

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 16th day of July 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 JULY 16, 2015 FISCAL COURT FILE

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

The court recognized the Daviess County High School JV Academic Team for winning the title of National Champions. Coach Ann Koshy thanked the court for recognizing the student's achievement. Judge Mattingly praised the students and thanked them for representing Daviess County well.

Chairman David Boswell presented an Empowerment Academy update. He said the Empowerment Academy is a private, non-profit, non-partisan organization that was established to help address the needs of local high school students. The Empowerment Academy wishes to provide safe housing for homeless and/or near-homeless high school students in Daviess County who are living in dysfunctional situations. The Academy will empower students to take charge of their life's direction by providing housing, life skills, opportunities for personal responsibility, and attainment of the highest educational/career options available. The Academy board is working to establish a 27-bed residence for homeless and/or near-homeless high school students at Saint Angela Hall, which is located on the Mount Saint Joseph campus and is being leased to this group by the sisters at no cost. The structure will need to be renovated at an estimated cost of \$1.4 million with an anticipated opening date of December 2016 to early 2017. The board is raising funds for this initiative and will appear before this body in the near future to request financial assistance.

All court members commended this volunteer board for their hard work on this worthy cause. Judge Mattingly specifically thanked the Mount for their help with this project.

Commissioner Wathen asked if there is a maximum amount of time students will be able to stay.

Secretary Vicki Quisenberry said that there is no time limit.

Ms. Quisenberry responded to a question by Commissioner Koger asking if students from other counties can participate in this program. She said that only Daviess County students may participate.

Minutes of the June 29 and July 2, 2015 meetings were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Wathen, seconded by Commissioner Castlen with all the Court concurring said Minutes were approved and signed.

By a motion of Commissioner Wathen, 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 Koger, seconded by Commissioner Castlen, the court considered for approval 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 Koger, the court considered for approval the AmeriCorps Host Agency Agreement for program year 9/1/15 – 8/31/16.
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 of the Memorandum of Agreements and **Resolutions 16-2015 thru 18-2015** regarding HB235 Coal Severance projects totaling \$99,177.

Treasurer Hendrix stated, "A few years ago, the court decided to participate in 12 waterline extension projects. We completed nine of those projects using coal severance money. We could not complete all 12 projects at that time because our funding has declined over the last several years. These final three projects are for Iceland Road, Texas Gas Road, and Greenback Road. Property owners will pay \$3,000 each for the waterline extensions."

Judge Mattingly stated, "This ends waterline extension projects for the court as additional funding will not be available."

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 of **Resolution No. 19-2015** regarding the Transfer of Non-Hazardous to Hazardous Coverage for the Sheriff's Department.

Mr. Hendrix stated, "This resolution is required by the Kentucky Retirement System and helps the Sheriff's Department define hazardous positions. This will eliminate the need to request each position separately. From the court's perspective, there are no changes because all of the positions that they are requesting have historically been hazardous. This simply makes it permanent that the positions of Sheriff, Chief Deputy, Major, Capitan, Lieutenant, Sergeant, Corporal, Deputy and Detective are listed under hazardous coverage."

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 Authorize the Daviess County Clerk to proceed with plans to renovate offices and approve to advertise for project **Bid No. 42-2015.**

Judge Mattingly stated, "This is a request to update and modernize the Clerk's offices."

Daviess County Clerk David Osborne stated, "We have been looking at this project since last fall. Our long line situation has been reduced somewhat due to mail-in renewals and soon, we will have a 24-hour phone-in renewal line. We just did not want to remodel for the sake of remodeling the clerk's office. We wanted to do some time studies to see if we could better utilize what we have. As many know, there is a tremendous amount of wasted space. With the plan we have, the project will be in 2 phases. This new design will reduce or eliminate the long line in the hall, it will make those doing business with the clerk's office more efficient and faster, and it will provide extra office security. Even if we did not do an office remodel, we have to do an electrical upgrade due to the new state-required equipment, which is not compatible with the current electrical system. I realize that \$400,000 is a lot of money, but I don't really think it will be that much after the bids come in. I know that this project will help to better serve the public."

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 Contract with Weaver Engineering for the Landfarming Facility Permitting Proposal.

David Smith stated, "The Solid Waste Department has decided to divert more sludge from the contained landfill and we will need to apply for a landfarm permit to do so. "

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 Transit Vehicle Lease Agreement with Ricky Moore Trucking, LLC and authorization for the Judge/Executive to execute said Agreement.

Mr. Smith stated, "This is a 1993 vehicle and it has no value other than scrap metal. This lease allows the user to use this vehicle on-site only. The user must provide maintenance and all insurance. The lease is only good for the length of time the user holds the contract."

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 Bicycle Share Lease Agreement.

