deadline to pass an ordinance prohibiting or restricting medicinal cannabis
  - If a business receives a license prior to that date, it cannot use that license if an ordinance is passed prior to December 31, 2024.
  - If the City passes an ordinance to prohibit, after December 31, 2024, then existing businesses will be grandfathered in.

**4.E.** The City Project List was presented (attached).

## **5. BUSINESS**

**5.A.** Minutes dated June 4, 2024, were unanimously approved by motion of Mayor Watson and a second by Commissioner Glenn.

**5.B.** The following board appointment was unanimously approved by motion of Mayor Pro Tem Castlen and a second from Commissioner NeSmith:

- **Northwest Neighborhood Alliance** – Appoint Kathleen Calhoun to a two-year term effective June 18, 2024

## **6. MUNICIPAL ORDERS**

**6.A.** Municipal Order 15-2024 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 from Mayor Pro Tem Castlen.

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, in the amount of \$50,093.90. No match is required from the City.

**6.B.** Municipal Order 16-2024 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 from Commissioner Glenn.

The Owensboro Police Department (OPD) provides each of its sworn officers with bulletproof vests and ballistic plates and carriers. The carriers purchased in 2020 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, in the amount of \$9,988.43. No match is required from the City.

**6.C.** Municipal Order 17-2024 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR THE FY2024 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANTS PROGRAM THROUGH THE BUREAU OF JUSTICE ASSISTANCE IN THE AMOUNT OF \$5,488.37, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO POLICE DEPARTMENT TO PURCHASE AN ULTRA LITE ALTERNATE LIGHT SOURCE; NO MATCH REQUIRED FROM THE CITY, was unanimously approved on one reading by motion of Mayor Watson and a second from Mayor Pro Tem Castlen.

The Owensboro Police Department (OPD) requests grant funds through the FY2024 Paul Coverdell Forensic Science Improvement Grants Program through the Bureau of Justice

Assistance in the amount of \$5,488.37, the proceeds of which will be utilized by the City of Owensboro Police Department to purchase an Ultra Lite Alternate Light Source; no match is required from the City.

**6.D.** Municipal Order 18-2024 entitled A MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH DAVIESS COUNTY SETTING FORTH THE TERMS BY WHICH THE CITY OF OWENSBORO AND DAVIESS COUNTY WILL OPERATE THE CONSOLIDATED 911 EMERGENCY OPERATIONS CENTER AND THE ALLOCATION OF RESOURCES TO FUND ITS OPERATIONAL COST, was unanimously approved on one reading by motion of Mayor Watson and a second from Commissioner NeSmith.

The City of Owensboro ("City") and Daviess County ("County") have operated and maintained a consolidated 911 Emergency Operations Center since 2009. Both parties desire to continue to operate the consolidated 911 Emergency Operations Center with certain revisions to the terms of the previous Memorandum of Agreement, and desire to enter into a new Memorandum of Agreement to reflect these revisions. City Manager Pagan stated that in December 2023, the County provided notice of their intent to terminate the agreement for the consolidated 911 Emergency Operations Center (central dispatch). While the County considered whether or not to separate and provide their own dispatch center, the City maintained that continuing to jointly fund a single dispatch center was best for public safety in the community.

Recently, Judge/Executive Castlen stated that the County will continue to participate in central dispatch and not provide a second, redundant dispatch center in the community. Therefore, the Municipal Order approves a new three (3) year agreement for central dispatch in essentially the same manner as is currently structured. Minor updates to the new agreement include the following:

- The expiring agreement called for the Police Chief and Sheriff to jointly manage the Dispatch Director and to recommend a new director when the position is vacant. Now, however, only the Police Chief will handle these key responsibilities.
- The Oversight Committee of key dispatch user groups will function as an advisory committee.
- The Judge/Executive and City Manager will receive updates and minutes of advisory committee meetings.
- Costs are shared based on call volume for each organization. In the past, the percentage for each was updated every three (3) years. Now, we'll use a rolling three (3) year call volume instead of only changing every three (3) years.
- Language about the central dispatch budget has been updated to reflect the process former Judge/Executive Mattingly and City Manager Pagan devised a few years ago that works well for both organizations.

The City is happy to continue administering the consolidated 911 Emergency Operations Center in partnership with the County as this structure is in the best interest of public safety for the community.

**6.E.** Municipal Order 19-2024 entitled A MUNICIPAL ORDER DECLARING THE PROPERTY LOCATED AT 1535 HERR AVENUE AS SURPLUS PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT AND DEED CONVEYING THE PROPERTY, was unanimously approved on one reading by motion of Mayor Watson and a second from Mayor Pro Tem Castlen.

The City of Owensboro owns certain real property located at 1535 Herr Avenue and desires to declare the property to be surplus property, so it can be conveyed to Lindsey Menche. City Manager Pagan added that the Home First Time Homebuyer Program provides funding for newly constructed homes. This program aims to make homeownership more accessible by offering forgivable loans, subject to certain income and property requirements. It is designed to support low- to moderate-income individuals and families in achieving their goal of owning a home by selling the homes at a subsidized cost. The home at 1535 Herr Avenue is a city-owned surplus property that now houses a 3 bedroom/ 2 bath home constructed by Paul Martin.

## **7. CITY MANAGER ITEMS**

**7.A.** The Financial Report for the period ending May 31, 2024 was presented by Angela Waninger, Director of Finance and Support Services (attached). The report had a motion to file for audit by Mayor Watson and a second by Commissioner Glenn; motion carried unanimously.

**7.B.** The following personnel appointments were unanimously approved by motion of Mayor Watson and second by Commissioner Smith-Wright:

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

- **Brandon C. Bernard** – Probationary, full-time, non-civil service appointment to Road Worker with the Public Works Street Department, effective July 1, 2024
- **Miranda L. Zunun** – Probationary, full-time, non-civil service appointment to Telecommunicator with the Police Department, effective July 1, 2024, ***contingent upon successful completion of all post-offer, pre-employment requirements***

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

- **Susan R. Crago** – Probationary, full-time, non-civil service, promotional appointment to Clerk/Typist with the Personnel Department, effective July 1, 2024
- **Dawn L. Lang** – Probationary, full-time, non-civil service, promotional appointment to Citation Officer with the Police Department, effective July 1, 2024

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

**8. COMMUNICATIONS FROM ELECTED OFFICIALS**

Members of the Commission discussed the events they recently attended and congratulated the collaboration between Cargill and Habitat for Humanity.

**9. OPEN PUBLIC FORUM**

Daniel Sosh (Duke Drive) thanked the elected officials for discussing the medicinal marijuana issue which he supports.

**10. ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 5:12 p.m. by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

\_\_\_\_\_  
Thomas H. Watson, Mayor

ATTEST:

\_\_\_\_\_  
Beth Davis, City Clerk