

OWENSBORO BOARD OF COMMISSIONERS
Special Called Meeting
January 4, 2022 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 Larry Maglinger
Commissioner Mark Castlen
Commissioner Jeff Sanford

Unavailable:

Commissioner Bob Glenn

3. INVOCATION & PLEDGE – Mayor Pro Tem Larry Maglinger

4. PRESENTATIONS

4.A. Mayor Watson swore in the following Firefighters:

- Todd Combs
- Rachel Frederick
- Curtis Johnson III
- Aaron Pace
- Austin Schuknecht
- Zerrick Wells

4.B. Vicki Ellis, Western Kentucky Regional Blood Center, accepted National Volunteer Blood Donor Month Proclamation presented by Mayor Watson.

4.C. Law Enforcement Appreciation Day Proclamation was presented by Mayor Watson and accepted by Officer Dalton Howard.

5. BUSINESS

5.A. Minutes dated December 14, 2021 were approved 4-0 upon motion of Commissioner Sanford with a second by Commissioner Castlen.

5.C. Board Appointments

The following board appointments were approved 4-0 upon motion of Mayor Pro Tem Maglinger with a second by Commissioner Sanford.

- **City Utility Commission** – Reappoint J.T. Fulkerson to a three-year term effective January 1, 2022
- **Civil Service Commission** – Reappoint Steven R. Englehardt to a three-year term effective January 16, 2022
- **City Employees' Pension Board (Closed)** – Reappoint Donnie Brey to a four-year term effective January 9, 2022
- **Owensboro Metropolitan Planning Commission** – Appoint Jason Gasser to a four-year term effective January 1, 2022

6. ORDINANCES - 2nd READING

6.A. Ordinance 18-2021 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 3238 KIDRON VALLEY WAY, CONTAINING 1.167 ACRES, MORE OR LESS, AT THE REQUEST OF KIDRON INVESTMENT, LLC, was unanimously approved on second reading by motion of Mayor Watson and a second from Commissioner Sanford.

An Ordinance annexing the property located at 3238 Kidron Valley Way, containing 1.167 acres. There will be an annexation incentive agreement for the property. City Manager Pagan explained the new owner recently acquired the property and contacted the City about the annexation. The property is a multi-tenant commercial building containing Wasabi 54 and three other businesses.

7. ORDINANCES - 1st READING

7.A. Ordinance 01-2022 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 1937 LEITCHFIELD ROAD, CONTAINING 2.237 ACRES, MORE OR LESS, AT THE REQUEST OF VAF 1937 LEITCHFIELD ROAD, LLC, was introduced and publicly read on first reading.

An Ordinance annexing the property located at 1937 Leitchfield Road, containing 2.237 acres. There will be an annexation incentive agreement for the property. City Manager Pagan explained the property is located at 1937 Leitchfield Road, which is at the corner of Leitchfield Road and Hwy 54, across from Niko's Restaurant. This is a consensual annexation and the property owner has submitted a signed consent form. The property

had been vacant for years and has sold to a new owner in March. The site is being developed as a medical office building, which is under construction at this time. A typical annexation incentive will be considered at the next meeting.

8. MUNICIPAL ORDERS

8.A. Municipal Order 01-2022 entitled A MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH KIDRON INVESTMENT, LLC PROVIDING FOR THE CONSENSUAL ANNEXATION OF UNINCORPORATED PROPERTY LOCATED IN DAVIESS COUNTY AT 3238 KIDRON VALLEY WAY, CONTAINING 1.167 ACRES, MORE OR LESS; AND FURTHER PROVIDING THAT THE CITY SHALL REIMBURSE KIDRON INVESTMENT, LLC ONE HUNDRED PERCENT (100%) OF THE TOTAL AD VALOREM (EXCLUDING SCHOOL TAX), NET PROFITS, AND GENERAL FUND OCCUPATIONAL TAX REVENUES DERIVED FROM THE PROPERTY OVER A DESIGNATED FIVE (5) YEAR PERIOD, was unanimously approved on one reading upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

Kidron Investment, LLC has consented to the annexation of the property located at 3238 Kidron Valley Way, containing 1.167 acres. The Order sets forth the terms and conditions of the annexation incentives. City Manager Pagan explained this is a standard annexation incentive for a five (5) year, one hundred percent (100%) General Fund incremental tax rebate.

8.B. Municipal Order 02-2022 entitled A MUNICIPAL ORDER APPROVING THE EXECUTION OF SETTLEMENT PARTICIPATION FORMS ELECTING PARTICIPATION IN SETTLEMENT AGREEMENTS WITH JANSSEN AND VARIOUS OPIOID DISTRIBUTORS FOR AMOUNTS TO BE DETERMINED, AGREEING TO USE SETTLEMENT PROCEEDS FOR OPIOID REMEDIATION AND RELEASING ANY EXISTING AND POTENTIAL CLAIMS FOR ALLEGED HARMS CAUSED BY OPIOID MISUSE AND ABUSE, was unanimously approved on one reading upon motion of Mayor Watson with a second by Mayor Pro Tem Maglinger.

The Order authorizes the City of Owensboro's election to participate in settlement agreements with Janssen Pharmaceuticals, Inc. and various opioid distributors to use settlement proceeds for opioid remediation and further releases any existing and potential claims for alleged harms caused by opioid misuse and abuse. City Attorney Mark Pfeifer explained that the City can participate in settlements reached in 2021 with Janssen and three (3) other opioid distributors. The settlements are to be paid to state and local governments; the \$5 Billion Janssen settlement will be paid over ten (10) years and the other settlement is for \$21 Billion to be paid over eighteen (18) years. Each state is allocated a percentage and Kentucky has been allocated 2.1% of the total amount. The amount is then divided between a state share and a local government share equally. Daviess County's share is roughly 1.6% of the local government share. The local government share will be divided with Daviess County and if no agreement can be reached with Daviess County there is a formula to apply. The City could receive \$2 Million for opioid

remediation purposes, which includes treatment, services for inmates, use of NARCAN and payment of, and various other educational programs. The first payment is scheduled for July 2022; the local government share will go to a trustee and not through the State Treasurer.

9. CITY MANAGER ITEMS

9.A. The following personnel appointments were approved 4-0 with a motion by Mayor Watson and a second by Commissioner Sanford:

PROMOTIONAL/PROBATIONARY STATUS:

- **Matthew S. Cissell** – Probationary, full-time, non-civil service, promotional appointment to Fire Lieutenant with the Fire Department, effective January 16, 2022

REGULAR STATUS:

- **Brandon M. Mitchell** – Regular, full-time, non-civil service appointment to Clerk/Typist with the Police Department, effective January 4, 2022

9.B. City Manager Comments – None

10. COMMUNICATIONS FROM ELECTED OFFICIALS

Mayor Watson explained that the Big Rivers ribbon cutting occurred today and he recognized City Manager Pagan and Economic Development Corporation for their work on the project that began two (2) years ago. The movement of the headquarters downtown will bring in 130 employees, spur development and help restaurants. The corporation intends to make a financial contribution to the City's non-profits.

11. OPEN PUBLIC FORUM - None

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned upon motion of Mayor Watson and a second by Commissioner Castlen at 5:32 p.m.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk