

REGULAR SESSION
of the Daviess County Fiscal Court
held at the Utica Volunteer Fire Station,
County of Daviess, Commonwealth of Kentucky
on this 3rd day of November 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 NOVEMBER 3, 2011 FISCAL COURT FILE

Commissioner George Wathen said the opening prayer and led the court in the pledge of allegiance to the flag.

Judge Mattingly proclaimed November 12-20, 2011 as National Hunger and Homelessness Awareness Week.

James Barnett, Director of the Daniel Pitino Homeless Shelter and Chairman of the Homeless Council of the Ohio Valley, thanked the court for the proclamation. He noted that his agency turns away, on average, 130 homeless people each month. The Pitino Shelter is seeing many people new to homelessness, and they range anywhere from 18 to 81 years-of-age. His agency is the only local shelter that takes in women and children. The Daniel Pitino Homeless Shelter serves free breakfast and lunch where they feed up to 200 people per day. He asked the court and the public to keep the homeless and those in the homeless services in their hearts, minds, and prayers.

Entered into today's court records are the following documents:

- RWRA Financial Statement for Years Ended June 30, 2010 & 2011
- Daviess County Sheriff's Settlement – 2010 Taxes (period 5/18/10 through 4/30/11)

Minutes of the October 20, 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.

Jim Hendrix announced that "No Kill Louisville" has generously offered to donate approximately 9 months worth of dog food to our animal shelter. If approved, the cost the county will incur is a \$450 freight charge. Mr. Hendrix said this is a tremendous cost savings for the county.

The court agreed this was a great and generous offer and by **a motion of Commissioner Castlen, seconded by Commissioner Wathen**, the court considered approval to pay for the above mentioned freight charge.

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 Heart Safe Community Initiative.

Diane York of the Health Park stated, "This community recognition is for all of our first responders and emergency personnel that go out in the community in order to save lives. Owensboro-Daviess County not only follows the criteria to become a Heart-Safe Community, they continue performing the criteria very well."

Some criteria items included the number of AED's (defibrillators) in a community, number of CPR classes offered, a chain-of-survival plan between the ambulance service(s) and fire departments, and the number of citizens in a county.

Commissioner Castlen is pleased, after reading the completed application, with the number of AED's that are out in the community. He was also pleased with the many locations in which the AED's can be found, such as county schools and parks.

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 Fund Transfers from the Solid Waste Operating and General Funds to the Solid Waste Closure, Post-Closure, Debt Service (2014 and 2017 funds), Bond, and Jail Funds. **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 the Daviess County Fiscal Court Audit Engagement letter. **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 Contract with DC Elevator Company for Courthouse elevator safety testing for \$239. **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 to Award Bid No. 19-2011 for two playground systems to David Williams for \$77,020.

The original bid was for a single playground system. However, the court decided to take advantage of the bidder's option, which was to purchase two systems at a rate of \$38,510 each. The court understood that waiting until next year to purchase a second and anticipated system could cost the county a substantial amount of money. The court had budgeted \$50,000 for this single item. With today's approval, both Yellow Creek Park and Panther Creek Park will receive a system.

Commissioner Wathen commented that he thinks this purchase is a wise decision.

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 Advertise for the following Bids:

- 01-2012 for engine oils and lubricants
- 02-2012 for asphalt seal coat
- 03-2012 for bituminous hot mix & pavement milling
- 04-2012 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 Wathen, seconded by Commissioner Castlen, the court considered approval to Amend the Daviess County Drainage Commission Agreement.

This amendment includes the addition of an ex-officio board member representing the Daviess County Homebuilders Association and a provision to remove a member for failing to attend at least 50% of the board meetings.

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 Ron Presser (63-2011) to the Owensboro Medical Health System Board, Term: 10/31/2011 - 10/31/2014.

Judge Mattingly thanked out-going board appointee Ann Kincheloe for her service on the OMHS Board.

