

**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 6th day of January 2011.
Present were Judge/Executive Al Mattingly and
County Commissioners Jim Lambert,
George Wathen and Charlie Castlen**

Judge/Executive Al Mattingly said the opening prayer and led the court in the pledge of allegiance to the flag.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered approval of the Agreement with the Commonwealth of Kentucky regarding the granting of HVAC permitting and inspection responsibility pursuant to **KRS 198B.060(5)**.

Jim Mischel of OMPC, "Two years ago the state passed a law that all HVAC/ heating and air shall be permitted by the state. At first, the state was going to issue those permits and then would do the inspections. Recently, the state has contacted local jurisdictions asking them if they would like to assume those duties. So, we have gotten with local HVAC contractors, homebuilders, and the city and county governments, and it seems like they were in favor of that. It is kind of a service we think for the homebuilding community and the HVAC community that we have the inspectors here that can do it that day instead of waiting for a permit. The way the state had it set up is that they would have an employee that did several counties. So, this person may be in Daviess County one day per week and that would potentially slow down or stop many projects. So, we agreed to do it with the vote of the HVAC contractors and the homebuilders.

Judge Mattingly, "You said it would require the inspection of all HVAC installations – that is heating and air conditioning installations but that is not exactly true. It is only HVAC inspections and newly constructed homes."

Jim Mischel, "That is right. For the new installation that would be homes and commercial, but if you change one out at your house, you are not required to get a permit. If the owner or contractor would like to have a permit on an existing structure, they are welcome to request one but not required to do so."

Judge Mattingly, "Will this require any monies or subsidies from local government to OMPC?"

Jim Mischel, "No, we will operate as we are now."

Commissioner Castlen, "I know that our planning and zoning encompasses Whitesville. However, they are not included in this contract."

Jim Mischel, "We take care of the county, but the City of Whitesville takes care of their own inspection and the state will be doing their inspections."

Judge Mattingly, "In effect, Whitesville's new construction will be permitted through the state and they will wait 5-7 days for that inspection. They will not be getting the same response time that Daviess County will get, correct?"

Mr. Mischel, "That is right. We have told the City of Whitesville, if in the future they would like us to perform inspections for them, that our door is always open, and we would be glad to assist them in that capacity. They thanked us for that."

Commissioner Lambert, "This is not requiring those who must have a permit to obtain one. This is simply an agreement that we will allow local inspectors to perform HVAC inspections rather than someone assigned by the state. Is that correct?"

Mr. Mischel, "That is correct."

Commissioner Lambert, "What is the fee?"

Mr. Mischel, "The state will set those fees. For the first residential unit, the fee is \$75 and the second unit will be \$50."

Commissioner Lambert, "I want to make sure the public understands that this is not something the fiscal court is requiring. This is a requirement by the state."

Mr. Mischel, "That is correct. The state passed this law. It was going to happen anyway. We are just trying to facilitate that to make it happen faster. In the future, the state will be the ones offering the fee."

Judge Mattingly, "The state sets the fee. We have not authority to set the fees. We follow state guidelines, and you are correct Commissioner. It is a requirement passed by the state of Kentucky in 2007, and we are simply saying that by agreeing to take the inspection duties locally that we believe we can provide better service to the citizens of Daviess County."

Mr. Mischel, "They have a few other guidelines – each month we have to send them a copy of permits issued and related accounting information."

Judge Mattingly, "This really mirrors the other trades."

Mr. Mischel, "That is right. All the other trades have been inspected up to this time. This is just another requirement that the state has been looking at for a long time in order to get it in-line with the other trades."

Steve Bailes, "Do we get to keep any of those fees?"

Judge Mattingly, "Yes, the fee goes to planning and zoning for the operation of the program."

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

See document(s) [A](#)

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered to Reappoint Ward Pedley to the OMPC Board of Adjustments - Term: December 31, 2010 - December 31, 2014.

