

**Minutes of the September 7, 2017  
Daviness County Fiscal Court Meeting  
Held at the Daviness County, Kentucky Courthouse**

**Present elected court officials included  
Judge/Executive Al Mattingly and County Commissioners Mike Koger,  
George Wathen and Charlie Castlen**

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**DOCUMENTS RELATED TO TODAY'S DISCUSSIONS  
ARE FILED IN THE CORRESPONDING FISCAL COURT FILE**

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The meeting opened with a prayer and the Pledge of Allegiance to the Flag.

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**By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval to amend today's agenda to receive Public Comments at this time. Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**Public Comments:**

Tom Turner of Masonville asked the court for help in getting a company to provide his community with internet service. He stated, "In today's age of technology, unless you live in a remote location, we should not have to leave our homes to gain access to the internet."

Judge Mattingly stated, "As Chair of ConnectGRADD, that archaic internet provider, I understand and sympathize, but through experience, have had no influence on advising internet companies where services are needed the most in Daviness County. It is strictly profit driven." Judge Mattingly noted that he will again contact AT&T and discuss this issue, but I hold very little hope."

Commissioner Wathen added that there are numerous pockets like this throughout Daviness County.

Rev. Rhondalyn Randolph, Pastor of Pleasant Point Baptist Church, Utica, KY and President of Owensboro NAACP Branch 3107 stated, "I stand before you asking the County commission and Judge Executive to consider starting the process of alternative placement of the confederate

statue on the county courthouse lawn. At the NAACP's Annual Executive Board meeting on August 14, 2017, there was a unanimous vote to ask the County Commission and begin the circulation of a petition to remove the Confederate Statue and move it to another location. The NAACP and others have circulated petitions to gauge community support. We would like to come back in October to present the names of local residents in support of the statue's removal. The purpose of the suggestion of the statue's removal is to demonstrate the progress of our city and county over the past 117 years. This is not an attempt to erase or sanitize history but with integrity of the story the statue represents, use this as an opportunity to put our history in its proper context with respect of all Owensboro's citizens. The NAACP has suggested the formation of a committee or the development of a community forum to give the public a chance to voice opinions of concern or support. The committee's development would be to generate ideas of approach to the issue and present it before the County Commission after a 3-month period to allow the Commissioners and Judge Executive decide what to do with the statue. We can use this opportunity to begin a Civil War exhibit at the museum or provide an honored dedication to actual civil war soldiers buried at one of our local cemeteries. Removing the statue will not stop racism or bigotry but it can start a dialogue of communication about the role of our community in the Civil War. Another use can be a teaching tool for our children; that improper use of Confederate monuments, flags and symbols as a means of hate and intimidation will not be tolerated in our community. The minority community is so small within our area we have a responsibility as community leaders to take the lead towards racial reconciliation and protect the most vulnerable. The statue is a part of our community and that will not change, but the honor of the Confederacy on our courthouse lawn is and has always been inappropriate. I ask the Commission to consider the requests made to you today. Thank you in advance for your time and interest."

Commander of Forrest's Orphans Camp 1744 Sons of the Confederate Soldiers Lance Howard stated, "I am gratified that we live in a country where everyone has a voice, but saddened that all around our country, monuments and statues being removed and in some cases damaged, defaced, or destroyed. Those monuments are there for a reason. They are there to honor our past, our heritage of the diverse good men and women who have served this country. These people served in a positive and successful way. To a certain degree, I understand the opposition who wish to remove these statues from public venues, but in most cases, those statues have stood there for decades, if not centuries. We seek to prevent the removal of those statues. The act of removing those statues, degrades it and says it fails to represent something unworthy of being on public view. For the record, allow me to state, the Sons of Confederate Veterans stand with every person in this room against hatred, racism, and bigotry of any kind. We do not tolerate it nor accept it. We certainly do not practice it. There is no excuse for that type of behavior. And that is not what the monument which stands on this property is about. The Confederate Veterans have been and are afforded the same Federal Government treatment as U.S. Veterans. If this monument is removed from its place of honor, what is next? Calls have already been heard from around this country to remove statues and monuments of George Washington, Thomas Jefferson, Benjamin Franklin, and Christopher Columbus. I don't know about you, but I cannot accept that without speaking out. Unfortunately, what we see is an attempt to move anyone along to remove anything which can be tied to the slave past or racist

