

OWENSBORO BOARD OF COMMISSIONERS
Regular Called Meeting
November 7, 2023 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 – Mayor Tom Watson

4. PRESENTATIONS

4.A. Mayor Watson presented the “Mayor’s Award of Distinction” to David Daniel. Mr. Daniel is a senior at Owensboro High School and was recently named the first *Boys Nation President* from the Commonwealth of Kentucky in the 77-year history of the program. The program is a national political competition with over 22,000 kids from across the country.

4.B. Mayor Watson presented the “National Hospice and Palliative Care Month” proclamation to Brenda Knollenberg, CEO of Hospice and Palliative Care of Western Kentucky. Members of the staff and board were also present.

4.C. Mayor Watson proclaimed November 6-10, 2023 as “National Hunger and Homelessness Awareness Week”. Tom Galloway, Director of Operations and Alvin Leachman, Outreach Coordinator for the Daniel Pitino Shelter accepted the proclamation.

5. BUSINESS

5.A. Minutes dated October 17, 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:

- **Owensboro Parks and Recreation Advisory Board** – Reappoint Johnathan Patton to a two-year term effective November 8, 2023. Appoint Calvin Williams to a two-year term effective November 2, 2023. Appoint David Curry to a two-year term effective November 8, 2023.
- **GRADD Hazard Mitigation Council** – Reappoint Lelan Hancock to a term effective November 7, 2023.

5.C. The following board appointment was approved 4-1 by motion of Mayor Pro Tem Castlen and a second from Commissioner Smith-Wright (Mayor Watson abstained):

- **International Bluegrass Music Museum, Inc., Board of Trustees** – Reappoint Tom Watson to a three-year term effective November 24, 2023.

6. ORDINANCES - 2nd READING - None

7. ORDINANCES - 1st READING

7.A. Ordinance 25-2023 entitled AN ORDINANCE AMENDING CHAPTER 3, ARTICLE I, SECTION 3-8 OF THE OWENSBORO MUNICIPAL CODE TO EXPAND THE SALE OF ALCOHOLIC BEVERAGES ON CHRISTMAS EVE AND NEW YEAR'S EVE WHEN THOSE HOLIDAYS FALL ON A SUNDAY, FROM 6:00 A.M. UNTIL 2:00 A.M. THE FOLLOWING DAY, was introduced and publicly read on first reading.

Kentucky law prohibits the sale of alcoholic beverages on Sundays unless a local government passes an ordinance expanding the sale of alcoholic beverages in its jurisdiction. Citizens and businesses have requested that the City of Owensboro expand the sale of alcoholic beverages on Christmas Eve and New Year's Eve when those holidays fall on a Sunday, from 6:00 a.m. until 2:00 a.m. the following day. City Manager Pagan explained that the current alcohol ordinance creates hours alcohol can be sold within the City. The ordinance specifies different hours for sales on Sunday and all other days of the week. Monday through Saturday have the same hours for each day, with different hours on Sunday.

A local business asked if the City would expand Sunday hours when Christmas Eve falls on Sunday, as it does this year. After consideration, there was consensus among the Board of Commissioners to proceed. As a result, this is first reading of an ordinance allowing expanded, non-Sunday hours when Christmas Eve is on Sunday. We have previously made the same accommodation when New Year's Eve is on Sunday. Such instances occur infrequently, approximately every six (6) years.

7.B. Ordinance 26-2023 entitled AN ORDINANCE CLOSING A PORTION OF GRACIAN STREET, FOUST AVENUE AND A SECTION OF AN ALLEY RIGHT-OF-WAY ADJACENT TO 719 FOUST AVENUE IN THE CITY OF OWENSBORO, KENTUCKY, was introduced and publicly read on first reading.

Local Property Holdings, LLC has petitioned the City of Owensboro to close a portion of Gracian Street, Foust Avenue and a section of an alley right-of-way adjacent to 719 Foust Avenue. City Manager Pagan further stated that the property owner who requested these closings owns all property contiguous or adjacent to the rights-of-way to be closed. We have previously closed other rights-of-way as the owner has acquired other properties in the area (map attached).

7.C. Ordinance 27-2023 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 2808 WEST PARRISH AVENUE CONTAINING 17.253 ACRES, MORE OR LESS, AT THE REQUEST OF THE T.C. OSBORNE ESTATE, was introduced and publicly read on first reading.

