

**Minutes of the November 7, 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.

Owensboro-Daviness County Regional Airport Update by Executive Director Rob Barnett. Mr. Barnett noted a vast increase in passengers, the addition of various destinations and flights, and a soon to be announced addition of a new plane.

Proclaim November 14, 2019 as Diabetes Awareness Day.

County Treasurer Jim Hendrix presented the Treasurer's Report for September 2019.

Minutes of the October 17, 2019 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 Koger, 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 Castlen, seconded by Commissioner Wathen, the court considered for approval; Per Fee Schedule, Pay Election workers and include payments in the 11/21/2019 Claims.

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; Annual Emergency Management Grant Funding and Program Guidance.

Treasurer Hendrix explained that this annual grant covers ½ the cost of the EMA Director’s and EMA Administrative Assistant’s salaries.

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; MOA with the City of Owensboro regarding the 2019 Justice Assistance Grant (JAG).

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; Resolution No. 24-2019 – Authorizing the NRA Public Range Fund Grant Application.

Judge Mattingly anticipates receiving this 50/50 grant as the NRA looks favorably towards applications submitted that fund public gun ranges.

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 Kentucky School Board Association for eMeetings.

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; Kentucky Services Board Public Safety Answering Point (PSAP) Boundary Agreement with Henderson, McLean, Ohio, and Hancock Counties.

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; Carter Road Guardrail Repair, per KYTC Master Agreement.
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; Award Bid No. 38-2019: Horse Fork Creek Park Playground System to Miracle of KY & TN for \$149,591.
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; Surety Bond Release for Brownwood Oaks, Section 2, Unit 1.
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; Hire the following Engineering Department seasonal interns:

- Alyssa Bickett effective Dec. 18
- Christina Wathen effective Dec. 9
- Dylan Payne effective Dec. 16

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

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Hire the following Road Department seasonal interns:

- Nathan Lanham effective Dec. 16
- Warren Goetz effective Dec. 20

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; Hire David Wall as Truck Driver for the Transfer Station, contingent upon successful completion of pre-employment screenings.

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; Transfer Ryan Payne to Transfer Station Truck Driver effective Nov. 11. 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; Transfer Ron Whitworth to Transfer Station Solid Waste Laborer with CDL effective Nov. 11. 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; Promote Jerry Eddie Reddish to Road Dept. Road Foreman. Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

Public Comments:

A coalition of local pastors prepared the following statement, as presented by Pastor John Fowler, and are individually listed following said statement:

Dear Commissioners and Judge Executive of Daviess County,

The recent proposal of a fairness ordinance for Daviess County has created much concern among Christians, religious leaders, and business owners in the county. Our desire is not to unnecessarily offend, nor instruct others how to behave in their private lives. In an effort to follow Christ, we aim to love our neighbors, even those with whom we deeply disagree. Oppression, hate, and divisiveness should be avoided by all parties in this discussion. However, in light of the proposed ordinance, we would suggest that for the following reasons this ordinance is unnecessary and subversive to the principles of liberty, and could potentially contribute to promote conflicts and division in our community.

Reason 1 - The Legislation Is Unnecessary

Laws of any sort should only be proposed on sufficient grounds, proving their necessity for liberty and justice or some measure thereof. Citizens should not be encumbered by laws for the sake of ensuring freedom from offense or discomfort. The push for sexual orientation and gender identity laws seems to suffer from a lack of necessity. What documented cases are there of otherwise well-qualified homosexuals denied employment or fired based solely on their sexuality? Are homosexual individuals or couples suffering from the inability to find housing in our city or being forced to pay above market rates to maintain adequate shelter? Does Daviess County have any public accommodations that openly ban homosexuals from their premises or prevent them from receiving service?

Reason 2 - Liberty Supersedes Fairness

A founding principle of our country is the right to life, liberty, and the pursuit of happiness. Liberty, by its very nature, is not compatible with coercion, and as a general rule, laws are enacted to prevent loss of our fundamental rights. The first amendment right to freedom of religion should be upheld at all costs unless such freedom results in the loss of life or liberty to another. This fundamental right must never be sacrificed on the altar of fairness, niceness, or preventing hurt feelings. As John Adams said, "Liberty must at all hazards be supported. We have a right to it, derived from our Maker." Despite the protests of the fairness ordinance advocates, this legislation poses a threat to religious liberty and freedom of conscience as demonstrated by the enumerable lawsuits resulting from such legislation (Baker vs. Hands on Originals, Klein vs. Oregon Bureau of Labor and Industries, Elaine Photography vs. Wilcox, etc.).

