

REGULAR SESSION
of the Daviess County Fiscal Court
held at the Courthouse in the City of Owensboro,
County of Daviess, Commonwealth of Kentucky
on this 5th day of January 2012
Present were Judge/Executive Al Mattingly and
County Commissioners Jim Lambert,
George Wathen and Charlie Castlen

DOCUMENTS RELATED TO TODAY'S DISCUSSION
ARE FILED IN JANUARY 5, 2012 FISCAL COURT FILE

Commissioner Castlen opened the meeting in prayer and led the court in the Pledge of Allegiance to the flag.

Treasurer Jim Hendrix presented the Treasurer's Report for the month ended November 2011.

The court received into record the Report of the Audit of the Daviess County Sheriff for the Year Ended December 31, 2010.

Minutes of the December 22, 2011 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Castlen, seconded by Commissioner Wathen with all the Court concurring said Minutes were approved and signed.

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered approval of 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.

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered approval of the Daviess County Clerk's 2012 Budget.

County Clerk David Osborne reported, "Revenues in the Clerk's Office increased by around 4% from 2010, and we ended the year with a surplus of around \$24,000. Through Nov. 2011, our office has turned over to the fiscal court \$492,650 off our 25% account. In this 2012 budget, we are cutting equipment by \$15,000 and regular office expenses by \$10,000. This is possible because we are not planning any capital projects, and we have found some extra savings in insurance – bond issues. The category that has increased this year is salaries and benefits. This is due mostly to the increase in health care costs and to maintain the extra funding mechanism for our office to cover any deficit in the self-insured fund. This year, we have projected a 3.5% increase."

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered approval of the Daviess County Sheriff's 2012 Budget.

Joe Glenn stated, "Our 2012 budget is \$4.8 million and of that, 83% is allocated for personnel and personnel related costs. Our retirement costs continue to be a great concern. The retirement rates are increasing and hazardous rates have increased by 5.1%. We propose to keep the same level of personnel. Currently, we have 72 positions, 37 full-time deputies and 23 part-time personnel. This year, we have 13 employees eligible for step increases. In addition, later this month when the state sets the mandated COLA for elected officials, we, along with fiscal court, will work to set a COLA for our personnel. The availability of grant funds continues to be a concern. In 2002, we received \$341,000 in grant monies and in 2011, we received \$31,000. This year, we anticipate \$106,000 in grant monies. We plan on replacing seven patrol vehicles and one court security vehicle in 2012. These vehicles average about 25,000 miles per year and we try to rotate vehicles off patrol after 150,000 miles. The new vehicles will cost between \$24,000 and \$26,000 each. In order to control costs, we are going to look at the county performing some of our vehicle maintenance work for us."

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

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval to Extend the Option Agreement with Riverwalk Properties and Daviess County Fiscal Court.

County Attorney Claud Porter stated, "We entered into an agreement with Riverwalk Properties as part of them purchasing the old Smith-Werner building - they bought the property next to it. As part of that, they agreed to begin construction on that property by December 2011. We have had some discussions with them, and they are in substantial compliance with the condition, although they have not begun to move dirt or to have a building erected. They have asked for an extension of that option for an additional 6-months until June 16, 2012. We had an option within 3-months after that, if they had not begun construction, to re-purchase. They have agreed, as a part of our consideration to extend their option, to extend our agreement to re-purchase to an additional 6-months to September 16, 2012."

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

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval to Increase the Daviess County Clerk's Change Fund from \$1,900 to \$3,100, as each deputy clerk will have their own cash drawer in 2012.

Clerk Osborne stated, "In a week, we are going to go to cash drawers and every deputy clerk will have their own drawer. Currently, we have three cash registers but in the new switch over which is mandated by the state, all clerks' offices will be "point-of-sale". To do that we need more change on-hand in our office. Therefore, I am asking for this increase."

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

By a motion of Commissioner Wathen, seconded by Commissioner Lambert, the court considered approval to Apply for three grants, one each from the ASPCA, PetSmart, and KY Horse Council for the care of seized horses. No matching funds are required.

Animal Control Officer Ashley Clark stated, "In early December, we seized 15 horses, 126 chickens, 5 dogs, and a couple of other farm animals. We are trying to apply for grants to get money to help care and feed these animals. Most of the horses are in foster homes and the chickens are living in a near-by barn. We are working with the County Attorney in efforts to get those animals released and adopted. Due to this being an active court case, we have been unable to adopt the animals at the current time. Court authorization will be needed before we can let any of the animals out for adoption."

County Attorney Porter stated, "I have already filed a motion. The person we charged was not brought into court because he was apparently picked up by federal authorities and thought to have been deported. We finished a letter to him today under our ordinance. I think they can be considered impounded animals and surrendered based upon the charges that were filed. We are sending a notice so within the next week or two we may begin adopting those animals out."

