

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 20th day of June 2013
Present were Judge/Executive Al Mattingly and
County Commissioners Jim Lambert
and Charlie Castlen

DOCUMENTS RELATED TO TODAY'S DISCUSSION
ARE FILED IN JUNE 20, 2013 FISCAL COURT FILE

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

Judge Mattingly proclaimed June 17-23, 2013 as Amateur Radio Week.

Aloma Dew of the Owensboro Human Relations Commission updated the court as follows:

Ms. Dew stated, "Thank you all for having us here today to tell you about the Human Relations Commission—who we are, what we do, where we want to go, and the challenges we face. For more than 40 years, this commission has worked to make Owensboro a more equal, fair, accepting, and progressive community. We believe that every person is special and deserves respect and civil liberties. That these are human rights. We believe a strong HRC is an asset to our community—it is an attraction to business and industry, and to people looking for a new home. It is the sign of a progressive community, a truly American community, or should I say, an "All-American" community? Our recent ranking on the Forbes Listing as the 6th small city for jobs is great news and calls for more emphasis on making sure a fair share of those jobs goes to minorities and our inclusion as one of the ten All American Cities speaks to our diversity and progressiveness. And as we prepare to celebrate our County Bicentennial, the work of this Commission takes on new importance as to how we want to be remembered by future generations and the obligations involved.

The diversity of our board members is important and necessary as our community becomes more diverse and the issues of civil rights become more complex. The board is made up of volunteers who give of their time and passion. When this commission was formed in 1972, we were still in the midst of the civil rights struggle and it was in response to racial problems that the work of this group began and our longest serving member Cecil Phillips knows better than the rest of us the long struggle and constant challenges of this commission. Today, in 2013, although those problems are far from over, in fact racism seems to have worsened in our country, we have a host of other threats and challenges to human rights, civil rights for groups that are often considered "other", or are voiceless, or still not considered equal. Our job is to provide a voice and to remind us all that human rights are for ALL of us.

The OHRC was established by the city in Sept. 1972. Our purposes are to:

1. administer a responsible human relations program
2. promote and secure a mutual understanding and respect among social, economic, religious, ethnic, racial, gender, handicapped and age groups. We would add sexual orientation to that list.
3. act as conciliator involving inter-group and inter-racial relations
4. cooperate with federal, state and other city agencies in an effort to develop harmonious inter-group and inter-racial relations.
5. enlist the support of civic, religious, labor, commercial and civil leaders dedicated to the improvement of inter-group relations and the elimination of discriminatory practices.
6. receive complaints, conduct investigations, hold hearings and make studies when there is discrimination because of race, creed, color, sex, gender preference, physical abilities or age; and provide the complainant with assistance—to help give them a voice and help in navigating the path of undoing discrimination, and serve as a clearing house for information about problems involving human rights.

This commission exists because any discriminatory practice against an individual is detrimental to the peace, progress, and future of the City of Owensboro, the entire county, and its citizens. We believe that the progress of this community and the general well-being of all its citizens can be greatly enhanced by participation in community efforts by all citizens.

We try to implement a constructive approach to the elimination of any discriminatory practices in the city, and recognize that each individual has a right under the law to equal employment, education, and housing opportunity. These are not entitlements or special treatment, they are the law and our job is to expose and correct cases of discrimination and find solutions.

What we do:

We receive complaints about discrimination, especially in housing and employment, and help mediate solutions. When that cannot be done on the local level, we refer complaints to the Kentucky Human Rights Commission (they have enforcement powers), the Equal Employment Opportunity Commission, and other state and federal agencies responsible for elimination of discrimination. Our job is consultation, advice, and referral.

Part of our job is Cultural awareness activities to increase awareness of OHRC and to promote diversity and civility. We do training workshops and provide employers with assistance in recruitment and evaluation of their Affirmative Action Plans. The Commission has maintained a file of minority and female job seekers and made that available to employers—we would like to put more effort into that and believe it can be very helpful. We want people to know we exist, what we do, and that we are there to help.

