

**Minutes of the October 20, 2022, Daviess County Fiscal Court Meeting
Held at the Daviess County, Kentucky Courthouse
Present elected court officials: Judge/Executive Al Mattingly and County Commissioners
George Wathen, Charlie Castlen, and Mike Koger.**

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

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

Judge Mattingly Proclaimed October 2022 as Domestic Violence Awareness Month.

County Treasurer Jim Hendrix presented the Treasurer's Report for September 2022.

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; Minutes of the October 6, 2022 Court Meeting.

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

By a motion of Commissioner Koger, seconded by Commissioner Castlen, 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.

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Daviess County Search and Rescue (DC-SAR) Order of Affiliation Agreement.

Judge Mattingly: This annual agreement establishes a contractual relationship between DC-SAR and the government and outlines each party's obligations.

Commissioner Wathen: I want to thank DC-SAR volunteers for the work they do. What they do is amazing.

Commissioner Castlen: I agree with Commissioner Wathen. As recently witnessed, their demonstration of what they do was impressive. It is important that they and their animals be able to locate someone who has wandered off or gotten lost, and it is amazing that they do this voluntarily.

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; White Flag Agreement for Winter 2022/2023.

Judge Mattingly: This annual agreement between the City of Owensboro, DCFC, and Daniel Pitino Shelter is from Nov. 1, 2022 through March 31, 2023. The Pitino Shelter agrees to house those in need by providing them with food, shelter, and a place to sleep. The city and county reimburse the Pitino Shelter a nightly rate of \$350, which each legislative body splits equally. Judge Mattingly said, "We're going to save about \$13,000 a year primarily due to the security that we were providing."

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

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Facility Use Agreements with St. Martin Parish Center, St. Mary Magdalene Church, Owensboro Christian Church, Legacy Church, and Third Baptist Church.

Assistant County Treasurer Jordan Johnson: These are standard facility use agreements, which the Daviess County Clerk's office will use for the 2022 General Election.

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

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; **Award Bid No. 2223-25:** Kirtley Annex Storage Room Project (County Attorney) to Lanham Brothers General Contractors.

Mr. Johnson: We received two bids ranging from \$10,980 to \$19,575 and recommend the lowest and best evaluated bid submitted by Lanham Brothers General Contractors for \$10,980. This is a budgeted project. The dates they presented for work can be accommodated by the office. There were no exceptions and I recommend approval.

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

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Promote Ron Whitworth to Solid Waste Heavy Equipment Operator eff. Oct 21, 2022.

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

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; Accept the Retirement Resignation of EMA Deputy Director John Clouse.

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

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Accept the Retirement Resignation of Heavy Equipment Operator Kelly Thomas.
The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; **Second Reading of KOC 150.14 (2022)** 12-2022 – An Ordinance Repealing And Replacing KOC 150.12 Relating To A Special Transient Room Tax For The Sole Purpose Of Meeting The Operating Expenses Of A Convention Center.

Comments:

County Attorney Claud Porter: The state allowed or permitted a statute change allowing us to secure funds from Airbnb’s and others who arrange for short-term tenancies. Without this they were saying that they would not respond to us and would not agree to provide the tax. The easiest solution was for us to redo and/or amend our current relative ordinances and incorporate all of the latest statute changes that allow us to collect taxes from those other entities.

Commissioners Castlen: Does this cover the next, new technology that does not currently exist?

Attorney Porter: It does not. It does make it broader, but if and when that occurs, we may have to revisit this again. As long as there is a brokerage arrangement between the provider of the facility and the broker then we can collect from the broker such as Airbnb or VRBO. We do not collect from the individual renter.

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; **Second Reading of KOC B.52 (2022)** 13-2022 - An Ordinance Of The County Of Daviess, Kentucky Amending KOC B.48 (2012) Which Authorized The Issuance Of General Obligation Refunding Bonds, Series 2012B (Transient Room Tax Supported Project) In Aggregate Principal Amount \$1,910,000 To Reflect The Additional Revenue Sources Authorized In KRS 91A.390.

Comments:

Attorney Porter: This one is an amendment as it deals with a revenue bond ordinance. Rather than having to consult with bond counsel, we decided to only change one section in this ordinance that said from whom (broader collection agents) and what money we collect.

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

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; **Second Reading of KOC 150.15 (2022)** 14-2022 - An Ordinance relating to the Owensboro-

Daviess Convention and Visitors Bureau and Transient Room Tax (As Amended by KOC 150.1/R.2 and KOC 150.4 and KOC 150.12).

Comments:

Attorney Porter: This one is just like the first one. We're just repealing and then replacing it with this new one, which allows us to collect from campgrounds, tourist spots, Airbnb's, and other brokerage firms.

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

No other business was brought before the Daviess County Fiscal Court.

Public Comments:

Carpenters Lake resident Mark Johnson submitted a petition to the court requesting they make public Southgate Drive, which, since 1940, has been private. He explained that the gravel road has historically been taken care of the drive's residents. According to his calculations, annually, Southgate Drive residents pay \$18,000 in county property tax. He explained that the drive does need some repairs such as fixing potholes and is hopeful that the county can take the road over and properly maintain it for the county residents who live there. He noted that the residents are not asking for any modifications such as road widening. Residents are just getting too old to continue to physically maintain it themselves and need assistance. He expressed appreciation for the court's consideration. The petition was given to the County Attorney and it will be distributed to the court.

Judge Mattingly: We accept your petition and will take it under advisement.

Comments by Daviess County Fiscal Court:

Commissioner Wathen: On Wednesday, the county will host a surplus auction at the Operations Center.

Judge Mattingly: An appeal has been filed regarding property on Highway 144. This one is kind of special as it deals with split zoning. One part of the property was R1A and the other A-U and OMPC doesn't like split zones. As a matter of fact, I think they had two others that combined under one zoning and there were some folks that were there arguing against doing that rezoning, but their argument really had to do with the conditional use permit. Everything that they were arguing against would need to be addressed by filing a conditional use permit. The court will hold the First Reading of the ordinance relating to this appeal on November 15 and the Second Reading on December 1. Typically, we review the record, hear from both sides, and then make our decision, but this is just a combining of two zonings into a single property. I suggest that we review the complete record and since the appellant's arguments really need to be made at a conditional use hearing, and I'm not sure there will be one, can we make our decision without holding an argument hearing?

County Attorney Porter said they could.

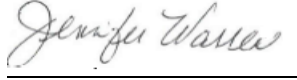
Without objection, Judge/Executive Mattingly adjourned the meeting.

SO ORDERED THAT COURT STAND ADJOURNED.

Judge-Executive Al Mattingly  Commissioner Charlie Castlen 

Commissioner Mike Koger  Commissioner George Wathen 

I, duly appointed Daviess County Fiscal Court Clerk Jennifer Warren, hereby certify that the above corresponding Order Book minutes were approved by the court on November 3, 2022.



Jennifer Warren
Daviess County Fiscal Court Clerk