

**Minutes of the March 23, 2023 Daviess County Fiscal Court Meeting**  
**Held at the Daviess County, Kentucky Courthouse**  
**Present elected court officials: Judge/Executive Charlie Castlen and County Commissioners**  
**Janie Marksberry, Christopher Castlen, and Larry Conder**

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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 by Commissioner Castlen and the Pledge of Allegiance to the Flag.

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Judge Castlen took a brief recess to conduct a Daviess County Public Improvement Corporation meeting. Upon that meeting's adjournment, he reopened the court meeting.

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Owensboro-Daviess Co. Convention and Visitor's Bureau Executive Dir. Mark Calitri gave an agency report. He reported that local tourism in 2022 was a success. He noted, the board developed strategies and created five pillars of success, which represent the top opportunities for maximum economic impact and are as follows:

- 1- The Bluegrass Music Capital of the World - Mission Accomplished and Ongoing
- 2- Expand, Improve, and Enhance the Overall Visitor Experience - Ongoing Success
- 3- Expand, Improve, and Enhance the Economic Impact of Bourbon Tourism - New Pillar
- 4- Owensboro Convention Center - Mission Accomplished and Ongoing
- 5- Indoor Sports - Mission Accomplished and Ongoing

He added, Daviess County set an all-time hotel occupancy record at 59% with the average rate up over \$102. Rates saw a 16% increase compared to 2021. The Convention Center set new performance standards, and for the first time did not require a city subsidy. The Green River Bourbon Distillery tourism visitation increased by 34%. Tourism brings people into the community to spend money locally, which creates a significant economic impact. In 2023, we received ARPA funding to help the tourism industry recover. This will help us continue expanding on the successful 2022 economic impact. Our board has set an expectation for us to use these funds to create a 300% to 400% return and we plan to deliver. As announced this week, out of over 3,000 counties, Daviess County was selected to host "The Great Race". He also detailed other exciting tourist attractions scheduled for this year. He noted that of the \$5 million ARPA funds they received, those dollars are specifically grant-allocated to be used in specific ways. This money can only be used for meetings and conventions within 5 identified locations, which include the RiverPark Center, Owensboro Sports Center, Convention Center, Bluegrass Music Museum Hall of Fame, and local outdoor sports facilities.

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Judge Castlen Proclaimed April 7, 2023 as Arbor Day.

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Treasurer Jordan Johnson presented the Treasurer’s Report for February 2023.

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By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; Minutes of the March 9, 2023 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 Conder, 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.**

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By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; **Resolution 05-2023** and to Apply for CDBG Funds to Assist Habitat for Humanity with a Building Project.

David Smith: Last year, we granted \$1 million to Habitat for Humanity. We then became aware that they could also apply for a CDBG grant to help develop their first subdivision. This is just another step in the process of their application for those CDBG funds.

**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 Marksberry, the court considered for approval; **Resolution 08-2023** - House Bill 1 County Clerk Election Equipment Grant.

County Treasurer Jordan Johnson: This required resolution relates to the county’s reimbursement for the voting system purchased in October 2021. Following this, the court will receive and ultimately approve a reimbursement contract to obtain those funds.

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

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By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Resolution 09-2023** and Grant Assistance Agreement with KIA and the Commonwealth of Kentucky for the Jack Hinton Road Water Main Project.

Treasurer Johnson: The Kentucky Infrastructure Authority (KIA) has awarded the remaining \$1.05 million for the Jack Hinton Road Water Main Project from the Cleaner Water Program Grant. This resolution affirms the court's approval and designates the authorized official for the project. The accompanying

grant assistance agreement lays out the responsibilities of each party. GRADD is administering the grant, and Fiscal Court will be the fiscal agent of the funds.

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

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By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; MOA with the Commonwealth of Kentucky, Office of the Governor, Department for Local Government, Office of State Grants, to Establish an Agreement for E-Poll Books.

Treasurer Johnson: This MOA relates to reimbursement for the E-Poll Book system for the Daviess County Clerk's Office. Once approved, DLG will reimburse the court the amount we paid for a total of \$120,420.

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

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By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; MOA with the City of Owensboro and Daviess County Public Schools regarding Funding Juvenile Drug and Mental Health Court.

Judge Castlen expressed appreciation for all who worked to make both the Juvenile Drug and Mental Health Courts possible.

Commissioner Conder asked if the city school system was included. Judge Castlen said that the Daviess County Public Schools serve as the program's administrative agent and, yes, it includes both city and county.

