

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 4th day of June 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 JUNE 4, 2015 FISCAL COURT FILE

Judge/Executive Al Mattingly opened the meeting in prayer and led the court in the Pledge of Allegiance to the flag.

Judge Mattingly proclaimed June 2015 as Toastmasters' Month. City Commissioner Bob Glenn thanked the court for the proclamation.

Judge Mattingly announced the signing of **Executive Order No. 02-2015**: Wet/Dry Election scheduled for July 14, 2015 for the Graham Precinct.

Owensboro Convention Center Director Dean Dennis and RiverPark Center Executive Director Roxi Witt presented information regarding Silo Busting.

Judge Mattingly stated, "The court does not have enough money to give everyone everything they want. During this past legislative session, we were successful in talking to the general assembly and getting them to understand that we had a rather unique situation here in this community, that we were accumulating hotel/motel tax dollars into a fund that could only be used on bonded indebtedness. Therefore, we have several hundred thousand dollars locked in an account that need to get out in the community, but was locked by the revised statutes. We were able to convince the general assembly that it would be a good thing to allow Owensboro-Daviess County to unlock those dollars. So, we got them unlocked. The next thing that we decided to do was we knew that everyone would be knocking at our door for funding. We decided to set some of those dollars aside and offer to the community for the benefit of the broad community, particularly to the downtown arts community and convention business, because it is where it specifically has to go, but have them bring together a broad coalition of community members and throughout the region and make application for this money."

Dean Dennis stated, "We would like to create a regional on-line ticketing and marketing system. The project is a great fit for area organizations looking for an effective way to raise awareness and sell more tickets to their events."

Dan Archabal of Paciolan stated, "I want to share our point of view on the Owensboro market and the wider appetite for regional ticketing service. We see very favorable conditions for the creation of such a service. Owensboro can boast some fantastic venues. Currently, no such service is available in Owensboro or nearby. Currently, there are about 10 venue operators all using different ticketing and e-mail marketing systems. None of these operators sell each other's tickets or help to market for each other. By our estimates, there are about 100,000 service-chargeable tickets sold throughout Owensboro-Daviess County each year. All of those

fees for those events are leaving the community. We can help with the awareness problem by creating an opt-in e-mail service to create awareness of community events and make it very easy to purchase tickets. Tickets can be immediately e-mailed/texted to you or you may pick-up the tickets. We can help provide all of the technology to let the venues sell each other's tickets. We can also add considerable amount of expertise on ticket operations, ticket sells, and e-mail marketing."

Mr. Dennis stated, "Some of the images of this project include lower costs to our region's venues committed to listing their events. Venues maintain full control of their ticketing operation transactions and related data. The region will have the ability to view aggregate transactions to major and ultimately promote a broader reach of cultural and entertainment events. Support of the project will strengthen our tourism and hospitality efforts."

Roxi Witt of the RiverPark Center stated, "We have been selling electronic tickets for 23-years. In those 23-years, we have had four different systems. Paciolan has always been at the top of the class, but alone we have never been able to afford them. This will offer us the opportunity to have one of the best ticketing systems in the country and work together in ways that we have never been able to work together before and market this community in ways that we have never been able to do. It is critical for us that you make a decision now. I need to be selling tickets for events in September. I need this system right now. I cannot start selling tickets on one platform for an event and then switch. That is what causes me problems. That is why the timing for us is really important."

Malcolm Bryant stated, "We have made incredible strides in this community. We have entrepreneurial spirit on every corner managing these facilities independently very well. As Roxi mentioned on the timing part of it, I call it a window. The window is only open for so long for your business or your community to get out a message. Every day that window closes just a little bit. We have built some incredible properties here, but we really have not sent the message out. This is one of those tools we could use to do that. You must be proactive during the time the window is open. When it shuts, all of the sudden you become reactive. Reactive is playing behind the 8-ball. That is not where we want to be. Today and right now is the time to start this springboard." Mr. Bryant believes this ticketing system would not only benefit his hotel, but would help increase tourism throughout the community. He encouraged the court to financially support this project.

