

**Minutes of the May 4, 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 Judge-Executive Castlen and the Pledge of Allegiance to the Flag.

Judge Castlen took a recess to conduct a brief Public Hearing. Upon that hearing's adjournment, he reopened the court meeting.

Commissioner Castlen read, and the court presented, the May 2023, Older American's Month Proclamation. The Senior Center Executive Director Becky Barnhart received the proclamation.

The Green River District Health Department, Public Health Services Manager Rebecca Horn invited the public to the 1:00 PM, May 22nd Community Health Improvement Plans Forum, which is the culmination of the Community Health Assessment. She urged the public to take the assessment (online survey) before it closes on Monday, which may be located on the health department's website and Facebook page. The assessment is used to guide a community's health-related work. She emphasized the importance of community health coalitions and their strategic partnerships, which ensure all are moving in the right direction and making the most of their limited resources. She hopes to see the community participate in the survey and attend the May 22 forum.

By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; Minutes of the April 20, 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 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 Marksberry, seconded by Commissioner Conder, the court considered for approval; County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills for 2023.

County Treasurer Jordan Johnson: Per KRS 133.240(3), the County Clerk's office may receive payment for preparing motor vehicle and boat tax bills from the court. This claim is for preparing 117,909 tax bills at \$0.15 each for a total claim of \$17,686.35.

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; Compensation for Members of the County Board of Elections.

Treasurer Johnson: Per KRS 117.035(2)(e), the court may set the compensation for the four members of the County Board of Elections for attending meetings and carrying out their duties. For the past 25+ years, the court has elected to pay each member \$3,600 annually. Given the historical practice, I see no issue with continuing this method and rate.

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; Annual Standing Order to Pre-Approve Certain Recurring Expenses for Fiscal Year 2023/2024.

Treasurer Johnson: Before any check can be written, it must first have the court's approval, which is typically achieved through the approval of claims at a court meeting. However, certain payments do not lend themselves to court's meeting schedule of dates. KRS 68.275(3) allows the court to approve an order to pre-approve the payment of monthly payroll and utility expenses as they become due, which is what we are doing here. All expenses paid under this approval would still appear in the next set of claims presented to the court for review. This is a standard process allowed by the Department for Local Government with the order to be filed in their office.

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 14-2023** and to Apply for a Land and Water Grant for Lights at Stanley Park's Ball Field.

Tom Lovett from GRADD: The grant would be used to replace storm-damaged lighting on the ball field. This improvement will light the pickleball and basketball courts, which has lacked lighting.

Treasurer Johnson: The total estimated cost is \$291,616. With the grant having a 50% match, the county would be responsible for \$145,808 of the expense.

Stanley Playground President Robin Tucker (4011 Nina Drive) thanked the court for this assistance.

For reasons out of the court's control, Judge Castlen noted that he wished help could have come sooner.

Mr. Lovett explained that the Stanley Playground Association members are fundraising to help defray the county's cost and have collected more than \$10,000.

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; Owensboro Regional Recovery (ORR) CDBG Grant Evidentiary Documents as follows:

- **Resolution 15-2023** Fair Housing
- Procurement Code
- Legally Binding Agreement
- Anti-Displacement Plan

Tom Lovett of GRADD: These documents relate to the \$200,000 CDBG request and are a required part of the grant. Funds shall be used for ORR salaries.

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; Contract with Axiom Architecture for Kirtley Judicial Annex Roof Replacement Design Services.

Treasurer Johnson: This contract is for drawings and specifications for us to bid the Robert M. Kirtley Judicial Annex roof replacement. We only require service items 1-3 for \$5,385. Once those items are completed, we would bid the project and return to the court with an evaluation and recommendation for approval. Given the time required to conduct the bid process, this project would not be completed until the next fiscal year, so it has been included in the fiscal year 23/24 proposed budget.

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; Joint Funding Agreement for Water Resource Investigations with the US Geological Survey, OKI Water Science Center, and US Dept. of the Interior.

