

**Minutes of November 21, 2024, Daviess County Fiscal Court Meeting
Held at OCTC – Blandford Lecture Hall
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 and the Pledge of Allegiance to the Flag led by Commissioner Marksberry.

1. Consideration for Presentation:

A. Treasurer's Report for October, 2024.

County Treasurer Jordan Johnson: As of October 31, 2024, the total cash balance for all funds was \$71,412,890.56. The General Fund balance was \$37,152,084.39, minus operating reserve and restricted funds, cash for General Fund operations was \$27,568,204.52. Funds continued to operate within expected ranges with no abnormalities of which the Court was not already aware.

2. Consideration for Approval:

A. By a motion of Commissioner Marksberry, seconded by Commissioner Conder, the court considered for approval; **Minutes of November 7, 2024, Daviess County Fiscal Court Meeting.**
The vote was called and with all present members voting in favor, **said motion passed.**

B. 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.**

C. By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Criminal Justice Information Services Management Control Agreement between the City of Owensboro and Daviess County, Kentucky.**

County Treasurer Johnson: He stated that the consolidation of 911 operations was the entry point for the computer systems of Daviess County that interface directly or indirectly with the Law Information Network of Kentucky (LINK) for the interstate exchange of criminal history and criminal justice information. It was the agreement required by the FBI Criminal Justice Information Services (CJIS) Security Policy, which sets a local recognized law enforcement agency as the agency responsible for compliance with all rules and regulations of the LINK and CJIS policies. Since the Owensboro Police Department (OPD) was collocated with and by agreement, to manage the consolidated 911 operations, OPD would be the entity that shall have the authority and responsibility for management of security control and to set and enforce policies and procedures as they relate to CJIS for all satellite agencies. OPD has served in that capacity since the consolidation of 911, with the prior agreement being an amendment to the prior 911 Memorandum of Agreement (MOA). Now that there is a new MOA for 911,

the agreement was a requirement for continued access to LINK. Legal, himself, the City of Owensboro, and all affected parties reviewed the agreement and found no issues. He recommended approval.

Commissioner Conder: Stated that a question was asked at the Volunteer Chief's meeting he attended the night before. He said that it was brought up that when the water districts or associations have a major water leak, such as two weeks ago when a 6-inch line burst close to Masonville, that notification be sent to everyone. He stated that having a fire with no water access would be devastating. He asked Paul if there was a solution to get the message out quickly.

911 Director Paul Nave: He stated that an agreement with the water districts would need to be in place so that they could send notification to dispatch. Dispatch could then email, call, or text the Fire Departments. That way the Fire Department could mitigate the issue and be prepared for the situation. He stated it was a simple solution.

Judge/Executive Castlen: Thanked Commissioner Conder for asking the question. He stated that there was an issue with water back in the summer and he found out about it well after they were in the process of repairing it. He stated that he had assumed that a process was put in place after that issue. He stated that he would make calls to get something in place.

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

D. By a motion of Commissioner Marksberry, seconded by Commissioner Conder, the court considered for approval; **Memorandum of Agreement between the Commonwealth of Kentucky, Kentucky Department of Agriculture, and Daviess County Fiscal Court for the 2024 Spay/Neuter Grant.**

County Treasurer Johnson: The Memorandum of Agreement (MOA) was to receive the 2024 Spay/Neuter grant funds in the amount of \$1,146.00. The grant application was submitted by Animal Control Director Ashley Thompson and offered spay services for twenty-seven (27) female pit bulls to Daviess County citizens at no cost. He noted that rabies vaccination, microchip insertion, and other services would be charged at the rates published in the County's rate schedule for the animals. The grant required a 1:1 match, so to arrive at the cost to cover exactly twenty-seven (27) dogs, the County must contribute \$1,149.00 (for a total of \$2,295.00). The grant process was dictated by the County's average anticipated alteration costs per canine, which, considering personnel and materials, averages to approximately \$85.00 per female dog. He stated that it was an annual grant, and he recommended approval.

Commissioner Marksberry: Asked how potential pet owners would know about spay/neuter program.

Judge/Executive Castlen: Stated that people could visit the County's social media platforms and that the news media would write a story about it. He stated that it was an annual grant that was not new.

Commissioner Marksberry: Asked if there was a deadline for when the grant must be used.

County Treasurer Johnson: Responded by saying that the deadline was the end of the year.

