

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 7th day of March 2013
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 MARCH 7, 2013 FISCAL COURT FILE

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

Minutes of the February 20, 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.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, 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 Wathen, the court considered for approval the Amended Agreement with the City of Owensboro related to the Occupational License Fee Increase, effective July 2013.

County Treasurer Jim Hendrix stated, "This agreement is reviewed annually. It is now being adjusted for the cost of living, and I would recommend approval.

Commissioner Wathen asked, "We are just approving this amount for this year, correct?"

Mr. Hendrix confirmed, "That is correct. It is a one-year deal, beginning July 1."

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 for approval to Hire Darrel Gillespie as a Seasonal Grounds Maintenance employee at Yellow Creek Park, effective upon successful completion of pre-employment screening.

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 for approval to Advertise for Deputy Director of Emergency Management Agency, if not filled internally.

Nate Pagan stated, "Walter Atherton has announced his retirement, and this is seeking to fill that position should we not hire someone internally. Walter has been with us for 15-16 years."

Judge Mattingly stated, "Walter has done an excellent job, and those are going to be big shoes to fill."

Commissioner Castlen stated, "I have thanked Walter for his service as he has been an outstanding asset to the county."

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 for approval to Appoint Mark Brasher as Daviess County Road Engineer to a four-year term, effective January 8, 2013, per KRS 179.020(7).

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

Judge Mattingly summarized the First Reading of **KOC 921.666 (2013)** An Ordinance Amending Section 3-2(c)5 of the Owensboro Metropolitan Zoning Ordinance regarding Cut and Fill Permits.

Comments:

Judge Mattingly stated, "I know this is a text amendment to the zoning ordinance that was sent to us by planning and zoning in an effort to become more business-friendly – to help the developers and contractors in the community. This text amendment passed 9-0, and it is in an effort to speed-up cut and fill permits. Through the process, as it occurs now, if you need a cut and fill permit you would go to planning and zoning, apply for a cut and fill permit, it would be sent to the appropriate city or county engineer, they would stamp it with their professional engineer stamp, then it would go back to planning and zoning. There was a step in there that was unnecessary. Not on our side anyway it progressed very quickly I think through the fiscal court engineering department – do not know what happens over at the city. Then there was also a charge that planning and zoning had because they were involved in it they would charge \$20.00. Our engineer tells me that that is not necessary. He was doing it at no cost to begin with. Now, anyone in the county, this does not apply to the City of Owensboro because they still have that process and until they adopt the text amendment, and I do not know if they are going to adopt it or not, but until they adopt the text amendment they would still go through planning and zoning, the fee would be paid, go to the city engineer, he would stamp it, and then it would come back. I think this is a good move (for the county), and I really do appreciate, in their effort to be more business-friendly to the developers in this community, and to those who come into this community from outside. I appreciate their effort."

Commissioner Wathen asked, "My understanding is that they (planning and zoning) made their decision based on our engineer's decision, correct? So we are not losing anything, are we?"

Brian Howard of Owensboro Planning and Zoning stated, "That is right. It would come to us, it would go to the city or county engineer, they would approve it, and then we would issue the cut

and fill permit. The process will not change as far as your engineer reviewing the proposal. It just takes us out of the loop, and an unnecessary step out of the process.”

Judge Mattingly stated, “Commissioner, they, in effect, were the gatekeeper for cut and fill permits, and as far as our engineer, we had a conversation – they were also the whipping post if anything went wrong. We got to beat them up and blame them. This takes them out of the process.”

Commissioner Lambert asked, “Does this pertain to lakes, dams, levies, or simply structure – sites for building? Would it apply also to dams, ponds, lakes, levies, and those kinds of things?”

Mr. Brasher stated, “I believe the cut and fill permit is required when any significant amount of dirt is removed.” Significant, he described, is discretionary.

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

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval the Allocation of \$100,000 towards the Tom Curtsinger Ag Building on behalf of the Daviess County Lions Club.

Judge Mattingly stated, “Commissioners, as you know, the Daviess County Lions Club has proposed building an agricultural building at the fairgrounds. The estimated cost of the building was roughly \$320,000. They raised \$186,000, and the Daviess County Fiscal Court had agreed to put up \$100,000 for that project, which leaves them short by approximately \$41,000. In discussing this with them, my concern was if we allocated \$100,000, and they got down to the bottom of the project, and they could not complete the project what happens then? However, they have assured me that that \$41,000 is not necessary to complete the structure. In other words, they will have a building that may not have bleachers in it and some other things, but this will allow them to have a metal building coming in here soon. They need the money to pay that off. While I am at it, I want to thank the other people who have donated monies, whether in-kind or cash. The agricultural industry and community says we have needed this building for quite some time now, and I am happy that Daviess County Fiscal Court can assist them.”

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 for approval the Annual Renewals of two Search and Rescue Affiliation Agreements.

Mr. Pagan stated, “These are annual agreements with two different search and rescue teams. One is a land-based and the other is a water-based dive team. These services are provided by a group of individuals and these agreements will allow them to affiliate with us so they can operate in Daviess County.”

Commissioner Wathen stated, “This is an organization of volunteers, and I’ve often told the story of this group of people because they are so important to the community. They have to get themselves educated, qualified, and certified just so they can volunteer to serve our community whenever someone is in need. I just find them an amazing group, and want to say thank you to them.”

Commissioner Castlen echoed Commissioner Wathen’s comments and too thanked them for their commitment to the community.

Commissioner Lambert inquired about the Fire Department’s initiative called Project Lifesaver and asked for an update on the program. Mr. Pagan stated that fire inspector Harvey Henderson administers the program and he will be asked to prepare a brief report for the court.

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

Comments:

Judge Mattingly announced the following Daviess County Fiscal Court March 2013 Employee Anniversary Recognitions:

- Assistant Fire Chief Stephen W. Fuqua, 20 years
- Fire Inspector Harvey G. Henderson, 20 years

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

Al Mattingly
Daviess County Judge/Executive