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

Elizabeth Munday Senior Center Executive Director Tom Vittitow and Nelda Barnett presented information regarding the new Munday Center.

Mr. Vittitow, "Judge Mattingly, Commissioners Lambert, Wathen and Castlen, thank you for allowing us to present to you the need for a new facility for citizens ages 60 and older in Daviess County.

Many of our board members are here today including Nelda Barnett our Board Chair, and President of Kentucky AARP. In December, NBC News reported that starting in this month, we will see 10,000 Baby Boomers a day able to retire for the next 19 years. That total number is 69 million 350 thousand. According to the Kentucky Data Center's former director Ron Crouch, in the next 10 years, estimates show the only population growth in Daviess County will be those ages 60 and older; Daviess County is not ready. We need and are seeking an activities center for seniors funded by the federal government.

The only way we can accomplish our goal is with help from the City of Owensboro and Daviess County. Drawing a one-mile radial line that intersects the center of 12th and Hickman, it will encompass almost 80% of the population aged 60 or older (information provided by Owensboro Medical Health System). If you extend that line an additional mile, it encompasses Thoroughbred Acres, Scottish Homes, and the area east of

Frederica Street. In that area, we have a beautiful park with a walking path, Tennis Courts, a Volleyball court, and one of the nicest ice rinks in this part of our country - just right for us "Baby Boomers".

Funding sources for an older American's facility are more readily available from the federal government. This not to say that the Munday Center constantly seeks out community, non-profit groups to use our facility. We have had weddings, scout troops, Bridge tournaments, ballroom dance clubs, wedding anniversaries and many other groups use our facility. We hope to grow the center's use and envision hosting state and regional events for seniors, which will bring revenue and showcase our community. Tourist dollars make up a large part of our economy and we are missing the senior segment by not having these facilities.

With a new state-of-the-art building and enough parking, we hope to continue to increase the facility's use by non-profit organizations at a nominal fee to help subsidize our income.

Two of our current tenants have expressed interest in being a part of the new center, Audubon Area Community Services Programs, including Retired Senior Volunteers, Foster Grandparents, and Senior Companion and Canteen's Senior Nutrition program. All Meals-on-Wheels meals are prepared in our facility and serve all GRADD counties.

In August, Nelda and I met with Senator McConnell. He is aware of our needs and asked that his local representative Mrs. Lee Ann Crosby be informed of progress. Ms. Crosby has indicated to us that as soon as our local governments commit to get involved with this initiative that Senator McConnell's office would begin helping with the grant funding process. Congressman Guthrie has visited our center several times is very much aware of our needs and is willing to help.

Just as we need a Daviess County advocate in Frankfort, I am the advocate for the Munday Activity Center in Daviess County. WE NEED YOUR SUPPORT!

Our new building will include Green Technology such as solar, geo thermal and possible wind turbine. The architects will decide which is best for the location.

We have had different committees from staff, board, to the most important, the seniors. The seniors have provided ideas and a wish list on the design of the center.

You have been given plans for our proposed 60,000 square foot facility. The artist renderings were done by OCTC Professor Steve Bailes and his students at no cost. This is another way we want to partner with our community. Not only does it save financially, it is important. It gives students real work experience.

In Oct 1982, the Elizabeth Munday Senior Center relocated to the old Lee school that was built in 1936. Mayor Payne has called it a "Money Pit" and he is exactly right. Last month, we had to replace the pumps to run the heating system at a cost of \$10,000. It is time to quit spending money on a building that is older than most of our seniors.

Today, we are asking Daviess County Fiscal Court to set aside \$1.5 million. This will allow us to do soil sampling, core drilling, and architectural plans on the property. We would like these funds to be dispersed over 3-years commencing at the time we secure a grant for the building. Any portion of the funds not used would be returned to Fiscal Court. The \$1.5 million would not be given to the Center if a grant cannot be secured by December 31, 2014. We met with Mike Ranney of RBS Design Group - architect for the Edge Ice Ring, which is located in the same general area the center will be constructed. Mr. Ranney has estimated the \$1.5 million for site preparation.