Reason 3 - The Fairness Ordinance Creates Moral & Religious Coercion

The proposed fairness ordinance with its language regarding public accommodations will inevitably lead to moral and religious coercion. Certain forms of service offered by businesses, individuals, or religious institutions can make such persons offering these services complicit in behavior they find morally objectionable. If they are compelled by law to engage in services which cause a tacit endorsement of morally objectionable behavior, their religious liberty has been compromised. As mentioned above, religious liberty should never be violated to avoid hurt feelings or embarrassment. A counter-example will suffice to make the point. If a gay individual in our community owned an internet marketing company, they should have the right to refuse service to an openly anti-LGBTQ religious institution who wants to create an anti-LGBTQ marketing campaign. This gay individual, by providing this service, would be complicit in actions he or she would deem morally objectionable. This freedom of conscience should be upheld at all costs. This fairness ordinance would allow moral and religious coercion, a much grosser injustice than limited cases of perceived unfairness.

Reason 4 -The Threat Of Frivolous And Burdensome Lawsuits

The final reason for objection is the potential threat and liability of frivolous lawsuits incurred by businesses. While the fairness ordinance makes provisions to eliminate such lawsuits and allows owners to be protected from acting against conscience, the ordinance places the burden of proof upon the business owner to defend his or her position. Such language creates a guilty until proven innocent burden upon businesses. The Lexington, KY company, Hands On Originals, was embroiled in a lawsuit for five years, spending untold amounts of money, defending their right to decline a service that made them complicit in supporting a message they disagreed with. A fairness ordinance made this lawsuit possible. The local businesses of our community do not need additional risks and burdens as they seek to provide jobs, goods, and services.

We appreciate your careful consideration of these reasons for avoiding this potentially harmful piece of legislation. We desire no ill will toward our neighbors, but realize fundamental disagreement on this issue will create strong emotions. However, we are convinced the cause of liberty, pursued in a spirit of charity, is a cause that must be defended. For the good of our community and the fundamental rights of its citizens, we request this legislation not be considered.

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| Pastor Freida Alexander | Pastor Daryl Allen | Pastor Jim Bob Allen |
| Pastor Tony Alvey | Pastor Larry Bidwell | Pastor Andre Bradley |
| Pastor Jimmy Bunch | Pastor Mike Cisneros | Pastor Patrick Donahue |
| Pastor Jamus Edwards | Pastor Greg Fauls | Pastor Jerry Ford |
| Pastor John Fowler | Pastor Brian Gibson | Pastor Tim Hall |
| Pastor Farrell Isenberg | Pastor Mike Jones | Pastor Carlos Lamar |
| Pastor Donna Lanham | Pastor Ethan Lyne | Pastor Garswa Matally |
| Pastor Dennis McFadden | Pastor Jeff Phillips | Pastor J.P. Sims |
| Pastor Scott Sims | Pastor Ben Stamper | Pastor Jerry Tanner |
| Pastor David Tucker | Pastor Paul Winkler | |

Pastor Fowler further stated, “At its core, there lies a variance in the defining of the word “discrimination”. If anyone denies a service to another out of anger, ignorance, arrogance, hatred, or vengeance, that is what I believe to be discrimination but, if someone withholds a service from another from a sincere religious conscious, that is religious liberty and religious liberty must be protected.

Judge Mattingly offered others an opportunity to speak. No further statements or comments were provided. He asked of those in the audience, “All of those in opposition to a fairness ordinance, please stand up.” It appeared that only 2-3 people remained seated while the rest stood up. It should be noted that the room was filled to capacity. Judge Mattingly concluded with, “Message received.”

The court thanked everyone for coming tonight and for their civil participation. They also thanked everyone who sent letters, emails, and made phone calls to the court regarding this issue.

Commissioner Wathen added, “I think that is enough. If you understand what I mean. If people want to continue that, that’s great. It is always good and important to hear from people.”

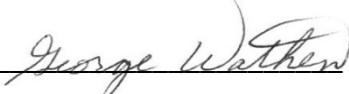
Comments:

Judge Mattingly held up a large platter from the Kentucky Association of Counties which named Daviess County as this year's recipient of the "Spirit of Kentucky Award".

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 21st day of November 2019.

Jennifer Warren, Daviess County Fiscal Court Clerk