

**PUBLIC HEARING and REGULAR SESSION
of the Daviess County Fiscal Court
held at the Yelvington Fire Station, Maceo, Kentucky
on this 17th day of May 2012
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 MAY 17, 2012 FISCAL COURT FILE**

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

PUBLIC HEARING

A public hearing was held regarding the Daviess County Fiscal Court 2012/2013 Fiscal Year Budget relating to the proposed use of County Road Aid and Local Government Economic Assistance Funds.

Without public comment, Judge Mattingly adjourned the hearing.

AGENDA

Judge Mattingly proclaimed May 13-19, 2012 as Police Memorial Week.

Daviess County Treasurer Jim Hendrix presented the April, 2012 Treasurer's Report.

Minutes of the May 3, 2012 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Castlen, seconded by Commissioner Lambert 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 Lambert, the court considered for approval the Daviess County Detention Center's Policy and Procedures Manual.
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 **Resolution 09-2012** and Contract relating to the 2013 County Road Aid Cooperative Program.

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 Agreement with Riney, Hancock and Co., PSC to Perform Agreed-Upon Procedures 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.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered for approval the Contract with Pyrotechnic Display, Inc. for fireworks on July 3, 2012 at Panther Creek Park.

Ross Leigh noted that this is a \$6,000 contract for the fireworks at Panther Creek on July 3, 2012. He said that in the past, we did a \$5,000 show with an additional \$2,000 worth of support from Kentucky Farm Bureau. They are only going to contribute \$1,000 towards the show this year. He encouraged, as did the court, other local businesses to take advantage of the opportunity to contribute to the program, as it is great publicity for businesses.

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 Ian Flener as a part-time, seasonal attendant at Panther Creek Park commencing May 15, 2012.

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 to Appoint Christina O'Bryan (12-2012) to the **Southeast DC Water Association**. This is her first term. She is filling the completed term of Margret Brown. - TERM: 6/1/2012 – 6/1/2016

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 Jerry Fischer (11-2012) to the **DC Drainage Advisory Commission**. This is his second term. TERM: 6/2/2012 – 6/2/2016

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

County Treasurer Jim Hendrix presented the **First Reading of A.82(2012)** - Daviess County Fiscal Court Budget.

County Attorney Claud Porter presented the **First Reading of KOC 150.12(2012)** – An Ordinance relating to a Special Transient Room Tax for the Sole Purpose of Meeting the Operating Expenses of a Convention Center.

Phil Jenkins asked , "This tax, is it charged on people who rent rooms by the week, low income people who cannot get enough money together to pay a month's rent?"

Mr. Porter stated, "That is correct."

Judge Mattingly stated, "There is an exemption of those renting rooms on a long-term basis."

Mr. Porter stated, "If it has a kitchen and the dwelling rents for a minimum of thirty-days, then that is where the exemption comes in."

Judge Mattingly stated, "While I don't discount the need of those low-income individuals paying weekly for a rental. If they are paying fifty-dollars per week that is going to add fifty-cents to their cost. Mr. Jenkins makes a good point, and I think we might look at this issue further between now and the second reading of this ordinance."

James Mattingly asked why the original tax, as established by the prior court, is not going to pay for the operation of the convention center.

Judge Mattingly replied saying that the original tax was for the construction of the facility, it will not go towards operating expenses.

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

Judge Mattingly said that the court received a letter today from West Kentucky Minerals Inc. regarding a request to temporarily relocate Free Silver Road. They are asking to mine under and through the road. In order to proceed, the court needs to appoint viewers to view the subject road.

Commissioner Lambert, with Commissioner Castlen concurring, stated, "I would support this project if we will, in exchange, be getting a much improved Free Silver Road from West Kentucky Minerals Inc."

Mark Brasher explained that West Kentucky Minerals will submit a road design. Currently their design looks like the road would be free of a steep hill making the road safer. In addition, the road will be constructed per our specifications. There is also a proposed road relocation design."

Judge Mattingly encouraged Mr. Brasher to notify the Fire Department about any road detours.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered for approval to Appoint 2, unnamed viewers to view Free Silver Road.

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

Comments:

Kathleen Mattingly asked, "Are there going to be any more improvements on Short Station Road?"

Mark Brasher stated, "To my understanding, Short Station Road is complete."

Mr. Brasher will check on the issue and get back with Ms. Mattingly.

Larry Conder stated, "In this morning's paper there is an article about 124 and 126 West Second Street. That is property we own and are trying to develop. We want to construct a 2nd floor walkway over Second Street which will allow for greater views of Downtown Owensboro. We are in the process of asking the City of Owensboro to allow this structure."

Karen Miller stated that in honor of the Owensboro-Daviess County Convention and Visitors Bureau's 40th anniversary, they would like to be a part of the July 3rd fireworks with a donation.

Judge Mattingly thanked Ms. Miller for her generosity.

Commissioner Wathen stated, "The Daviess County Drainage Commission will be reviewing their proposed drainage plan with the Daviess County Fiscal Court during a May 30, noon Work Session."

Judge Mattingly announced the vast number of Memorial Day events and encouraged the public to attend. He also announced Tire Amnesty Days, July 12-14.

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

Al Mattingly
Daviess County Judge/Executive