Thank you for your time and consideration."

Nelda Barnett, "I hope you have understood what Tom has said. The need for a senior center to help people is very important. We hope you will see and understand the need."

Commissioner Wathen, "On this design here..."

Mr. Vittitow interrupted, "That is the original plan for a facility."

Commissioner Wathen, "This red part?"

Mr. Vittitow said the red part on the design is not going to be part of the plan. He stated, "It was originally going to be constructed where the old ice rink was located. We have worked with Tony Cecil of the City of Owensboro, and we found that the facility would not fit at that location. The new location is in blue and runs parallel to Parrish Ave."

Commissioner Wathen, "Is that available?"

Mr. Vittitow, "Yes, it has been approved."

Commissioner Wathen, "Where does your operating income come?"

Mr. Vittitow, "We have several sources. One, our meal programs are coming from federal and state government through GRADD. We get approximately \$75,000 per year from the City of Owensboro and \$35,000 from the county. We get private donations and grants and then we get about \$40,000 per year from the United Way of the Ohio Valley."

Commissioner Wathen, "What are your operating expenses anticipated to be?"

Mr. Vittitow, "Contrary to a lot of people, we went to Southern Oaks Elementary School which is a newly constructed 60,000 square foot facility and found that their operating costs were approximately \$25,000 per year. Our current facility is 32,000 square feet and last year our operating costs were a little over \$60,000. I look for our operating costs to go down, and we will retain the same number of staff. We do not anticipate any additional staffing needs."

Commissioner Wathen, "Have you considered downtown?"

Mr. Vittitow, "Yes we did. When we started talking about this project, we went to the city and asked about locating downtown. When they realized that the project would require 4 acres of downtown property of which would be removed from the tax rolls as the Munday Center is a not-for-profit organization and tax exempt, they believed it better to locate the facility elsewhere allowing for-profit businesses to locate downtown."

Commissioner Wathen, "It seems to me that this is an awfully large facility. Someone has noted that the new WKU-O building is half the size as this facility. It just seems extremely large. What kind of study did you do to help you arrive at this size of facility and facility design?"

Mr. Vittitow, "All of those rooms right now we have something similar to those rooms in our current building, whether it is in a closet or whatever. The computer lab, the AARP class - we are the only senior citizens center in the state that has an AARP driving class every other month. We have AARP taxes starting in February. We have a waiting list for seniors who want to take computer classes. We serve 5% of the senior population in Daviess County right now. If the growth numbers are correct, in the next 10-years we will definitely begin to fill up that building. Starting out, the facility will have some empty rooms. But we are building it for the future so that we do not have to return to governments and have to say that we have outgrown the building. Seven years ago, Calloway County constructed a new, beautiful, high tech senior citizens facility. They have already outgrown the building. We do not want to under-build and face the need to request additional funds all due to underestimating the need. We planned it to be somewhat bigger. The building has an indoor 1/10 a mile walking track. We have community rooms and the auditorium seats 300. This more than doubles the seating in the current auditorium. What we are trying to do is to build something that will last us 20-30 years without having to renovate, renovate, renovate."

Commissioner Lambert, "In terms of remodeling and updating the current facility, what would it cost to do that as opposed to constructing a new facility?"

Mr. Vittitow, "We looked at several different things. Parking was one. Currently, we have 72 parking spaces. Some days participants and visitors must park in the grass or off-site due to the lack of parking spaces. Heating and cooling was another. Currently, we have 12-foot ceilings and to continue to renovate that outdated facility, for example, lowering the ceilings to save on utility costs, is simply not cost effective. We asked the city, who owns the building, what they think of renovations at the center. They really would prefer that our center re-locate. The building is beautiful, but it has served its time. To renovate that building including the kitchens, elevator, and all of the other things that are there, it is just not cost efficient."

Commissioner Lambert, "In terms of fees/revenue, do members or participants pay anything or fees?"

