

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 19th day of March 2015
Present were Judge/Executive Al Mattingly and
County Commissioners Mike Koger,
George Wathen and Charlie Castlen

DOCUMENTS RELATED TO TODAY'S DISCUSSION
ARE FILED IN MARCH 19, 2015 FISCAL COURT FILE

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

Judge Mattingly presented the Treasurer's Report for February 2015.

Minutes of the March 9, 2015 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Koger, seconded by Commissioner Castlen with all the Court concurring said Minutes were approved and signed.

By a motion of Commissioner Wathen, 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.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval the Memorandum of Agreement with Sazerac Distillers, LLC regarding the expansion of Glenmore Distilleries.

County Attorney Claud Porter stated, "We are just changing their name from Glenmore Distilleries to Sazerac Distillers, LLC and acknowledging that the new name is obligated under both ordinances both for their expansion and the Occupational License Fees."

David Smith stated, "As you recall, we set up a special taxing district. This also takes care of that. It takes care of both the MOA for the economic development grant and this special district that we have established."

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 Koger, the court considered for approval to Apply for the 2015-2016 Kentucky Pride Fund Recycling Grant.

Mr. Smith stated, "This application is to purchase 2, 30-yard open top containers for our recycling operations at the landfill. Last year, we put in for a grant for two and received one, which is currently being used at the convenience center. No matching funds are required."

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 Transfer Daniel C. Thurman from a Service Technician in the Department of Public Works to Truck Driver in the Department of Solid Waste, effective March 23, 2015.

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 Service Tech. 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.

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval to Appoint David Smith (19-2015) as the **DC Deputy Alcoholic Beverage Administrator** - TERM: 3/19/2015 – 1/1/2019.

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 Koger, the court considered for approval to Appoint Matt McCloud (20-2015) to the **Owensboro-Daviess County Convention and Visitor's Bureau** filling the unexpired term of Megan Mengus (Ms. Mengus served 2+ terms) - TERM: 03/19/15 – 06/30/16.

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 Castlen, the court considered for approval to Appoint Duke Smith (08-2015) to the **Parks Board** (Served 4 terms) - TERM: 4/1/2015 – 4/1/2019.

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 Castlen, the court considered for approval to Appoint Steve Lewis (09-2015) to the **Parks Board** (Served 2 terms) - TERM: 4/1/2015 – 4/1/2019.

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 Koger, the court considered for approval to Appoint Bruce Kuegel (07-2015) to the **Parks Board** (Served 4 terms) - TERM: 4/1/2015 – 4/1/2019.

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 Koger, seconded by Commissioner Castlen, the court considered for approval the **Second Reading of KOC 611.12 (2015)** - An Ordinance Authorizing the Establishment of Assessment Warrants for the Locust Hills Area Subdivision.

Comments:

Judge Mattingly stated, "This is as a result of sewers being extended into the Locust Hills Area Subdivision. The project cost was \$447,000. We were able to get an EPA grant \$173,000, which lowered that project cost to \$274,000. Each property owner will be assessed a total of \$3,865.40."

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 Koger, seconded by Commissioner Castlen, the court considered for approval the **Second Reading of KOC 611.13 (2015)** - An Ordinance Authorizing the Establishment of Assessment Warrants for the Sunrise Drive Subdivision.

Comments:

Judge Mattingly stated, "This is as a result of sewers being extended into the Sunrise Drive Subdivision. This is one that should have been done a long time ago. Efforts were made to obtain a grant(s) to lower the property owners cost of this project, but they were unsuccessful. The total project is \$158,000. Each property owner will be assessed a total of \$4,111.21."

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

Presented in court was the **First Reading of KOC 620.7 (2015)** - An Ordinance Relating to Sidewalks; Requirement to Install, Repair and County Furnishing Cement Concrete to Property Owners for Reconstruction of Sidewalks.

Comments:

County Engineer Mark Brasher stated, "This amends the current ordinance, which deals with a property owner's responsibility to fix and repair existing sidewalks. Section 2 addresses installation of sidewalks. Currently, no county policy exists, which caps how long a developing property can go without installing a sidewalk. Without such a policy, those breaks in sidewalks can become public safety hazards, as people will take to the road when coming upon a break in the sidewalk path. Section 2 also requires the developer or adjoining property owner to install a required and approved sidewalk within 5-years of the final plat."

Judge Mattingly stated, "One thing that this does is it makes our neighborhoods more livable and traversable by ensuring that the sidewalks are installed faster. The Homebuilders Association has been involved in amending this ordinance. One thing that I found odd with the current ordinance is that in a development you could install a sidewalk and it not be inspected and accepted for 10-years or so, at which time they would be required to repair any cracks or damaged sidewalks. I don't think that is fair. This addresses that issue – you will accept that sidewalk in and when you do, it becomes that property owner's sidewalk. Isn't that correct?"

Mr. Brasher replied, "Sure, in regards to this ordinance, it is going hand-in-hand with how we do surety and that addresses when we approve it. The amended ordinance will require that sidewalks be approved and inspected before a property owner gets their certificate of occupancy."