Treasurer Johnson: Last fall, Brian Wright with the Owensboro Riverport received approval from Daviess County Fiscal Court and the City of Owensboro to install a digital river gauge on the Ohio River with the understanding that the Riverport would pay all initial costs, with the ongoing annual costs split equally among the three entities. This is the agreement for the county's portion of the annual costs, which are

\$2,000 per year. The previous manual gauge had no forecasting ability and was only read once per day with very poor accuracy, per the Riverport and EMA. The new digital gauge will read river height changes at a much higher accuracy, with data reported remotely, automatically forecasting potential flood and drought events in real time for the user agencies to make more informed decisions.

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; Daviess County Fiscal Court Rate Schedule.

Treasurer Johnson: This is the annual update to the rate schedule for goods and services offered by the court that are subject to state sales tax. Changes from the 10/6/2022 approved schedule include:

- Remove the 20-round sporting clay punch cards for \$600/card
- Compost (increase) to \$22/cubic yard
- Round Hay Bale (increase) to \$32/bale
- Add Wrapped Hay Bales at \$37/bale

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; Purchase a Police Pursuit Vehicle from KY State Master Agreement for the Sheriff's Office.

Treasurer Johnson: This is to purchase a new police pursuit vehicle for \$39,991 from the State Master Agreement to replace a recently totaled Sheriff's Office unit. Delivery time is estimated to take four (4) months. The outfitting and striping are estimated to be an additional \$6,500, and I see no issue with moving forward as sufficient funds are available to cover the differential.

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; Promote James Jackson to Road Dept. Heavy Equipment Operator Eff. 5/5/23.

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; Promote Tyler Timmons to Transfer Station Truck Driver Eff. 5/5/23.

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

By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; Promote Dakoma Carbon to Solid Waste Heavy Equipment Operator Eff. 5/5/23.
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; Hire Charles Taylor as Service Technician Eff. upon successful completion of pre-employment screenings.

It was added that the county continues to have job availabilities in Solid Waste for heavy equipment operators and laborer positions. Currently, the laborer position requires a CDL license, but as David Smith noted, that requirement is being reviewed and may be eliminated.

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; Appoint Kenny Terry (Sharron Sullivan S6T) to the Greenwood Cemetery Advisory Committee (3-Yr. Term) Eff. 4/19/23.

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; Appoint Lynn Holland (Bill Duncan S2.5T) *Ex-officio* to the Parks Bd. (4-Yr. Term) Eff. 4/1/23.

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 Byron Owen (Steve Lewis S4T) to the Parks Bd. (4-Yr. Term) Eff. 4/1/23.

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; Reappoint Jordan Camp (S1T) to the Property Maint. Appeals Bd. (3-Yr. Term) Eff. 2/25/23.

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; Appoint Bob Bowers (FUET Will Mattingly SPT) to the DCACC Board Eff. 5/5/23 – 8/7/24.

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

Treasurer Johnson read the **First Reading of KOC A.104 (2023) 07-2023** - Fiscal Year 2023/2024 Annual Budget. The budget assumes a COLA of 6.5%, the retirement contribution rates published by the Kentucky Public Pensions Authority for FY 23/24, that the currently adopted taxes and tax rates will be held constant with no new taxes levied, and that no additional debt will be issued. The detailed budget may be examined during regular office hours in the County Judge-Executive’s Office. It will not be available online since the Department for Local Government has yet to approve it as to form and classification. The Second Reading and adoption is set for June 1, 2023. The following appropriations were presented with an offsetting revenue in the same amount per fund, in this balanced budget:

• General Fund	\$48,006,163
• Road Fund	\$6,972,750
• Detention Center Fund	\$11,760,937
• Local Gov’t. Economic Assist. Fund	\$135,500
• Bond Service Fund	\$3,386,200
• Solid Waste Funds	\$24,826,925
• Economic Development Fund	\$1,688,000
• American Rescue Plan Act Fund	\$10,250,000
• Co. Clerk Perm. Storage Fees Fund	\$381,000
<u>TOTAL (All Funds)</u>	<u>\$107,407,475</u>

Comments:

