

**Minutes of the October 3, 2019
Daviess County Fiscal Court Meeting
Held at the Daviess 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.

Senior Community Center Executive Director Dana Peveler provided an agency update.

For court recording, the County Attorney's 2014 & 2018 Independent Accountant's Reports on Applying Agreed-Upon Procedures were entered into record.

Minutes of the September 17, 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 Castlen, seconded by Commissioner Wathen, 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 Castlen, seconded by Commissioner Wathen, the court considered for approval; Fund Transfers.

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 Castlen, the court considered for approval; Sheriff's 2018 Unmined Coal Settlement and Quietus.

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; Fiscal Court Rate and Fee Schedule Additions.

These additions relate to the Daviess County Gun Club rates and fees.

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; Professional Services Contract with GRADD for Administering the current year's Owensboro Regional Recovery CDBG (grant).

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; Contract with Weaver Consultants for Control and Quality Assurance (CQA) services for the 9-acre Residual Landfill Expansion.

David Smith stated, "This will be our last construction, demolition, and debris (CD&D) residual landfill expansion. Our permit cannot exceed this point and once this expansion is complete, we should have 10-15 years of space left. In the next few years the court will need to start looking for a new landfill location."

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 Castlen, the court considered for approval; Fire Hydrant Test and Repair Agreement with the City of Whitesville, Kentucky.

Judge Mattingly noted that in the past, Daviess County Fiscal Court paid for Whitesville's hydrant testing and related repairs. Following a recent meeting between Judge Mattingly and Whitesville Mayor Patsy Mayfield, Judge Mattingly reports, "Since Whitesville is an incorporated city and collects taxes, Whitesville will be responsible for costs related to hydrant repairs and/or replacements. However, because it is crucial to Daviess County's Fire Departments, the testing of their 30 hydrants will continue to be paid for by the court. This agreement details this arrangement."

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; Litter Abatement Program 2020 Grant Funding.

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; Grant \$100,000 to the RiverPark Center’s Fundraising Campaign.

Jeff Ebelhar stated, “This money will go towards RiverPark Center’s (RPC) \$750,000 Capital Campaign to renovate and refurbish areas within the center as well as the old Turly Building space recently vacated by the International Bluegrass Music Museum.” Once the Turly Building has been renovated, the RPC intends to offer the building for rent in hopes of bringing in profitable rental income. He stated, “Currently, the campaign has financial donations and pledges totaling \$525,000, including the county’s grant before you today.”

Judge Mattingly stated, “If approved, the first \$50,000 will be funded immediately but the second \$50,000 will become available following receipt of a community match of \$50,000.”

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; AmeriCorps Service Site Agreement with KY READY Corps for Program Year 2019/2020.

Daviess County Fiscal Court Clerk Jenni Warren said this program requires the Judge’s signature but will not cost the county anything. This will provide EMA a Kentucky READY Corps aid worker for the current fiscal year.

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; Change Order to Bid No. 37-2019: Panther Creek Park (re-fence) Fence System with Burcor Fencing LLC.

Purchasing Agent Jordan Johnson explained, "This bid was to re-fence two of the three east fields at Panther Creek Park. This project was awarded on September 17th of this year to Burcor Fencing in the amount of \$34,498. This was sufficiently under budget to entertain re-fencing the remaining field as a change order with the differential. The change order for re-fencing field 3 is \$17,110 with Burcor Fencing. The amount is reasonable. I recommend approval."

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; Award the following:

- **RFQ 009-2019:** Trailer Floor Repair (Transfer Station) to Apex Trailer for \$13,512.
- **RFQ 010-2019:** Bullet Proof Vests (Fire Rescue) to First Spear for \$10,925.
- **RFQ 011-2019:** D8T Standard Track Chains (Landfill) to IMPCO for \$14,707.76.
- **Bid No. 34-2019:** One (1) New Bale Processor (Landfill) to Ken Shourds Equipment for \$41,900.

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; Promote the following within the Daviess County Fire Department:

- Kevin Gore to Assistant Fire Chief
- Jacob Cox to Lieutenant
- Jeffery Poole & Sam Henderson to Engineer

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

Judge Mattingly discussed the prospect of transitioning to digital/paperless fiscal court meetings. The greatest benefits of digital meetings are the speed in which court members will receive court documents and an effective and simplified document management component. Court members were agreeable to moving forward with the process and likes the possibility of receiving documents sooner than the current paper copies and binder system, which allows for completed documents to be reviewed only a day or two prior to a court meeting.


Public Comments:

Representing the local LGBTQ community, Chad Benefield stated, "During this morning's opening prayer at the Chamber's Rooster Booster breakfast, I found a section of that prayer significant and timely given the current conversations in and about our community. The invocation thanked God for exposing us to diversity of ethnicity, religious beliefs, different political views, and asked Him for tolerance and cooperation, which makes all feel welcomed and encouraged to thrive. Also addressing the same topic was the morning's speaker Carlos Phillips who stressed the importance for communities to embrace diversity and inclusion. Mr. Benefield introduced a number of people in tonight's audience who

represent such diversity. He stated, "Including diversity socially, economically, and professionally and we all have a need for inclusion in our community. I speak on behalf of that entire group of people when I ask of you today to adopt a non-discrimination ordinance that includes sexual orientation and gender identity. This is happening state-wide." He detailed numerous Kentucky counties and other national communities that, as he stated, "have either passed such an ordinance or are on track to do so. Many people in Owensboro don't believe that this type of discrimination happens here, but I am here today, and can send you real situations, which prove otherwise that include housing, employment, and public accommodation discrimination. It happens here, but it doesn't have to or need to happen here. That is why I am here today speaking on behalf of the LGBTQ community. We hope that Daviess County will update our civil rights laws that already protect discrimination against one's age, sex, race, national origin, and/or religion, to include sexual orientation and gender identity. This tiny update will have a massive impact for those in our community who feel excluded, and nobody wants that. Most people in Daviess County believe that everyone deserves a fair shot at earning a paycheck, having a roof over their head, and to enjoy a meal at any local restaurant. All without the fear of being treated differently because of who they are or who they love. Currently, we are working on a community support pledge campaign with the Owensboro Human Relations Commission through change.org. Local musician Laci Jean stated on Facebook recently regarding the campaign and stated, "It's a no-brainer that took me 23 seconds to sign". I realize that an ordinance cannot change minds, but it can change dynamics and perceptions and it can define what is and what isn't acceptable in Daviess County, Kentucky in terms of housing, employment, and public accommodations. Twenty-two U.S. states have incorporated this change and currently, this change is being discussed within the halls of our state government. What our state government is looking for and waiting for is to see state-wide support from Commonwealth cities and counties. In Daviess County, this issue is about one thing: good will towards all. Again, I ask that you adopt a county-wide non-discrimination ordinance. I ask you because you can do it and you have the power to do it. If it is the court's desire, I am willing to provide suggested language for a proposed ordinance for the court's review."

Following a request by Judge Mattingly for Mr. Benefield to share with court members the abovementioned instances of discrimination, Mr. Benefield stated, "It has never nor will it ever be my intent to "throw people under the bus" so I will gladly share those cases with you, but will exclude individual names. I simply ask that you trust that the documentation I will share has been feted and is true."

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

Judge/Executive:  Commissioner: 
Commissioner:  Commissioner: 

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 17th day of October 2019.

Jennifer Warren, Daviess County Fiscal Court Clerk