

**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 16<sup>th</sup> day of April 2015  
Present were Judge/Executive Al Mattingly and  
County Commissioners Mike Koger,  
George Wathen and Charlie Castlen**

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**DOCUMENTS RELATED TO TODAY'S DISCUSSION  
ARE FILED IN APRIL 16, 2015 FISCAL COURT FILE**

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

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**PUBLIC HEARING:**

Dustin Duncan of GRADD presented closeout documents for the 2014/2015 Community Development Block Grant Funds for Owensboro Regional Recovery for \$250,000. He also presented the 2015/2016 Community Development Block Grant for Owensboro Regional Recovery for \$250,000.

Audubon Area Community Services Executive Director Aubrey Nehring noted the success of ORR and thanked the court for supporting their efforts.

Without further public comments, said hearing closed.

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**REGULAR AGENDA:**

Judge Mattingly proclaimed May 3-9, 2015 as Correctional Officer's and Employee's Week.

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Judge Mattingly recognized Girl Scout Troop No. 1916 – Scout Leaders Ashley Bradshaw, Jennifer Shelton, Meredith Anderson, and Mandy Ayers.

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Representative Suzanne Miles, Representative Tommy Thompson, and Senator Joe Bowen presented a Kentucky General Assembly update. They discussed the successes and failures of various bills. They also discussed the continued need to improve the condition of the teacher's retirement fund.

Judge Mattingly requested the legislators take a look at issues relating to payroll pension-spiking within Kentucky local governments. He noted that many times county governments receive penalties for situations that appear to be pension-spiking situations, but in reality, no intentional spiking occurred.

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Treasurer Jim Hendrix presented the Treasurer's Report for March 2015.

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Minutes of the April 2, 2015 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Castlen, seconded by Commissioner Koger with all the Court concurring said Minutes were approved and signed.

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**By a motion of Commissioner Koger, 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.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Koger,** the court considered for approval of the Ping4alerts Software License Agreement.

Parks Director Ross Leigh stated, "The approval of this one-year agreement provides us with the ability to contact individuals within the park(s) who have smart phones and alert them to possible weather-related emergencies. This agreement is for \$1,000."

**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 KYTC Rural Secondary Road Program Funds as follows:

- Resurface a portion of KY 3335 (Settles Road) est. cost \$93,246
- Resurface a portion of KY 762 (Boston-Laffoon Road) est. cost \$205,000
- Resurface a portion of KY 554 (KY 815) est. cost \$241,212

**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 MOA with Fastenlink, LLC regarding economic development.

David Smith noted this MOA states that Fastenlink, LLC will create 75 jobs within the next 5 years and the county will give them \$300,000. Fastenlink also agreed to invest 3 million dollars in the Owensboro operation.

Phillip Crabtree owner of Fastenlink, LLC stated, "These dollars will allow us to purchase necessary equipment to manufacture the fastenlink system, which is a millwork fastener that replaces the current cam lock system."

Judge Mattingly is excited about this project and thinks these dollars are being wisely invested.

**By a motion of Commissioner Castlen, seconded by Commissioner Koger,** the court amended the above motion to authorize the County Treasurer to issue the grant amount prior to the next court meeting.

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

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

Commissioner Wathen noted that this type of investment is why the economic development fund was created. He thanked Mr. Crabtree on behalf of the 75 people receiving the newly created jobs.

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**By a motion of Commissioner Castlen, seconded by Commissioner Wathen,** the court considered for approval the Extension of the MOA between OCTC Veterinary Technology Program and Daviess County Animal Control.

**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 Koger,** the court considered for approval the Interlocal Agreement with the City of Henderson for Solid Waste Disposal.

David Smith stated, "This 5-year agreement may be renewed up to 5 times. It has a rate of \$35.50 at their transfer station."

Judge Mattingly said that Henderson County approved this agreement Tuesday and they are very excited about this opportunity.

The court talked about how this is another example of how Daviess County continues to promote mutually beneficial arrangements with other counties.

**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 Koger, seconded by Commissioner Wathen,** the court considered for approval to Purchase property at 3000 Fairview Drive subject to normal contingencies.

Judge Mattingly stated, "This is a continuation of our efforts to improve our county parks. This property comes with a building that may be used to store park equipment and will allow us the ability to open the front of Horse Fork Creek Park up for a possible gated spray park. The purchase price is \$152,000."

**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 Koger, seconded by Commissioner Wathen,** the court considered for approval **Resolution No. 02-2015** – Utilizing County Funds for the Transportation of Non-Public School Students.