Mr. Vittitow, "No they do not. Under the present Council on Aging guidelines, we can request up to a \$1.50 donation per day, per person. This donation includes items/services such as meals, transportation, and various activities. Again, the \$1.50 is a donation and if one is unable to donate, we will not turn them away."

Commissioner Lambert, "Who is allowed to participate?"

Mr. Vittitow, "The age requirement is 60; most join at no cost. I am a member of the Munday Center."

Commissioner Lambert, "You are asking the court for \$1.5 million. You are talking about plans and core drilling and site preparation. Go back over the process. When will that start? Did I hear you say only after the grant is approved will anything really start?"

Mr. Vittitow, "That is correct."

Commissioner Lambert" So, there is no possibility that a bunch of money will be spent and then the grant not coming through?"

Mr. Vittitow, "Correct, there is no chance."

Commissioner Lambert, "All of this is contingent upon a federal grant being approved for the amount of money you need to build the facility and then if that occurs, you are asking the court to finance you to the tune of \$1.5 million over a 3-year period. Is that correct?"

Mr. Vittitow, "That is correct. If we do not need all of the \$1.5 million, we will not take it. If we need only \$500,000, from the court, \$500,000 is all we will use. When we open the doors, your part will stop."

Judge Mattingly, "Will that building be available for others in the community?"

Mr. Vittitow, "Yes, we would like to see other organizations use the facility. There are community rental rooms in the current plan. We want that building to be an emergency shelter building, not only for seniors, for the community. That could be easily done."

Judge Mattingly agreed with Mr. Vittitow about the lack of current parking. He said he has visited the Munday Center and could not find an unoccupied space to park. He thinks having adequate parking for participants is important.

Jiten Shah, "We do have an interest in this project and GRADD will be glad to assist the committee with funding, if possible. We will be glad to help."

Judge Mattingly recognized Mike Riney and thanked him for his interest not only in this project, but in all senior-related initiatives.

Judge Mattingly recognized his wife, Judy, for attending the meeting.

Judge Mattingly recognized Allen Wood for attending the meeting.

Minutes of the December 16, 2010 meeting were submitted to the Fiscal Court members for review prior to the Fiscal Court meeting and on a motion of Commissioner Lambert, seconded by Commissioner Castlen with all the Court concurring said Minutes were approved and signed, and the Court was directed to spread upon the Fiscal Court Order Book the Minutes along with any exhibits, orders, ordinances or resolutions that pertain to same.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered approval of the Daviess County Sheriff's 2011 Budget.

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

See document(s) **B**

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval the Daviess County Clerk's 2011 Budget.

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

See document(s) **C**

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval the following Surety Bonds:

- Daviess County Judge/Executive
- Daviess County Alcohol & Beverage Control Administrator
- Daviess County Clerk
- Daviess County Sheriff
- Daviess County Coroner
- Daviess County Jailer
- Daviess County Surveyor
- Daviess County Constables

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

Said bonds may be found in file folder dated January 6, 2011.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered to Authorize Daviess County Jailer to accept Bond Release Fees.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: 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 Fiscal Court's Administrative Code as amended and approved January 7, 2010.

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

Said code may be found in file folder dated January 7, 2010.

By a motion of Commissioner Wathen, seconded by Commissioner Lambert, the court considered to Advertise for Bids to Purchase Equipment for the Daviess County Special Needs Emergency Shelter.

Richard Payne, "The special needs shelter is different than a general purpose emergency shelter in that it addresses special needs including medical. This shelter will be located at the Hall Street Baptist Church and the cost to the court will be covered by a \$20,000 grant from OMHS."

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

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered to Award Bid No. 04-2011: Mowing County Road Right-of-Ways to B. J. Ward Contracting.

Purchasing Agent Dale Boyle, "It is our recommendation that we award this bid for all sections (sections A-G) to B. J. Ward Contracting."

Mowing is generally performed 3 times per year.