An ordinance annexing the property located at 2808 West Parrish Avenue, containing 17.253 acres, at the request of the T.C. Osborne Estate. City Manager Pagan added that this is a consensual annexation, meaning the property owner has provided written approval for the annexation. The address is on West Parrish, but most of the street frontage is on Carter Road, behind and beside Lee's Famous Recipe Chicken. The York ditch basin is the southern portion of the property, on about 3.5 acres, but this annexation is for the entire property (map attached).

8. MUNICIPAL ORDERS

8.A. Municipal Order 41-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF OWENSBORO, DAVIESS COUNTY FISCAL COURT AND DANIEL PITINO SHELTER PROVIDING FOR THE COST OF ADDITIONAL STAFFING, LIABILITY INSURANCE, AND BUS TICKETS TO THE SHELTER DURING WHITE FLAG EVENTS OCCURING DURING THE WINTER OF 2023-2024 AND SIMILAR AGREEMENTS FOR THE WINTERS OF 2024-2025 AND 2025-2026, was read for approval.

The City and County wish to enter into a new Memorandum of Agreement for the winter of 2023-2024 (with two automatic renewals through 2026) to help provide the cost of additional staffing, liability insurance, and bus tickets to Pitino Shelter in order to provide safe, secure, and hospitable temporary overnight accommodations during White Flag events for vulnerable adults and children. City Manager Pagan added that for the last several years, the City and County have partnered to provide a shelter for White Flag winter weather events when the temperature or wind chill drop to 15 degrees or below between November 1 and March 31. The terms of the new agreement are the same as prior years; the City will provide insurance coverage and free passage on transit buses, and the City and County will split the other costs. The Pitino Shelter provides meals for those persons who seek shelter. The order is for a three (3) year term if no changes are made for each subsequent year. Mayor Pro Tem Castlen asked what the split cost has

been in the past. Pagan responded that going back to 2017, the City's total cost has been \$17,655.00, it varies year-to-year based on the weather.

Kim Jones, 5254 Hwy 60 West (business owner at 323 Booth Avenue) spoke about a homeless person she has been helping over the past several years. Last year, during a 22 degree evening (the shelter was not open), he had to have all ten (10) toes amputated due to frost bite. She requested the Board of Commissioners (BOC) raise the temperature of the White Flag events to 35 degrees; the same as Louisville, Evansville and Henderson.

Angela Settle (346 Maple Avenue), also requested the Board of Commissioners raise the temperature threshold to 35 degrees, citing that most cities use that temperature. Settles asked who sets the temperature recommendation for the White Flag events; Pagan replied that the Homeless Council of the Ohio Valley makes the recommendation.

Daviess County Fiscal Court has previously approved the agreement. Pagan encouraged the Board of Commissioners to vote on the order as presented so that there is an agreement in place since we are currently in the White Flag season. If there were a White Flag event next week and the agreement wasn't approved, the shelter would not be covered. The BOC can speak with the County if there's interest in amending the temperature in the agreement following approval. Commissioner Glenn asked City Manager Pagan to collect data on the results of how many extra days are involved with an increase of the temperature.

Motion was made by Mayor Watson to approve Municipal Order 41-2023 and seconded by Commissioner Glenn. After discussion, the motion failed 2-3; Glenn and NeSmith voted yay; Castlen, Smith-Wright and Watson voted nay.

After further discussion, a second vote was taken on the order as presented with the motion made by Mayor Watson and second by Mayor Pro Tem Castlen; motion carried 5-0.

8.B. Municipal Order 42-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND RATIFYING, NUNC PRO TUNC, THE EXECUTION OF AN APPLICATION FOR A PROJECT SAFE NEIGHBORHOODS FUNDING GRANT THROUGH THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$43,748.11, THE PROCEEDS OF WHICH WILL BE UTILIZED BY THE OWENSBORO POLICE DEPARTMENT TO PURCHASE A FOSTER + FREEMAN FUMING CHAMBER, FOR WHICH NO MATCH IS REQUIRED, was unanimously approved on one reading by motion of Mayor Watson and a second by Commissioner Glenn.

Owensboro Police Department desires to purchase a new fuming chamber that will allow its Evidence Collection Unit technicians to safely develop latent fingerprints using ethyl cyanoacrylate (CNA) vapor in a controlled environment for optimum effectiveness and safety, no match is required. City Manager Pagan added that this order authorizes a grant application to acquire a fuming chamber for the Police Department used for

fingerprinting. Our existing fuming chamber is past its useful life, so the grant is a good opportunity to update the equipment. There is no match for this grant, there would be no cost to the City.