**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 to Advertise for **Bid No. 24-2015:** Courthouse Landscaping Project. **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 Koger, seconded by Commissioner Castlen,** the court considered for approval to appoint the following:

- Steve Shelton (11-2015) to the **Assessment Appeals Board** (Vonnie Williams served 1 term) - TERM: 4/19/2015 – 4/19/2018
- Gary Adams (12-2015) to the **Greenwood Cemetery Board** (Served 3 terms) - TERM: 4/1/2015 – 4/1/2018
- Sharon Sullivan (13-2015) to the **Greenwood Cemetery Board** (Served 3 terms) - TERM: 4/1/2015 – 4/1/2018
- Wesley Acton (14-2015) to the **Greenwood Cemetery Board** (Served 3 terms) - TERM: 4/1/2015 – 4/1/2018
- Joe Sublett (15-2015) to the **DC-SWEEP** (Served 3 terms) - TERM: 5/1/2015 – 5/1/2018.
- Bryan Reynolds (16-2015) to the **DC-SWEEP** (Served 4 terms) - TERM: 5/1/2015 – 5/1/2018
- Gesi Rethel Lowe (17-2015) to the **DC-SWEEP** (Served 1 term) - TERM: 5/1/2015 – 5/1/2018
- Jason Baker (19-2015) to the **OMPC Building Code Appeals Board** (Served 1 term) - TERM: 5/6/2015 – 5/6/2019

**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 Koger, seconded by Commissioner Wathen,** the court considered for approval to appoint the following:

- Keith Stiff (22-2015) to the **Property Maintenance Ordinance Advisory Review Board** - (East Appointee) – TERM: 4/16/15 – 4/16/16
- Matt Schell (23-2015) to the **Property Maintenance Ordinance Advisory Review Board** - (West Appointee) – TERM: 4/16/15 – 4/16/16
- Carl Worthington (21-2015) to the **Property Maintenance Ordinance Advisory Review Board** - (Central Appointee) – TERM: 4/16/15 – 4/16/16
- Martin "Butch" Krampe, Jr. (24-2015) to the **Property Maintenance Ordinance Advisory Review Board** - (Judge/Executive Appointee) – TERM: 4/16/15 – 4/16/16

Judge Mattingly noted that during a pervious court meeting, the creation of an advisory board regarding county subdivision property maintenance issues was discussed. This appoints those members. He stated, "Other members to this board will include County Engineer Mark Brasher, Jenny Hardesty, Property Maintenance Director Mike Hamilton, Daviess County Health Department's Clay Horton, and County Attorney Claud Porter."

**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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**Comments:**

Bob Darling stated, "We have a thing going on in the community, which I call commercial panhandling. " He discussed a situation a few months ago where people were outside of an eastside McDonalds taking up a collection for children. He later found out that this group was

from out of town and not affiliated with a local church/organization. Additionally, he thinks they may not have been collecting for children in any community. He noted the many individuals standing close to the road in front of Wal-Mart with signs requesting financial help. He believes these people are not truly in need and many of them are not even local citizens. He believes they are complete hustlers conning people out of their money. If people wish to help, he said their money is best utilized by donating to the local homeless shelters. He also said that representatives from our shelters suggest never handing over money to "street people". They suggest contacting law enforcement as they may provide them with necessary resources and will take care of panhandling situation. When shelter representatives see these people, they will stop and offer aid and services, but the majority of time their assistance is refused. He asked, "Does the county have a solicitation ordinance?"

County Attorney Claud Porter said that the county does not have a specific county ordinance addressing this issue. He said the city has one that requires solicitors to have a permit. He stated, "We have had many people in court numerous times and they are fined and told to leave. The problem with the city ordinance is that they have to watch and see them actually step into the street as opposed to collecting money off the street. There are also constitutional laws about how restrictions are worded. There is a state law against standing on a roadway or a right-of-way. If they are on private property, it is a little more difficult. The owner of the property has to ask us to ask them to leave. I have yet to have anyone charged in District Court who was from Daviess County. Everyone has been from some other place. Freedom of speech can also be an issue when dealing with this issue."

Tom Anderson asked if the property maintenance advisory review board will be reviewing maintenance issues relative to county trailer parks. He stated, "It appears that currently there no regulations regarding these parks." He noted that many of these trailers are rentals, not owned by the resident.

Judge Mattingly stated, "There are regulations regarding trailer parks and yes, they may be reviewed." He reminded Mr. Anderson that this matter was discussed earlier in today's meeting and, as he stated, "we are really not supposed to talk about such matters during public comments. However, one of the problems we have is that our ordinance is written in such a manner that there are a number of gray areas. Like you said, many of the trailers are not owner-occupied and many property maintenance issues fall under the Daviess County Health Department rules and regulations. I would be happy to discuss this with you at any time."

Judge Mattingly recognized the April 2015 Employee Anniversary of Martin "Jay" Fogle, Solid Waste Heavy Equipment Operator – 25 years.

Judge Mattingly noted a meeting at the courthouse last night regarding 2 sewer treatment plants. A number of people attended from Cedar Hills and Friendly Village. He stated, "Today, the County Attorney filed a request to intervene. This means that the county will be abreast of on-going developments. I have made an appointment with RWRA to discuss what potential part they could play in this. I received an e-mail from somebody asking, "How did they get there? They got all of this money every year for 18-years, and they did not make the improvements." I would answer that by saying the amount of money they got for operating that treatment plant barely covered expenses, not leaving must of anything. I have personal knowledge they received \$250 per year to cover outside maintenance and labor. In one year, there was a bill for \$6,000 to have something done. There is not a lot of money there. I am surprised it has lasted this long. We will keep you informed."

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

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Al Mattingly  
Daviess County Judge/Executive