

REGULAR SESSION  
of the Daviess County Fiscal Court held at  
Owensboro Catholic High School in the City of Owensboro,  
County of Daviess, Commonwealth of Kentucky  
on this 21<sup>st</sup> day of November 2013  
Present were Judge/Executive Al Mattingly and  
County Commissioners Jim Lambert,  
George Wathen and Charlie Castlen

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DOCUMENTS RELATED TO TODAY'S DISCUSSION  
ARE FILED IN NOVEMBER 21, 2013 FISCAL COURT FILE

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

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Judge Mattingly introduced the members of the court and the staff. Each court member spoke words of gratitude to OCHS for hosting today's court meeting.

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Presented to the court was the Report of the Audit of the Daviess County Clerk for the Year Ended December 31, 2012.

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County Treasurer Jim Hendrix presented the Treasurer's Report for month of October 2013.

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Minutes of the November 7, 2013 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.

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**By a motion of Commissioner Lambert, 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.**

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**By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval to Apply for a Codification Grant through the Kentucky Dept. of Libraries and Archives.**

Fiscal Court Clerk Jennifer Warren stated, "A codification of the county's ordinances will allow the county to have a condensed volume of its codes and insure their long-term preservation. A code of ordinances will provide better access to municipal regulations for the county's citizens as well as elected officials, legal counsel, and its employees."

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

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval the County Clerks Claim for Preparing Tax Bills.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval the Amendments to the Administrative Code.

Human Resource Generalist Jenny Hardesty stated, "The employees of Daviess County Fiscal Court are governed by administrative codes, which are personnel policies. The different sections that we are amending here today start with our bereavement leave. This amendment will allow us to send a bereavement gift not to exceed \$50.00 to the family. We also have a sick leave bank. This sets out the process of how an employee can request participation in the sick leave bank. The next section discusses safety regulations as to company vehicles and drivers safety. It includes that no driver shall use a handheld mobile telephone while operating a commercial motor vehicle. Also, all caps worn during working hours by county employees shall be county issued caps."

Claud Porter stated, "The court had asked me to draft a policy concerning social media for the employees of the county. We have proposed one. Basically the proposals are any communications made electronically or posting any information by an employee on their own site or on the county's site would be governed by this policy. The principle part of this would be that the employee is responsible for what they post. They have to consider what risks or rewards are available or what happens as a result of their postings. An employee conduct may adversely affect their performance, the performance of another employee, or it may come back and reflect on county government and the court as a whole. So any of those things are regulated as part of this policy."

Judge Mattingly noted that along with the rights to post thoughts and comments on social media comes the responsibilities and possible consequences of said actions.

Karen Keoughan of Wexford Crossing asked if this policy includes the use of photographs.

Attorney Porter said that it does include photographs.

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

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval to Contract with Burns & McDonnell for Title V Compliance and Reporting.

David Smith stated, "This contract is for the Landfill gas control system.

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

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**By a motion of Commissioner Wathen, seconded by Commissioner Lambert,** the court considered for approval the MOA's and Resolution Nos. 17 thru 21-2013 relating to the extension of waterline projects for KY 762, Poplar Spur Road, Fitts Road, Oklahoma-Laffoon Road, and Laketown Road.

County Treasurer Jim Hendrix stated, "The resolutions and MOA's for the five projects are necessary to proceed with the water projects. Once the court approves they will be returned to Kentucky Infrastructure Authority for their board approval. After that, they will be posted on the Kentucky clearing house website for review for thirty-days. Then the engineering can be done and will take up to eight weeks."

Chris Settles thanked the court for this worthwhile project.

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

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**By a motion of Commissioner Wathen, seconded by Commissioner Lambert,** the court considered for approval the Agreement between Task Force 3 and the Daviess County Fiscal Court regarding a Prime Mover, Ford F550.

Fire Chief Dwane Smeathers stated, "This is an agreement with Task Force Three. This truck was issued to Daviess County and is no longer utilized by the present Prime Mover. Daviess County Fire Department is agreeing to operate this vehicle as the Prime Mover. This vehicle is already licensed. All we have to do is pay the insurance on it and put fuel in it."

Commissioner Wathen asked if we are going to take title of this vehicle and Chief Smeathers said that it is already in the names of Task Force Three and Daviess County Fiscal Court.

Commissioner Wathen also asked, "How do we get rid of it?"

Chief Smeathers said that we can let them know that we would like out of this agreement.

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

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**By a motion of Commissioner Castlen, seconded by Commissioner Lambert,** the court considered for approval a Petition by Residents of Wexford Crossing and Recommendation of Owensboro Metropolitan Planning Commission to bring in a portion of Wexford Crossing into County road system for maintenance.