This is the first budget for this Fiscal Court and, Judge Castlen stated, “I think it is a good budget. The staff, Commissioners, and I have worked many long hours to create this budget, and I appreciate everyone’s effort and consideration. I can say with certainty, that no member of this Fiscal Court is totally happy with every item on this budget. No one got everything they wanted. This is a \$107 million budget. It is not a one-issue budget. The four of us do not always agree on every issue. Those who elected us, do not agree on every issue, but we are charged by state law to approve a budget by July 1. So, we worked. We debated. We discussed. And, yes, at times, we were very frustrated, but in the spirit of cooperation, we have come together, and we have created a workable document. It is impossible to please everyone, but this document was created with a lot of give-and-take to try to be responsive to those who have elected us. I feel very confident, in expressing my support for what we have done.”

Judge Castlen opened the floor to Commissioner comments and without any, he invited a spokesperson, one from each side of the isle, to speak.

Owensboro resident, Jordan Blake-Key of Payne Ave., spoke on behalf of Daviess County’s queer community and arts advocates to, as he stated, “voice their values”. He expressed their dissent of recent court comments and decisions about the divisive content their community creates and engages in. He emphasized that drag is an art form, a pillar of queer cultural expression. He stated, “It is an art you are already familiar with through characters like Bugs Bunny, Robin Williams’ performance as Mrs. Doubtfire, Tyler Perry’s performance as Madea, Dustin Hoffman in Tootsie, Julie Andrews, and Victor Victoria, amongst many others. These are no different from the art form we love and value. Theater as an art form could not and would not exist without queer people.” He believes they have not violated obscenity or indecency laws. He believes their existence should not be divisive or undervalued by the court. He stressed that their performers, some of which are parents and Christians, go to great lengths to prepare performances appropriate for their adult audiences and they should be hailed as local curators of culture.

Arts should be valued and local arts organizations both support and provide diverse programming and cultural expression. He added, "Children are often cited as an argument, as well. For decades, RiverPark has played a key part in the enrichment of our youth from field trips to see shows, summer theater camps, encore musicals, to arts in the a.m., and on. There are and have been countless programs that cater to children. We have been those children and we are raising those children. We do not desire to see this as a partisan issue. We ask that you, as representatives of our county, value the RiverPark because we do. Whether they have drag shows or gospel shows, Pride Night, or Ted Nugent Comedy Night, or The Nutcracker. The River Park is not a gay child you can kick out of your home for coming out of the closet. Their programming isn't specific to our community nor is it dependent entirely on funds from the county. We acknowledge this, but what must be voiced here is that by defunding the RiverPark Center, due to its lgbtqia+ programming, due to its divisiveness, or its seemingly anti-Christian values that you, the Daviess County Fiscal Court, are devaluing spaces for lgbtqia+ individuals, devaluing diversity, equity, inclusion, and accessibility, and is not just an organization that will bear that weight. It is all of us."

Judge Castlen thanked him for his comments then invited a spokesperson representing the opposing side an opportunity to speak.

Philpot, Kentucky resident Aaron Thomas said that art is not something that is "simply beautiful and good, and truthful and enough". He continued, "The arts are true, beautiful, and good. Not just intrinsically. Not just because of themselves, but because they were created by a God (not by us)." He asked the court to think about what makes art beneficial, good, or beautiful. Secondly, supportive of the budget, he encouraged the court to continue to work together and stated, "Kudos to all of you for the hard work that goes into that for trying to serve us and trying to reconcile differences."

Other Business: None received.

Public Comments: None received.

Comments by Daviess County Fiscal Court

Commissioner Conder recognized the recent passing of his friend and community leader, City Commissioner Larry Maglinger. He stated, "He was a person that truly loved this community and gave his time and effort and fought through health conditions to serve every one of us. I will miss him. I will miss our conversations. So, the last thing I will say is Mags, "Forever Young". That is his tag. That is what he will always be."

Judge Castlen echoed Commissioner Conder's comments. He stated, "I know he had a beautiful going away ceremony and may God bless and comfort his wife and children as they move on."

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 18, 2023.

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

Jennifer Warren

Daviess County Fiscal Court Clerk