Judge Mattingly stated, "We will not make a decision tonight. We will make our decision when this court is comfortable that this is the direction we should go."

Commissioner Wathen stated, "I am going to support this program. The convention center will be the keeper of the keys. It presents the community as a whole to anyone wanting to see it. This will help the CVB to market our region. There is a lot of opportunity here to get people aware of what all is going on in the community all in one place, and they can make a transaction all in one place. I am excited about it."

Commissioner Koger stated, "I believe that they can buy the tickets a little bit cheaper than going to another agency. They would be able to save a little bit of money there. I do support what you are doing because that is what we have to have in this community."

Commissioner Wathen stated, "We can sell tickets for ROMP all the way down to 5K races. Anybody wanting to participate can sell tickets through this system."

Mr. Dennis stated, "Any non-profit can use this system. It is not just a venue, it is very broad based."

Judge Mattingly noted that there is no cost to the organization or company to sell tickets on this system. Fees are collected on ticket sales and that is where money is made. In addition, the organization or company selling tickets can also add a fee to the ticket price. The seller will keep this fee.

If the court supports this project, Ms. Witt suggested that they state in the approval that users must use at least 25% of their advertising space to promote other organizations/companies events.

Judge Mattingly asked, "Are you confident that there will be enough ticket sales so that you will not be back to the city/county for additional funding?"

Mr. Dennis replied, "Yes."

Judge Mattingly asked, "Will there be any extra money?"

Mr. Dennis replied, "There could be and the hope is that there is. Those dollars will be reinvested in to additional marketing – billboards, etc."

Judge Mattingly asked, "What happens if we come back in a week and say that we can only give you \$35,000 or \$40,000 of the \$50,000 you requested? And, by the way, the money will not be available until July 1."

Mr. Dennis said that they would make that work.

Commissioner Castlen asked, "If people are not going to hold their event at the convention center or at RiverPark, can they still sell tickets on this system?"

Mr. Dennis said, "Absolutely. It is any organization, festival, event..."

Ms. Witt stated, "One of the things that help us both is that our box office is open and available to sell tickets on a regular basis. Even if it is Big O, they have a place where they can send people to buy tickets. If they want to buy them on-line, great, but if they want to come to a box office, it is available."

Dr. Bob Darrell stated, "Will Louisville and Nashville be able to advertise and sell tickets for events in their communities?"

Mr. Dennis stated, "It is not discriminatory about what might be there. My guess is that they might not want to be on Owensboro tickets."

Rick Hobgood supports this project. It really combines forces to market and promote Owensboro-Daviess County.

Commissioner Castlen asked, "If organizations, such as high school basketball, wish to sell tickets on this system as well as tickets at the door, can they do both?"

Mr. Dennis said, "Yes, they can do that."

Mr. Archabal stated, "The negative of selling at-the-door tickets is that you do not know who is in your facility and that you lose the ability to market future events to them."

Commissioner Castlen asked if there will be a fee associated with an at-the-door ticket."

Mr. Dennis stated, "No. There would be an on-line price and an at-the-door price."

The court is being asked to contribute \$50,000 towards the capital costs of this project. Judge Mattingly, for public information, asked that Mr. Dennis detail what this funding will pay for."

Mr. Dennis stated, "This \$50,000 capital project request to the court is for the one-year software license fee and training. The ticketing company will provide all necessary capital equipment associated with this such as scanners, printers, etc."

Commissioner Koger asked if this system would reduce counterfeit tickets as well as scalpers.

Mr. Dennis stated, "That is why they are one of the top platforms in the industry."

Judge Mattingly said that their request would be taken under advisement.

Minutes of the May 21, 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 Budget Transfers for the Fiscal Year Ended June 30, 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 Koger, the court considered for approval of the County Clerk's Claim for Calculation of the 2015 Motor Vehicle and Boat Bills.

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 Authorize the Judge/Executive to sign and submit a CDBG compliance certification letter regarding the Masonville Sewer Extension project.

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 **Resolution No. 07-2015** regarding the Workforce Innovation & Opportunity Act.

