

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 6th day of August 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 AUGUST 6, 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.

Minutes of the July 16, 2015 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Castlen, seconded by Commissioner Koger 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 Wathen, the court considered for approval the Treasurer's Report 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 Koger, seconded by Commissioner Castlen, the court considered for approval to Allocate \$1,000,000 to OCTC for the Phase II Advanced Technology Center and release the first installment payment of \$500,000 on Aug. 7, 2015.

Judge Mattingly noted how this tech. center will enhance our community. He stated, "We can do all kinds of things to attract businesses to our community, but without a healthy, ready work force, they will go somewhere else."

President of OCTC Scott Williams stated, "This means a lot to our college and this community."

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 Annual Update of Daviess County Detention Center Policy and Procedure Manual, Inmate Handbook, Employee Handbook, and Operational Chart.
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 Memorandum of Agreement with the City of Owensboro regarding Funding a Juvenile Court to Assist in Eliminating Drug and Alcohol Addiction.

County Attorney Claus Porter stated, "This is a renewal of the agreement that the city and county provided for the Juvenile Drug Court three years ago. That program is a continuation of a program started by AOC several years ago. Since the city and county have taken over this program, we have accepted 40 kids in the program and 15 kids have graduated. Currently, there are 8 participating kids and their families. We are encouraged by the program's success."

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 Client Services Agreement with Cardno ATC for Airspace Estimates for Landfill, Unit 5.

David Smith stated, "This agreement is for a conceptual design and airspace estimates to expand 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 Castlen, the court considered for approval the County Request and Agreement for Anti-Litter Control Program Grant Funding.

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 Contract with American Engineers, Inc. for the Potts Road Bridge Testing and Inspection.

County Engineer Mark Brasher stated, "This contract is to inspect the newly constructed bridge."

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 Bond Release for Woodland Ridge, Unit No. 3 (Asphalt), and a Surety Reduction for Unit No. 2 (Asphalt).

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 Renovate the Courthouse Parking Lot with the purchase of an Arm Barrier Gate System. (This gate will be purchased from Murphy's Electric for \$13,926.41.)

Judge Mattingly stated, "Since the beginning of downtown renovations, traffic and parking has been a nightmare and a number of parking spaces along downtown streets have been removed. Many people use the courthouse parking lot as a cut through from Saint Ann Street to Allen Street. Commissioners can attest that safety of those using the lot is a concern due to speeding motorist. We had parking signs posted which said "restricted parking during business hours" and yet it did not prevent unauthorized people from parking in those spots. We now have signs stating "24-hour parking restriction", which by the way is no different than the signs that the city and other lots have - doesn't work. This doesn't keep people from parking. Larry Conder can tell you that he has had to remove vehicles from his tenant's parking spaces. The best solution I have come up with is to install gates just as has been done at the Judicial Center, RiverPark Center, GRITS Garage, and at a lot of other downtown parking areas. I have been told that gates are not visitor-friendly. What is not visitor friendly is the fact that there are a number of empty lots that could be used for parking, but have fences around them. I must get a handle on the parking so we may do the things that we have to do to get the lot back in shape. Gates and bollards will go up and the bollards will stop the cut through traffic. Once we get a handle on the flow of traffic, we can go in and seal and stripe the parking lot and then reassign parking spots. We will also reconfigure the lot making the width of egress and ingress lanes equal. Once we complete the renovations to the lot, it will be reopened to after hour public parking. I then will ask Commissioner Wathen to determine the hours for public parking. I do not want anyone to think that because of the way this commission was bashed over this issue, that would influence our decision. It is not about emotion folks. It is about doing the right thing. Also, for downtown businesses owners and residents, I encourage you, if not already, to be active members of two organizations - We Are Downtown and Downtown Parking Committee as they address issues that directly relate to you."

Commissioner Wathen said that he will not support this project and will vote no. He would like the court to first seek less expensive alternatives before investing the money in gates. He stated, "I am not opposed to installing bollards to keep motorist from going through the lots. I would rather see us post individual signs at each space instead of the current large sign that indicate restricted parking."

Commissioner Koger noted receiving three calls regarding this issue and their main concern was opening to public parking after business hours.

Robert Higdon of 6525 Hwy 54 does not agree with installing gates. He thinks it would be cheaper to a install parking lot camera(s) to control speeding which would result in tickets being mailed to offenders and an increase in revenue. If the court does decide to install gates, he thinks public parking should be allowed at 5:00 p.m. when the courthouse closes.

Owner of River Walk Properties Larry Conder explained, "The public needs to know that in downtown, we are not a Wal-Mart where you can park close to the building and walk right in. Drive just two or three blocks and walk." He also discussed a loading and unloading space for local merchants.

Allen Simms of 3008 Sterling Court disagrees with this decision. He stated, "I think the connection between the two lots should remain open. The speeding issue can be solved with speed bumps, appropriate signage, and enforcement."

Ben Skiadis of 102 West Second Street also supports the installation of speed bumps as opposed to the gate.