**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 Conder, the court considered for approval; MOA with the Commonwealth of Kentucky, Justice and Public Safety Cabinet, Office of the Secretary, Office of Drug Control Policy to Establish an Agreement for the Daviess County KY-ASAP Local Board.

Treasurer Johnson: The state approved the local ASAP Board's 2023/2024, \$20,000 budget. The court acts as the fiscal agent for these funds.

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

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By a motion of Commissioner Marksberry, seconded by Commissioner Conder, the court considered for approval; Employee Assistance Program (EAP) Services Agreement with Owensboro Health, Inc.

Treasurer Johnson: This is our annual agreement for EAP services available to all Daviess County Fiscal Court employees. There are no changes to the services offered but the agreement has a rate increase of \$0.50 per employee, per year, which keeps the total expense within our expected range.

**The vote was called and with all present members voting in favor, except for Commissioner Castlen as he abstained, said motion passed.**

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By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; Detention Center Retention/Recruitment Incentive Pay Adjustment Eff. 3/19/2023.

Treasurer Johnson: The Daviess County Detention Center is currently down 17 full-time positions and 1 part-time floor deputy. The lack of staff is resulting in overtime for the remaining employees and causing jail management significant scheduling issues to maintain full shift coverage. To address the retention of existing staff, Jailer Maglinger requests an early application of the 6.5% COLA that would have been applied in FY 23/24 and an 8.5% adjustment to current salaries. To address recruitment for vacant positions, jail management requests approval of the presented starting salary schedule, which results in a \$1.50 per hour increase for hazardous deputy jailers, and a \$2.30 per hour increase for non-hazardous deputy jailers. The impact of this decision for the remainder of this fiscal year would total approximately \$142,000, and upon review, adequate funds remain in the jail fund to cover the expense. This adjustment would be made effective 3/19/2023, to align with the current pay period.

Commissioner Conder: Jail staffing is an issue that needs continued attention. I hope this increase will help address and begin correcting this issue. He stated, "subsidies continue to rise, and you can't get employees... and being able to take care of our citizens, especially those that are incarcerated, in the right way, needs to be paid attention to."

**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 Marksberry, the court considered for approval; Reject **Bid No. 2223-50**: One (1) New or Used 1-Ton Chassis Cab (Transfer Station).

Treasurer Johnson: This re-bid was to replace the mechanic vehicle that was totaled during a break-in/theft incident at the Transfer Station. The delivery estimates for 1-ton vehicles are far outside of the range deemed acceptable to Transfer Station management, which is currently projected to be mid to late 2024. In light of this, Transfer Station management believes the county would be best served by pursuing a bid for a smaller unit that will meet their needs and can be delivered in a reasonable timeframe. We recommend rejection of all bids.

**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 Marksberry, the court considered for approval; Award **Bid No. 2223-52**: Two (2) New Community Notification Sirens (EMA).

Treasurer Johnson: This bid is for the provision and installation of two (2) new community notification sirens, one to be placed at the Thruston-Philpot Volunteer Fire Station and the other at Timber Trail. We received two bids and recommend the lowest and best-evaluated bid submitted by Ohio Valley 2-Way Radio for \$60,589.79. There were no exceptions to our specifications, and this is a budgeted project.

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

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By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; Reappoint Jordan Johnson (SPT) to the Industrial Dev. Authority Bd. (4-Yr. Term) Eff. 4/9/2023.  
**The vote was called and with all present members voting in favor, said motion passed.**

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Treasurer Johnson presented the **First Reading of KOC A.102.01 (2023) 02-2023** - Budget Amendment #1.

Treasurer Johnson: This budget amendment is to reflect the reimbursement of voting equipment from the State Board of Elections for \$303,500, and the funds resulting from the KIA grant assistance agreement for \$1,050,000 for the Jack Hinton Road Water Main Project.

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No Other Business was brought before the Daviess County Fiscal Court.