Judge Mattingly stated, "This resolution says that we are in agreement to participate in this Workforce Innovation & Opportunity Act."

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 **Resolution No. 08-2015** regarding Kentucky Office of Homeland

Security for the purchase of a disaster shelter generator, a communications equipment package, and a siren.

EMA Director Andy Ball stated, "This is to secure a grant from the Kentucky Office of Homeland Security. If approved, this grant is 100% funded."

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 GRADD Refunding Transactions including Lease, Sublease, and **Resolution Nos. 09-2015 & 10-2015** and authorization of the Judge/Executive to sign any and all documents related to same.

County Treasurer Jim Hendrix stated, "GRADD is refinancing their building loan. They are knocking years off that loan, and dropping the interest rate. This will result in substantial savings. There was a method available to it whereby they can come through fiscal court and we will sign a lease and then a sublease to GRADD. Fiscal court is not guaranteeing this loan in any way. GRADD is not relying on our debt rating in any way. The court will not be liable for any payments other than what GRADD would pay to the court. Because of the sublease assignment, I do not even think physically it will flow that way. The law allows GRADD to enjoy the bonds that they will issue if the court enters into this agreement, but there is no liability to the court or to Daviess County taxpayers."

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 MOU and Interlocal Agreement with the City of Owensboro regarding the 2015 Justice Assistance Grant (JAG).

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 Contract with the Daviess County Board of Education for the Transportation of Parochial 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 Wathen, seconded by Commissioner Koger, the court considered for approval the Waste Tire Grant Agreement.

David Smith stated, "This annual grant for \$4,000 and is used to cover tire disposal costs."

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 Amend the Administrative Code.

Judge Mattingly reviewed all changes.

Commissioner Wathen asked, "Regarding section 1 (d)(a), does this say that the supervisor has to have permission to do that (suspend an employee for up to 8 hours) as a blanket permission or does it say that he has permission whenever he gets ready to suspend someone?"

Judge Mattingly replied, "In consultation with the department head or the director..."

Mr. Hendrix stated, "I think the intent here was prior to that it had to go all the way to the Judge/Executive. So, the intent of this is to allow a supervisor, with the authority of the department head, to suspend an employee for up to 8 hours."

Judge Mattingly added, "A disciplinary notice shall be completed and distributed to the employee, human resource, and Judge/Executive upon the employee's return to work. That is so we are aware of the situation and so the employee's personnel record can be noted."

Mr. Hendrix stated, "It is not a blanket authority. It is by incident."

Commissioner Wathen stated, "That is not the way I read it, but that is okay."

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 Award the following Annual Bids:

- **14-2015** – Bulk Delivered Fuels to all bidders and used based on lowest rate and availability
- **15-2015** – Ready-Mix Concrete to Yager Materials
- **16-2015** – Electrical Services to all bidders and used based on lowest rate and availability
- **17-2015** – Plumbing & HVAC Services to Harry Roberts and Hagerman and used based on lowest rate and availability
- **18-2015** – Equipment Rental to all bidders and used based on lowest rate and availability
- **19-2015** – Crushed Limestone to Yager Materials
- **21-2015** – Janitorial Services to Frantz Building Services for the Judicial Center and to Busy Bee Cleaning for the Operations Center, Transfer Station, and 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 Castlen, the court considered for approval to Award **Bid No. 13-2015:** Potts Road Bridge Replacement to Scott & Murphy, Inc.

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 Award **Bid No. 25-2015:** One New or Used Roll-Off Truck for the Transfer Station to Alley-Cassetty Truck Center.

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 Reject **Bid No. 20-2015:** Culvert Pipe.

County Purchasing Agent Jordan Johnson stated, "The bids received for this item were outside the range the county deemed acceptable."

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 Reject **Bid No. 11-2015:** Four (4) Used 5th Wheel Road Tractors.

Mr. Johnson stated, "DCFC bid this item as a potential alternative to Proposal 01-2015: City of Henderson Transfer Station Operation. The county elected to contract the service, nullifying the bid option."