Owner of Gambrinus Libation Emporium and downtown resident John Condrey appreciates the fact that the county has a camera which records the happenings of the parking lot as he and his employees often leave his place of business with a lot of cash and it makes him feel safer knowing that actions in the lot are being captured on camera. He stated, "I am not a believer in gates. Gates are not inviting." He noted that gates convey the thought that people think they are better than others because they can park in a gated lot. He stated, "I understand that you are doing this for the safety and use of your employees. I have no issue with that. I agree with Commissioner Wathen. Is it necessary to install gates when other things have not been first attempted like speed bumps and signage?" He thinks that people look down in a parking lot rather than up at a sign for parking instructions or restrictions. He said that ground signage would be helpful to indicate parking information rather than signage.

Judge Mattingly stated, "Every city has gated parking lots. Downtown Owensboro has a number of gated lots. We are going to raise the gates for after hour public parking. There is nothing uninviting about a gate. It's just a way to keep unauthorized users out."

Mr. Condrey inquired about the small alleyway into the lot via Third Street. He asked if changes will be made to prohibit parking lot access there.

Judge Mattingly said that alley will remain open.

Mr. Condrey again asked, "So, the county will spend over \$10,000 for gates and the lot will still be accessible, correct?"

Judge Mattingly agreed.

Owner of two downtown restaurants George Skiadis encouraged the court to consider a disabled parking space(s). He also asked the court to consider opening the lot to public parking at 4:00 p.m. instead of the mentioned 5:00 p.m. A county employee who leaves their spot by or after 4:00 p.m. usually does not intend on returning to work that day as it is too close to the end of the working day for them. This would allow patrons an additional hour to park closer to local merchants.

Judge Mattingly suggested that Mr. Skiadis contact the city and request that they also allow public parking beginning at 4:00 p.m.

Walton Whitlow of 2220 Bittel Road, Apt. H encouraged the court to do something about people throwing trash out of their car windows, including cigarettes.

Brad Ebelhar of 2519 Hwy 1554 asked about the cost of this project.

Judge Mattingly replied that the gate will cost around \$13,000.

Mr. Ebelhar agrees with Commissioner Wathen that alternative solutions should first be sought.

Scott Jagoe of 201 Saint Ann Street asked about the project's start and completion dates as well as if at any time during this project, will authorized users not be able to access their parking space.

Judge Mattingly stated, "The only time access may be restricted is during the sealing of the lot. Sealing will take place over a weekend."

Mr. Jagoe asked about the gate closest to his garage.

Judge Mattingly stated, "The gate will not interfere with those parking in the garage, which opens into the lot."

Commissioner Koger is mainly concerned about the safety of those using this lot. He stated, "I do not want to take anything away from your downtown businesses and I support after hour

public parking. He also stated, "I am big into safety and would not want anyone to be killed or hurt. That is why I favor the gates over alternative options."

Commissioner Castlen said, "The safety issue is huge to me. I too have almost been hit in the lot and likewise, I have almost backed into a car that was traveling in the wrong direction. This improvement has been a long time in the coming. Months ago, the Judge and I discussed various possibilities to solve the parking lot dilemma, and at first, I was against the idea of installing gates, but after my experiences, I now fully support the gates. I have always been under the impression that after the employees left for the day and over the weekends, the gates would remain open. I like Mr. Skiadis' idea of opening the gates on weekdays at 4:00 p.m. That would give customers an extra hour to access the courthouse and area retailers. As Commissioner Koger has mentioned, if we try these smaller, less costly possible solutions and they do not work, we are back to the gates anyway." He feels that signage would simply not be effective.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor except for Commissioner Wathen as he voted no; motion passed.

Boy Scout Jacob Nash attended tonight's meeting as a requirement to obtain a merit badge.

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval to Purchase Six (6) Sets of Personal Protective Equipment & Leather Suspenders for Fire Rescue for \$13,170 from Fire Department Services and Supply (FDSAS).

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. 43-2015:** One (1) New or Used Dozer; LF.

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 to following **Bids:**

- **No. 31-2015:** Two (2) New 2015/16 Full Size Pickup Trucks; AC - for \$49,560.34 to **Champion Ford** as they had the lowest and best evaluated bid, without exceptions.
- **No. 32-2015:** One (1) New 2015/16 Crew Cab Truck; EMA - for \$33,989 to **Don Moore Chevrolet** as they had the lowest and best evaluated bid, without exceptions.
- **No. 33-2015:** One (1) Powerscreen; LF - for \$214,500 to **Crusher Parts Direct** as they had the next to lowest and best evaluated bid, with minor exceptions. As noted, this allows the county to retain the current powerscreen as a backup. The lowest bidder required the current powerscreen as a trade-in, which made the Crusher Parts Direct product the recommended bid.
- **No. 34-2015:** One (1) New Excavator; LF - for \$175,397 to **Rudd Equipment Company, Inc.** as they had the lowest and best evaluated bid, with minor exceptions.
- **No. 35-2015:** One (1) New or Used ¾ Ton Pickup; TS - for \$24,900 to **Stingers Equipment**. They had the next to lowest and best evaluated bid, with minor exceptions. This vehicle is equipped with an auto-crane, valued at \$10,000.