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 Appoint George Ballard (67-2011) to the Daviess County Drainage Commission as an ex-officio member, Term: 10/31/2011 - 10/31/2014.

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 Wathen, the court considered approval to Appoint Shannon Meyers (68-2011) to the Downtown Development Corporation, Inc., Term: 10/10/2011 - 10/10/2014.

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 heard the **First Reading of KOC F.4 - An Ordinance Adopting a Non-Exclusive Franchise Agreement with Time Warner NY Cable LLC d/b/a Time Warner Cable to Provide Cable Television Services in Daviess County, Outside the Corporate Limits of the Cities of Owensboro and Whitesville.**

Commissioner Wathen asked why this agreement is for a 10-year period.

Time Warner Cable's government relations representative for Kentucky Karla Deaton explained that Time Warner Cable believes that due to the rate at which technology is moving, anything greater than a 10-year contract may be too long. She added, "In return for this agreement, government buildings and city and county schools will continue to receive free cable. We are donating \$30,000 each year for 10-years for cable related equipment upgrades, and this will go to city and county schools, as well as OCTC."

Commissioner Lambert asked about the issues with the local Fox station, particularly as it related to the broadcasting of the World Series.

Time Warner Cable representative Chris Pointer explained, "That is a complex issue, and I will try to distill it down the best I can. Back in July, Channel 7 transferred their affiliation over to WEVV, which is the current CBS provider. When they did, WEVV asserted their non-duplicative rights under the FCC, which basically says, as the primary carrier for Fox programming in this market (Evansville market), we do not want any duplication of Fox programming. Therefore, we were now prevented or blocked from carriage of the Fox affiliate out of Louisville. Again, that was back in July, but most people did not notice it until we got to the World Series. There were several articles in the Messenger and Inquirer in July notifying citizens about this change. Time Warner Cable did not take away Fox broadcasting out of Louisville, and I want to make that clear. He proceeded to inform digital subscribers that the World Series could have been viewed on channels 305 and 714 and for others with digital tuners inside their television, programming could have been viewed on 69.2 for standard and 93 for others."

Judge Mattingly clarified that this non-exclusive franchise agreement was advertised for bids, and Time Warner Cable was the sole bidder. He noted that the "non-exclusive" means that if anyone wants to provide cable to this community, they can install the infrastructure and provide the service.

Commissioner Castlen asked about the non-duplicative rights. He said, "That would imply that the game was on, on another local channel."

Mr. Pointer stated, "True, the game was on another channel. Under WEVV (Fox 44), we did air that on channels 305, 714, and the digital channels as mentioned before. So, people did have access to the World Series if they knew where to look for it, unfortunately."

Commissioner Castlen, "So, are all your subscription plans digital?"

Mr. Pointer, "Again, they do not have to subscribe to the digital tier. We send that signal out for all of the cable subscribers, including basic subscribers. Most new televisions have a digital tuner installed in them, and they can scan and get those channels. I am sorry that I cannot make it any clearer, but we personally are disappointed that we cannot continue to provide that programming out of Louisville - primarily because it is Kentucky based. We will keep working at it."

Comments:

No comments received.

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

No business received.

Comments:

Commissioner Wathen mentioned the Veteran's Day Parade that begins at 2:00 p.m. this Saturday.

Commissioner Castlen encouraged the public to get out and vote. He noted the sacrifices our military men and women have made in order that we may have freedom, including the right to vote.

The remainder of the court also encouraged the public to get out and vote.

Judge Mattingly stated, "PRIDE Day is this Saturday."

He also noted that on the businessinsider.com Daviess County ranked 9 out of 20 counties for possibly becoming the next silicon valley. "That is pretty neat for Daviess County to be looked at nationally and be ranked at number 9."

Commissioner Lambert said that in his hometown on election day, a local church holds a dinner with proceeds benefitting a specific group. He thought that would be a great thing for a local church or organization to look into. They may wish for the proceeds to go to the Homeless Council.

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

Al Mattingly
Daviess County Judge/Executive