8.C. Municipal Order 43-2023 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A DEED OF EASEMENTS BETWEEN THE CITY OF OWENSBORO AND CITY UTILITY COMMISSION OF THE CITY OF OWENSBORO, KENTUCKY, ALSO KNOWN AS OWENSBORO MUNICIPAL UTILITIES, GRANTING TWO PERPETUAL EASEMENTS FOR THE PURPOSE OF INSTALLING, OPERATING, MAINTAINING AND REPLACING UNDERGROUND WATER LINES AND APPURTENANCES ACROSS PROPERTIES ON OLD HARTFORD ROAD AND NEAR THE GREENBELT, was unanimously approved on one reading by motion of Mayor Watson and a second by Commissioner Glenn.

Owensboro Municipal Utilities requests two perpetual easements for the purpose of installing, maintaining, operating, repairing, renewing, replacing, inspecting, and removing underground water lines, and all appurtenances, across properties on Old Hartford Road and near the Greenbelt. City Manager Pagan stated the easement is in city-owned property for the Greenbelt between Old Hartford Road and Byers Avenue. OMU is undertaking this project to add capacity and water pressure in the southeast part of the City in the Hillcrest area. This is a project the City funded with ARPA funds.

9. CITY MANAGER ITEMS

9.A. The Financial Report for the period ending September 30, 2023 was presented by Angela Waninger, Finance and Support Services Director (attached). Motion was made by Mayor Watson to file the report for audit; second was made by Commissioner Glenn and carried unanimously.

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

PROMOTIONAL/PROBATIONARY STATUS:

- **Corey L. Gant** – Probationary, full-time, non-civil service, promotional appointment to Fire Battalion Chief with the Fire Department, effective November 19, 2023
- **James R. Grant IV** – Probationary, full-time, non-civil service, promotional appointment to Fire Battalion Chief with the Fire Department, effective December 3, 2023
- **Clayton R. Tuma** – Probationary, full-time, non-civil service, promotional appointment to Fire Captain with the Fire Department, effective December 3, 2023

- **Brian M. Roberts** – Probationary, full-time, non-civil service, promotional appointment to Fire Captain with the Fire Department, effective December 3, 2023
- **Tad Easton Weathers** – Probationary, full-time, non-civil service, promotional appointment to Fire Lieutenant with the Fire Department, effective December 3, 2023

REGULAR STATUS:

- **Danica P. Richardson** – Regular, full-time, non-civil service appointment to Office Manager with the Public Works Transit Department, effective November 7, 2023
- **Sidney M. Coleman** – Regular, full-time, non-civil service appointment to Purchasing Specialist with the Finance Department, effective November 14, 2023
- **Hunter D. Hinton** – Regular, full-time, non-civil service appointment to Police Sergeant with the Police Department, effective November 20, 2023
- **Lucas M. Hardy** – Regular, full-time, non-civil service appointment to Police Sergeant with the Police Department, effective November 20, 2023
- **Aron M. Contratto** – Regular, full-time, non-civil service appointment to Police Sergeant with the Police Department, effective November 20, 2023

9.C. City Manager Comments – City Manager Pagan announced that the City has received the Government Finance Officers Association's Award for Outstanding Achievement in Popular Annual Financial Reporting (PAFR) for the 5th consecutive year.

The PAFR was developed to encourage and assist governments to produce high quality reports designed to be readily accessible and easily understandable to the general public and other interested parties without a background in public finance, and then to recognize governments that are successful in achieving that goal.

10. COMMUNICATIONS FROM ELECTED OFFICIALS

Members of the Commission discussed the events they recently attended.

Commissioner Smith-Wright announced that the Daughters of the American Revolution (DAR) honored her with a certificate and pin due to her husband Gene serving in Vietnam. The DAR's are partnering with the Department of Defense to honor widows.

11. OPEN PUBLIC FORUM

Darryl Lambert (816 Unsel Road, Maceo) discussed the issue of homelessness and what he has been doing to help them. He stated the Homeless Coalition of Ohio Valley needs to have homeless on the board for better representation.

Raymond Knowles (2226 Yellowstone Drive) discussed the homeless encampment off Triad Drive. He agrees some of the homeless want to be left alone, however, others have selfish motives and he is afraid to let his children outside. He mentioned a recent fire from that encampment that was nearby and could have taken out the neighborhood.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 6:09 p.m. by motion of Mayor Watson and a second by Mayor Pro Tem Castlen.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk