

**PUBLIC HEARING and 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 24<sup>th</sup> day of January 2013  
Present were Judge/Executive Al Mattingly and  
County Commissioners Jim Lambert,  
George Wathen and Charlie Castlen**

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**DOCUMENTS RELATED TO TODAY'S DISCUSSION  
ARE FILED IN JANUARY 24, 2013 FISCAL COURT FILE**

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

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**PUBLIC HEARING**

A Public Hearing was held to discuss the discontinuance of a portion of Rockport Ferry Road.

Commissioner Lambert stated, "I and the other Commissioners have visited the site. We talked to some neighbors, and everyone I have talked to are supporting the discontinuance of this section of the road. I am going to support that position."

Without further comment, said hearing closed.

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**REGULAR SESSION**

Presented to the court was the Affidavit of Publication by County Engineer regarding the Discontinuance of a portion of Rockport Ferry Road.

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Ross Leigh, Daviess County Parks Director stated, "As you will recall, during the month of December, we hosted Christmas at Panther Creek Park, which was the 9<sup>th</sup> annual event. This year, there were five agencies, chosen by a lottery, which will reap the benefits of the successes that we celebrated during the 2012, 5-week collection period. This year, we collected \$10,415 from 3,471 cars, and by far proved to be the most successful year we have ever had. It is with pleasure that I provide these agencies, on the court's behalf, with checks totaling \$1,041.50 each to: Sorgho Elementary PTO, Dream Riders of Kentucky, Daviess County High School Band Boosters, Audubon Area Community Services, Inc. Owensboro Regional Recovery, and Knights of Columbus Council 10725.

Mr. Leigh also stated, "I would like to thank the Messenger and Inquirer for their coverage of this event."

Representatives from each organization thanked the court for the opportunity to participate in the 2012 Christmas at Panther Creek.

Judge Mattingly also thanked the IBEW for their help with the park's electrical needs.

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County Treasurer Jim Hendrix presented the Treasurer's Report for the Month Ended December 2012.

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Minutes of the January 10, 2013 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.

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**By a motion of Commissioner Lambert, seconded by Commissioner Castlen, 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.**

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**By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval the Fund Transfer from the General Fund and Jail Fund to the Bond Fund – 2003 A Sinking Fund.**

Mr. Hendrix stated, "As you know, we refunded the 2003 A and B Bonds and they are now designated... there are still some 3A and 3B we could not do away with for a couple of years and then we have 2012 A and B. This fund transfer is simply to make the bond service payment on the 2003 – 2012 A."

**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 Lambert, the court considered for approval the Summary of Budget Transfers for the Fiscal Year Ended June 30, 2013.**

Mr. Hendrix stated, "This particular bond transfer is related to the refunding. Because I had to make payments at a certain time, we actually had money back so I have deposited money. But I am not allowed to net on the expense side so if you go to the expense side only, it looks like we are over budget on those lines. That is why I am transferring this money. The total budget stays at zero, the way I have done it. It really has no impact on cash, on a net basis. It is just that I cannot net revenues with expenses."

**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 Advertise for Seasonal Park Attendants and Grounds Maintenance Workers for the Department of Parks and Recreation.**

**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 Lambert, seconded by Commissioner Wathen, the court considered for approval the Sports Facilities License Agreement with Daviess County Youth**

Soccer Association for the use of Horse Fork Creek Park from January 24, 2013 through December 31, 2014.

Mr. Leigh stated, "This is a fairly standard agreement and it has a potential additional 2-year renewal clause. One change in this document is that the soccer association will agree to pay for the corner flags and the court agrees to pay for utility bills. In the past, the court picked up the cost for both."

**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 Lambert, seconded by Commissioner Castlen,** the court considered for approval the Lease Agreement with Daviess County Board of Education for the use of facilities at Beacon Central, Burns Campus, Country Heights, Highland, Meadow Lands, Sorgho, and Southern Oaks from January 1, 2013 through December 21, 2013.

**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 Lambert, seconded by Commissioner Castlen,** the court considered for approval the Lease Agreement with Thruston Playground Association for use of the Thruston Playground located on Highway 144 from February 1, 2013 through January 31, 2016.

**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 the Alarm Monitoring Agreement with Level 5 Systems LLC for the Daviess County Operations Center, Courthouse, and Animal Shelter. This is a 12-month agreement.

County Engineer Mark Brasher stated, "The company that has been doing our fire and security monitoring for the last several years has been bought out, and this company now has our account. The price has not changed."

**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 Lambert,** the court considered for approval to Amend the rate for the Court Displaced Worker Program with St. Joseph's Peace Mission and Mary Kendall Home from \$46.10 to \$60 per participant, per day. This rate becomes effective immediately.

Judge Mattingly stated, "Commissioners, several months ago we had a request to increase the rate that we pay for these individuals that are housed in the Mary Kendal Home or with the St. Joseph's Peace Mission. The \$46.10 rate dated back to 2004 for St. Joseph's Peace Mission and 2002 for Mary Kendall Home. My understanding is that some of the other particular homes that do this, not necessarily in this area, get as much as \$90.00 per day for the people that they take care of. I do not think it is unreasonable, and we have not exceeded, in my 2-years, to my knowledge, we have never exceeded what we have allowed in our budget for this particular service. I think this is a fair increase as they do the community a great service."

Commissioner Wathen asked, "Did they request this amount?"

Judge Mattingly stated, "They did not request this amount. Nate, I do not know how we came up with this amount. We may have rounded it up to \$60.00. A \$4.00 increase to \$50.00 was not much so we raised it up to \$60.00, which is still substantially less than other agencies."

Mr. Pagan stated, "Actually, they requested a much greater increase."

**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 Lambert, the court considered for approval the Report of Viewers, which was read into record by county engineer Mark Brasher, regarding the Discontinuance of a portion of Rockport Ferry Road. Said Report follows:**

Mark Brasher, P.E., Daviess County Engineer, Paul Fullenwider and Sammy Potts, Viewers appointed by the Fiscal Court on January 10, 2013, and state that on January 11, 2013, they visited the portion of Rockport Ferry Road between the KY Transportation Cabinet right of way of US 231 and the existing county maintained Rockport Ferry Road right of way, approximately 565' (0.107 miles) and 16 feet in width, proposed to be discontinued, and in their opinion, no inconvenience would result to the public from the discontinuance of the portion of Rockport Ferry Road described above and as attached, Exhibit "A".

THEREFORE, the County Engineer and Viewers recommend to the Court that the discontinuance of the portion of Rockport Ferry Road between the KY Transportation Cabinet right of way of US 231 and the existing county maintained Rockport Ferry Road right of way, approximately 565' (0.107 miles) and 16 feet in width, be approved.

This the 24<sup>th</sup> day of January, 2013.

(Signed by the following)  
Mark Brasher, P.E. County Engineer  
Paul Fullenwider  
Sammy Pot's

**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 Lambert, the court considered for approval the Order to Pay Viewers for viewing a portion of Rockport Ferry Road. 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 Lambert, seconded by Commissioner Wathen, the court considered for approval to Appoint John Stevenson (02-2013) to RWRA Board - TERM: 02/01/2013 – 02/01/2017.**

**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 Appoint Peggy Gardner (03-2013) to the Airport - TERM: 02/08/2013 – 02/08/2017.**

**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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County Attorney Claud Porter read in summary the First Reading of **KOC 620.45 (2013)** - An Ordinance Relating to the Discontinuance of a Portion of Rockport Ferry Road.

Commissioner Castlen asked, "Will there be any signs put up indicating that the road is now a private drive?"

County Attorney Porter stated, "It will not be a private drive. It will be discontinued. They can put up something if they want to."

Commissioner Castlen stated, "Will we just take down our signage, if there is any?"

County Attorney Porter said, "That is correct, and we will discontinue maintenance."

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**Comments:**

Karen Miller-Porter, Executive Director of the Owensboro-Daviess County Convention and Visitors Bureau congratulated John Foreman, owner of Old Hickory, for winning Kentucky Barbeque Pitmasters, a barbeque contest. She announced that the O-DC-CVB has a new visitors guide and presented court members with one. She also updated the court on upcoming community events.

Commissioner Lambert stated, "You saw several agencies receive a check from the county tonight for their work at the Christmas light show, and so there is an opportunity for non-profits to get in the lottery drawing and earn money for your organization. Another way for your organization to earn money is through the Cash-For-Trash program."

Commissioner Wathen is participating in the Business Development Committee. He said, "We had our first meeting today and it was a good meeting. Many good people are on this committee, and I think we have good plans to go forward. I am looking forward to seeing results."

Judge Mattingly thanked Commissioner Wathen for representing fiscal court on the Business Development Committee.

Judge Mattingly stated, "We helped sponsor a local youth hockey team, the Puckhogs who went to Canada for a tournament and they finished 2<sup>nd</sup>. Congratulations to them."

Court members will attend the Kentucky County Judge Executives Conference February 6-8, 2013. February's first regularly scheduled meeting falls during the time that court members will be out of town for that conference. Therefore, this February meeting has been rescheduled to Tuesday, February 5<sup>th</sup> at 9:00 a.m.

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

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Al Mattingly  
Daviess County Judge/Executive