

**Minutes of the April 11, 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**

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

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

Commissioner Marksberry read, and the court presented, the April 2023, *Child Abuse & Neglect Prevention Month* Proclamation.

Owensboro Innovation Academy (iMiddle School) teacher Amanda Hirtz and 5 middle school students, Lucy Doyle, Lucy Whitaker, Kane Herrera, Peter Gonzalez, and John Martin Phillips thanked the court for the *Child Abuse & Neglect Prevention Month proclamation*. Student representative Kane Herrera said, "I came here to tell you why we decided to start doing this project, and why we are so passionate about it. In the beginning of March, we were told that we were denied a request to be able to light the bridge blue in order to support our cause, and we were, what we would like to believe, rightfully angry about this, and so our teacher assigned us an assignment - write an editorial to Nate Pagan telling him why we believe that we should be able to light the bridge blue... Five students were chosen, and we wrote these articles hoping to cause like a change in our community because we are all really passionate about this change. It's something really important to all of us. Owensboro's youth is our future, and we believe we should protect our future. When we first heard that we were going to be in the newspaper, all of us were ecstatic... We are finally getting our voice heard, and that things we are saying, and what we believed was actually getting out there, and we weren't just being silenced... and now that we're in this courtroom, it feels like a lot more real - it feels like... our voices are being heard and we are making a change in our community, which is something that I know that all of us really want." She went on to say that child abuse has affected her directly, but noted, child abuse and neglect has a harmful ripple effect throughout an entire community – it damages the young and vulnerable who then become the future of that community.

Judge Castlen, following a request made by Commissioner Conder, has approved the use of blue exterior lighting at the courthouse for this weekend in recognition of *Child Abuse & Neglect Prevention*.

Christy James, Regional Community Collaboration Program Coordinator for Children, thanked the court for the *Child Abuse & Neglect Prevention Month* proclamation and for agreeing to the blue lights.

Commissioner Conder read, and the court presented, the April 9-15, 2023, *National Public Safety Telecommunicators Week* Proclamation.

E-911 Dir. Paul Nave received and thanked the court for the *National Public Safety Telecommunicators Week* proclamation.

By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; Minutes of the March 23, 2023, Court Meeting.

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

By a motion of Commissioner Castlen, seconded by Commissioner Conder, 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 Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Resolution 10-2023** and MOA regarding the Griffith Station Road Project.

County Engineer Mark Brasher: We applied for \$325,000 to improve the condition of Griffith Station Road between Kentucky 279 and approximately the railroad crossing.

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

By a motion of Commissioner Marksberry, seconded by Commissioner Conder, the court considered for approval; **Resolution 11-2023** Transportation of Non-Public School Students.

Treasurer Johnson: The Daviess County Public School System invoices the court to provide county bus transport for non-public school students per KRS 158.115, which the state will reimburse once all costs have been reconciled. This resolution is a required part of our application to participate in the. The court has participated in this program for over 20 years, and it is a standard resolution.

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

By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; **Resolution 12-2023** and FY 2024 County Road Aid Cooperative Agreement.

Treasurer Johnson: This is the County Road Aid we receive annually to offset the expense of the Road Department. It is an allocation of the motor fuel taxes imposed by the state. Daviess County's FY 23/24 allocation is \$1,629,095. We receive this funding in installments, the first installment is 60% of the total, typically received in August, the second installment is 30% of the total, typically received in February, and the final distribution, which is based on actual revenues. As per usual, the state withholds 3% of the total allocation for a state-wide emergency fund. County Road Aid can only be used on the construction,

reconstruction, and maintenance of county roads. The accompanying resolution is a requirement of the agreement.

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

By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; Amend the Gas Rights and Development Agreement with Owensboro RNG, LLC.

