

**Minutes of the April 20, 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.

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

Court Appointed Special Advocates (CASA) Executive Director Ashley Evans-Smith presented information on Child Abuse and Neglect in Daviess County and how citizens may make a difference in the community.

Ms. Evans-Smith said, CASA recruits and trains local volunteers to advocate for abused and neglected children in the family court system. Statewide, change and growth is happening, but in Daviess County, the issue has gotten worse. We have more children in foster care and involved in the family court system. As a result, children in the system rely on volunteers for help and advocacy. She stated, "A wonderful way that you can give back to your community is by engaging in volunteer services like CASA of Ohio Valley where you can become a community volunteer and be a voice for a child who has been abused and neglected." She encouraged anyone to contact her office to see if together they are a good fit. A background check and 30 hours of training are required. As a volunteer, she added, you will learn a lot about our community and how great Daviess County's need is for volunteers willing to advocate for our children. Volunteers are only assigned one to two cases at a time. This allows each volunteer the opportunity to focus on the child they serve. On average, annually, CASA of Ohio Valley serves 123 children. However, due to an unbalanced volunteer to need ratio, at any given time, about 80 children are on a wait list. She highlighted, only about 20% of Daviess County's children involved in Family Court get served, but a new training class starts soon for anyone interested in volunteering.

Daviess County Clerk Leslie McCarty presented the court with her offices' Excess Fees for \$1,714,025.

Every four years, in a county with a population greater than 70,000, the County Clerk must turn over their excess fees, and today County Clerk McCarty presented the court with her check for excess fees.

Judge Castlen thanked her for what she does for the county.

Treasurer Jordan Johnson presented the Treasurer's Report for March 2023.

By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; Minutes of the April 11, 2023, Court Meeting.

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; 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 Conder, seconded by Commissioner Marksberry, the court considered for approval; Loan Agreement with East Daviess County Water Association for Jack Hinton Road Water Main Extension.

Treasurer Johnson: This item relates to the Jack Hinton Road Water Main Project that is being funded by a Kentucky Infrastructure Authority (KIA) grant, for which Fiscal Court is the fiscal agent. Blake Edge with GRADD made us aware that there is a delay in the appropriated funds being released by KIA due to their legal review process. To date, as the fiscal agent, Fiscal Court has been paying invoices for the project only after funds have been received from KIA. There are two outstanding invoices on the project totaling \$267,799.56 that are dated 3/17/2023, and the East Daviess County Water Association (EDCWA) does not have the funds or borrowing capacity available to facilitate payment considering the delay. GRADD and EDCWA have asked that the Fiscal Court front these funds and be reimbursed by KIA's ultimate release of the grant funds for these invoices, which they anticipate will be within a month or so. County Attorney Burlew has reviewed the letter of commitment and agreement and believes that we are guaranteed the funding.

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; Benefit Advisory Services Agreement with Peel & Holland, Inc.

Treasurer Johnson: We have utilized Peel & Holland for several years as an advisor for employee benefits and insurance placement services. This agreement is for them to continue to provide general support and assistance, which would include employee education during open enrollment and assistance with ACA reporting requirements, to review proposals to the court from other agencies for coverage, and to analyze our current KEHP plan as it relates to other options to keep the court apprised of opportunities should any arise. Their annual fee is \$12,000, their services have been beneficial to the county and our employees in the past, and their proposed rate is within the expected range.

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; **Resolution 13-2023** - KY Office of Homeland Security (KOHS) Grant Application for the Daviess County Sheriff's Office.

Treasurer Johnson: The Sheriff's Office wishes to apply for a KOHS grant in the amount of \$146,179.77 for a GrayKey device and required equipment for their digital forensics' lab. This equipment will be utilized to unlock mobile devices and tablets, as part of their investigations. Currently, the Sheriff's Office must schedule with other counties, state departments, or federal agencies that have GrayKey devices and appropriate licenses. This is a reimbursement grant, meaning if awarded, we will purchase the equipment via competitive bid and be reimbursed in-full by the grant afterwards with no required local match.

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; Grant Agreement by and between the Commonwealth of Kentucky, Department for Local Government to establish an Agreement for Owensboro Regional Recovery.

Treasurer Johnson: Each year Owensboro Regional Recovery Center applies for \$200,000 from CDBG funds. The preliminary letter of approval was approved at the 3/5/2023 court meeting and this is the resulting grant agreement. The court acts as the fiscal agent, passing funds along after receipt and appropriate draw applications are completed.

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; Facility Use Agreement with the Owensboro Sportscenter for the May 2023 Primary Election.