County Engineer Mark Brasher stated, "I have reviewed the ordinance and believe that this road could qualify as a county road as long as some modifications are made prior to the county taking the road into the county road system. OMPC has reviewed the petition in light of the comprehensive plan and what is presented to the court today is their response. OMPC agrees that it meets the minimum requirements of a public street. They address a couple of issues. One is that an amended major subdivision preliminary plat, final development plan, and an amended final plat will need to be approved to reflect the conversion of this portion of Wexford Crossing to a public street, which shall be the responsibility of the residents of Wexford Crossing. They also make some suggestions about signing the street for no parking and bonding the infrastructure until our request that we made last fiscal court meeting, which included installation of a sidewalk on the west side of the street and repair of an existing headwall."

Judge Mattingly stated, "The only thing left to do is to have a professional prepare a drawing regarding this plat and to do the sidewalk and to do the headwall. When you talk in terms of a

bond, if we voted to approve this then you would come up with a bond – who would come up with a bond?”

Mr. Brasher stated, “What they were referencing in this letter was the standard process of taking over the roads. The bond would basically ensure that the sidewalk and headwall are installed.

Judge Mattingly asked, “Who is going to tell them how much they will have to bond?”

Mr. Brasher answered, “I would not ask for a bond. I would suggest that we not take it in until that work is done.”

Judge Mattingly stated, “So what we could do is go ahead and vote on the motion providing this work is done. We could vote on this today and say, yes it is our intent to take it in as soon as you meet the requirements set forth by OMPC and as listed by the County Engineer during the fiscal court meeting dated November 7, 2013.

Commissioner Wathen stated, “It seems like it would be cleaner if we did not take it in until they have done these things.”

Judge Mattingly said, “That is what I said.”

Attorney Porter stated, “The motion would be to say that if the residents comply with the requirements in the original petition and the request that the county engineer made and the request made by the planning commission and if they meet those criteria that we would consider that eligible to be taken into the county street and road index.”

Commissioner Wathen asked, “If we do it that way will we have to vote on it again?”

Attorney Porter stated, “Yes.”

Commissioner Lambert noted that Wexford Crossing dead ends at Pleasant Heights Lane, which is currently a private street, and it would not be the court’s intention to deny a request to open the connection between the two streets.

Judge Mattingly stated, “The last time we discussed this, the residents were made aware that this connection could be made and it was my understanding that they were okay with it.

Jim Weafer stated, “We have discussed that in detail and they all know that that is a very likely possibility.”

Judge Mattingly asked Mr. Weafer if his group was comfortable meeting all the requirements set forth as listed above.

Mr. Weafer said they were comfortable, but may not be able to complete the work until spring of 2014.

Ed Atherton of Wexford Crossing was concerned about the width of the sidewalk. He hoped that trees would not have to come down as a result of sidewalk.

Mr. Brasher assured Mr. Atherton that no trees would have to cut as a result of the installation of the sidewalk.

Attorney Porter stated, “The motion would be to take in Wexford Crossing if they comply with the provisions from the letter dated November 5, 2013 from OMPC and the requirements from the county engineer as placed on the original petition.

Judge Mattingly stated, “I have a motion and second on the floor. However, that was just to discuss.

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval to take in Wexford Crossing if they comply with the provisions from the letter dated November 5, 2013 from OMPC and the requirements from the county engineer as placed on the original petition.

Commissioner Castlen discussed the street signage prohibiting on-street parking. He asked if that is something that we could withdraw if the residents would like.

Mr. Brasher stated, "This street has been here for several years. I am not aware of any issues with it, but if we did take it over, we would handle it like any other public street. The problem I have with putting up signs is that we will have sidewalks there and the potential is there for people to hit the signs – liability is there. I do not like putting up signs unless there is a particular need. As of now, the only people who drive this street are locals and they know where they can and cannot park. However, if it comes down to it that we need to stripe the curbs and put up signs, we can do that. I recommend that we do not sign it and we do not require bonds."

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

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By a motion of Commissioner Lambert, seconded by Commissioner Wathen, the court considered for approval to Promote David Ebelhar from Senior Heavy Equipment Operator to Foreman in the Department of Public Works effective November 25, 2013.

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

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval to Promote Jared Mattingly from Truck Driver to Heavy Equipment Operator in the Department of Solid Waste effective November 25, 2013.

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

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County Attorney Claud Porter read the **First Reading of KOC 411.1 (2013)** An Ordinance Relating to Annual Fees for County Alcoholic Beverage Licenses to be charged to Properly Qualified Applicants sold in Daviess County, Kentucky 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.

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By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered for approval to Appoint Cathy Switzer (36-2013) to the **Paradise Regional Industrial Park Board** - TERM: 12/01/2013 – 12/01/2017.

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

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Comments:

OCHS students Joelle Boarman and Ryan Clark thanked the court for providing funding for the transportation of parochial school students.

All court members expressed a sincere appreciation towards OCHS for hosting today's meeting.

Commissioner Wathen stated, "We have walked Rhodes Creek and have found approximately 5 issues. These issues will soon been addressed which will help the drainage problem in that area.

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

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Al Mattingly  
Daviss County Judge/Executive