We are doing more visibility events to increase the awareness of diversity. In addition to the annual Martin Luther King Day march, annual dinner, and recognition of individuals and groups who have been models in human relations and civil rights; this year we participated in the International Children's Day with a Hispanic Children's Day in recognition of contributions of our growing Hispanic population. We observe Women's History Month and Black History Month, and this year we sent speakers in local high schools to reach a younger audience. We also have a team of Diversity Paddlers in our city Dragon Boat Festival.

We believe more education and familiarity with different cultures and religions is essential toward a harmonious community as one of the top 25 cities to live in the USA. We do an interfaith breakfast during Human Relations Week. One of our members gave a talk on Judaism and the Hanukkah tradition with students at Tamarack and West Louisville Schools. Our board members also participated in the local Chinese New Year celebration and Burmese celebration of their National holiday. We always have a table at the Multicultural Festival. We have a committee that arranges community activities to encourage diversity and respect for all groups and people.

We want to continue and expand our important work of hearing, referring, and trying to solve issues of housing, jobs, and discrimination based on race, gender, sexual preference, age, national origin, and to be sure that all are afforded their civil rights. We want to continue pushing for the hiring of more minorities. We also want to increase activities to promote diversity and civil relations.

The challenges of the 21st century are great. We are living in a somewhat xenophobic time; racism seems to be much worse throughout the nation. We have seen a rise nationally in white supremacy groups and other divisive groups - in our own community as elsewhere there are those who would strip certain groups of "others" of the basic rights we all as Americans expect. We are looking at the challenges of an aging population and ageism; same sex couples are seeking their human rights and equality within our society. Women's issues continue being a challenge, especially in the work place. A problem that is little talked about is the status of growing numbers of migrant workers in our area. Housing and access to services to these important laborers is critical. We must look at the problem of human trafficking, which certainly exists in the state, if not in our community. And as our community welcomes more immigrants and our society becomes more diverse, there is a crying need to ease the transition and be sure that the American Dream of equal rights and fair treatment are available and protected for all.

This commission is not obsolete, indeed, we are more needed than ever. To begin to meet these challenges we need your support in every way, including financially, and we are very grateful for your contribution this year. Our new director Sylvia Coleman has the skills and experience we need to move into our next 40 years of serving the entire community. We need a full time administrative assistant. And we need an office that is visible and easy to access, all this takes money. We hope to be able to use an existing downtown building to increase our visibility and service—perhaps you can help. We are listening to the community about our direction and challenges and we believe that if we all work together, we can successfully serve those who need our help. Today discrimination may be someone different from us, tomorrow if we are not vigilant, it could be us. Like all of life, we are interdependent and interconnected to everyone and everything else. Thanks for listening to us tonight and for continuing to support the Owensboro Human Relations Commission as we continue our mission and grow and change to meet the challenges of our next 40 years."

The court thanked Ms. Dew for her presentation. They also asked that copies of their meeting minutes be forwarded to the court for review.

Judge Mattingly noted, "I first learned that Owensboro had a human relations commission when I became involved in local government. I always wondered why it was just the Owensboro Human Relations Commission because discrimination does not stop at the city limits. It does not stop at the boarder of Daviess County. I think your board and those involved in investigating cases really do a great job and many times they are able to head off a lot of things that would go straight to the state. The state has their hands full doing what they are doing, so as many of those that we can adjudicate here locally, the better off we are. I would make an even bolder statement that I think that the human relations commission, and I am going to bring this up to the GRADD Judge/Executives at an upcoming meeting, should look at becoming a regional organization that provides services across the entire GRADD area. I think the service

is valuable and there are a lot of smaller counties that do not have the wherewithal to be able to do that.”

Commissioner Castlen thanked the board for what they do for this community. I think you serve a worthwhile function within our community.

Commissioner Lambert also thanked them for their work and stated, “I think not only is it important the things you do, but it is the things that you cause not to happen that I think are very significant. Keep up the good work.”

