

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 7th day of July 2011.

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 JULY 7, 2011 FISCAL COURT FILE**

The court received into record the following documents:

- Daviess County Fiscal Court Clerk's Destruction Certificate
- DC Public Library FY 11/12 and Ohio County Water District 01/2011 – 12/31/2011 Special District Budgets
- Ohio County Water District Financial Statements December 31, 2010 and 2009

Minutes of the June 30, 2011 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Castlen, seconded by Commissioner Wathen with all the Court concurring said Minutes were approved and signed, and the Court was directed to spread upon the Fiscal Court Order Book the Minutes along with any exhibits, orders, ordinances or resolutions that pertain to same.

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 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 Lambert, seconded by Commissioner Castlen, the court considered approval of Fund Transfers.

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 approval of the Contract with Time Warner Cable for High Speed Internet Service. Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

This contract will add a line, which will increase speed.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval of the Personal Services Contract and Business Associate Agreement with

Green River District Health Department for Hepatitis B, TB Shots and Rabies Pre-Exposure Vaccinations effective July 1, 2011.

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 approval of the Order to pre-approve recurring monthly 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 Lambert, seconded by Commissioner Castlen, the court considered approval to Advertise for Bid No. 17-2011 – ATECH Automotive Technology Training Equipment and Courseware.

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

This bid relates to the multi-county grant application approved on June 16 of this year with Hancock County. The grant benefits KCTCS with automotive technology.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered approval of a Bond Release for Paradise Landing - fire hydrants and water mains.

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 approval to Appoint Commissioner Jim Lambert (49-2011) as an Ex-officio member to the Daviess County Economic Development Commission effective 7/7/11 and expiring 12/31/2014.

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

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered approval to Appoint Commissioner George Wathen (50-2011) as an Ex-officio member to the Daviess County Drainage Commission effective 7/7/11 and expiring 12/31/2014.

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered approval to Hire David A. Smith as Director of Legislative Services effective 7/1/2011.

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 approval to Appoint David Smith (51-2011) as Daviess County Americans with Disabilities Act (ADA) Coordinator effective 7/7/11 and expiring 12/31/2014.

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 approval to Accept the Retirement Resignation of Assistant Fire Chief Tim Benningfield effective 7/31/11. Assist. Chief Bennigfield is retiring after 18 years with the court.

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 approval of the following Fire Department Promotions effective 8/1/11:

- Lieutenant Shaun Blandford to Assistant Fire Chief
- Engineer Keith Hurm to Lieutenant
- Firefighter Eric Coleman to Engineer

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 Create the position of and Advertise for an Accounts Payable Clerk in the Department of Administrative Services and to include said position in Management III on the Salary Schedule. (This is a transitional training position.)

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:

- **By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval of the Agreement for Waste Tire Grant Funding for \$3,000. 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 Wathen, the court considered approval of the ADA Consent Decree. Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**
- This gives the Judge permission to sign and submit an agreement with the US Justice Department, which details compliance deadlines for bringing county facilities into ADA regulations compliance, including the jail. This agreement includes an extended compliance deadline. The court believes all necessary county facility upgrades will be complete by the revised compliance deadlines.
- **By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered approval of the Interlocal Agreement with the City of Owensboro relating to the 2011 Byrne Justice Assistance Grant. 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 approval to apply for the 2011 Byrne Justice Assistance Grant. **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 approval to Purchase a Kubota F3680 Mower for Panther Creek Park. **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 discussed the **First Reading of KOC 560.2(2011)** - An Ordinance relating to the Equipment of Emergency Vehicles in Daviess County.

Comments:

Jailer Osborne, "The General Assembly recently changed the law concerning emergency vehicles allowing blue lights to be installed on jail vehicles with the approval by the respective fiscal court. I am asking you to approve an ordinance authorizing this law for the jail. I am only asking that the lights be installed in the Jailer's and Chief Deputy Jailer's vehicles - county owned vehicles only, not personal vehicles."

Claud Porter stated, "In section one of this ordinance, it lists only the Jailer and Deputy Jailer may have the blue lights installed in their county-owned vehicles."

Commissioner Lambert, "Is your vehicle marked or unmarked?"

Jailer Osborne, "It is unmarked, but that is not unusual for an unmarked vehicle to be an emergency vehicle."

Judge Mattingly said that this ordinance does not include authorization for sirens, bells, or whistles."

Jailer Osborne said his vehicles would only use the blue lights in emergency situations dealing with the jail. Traffic infraction citations would not be cause for blue light use.

Public Comments:

Jason Roberts explained that he lives on Browns Valley Road in Utica and requested the court review the order, which authorized Ohio County Water District to supply him and a number of other Daviess County residents with water. He explained that his monthly water bill is a great deal higher than that of fellow Daviess County residents whose water comes from Southeast and West DC Water Districts. He does not think it is fair that his water bill is higher than others in Daviess County. He said it would be different if he lived within close proximity to the Ohio County line, but he does not.

Commissioner Lambert, "The water districts are not limited by county lines. They serve the public." On July 13, there is a water district meeting and Commissioner Lambert will present this issue and request explanation. He stated, "Perhaps we could reach a reciprocal agreement with the districts to provide similar water rates."

Karen Miller, "Congratulations to Yellow Creek Park for their work hosting ROMP. This was the largest crowd the event has ever had and they did a great job."

Regarding the issue of OMPC, as discussed during the prior fiscal court meeting, Tom Morton stated, "I came up with a solution that would help everybody. Instead of going into a community and making everybody change their way of life because one person gets mad at another, pass an ordinance where it takes a third or a quarter of the people to complain about something that is going to change the lives of everybody in the community. I have seen them pass many ordinances, which did not make as much sense as this does. That would stop a lot of the stuff that has happened." He asked about a recent meeting the court had with OMPC.

Commissioner Wathen, "Well, we are not completely finished with the process. It is my understanding that there was a complaint called into OMPC and they checked it out and there was someone out of compliance. Once there is a registered complaint, they have to investigate."

Judge Mattingly, "Tom, I will take your ordinance recommendation under advisement."

Mr. Morton asked about the lobbyist position and the newly hired administrative position.

Judge Mattingly, "Lobbyists have gotten a bad reputation over the past few years. However, I am a lobbyist or an advocate for Daviess County and I go to Frankfort. The unfortunate fact is that I cannot be in Frankfort every day as I am the Chief Executive Officer of this county and responsible for over 95,000 residents. I cannot be there during the legislative session and more importantly, I cannot be there during those 8 months outside of the legislative session. Many things are done outside of the legislative session. An advocate is somebody who can interact with the legislative delegation in Frankfort and Washington and can find out who is opposed to legislation that benefits Daviess County or find out who supports legislation, which is not favorable to Daviess County. Having this information is a valuable tool in the future growth and wellbeing of our community."

Comments by Daviess County Fiscal Court:

Commissioner Wathen, "Lower River Road Waterline extension is almost complete and Passway/Essex Drive improvements are complete."

Commissioner Castlen noted that plans are underway for Wimsatt Court improvements.

Judge Mattingly acknowledged the huge success of ROMP.

Judge Mattingly, "The court is still reviewing the Daviess County advocate position. No timetable has been set on this issue. Nine applications were received and it is currently down to two finalists. The court is not in any hurry on this selection. The Drainage Advisory Committee will hold its first meeting on Tuesday, July 12, 5:00 p.m. at the Daviess County Operations Center."

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

Al Mattingly
Daviess County Judge/Executive