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

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval of all previously approved positions of the following, Effective January 1, 2011:

- Daviess County Detention Center
- Daviess County Sheriff's Office
- Daviess County Clerk's Office
- Daviess County Coroner's Office
- Daviess County Attorney's Office

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results:

All members of the court voted in favor. Motion passed.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered to Appoint all Daviess County Employees who were Daviess County employees on or after December 31, 2010 excluding any appointed positions – Effective January 1, 2011.

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

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered to Appoint Richard Payne as Daviess County Emergency Management Agency Director Term: January 1, 2011 – January 1, 2015.

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

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered to Appoint Jim Hendrix as Daviess County Treasurer Term: July 1, 2011 – July 1, 2015.

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

By a motion of Commissioner Lambert, seconded by Commissioner Wathen, the court considered to Appoint Commissioner Charlie Castlen to the following:

- Downtown Convention/Events Center Committee Term: January 3, 2011 - project completion
- Structural Evaluation Team Term: January 1, 2011 – January 1, 2015

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: Yea: Judge/Executive Mattingly and Commissioners Lambert and Wathen
Abstain: Commissioner Castlen
Motion passed.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered to Appoint Commissioner George Wathen to the following:

- Greater Owensboro Chamber Board - Term: December 31, 2010 – December 31, 2011
- DC-SWEEP - Term: January 1, 2011 - January 1, 2015 (*Judge/Executive Appointment*)
- DC Animal Control Commission - Term: January 1, 2011 - January 1, 2015

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: Yea: Judge/Executive Mattingly and Commissioners Lambert and Castlen
Abstain: Commissioner Wathen
Motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered to Appoint Commissioner Jim Lambert to the following:

- Regional Transportation Committee - Terms: January 1, 2011 - January 1, 2015 (*Judge/Executive Appointment*)
- Daviess County Parks Board, Term: January 1, 2011 - January 1, 2015 (*Ex-Officio Member*)
- DC-CAP - Term: January 1, 2011 - January 1, 2015

- **Greenwood Cemetery Advisory Committee - Term: April 12, 2012 - January 1, 2015**

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results:
Yea: Judge/Executive Mattingly and Commissioners Castlen and Wathen
Abstain: Commissioner Lambert
Motion passed.**

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered to Reappoint Wally Taylor to the Owensboro Metropolitan Planning Commission - Term: December 31, 2010 - December 31, 2014.

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

**By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval of Fund Transfers from the Solid Waste Operating Fund to the Solid Waste Closure, Post-Closure, and Debt Service Funds and from the General Fund to the Bond Fund.
See document(s) D**

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

**By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval of all Claims for all Departments.
Said Claims may be found in file folder dated January 6, 2011.**

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results:
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 Wathen, seconded by Commissioner Castlen, the court considered to Reappoint Paula Crabtree to the West Daviess County Water District - Term: January 7, 2011 – January 7, 2015.

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

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered to Appoint Barry Wood as temporary road supervisor pursuant to KRS 179.020 effective January 11, 2011.

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered to Assign the duties of County Judge/Executive to Commissioner Jim Lambert, a member of fiscal court, temporarily in the absence or upon disability of the County Judge/Executive, pursuant to KRS 67.740.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results:
Yea: Judge/Executive Mattingly and Commissioners Castlen and Wathen
Abstain: Commissioner Lambert
Motion passed.**

Daviess County Fire Chief Dwane Smeathers, "Although not yet publically announced, Congressman Guthrie's office has informed the volunteer fire departments that they have been awarded a \$65,000 FEMA grant for equipment and training materials."

Public Comments:

No comments were received.

Comments by Daviess County Fiscal Court:

Judge/Executive Al Mattingly acknowledged the fiscal court staff and expressed his appreciation for their work.

Judge/Executive Al Mattingly announced a schedule change in February Court meetings. The new dates are Feb. 8 & 22, both are Tuesdays at 4:00 p.m.

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

Al Mattingly
Daviess County Judge/Executive