

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 1st day of November 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 NOVEMBER 1, 2012 FISCAL COURT FILE

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

Newly hired Owensboro-Daviess County Library Director James Blanton introduced himself to the court. He provided an update on programming and his progressive plans for the library. He is excited about being here and working with the Owensboro-Daviess County community.

Minutes of the October 18, 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 Wathen with all the Court concurring said Minutes were approved and signed.

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, 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 the approval to Advertise for the following annual bids:

- **Bid No. 01-2013** for engine oils and lubricants
- **Bid No. 02-2013** for bituminous hot mix and pavement milling
- **Bid No. 03-2013** for mowing county road right-of-ways

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 for approval to Advertise for **Bid No. 23-2012** - Crooked Creek Road roadway elevation.

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 for approval to Advertise for **Bid No. 24-2012** - a 40' x 80' metal maintenance building at Horse Fork 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.

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval to Award **Bid No. 20-2012** - a new 2012 or 2013 custom cab pumper to Vogelpohl Fire Equipment/E-one for \$323,150.

Dale Boyle stated, "The bid of Vogelpohl Fire Equipment/E-one for a custom cab pumper is the lowest and best evaluated bid with acceptable exceptions. It is our recommendation that we award the bid to Vogelpohl Fire Equipment/E-one for a custom cab pumper at \$323,150.

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 Award **Bid No. 21-2012** - a new Physio-Control Lifepak 15 monitor/defibrillator to Physio-Control, Inc. for \$33,232.80.

Purchasing Agent Dale Boyle stated, "The bid submitted by Physio-Control, Inc. is the only bid submitted, and the bid meets all specifications without exception. It is our recommendation that we award the bid to Physio-Control for the Lifepak 15 Monitor/Defibrillator at \$33,232.80."

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 for approval to Contract with Industrial Electric Service, LLC to install electric service and lighting at Horse Fork Creek Park's parking lot for \$13,600.

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 for approval of a Lease Agreement with the Daviess County Board of Education for playground association properties for a term of September 1, 2012 thru December 31, 2012 – (Beacon Central, Burns Campus, Country Heights, Highland, Meadow Lands, Sorgho, and Southern Oaks).

Parks Director Ross Leigh stated, "The Daviess County Board of Education has said that they would like to see those fields used by anybody at anytime of the year. We need to put into place a measure of protection for these playgrounds because if it were not for us, they would not be there and this provides us with that protection."

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 for approval to Appoint Andrew Ward (24-2012) to the **Owensboro-Daviess County Regional Airport** - TERM: 11/1/2012 – 11/1/2016.

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

Presented to the court was the **First Reading of KOC 910.5 (2012)** - An Ordinance Relating to the Goals and Objectives of the Comprehensive Plan.

Becky Stone of OMPC stated, "There are not very many changes from the previous Goals and Objectives that the community has adopted. We worked with all three legislative bodies, had public hearings, and public meetings. The proposed changes were recommended by the planning commission and are on page 10 under the rural service area. We added two objectives. One is to encourage the application of increased buffers where heavy industrial and coal mining uses may be located in close proximity to existing rural residences. Two is that we added the location of new rural residential uses in close proximity to existing natural resource reserves and coal deposits should be discouraged, and this was a result of concerns by citizens in our public meetings regarding the impacts of coal mining and industrial uses."

Judge Mattingly asked, "What do you mean by increased buffers?"

Ms. Stone replied, "It would be similar to what the county did on that last coal mining rezoning. The state mining requires a 300-foot buffer from residential, but we are saying that we are encouraging on those land use changes the application of additional buffers if it is necessary to protect those residences from impact."

Judge Mattingly asked, "Would the planning and zoning commission add those buffers themselves when they would hear a zoning request or would that be – see those zoning requests don't come to us unless there is an appeal?"

Ms. Stone stated, "That is correct. They could add those, but it is going to be based on the testimony of that request, and how many residents are located there. It gives them the ability to increase buffers. On the other hand, we want to know where existing coal reserves are so that people are aware when they build their residence that there is a potential of coal mining in that area."

Judge Mattingly asked, "The other thing, and I have heard some comment regarding the second one where it talks about we should discourage residential use in areas where coal mining and other natural resource extraction might occur. I think what we are saying is if you build there we want you to know that there is a possibility that coal mining may occur or other mineral extraction would occur, and really it is pretty much build at your own risk."

Ms. Stone replied, "That is correct. We want to make sure the public is on notice and that they know that there are coal reserves in the area." Mr. Stone further stated, "The other changes have to do with bikeways and walkways in the community, and these changes are a result of the Active Living Greenbelt Expansion Task Force that met last year. They concluded their review in 2011, and they had some language changes for the bikeways and walkways that they asked us to include in the comprehensive plan. It is not significantly different from what was in there previously, but is sort of updates the language on bikeways. The county engineer has had an opportunity to look at those and we have tweaked them a little bit to make sure that they are okay with the county standards."

Judge Mattingly stated, "We already do that. Most of these major subdivisions when they build now, we do not have to encourage them as they want to connect to the Greenbelt. That is a selling point for their developments."

Ms. Stone stated, "Right, we have standards in the subdivision regulations regarding sidewalks. Now, bikeways are not a requirement in the subdivision regulations, but we want to include that to encourage consideration of those in major subdivisions and on new streets. I think the highway department is looking at those on major highways that they maintain as well."

Judge Mattingly stated, "Yes, and I know that the engineer too we pretty much have followed the national standards when we put up signs on our roads."

Ms. Stone stated, "We changed one of our objectives here to coincide with that based on the county engineer's review."

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

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval to purchase a Kubota RTV900XT All-Terrain Vehicle with a Kubota V4211 Hard Cab from Hagan's Outdoor Equipment for \$13,999.

Although this was not the lowest, out of the three quotes received, it was the best evaluated quote. The lowest quote was for a belt-driven ATV, and considering that this ATV will be hauling trailers it was recommended that the court purchase a gear-driven ATV. David Smith noted that the lowest quote for a gear-driven ATV was from Hagan's Outdoor Equipment and he recommended approval.

This ATV replaces a stolen ATV at the Daviess County Landfill.

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

Comments:

O-DC-CVB Executive Director Karen Miller updated the court on upcoming events.

Peggy Mattingly asked the court questions regarding child support payments. As this court is not a judicial court, Judge Mattingly referred her to County Attorney Claud Porter's office for answers.

The court expressed sympathy to the Riney family in the recent lost of Gary Riney.

The court encouraged all to get out and vote this Tuesday.

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

Al Mattingly
Daviess County Judge/Executive