

## **OWENSBORO BOARD OF COMMISSIONERS**

### **Regular Called Meeting**

**February 21, 2023 5:00 PM**

Owensboro City Hall

101 E. 4th Street

Owensboro, Kentucky

**1. CALL TO ORDER – Mayor Tom Watson**

**2. ROLL CALL - City Clerk Beth Davis**

**Present:**

Mayor Tom Watson

Mayor Pro Tem Mark Castlen

Commissioner Larry Maglinger

Commissioner Bob Glenn

Commissioner Pam Smith-Wright

**3. INVOCATION & PLEDGE – Mayor Tom Watson**

**4. PRESENTATION**

**4.A.** Owensboro Health Annual Update – Chairman Gavin Roberts spoke briefly before turning it over to Mark Marsh, President/CEO. Mr. Marsh gave the annual update (attached). Highlights of the report included: Owensboro Health (OH) is the largest employer west of Louisville in Kentucky employing 5,534 team members with over fifty percent (50%) residing in Daviess County; thirty-two (32) new providers have been brought on board this past year and the economic impact for each physician is \$3.2 Million plus seventeen (17) additional jobs; more than \$232 Million was spent in the local economy by employees and OH; they provided \$1.2 Million in large grant funding to organizations in the OH footprint; and supported regional and local events with \$486,924 in sponsorships. Their two (2) year look-ahead plan includes: continuing to recruit specialists and services; stand-up mobile clinics and open the Commonwealth West Healthcare Innovation Center (workforce development initiative that Bart Darrell is leading). The workforce development collaboration with ten (10) universities and forty (40) high schools, plans to grow 1,000 more healthcare workers each year and it expected to open in the fall. There was brief discussion from Dr. Dufrayne, Medical Director, on the preparedness of OH should another pandemic arise. Commissioner Glenn asked about treating the homeless population on the streets. Mr. Marsh responded that the mobile clinics will serve that purpose. Commissioner Smith-Wright asked if a satellite emergency room could be set up in the west end of the city. Mr. Marsh responded that a plan is in the works and he feels strongly within the next six (6) months they should be in those underserved areas. Mary Helen Nash (Masonville) stated that geriatric doctors are desperately needed in the area and asked if OH will go against the general physician's advice and hire geriatric specialists. Mr. Marsh stated that they have recently began recruiting geriatric physicians. Dr. Dufrayne added that a geriatrician is now on staff, a

second one has been hired and the goal is to have four (4) on staff. Furthermore, a geriatric service line has been created to reach out to the communities and serve that population. Nurses at OH are also being trained in that specific area.

## 5. BUSINESS

**5.A.** Minutes dated February 7 and February 14, 2023 were unanimously approved by motion of Mayor Watson and a second from Commissioner Smith-Wright.

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

- **Audubon-Bon Harbor Area Neighborhood Alliance** – Reappoint Bryant Bell to a two-year term effective March 9, 2023
- **Property Maintenance Code Enforcement Board** – Appoint Jeff Sanford to fill the remainder of an unexpired term which ends July 1, 2023 (replacing Dale Taylor)

## 6. ORDINANCES - 2nd READING

**6.A.** Ordinance 06-2023 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 AT 155 SALEM DRIVE CONTAINING A TOTAL OF 2.502 ACRES, MORE OR LESS, AT THE REQUEST OF CRANDALL'S BYPASS, LLC, was read for approval on second reading and passed unanimously by roll call vote upon motion of Mayor Watson and second from Mayor Pro Tem Castlen.

An Ordinance annexing the property located at 155 Salem Drive containing a total of 2.502 acres. There will be an annexation incentive agreement for the property.

## 7. ORDINANCES - 1st READING - None

## 8. MUNICIPAL ORDERS

**8.A.** Municipal Order 10-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH CRANDALL'S BYPASS, LLC PROVIDING FOR THE CONSENSUAL ANNEXATION OF UNINCORPORATED PROPERTY LOCATED IN DAVIESS COUNTY AT 155 SALEM DRIVE, CONTAINING A TOTAL OF 2.502 ACRES, MORE OR LESS; AND FURTHER PROVIDING THAT THE CITY SHALL REIMBURSE CRANDALL'S BYPASS, LLC ONE HUNDRED PERCENT (100%) OF THE TOTAL AD VALOREM (EXCLUDING SCHOOL TAX), NET PROFITS, AND OCCUPATIONAL TAX REVENUES DERIVED FROM THE PROPERTY OVER A DESIGNATED FIVE (5) YEAR PERIOD, was introduced and

publicly read for approval on one reading by motion of Mayor Watson and second from Commissioner Glenn; motion carried unanimously.