County Treasurer Jim Hendrix presented the Treasurer’s report for May 2013.

The following Fiscal Year 2013/2014 Budgets were presented to fiscal court:

- Daviess County Public Library
- Owensboro Riverport Authority

Minutes of the June 6, 2013 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 present Court members concurring said Minutes were approved and signed.

By a motion of Commissioner Lambert, 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 present members of the court voted in favor; motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval Budget Transfers for the Fiscal Year Ended June 30, 2013.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Accept the Daviess County Fiscal Court Wage Schedule for Fiscal Year ending June 30, 2014 effective July 1, 2013.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Order of Allowance to the Board of Assessment Appeals.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Daviess County Public Health Taxing District 2013 Tax Resolution.

Judge Mattingly noted that this tax rate has not changed in a number of years.

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

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered for approval **Resolution No. 08-2013** and Agreement for the Preservation and Maintenance of a Historic Bridge Structure (Ray Bridge over Blackford Creek Bridge).

County Engineer Mark Brasher noted this bridge is being taken into the county system and hopes to utilize it at a shared-use path at Daniels Lane. If it cannot be used at that location, we would like to use it at one of the county parks. Grant dollars have been applied for, for this project.

Judge Mattingly stated, "The state will allow us \$25,000 for the removal of this bridge."

Mr. Brasher stated, "The county will be responsible for the removal of the bridge."

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 ROMP Agreement.

Parks Director Ross Leigh stated, "This agreement has been reviewed by the County Attorney. One change that will be made this year is that security will be provided by the Daviess County Sheriff's Department."

Judge Mattingly thanked Yellow Creek Baptist Church for agreeing to provide emergency shelter in case of bad weather.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Agreement with the Daviess County School Board for use as a Daviess County Parks and Recreation program, including properties at Apollo, Beacon, Burns, College View, Country Heights, Daviess County High, Daviess County Middle, Highland, Meadow Lands, Sorgho, and Southern Oaks.

Mr. Leigh stated, "This agreement also provides a new football league an opportunity to access more football fields. This is an independent football program that agrees to follow all of the standards that we set as a parks department, and provides them an opportunity for them to use that property at no cost."

Judge Mattingly stated, "They have their own board, control their own operation, and enforce their own rules."

Mr. Leigh added, "It is important to note that we did not look for this opportunity to be able to work with the football program. They approached us with this idea. Again, this is an

independent board that essentially will follow our guidelines as is described within this agreement.”

Judge Mattingly stated, “Recently there was a rumor going around that the Daviess County Fiscal Court and the parks department wanted to take over playground programs. I hope that we have been able to stop that rumor and get to the bottom of those who were moving in that direction.”

Mr. Leigh stated, “The playground association has been in existence for 35 plus years. Essentially the presidents who are volunteers at each one of those sites come together as an association and they make those decisions. Yes, you are right, we want to make sure those citizens understand that it is their decision as to what the association offers.”

Judge Mattingly stated, “We provide some administrative assistance, and there is an agreement where we provide some money to each playground association. That is pretty much it. It either sinks or swims on its own ability - to get parents to come out, volunteer, and take positions of leadership in their local community.”

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Interlocal Agreement with the City of Owensboro regarding the 2013 Byrne Justice Assistance Grant (JAG) Program.

Major J.D. Marksberry stated, “This \$18,127 grant will be used to upgrade county MDT’s (Mobile Data Terminals).”

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

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval a two-year agreement with Q-wireless for internet service in the parks.

Mr. Leigh stated, “The agreement is \$149.80 per month and installation is \$400. This provides coverage of Panther Creek, Yellow Creek, and Horse Fork Creek Parks. We should be able to provide this service within the next 4-weeks.”

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Purchase a new Skag Lawnmower for Horse Fork Creek Park from Hagan Outdoor Equipment.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Award the following Bids as listed:

Bid No. 07-2013 - Electrical, Plumbing, A/C, & Parking Lot Maintenance Services to all bidders.