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**Public Comments:**

Jerry Chapman of 2601 Elwood Court introduced his organization, the Citizens for Decency, and noted that they were formed because of the drag shows at the RiverPark Center but are not a single-issue organization. He stated, "We exist in order to give a more frequently neglected segment of our society a voice, Christians. Our motto is, many houses, one voice." He said the organization currently represents 47 churches of various denominations. He stated, "Citizens for Decency intends to be a unified voice in all arenas of society." He said, "Issues that are important to our members are measured against the word of God and constitute our mission, and seeing God's will done is our goal." He further stated, "So believe it or not, we are here to help. If you lead with God at the forefront of your decision-making process, we will be your best friend. We will do everything we can to help you." He introduced the board of directors, "Catherine Crowe our co-founder... John Fowler, local pastor, highly respected gentleman. George Wathen, Sandy Spady, Tina Myers, Donna Lanham, many of you may know, Jerry Ford and Jordan Chrysler, both pastors here locally. Some of the finest Christians you'll ever want to meet. Among those names of course are pastors, businesspeople, activists, former politicians, accountants, nurses, retired teachers. We come from all walks of life. We are Catholic. We are Baptist. We are Christians, first and foremost. Like any other group of diverse people, we have our differences, but we recognize the problem and we have come together as Christians to oppose those issues. We are a 501(c)3. We have money in the bank... We are not going anywhere. Last week, our state legislature made it clear that they believe this is a local issue and they have told us we must look to you for answers. Like it or not, this is going to have to be dealt with right here. If the RiverPark is not going to stop, or I should mention the Convention Center as well, is not

going to stop on their own, we, collectively are going to have to stop them, and the only way that happens is to amend county adult entertainment ordinances. Every part of our society is regulated... There's nothing in our lives that isn't regulated in some way." He noted that our homes, cars, insurance, healthcare, and food are regulated but added, "yet somehow, they'd like you to believe that regulating drag shows is an infringement upon their First Amendment rights. I'm here to tell you right now if you walk into the Ghostlight Lounge Saturday evening when they will be doing another of those disgusting shows, you will find people of all colors, straight, gay, makes no difference. So, for them to say that regulating drag shows is an infringement upon their First Amendment rights, the First Amendment rights of the LGBTQ community is disingenuous. It is no more an infringement upon their rights than regulating strip clubs is an infringement upon young women's rights. It is just a fallacy." He explained, "Since the city repealed their adult entertainment ordinances in 2008, that regulation, like it or not, falls to you. Tonight, I'm asking one more thing. Amend your adult entertainment ordinances. Regulate drag shows the same way you already regulate other adult entertainment in this county." He concluded by inviting all to a Citizens for Decency hosted prayer service this Saturday at noon to pray for the city and county and, as he stated, "all of our leaders and the misguided people who have brought us here today."

Philpot resident Darren Tapp announced that on June 10<sup>th</sup> a flat tract motorcycle race will be hosted at the Daviess County Fairgrounds. All proceeds will benefit the Nikki Hayden Memorial Foundation. He then addressed a grievance. He stated, "I want to make it very clear. I am not speaking in my official capacity as the Vice Chair of the Republican Party tonight. I am speaking as this man's friend, as his neighbor, and he could not make it tonight. He asked me to speak on his behalf." He attempted to address a certain member of the court but was interrupted by Judge Castlen who redirected him by stating, "I'm going to ask you to address the chair and not a specific person." Mr. Tapp continued, "Okay. I am... very upset with the fact that... on their County Commissioner's page on social media, a video was made of a man's property (the person for whom he is reportedly speaking) and the animals on his property, and it was grossly misrepresented. It was slanderous, and there was also a very nasty threat made in this social media post. Animal control has been out to the man's property. These allegations were categorically false. There were no violations - zero. The man works for me, he is my employee. He just, in the big windstorm on the 3<sup>rd</sup> lost his home. A giant tree on his property fell on his house, caved in the side of his house, and his roof had him and his wife pinned in their house. They had to be cut out by the local fire department. They are lucky to be alive today. Their property flooded approximately six feet deep. Their property is adjacent to Panther Creek." He continued, "One of the things that upset me the most is, I represent thousands of people. I'm the spokesperson for thousands of people in this community. I threw myself and my reputation behind actually every single one of you sitting up here today. I wanted every single one of you in the positions that you are in, and I, we, will not tolerate you guys using your elected office to personally go after and attack citizens of this community. We put you in this position to protect us from our federal government - the overreach, the targeting of people by the government, that's going on. We see it with our 45th president every day. It is going on in our government (and it) has been turned against its own people in so many cases. It's so egregious. We need you guys to be the buffer between us. We need you guys to protect us. We are your citizens. We put you in charge... We need you guys to represent us... represent our will, okay? And please don't ever attack our citizens in that fashion again."

Whitesville Mayor Patsy Mayfield invited all to the new Whitesville Sheriff's Office during their ribbon-cutting ceremony at 10:00 AM on April 15.

