

**Minutes of the April 2, 2020  
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**

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

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The meeting opened in Prayer and the Pledge of Allegiance to the Flag.

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Following the CDC's recommendations, tonight's meeting has been limited to court elected officials and specific personnel but has been made available to view live on the county's Facebook page. For public participation in this meeting, citizens were instructed to either text in their questions to the County Attorney, cell number was provided, or post them to the live stream on Facebook.

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Judge Mattingly proclaimed April 3, 2020 as Arbor Day.

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By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Minutes of the March 19, 2020 Court Meeting.  
**The vote was called and with all present members voting in favor, said motion passed.**

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By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; All Claims for All Departments.  
**The vote was called and with all present members voting in favor, said motion passed.**

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By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; MOA and Affidavit regarding the Detention Center's JSAP Contract.

Judge Mattingly stated, "This is to provide substance abuse programs to inmates at the detention center. The cost totals \$523,600 and will be split into two payments; first for \$361,350 and the second for \$162,250. This is similar to last year's MOA and cost."

**The vote was called and with all present members voting in favor, said motion passed.**

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By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; **Resolution 12-2020** - KY Office of Homeland Security (KOHS) Cyber Security Grant Application for \$20,000 for the Daviess County Sheriff's Office.

**The vote was called and with all present members voting in favor, said motion passed.**

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By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Solid Waste Disposal Interlocal Agreement Addendum with the City of Henderson.

Judge Mattingly explained, "What this adds to the current contract is for our landfill to receive Henderson's CD&D material."

**The vote was called and with all present members voting in favor, said motion passed.**

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By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Accept petitions to discontinue a portion of Old Ben Ford Road and a portion of a 12-foot Public Alley paralleling Church Street and to Appoint as Viewers Daniel Castlen and Wade Baker.

The first petition states, "Old Ben Ford Road, beginning at KY 1207, extending northeast for an approximate distance of 0.148 miles (described in plat book 21, page 204). This public road is no longer used by the general public; the county provided no maintenance or policing within the last 3 years and the road poses an unnecessary expense to the county taxpayers." Per petitioner, in this case is the County Engineer Mark Brasher, recommends and requests the discontinuance of said portion of road."

The second petition states, "We, the only affected property owners, Monty Parrish for Agri-Holdings LLC and Jake Conder, request that an unnamed alley paralleling 250 Church Street in Stanley, Kentucky to be discontinued. Said alley begins at the CSX railroad and ends at the adjoining property owned by the requesting petitioners."

**The vote was called, Commissioner Castlen abstained, and the remaining present members voted in favor, said motion passed.**

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By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval; Award the following:

- **Bid No. 10-2020:** One (1) New Rescue Boat to Finley Fire Equipment for \$30,000
- **Bid No. 11-2020:** Metal Building Roof Replacement to Jaipax LLC for \$8,350

**The vote was called and with all present members voting in favor, said motion passed.**

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By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Appoint Phil Haire #4.1.2020 (Suzanne Cecil-White served a partial term) to the West Daviess County Water District Board TERM: Immediately – 1/17/2023.

**The vote was called and with all present members voting in favor, said motion passed.**

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Promote Jared Mattingly to Solid Waste Heavy Equipment Operator.

**The vote was called and with all present members voting in favor, said motion passed.**

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By a motion of Judge/Executive Al Mattingly, seconded by Commissioner Koger, the court considered for approval; **Second Reading of KOC 113.00(2020) 03-2020** – An Ordinance Amending the Daviess County Code of Ordinances, Adding a New Section to Title 11, Chapter 113, Regarding Discrimination in Housing, Public Accommodations, and Employment.

**Comments:**

As reported via Facebook live, the live stream audio is working for some, not for others. Judge Mattingly apologized for the technical difficulties some are experiencing and encourage users having trouble hearing to access another device if possible.

Commissioner Wathen explained, this issue is not simple; it is complex and multi-dimensional. Negative consequences will follow if passed; some obvious and some not.

