

**Minutes of the November 21, 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.

\*\*\*\*\*

County Treasurer Jim Hendrix Presented the Treasurer's Report for October 31, 2019.

\*\*\*\*\*

Minutes of the November 7, 2019 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Wathen, 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; 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; County Clerk's Claim for Preparing Tax Bills 2019.**

**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 Kroger, the court considered for approval; Transfer a Generator to Whitesville Water Works.**

**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; Promote Ray Whistle to Road Department Senior Heavy Equipment Operator.**

**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:**

Tonight's meeting began with an estimated 300 community members filling the 2<sup>nd</sup> floor courtroom and hallway. The vast majority attended to display their support for a non-discrimination ordinance which would amend current local regulations to include, as a new protected class in Daviess County, "gender identity" and "sexual orientation" enabling equal rights and opportunities.

Tyler Shookman stated, "Thank you for giving me the opportunity to speak on behalf of my brothers and sisters in the LGBTQ community. At a very young age I knew that I was different and I struggled with who I truly was because of my Christian faith. I grew up in the church and lived a double life into my early 20's. I remember as a kid sitting in church listening to my pastor say, "homosexuals are going to burn in hell for eternity" ... I sat in that pew absolutely crushed ... I was scared, alone, and had no one to talk to about what I was going through in fear of being disowned. I would pray myself to sleep and was to the point in my young life where I contemplated suicide. It wasn't until my best friend's dad, Mark, reached out to me and witnessed to me with his own story. Mark was told by his pastor that if he got married and had kids it would take away his "homosexual feelings" ... well guess what? It didn't. Instead, he was now a married man with kids living a lie. He learned a very tough lesson and taught me that what I was feeling is okay, and that God loves me unconditionally. I can honestly say, if it wasn't for Mark, I wouldn't be here today. I have finally come to terms with who I truly am and live a life as my true authentic self, saved by grace. The only choice I made was to be honest with myself, and the people I love. I absolutely love Owensboro. Our city has come so far, but not quite far enough. Unfortunately you have refused to protect all of Daviess County residents from discrimination. Currently sexual orientation and gender identity are left out of our civil rights protections. This is an utter disappointment to all of us and a complete failure of our local elected officials. I don't want the city I love to be known as a city of hate and discrimination. I firmly believe that one day all of us will live in a city that protects all of its people from discrimination. The future of Owensboro is much brighter than the reality is right now. I believe in an Owensboro where who you love is NOT a deciding factor in whether or not our city will protect you from discrimination. I believe in an Owensboro where a child doesn't have to go to school in fear of being bullied, humiliated, or discriminated against because they are gay. Owensboro's future should be one where all people, regardless of their differences can live, work, and learn in an environment free from discrimination and harassment. 15 other cities in the state of Kentucky have passed similar ordinances protecting all of their citizens. It's disheartening to know

that I can be fired, denied service and housing for being gay in the 4th largest city in Kentucky. Just under 5,000 people have signed our local petition in support of a non-discrimination policy and we aren't going to back down. Instead of burning bridges with people in the LGBTQ community, we have an opportunity, right here, right now to build bridges of unity between groups of people who have never been connected before. I pray, that God will open your hearts and minds. It's time to do the right thing. Do this for the future of Owensboro, Daviess County!

Judge Mattingly stated, "Those were some powerful words. Thank you, Tyler."

Commissioner Wathen read the following prepared statement: "Some individuals have asked me how I know how I will vote, when I have not read the ordinance. First off, we have been studying a draft ordinance for a while. I think most of you either have a copy or have access to it. The draft was given to us by Claud Porter, our County Attorney. As I studied the draft a couple of things became obvious to me. First, probably most cities who passed a "Fairness Ordinance" used pretty close to the same language, with a little tweak here and there. Everyone wants to write the perfect ordinance. The theory being that they can take care of all objections, and so it will pass. Secondly, and the most important thing that I considered, is that this ordinance is really not about the words that are used in it. This decision is absolutely not about semantics at all. It is about a larger philosophical question! Also, I believe everyone in this room knows that fact to be true. On one side, there is a group that I will refer to as the Religious Conservative. They are convinced that if this law is passed, their Religious Liberties and Freedom of Conscience will be eroded. They believe that this is a slippery slope and it causes them much concern. On the other side the LGBTQ+ community wants the Fairness Ordinance to pass, so as to forward their agenda. They would like everyone in the community to affirm that the LGBTQ+ community and their lifestyle is accepted here in Daviess County. To me the most important thing is how are the members of the LGBTQ+ community actually being treated. Quite frankly, I am a little confused on how people believe that if Daviess County Fiscal Court votes and passes this ordinance, that all of a sudden no one in Daviess County is going to be prejudice and everyone will all of a sudden be fair. I guess, I also do not understand how people believe that this demonstrates the opinion of the 102,000 citizens of Daviess County. Since I know how I will vote and I firmly believe that the ordinance is not going to pass, I believe that we owe it to the people of Daviess County to let them know as soon as possible. My intention is to eliminate any false hope. Now I am going to attempt explaining why I am against this ordinance. As I have stated, I do not believe you can legislate fairness and I do believe that when you pass a new law, there are always unintended consequences. Honestly, I am not sure what the definition of the LGBTQ+ community is. It seems to be very fluid. It seems like the way you get in it is to declare yourself a member. There is no scientific way to prove you are a member or not. We know that some people join the community and some leave it. It is my understanding that there are 21 official genders in New York City, and over 58 genders, reported by ABC News, that are used on Facebook. This uncertainty would make it very difficult to enforce. As I stated, any time a new law is passed, there are unintended consequences with unforeseen ramification. An example would be if we inadvertently limited the liberty of an organization, a business or a private citizen to exercise their religious liberties and freedom of conscience. Remember, there are always two sides to every story. I believe that the Religious Conservatives in this country are constantly being told what they can say and do. They are being forced to do things that are against their personal religious beliefs. If they step out of line or say the wrong thing, their business may be shut down, or they could suffer an expensive law suit. To be able to have a moral argument is being taken from them. Specifically, they will be told that they are using hate speech and probably told that they are a bigot. It seems like a lot of people like to call other people, bigots. I would say that there is a good chance that those who oppose the fairness ordinance would, at some point, be forced to do things that demonstrate that they are approving same-sex

