

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 2nd day of October 2012
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 OCTOBER 2, 2012 FISCAL COURT FILE

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

Sean Dysinger of the Owensboro-Daviess County Visitor and Convention Bureau reported on the success of the recently held Patriot Days. He stated, "I could stand up here all night and talk about what a success Patriot Days was but I brought some photos and e-mails that I thought would do a better job. We started out the weekend with field trips. We booked over 800 students and adults. We not only booked a full day, but the event paid for itself, which during the first year is outstanding." He thanked the court for their support.

Minutes of the September 20, 2012 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 Court concurring said Minutes were approved and signed.

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 Wathen, seconded by Commissioner Castlen, the court considered the approval of Administrative Code Amendments.

Judge Mattingly stated, "What we have here are some changes that we have made to the Administrative Code regarding temporary employment, hours of work, holidays, flexible hours, and things like that."

Commissioner Lambert asked, "On the first page, section one, under suspensions it says vacation and sick leave pay shall not be granted while on suspension. We are saying that an employee who might be suspended could not request sick leave or vacation time. Does that mean you cannot use it or you cannot accumulate it – and this would not count toward the hours of accumulation?"

Judge Mattingly said, "That is correct to both of the statements. They would not accumulate any time while on suspension but they also would not be allowed to use or utilize that time that they

had accumulated. If that was the case, what good would a suspension do you if you suspend somebody and he says well I will just take 3-days vacation."

Commissioner Lambert stated, "I think that is clear, Judge, but I do not know that it is clear that you could not accumulate."

Jenny Hardesty stated, "That was not the intent but we can add that clause as well."

Commissioner Lambert stated, "I do not think we would permit employees, while being suspended, to count that time towards the accumulation of additional sick leave or vacation."

Judge Mattingly stated, "My understanding is that you only accumulate for days or hours worked. If they are not working, they are not accumulating."

Jim Hendrix stated, "We need to talk about that. That is going to get complicated because they do not accumulate it by hours worked. It is accumulated by month. You are talking about something totally different than the intent. We can do that later."

Judge Mattingly stated, "The intent of this, as is written, is simply that an employee who is suspended cannot go around the suspension by using sick leave or vacation time."

Mr. Hendrix stated, "Right, because if you suspend somebody without pay, they could circumvent that."

Judge Mattingly said, "Jenny, if you would, let's talk about clarifying this at a later date."

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 the approval to Award Bid No. 18-2012 - Daviess County Operations Center and Yellow Creek Park pavement maintenance to Precision Asphalt and Reynolds Sealing as listed below.

Purchasing Agent Dale Boyle stated, "The bids of Precision Asphalt for \$10,500 for the Operations Center pavement maintenance and of Reynolds Sealing for \$32,590.81 for Yellow Creek Park pavement maintenance are the lowest and best evaluated bids submitted, meeting all specifications without exception. It is our recommendation that we award the bid to said vendors for said projects.

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 the approval to Appoint Dr. Mark Millsap (22-2012) to the **Owensboro Medical Health System Board.** (Dr. Millsap replaces Dr. Tom Madox who served 3 terms) - TERM: 10/31/12 – 10/31/15

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

Mark Brasher discussed the **First Reading** of **KOC 621.15 (2012)** - An Ordinance Relating to the Daviess County Road, Bridge and Street System.

Mr. Brasher stated, "While reviewing this system we found some inconsistencies. This ordinance removes those inconsistencies and corrects the system. Items found include misspellings, routes not approved or formally adopted by the court, some roads that the State Highway Department had taken over were still in the system, some roads that were annexed into the city were still in the system, and mile point discrepancies."

Judge Mattingly said that this is a general house cleaning of the ordinance.

Mr. Brasher stated, "That is correct. The first road index was adopted in 1988. Since then, there have been 10+ ordinances that just adopted additional county routes. So if someone calls into the county attorney or a county commissioner asking if a certain road is a county road, they would have needed to look in about 12 places. With this ordinance, it cleans that process up and puts things in an easily accessible place."

Comments:

Representative of Bicycle Owensboro invited the court and public to the Kentucky Bicycle and Bikeway Commission's (KBBC) annual conference October 19 and 20, 2012. It will take place at GRADD.

Karen Miller updated the court on current events.

Judge Mattingly stated, "I received a letter which reads, *Dear Judge/Executive, the U.S. flags that line Highway 54 through Whitesville are in terrible shape. They are torn and in disrepair. There is not a one that is the shape and condition a U.S. flag on display should be. Every flag should be replaced or removed.* I would encourage you, if you do fly a U.S. flag, that you check the condition and if necessary retire it."

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

Al Mattingly
Daviness County Judge/Executive