Commissioner Koger acknowledged that this issue has been difficult for many, including him. He stated, “I believe the LGBTQ community just wants equality. The Lord will pass judgement on our actions in His own way.”

Judge Mattingly stated, “A lot of the things I have heard over the past several months, and as a matter of fact, the emails and phone calls I have gotten here in the last few days, people were just wanting to make sure that I understood that they were opposed or in favor, and believe you me folks, I understand both sides. One of the concerns has always been the impact on businesses. It appears that everyone out there believes that if this ordinance passes, there will be a rush to all of the local attorneys so much so that we will have to call that non-practicing attorney back from the bullpen. Yesterday, I talked to J.D. Chaney who is now the CEO of Kentucky League of Cities (KLC). I asked if he would check with all those folks who have passed a nondiscrimination ordinance over the ages and tell me, with the exception of Louisville and Lexington because they have been there since 1999, how many lawsuits have been filed by the LGBTQ community against businesses and the answer came back, of those who responded to him, and quite a few, most of them did, the answer was zero. So there have been no lawsuits, there was no rush to take advantage of this. During that same time period, I often got emails from folks who would talk about how it infringed on their religious freedoms or how it infringed on their First Amendment freedoms. As a matter of fact, there was an article in Sunday’s Messenger-Inquirer that talked about that very infringement, and if Congress may make no laws, then how in the world can fiscal court make laws? The answer is simply, and I’m looking at Claud, but I know his answer is that we cannot. We cannot make any law that is unconstitutional and if nondiscrimination ordinances as have been passed throughout the state by 20 communities, I guess now, infringed on those rights, don’t you

think somebody would have taken it to the Supreme Court? The answer is, they have not. Now, there have been issues taken to the Supreme Court but not... Over the length of this debate, I have been asked, what changed your mind, what made you such a supporter and what makes you believe we need an ordinance? I have given several reasons but if I laid to rest all the emails and the letters I got that would be one thing but after thinking about it long and hard, I want to best summarize and explain my position.” About 2 months ago, in an email response relating to the ordinance and a Messenger-Inquirer article about the same, I wrote, “I enjoyed your recent article. As the oldest of 12 children, it was my responsibility that I set a good example, that I watched over each one of my brothers and sisters, and that I protected them from harm. I took that task seriously. That is just what big brothers did back then and I hope they do that today. I guess I am telling you this because that article reminded me of why I served in local government for, for almost 20 years. That is what my community responsibility is. Meaning, it is to watch over those who are marginalized, those who are taken advantage of, and those who are vulnerable and bullied. If we finally realize that this is our community responsibly, we will be a better community for everyone. For even when one of us suffer, is denied equal opportunity, we all suffer.”

**The vote was called for the passage of the ordinance. Judge Mattingly and Commissioner Koger voted in favor and Commissioners Castlen and Wathen voted in opposition; motion failed.**

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**Comments:**

Judge Mattingly assured all citizens that live streaming technical issues will be corrected by the next fiscal court meeting or he noted, those responsible may be looking for a new job.

All Commissioners supported Judge Mattingly’s suggestion to move the 4/16/2020 regularly scheduled fiscal court meeting to 4/23/2020, 5:00 pm. This meeting follows the 3:00 pm Budget Work Session.

Commissioner Castlen stated, “There were some people in our community slow to embrace the reality of this virus and perhaps that is why locally, we are having as many cases as we are having but it is real, folks. I encourage all of you to believe that. If we don’t step up and do the hard things as our President has said, we may be at this even longer. Another thing I would encourage you to do is to reach out to anyone you know is living alone, elderly or not, and check in on them, connect with them, ask how they are doing. Particularly during this stressful time, we need one another.”

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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 April 23, 2020.

A handwritten signature in cursive script, reading "Jennifer Warren". The signature is written in black ink and is positioned above a horizontal line.

Jennifer Warren, Daviess County Fiscal Court Clerk