

OWENSBORO BOARD OF COMMISSIONERS
Regular Meeting
December 17, 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

Commissioner Pam Smith-Wright

3. INVOCATION & PLEDGE – Commissioner Sharon NeSmith

4. PRESENTATIONS

4.A. Mayor Watson presented the 2024 Cap Gardner Employee of the Year Award to Carla Shelton, Administrative Aide at the Fire Department. Ms. Shelton has been with the City over twenty (20) years.

4.B. Shaelie Velez, Communications & Marketing Manager, gave a brief presentation on the 25th anniversary of the Neighborhood Alliance program.

4.C. Angela Waninger, Director of Finance & Support Services, presented an overview of the Popular Annual Financial Report (attached).

4.D. The project list was distributed. City Manager Pagan highlighted the indoor sports facility project has started. The Senior Center project has changed to a design/build project and bids are due back at the end of January.

4.E. City Manager Pagan presented plaques to outgoing Commissioners Mark Castlen and Pam Smith-Wright in recognition of their service to the City of Owensboro.

5. BUSINESS

5.A. Minutes dated December 3, 2024 were unanimously approved by motion of Commissioner Smith-Wright and a second from Mayor Pro Tem Castlen.

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

- **Senior Community Center of Owensboro-Daviess County Board** – Appoint Jim Billman to a three-year term effective December 17, 2024. Reappoint Jennifer Burke, Bill Cooper, Elaine Grant, Brenda NeSmith, Mark Schmidt, and Lora Wimsatt to a three-year term effective January 1, 2025.
- **Owensboro Sister Cities and Regions Board** – Appoint Ross Leigh to a three-year term effective December 17, 2024.
- **Greater Owensboro Chamber of Commerce Board of Directors** – Appoint Curtis Maglinger to a one-year term effective January 1, 2025.
- **Owensboro City Utility Commission** – Reappoint J.T. Fulkerson to a three-year term effective January 1, 2025.
- **City Employees' Pension Board (Closed)** – Appoint Curtis Maglinger and Jeff Sanford to a four-year term effective January 1, 2025.
- **GRADD Board of Directors** – Appoint Nate Pagan as the Mayor's Designee to fill the remainder of an unexpired term ending December 31, 2025 (replacing Tom Watson).
- **Property Maintenance Code Enforcement Board** – Appoint Stacey Singh to fill the remainder of an unexpired term effective January 1, 2025, and ending July 2, 2026 (replacing Jeff Sanford).
- **Owensboro Tourist and Convention Commission** – Reappoint Brandon Dukes, Steve Johnson and Ashtyn Redmon to a three-year term effective January 1, 2025.
- **Owensboro Human Relations Commission** - Reappoint Dr. Eunice Taylor and Dr. Veena Sallan to a three-year term effective January 1, 2025.

6. ORDINANCES – 2nd READING

6.A. Ordinance 19-2024 entitled AN ORDINANCE CREATING NEW SECTIONS OF CHAPTER 16, ARTICLE III, DIVISION 4 OF THE OWENSBORO MUNICIPAL CODE ENTITLED “TRANSIENT ROOM TAX” TO ESTABLISH DEFINITIONS AND TO CLARIFY THE REGISTRATION REQUIREMENT; AMENDING SECTION 16-70.35 TO ACCURATELY STATE THE TYPES OF OCCUPANCY SUBJECT TO THE TRANSIENT ROOM TAX; AMENDING SECTION 16-70.38 TO SET FORTH USES OF TRANSIENT ROOM TAX; AMENDING SECTION 16-70.39 TO ESTABLISH THAT PARTY RECEIVING RENT MUST PAY THE TRANSIENT ROOM TAX AND COMPLY WITH THE ORDINANCE; AND AMENDING SECTIONS 16-70.40 AND 16-70.41 TO IMPROVE LEGIBILITY AND ESTABLISH A DEADLINE FOR COMPLIANCE was unanimously approved by a roll call vote; motion by Mayor Pro Tem Castlen and a second from Commissioner NeSmith.

