

**PUBLIC HEARING and REGULAR SESSION
of the Daviess County Fiscal Court
held at the Daviess County Courthouse, Courtroom,
Daviess County, Kentucky
on this 21st day of May 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 MAY 21, 2015 FISCAL COURT FILE**

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

PUBLIC HEARING

A public hearing was held to offer citizens the opportunity to make comment regarding the Local Government Economic Assistance Funds and County Road Aid. No comments were received.

Without further comment, said hearing closed.

AGENDA

Judge Mattingly presented David Smith with the pen the Governor used to sign House Bill 202 – Local transient room tax. Judge Mattingly noted that Mr. Smith deserved the credit for this successful bill, which will result in \$650,000 being reinvested in the community.

Judge Mattingly recognized the 2015/2016 Owensboro-Daviess County Veterans Organizations Committee elected board members: Chairman Pam Smith Wright, Vice Chairman Jessie Hettinger, Secretary Tina Carpenter, Treasurer Sam Byrd, Chaplain Frank McDaniel, Publicity Director Michelle McKinney, Auditor Denise Marcum, and Legislative Liaison Lou Drawdy.

The court expressed gratitude for their commitment to local veterans.

Property Valuation Administrator Rachel Foster presented the following information regarding Property Assessments: She stated, "The Property Valuation Administrator's Office assesses all property at 100% Fair Market Value (FMV). FMV is the most probable price in cash that a property would bring in a competitive and open market, assuming that the buyer and seller are acting knowledgeably, sufficient time is allowed for the sale, and price is not affected by special influences. **Re-Assessments:** Property Valuation Offices across the state are required to physically inspect and check all assessments of all properties AT LEAST once every four years. This is the time that the PVA office will change assessments to 100% FMV (Fair Market Value). There are three approaches to Value: Sale (Market), Cost and Income. **Why Re-Assess Property:** The PVA re-assess property, so that all properties are at Fair Market Value, not just

the ones that have recently sold. If the PVA did not re-assess properties, the person that bought their home in 1960 for \$20,000, would still have that same assessment. Everyone around them that have sold would have assessments at \$60,000 to \$70,000. The home with the original assessment of \$20,000 would NOT be at 100% of Fair Market Value without a re-assessment. **Homestead Exemption:** Must be 65 Years old, Legal owner of home as of **January 1**, Reside in home on **January 1 - Exemption for 2015 - \$36,900.** **Disability Exemption:** Must be 100% disabled through Social Security or other approved entity as of **January 1**. Must bring in a TPQY form from the Social Security Office in the month of December. **How often are properties re-assessed:** The state of Kentucky requires Property Valuation Offices to physically inspect/re-assess all properties at least once every 4-years. (Not all properties increase in value. Only if sales/improvements indicate an adjustment.) **What can a homeowner or business owner do if they disagree with Their assessments:** Contact your local PVA office and ask to speak with a field deputy and explain why you disagree with your assessment and what you think is a fair assessment of your property. Most of the time an agreement is reached between taxpayer and field deputy. If taxpayer still feels like they are not correctly assessed, they can file an appeal with the local board of assessments. This process can continue to Supreme Court as necessary to obtain a FMV."

Commissioner Wathen asked, "Each year you have to add up all the assessed values of property sold and then you have to compare it and then you have to add up all of the actuals – the prices they sold for and then compare those two numbers, is that correct?"

Ms. Foster stated, "Yes."

Commissioner Wathen asked, "What are the ramifications if those numbers are too far off?"

Ms. Foster stated, "It's called a sales ratio. Those ratios are done every 6-months. They are then sent to Frankfort for them to analyze. Daviess County is currently 96.7% accurate on our residential sales, 84.5% on our farm sales, and 86.5% on our commercial sales. That does not reflect negatively in relationship to the rest of the state."

Judge Mattingly stated, "Each governmental entity is allowed a maximum of a 4% increase in revenue over the previous year's revenue, excluding new property. Daviess County Fiscal Court, if our revenues and \$100,000 does not come anywhere close to the 4%, but if the \$100,000 was in excess of 4% then we would have to reset our rate."

County Treasurer Jim Hendrix stated, "You would have a compensating rate that would be lower than that and anything that the court places higher than the compensating rate is subject to the hearing process."

County Treasurer Jim Hendrix presented the Treasurer's Report for April 2015.

Minutes of the May 7, 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 Koger, 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 Castlen, seconded by Commissioner Koger, the court considered for approval Standing Order to Pre-approve Certain Expenses.

Treasurer Hendrix stated, "As you are aware, certain expenses don't lend themselves to our court schedule. DLG and our rules allow us to pre-approve paying certain expenses and this request relates to payroll and utility expenses."

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 Salary Schedule Effective July 1, 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 Wathen, seconded by Commissioner Koger, the court considered for approval of **Resolution No. 06-2015** – A resolution requesting the Kentucky Economic Development Finance Authority to Issue Revenue Bonds to Finance and Refinance Costs incurred by Owensboro Health, Inc. in acquiring, constructing and equipping a new Outpatient Health Care Facility in Daviess County.