Treasurer Johnson: This is the standard use agreement for the Clerk's Office to utilize the Sportscenter for the 2023 Primary Election per the County Clerk's election plan at an estimate cost of \$6,100. This agreement requires court approval since insurance requirements are met by the county's policy and the Judge/Executive must sign the agreement. All other locations that did not require use agreements will simply invoice us their regular rates, which range from \$50 - \$300.

Commissioner Conder: Will this be payable to the City of Owensboro or the Sportscenter?

Treasurer Johnson: The Sportscenter.

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; Award **Bid No. 2223-60**: One (1) New 3/4 Ton 4WD Extended Cab Pickup Truck (Landfill)

Treasurer Johnson: This bid is for a 3/4-ton 4WD extended cab pickup truck for the Landfill. We are recommending the best evaluated bid submitted by Don Moore GM Automotive for a 2024 Silverado HD 2500 D-Cab for \$53,753.05. You will note this is the next to lowest bid submitted and is \$788.05 higher than the lowest bid submitted. However, the low bidder cannot commit to a date of availability. The recommended unit is available upon award and is currently held by the dealer for this decision. Landfill Management believes this small differential is worth having the unit immediately. The recommendation's exception is that incentives and rebates have yet to be deducted from the bid contract price, meaning we will pay less than the price listed on the tabulation. This is a budgeted unit. The price is within our expected range. I recommend approval.

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

By a motion of Judge Castlen, seconded by Commissioner Marksberry, the court considered for approval; Award **Bid No. 2223-61**: Ramp Handrail Project (Horse Fork Creek Park).

Treasurer Johnson: This bid is to install ADA compliant rails on a new concrete ramp that provides access to the lower soccer fields (fields 2 & 3) at Horse Fork Creek Park. The prior wooden ramp was replaced with a concrete poured ramp that was installed by the Road Department. We are recommending the lowest and best evaluated bid submitted by On Time Fab, Inc. for \$22,500. I recommend approval.

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; Promote Brad Freels to Fire Department Engineer Eff. 4/24/2023.

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; Hire Kiefer Church as a Transfer Station Solid Waste Laborer Eff. 5/1/2023.

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

By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; Reappoint Chuck Coffman (S2.5T) to the DC-SWEEP (3-Yr. Term) Eff. 5/1/2023.

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; **Second 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: This is for the 1% Transient Room Tax that we levy. State statute changes facilitated this amendment. It reflects current state statutes detailing who we collect from and exemptions. The prior court changed some language, but neglected, as an oversight, to exempt anyone staying over 30 days.

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; **Second Reading of KOC 150.17 (2023) 04-2023** - An Ordinance relating to the 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 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 is 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's opinion stated only the organizations or entities that created the CVB are allowed to appoint members to it.) **Section 12:** Updating the county as the only appointing authority. Establishing a new budget system. **Section 13:** Removing the need to adhere to the city budget cycle.

Commissioner Castlen made a motion to postpone this vote until the next Fiscal Court meeting. Judge Castlen called for a second, and without hearing one, said motion died.

Commissioner Castlen stated, "After reviewing and seeing what the changes are that have been made, I see that it might be better to reach out to some of the other entities involved and see if we can work with some sort of collaboration of how to perform this and how to actually make it happen, instead of just the way it was done, with our own, just kind of to me, in a silo. I feel like we should work better on a collaboration with the other entities."

Judge Castlen acknowledged Commissioner Castlen's statement as fair. He noted that a meeting was held today with CVB Director Mark Calitri, CVB Board Chair Claud Bacon where Commissioner Conder, David Smith, and I discussed these changes. Judge Castlen stated, "From my perspective, as Judge-Executive, I don't see any radical changes occurring at all, and this gives us some flexibility going forward, if the need

arises.” Regarding the city’s involvement, he added, I had a conversation with City Manager Nate Pagan about the changes and received no pushback, so that is why I did not second your motion.

Commissioner Conder: Two months ago, I brought these issues forward. A lot of these changes are just following what state law says. He clarified one point, noting that these changes do not include allowing the court to take money away from the CVB. He stated, “That is not part of this narrative. If there are other projects with the approval and consent of the CVB, together, that may occur, but in no fashion is there going to be any funds not taken from what we collect, unless we get with the CVB. So, it is done together.” The court needs to ask the city if they would agree to appoint a county resident to their city board if the county agreed to appoint a city resident to the county board. He stated, “That is a valid request.”

Mr. Smith stated, “This body would have to be the one to make the appointment and their body would have to be the one to make their appointment.”