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 Reject **Bid No. 12-2015:** Four (4) Used Open Top Walking Floor Trailers.

Mr. Johnson stated, "DCFC bid this item as a potential alternative to Proposal 01-2015: City of Henderson Transfer Station Operation. The county elected to contract the service, nullifying the bid option."

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 Reject **Bid No. 26-2015:** One (1) Used Dozer for the Landfill.

Mr. Johnson stated, "DCFC received seven bids by two vendors. The price and/or exceptions of these bids were outside the range the county deems acceptable."

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 Advertise for **Bid No. 28-2015:** Culvert Pipe.

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 Advertise for **Bid No. 29-2015:** New Phone System for Daviess County Facilities.

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 Accept the City of Owensboro's **Bid Renewal of Bid #2784:** Sodium Chloride (Rock Salt).

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 the 2015/2016 HVAC and Janitorial Contracts and authorize the Judge/Executive to sign said contracts.

Mr. Johnson stated, "The first three contracts delineate the service and preventative maintenance of the HVAC systems at the courthouse, judicial center, and operations center and for various inspections throughout the year at a fixed annual rate. The final contract is with Epic and it is recommended the court approve a one-year contract with them for janitorial services at the courthouse."

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 Reece Payne as a seasonal Grounds Maintenance employee at Horse Fork Creek Park and Joshua Lanham as a Park Attendant at Panther Creek Park effective upon successful completion of pre-employment screenings.

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 Reid Haire (29-2015) to the **Ohio County Water District** (Harry Storm served 4 terms) - TERM: 6/15/2015 – 6/15/2019.

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 Wayne Foster (28-2015) to the **Daviess County Economic Development Advisory Board** (Served 1 term) - TERM: 6/15/2015 – 6/15/2019.

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 Susie Harris (31-2015) to the **Owensboro Health Board** (Served 1 term) - TERM: 10/31/2015 – 10/31/2018.

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 Mark Millsap (32-2015) to the **Owensboro Health Board** (Served 1 term) - TERM: 10/31/2015 – 10/31/2018 (Joint City/County appointee).

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 of the **Second Reading of A.88 (2015)** – Fiscal Year 2015/2016 Budget.

Comments:

Treasurer Hendrix stated, "The budget assumes no tax increases and assumes no increase in the amount of debt that county has. The state has reviewed and approved it."

Judge Mattingly commended all county staff and elected officials for being efficient and effective managers of the county's resources.

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 of the **Second 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 state, "As part of this ordinance, we had originally specified that there would be a 20-foot rear perimeter buffer along the Southside of the applicant's property where it adjoined the Taylor property. Somehow, that did not get into our ordinance when the Circuit Court Judge reviewed the appeal, he said that language needs to be included in the ordinance. Therefore, we are now amending this ordinance."

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

Comments:

Commissioner Wathen noted the Waste Tire Collection event of June 18-20.

Commissioner Castlen invited the public to attend and actively participate in the next property maintenance meeting on June 8. He also noted the departure of the Honor Flight tomorrow and return on Sunday.

Judge Mattingly noted that he will be in Frankfort tomorrow to meet with the Public Service Commission and the Division of Water to discuss the package treatment plants in Friendly Village and Cedar Hills.

Judge Mattingly noted that the Bicentennial Book will be on sell this weekend at the Owensboro Antique Mall.

Judge Mattingly announced that the next court meeting will be held Tuesday, June 16 at 5:00 p.m. and there will be a Special Called meeting on Monday, June 29 at 10:00 a.m.

Judge Mattingly recognized the following June 2015 Employee Anniversaries:

- Pat McCarty, Solid Waste Heavy Equipment Operator – 20 years
- Dean Newcom, Maintenance Building Supervisor – 25 years
- George Hayden, Solid Waste Heavy Equipment Operator – 25 years

Judge Mattingly recognized Messenger-Inquirer Reporter Keith Lawrence for his great work in covering county business. Mr. Lawrence has been reassigned and the court wished him well.

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

Al Mattingly
Daviness County Judge/Executive