Crandall's Bypass, LLC has consented to the annexation of the property located at 155 Salem Drive, containing 2.502 acres. The Order sets forth the terms and conditions of the annexation incentive. City Manager Pagan added that this is the standard incentive agreement and the owner is developing five (5) to six (6) commercial units to lease.

**8.B.** Municipal Order 11-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT FOR THE ACQUISITION OF PROPERTY LOCATED ON CARTER ROAD, WITHIN THE LARGER TRACT DESIGNATED AS 2808 WEST PARRISH AVENUE, CONTAINING 3.55 ACRES, MORE OR LESS, FOR USE IN THE YORK DITCH STORMWATER PROJECT, was introduced and publicly read for approval on one reading by motion of Mayor Watson and second from Commissioner Smith-Wright; motion carried unanimously.

The property owners desire to sell an approximate 3.55-acre portion of the real property located on Carter Road, within the larger tract designated as 2808 West Parrish Avenue, in Owensboro, Daviess County, Kentucky. The City of Owensboro seeks to acquire said property for use in the York Ditch Stormwater Project. City Manager Pagan stated that the property will be the site of the stormwater retention basin to be constructed in the York Ditch Stormwater Project. Purchase price for the property is \$450,000 and the funding is included in the project budget. Furthermore, a public meeting to discuss the project will be held February 23 at 5:30 pm at the Fathers House Church, located at 3031 Bittel Road. Area residents received letters notifying them of the meeting.

**8.C.** Municipal Order 12-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN APPLICATION FOR A PROJECT SAFE NEIGHBORHOODS FUNDING GRANT THROUGH THE U.S. DEPARTMENT OF JUSTICE, IN THE AMOUNT OF \$24,095.40, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE OWENSBORO POLICE DEPARTMENT TO PURCHASE THREE (3) OUTDOOR CANON POLE CAMERAS, APPLICABLE LICENSING, AND DATA CHARGES, FOR WHICH NO MATCH IS REQUIRED, was introduced and publicly read for approval on one reading by motion of Mayor Watson and second from Mayor Pro Tem Castlen; motion carried unanimously.

The Owensboro Police Department (OPD) Patrol, Investigations and Street Crimes Divisions all utilize pole cameras for gathering evidence for investigations and monitoring higher crime areas in order to reduce crime and make our neighborhoods safer. OPD intends to apply for \$24,095.40 through the Project Safe Neighborhoods Funding grant through the U.S. Department of Justice, to purchase three (3) outdoor Canon pole cameras, applicable licensing and data charges, for which no match is required from the City.

## 9. RESOLUTION

**9.A.** Resolution 01-2023 entitled A RESOLUTION OPPOSING THE PASSAGE OF SENATE BILL 50 AND HOUSE BILL 50 RELATING TO PARTISAN LOCAL ELECTIONS, was introduced and publicly read for approval on one reading by motion of Mayor Watson and second from Commissioner Maglinger; motion carried unanimously.

The Kentucky General Assembly has proposed bills in both the Kentucky Senate and the Kentucky House of Representatives to require partisan local elections for the offices of mayor and legislative body members. It has been the collective experience of members of this body that the question of party affiliation is an infrequent question during a campaign, suggesting that the voters do not consider this issue a significant concern. There are currently 415 cities in the Commonwealth and only six (6) of those cities have determined the need to conduct partisan elections for their local cities. The Owensboro Board of Commissioners has been non-partisan and has and does work very well across the board fostering cooperation between elected officials belonging to different parties. The Owensboro Board of Commissioners urges our state legislators to vote against House Bill 50 and Senate Bill 50, as well as any other future legislation that requires partisan elections on a local level. City Manager Pagan explained that two (2) companion bills have been filed in the State House of Representatives and the State Senate which would mandate all cities to have partisan elections. Currently and historically, the City of Owensboro elections for mayor and commissioners have been nonpartisan. This is overwhelmingly the case statewide, as 409 of 415 Kentucky cities have nonpartisan elections. Local government tends to deal more with practical and pragmatic issues, unlike more ideological considerations encountered in Frankfort and Washington D.C. Many cities in the Commonwealth have acted to voice their opposition to mandated partisan elections. This Resolution is the Owensboro Board of Commissioners expressing its opposition to House Bill 50 and Senate Bill 50 mandating partisan city elections.

