

**Minutes of the January 24, 2019
Daviness County Fiscal Court Meeting
Held at the Daviness County, Kentucky Courthouse**

**Present elected court officials included
Judge/Executive Al Mattingly and County Commissioners Mike Koger,
George Wathen and Charlie Castlen**

**DOCUMENTS RELATED TO TODAY'S DISCUSSIONS
ARE FILED IN THE CORRESPONDING FISCAL COURT FILE**

The meeting opened with a prayer and the Pledge of Allegiance to the Flag.

Sheriff Keith Cain graciously and thankfully received the 2018 National Sheriff of the Year Award as presented by Representative D.J. Johnson.

Representative Johnson stated, "This is an award for Sheriff Cain, but this could easily read Daviness County Department of the year as good leaders only become good leaders and are recognized as such because of the followers that follow them. Over the past few years, I've gotten to know your department and I sincerely appreciate what you have done, but also the professionalism that moves your entire department."

Sheriff Cain stated, "This should not be the sheriff of the year. It should be indeed the sheriff's office of the year because much of this credit, the bulk of this credit goes to the men and women who wear the uniform. They do the job and they do it for all the right reasons. This Commonwealth and community should be extremely proud of them. I would be remiss if I didn't acknowledge the support of the community at large here. I could not be as active, involved, and engaged as I am on the state and national level if it were not for the support and understanding of my constituency."

Judge Mattingly said on behalf of the court and all the citizens, "We are proud you."

Owensboro-Daviness County Convention and Visitor's Bureau Executive Director Mark Calitri hopes to have a major tourism campaign running by the second quarter of the year. He is also hopeful to hear that another hotel will be opening which will provide many opportunities to hold larger events, concerts, and conventions downtown.

County Treasurer Jim Hendrix presented the Treasurer's Report for December 2018.

Minutes of the January 10, 2019 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Koger, seconded by Commissioner Castlen with all the Court concurring said Minutes were approved and signed.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; 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 Koger, seconded by Commissioner Wathen, the court considered for approval; Annual Contract with SentryHealth (formally Edumedics).

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; Award RFQ 001-2019: Six (6) Sets of Turn-Out Gear (PPE): Fire Dept. to FDSAS for \$14,190.

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 Wathen, the court considered for approval; Surety Bond Release for Lake Forest Units 15, 20, 23, 27, 28, 32, and 33.

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; Second Reading of KOC 220.31 (2019); 01-2019: Ordinance Authorizing and Directing the Rebate of 0.35% of all Occupational License Fees Due and Payable to Daviess County, Kentucky, by Ordinance, from the Salaries, Wages, and Other Compensation to be Paid by the New Employees of CABAXIS, LLC., provided that said Corporation meets the criteria set forth in its Application for Incentives under the Kentucky Economic Development Finance Authority, Kentucky Business Investment Program

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.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Suzanne Cecil-White (01-2019) to the West DC Water Board for a TERM: 1/17/19 – 1/17/2023. 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; Major Barry Smith (22-2019) to the Daviess County ASAP Board - TERM: 1/1/19 – 1/1/2023.

As presented in court, **First Reading of KOC 921.673 (2019); 02-2019**: Ordinance Amending the Zoning Classification of a 20.150 acre tract and a 2.932 acre tract located at 5030 and 5060 Newbolt Road from R1-A Single Family Residential and A-U Urban Agriculture to A-U Urban Agriculture, application filed by David A. Buckner and David Lee Buckner.

Comments:

Judge Mattingly stated, “Tonight, we are to consider for a decision at the second reading the appeal based on the record of facts that were presented in the record and only the record and determine if the Zoning Commission made the right decision.”

Brian Howard stated, “This application use submitted to intentionally tie together this split zoned property. If approved, this change takes the R1A and AU and makes it all AU. An AU zone allows everything that is permissible in an R1A zone as well as all AU activities. After the zoning commission heard testimony for this application, they recommended the zoning change be approved.”

Rena Johnson, neighboring resident along Newbolt Road, stated, “The past proves that the Buckners have done what they want, when they want without concern for the law or others. Their fence is an example as it is not the regulatory distance from the road nor is equal to or less than 3 feet tall. Their mega lights are of concern for me and other neighbors. These lights are bright and light up my backyard. The lights can stay on until 11:00 pm. If this zoning is approved, our property will be negatively affected. In the current zone and location, there is a horse and cattle arenas. I believe this violates acceptable activities in a R1A zone. If the zone changes to the desired AU, this activity will be legal. This all comes down to covering their rear and the ability to do more without permits.”

Judge Mattingly inquired about the fence setback in its current zone.

Mr. Howard stated, “In R1A, 600 feet is the setback.”

Commissioner Castlen asked about lighting restriction.

Mr. Howard noted that in this instance, the code does not include lighting restrictions. In a commercial or industrial use that meets residential there are lighting restrictions.

Judge Mattingly asked Ms. Johnson if it was her opinion that the arena is being used commercially. Ms. Johnson said it is not.

Mr. Stevenson stated, "That horse ring has been there for decades. The Buckner's son preforms in rodeos and uses this ring to practice. The ring is for private use and the lights, I was told, have never been on past 10:00 p.m. Before Planning and Zoning made zoning changes in the 70's, this was all AU and the Buckner's wish to return it to the original zone. Nothing is going to change with regard to the activities on this property. The issues Ms. Johnson discussed has nothing to do with zoning.

Commissioner Castlen asked David Buckner, "Is your intent to ever expand what you do? Do you feel your lighting is sufficient or do you ever intend on increasing the lighting?"

Mr. Buckner said, "No, there is no room to grow. No neighbor has ever complained to us about lighting until we applied for this consolidation. I do not wish to disturb anyone and plan to install light shields to reduce glare from the current lighting that may fall on a neighboring property. That is the extent."

Judge Mattingly asked Mr. Howard if he recalls receiving complaints about this subject property. Mr. Howard does not believe any such calls have been received.

County Attorney Porter stated, "Judge, lighting and fencing issues are civil matters."

Judge Mattingly plans to discuss these issues with the Buckners and the Johnsons to try and reach an acceptable agreement relative to these civil matters.

As presented in court, **First Reading of KOC 621.18 (2019); 03-2019:** Ordinance Relating to the (Annual) Daviess County Road, Bridge and Street System

Comments:

No comments received.

Comments by Daviess County Fiscal Court:

Judge Mattingly announced the advertising of the following bids:

- **Bid No. 05-2019:** HFCP Storage Building Roof Replacement (Parks)
- **Bid No. 07-2019:** One (1) New or Used Forklift (Transfer Station)

Without objection, Judge/Executive Mattingly adjourned the meeting.

SO ORDERED THAT COURT STAND ADJOURNED.



Judge/Executive: _____ Commissioner: _____

Commissioner: George Wathen Commissioner: Mike Koger

I, duly appointed Clerk of the Daviess County Fiscal Court, do hereby certify that the above Minutes for the corresponding Order Book were approved by the members of the Daviess County Fiscal Court at the regular session of said Court on this 5th day of February 2019.

Jennifer Warren, Daviess County Fiscal Court Clerk