David Smith: In April 2020 (after a Request for Proposal was issued in the Fall of 2019), the county signed an agreement with Owensboro RNG, LLC to take the landfill methane and convert it to pipeline quality natural gas. At the time of our RFP, the county and Owensboro RNG believed that the Texas Gas Pipeline, through our property, could accept the natural gas and the 161Kv power line through the property could supply electricity to the plant. Unfortunately, that was not the case, and they requested a one-year extension to start construction and production.

Judge Castlen: Mr. King and members of his team, Mr. Smith, and I met a few times regarding this issue, and I believe it makes sense to grant them this request. I look forward to them completing this project.

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

By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; MOA Establishing an Agreement for Election Equipment with the Commonwealth of Kentucky, Office of the Governor, Department of Local Government, Office of State Grants.

Treasurer Johnson: This is the MOA resulting from our application to the State Board of Elections for reimbursement of the unreimbursed portion of the voting system purchased in October 2021. Once approved, the Department of Local Government will reimburse the court \$182,971 to offset that original expense. As a note, this will be our final reimbursement from House Bill 1 funds available in FY 22/23.

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

By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; MOU and Agreement regarding the 2024 Sporting Clays Championship.

Parks Director Ross Leigh: This agreement is with the Kentucky Sporting Clays Association and highlights 23 specific areas that will be addressed regarding the state championship in August 2024 at the Mattingly Target Sporting Range. We have not hosted this event since 2011 and are expecting approximately 200 shooters.

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

By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; Nonrecurring Project No. 23-830.1-05: New Flooring in Judges' Offices - Change Order #1.

Treasurer Johnson: The original bid award was for \$37,895. A Judge has since requested a different type of flooring, which increased the total cost to \$38,774. The Administrative Office of the Courts has agreed to reimburse this amount in full and this is their approval letter for that change order and adjusted total.

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

By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; Terminate **Bid No. 2223-07**: One (1) New 3/4 Ton 4WD Extended Cab Pickup Truck (Landfill).

Treasurer Johnson: Due to production and part shortage, Pogue Chevrolet notified the court that they cannot honor their bid, and explained their inability to secure a unit was out of their control. Since this working relationship has historically been positive and the bid could not be satisfied, and since the court must act on a bid award that cannot be honored, contract termination is recommended under Section 3.22, Subsection III, Subsection A, with no penalties, since supply chain issues caused the problem.

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

By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; Reappoint Langley Roby (S1T) to the Parks Bd. to a partial 1-yr term Eff. 4/1/2023.

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

By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; Appoint Bill Duncan (Bruce Kuegel S6T) to the Parks Bd. (4-Yr. Term) Eff. 4/1/2023.

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

By a motion of Commissioner Conder, seconded by Judge/Executive Castlen, the court considered for approval; **Second Reading of KOC A.102.01 (2023) 02-2023** - Budget Amendment #1.

Comments:

Treasurer Johnson: This is to amend the budget 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.

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

Consideration for Discussion:

First Reading of KOC 150.16 (2023) 03-2023 - An Ordinance Repealing And Replacing KOC 150.14 Relating To A Special Transient Room Tax For The Sole Purpose Of Meeting The Operating Expenses Of A Convention Center.

Comments:

Mr. Smith: We became aware of multiple changes to state law regarding who we collect tax from and who is exempt. The prior court added language to deal with Airbnb's and third-party retailers, but neglected to change it regarding the exemption for anyone who stays in an accommodation for 30 days or more. So, we needed to go through and change our ordinances. We also went through state laws to look at other areas. The only thing we had to change here was at the end where it says transient room taxes shall not apply to rooms, lodgings, or campsites, and there were a few other changes that state law made to that section, but it was just mainly getting rid of different accommodation types.

First Reading of KOC 150.17 (2023) 04-2023 - An Ordinance relating to the Daviess County Convention and Visitors Bureau and Transient Room Tax (As Amended by KOC 150.1/R.2 and KOC 150.4 and KOC 150.12 and KOC 150.15).