- Purchasing Agent Dale Boyle stated, "All bids have been evaluated and meet all specifications without exception. It is our recommendation that we accept all bids and award specific jobs per category, based on lowest bid and availability of that vendor. When the lowest bidder is unable to meet the county's service requirements, each succeeding low bidder for that job category shall be contacted, until the need is met."

Bid No. 08-2013 - Concrete, Ready-mix to Yager Materials and Irving Materials.

- Purchasing Agent Dale Boyle stated, "The bids of Yager Materials and Irving Materials for Concrete, Ready-Mix have been evaluated and found to be acceptable, meeting all specifications. It is our recommendation that we award all bids and use discretion in selecting appropriate vendors for each application."

Bid No. 09-2013 - Bulk Delivered Fuels to Valor Oil.

- Purchasing Agent Dale Boyle stated, "The bid of Valor Oil, DCFC's current vendor is the only bid submitted and has been found to meet all specifications. It is our recommendation that we award the bid to Valor Oil."

Bid No. 10-2013 - Crushed Limestone, Sand, and River Gravel to Yager Materials, LLC.

- Purchasing Agent Dale Boyle stated, "The bid of Yager Materials, LLC. is the only bid submitted and has been evaluated and found to be acceptable, meeting all specifications without exception. It is our recommendation that we award the bid to Yager Materials, LLC."

Bid No. 11-2013 - Culvert Pipe to Hagan and Stone and Ohio Valley Drainage.

- Purchasing Agent Dale Boyle stated, "The bids of Hagan & Stone for tar coated Culvert Pipe and Ohio Valley Drainage for Polyethylene Pipe are the lowest and best evaluated bids respectively and have been found to be acceptable, meeting all specifications. It is our recommendation that we award the bid to Hagan & Stone for "Tar Coated" pipe and to Ohio Valley Drainage for polyethylene pipe."

Bid No. 12-2013 - Equipment Rental to all bidders.

- Purchasing Agent Dale Boyle stated, "All bids received and listed in this report have been evaluated and meet all specifications. It is my recommendation that we accept all bids and award specific jobs based on lowest bid, availability and operator experience, if applicable."

Bid No. 13-2013 - Pavement Striping to Reynolds Sealing and Striping.

- Purchasing Agent Dale Boyle stated, "The bid of Reynolds Sealing and Striping was the only bid received and has been evaluated and found to be acceptable, meeting all specifications. It is our recommendation that we award the bid for pavement striping to Reynolds Sealing and Striping."

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Award **Bid No. 14-2013** - Grinding Services for the Solid Waste Department to O'Bryan Grain Farms and Hazex Construction.

- Purchasing Agent Dale Boyle stated, "The bid of O'Bryan Grain Farms is the lowest and best evaluated bid for wood grinding at \$6.93 per ton. The bid of Hazex Construction is the lowest and best evaluated bid for concrete crushing at \$7.00 per ton. It is our recommendation that we award the bid for wood grinding to O'Bryan Grain Farms and for concrete crushing to Hazex Construction."

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Award **Bid No. 17-2013** - Judicial Center Drivers License Department Remodel to Lanham Brothers General Contractors for \$66,845.

- Purchasing Agent Dale Boyle stated, "The bid of Lanham Brothers General Contractors is the lowest bid, meeting all specifications without exception. It is our recommendation that we award the bid to Lanham Brothers for the Judicial Center Driver's License remodel."

Judge Mattingly stated, "I know that a couple of the Commissioners have had some concerns, but I've been an advocate for this project. If we look at the expenditure of \$67,000 to \$68,000 in the scheme of things, this is something that will be of benefit to all Daviess County Citizens who renew their driver's license every 4-years. If you look at the return on investment, it is huge."

Commissioner Lambert stated, "My preference was to have that department moved over to the courthouse, but I guess that is not possible, so I am going to support this project."

Judge Mattingly agreed, "That would have been my preference as well. However, we tried to work that out and it did not work out."