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

E. By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Contract with Axiom Architecture for Transfer Station Office Building.**

Purchasing Manager Kandace Sturgeon: The contract was for Axiom Architecture to produce the drawings and specifications for a new office building at the Grimes Avenue Transfer Station. The new building would be a part of an overall reconfiguration of the Transfer Station. It only required service items 1-7 in the amount of \$14,200.00. The project was part of the budgeted \$1.7 million HDR Master Plan Phase 1, and the design fee was within the expected range. She recommended approval.

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

F. By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Contract with Axiom Architecture for Transfer Station Concrete Pad.**

Purchasing Manager Sturgeon: The contract was for Axiom Architecture to produce the drawings and specifications for a new concrete transfer pad at the Grimes Avenue Transfer Station. The new pad would be a part of the overall reconfiguration and would allow for the return of CD&D to the Transfer Station in the future. It only required service items 1-7 in the amount of \$13,600.00. The project was part of the budgeted \$1.7 million HDR Master Plan Phase 1, and the design fee was within the expected range. She recommended approval.

Commissioner Castlen: Stated that he was appreciative of bringing back CD&D to the Transfer Station. When CD&D was no longer accepted at the Transfer Station, everything had to go to the Landfill, which caused an increase in expenses and an increase in the trash along the roadways. He stated that with moving CD&D back to the Transfer Station, it would help the home builders and construction companies.

Matthew Purcell: He thanked the Commissioner Castlen for attending the Home Builders Association meetings and listening to the challenges they have been facing. He stated it has been challenging for their businesses, and he thanked the Court for finding a resolution. He strongly encouraged them to approve the item.

Adam Hicks: Introduced himself as Executive Officer for the Home Builder Association. He thanked the Court on behalf of the members of the Home Builder Association, for their commitment and hard work in getting CD&D back to the Transfer Station. He stated that by allowing the material to be accepted at the Transfer Station, the local builders would be able to save time and money, which could be passed on to homeowners and businesses that use their service. He said a special thank you to Commissioner Castlen for spearheading the effort and for keeping the building industry informed and updated about all the changes that have been occurring. He stated that Commissioner Castlen's leadership has not gone unnoticed. He thanked Judge/Executive Castlen for understanding the needs of the industry and the community. He also thanked the employees at the Transfer Station as he recognized the challenges they face and appreciated the work that they do.

Commissioner Conder: Noted that CD&D will not be accepted until the work has been completed.

Judge/Executive Castlen: Noted that the item was strictly for design services for the pad. A bid for the construction of the pad would be later.

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

G. By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Change Order 02 for Bid No. 2324-06: Asbestos Abatement Project (Courthouse).**

County Treasurer Johnson: The change order was from the abatement contractor concerning the clerk's election office which included the removal of the ceiling and walls in the area due to the overspray present above the ceiling. It compared to Change Order 01 on the second floor of the Courthouse, where the Kentucky Division of Air Quality set the guideline of having the area above the ceiling cleaned and having the ceiling/walls removed by a licensed abatement contractor. The change order was in the amount of \$45,500.00. The abatement consultant, project architect, and project manager all found the pricing to be within an acceptable range and recommended moving forward. The cost would be partially offset by deductions from the general contractor for the Courthouse renovation for work they would have otherwise performed (primarily ceiling and wall removal). He recommended approval.

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

H. By a motion of Commissioner Marksberry, seconded by Commissioner Conder, the court considered for approval; **Change Order 03 for Bid No. 2324-06: Asbestos Abatement Project (Courthouse).**

County Treasurer Johnson: The change order was from the abatement contractor concerning the main lobby area of the Courthouse. The Kentucky Division of Air Quality worked with the abatement contractor, abatement consultant, project architect, and project manager to recommend abating the

lobby ceiling area to allow the installation of a drop ceiling in lieu of adding structural support for the new HVAC and lighting systems. The change order was in the amount of \$37,710.00. The abatement consultant, project architect, and project manager all found the pricing to be within an acceptable range and recommended moving forward. The cost would be partially offset by deductions from the general contractor for the Courthouse renovation for the work they would have otherwise performed. He recommended approval.

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

I. By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Change Order 01 for Bid No. 2425-11: Purchase of (89) New Fire Hydrants.**

Purchasing Manager Sturgeon: As the contractor began installation of the new fire hydrants, they discovered that some lines were buried deeper than anticipated. To avoid any delays in installation or disruption of the water service, the Fire Department management has requested to procure fire hydrant extension kits for when this problem happens in the future. The change order was in the amount of \$11,041.44 to cover the cost of twelve fire hydrants extension kits and would be fully reimbursed by the Kentucky Infrastructure Authority Grant Assistance Agreement which was approved in Fiscal Court on February 6, 2024. She recommended approval.