Last October, Southgate Drive resident Mark Johnson presented a petition, which he noted contained 17 signatures of residents who annually pay \$18,000 in county taxes, and who desired the county to take over the maintenance of their drive. At that meeting, he explained that these residents would be satisfied

with the county simply grading, rolling, chipping, and sealing it and adding gravel when needed. However, if the county took the private drive into the county road system, the county, at some point, could asphalt it, which may raise their property taxes to help offset those road improvement costs. Following that meeting, he was told that additional signatures were needed and per a letter sent to him from County Engineer Brasher, for the drive to meet the county's requirements to be considered a county road, certain physical and material road criteria were first needed to be made. Tonight, Mr. Johnson presented a second petition with all but one of the additional requested signatures. He noted that due to the limited roadbed size and other impossibilities, which prevent the drive from ever meeting the detailed prerequisites, he repeated that residents would again be happy with the county's help in having the drive graded, rolled, chipped, and sealed, and when necessary, adding gravel. He went on to add stating, "and, ideally, blacktopped." He does not want this issue to die and asked what the next steps are.

The County Engineer will receive the petition and Judge Castlen stated, "I will be back in touch with you."

Andy Gamblin expressed concern for the community's youth. He appreciates what the court is doing regarding the Juvenile Drug Court. He condemned the city for voting in support of allowing the sale of alcohol on Sundays. He believes we are losing kids to alcohol and the city is promoting alcohol. He stated, "I thank the Lord because the churches are taking the stand against the sin." He discussed the LGBTQ's agenda regarding the youth that is backed by Antifa. He stated, "We need your help to stand up for the evil that's in our city... I'm just asking... we all stand up and do the right thing." He also expressed disappointment with the loss of the mall.

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**Comments by Daviess County Fiscal Court:**

Commissioner Marksberry thanked those that came out and spoke tonight. She stated, "We hear you. We appreciate you, and whether it was directed against me or for me, I appreciate it."

Mr. Conder: This summer, we celebrate 50 years of our valuable volunteer firefighters. Daviess County's volunteer firefighters are becoming increasingly difficult to recruit and retain and those that remain should be recognized and appreciated. Reid's Orchard celebrates their 150<sup>th</sup> anniversary this year - a six-generation legacy farm. Event notifications celebrating both anniversaries will be forthcoming. He suggested, "We could take the fireworks that we do on Labor Day and go to the east side and maybe celebrate Reid's Orchard." Lastly, he mentioned this week being Ag Literacy Week, and elected members of the court have been recognizing it by reading "I Love Strawberries" to elementary school students. He said it has been a real joy.

Judge Castlen agreed, noting that he read at Sorgho Elementary today.

Commissioner Castlen reminded all of the free paper shredding event set for March 31 from 10:00 AM to 1:00 PM at the SportsCenter (100 lbs. limit).

Judge Castlen expressed condolences to the families of John Horn, former fiscal court employee, and Richard Hall, longtime Pleasant Ridge volunteer firefighter. He announced that the Daviess County Public Schools will host a Kids First Night on Wednesday, March 29, from 5:00 PM to 7:00 PM at Daviess County High School. Community Resource Booths will be available from 5:00 PM to 6:00 PM followed by a community conversation about fentanyl. Dinner and childcare for kids (ages 5 and up) will be provided.

The following night, Owensboro City Schools will host a Community Wellness Night at the Owensboro Innovation Campus from 5:30 PM to 6:30 PM with snacks and activities for kids. Mental health, stress, and community resources will be available.

Judge Castlen discussed county litter, an issue that citizens frequently bring to his attention. He has always been disappointed to see this locally. He noted, one thing that we can do when we see trash is to simply pick it up and throw it away. He added, "If we want our community to be clean, we've got to pick it up." I spoke about this issue at length with Kyle Aud and as a board member of the Isaac Sterett Foundation, he and their board have agreed to host an annual Operation Community Cleanup. They are wanting teams to form and compete to collect the most community litter. They will meet Saturday, April 15 at 7:30 AM at the 1010 Allen St. parking lot before heading out to designated areas to clean up our community. He stated, "I hope folks will take it to heart because I would like us all to be proud of our community."

DCFC will meet at Noon on April 11, and at 5:00 PM on April 20.

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Without objection, Judge/Executive Castlen adjourned the meeting.

**SO ORDERED THAT COURT STAND ADJOURNED.**

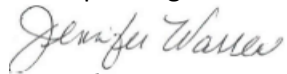
Judge-Executive Charlie Castlen

Commissioner Janie Marksberry

Commissioner Christopher Castlen

Commissioner Larry Conder

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 April 11, 2023.



Jennifer Warren

Daviess County Fiscal Court Clerk