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

The court heard the First Reading of KOC 412.3 (2012) — An Ordinance Providing for the Sale of Distilled Spirits, Wine and Malt Beverages by the Drink on Sundays from 1:00 p.m. until 11:00 p.m. and Extending New Years Day Hours, by Convention Centers, Convention Hotel Complexes, Hotels, Motels and Restaurants, including Restaurants Operated by Private Clubs, which are Licensed for the Retail Sale of Alcoholic Beverages by the Drink and which Receive at Least Fifty Percent (50%) or More of their Gross Annual Income from the Dining Facilities by the Sale of Food.

Comments:

Judge Mattingly stated, "As you are aware, the city has made a change in their ordinance just this past month. It rather puts our county restaurants and bars at a disadvantage over the city."

Commissioner Castlen stated, "On the second page of this ordinance, new section one, it has bullet points a, b, and c, which says that you would be able to sell alcohol on Sundays from 1:00 a.m. until 11:00 p.m., on any Sunday which is dated December 31, from 1:00 p.m. until 12:00 p.m., and then any day which is dated January 1, from 12:00 a.m. until 2:00 a.m. The way this is worded, would bullet point "c" inadvertently, if January 1 was a Sunday, would that cause them to only be able to sell alcohol from 12:00 a.m. until 2:00 a.m.?"

County Attorney Porter stated, "No, I don't think so. The way I read that is that those are "and", so they are all inclusive and not separate. So, they would be able to sell on Sundays from 1:00 p.m. until 11:00 p.m. except on a Sunday which is January 1 then they would be able to extend their hours until 2:00 a.m. Any Sunday, which is December 31, they go from 1:00 p.m. until midnight. You have to read it together and not separate. However, I will be glad to go back and re-read the ordinance and if there is a way I could make this clearer, I will certainly do so."

Tom Morton asked the court to change it to allow for sale of alcohol at any time without time limitation. He said that would simplify things a lot and make it less confusing for the public.

The court heard the First Reading of KOC 1010.6 (2012) — An Ordinance Establishing an Animal Control and Protection Policy.

Comments:

By a motion of Commissioner Wathen, seconded by Commissioner Lambert, the court considered approval to amend this ordinance striking the wording in section seven, which reads "except fish under 4-inches in length."

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

Other business to be brought before the Daviess County Fiscal Court:

By a motion of Commissioner Lambert, seconded by Commissioner Wathen, the court considered approval to Appoint Jenny Glaser (01-2012) to fill an unexpired term on the St. Benedict's Homeless Shelter Board - TERM: January 15, 2012 – June 24, 2014

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

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval to Declare an Emergency and purchase a Torque Converter for the Daviess County Road Department from Boyd & Sons for \$33,623.72.

County Engineer Mark Brasher stated, "The C, D, & D compactor at the landfill has been damaged, and they are in need of a torque converter in order to get that machine back up and running." He noted that the landfill needs this piece of equipment in good running order in case their other compactor breaks down or stops working.

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

Comments:

Tom Morton stated concerns he has with planning and zoning. He believes planning and zoning officials are not business friendly and cause new businesses not to locate in this community. In addition, he believes that planning and zoning has too much control over personal property.

Judge Mattingly said that the planning and zoning comprehensive plan will soon be up for review. He invited and encouraged Mr. Morton to take an active role in this process.

Commissioner Castlen stated, "I have received a few calls from citizens who saw an ad in the newspaper regarding a rezoning hearing to change a tract of land from agricultural to mining. These citizens are very concerned about this zoning change, and I encouraged them to attend the hearing which is scheduled for next Thursday."

Commissioner Wathen stated, "I am going to be on the committee which reviews the OMPC Comprehensive Master Plan." He encouraged the public to contact him with any concerns they have about the plan. But more importantly, he encouraged the public to attend the review meetings, as it is important to know the public's desires.

Judge Mattingly stated, "I have a letter which was sent to Ashley Clark, Animal Control Officer, from a lady who, along with Ashley, was helping to adopt out a dog." Enclosed in the letter was \$100 to aid in future adoptions. Judge Mattingly congratulated Ms. Clark on a job well done.

Judge Mattingly stated, "I have received a notice of blasting schedule in regard to Knottsville. I will have this notice in the office if anyone would like to review the schedule.

Commissioner Lambert stated, "There is a lot of information in the Comprehensive Plan, and it is very difficult to understand it all. Basically, there are two parts of the plan – the state part and the local part. (He pointed to binders, which he brought into court.) These binders detail the plan's information. He said he would be glad to share the information with anyone who desires to review the current plan.

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

Al Mattingly
Davies County Judge/Executive