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

J. By a motion of Commissioner Marksberry, seconded by Commissioner Conder, the court considered for approval; **Renew Bid No. 2324-36.1: Mowing of County Right-of-Ways.**

Purchasing Manager Sturgeon: She stated that all service contracts have a provision whereas if both parties agree, the contract can be renewed for an additional contract term, up to a maximum of four (4) renewals. The service contract bid was available for renewal for January 1, 2025 through December 31, 2025. She and County Engineer Dooper recommended the renewal given that services have been rendered to their satisfaction and rebidding the service would likely result in a significant price increase. She noted that it was the first renewal.

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

K. By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Award Bid No. 2425-41: D8T Dozer Undercarriage Replacement (Landfill).**

Purchasing Manager Sturgeon: She recommended the award to the lowest and best evaluated bid submitted by Boyd & Sons Machinery in the amount of \$33,742.24. She noted that it was a budgeted routine replacement of parts. The undercarriage replacement for landfill equipment was recommended every 4,000 hours and the unit was at that threshold.

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

L. By a motion of Commissioner Conder, seconded by Judge/Executive Castlen, the court considered for approval; **Award Bid No. 2425-44: Bituminous Asphalt Hot Mix & Pavement Milling (Annual).**

Purchasing Manager Sturgeon: She recommended the award to the only responsive bid submitted by Hinkle Contracting for the attached rate schedule. She noted that the rate for asphalt delivered had increased 1.5% from \$93.50 per ton to \$94.90 per ton. Public Works management monitors the State's contract and other municipal agreements and believed the rates submitted were reasonable and in agreement with activity and pricing across the Commonwealth. There were no exceptions to the bid specifications.

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

M. By a motion of Commissioner Marksberry, seconded by Commissioner Conder, the court considered for approval; **Award Bid No. 2425-45: Mosquito Control Services (Annual).**

Purchasing Manager Sturgeon: She recommended the award to the only responsive bid submitted by Action Pest Control for the attached rate schedule. She noted there was a 6% increase from the previous contract. The increase was due to the list of treatment areas, based on complaints, and on the County Engineer's analysis that there were slightly more areas of treatment than before and more strategically allocated. There were no exceptions to the bid specifications.

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

N. By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Hire Derek Crisp as Firefighter effective 12/1/2024.**

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

O. By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; **Hire Dakota Mayes as Service Technician effective 11/25/2024.**

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

P. By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; **Promote Colton Lanham to Solid Waste Truck Driver/Operator effective 11/25/2024.**

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

3. Consideration for Discussion:

A. First Reading of KOC 870.01 (2024) 10-2024 – An Ordinance Creating Chapter 94 of the Code of Ordinances of the Daviess County Fiscal Court, Regarding the Placement of Unsolicited Written Materials on Property.

County Attorney Burlew: Read the ordinance for the record.

Senator Gary Boswell: He handed out printed pictures to the Court. He thanked the Court for presenting the ordinance and stated that the work that they had already completed was amazing and set an example across the State. He informed the public that he introduced Senate Bill 316, which was called the Keep Kentucky Free of Litter Bill and that it was moving through the process until he added words cigarette butt to the ordinance and because of that addition, someone killed the bill. He thanked the Court for their support on the trash issue and thanked David Smith and the County Attorney for their help in resolving the problem. He referred to the pictures that he previously handed out. The pictures showed that every intersection in our county was littered with advertising signs, and he hoped the Court would move to get the ordinance passed and address that issue.

Judge/Executive Castlen: Stated that he has had previous conversations with Senator Boswell about litter. He stated that he has been concerned about litter since he was a City Commissioner. He wanted to address the issue back then, but was told he could not touch it. He stated that Lexington Fayette Urban County Government recently passed something that was challenged in court and the Appeals Court sided with the Urban County Government. He stated that the verbiage on Fayette County's books, other than the names who would do the enforcing, was pretty much word for word of what we have on the books. He thanked Senator Boswell for the pictures and noted that he has had several other pictures sent by people showing their frustration and hoped we would do something.

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

C. Public Comments.

Cheryl Brown: She stated that she frequently goes to Yellow Creek Park to enjoy the beauty there and to walk the paths there. Recently, she noticed a tire and a huge blue canister in the creek straight across from Pioneer Village when the water was low. She wished that someone could remove the tire and canister when they were able to. She said she appreciated all the work the Park Staff has provided.

Beverly Johnson: She stated she was a longtime volunteer at the Daviess County Animal Care and Control Shelter on Highway 81. She respectfully asked the Court to reconsider lifting the income limit for spay/neuter services. She stated that it was a vital service that should be provided to all, regardless of their income. She suggested adding stipulations or limiting the time frame until the end of the year. She suggested that they could limit the program to only feral cats or semi-feral cats or cats in cages. She requested that we should reduce the number of unwanted litters as the population has grown exponentially since the service was limited. She stated that she appreciated the mosquito control, the Pickle Ball courts, and the new playground equipment. She asked the Court to look at the animal population issue and take immediate action on lifting the low-income requirement, to allow all citizens the opportunity for the vital service. She thanked the Court.

D. Comments by Daviess County Fiscal Court.

Commissioner Marksberry: Noted that she agreed with Beverly 100% on the spay/neuter issue, and she said that she could not wait to see it brought back. She stated that she was excited about the new ordinance that was presented as there have been many calls about litter being in the ditches and on the county roads. She stated that many farmer's fields have been flooded with litter. She wished everyone a Happy Thanksgiving and told them to be safe and take care of each other.

Commissioner Conder: He reminded the public that a good season was coming which he hoped everybody genuinely enjoyed. He said there will be things for families to do together such as the lighting of the Christmas tree. He noted that Christmas at Panther Creek Park would begin November 29th and would go through January 1st. He noted that it would be \$5.00 per vehicle and on December 12th, there would be the free community night sponsored by Owensboro Health. Owensboro Health would pay for each vehicle that goes through the park that evening. He informed the public that the community lost Arnie Weiner, who was an old hippie, was very vocal about issues and would speak, talk, and debate passionately about certain issues. He also informed that public that Mary Bryan Hood, director of the Owensboro Art Museum, passed away. He stated that those two individuals were passionate about what they loved in their life and said they would be highly missed within the community. He wished everyone a Happy Thanksgiving and told the public to hug their families and the ones you love, and maybe hug someone you do not.

Judge/Executive Castlen: Stated that he was acquainted with the two people who passed away, Arnie Weiner and Mary Bryan Hood. He said he had known Mary Bryan Hood for many years and stated that she had done a wonderful job over the years with the Fine Arts Museum. He said they would be missed. Announced that Kentucky Association of Counties (KACo) had their 50th year anniversary conference last week. KACo had an art contest for school children, Kindergarten through 8th grade, from all over Kentucky to submit original artwork of why they loved their county. The Daviess County winner was 5th grader, Raylin Mischel, from Owensboro Catholic 4-6 campus. Her picture could be found on the County's Facebook page. He thanked the following organizations for participating in the Cash for Trash Program:

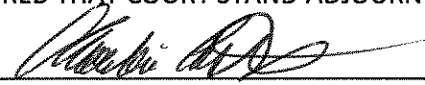
- River Tree Church
- Pleasant Ridge Baptist Church
- Saving Animals in Need Together, Inc.
- St. Mary of the Woods School (7th Grade, 8th Grade, and Boys Athletics)
- St. Mary of the Woods Youth Group

- St. Elizabeth Catholic Church
- Precious Blood Catholic Church
- A.G. Hodges Masonic Lodge
- Mary Carrico Memorial School
- Knights of Columbus #14290

He noted that they collected a total of 1.5 tons of trash, which was 450 bags of trash, over fifty-four (54) miles of roads. He congratulated Owensboro Catholic High School's football team as they had advanced into the playoffs. He congratulated Daviess County High School's theater team for winning first place in the Kentucky Theater Association One-play Festival at the University of Louisville. He announced that Apollo High School's athletics department would be hosting a Chili Supper and Silent Auction on November 22nd at 5 p.m. He stated that the community would have the opportunity to meet a variety of sports teams. He wished everyone a Happy Thanksgiving and announced that the next Fiscal Court meeting on December 5th would be held at the Courthouse. He thanked Dr. Scott Williams for allowing Fiscal Court to use the OCTC facility.

4. Adjournment

Without objection, Judge-Executive Castlen adjourned the November 21, 2024 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 Brooke M. Hagan, hereby certify that the above corresponding Order Book minutes were approved by the court on December 5, 2024.



 Brooke M. Hagan
 Daviess County Fiscal Court Clerk