Director of the Parks Department Ross Leigh stated, "With the assistance of County Attorney Claud Porter, I present tonight a 1-year lease agreement with Boro Bikes, LLC with the potential for a 2-year extension for space not to exceed 30 x 10 feet on the east side of Fairview Drive at Horse Fork Creek Park. The agreement states that Boro Bikes shall bear the risks of damage to or loss of merchandise. It also states that Boro Bikes will provide insurance and there is a hold-harmless clause for the court. There is no cost to the court, but Boro Bikes will pay the court a fee of \$25 per month."

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 Purchase a 2 Ton Asphalt Hot Box & a 12 Cubic Yard Salt Spreader - Road Department.

County Purchasing Agent Jordan Johnson stated, "Currently, we can only use asphalt while it is hot. Once it cools, the material must be discarded. This hot box will keep the product hot and reduce the amount that cannot be used. We should see sizable savings with this purchase. The salt spreader is to be used with the new tandem dump truck and is in preparation for winter."

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. 29-2015:** New Phone System to Business Communications Solutions, LLC for \$63,815.53.

Mr. Johnson stated, "This bid was a joint venture with Central Dispatch. The court will pay \$45,386.48 and they will pay \$18,429.05. The need for a new phone system is due to the current system being 18-years old and its reliability is of concern since we serve as backup for Central Dispatch. It is also becoming more and more difficult to locate system replacement parts."

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 Advertise for the following Bids:

- **Bid No. 37-2015:** A New 2015/16 Crew Cab Truck; LF
- **Bid No. 38-2015:** A New 4x4 Full Size Pickup Truck; RD
- **Bid No. 39-2015:** A New 2015/16 Crew Cab Truck; FR
- **Bid No. 40-2015:** A New 2015/16 SUV; FR
- **Bid No. 41-2015:** Judicial Center Window 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 Castlen, the court considered for approval the Resignation of Firefighter/EMT Christopher Oldham effective July 31, 2015 (24 YOS).

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 Hire Quinton R. Pence as a firefighter/EMT commencing on or after August 3, 2015, contingent 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.

The following agenda item has been removed: **First Reading of KOC 411.1 (2015)** - An Ordinance Amending KOC 411.1 (2013) Relating to Annual Fees for County Alcoholic Beverage Licenses to be Charged to Properly Qualified Applicants Sold in Daviess County, Kentucky, and Providing for the Sale of Distilled Spirits, Wine and Malt Beverages by the Drink on Sundays from 1:00 p.m. until 11:00 p.m. (**Note:** Only change is in Sec. 7 – Alcoholic Beverage Sales Prohibited on Election Days). However, this item was pulled from the agenda.

Judge Mattingly stated, "This past Tuesday, we had a wet/dry election in the Graham Precinct. We had thought that several years ago, we had done a good thing by amending our alcohol ordinance and then we found out that everybody in the county would have to shut down while we had a single precinct election. That did not make a lot of sense. As we discussed this, we thought really the only time we should require a closure is when we have a county-wide general election. That way it would not put any one business at a disadvantage. Yesterday, Claud, you received a call from Ed Ray, city attorney, and they said that the city was going to move toward completely doing away with banning alcohol sells in the city and adopting the same provision as the state. I talked to the Mayor today, and the city has changed their mind because they feel it may affect restaurants and the convention center. Personally, I don't see how much alcohol is sold between 6 a.m. and 6 p.m. However, the Mayor had thought the ordinance dealt with package stores and not to retail stores and restaurants. I have asked that we pull this first reading and asked Ed Ray to send a copy of the city's proposed ordinance. I think if we both are going to do something, they should be similar if not the same. We also don't want this to be confusing. Once we receive the city's proposed ordinance, I will review it, and bring before the court a first reading of an amended ordinance."

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval the **Second Reading of KOC 530.13 (2015)** – An Ordinance Amending KOC 530.13 (2011) An Ordinance Establishing Official Speed Limits for Roads Located Within Daviess County, Kentucky.

Comments:

Judge Mattingly stated, "This brings county speed limits up to state and federal standards."

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:

Presented in court was the **First Reading of KOC A.88 (2015)** - Budget Amendment #1.

Comments:

Treasurer Hendrix stated, "This amendment is due to the CDBG Grant for the Masonville Sewer project."

By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval to Apply for a Kentucky Department of Agriculture Spay/Neuter Grant. **Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

Comments:

Owensboro Museum of Fine Art Executive Director Mary Bryan Hood informed the court and public about the Children's Bicentennial Art Camp at the museum. She invited all to attend this event. The Kentucky Historical Society's History Mobile will be open in front of the museum during the week and for those visiting the museum, they will receive a historical comic book.

Condolences were expressed to the Pat McCarty family in the untimely passing of Pat's wife, Kathy McCarty.

Court members discussed upcoming community events.

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

Al Mattingly
Daviness County Judge/Executive