Commissioner Koger asked, "I know a lot of times the reason that they don't continue the sidewalk on empty lots is that when developing it they would run it over and break it up anyway. Is the developer responsible for say the continuation of that sidewalk because in many subdivisions you don't fill them up right away? I would not like to see this be a burden on the homeowner. Somewhere, somehow that expense would be shared and most new homeowners just cannot afford any additional expense."

Judge Mattingly stated, "In a perfect world, I understand that, but in reality I think that this only applies within 5-years of the final plat. The issue I have is that we have to take care of those homeowners in that subdivision and make it available for them to where the kids don't have to go out into the street. I have seen subdivisions where the final asphalt coat never goes down because there is one lot left. That becomes a real issue. I think that in this you (county engineer) have some discretion."

Mr. Brasher stated, "The developer or the adjoining property owner can petition the county engineer for an extension. If there are no houses on a cul-de-sac, maybe there is no need to put in a sidewalk. There is flexibility in the ordinance that will allow us to look at individual situations. I would look at this almost as a potential savings. A property owner, when they build their house, the sidewalk is installed at that time. If it is not inspected for 2-3 years, it could be that the inspection report shows that the sidewalk was not constructed to standards. We would then come back to the accountable property owner who may have, and we have had in the past, a hard time going back to the concrete contractor. When they cannot find the contractor or the contractor has gone out of business, they will have to hire someone else to bring the sidewalk up to standards. The way it will be set up is that we are talking weeks after it is put in instead of year."

Judge Mattingly stated, "A lot of times you can follow a paper trail, but the developer sells several lots to a builder who sells individual lots to someone who sells a lot to someone else, and so on. I think this eliminates a lot of those headaches that homebuilders too have had."

Commissioner Koger stated, "In some situations people move into a house and they just don't have any extra money. What I am looking at is the scare tactic of down the road."

Judge Mattingly stated, "I think, in that case, now that I understand, that sidewalk is already going to be there, and there is not going to be – the house is already there, so you are not going to have trucks going over that sidewalk, which they would be responsible for. They are protected, I think. The questions will be what happens to the person who buys a lot, and at the end of 5-years, the developer is required to build it out, and the owner of the lot now has a sidewalk when they decide to build it, somebody is going to have to go over it in a truck. That could be a potential problem."

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval **Resolution No. 03-2015** establishing a subdivision Street Lighting District in Wynthrop Ridge.

Jenny Hardesty stated, "Paul Martin owns all the lots in the subdivision and he is asking for a street lighting district to be established for Wynthrop Ridge."

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

Comments:

Phillip Anderson thanked the court for their recent help in resolving a situation he was involved with regarding the Animal Shelter.

Judge Mattingly noted that the April 2, 2015 court meeting will begin at 11:30 a.m.

Judge Mattingly once again thanked the road crews for their hard work during the recent winter weather events. He also recognized the Animal Shelter for their willingness to resolve a recent animal control issue.

Judge Mattingly spoke about updating the county's property maintenance ordinance. He stated, "Over the past 3-4 years, I can tell you that Daviess County is changing. Today, we are a very, urban and suburban county. We have many county subdivisions and groups of residential homes. We have a property maintenance code that is difficult to enforce, at best. It does not address many of the issues. Two years ago, we passed an amended animal control ordinance because there were people raising farm animals in subdivisions and in very dense areas. My proposal is that DCFC look at updating the current property maintenance ordinance and code to address those sorts of issues in our subdivisions. I am certainly not saying that we need to address property maintenance code issues in rural areas, other than how we are doing it now. I am speaking of places like the Downs, Lake Forrest, residential areas, and areas where there are many homes. I think it is time we bring property maintenance in Daviess County in to the 21st century. The last property maintenance revision took place in 2000."

Attorney Porter stated, "And I don't think that was a significant revision from a much earlier one. The ordinance is vague, and possibly unreadable and unenforceable in places. 5-6 years ago, I started making a list of amendments and changes for the court to consider. I would recommend citizen input from those who may be affected by possible changes in this ordinance."

Judge Mattingly stated, "Do you think that we should appoint a committee including you, County Attorney, a Commissioner, Mike Hamilton, and certainly citizens to guide us with changes?"

Commissioner Castlen stated, "I am generally in support of looking at seeing what changes need to be made. In the last 4 years, I have received a number of calls for people frustrated by how slow we might address issues. Sometimes, as Claud said, our ordinance is vague. We go out and look at situations with Mr. Hamilton, to find out that we are unable to do anything to help. I support the idea of a committee to where we can have input from a broad base."

Commissioner Wathen stated, "I think we need to be real careful as we move forward. An issue I have right now is the vagueness of the current ordinance. I think a starting place is to look at the intentions of the current policy and remove some of the vagueness. He wants the committee to be real careful about moving out into the wide open spaces of the county."

Judge Mattingly agreed.

Commissioner Koger stated, "I agree in starting with the basis we have and move forward. In some situations, you might find old, undisturbed vehicles, which are always an issue. You want to keep your neighborhoods clean. I am excited about moving forward with this."

Judge Mattingly said he will begin in the morning to form a small committee (5-6 people) to look at the ordinance.

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

Al Mattingly
Daviess County Judge/Executive