Comments:

Mr. Smith: This is the Room Tax for the 3% used to fund the Convention and Visitor Services and the CVB. This one has multiple changes. **Section 2:** Removing "Owensboro" from the title of the organization. The City of Owensboro has its own tourist commission, The Owensboro Tourist and Convention Commission, and the concern was in the potential confusion among those paying the tax. **Section 3:** Regarding who we collected from and the exemption, which was reflected in the other ones too, to conform to state law. **Section 7:** Removing language stating all the money collected would be dispersed to the CVB and Replacing it with language from State Statute KRS-91A.390 Subsection 3: which says that a portion of the money collected, as determined by the Fiscal Court, upon the advice and consent, may be used to finance the cost and acquisition, with the balance collected going to the CVB. This language conforms exactly to state law, and is used for Louisville Metro Government, as well as (similar language) in Ashland, Frankfort, Murray, and Bowling Green. **Section 8:** We installed a budget process where the CVB obtains court approval of their annual budget. Since the court will allocate 100% of the money, the court needs to have their budget beforehand. **Section 8:** Vacancies: If there's not an existing hotel motel association, we referenced state statute, removing verbiage and stating it is as set out in KRS 918.360. **Section 9:** Removing language allowing the city to directly appoint a member of the CVB. (1975 attorney general opinion stated only the organizations or entities that created the CVB are allowed to appoint members to it.) **Section 12:** Updating the county is the only appointing authority. Establishing a new budget system. **Section 13:** Removing the need to adhere to the city budget cycle.

Commissioners Conder asked when these ordinances become effective?

Mr. Smith: The ordinances will be effective immediately upon passage and publication. Regarding the budget, that will begin with the 2024/2025 fiscal year.

Judge Castlen: There are three ordinances because they are broken into three pieces, correct?

Mr. Smith: That is right. The state statute has an up to 3% hotel tax for the funding of tourist functions. They allow communities our size two special transient room taxes, which have prescribed uses for specific allocations.

First Reading of KOC 560.4 (2023) 06-2023 – An Ordinance Relating to the Equipment of Emergency Vehicles in Daviess County.

Comments:

Mr. Smith: In 2009, the Fiscal Court, by ordinance, authorized which local law enforcement agencies may use emergency lights. With the creation of the Daviess County Public Schools Police Department, an amendment is required to allow them to use lights in response to incidences within the school system.

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

Public Comments:

Daviess County Attorney’s Child Support (CS) Division Investigator Jason Roberts, who is set to retire at the end of this month, after 32 years, encourage the court to assist the county attorney in improving the level of annual funding the CS division receives. He explained that the operating fund the office receives is solely funded by the Cabinet for Health and Family Services (cabinet) and the cabinet uses an old formula to determine each county’s budget. Their formula penalizes larger counties with greater caseloads and rewards smaller counties with smaller caseloads. Daviess County’s CS operating budget has basically been the same since 2014, but caseloads continue to increase, today having over 5,000 cases. Many CS clients struggle financially and without the CS office, most could not afford an attorney. He noted that the successful work provided by those in the CS office has a direct impact on a significant number of local children. He said, even though we have been plagued with funding issues for years, by the cabinet’s standards, we are doing what they call “meeting expectations,” which means that we are passing. However, it’s unlikely they will ever provide us with any additional funding. As public servants, I believe we have an obligation to provide the best service possible to those we serve, but with the budget we have, we cannot handle 5,000 cases effectively. He stated, “It’s like trying to put out a house fire with a garden hose... It is taking a toll on everybody over there.” He asked the court to consider allocating additional funds to support the CS office.

Sheriff Brad Youngman invited the court and public to this Saturday’s Grand Opening and Ribbon Cutting of our Daviess County Sheriff’s Field Office at Whiteville City Hall from 10:00 AM – 1:00 PM.

Commissioner Marksberry asked Sheriff Youngman about the 13 wrecks on Thruston Dermont Road over the last 2 years, and the 2 fatalities near the intersection of US 60 & Hawes Blvd.

Sheriff Youngman: I have spoken recently about the increased traffic and congestion on Thruston Dermont Road. I would like to see a larger section of traffic data and together analyze the area’s traffic history to determine what is happening. I would think with more traffic there would be more wrecks. That road is

narrow and includes numerous hills with limited to no shoulders. Motorists often speed down that road as well and that location makes speed limit enforcement more challenging for a variety of reasons. Regarding Hawes Blvd & US 60, that is an area that needs to be looked at. We need to ask the state for enhanced traffic patrol - combining the higher speed limit zone of the bypass and for those coming down off that hill, if they haven't slowed down yet, people pulling off Hawes Blvd. or negotiating that in a busy intersection, unfortunately in the winter, we did have 2 bad traffic accidents. So, yes ma'am, anything you need that my office can help you with, we would be glad to do so. Thank you and thank you for bringing that up.

Daviess County Parks Director Ross Leigh highlighted that at 8:00 AM at Yellow Creek Park on April 20, the Daviess County Conservation District will be hosting their annual tree seedling giveaway. They will offer about 11 different species of tree for free, until supplies run out (limit 10/person).

Comments by Daviess County Fiscal Court

Commissioner Marksberry: It was great to see those kids here today. I'm happy to see their passion. Food insecurity continues to be a community issue due to the lack of grocery stores, most significantly, access to fresh foods. Recently, I have been discussing ways to combat this issue with various members of the farmers market and other resources. She stated, "I encourage the community to reach out to me directly if anyone has any interests or ideas as we move into this growing season."

Commissioner Castlen: I want to remind everybody about Saturday's Operation Community Cleanup that starts at 7:30 AM at 1010 Allen Street. This event is hosted by the Isaac Sterett Adventure Foundation, and it is a team competition to cleanup roadside litter. You may put together a team to compete for the annual trophy and bragging rights for the most litter collected or just show up as an individual to lend a hand. If you have reflective wear and protective gloves, please bring them, but if you don't, those items may be provided. For additional event information, please visit our website or the Isaac Sterett Adventure Foundation's website.

Commissioner Conder asked if the Child Support budget issues have been discussed with state elected officials?

County Attorney Burlew: Pay and attrition has been an issue in our office for several years, and it's a priority of mine to try to fix. We just hired a new full-time child support worker, and we were going to be fully staffed until I found out that Mr. Roberts was retiring.

Mr. Roberts: Child Support funding is comprised of two-thirds federal money and one-third state money. Both pots are very restrictive regarding how those dollars may be spent. It's not necessarily something that state legislators can simply change. They can encourage the cabinet, but that is only a third of our operating budget. He explained that some counties contribute financially to their local CS office by not charging them rent. He noted that county attorneys have their own agreements with how they get their money with their Fiscal Court or if they have another way to get funding. He stated, "Here's the thing, it is kind of a mess with child support enforcement in Kentucky. 75% of child support cases in Kentucky are handled by only 25% of the counties. The other 75% of counties only have 25% (of the cases)."

Commissioner Conder: On April 13, 2023, at the Convention Center, Billy Joe Miles, Don Penn Moore, and Tommy Thompson will be inducted into the Owensboro Business Hall of Fame at 11:30 AM.

Judge Castlen reminded all about this Saturday's Operation Community Cleanup, which starts at 7:30 AM at 1010 Allen Street. If you are unable to participate in this event, please pitch in by walking your block and collecting roadside waste. He stated, "I truly believe that if people notice that we have a cleaner city, that maybe fewer people will throw trash out, and I hope that is something that changes."

Judge Castlen announced this Saturday's opening of the Farmers Market. He also mentioned April as being National Distracted Driving Awareness Month and encouraged people to stay focused on the single task of driving while behind the wheel.

Jason Roberts added that his brother and a friend were both killed by a distracted driver. He thanked the Judge for recognizing and announcing National Distracted Driving Awareness Month.

The next Court Meeting is set for April 20, 5:00 PM.

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 20, 2023.



Jennifer Warren

Daviess County Fiscal Court Clerk