Commissioner Castlen stated, "This is something that I have supported since becoming a County Commissioner. I appreciate your (Judge) efforts in working with Susan Tierney and the architects to see if we could lower what we had originally seen as our cost to do this project. I certainly agree with Commissioner Lambert, that to be able to bring it into this building would have been ideal. I did have a conversation some months ago with County Clerk Osborne to see what was the dilemma that kept that from happening. Without going into so many details, it just is not going to happen. I'll put it that way."

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Advertise for **Bid No. 20-2013** - One new Pumper for the East Daviess County Fire Department.

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

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval of the Preakness Place at the Downs (Fairview Drive) surety bond reduction for streets and sidewalks.

This is a reduction, not a release.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 appoint Gary Adams, Carolyn Adams, and Christy Chaney to the **Senior Advisory Commission** for a one-year term.

Judge Mattingly stated, "In a conversation I had with the Mayor several weeks ago, he asked if I or this court would consider appointing three people to a 6-person panel to look at the need for a new senior center. I know that since we took office, this has been an issue on the forefront of both the city and county. We have had a study performed by GRADD to look at the need. Tom Vittitow, Director of the Elizabeth Munday Senior Center is here with us today. They have been looking high and low trying to figure out how they are going to do this project. Tom, do you want to come up and comment?"

Mr. Vittitow stated, "We would like to get started on this project and as soon as this committee has made their finding, we would like to go ahead and move ahead on it."

Judge Mattingly asked, "Have you found any money?"

Mr. Vittitow answered, "That depends on you all."

Judge Mattingly stated, "No, it depends on you all."

Mr. Vittitow stated, "We have a possibility of a grant, but the first initial contact has to be made by a local."

Judge Mattingly stated, "I know there was some concern by some of your board members or some individuals associated here with the appointment of this committee. I do not know if whether they thought that we were trying to go around the senior center or whether they thought that we were trying to go around your board. I know on several occasions, I have been lobbied rather vociferously by people at your center. I can tell you that the county is committed to participate in it. To what degree I do not know. We are certainly are not committed to participate in something that we do not know the end result or the end cost. However, I think this is a good step."

Mr. Vittitow stated, "And we agree with that."

Judge Mattingly stated, "Okay, I just wanted to make sure that your board did agree with that."

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 appoint Aloma Dew, Lee Dew, Amelia Stenger, Shelia Heflin, Glenn Hodges, Wesley Acton, Sarah Patterson, Forrest Roberts, Jerry Long, Ed Allen, Grady Ebelhar, Nancy Bradshaw, Kathy Olson, David Zachary, Larry Worth, Shirley Trunnel Commissioner Jim Lambert (DC Court Liaison), Ross Leigh (Co. Parks) - Ex-officio, and David Smith (DC Staff Liaison) - Ex-officio to the **Bicentennial Committee for a three-year term.**

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 appoint Danny Richeson (16-2013) to the **OMPC Building Codes Appeals Board - TERM: 5/6/2013 – 5/6/2017.**

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Meagan Magnus (18-2013) to the **Owensboro-Daviess County Convention and Visitors Bureau** - TERM: 06/30/2013 – 06/30/2016.
Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 appoint George Wathen (20-2013) to the **Owensboro-Daviess County Convention and Visitors Bureau** - TERM: 06/30/2013 – 06/30/2016.
Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present members of the court voted in favor; motion passed.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered for approval Julie Starnes (21-2013) to the **River Park Center Board** - TERM: 09/01/2013 – 09/01/2016.
Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present members of the court voted in favor; motion passed.

Judge Mattingly discussed the First Reading of **KOC 220.24 (2013)** - An Ordinance Authorizing and Directing the Retention of 0.35% of all Occupational License Fees Due and Payable to Daviess County, Kentucky, by Ordinance, from Compensation to be Paid to the New Employees of Southern Star Central Gas Pipeline, Inc., Provided Said Corporation Meets the Criteria Set Forth in its Application for Incentives Under the Kentucky Economic Development Finance Authority, Kentucky Business Investments Program.