Owensboro Health, Inc. CEO Phillip Patterson stated, "We are pleased to share with you our plans and some schematics on how we plan to create greater access to health services in eastern Daviess County, which is the fastest growing part of our county. These new services will include internal medicine, urgent care, x-ray, and lab. The new healthplex will provide extended hours. This will ensure that patients receive the right care, at the right place, at the right time rather than receiving unnecessary and more expensive care in the ER. Estimated project cost is about \$5.5 million and will include access to new health care services for the residents of the county. For bonding purposes, we have included language not to exceed \$8 million. In advance of providing additional health services to Daviess County, the \$5.5 million construction project will be an additional economic stimulus for the county. By most estimates, we think that one dollar of construction can multiply 3 to 5 times and that would hold true here, I believe. The project will represent an economic impact of between 16 and 17 million dollars. The contractor that we will select will be instructed to maximize the use of local and regional labor where possible. When complete the estimated annual operating costs will be between 3.2 and 4.2 million dollars and will employ 7 physicians and 17 support staff. We expect to top out at 9 physicians and 20 support staff by year 5 of the project. To fund the project and the one in Madisonville, we will be requesting the issuance of bonds by the Kentucky Economic Development Finance Authority for the construction of an outpatient health care facility. Regarding the resolution, I want to reiterate that Daviess County is not issuing any bonds nor is there any liability or responsibility to pay back these bonds by the county. These are industrial revenue bonds, which will be the responsibility of the operating revenue of Owensboro Health. KEDFA requires Owensboro Health to come to the county and seek support in the form of a resolution for our application to the state for the issuance of bonds. Included in the resolution is language that clearly states that neither Daviess County Fiscal Court nor its residents bear any liability or responsibility for payment of these bonds. Once approved, this resolution will be included with Owensboro Health's bond application documents. No other approvals for bonding of this project will be required of Daviess County Fiscal Court. It is our intent to complete the bonding process in July and begin construction shortly thereafter."

Commissioner Koger asked if the facility would run 24 hours per day.

Mr. Patterson said that this facility would operate with extended hours.

Commissioner Castlen asked if both Daviess County and Madisonville projects will be tied to one bond request.

Mr. Patterson said that one bond request will be submitted for both projects.

Judge Mattingly noted that in Sections 2 and 3 of the resolution it states that Daviess County is not financially responsible for this bond.

As the bonding request is not to exceed \$8 million, Commissioner Castlen asked about the total anticipated project.

Mr. Patterson stated, "Since we have not figured out the location, there could be additional expenses. That is why we have decided to put up the not to exceed amount of \$8 million. We truly are trying to stick to the \$5.5 million project cost, but the final construction costs are not in."

Judge Mattingly asked about a west side location.

Mr. Patterson will get back with the court on that issue.

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 2015-2016 Kentucky Pride Fund Recycling Grant Agreement (Grant application was approved on March 19, 2015).

David Smith stated, "This \$10,128.60 grant will be used to purchase 2 30-yard roll offs that will be used at the landfill."

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 Wathen, the court considered for approval the Business Associate Agreement and Personal Services Contract with the Green River District Health Department for Hepatitis B and TB Shots, and Rabies Pre-Exposure Vaccinations for July 1, 2015 through June 30, 2016 and Authorize the Judge/Executive to sign said documents.

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 the Rental Agreement with ROMP.

Judge Mattingly stated, "The biggest difference between this contract and last year's contract is last year, ROMP contracted with both the Fiscal Court and the Sheriff's Department. It is our park and I feel that we should include security in the contract so we have a single contract that includes security."

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 Wathen, the court considered for approval the Fishing Pressure Consent Agreement with the Kentucky Department of Fish and Wildlife Resources.

Judge Mattingly stated, "This gives the Department of Wildlife the right to place time-lapse cameras in the park, around our lakes to look to see how many people are using the lakes for fishing. They will use that information in order to properly stock the lake."

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 Koger, the court considered for approval to Advertise for **Bid No. 27-2015:** Tire Repair & Maintenance Services.
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 Award **Bid No. 24-2015:** Courthouse Landscaping Project to Evergreen Landscaping for \$15,334.
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 Hire Sherry Millay as a seasonal Grounds Maintenance employee at Panther Creek Park, effective on or after May 19, 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 Koger, seconded by Commissioner Castlen, the court considered for approval to Hire Austin Payne as a temporary laborer in the Department of Public Works, effective June 8, 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 Wathen, seconded by Commissioner Castlen, the court considered for approval to Hire Trisha M. Jackson as a seasonal Grounds Maintenance employee at Yellow Creek Park, effective May 20, 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 Wathen, seconded by Commissioner Koger, the court considered for approval to Appoint George Ballard (27-2014) to the **Daviess County Drainage Advisory Commission** - TERM: 6/2/2015 – 6/2/2019.
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 to Appoint James R. Knott (30-2015) to the **PVA Assessment Appeals Board** - TERM: 5/21/2015 - 4/19/2018.