behavior that is against their moral convictions. Some examples already exist; cake makers, florists, t-shirt companies, Christian athletes, county clerks, Chick-fil-A, female athletes, catholic social services and even an NFL quarterback, Drew Brees, who was chastised after doing a 30 second commercial recommending kids bring their bibles to school on a bible day. In quite a few of the letters I received, different people talked to me about Jesus Christ and what they believe He would do. I too have a thought on what He might say or do. I feel confident that Jesus would say, "Love God with all of your heart and love your neighbor as yourself." I believe that we must always do that! However, sometimes loving someone gets a little tricky. To truly love someone, you must tell them the truth. I read online the other day, what the writer referred to as the perfect quote. "Love without truth, is hypocrisy, and truth without love, is brutality." After Jesus saved an woman from being stoned to death, He did not just pat her on the back and say have a nice day. He said, "go and sin no more." He drove merchants from the Temple with a whip, which He wove with His own hands. He told them the truth. I believe that Jesus might also tell us, moral truths never change. Let me say that again. moral truths never change. They won't change if the majority says they should, or if the polls read a certain way. Also, they will not change if the members of this court pass a new ordinance. Another risk of this ordinance is that it will cause division in this community. I can already see that happening. If passed, people will immediately begin testing to find the boundaries of the rules and regulations. There will be lines drawn and people who were naturally fair will only follow the law. There will probably be more law suits. People will do things they wouldn't have done. Decisions will be made for the wrong reasons all because of the ordinance. I firmly believe we need to end this discussion and put it to rest so our citizens can move on. To do anything else would not be prudent. It would just prolong the inevitable and continue to give people a false impression that if we just keep talking about it and massaging the words, somehow it will pass. I am asking that we end this fiasco, by doing one of two things. Either declare the ordinance dead on arrival. Or, put the ordinance up for a vote. One or the other. Either way, we can stop the tension and move on to other business."

Judge Mattingly stated, "Commissioner, I hear your call and since it is in my purview to put things on the agenda and to continue to allow discussion, I am not going to do what you have asked. Secondly, there are a lot of things that you have brought up that I agree and disagree with. I think if we avoided all of the things that are divisive in this community that we would still have segregation and all of its inequalities. I also believe women would not be allowed to vote in elections if we didn't discuss these issues that we disagree on. Discussion brings a community together and we need to be finding commonality instead of divisiveness. So, this discussion will continue and it will be good. However, I ask that the discussion not be at the next fiscal court meeting so we may work on preparing an ordinance proposal."

Judge Mattingly read a number of community support letters he recently received. These letters all detailed numerous discrimination situations all occurring in Daviess County due to being "different". As he did during the November 7<sup>th</sup> court meeting, he invited all those in support of a fairness ordinance to please stand. Except for +/- 6 people (excluding staff), the room came to their feet. He further asked who in the room identified as straight and supports a fairness ordinance. Approximately, 1/3 of the room stood. He asked if other members of the court wished to respond.

#### **Comments by Daviess County Fiscal Court:**

Daviess County Fiscal Court elected officials will meet from 4:00 pm to 5:00 pm on Dec. 5, 2019, for eMeetings Training (new software) in the Daviess County Courthouse, Courtroom.

\*\*\*\*\*

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 5<sup>th</sup> day of December 2019.

\_\_\_\_\_  
Jennifer Warren, Daviess County Fiscal Court Clerk