The vote was called and with Judge/Executive Castlen, and Commissioners Conder and Marksberry voting in favor and Commissioner Castlen voting in opposition, said motion passed.

By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Second Reading of KOC B.53 (2023) 05-2023** - An Ordinance Of The County Of Daviess, Kentucky Amending KOC B.48(2012) and KOC B.52 (2022) 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:

Mr. Smith: This ordinance deals with the 2% Room Tax and is being amended to again conform to state laws regarding collection and exemption.

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

By a motion of Judge Castlen, seconded by Commissioner Conder, the court considered for approval; **Second Reading of KOC 560.4 (2023) 06-2023** – An Ordinance Relating to the Equipment of Emergency Vehicles in Daviess County.

Comments:

Mr. Smith: This amendment will allow the Daviess County Public Schools Police Department the use of specific lights in their emergency vehicles in response to incidences within the school system.

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:

Michael Hamlet of 6160 Sutter Loop West thanked the court for their stance on funding the RiverPark Center in the upcoming budget. He stated, "That fiscal irresponsibility of our tax dollars and funding something that's losing money is wrong... They are resorting to the kind of shows that they are trying to do to get funding to try to break even or make a profit, it says something about the kind of clientele they are attracting to the river." He continued, "It all winds up being about the money, but our children are our biggest asset. They are the future of our community, our children, and they see what we approve and condone, and say is okay." He believes that kids like to pretend, which is normal, but after puberty, he stated, "to pretend you're something you're not, and think that it happens, is a form of mental illness. In my opinion, and to make children wonder about that when they are at that age where they do not even understand about sexuality, is wrong. So, we have to be responsible about the message that we are sending on all this legislation that we push." He also encouraged local and state governments to store digital files as hard copy backups, as digital files can be lost and not recoverable.

Comments by Daviess County Fiscal Court:

Commissioner Marksberry stated, "I would like to address the articles in the paper today regarding the EDC and the RiverPark Center because I don't feel like some of the issues were addressed. So, regarding the EDC and what they are doing for economic development for our county. As the Judge-Executive mentioned, we have not seen the results we were looking for as far as measurable outcomes. We are looking for results on all funding. I spoke with two major manufacturing companies here and asked them how economic development had helped them with their workforce and they told me they had not had any help from the EDC. These companies told me they have their own policies and did their own hiring. I feel that some of the claims that were being made about the EDC's accomplishments are exaggerated. Also, in regard to economic development, I feel like a lot of the public doesn't really understand how this works and what the EDC is doing. Yes, it sounds good to say you support economic development. We all want to see our county prosper, but when you dig a little deeper, you find there are a lot of areas that are lacking attention or results. One of the local farmers mentioned to me that all the children of the farming community do not want to stay here and be farmers. So, they need economic development to provide jobs, so their children won't move away. I am probably going to step on some toes here, but I am just going to say, from my own personal experience, I think that is a very self-serving attitude about the purpose of economic development. My only child moved away at 17 because this area no longer served the purpose for her life, which was to be a fashion photographer, social media marketer, and ultimately a successful entrepreneur in a big city, as she simply could not do this in small town America. Owensboro is a great place to raise your children, but it is not for everyone to live here forever. Just as I am not cut out to live in a big city. Once they have graduated from high school, I think as parents, we are doing a great disservice to our children to ask them to stay near us and not give them the freedom to choose for themselves what God has in store for their lives. As far as the RiverPark Center. What was said was that they initiated a program on their own that was not making any money and was controversial to our community, yet they state that they will carry on. That is certainly their right, but we do not have to fund it, and I am okay with giving them zero dollars going forward this year. About 85% of the feedback, I have received from my constituents were a (in) support of not funding the RiverPark Center at this time. And regarding the building that was mentioned yesterday, another reason they have not been able to rent out that building is they have ripped out the HVAC system, so no one renting it would have heat and air. So, of course, they cannot rent it like that. They failed to mention that when asked about the reason they

could not rent the building out. So, all these budget decisions should be based on what is best for the community and fiscally responsible.”

Commissioner Conder invited all to tomorrow night’s Cake and Pie Auction at the Whitesville Senior Center benefitting the Wendell Foster Center and Puzzle Pieces. He also announced this Saturday’s Special Olympics hosted at Owensboro Middle School beginning at 10:00 a.m.

Judge Castlen invited all to attend the April 28th Workers Memorial Day event at the courthouse on the lawn beginning at 6:00 p.m.

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 May 4, 2023.



Jennifer Warren
Daviess County Fiscal Court Clerk



Jenni Warren
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Fiscal Court Clerk /
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To Daviess County
Judge-Executive

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