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

The court heard the **First Reading of A.88 (2015)** – Fiscal Year 2015/2016 Budget.

Comments:

Larry Condor asked, "What is the projected balance for the county at the end of this fiscal year? Is it projected to be up or down?"

County Treasurer Hendrix stated, "I can tell you the trend. The trend is an unallocated cash reserve of \$8.7 million with an additional amount reserved for capital items. That has increased, but that was restricted money. That really does not indicate anything to do with our performance. Even if the amount goes down, it was restricted. I can tell you that the unrestricted has been steady and slightly increasing. I expect that to be the same for next year. I don't expect any less than the unrestricted \$8.7 million."

Judge Mattingly added, "While our expenses have also been increasing we have actually been funding a lot of that not through tax increases, but through savings that we have found in health care, eliminating positions through attrition, Jailer Osborne's hard work at cutting detention center costs (savings of \$4 million) and contracting with other counties for services "regionalism". If we had not done those things, we probably would have recommended a tax increase."

Commissioner Wathen added, "There is one more I want to mention and that is the employees' effort towards safety. That has had a big impact."

The court heard the **First Reading of KOC 921.667 (2015)** – An Ordinance Amending the Zoning Classification of a 1.870 acre tract of land located at 3830 Hwy 54 from A-U Urban Agriculture to B-4 General Business, application filed by Steve Lambert; John and Nancy Grimes.

Comments:

Judge Mattingly stated, "As you recall, several years ago, planning and zoning turned down a rezoning of this parcel. We heard it, found different from planning and zoning so, we overturned planning. We then issued a rezoning ordinance. That ordinance was appealed in Circuit Court. Circuit Court upheld our decision. At the same time, the Judge in that case saw where in our court minutes we said that we were going to increase the buffer between the Taylor property and this property by 10-foot to a 20-foot buffer. That did not get included in the ordinance and he requested that we amend the ordinance."

County Attorney Claud Porter stated, "We did and that is all this is."

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 **Second Reading of KOC 621.15 (2015)** – An Ordinance relating to the Daviess County, Road, Bridge, and Street System.

Comments:

Judge Mattingly stated, "This simply updates and upgrades our road index."

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

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

Judge Mattingly stated, "As you recall, we have \$25,000 in the budget to upgrade our parking lot across the street. One of the problems we are having now is as downtown gets more crowded we have people coming through that parking lot at 30 mph, people are parking in reserved staff and elected officials spaces, and delivery trucks are blocking vehicles and spaces. I have talked to the county engineer and he has received an estimate of \$14,000 to put gates up on the entrance of our parking lot. The alternative is to continue to tow these folks off. Those spaces that we currently lease to individuals will be allowed access to the lot, probably with a key fob."

Commissioner Wathen asked, "Would the gates be raised in the evening?"

"That could be a possibility," stated Judge Mattingly.

Commissioner Wathen stated, "A lot of people visit downtown in the evening and they use those spots."

Judge Mattingly stated, "I can tell you that there are gates to other private lots that are not raised in the evening. On occasion, we have evening meetings and personnel who need to be here during the evenings and weekends."

Commissioner Wathen asked, "Will there be gates on both ends of the lot?"

Judge Mattingly stated, "No, we would construct a barrier between the city's lot and our lot leaving space for a pedestrian walkthrough and install a gate at the other end. Part of the problem is opposing striping on the city's lot. It is confusing."

Commissioner Castlen asked if any spaces would be lost in this process.

Judge Mattingly said that we would lose two spots.

Larry Condor stated, "I agree. People misuse the lot and others simply do not understand the use of the lot. The only way to resolve this situation is to do what you are recommending."

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval to Process and Mail Poll Worker checks prior to the June 4th Fiscal Court meeting.

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

Comments:

Larry Condor encouraged the public to be more active in local government and engage.

Commissioner Castlen announced various Memorial Day events. He also mentioned that the Daviess County Property Maintenance Ordinance Review Committee will meet June 8 at 6:00 p.m. here in the courthouse.

Commissioner Koger said that the Daviess County Animal Shelter currently has around 60 cats and 60 dogs up for adoption. He also solicited community financial support for food and supplies for the shelter.

Judge Mattingly noted the many bicentennial events taking place throughout the county.

Judge Mattingly stated, "We have two neighborhoods that have some issues with the package treatment plants in those neighborhoods. We had a public hearing. We have spoken with RWRA and the Public Service Commission. RWRA has talked to the Division of Water. County Attorney and I had a conversation with the PSC Attorney. Claud has been in contact with the attorney for the gentleman that owns the rights to those package plants. On June 5, Claud, David, RWRA, and I will be going to talk with the PSC and the Division of Water to try to figure out how we can get some relief to those folks."

Judge Mattingly stated, "We will soon be announcing what will be the criteria for our White Flag days for the homeless during the winter."

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

Al Mattingly
Daviess County Judge/Executive