- **No. 36-2015:** One (1) New Tandem Dump Truck; RD - for \$109,992.45 to **Sternberg International**. They had the next to lowest and best evaluated bid, without exceptions. The lowest bid had unacceptable exceptions.

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 Resignation of George M. Hayden, Solid Waste Heavy Equipment Operator at the Landfill, effective July 24, 2015 (25 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 Wathen, seconded by Commissioner Koger, the court considered for approval to Promote Terry Bartlett to Solid Waste Heavy Equipment Operator at the Landfill, effective August 10, 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 Hire Wendell Ray Smith as a temporary (seasonal) Solid Waste Heavy Equipment Operator at the Landfill, effective July 28, 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 Hire Alan T. Warren as a seasonal Park Attendant at Panther Creek Park, effective on or after July 28, 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 Hire Joseph E. Martin as a seasonal 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 Koger, the court considered for approval to Hire Harold Ross as a seasonal Grounds Maintenance employee at Horse Fork Creek Park, effective August 4, 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 Shevy O. Meeker as a seasonal 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 Koger, seconded by Commissioner Castlen, the court considered for approval to Advertise for Solid Waste Truck Driver, if not filled internally.

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 Joe Bill McKay (43-2015) to the **Daviess County Drainage Advisory Commission** (Former Commissioner Mike Riney served 1 term) TERM: 8/6/2015 – 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 the following to the **Daviess County Animal Control Commission** TERMS - 8/7/2015 – 8/7/2019:

- Sue Smiley (37-2015)
- Clay Horton (38-2015)
- Kent Taul (39-2015)
- Dr. Nikki Curtis (40-2015)
- Lydia Wethington (41-2015)

Judge Mattingly noted the remarkable efforts of our Animal Control team, including staff members and the Animal Control Board volunteers. Judge Mattingly stated, "In 2013, the shelter euthanized a total of 3 dogs." He thanked the board for their work.

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 appoint George Schadler (42-2015) to the **Property Maintenance Ordinance Advisory Review Board** (Filling the unexpired term of Matt Schell) (West Appointee) TERM: 7/20/15 – 4/16/16.

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

Presented in court was the **First Reading of KOC A.89(2015)** - An Ordinance Relating to the Adoption of the 2015 Daviess County Tax Rates.

Comments:

Treasurer Hendrix stated, "The revenues shown are higher than what we actually collect because the state uses gross numbers. There are items that would not be taxable and the county will not get that money, but the state cannot make those adjustments for every county.

So, these revenues appear higher than we will actually get. With that being said, the compensating rate as provided by the state is 13.9 cents. Our current rate is 13.6 cents per \$100. The 13.9 cents is defined as the rate that would give you the same revenue from the prior year. The allowable 4% rate is 14.4 cents. With that, we would have an increase in revenue of about \$400,000. I have prepared this ordinance with the intent of the court at the time we did the budget, that we would raise no tax rates and place no new taxes. This is how I prepared this ordinance."

Commissioner Wathen stated, "I am proud that this is the fifth year in a row that we have not raised taxes."

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval of the **Second Reading of KOC A.88.01 (2015) - Budget Amendment #1.**

Comments:

No comments received.

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 Koger expressed appreciation for the nice job the road department has done on recent resurfacing work.

Commissioner Wathen is excited about the OCTC Phase II Advanced Technical Center project and is glad the court is able to contribute. He stated, "That is probably one of the most exciting things is going to happen to this community. Many lives will be changed and improved due to this technical center."

Commissioner Castlen invited the public to attend the next Property Maintenance Advisory Review Committee meeting scheduled for September 14th at 6:00 p.m. at the courthouse.

Judge Mattingly asked County Engineer Brasher to invite a representative from the Kentucky Fish and Wildlife to attend the August 20th court meeting to discuss the Carpenter and Kingfisher Lake project.

Mr. Brasher gave an update on Fields Road Bridge project. He stated, "The bridge was closed early last week as a result of a state inspection. The good news is that we were able to get Fields Road Bridge design and construction within the state highway department's 2-year budget. Per our request, they will do what they can to expedite this project."

Judge Mattingly thanked all of our state elected officials for assisting Daviess County in this project.

Judge Mattingly read a portion of a letter he received from the Kentucky Coal and Mineral County Coalition. It stated, "There is no money from the multi-county fund as it is bankrupt. The help for Eastern Kentucky Coal fields that was supposed to come from the multi-county fund is non-existent." He stated, "The folks that spent their coal money on things such as ball field sod are really struggling now. We have seen what has happened to a lot of our Western Kentucky coal counties where coal severance monies have just gone away."

Judge Mattingly said he received a letter from River Of Music Party (ROMP) representatives. In the letter they reported a successful 2015 ROMP and thanked the court for their support. Sheriff

Cain also sent the Judge a letter regarding ROMP and noted only a few issues during this year's festival.

Judge Mattingly recognized the August 2015 Employee Anniversary of Bryan Collins, Public Works Mechanic – 15 years.

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

Al Mattingly
Davies County Judge/Executive