Chapter 16, Article III, Division 4 of the Owensboro Municipal Code entitled “Transient Room Tax” was established on August 16, 2022. In order to ensure efficient collection

and enforcement of the transient room tax, revisions are necessary, including defining the terms “Broker”, “Host” and “Rent”, and making the person or entity receiving rent responsible for paying the transient room tax and complying with the ordinance. Various other amendments are needed to clarify the registration requirement, to accurately state the types of occupancy subject to the tax, to establish a deadline for compliance and to improve legibility. City Manager Pagan stated that the transient room tax is assessed on renters of hotels and similar lodgings, including short-term rentals brokered online, such as through Airbnb and Vrbo. The changes are to better identify the party who is responsible for collecting and remitting the tax because some brokers are not complying. Unfortunately, this presents an inequity compared to other entities who comply with the ordinance.

6.B. Ordinance 20-2024 entitled AN ORDINANCE CLOSING ALLEY RIGHTS-OF-WAY BETWEEN 165 EWING ROAD AND 2519 PARDON AVENUE AND BETWEEN 183 EWING ROAD AND 2518 PARDON AVENUE IN THE CITY OF OWENSBORO, KENTUCKY was unanimously approved by a roll call vote; motion by Commissioner Glenn and a second from Commissioner Smith-Wright.

Christopher T. Phelps and Marta Phelps have petitioned the City to close alley rights-of-way located between 165 Ewing Road and 2519 Pardon Avenue and between 183 Ewing Road and 2518 Pardon Avenue. All adjoining and abutting property owners have provided written consent for the closure. City Manager Pagan stated the ordinance closes an alley at the end of Pardon Avenue and behind 165 and 183 Ewing Road. The particular alley was never constructed, so it appears to be part of the neighboring yards. All contiguous property owners have provided written consent for the closure.

7. MUNICIPAL ORDERS

7.A. Municipal Order 37-2024 entitled A MUNICIPAL ORDER DECLARING THE PROPERTY LOCATED AT 3810 FAIRVIEW DRIVE 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 3810 Fairview Drive that was acquired for the right-of-way for the Fairview Drive extension. The project is complete and the City now desires to declare the property to be surplus property, so it can be conveyed to Pleasant Corner, LLC. City Manager Pagan explained the City purchased the property in 2021 for the Fairview Drive extension project, which connected the former end of Fairview in The Downs neighborhood with the intersection of Hayden Road and Kentucky 603 at the eastern end of Gateway Commons (map attached). The project was completed in partnership with Senior Green and Daviess County Public Schools as part of the development of the new Daviess County Middle School. The buyer of the property is Pleasant Corner LLC, managed by Ryan McDaniel. Ryan is working on a development in the area with two (2) large, national retailers. The sales price is \$100,000 per acre, which is the same price the City paid to purchase the property.

7.B. Municipal Order 38-2024 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR AN ASSISTANCE TO FIREFIGHTERS GRANT THROUGH FEMA IN THE APPROXIMATE AMOUNT OF \$129,915.16, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE CITY OF OWENSBORO TO PURCHASE EQUIPMENT NEEDED TO UPGRADE ENGINE 2 AND ENGINE 4 TO ADVANCED LIFE SUPPORT UNITS; A TEN PERCENT (10%) MATCH OF \$12,991.52 IS REQUIRED BY THE CITY was unanimously approved on one reading by motion of Commissioner Smith-Wright and a second from Commissioner Glenn.

The Owensboro Fire Department (OFD) desires to complete the buildout of its Advanced Life Support (ALS) Program and upgrade Engine 2 and Engine 4 to ALS units. The grant proceeds will be utilized to purchase two (2) LifePak 35 monitors and additional tools. A ten percent (10%) match is required by the City.

7.C. Consider Municipal Order 39-2024 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT FOR THE ACQUISITION OF PROPERTY LOCATED AT 102 AND 118 VETERANS BOULEVARD WEST AND ALLEN STREET was unanimously approved on one reading by motion of Mayor Watson and a second from Mayor Pro Tem Castlen.

Jagoe Homes, Inc. owns certain real property located at 102 and 118 Veterans Boulevard West and Allen Street in Owensboro, Daviess County, Kentucky and now desires to sell the real property. The City seeks to acquire said property to continue revitalization in the downtown area. City Manager Pagan further explained the prime development site along Smothers Park and the river comprises approximately one-half of a block. Jagoe Homes has owned the property for several years and no longer has plans for the property. Jagoe has agreed to sell the property if the City reimburses their costs for acquisition of and demolition on the site. The cost is \$4,226,284, which is reimbursing their costs on the site. This is a great site for another signature project downtown. The City anticipates working with the Economic Development Corporation to solicit proposals from developers interested in the property. The City will work with the current parking lot tenants for relocation and will work to acquire the additional piece on the corner of the block.