Comments:

Judge Mattingly stated, "In this case, Daviess County has said to Southern Star that you are going to build a building in the county, you have applied to the Kentucky Economic Development Finance Authority – Kentucky Business Investment Program for an incentive to create 20 jobs. As part of that incentive, local government agrees to give up their occupational tax for a specified period. In this instance, I think it is 10-years. In effect, that money goes back to pay the cost of various issues the company might have."

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

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval to Hire Joseph Keith Stiff, Animal Control Officer, effective upon successful completion of pre-employment screenings and Jennifer A. Jackson, part-time Animal Control Attendant, effective upon successful completion of pre-employment screenings.
Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present 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 Personal Services Contract and Business Associate Agreement with Green River District Health Department for Hepatitis B, TB shots, and Rabies Pre-Exposure Vaccinations, (contract term: July 1, 2013 thru June 30, 2014) and to authorize the Judge/Executive to sign said documents.

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

Comments:

Commissioner Lambert asked for an update on Kingfisher Lake.

Mr. Brasher stated, "I have been told by the state that the project is on schedule. They have drained the old Kingfisher Lake and are currently draining the remainder of the lake."

Commissioner Lambert announced that Browns Valley Truck Company, owner Tina Winston and Unique Granite and Marble, owner Rick Thomas have been awarded the 2013 Kentucky Small Business Pacesetter Award. The court congratulated these businesses.

Judge Mattingly announced that there would only be one court meeting in July, July 11.

Judge Mattingly announced the BOLD Promise Press Conference scheduled for June 24.

Judge Mattingly stated, "We have had an appeal regarding a zoning issue on Highway 54. We need to hear this appeal at the first meeting in July. It is my proposal that we handle this similarly to the hearing on the coalmine at Pleasant Ridge where we would invite only those people who spoke initially to speak. No new evidence would be presented, and we would make our decision based on the evidence that was presented. We would read that evidence into the record, and then make our decision. Claud, since Commissioner Lambert will be recusing himself from this issue due to a family member being involved in this rezoning, if there are three of us here and the vote is two to one, what happens?"

County Attorney Claud Porter stated, "It depends on which way the vote goes. If the vote were to approve the findings of the planning commission, a two to one vote would be sufficient to do that because you are upholding the planning commission's recommendation. If the commission wishes to make a finding that is different or overturn the finding of the planning commission, it will require a vote of the majority of the whole - that is it will require a vote of all three members who are present at that time. If there are less than three votes then the planning commission's findings will be upheld."

Judge Mattingly asked, "If we upheld the planning commission's finding then there would be no further action required by this court. It would then circuit court?"

Mr. Porter stated, "That would either be up to the applicant or the appellants about whether to decide to appeal it to circuit court."

Judge Mattingly stated, "If we overturned the planning commission's findings and in effect said we have made our own separate findings of fact based on the record..."

Mr. Porter interjected, "And the court would have to do that - make separate findings that are in the record based upon what we have done."

Judge Mattingly asked, "Could other conditions be placed? There were some conditions that were recommended by the planning staff. Could there be other conditions?"

Mr. Porter stated, "I think those conditions could be applied to the commission's vote to decide whether to either uphold or to... I think if you uphold, I don't think you can add additional conditions without the approval..."

Judge Mattingly interrupted, "If we overturn, we would overturn with the additional conditions based on the findings. Kind of like what was done with coalmining zoning issue."

Mr. Porter agreed and stated, "And I think that was in agreement with the applicant."

Judge Mattingly stated, "Jenni, I would like for you to review that record and I believe we have a list of names of all the people who spoke. I would like to see that they get a letter that notifies them that we will be having first reading of that ordinance. I know it will be publicized, but I still want to make sure that they absolutely have an opportunity to attend and say their peace."

Commissioner Castlen asked, "We don't have to have our separate findings of fact, but we can have a different finding from what the planning and zoning had, correct?"

Mr. Porter agreed.

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

Al Mattingly
Daviness County Judge/Executive