past. Already in Memphis, TN, people have been exhumed and removed from their burial sites. I quote Nez Perce Chief Joseph, "A man that does not love his father's grave is worse than a wild animal". I believe those are true words. Living in Nazi, Germany, Protestant Minister Martin Nanover, who lived his last 7-years in a concentration camp stated, "First they came for the socialists and I said nothing. They then came for the trade unionist, followed by the Jews, and again, I said nothing. After that they came for me and there was no one left to say anything. I hope this shows that once we start accepting the removal of these monuments, it will take us down a slippery slope."

Judge Mattingly expressed appreciation for those who spoke on this issue and closed the public comments portion of the meeting.

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***A short recess was take and then the court meeting proceeded.***

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Judge Mattingly proclaimed September, 2017 as Recovery Month. Owensboro Regional Recovery Director Sarah Adkins thanked the court and announced various recovery events in recognition of Recovery Month.

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Daviess County Public Library Director Erin Waller presented the Library's 2017/2018 Tax Rate.

Judge Mattingly read the Daviess County Public Library's 2017/2018 tax rate, "The compensating rate for real property was 6.5 cents and as voted on by the Library Board, they elected to remain at 6.4 cents. The tangible personal property and everything else actually went down from 8.39 cents to 8.04 cents. Their estimated 2016-2017 tax revenue is 4,538,000, which was pretty close to what was generated."

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Daviess County Engineer Mark Brasher presented the FEMA Risk MAP update. He explained that this update will more clearly detail properties located inside and outside of the flood plain. As his PowerPoint presentation detailed, and which may be found in today's court file records, he simply explained the with the LiDR equipment now being used will more accurately display elevations.

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Minutes of the August 17, 2017 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Castlen, seconded by Commissioner Koger with all the Court concurring said Minutes were approved and signed.

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen,** the court considered for approval all Claims for all Departments.  
**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Koger, seconded by Commissioner Castlen,** the court considered for approval the Greenbelt Park Easement for Shared Pathway, Access, Ingress/Egress, Covenants, and Conditions and Restrictions with Owensboro Health Medical Group, Inc.  
**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Castlen, seconded by Commissioner Wathen,** the court considered for approval an Agreement with Lanham Brothers General Contractors, Inc. for the Judicial Center Family Courtroom Renovation Project.  
**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Koger, seconded by Commissioner Castlen,** the court considered for approval the County Request and Agreement for Litter Abatement Program Grant Funding.  
**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Koger,** the court considered for approval the Daviess County Solid Waste Management Plan 2018-2022 and **Resolution No. 16-2017** Adopting said plan.  
**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Koger, seconded by Commissioner Castlen,** the court considered for approval **Resolution No. 17-2017** Supporting the separation of the County Employees Retirement System (CERS) from the Kentucky Retirement System (KRS).

Judge Mattingly read what he considers the most important language in the resolution, "NOW, THEREFORE, BE IT RESOLVED by the Daviess County Fiscal Court that it urges Governor Matt Bevin and the Kentucky General Assembly to protect retirement benefits promised to the members of the CERS; Daviess County Fiscal Court joins the Kentucky Association of Counties in urging the General Assembly to pass legislation and urges Governor Bevin to sign such legislation separating CERS from KRS and establishing a separate, independent board of trustees chosen by the members and participating employers of CERS to govern the affairs of CERS and fulfill the fiduciary duties to the members of the system." Furthermore, he stated, "We have all attending various conferences with other fiscal courts and this is their number one issue most talked about. Senator Bowen presented a bill recommending the separation of these funds and the Governor asked him to hold up on the bill, pending a special called session to discuss pension reform. Because it is so late in the year, I would be surprised if we had that now."

County Treasurer Jim Hendrix added, "Late this afternoon we received an email from the office handling pensions. In summary, in FY 2019, the current rates we use for non-hazardous, the Daviess County Fiscal Court currently pays 19.18%, which will increase to 28.86%. Hazardous, we currently pay 31.55% and that will increase to 50.67%. The impact on this court will be an increase of \$1.3 million. Additionally, the Sheriff's Department will get an additional \$400,000, which will come to the court. We are looking at a hit of \$1.6-\$1.7 million."

County Attorney Claud Porter stated, "As the most underfunded systems, KRS and KES, they will see an even more significant increase and I have employees under both KRS and CERS."

Judge Mattingly stated, "This court has been fiscally conservative, but with this hit, the court will be hard pressed to balance our budget, without dipping deeply into our reserve."

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Castlen, seconded by Commissioner Wathen,** the court considered for approval the Joint City/County **Resolution No. 18-2017** Expressing Hope and Recovery to Victims of Hurricane Harvey and those in the path of Hurricane Irma; Commending the Continued Relief Efforts by Public and Private Hero's across this Great Nation and Extending our Heartfelt Request to all Citizens of Owensboro–Daviess County to Pray for and Support those Affected by these Tragic Disasters.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Koger, seconded by Commissioner Wathen**, the court considered for approval to Release the Surety Bond for Greater Vision Baptist Church.  
**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Koger**, the court considered for approval to Purchase a used Automatic Truck Wash for the Landfill for \$18,000.  
**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Castlen, seconded by Commissioner Wathen**, the court considered for approval to Purchase Six (6) Sets of Turn-Out Gear (PPE); FD.  
**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen**, the court considered for approval to Award **Bid No. 21-2017**: Spray Park Equipment to Recreonics, Inc. for \$84,452.

There were two bids received and the lowest bidder was not awarded the bid as they had multiple exceptions to the bid specifications.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen**, the court considered for approval to Advertise the following:

- **Bid No. 31-2017**: A New Class A Fire Engine; Fire Rescue (Whitesville)
- **Bid No. 32-2017**: A New HVAC System; Courthouse (Clerk's Office)
- **Bid No. 33-2017**: A New Round Hay Baler; Landfill
- **Bid No. 34-2017**: A New 10.5' Pull-Type Disc Mower; Landfill
- **Bid No. 35-2017**: A New 10 Wheel Rake w/ Kicker Wheel; Landfill
- **Bid No. 36-2017**: A Mast-Less GPS Control System for CAT D6; Landfill

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval to Advertise for a Firefighter/EMT, if not filled internally.**

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval to Advertise for a Utility Laborer in the Department of Public Works, if not filled internally.**

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval the **Second Reading of KOC 620.47 (2017); 9-2017** - An Ordinance Relating to the Discontinuance of a Portion of "Old" Wayne Bridge Road.**

**Comments:**

No comments received.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval the **Second Reading of KOC A.93 (2017); 10-2017** - An Ordinance Relating to the Adoption of the 2017 Daviess County Tax Rates.**

**Comments:**

No comments received.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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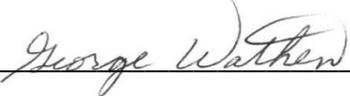
**Comments:**

Judge Mattingly announced that the Health Department has discovered West Nile infected mosquitoes in Daviess County.

He also explained that the animal housed at the animal shelter, which is considered a wolf-hybrid dog, has been returned to its owners. The county's ordinance does not define a wolf-hybrid and since testing resulted in the animal's makeup as majority dog and not wolf, the dog was returned home. The county ordinance defines both a dog and a wolf, not a hybrid.

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**Without objection, Judge/Executive Mattingly adjourned the meeting.  
SO ORDERED THAT COURT STAND ADJOURNED.**

Judge/Executive:  Commissioner:   
Commissioner:  Commissioner: 

I, duly appointed Clerk of the Daviess County Fiscal Court, do hereby certify that the above Minutes for the corresponding Order Book were approved by the members of the Daviess County Fiscal Court at the regular session of said Court on this 23<sup>rd</sup> day of September 2017.

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Jennifer C. Warren, Daviess County Fiscal Court Clerk