## 10. CITY MANAGER ITEMS

**10.A.** The financial report for the period ending January 31, 2023 was presented by Finance and Support Services Director Angela Waninger. After brief discussion, motion was made by Mayor Watson to file the financial report for audit, second was made by Commissioner Glenn and carried unanimously. Presentation attached.

**10.B.** The following personnel appointments were unanimously approved by motion of Mayor Watson and second by Mayor Pro Tem Castlen.

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

- **Bryan T. Velotta** – Probationary, full-time, non-civil service appointment to Evidence Collection Technician with the Police Department, effective February 27, 2023, ***contingent upon successful completion of all post-offer, pre-employment requirements***

### **REGULAR STATUS:**

- **Jordan W. Benson** – Regular, full-time, non-civil service appointment to HVAC Technician with the Public Works Buildings Department, effective February 21, 2023
- **John W. Nantz** – Regular, full-time, non-civil service appointment to Crew Leader with the Public Works Grounds Department, effective February 27, 2023

**10.C. City Manager Comments** – City Manager Pagan thanked Josh Bachmeier, HR Manager for his hard work on the recent Classification, Pay and Benefit study.

City Manager Pagan then mentioned that at the last meeting there was an individual [Charles Hayden] who spoke during the open public forum and made various allegations of mismanagement and improper decision making regarding the closed, Police and Firefighters' Retirement Fund (PFPF). The comments were frustrating to staff because, despite repeated offers, the person who made the allegations would not meet with staff to discuss the issues. Director of Finance and Support Services Angela Waninger works most closely with the pension plan in question, and addressed these false allegations. Mrs. Waninger stated that it is unconventional to address questions such as Mr. Hayden's at a Commission meeting, but she would try. She added that if Mr. Hayden or anyone else had questions or concerns to reach out to her and she would meet with them. Mrs. Waninger responded to some of the allegations/questions as previously presented:

- *Q1- Mr. Hayden had asked why does it take two (2) years after the report was made to get to the pension board? Answer: The report referenced is the actuarial valuation. By KRS 65.156, the report must be done at least once every three (3) years. Due to the fact that the fund is defunct and being completely supported by the General Fund the PFPF Board voted to do this valuation, as per the statute, once every three (3) years. Therefore, the last valuation was done in 2020. This report is presented each year at the PFPF Board meeting to review the information and remind everyone that it is a one (1) or two (2) year old report (to be updated every three (3) years). Also presented at the meeting was the most current/unaudited financial statements September 2022, as well as fiscal year end June 30, 2022. The most recent Board of Commissioners approved audit for the year ended June 30, 2021 was also presented. During the PFPF meeting, Mrs. Waninger stated that the June 30, 2022 audit would be made available to the PFPF Board at their request once presented to and accepted by the Owensboro Board of Commissioners. She stated she had the 2022 audit with her if Mr. Hayden wanted a copy.*
- *Q2– Mr. Hayden said at the PFPF meeting that a report stated that in 1994 the Kentucky Legislature gave second class cities permission to raise widow's pension to \$400. Owensboro was broke and they had to wait years to get those pensions raised. Mrs. Waninger's response: for clarification, the City was not broke, the*

PFPF fund was broke and this was largely due to bad investment choices voted on by the PFPF Board in the 1997-1998 timeframe. Therefore, the City infused \$4 Million General Fund dollars into the PFPF fund in 2006 and infused \$200,000 in 2009. *Mr. Hayden had previously mentioned that the non-minimums and minimums have not received appropriate increases.* Answer: Both the non-minimums and minimums have received every increase directed by statute. It should also be noted that State statute has a five percent (5%) annual maximum on the increases. Owensboro elected officials went to Frankfort in 2012 and proposed a bill (which passed) to allow the Board of Commissioners to give the non-minimums increases.

- Q3– *Mr. Hayden asked why the Police Chief, Mayor Watson and Mrs. Waninger voted to accept inaccurate minutes?* Answer: The minutes [November 17, 2021] were correct, they accurately reflected what happened at the meeting. During her tenure, the minimums have always received the same rate as Social Security, which has never exceeded five percent (5%). After the meeting, Mrs. Waninger realized that there was a five percent (5%) maximum allowed per statute. That was the first time that Social Security was higher than the statutory cap (5.9% for 2022). Letters were promptly sent to the pensioners communicating the change. The Municipal Order presented to the Owensboro Board of Commissioners reflected the max rate of five percent (5%) and all payments made were correct at five percent (5%).
- Q4– *Who put the Police Chief on the [PFPF] pension board? The Board of Commissioners voted to put the Police Chief on the [PFPF] pension board. It's hard to run a pension board fairly when you've got three (3) votes stacked against you. Before the Board of Commissioners voted to put [the] Police Chief on the Board, how many police widows did you ask that turned you down? Why didn't you ask some of the widows to take the seat on the Board?* Answer: The former and current City Attorney both looked at KRS 95.869 to determine who may sit on the Board. It was determined by both that due to the lack of individuals able to sit on the Board, an active individual [staff member] could represent their respective department. Both the City Clerk and the H.R. Manager attempted to find a member of the PFPF pension plan to volunteer to serve on the board. Due to the unavailability of anyone from that group to serve, it was appropriate to appoint the Police Chief.

Mrs. Waninger once again invited Mr. Hayden or anyone else with concerns or questions to meet with her since the Commission meetings are not the proper venue for the level of detail required for thorough explanation. Mayor Watson gavelled Mr. Hayden out of order throughout Mrs. Waninger's comments.

## 11. COMMUNICATIONS FROM ELECTED OFFICIALS

Members of the Commission discussed the events they recently attended, specifically the unveiling of the Veteran's Hall of Fame Monument located near the Convention Center.

Mayor Watson mentioned that Governor Beshear recently donated nearly \$5 Million to local non-profits from the ARPA funds.

## **12. OPEN PUBLIC FORUM**

Dave Roberts (816 Cottage Drive) spoke on behalf of the pickleball community and requested they be included on the input of the design for the new indoor sports facility. He added that pickleball play could take place during the “down” time of the facility.

Charlie Hayden, member of the Police & Firefighters’ Pension Board (1751 Pawnee Place) mentioned minutes dated October 17, 2012 and city staff present at the meeting. He then referenced minutes dated February 13, 2012 which included Commissioner Smith-Wright’s attendance. He then referenced a February 17, 2012 meeting (a meeting was not held on this date) and pointed out the statutory limits discussed in the meeting and the dates the actuarial study was released. He stated he received the minutes dated June 30, 2012 in October 2012. He again accused staff/elected officials of lying and lack of integrity. At the end of the three (3) minute mark, Mayor Watson notified Mr. Hayden his time was up at the podium (as applicable to the rules of the Open Public Forum that Mayor Watson read before opening up the floor). Mr. Hayden stated he would have to be arrested and thrown out. He refused to sit down or remove himself from the podium, adding that he will continue to return to the meetings and get arrested until someone listens. The Owensboro Police Department spent several minutes attempting to calm Mr. Hayden and he refused to cooperate and insisted he was not leaving until he was arrested. Other citizens in attendance at the meeting were unable to hear the next speaker and Mr. Hayden was eventually arrested.

Jerry Chapman (2601 Elwood Court) – spoke against drag shows being held at the Ghost Light Lounge at the RiverPark Center. He distributed material related to the drag shows (attached). He requested the City no longer provide funding to the RiverPark Center until they cease hosting drag shows.

Jamie Dixon (3813 Steele Drive) – spoke about the drag shows, noting that the shows are not a new idea and they are not going anywhere. She read an excerpt from the zoning ordinance related to adult entertainment location, stating the current location of the drag show in RiverPark Center is in violation.

Greg Cooper (2710 High Pass Point) – asked how the topic of drag shows could be placed on a future agenda for a focused open discussion. City staff will think through it and discuss.

Andy Gamlin (2920 Yale Place) – spoke against the Resolution and against funding the RiverPark Center while they host drag shows.

Mike Hamlett (6160 Sutter Loop West) – spoke against the drag shows being held in the downtown area.

### 13. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 6:31 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