8. CITY MANAGER ITEMS

8.A. The financial report for the period ending November 30, 2024, was presented by Angela Waninger, Finance & Support Services Director (attached). Motion was made by Commissioner Glenn and seconded by Mayor Pro Tem Castlen to file the report for audit; motion carried unanimously.

8.B. The following Personnel Appointments were unanimously approved by motion of Mayor Watson and a second by Commissioner Smith-Wright.

NEW HIRE/PROBATIONARY STATUS:

- **Gregory A. Eatherly** – Probationary, full-time, non-civil service appointment to Bus Driver/Dispatcher with the Public Works Transit Department, effective December 23, 2024

- **William Olewinski** – Probationary, full-time, non-civil service appointment to Maintenance Equipment Operator with the Public Works Street Department, effective December 30, 2024
- **Paul D. Bodenheimer** – Probationary, full-time, non-civil service appointment to Crew Leader with the Parks and Recreation Department, effective January 6, 2025
- **Jonathan D. Baxley** – Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective January 12, 2025
- **Trystan A. Blue** - Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective January 12, 2025
- **Eestan O. Costello** - Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective January 12, 2025, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **Gabriel J. Quintana Melton** - Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective January 12, 2025, ***contingent upon successful completion of all post-offer, pre-employment requirements***
- **Adrian V. Terrazas** - Probationary, full-time, non-civil service appointment to Police Officer with the Police Department, effective January 12, 2025, ***contingent upon successful completion of all post-offer, pre-employment requirements***

REGULAR STATUS:

- **Steven A. Menteer** – Regular, full-time, non-civil service appointment to Infrastructure Manager with the Information Technology Department, effective December 31, 2024
- **Devin B. Adkins** – Regular, full-time, non-civil service appointment to Systems Administrator with the Information Technology Department, effective January 2, 2025
- **Brian A. Mays** – Regular, full-time, non-civil service appointment to Road Worker with the Public Works Street Department, effective January 2, 2025
- **James A. Wathen** – Regular, full-time, non-civil service appointment to Firefighter with the Fire Department, effective January 2, 2025
- **Brandon R. Hunt** – Regular, full-time, non-civil service appointment to Police Officer with the Police Department, effective January 3, 2025

8.C. City Manager Comments – None

9. COMMUNICATIONS FROM ELECTED OFFICIALS

Members of the Commission discussed the events they recently attended.

10. OPEN PUBLIC FORUM

Sheila Crowe (Northwest Neighborhood Alliance Chair) discussed the homelessness issue the northwest area residents are enduring. She requested an ordinance change be made to limit the number of homeless shelters and drug rehabilitation facilities allowed within a certain proximity of the city and that no additional facilities are allowed in the northwest area.

Nick Pavlas (Cadillac Restaurant and Motel owner) also spoke on the homeless issue in the northwest area and pleaded with the city officials to help the residents and business owners in the area. The homeless population have been damaging his motel property.

Patti Mosby (Northwest Neighborhood Alliance member) urged city officials to calculate the cost incurred by taxpayers for a homeless individual, create a database to coordinate care management for the demographic, and address the issue.

Donnella Cason (630 Poplar Street) expressed her dismay with the homeless and explained that children cannot go to the parks to play due to the large number of homeless individuals hanging out. She requested that tiny homes [for the homeless] not be placed in their area, as well as no more shelters/rehabs.

Zenda Acton Wimsatt (property owner in the northwest area) spoke about the fear the residents are enduring from the homeless population. She explained the homelessness issue has broken down the neighborhood and she requested the city protect her property and neighborhood.

Darrell Hale (3737 Frederica) stated that Rock 'n Roll Sushi plays loud rock music in their parking lot (they have no outside seating) and it is disturbing to the neighbors. He has addressed it with the business, the police department and the city attorney. He asked for assistance.

11. There being no further business to discuss, a motion was made by Mayor Watson to adjourn the meeting at 5:14 p.m., Mayor Pro Tem Castlen seconded the motion and it carried unanimously.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk