

Minutes of February 20, 2025, 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 and the Pledge of Allegiance to the Flag led by Judge/Executive Castlen.

1. Consideration for Presentation:

A. Owensboro Health Community Report 2025.

Owensboro Health Board of Directors – Gavin Roberts: Introduced Mark Marsh, President & CEO of Owensboro Health.

Mark Marsh: He informed the Court of Owensboro Health's mission statement. He spoke about some commitments that Owensboro Health had made to the community. He also reviewed the service areas, resources, comprehensive services, volume, economic impact, strategic imperatives, growth and innovation, high net promoter scores, customer feedback, partnerships, and standalone business that resulted in the last year. He stated that one hundred fifteen new doctors had been added to Owensboro Health since 2021 and that fifty-two new providers came to Owensboro Health in 2023 and 2024.

Commissioner Conder: Stated that a sizable portion of the population was on Medicare/Medicaid. He asked Mr. Marsh if they had a plan in place if the State and Federal reimbursements were to change.

Mark Marsh: Stated that he would be meeting with Congressman Brett Guthrie to discuss those issues.

Commissioner Conder: Thanked all the staff at the hospital.

Commissioner Castlen: Expressed his gratitude for the employees of the hospital.

Commissioner Marksberry: Asked Mr. Marsh where expectant mothers should go to give birth. She thought that the hospital would not take expectant mothers.

Mark Marsh: Confirmed that expectant mothers were welcome at the hospital.

Judge/Executive Castlen: Thanked Mr. Marsh for being so responsive when he reached out to Mr. Marsh on behalf of a citizen. He stated that the community was blessed to have such a wonderful hospital.

B. Treasurer's Report for January, 2025.

County Treasurer Jordan Johnson: As of January 31, 2025, the total cash balance was \$79,131,966.01 for all funds – General Fund balance was \$47,688,142.76 (minus operating reserve and restricted funds, cash for general fund operations was \$38,073,995.97). All variances within the Treasurer's Report were normal, expected, and explainable. He noted that the months of January and February were typically the highest general fund balance of the year due to the receipt of property taxes.

2. Consideration for Approval:

A. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Minutes of February 4, 2025, 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 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.**

C. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Resolution 03-2025: A Resolution for a Temporary Moratorium on Wind Energy, Solar Energy Systems, and Solar Panel Installation.**

Judge/Executive Castlen: Read whereas clauses for the record.

Commissioner Castlen: Stated he was a supporter of having solar energy and other energy sources in the community and doing what was best for the citizens. He stated the moratorium would give the court an opportunity to investigate what has and has not worked for other communities in Kentucky as it related to the rules around solar farms. He noted the moratorium was not an end to the ability of having solar farms in the county, but was an opportunity to make sure that it was done in the best way possible.

Commissioner Marksberry: Stated she was concerned with possible additional contributing factors for more flooding from solar projects and would like to have time to investigate it further.

Commissioner Conder: Asked Mr. Burlew to confirm that the resolution was not the law.

County Attorney John Burlew: Confirmed that the resolution was not a law.

Commissioner Conder: Stated that there was local government, businesses, and property owners that should all be informed together. His opinion was the moratorium basically “kicks the can down the road.” He stated that solar had been an issue for at least seven months. He was not sure what one more year was going to do. He believed the moratorium sent a signal to businesses that they might want to think twice before coming to the community because you might have a moratorium placed on you.

Judge/Executive Castlen: Stated that the first meeting he was aware of was on July 24, 2024. He was notified that NextEra Energy was having a meeting to discuss an innovative solar project in Daviess County. He was informed that landowners were notified of NextEra’s meeting by mail. Mr. Smith, Director of Legislative Services, had obtained a picture that showed parcels of land that were part of the solar project and informed Judge/Executive Castlen. Judge/Executive Castlen instructed Mr. Smith to review the solar ordinance to make sure that Daviess County Fiscal Court and the residents were fully protected. Mr. Smith reported that the decommissioning bonding requirements were drastically inadequate, and Judge/Executive Castlen planned to have a special-called meeting on Friday, August 10, 2024, to impose a six-month moratorium to allow the review of solar farm rules. He later found out that there was no majority support for the moratorium due to several initial feelings about general owner property rights. At that point he began working expeditiously with Mr. Smith to review changes to Planning and Zoning before NextEra or anyone else filed an application with the Board of Adjustments for a conditional use permit. Judge/Executive Castlen had a discussion with NextEra about assurances they would make in open court. NextEra assured him that they would be glad to come to a Fiscal Court meeting to inform the Court that they supported the proposed changes for Planning and Zoning. Judge/Executive Castlen and his staff worked under these restrictions with NextEra since the commissioners would not support a moratorium at that time. The changes that were on the agenda were submitted to Owensboro Metropolitan Planning and Zoning Commission for passage and recommended to Fiscal Court on January 9, 2025. Judge/Executive Castlen noted that he would have liked to have had an open dialogue with the entire community, but he felt, with the position he was put in, he was prevented from doing that. He asked if anyone from the public would like to speak about the moratorium.

Kimberley Demarest: She thanked Fiscal Court for considering a moratorium on industrial solar power farms. She stated that she had learned that the current solar ordinance lacked key protection for the families who would be living next to large scale projects and for all of Daviess County taxpayers. She

stated she supported solar energy, especially when placed on rooftops, in industrial zones, on commercial buildings, and on previously compromised land such as mined areas. She stated that she did not support putting massive industrial scale solar farms on prime agricultural land. She stated that while property owners had rights, she believed those rights should be balanced and fair for both sides. She asked how property values would be affected for landowners and if solar farms would impact drainage issues. She believed that Daviess County needed time to get answers. She stated that a county in Mississippi threatened legal action in December of 2024 after a solar company failed to repair roads that were damaged during construction. She asked how much tax revenue would stay in Daviess County. She requested transparency in how the money would flow so the taxpayers could understand the fiscal impact and benefit. She said that solar companies claimed that their projects would lower energy costs. She said that California was home to the largest solar energy capacity in the United States. She reported that California still had some of the highest electricity rates coming in at 92% higher than the national average. She believed a moratorium would allow time to find answers. The vote was called, Commissioner Conder voted no, and with all other present members voting in favor, **said motion passed 3 to 1.**

D. By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; **Grant Agreement by and between the Commonwealth of Kentucky, Department for Local Government, and Daviess County to establish an agreement for Owensboro Regional Recovery.**
County Treasurer Johnson: Per the Kentucky Community Development Block Grant (CDBG) Program Guidelines, every year the County could submit a single application in the Public Services Program Area up to \$200,000.00 for operational costs to support a recovery center. The Owensboro Regional Recovery Center (ORRC) was the only entity that met the criteria. ORRC applies for \$200,000.00 of CDBG funds every year - \$190,000.00 for salaries and \$10,000.00 for GRADD to administer the grant. Fiscal Court acts as the fiscal agent passing the funds along after receipt and appropriate applications were completed. He recommended approval. The vote was called and with all present members voting in favor, **said motion passed.**

E. By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Contract with the Green River Area Development District for Administrative Services for the Community Development Block Grant Program for Owensboro Regional Recovery.**
County Treasurer Johnson: The contract was for GRADD's administrative services in connection with the prior item in the amount of \$10,000.00. The agreement was standard and the administrative services would be paid from the grant proceeds. He recommended approval. The vote was called and with all present members voting in favor, **said motion passed.**

F. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Grant Application for Kentucky Pride Fund Composting.**
County Treasurer Johnson: The application was for a Kentucky Pride Fund Composting Grant to purchase a skid steer loader to upgrade the current composting program at the Daviess County Landfill. The unit would replace an older skid steer that was experiencing daily mechanical failures and was at the end of its useful life. The grant request was for \$113,440.00 with the County matching \$28,360.00 to cover the full expense of the unit in the amount of \$141,800.00. Fiscal Court applies for the grant annually to maintain the composting operation at the Landfill. He recommended approval. 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 Castlen, the court considered for approval; **Grant Application for Kentucky Pride Fund Household Hazardous Waste Management.**

County Treasurer Johnson: The application was for a Kentucky Pride Fund Household Hazardous Waste Management Grant that covers the expense of the annual Tox Away Day where County residents could dispose of unwanted household hazardous waste. The grant request was for \$30,000.00, with an in-kind match of \$8,024.80 (in-kind items were detailed in the application). The grant is applied for annually. He recommended approval.

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

H. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Grant Application for Kentucky Pride Fund Recycling.**

County Treasurer Johnson: The application was for a Kentucky Pride Fund Recycling Grant Program to purchase three forty yard open top containers for expanded recycling at the East Daviess County Transfer Station. The containers would be used to collect and recover recyclable materials such as refrigerators, ferrous and non-ferrous metals. The grant request was for \$28,494.00, with an in-kind match of \$7,267.20 (representing the scale operator as in-kind personnel) to cover the full expense of the units in the amount of \$35,761.20. 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 Castlen, the court considered for approval; **Change Order 08 for Bid No. 2324-67: Courthouse Renovation Project (Courthouse).**

County Treasurer Johnson: The change order was for the glass partitions at the end of the hallways on the first and second floors. Instead of removing the glass in the existing partitions, it was Judge/Executive's preference to keep the glass to allow light into the hallways. The change order was in the amount of \$9,141.00. Project Manager Joe Paul Bickett, the architect, and he reviewed the change order and saw no issues. County Treasurer Johnson noted there were sufficient budgeted funds for the project to cover the cost and he 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 Castlen, the court considered for approval; **Award Quote for Election Equipment to Harp Enterprises, Inc (Clerk).**

County Treasurer Johnson: The quote was for ten additional on-demand ballot printing units from Harp Enterprises, Inc. for the Daviess County Clerk's Office in the amount of \$69,350.00. Per Clerk McCarty, the additional units would provide the capability to expand the print on-demand functionality in the county vote center locations and move the office closer to the possibility of creating a second early vote site in the future. The Clerk's Office requested the purchase of the additional units during the current budget year based on remaining budgeted funds in the 5065-account series for elections, of which \$224,119.84 remained as of January 31, 2025. Purchasing immediately would allow the Clerk's Office to reconfigure the existing equipment allocations for all polling locations based on voter data and would also allow the office ample time to prepare, sort, label, inventory, and train on the new equipment. The paper ballot scanner and tabulator voting system was provided by Harp Enterprises, Inc. via Bid No. 32-2021, meaning additional units must come from that company for interoperability. He saw no issues and recommended approval.

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

K. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Award Quote for Additional E-Poll Books to Tenex Software Solutions (Clerk).**

County Treasurer Johnson: The quote was for ten additional E-Poll Books from Tenex Software Solutions for the Daviess County Clerk's Office in the amount of \$16,095.00 with an additional \$1,500.00 in annual license and support fees per the contract pricing. Each on-demand ballot printing unit required an E-Poll

Book. The units were electronic signature rosters used to check in voters. Per Clerk McCarty, the units would allow the Clerk's Office to have ten additional check-in stations for voters, which would result in keeping the lines shorter on Election Day. The electronic poll book system was provided by Tenex Software Solutions via Bid No. 2223-41, meaning additional units must come from that company for interoperability. He saw no issues and recommended approval.

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

L. By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Award Quote for ActiveComms Licenses to Active911, Inc (Fire Rescue).**

County Treasurer Johnson: The licenses would allow all members (both employees and volunteers) of the County Fire System to connect to Active911's radio bridge network, allowing first responder's cell phones to be able to communicate on the channels of the P25 digital radio system. The option would fill the minor communication holes in the County where the radio signal was weak, but cellular service was available. The quote was in the annual amount of \$13,920.00 and would be expensed from the Fire Department's Volunteer Station Account and the account had sufficient budgeted funds to cover the expense. Fire Chief Jeremy Smith and all Volunteer Fire Chiefs recommended the solution to address the need. He saw no issues and recommended approval.

Commissioner Conder: Informed County Treasurer Johnson there was a need for alternative ways of improving communication signals. He noted the Yelvington Fire Station had no cell phone signal.

County Treasurer Johnson: Stated that Trott Communications was looking into alternatives that would fix communications issues such as adding an additional tower.

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

M. By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Accept Proposal by Bell Engineering for Pickleball Court Site Design Services.**

County Treasurer Johnson: The proposal was for Bell Engineering to produce site plans necessary to bid for additional pickleball courts at Yellow Creek Park in the amount of \$12,500.00. He noted that County Engineer Dooper and Project Manager Bickett had reviewed the proposal and recommended moving forward with the budgeted item. He saw no issues.

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

N. By a motion of Commissioner Conder, seconded by Judge/Executive Castlen, the court considered for approval; **Declare the following as Surplus Inventory: 1996 Freightline Pumper (Fire).**

Purchasing Manager Kandace Sturgeon: Daviess County Fire Chief Smith requested the 1996 Freightliner Pumper to be declared surplus due to the unit failing the annual pump test, which prohibits a fire engine from being classified as a Class A engine, which was a classification that assisted with the department's ISO certification. A replacement unit had already been procured and Allen County Fiscal Court was interested in purchasing the unit for use at one of its substations and which would require the Court to declare the item surplus in accordance with KRS 67.0802(4) and the administrative code.

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

O. By a motion of Judge/Executive Castlen, seconded by Commissioner Conder, the court considered for approval; **Award Bid No. 2425-53: One (1) New ½ Ton 4WD Crew Cab Pickup Truck (Fire Rescue).**

Purchasing Manager Sturgeon: She recommended award to the lowest and best evaluated bid submitted by Donohoo Chevrolet in the amount of \$43,445.00. The unit was a budgeted replacement of an aging unit in inventory. There were no exceptions to the specifications.

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 Marksberry, the court considered for approval; **Award RFQ No. 2425-64: Two (2) New Leachate Pumps (Solid Waste).**

Purchasing Manager Sturgeon: She recommended award to the lowest and best evaluated quote submitted by Streafter Pump & Supply, Inc. in the amount of \$13,167.00. The pumps would replace the current units that were original to the Landfill. There were no exceptions to the specifications. The vote was called and with all present members voting in favor, **said motion passed.**

Q. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Promote Eddie Reddish to Road Supervisor effective 2/2/2025.**

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

R. By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Reappoint Michael Boyd (SPT) to the Owensboro-Daviess County Airport Board effective 3/2/2025 through 3/1/2029.**

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

S. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Appoint Jimmy Edelen (Keith Riney S3T) to the Daviess County Property Maintenance Code - Board of Appeals effective 3/1/2025 through 2/28/2028.**

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

3. Consideration for Discussion:

A. First Reading of KOC 921.685 (2025) 02-2025 – An Ordinance Amending Text in Article 8 of the Owensboro Metropolitan Zoning Ordinance.

Judge/Executive Castlen: Read the front page of the ordinance for the record.

Commissioner Marksberry: Stated that she would like to see some changes in the language about infrastructure. She wanted to know what the detriments would be to the surrounding properties.

Commissioner Conder: Asked if changes could be made before the second reading of the ordinance.

Judge/Executive Castlen: Stated that suggestions may be made at the second reading.

Commissioner Conder: Noted that the decommissioning part was written well. He believed that setbacks should be 500 feet for everything. He also wanted to consider a program like the one between OMU and the City of Owensboro called PILOT (Payment In Lieu Of Taxes). He also had questions about payments or tariffs to Fiscal Court to address any concerns such as flooding, road damage, and maintenance of the facility. He mentioned abating property owners that live there, and he believed the property owners should be compensated. He stated that he found some wording about prime farmland to be both inclusive and exclusive, which he thought should be clarified.

Gary Railey: Opened by taking a verbal swipe at Elon Musk and President Donald Trump. Stated that he had been punched by a young man in a store and that the man was arrested and only served six days in jail. He believed the man got only a "slap on the wrist." He believed the legal system failed him. He stated that Marcy's Law was about victim rights and that he felt the legal system violated some of his rights. He believed there was no jurisprudence in Daviess County.

Lester Morales: Introduced himself as the Senior Project Developer for Renewable Energy with NextEra Energy. He stated that he had dealt with about seven counties in Kentucky on renewables and two were going to complete construction this year. He stated that Daviess County Fiscal Court had been the best county he had worked with and noted that there were several ways to approach renewables. He said that each county could write ordinances with their planning commissions and that there were Energy

and Environmental Cabinet, Kentucky State Siting Board, and Federal laws to review. He stated that he approached Fiscal Court to help encourage them to put something in place that mirrored what the County wanted. He stated that NextEra could be reviewed by their records with the Kentucky State Siting Board and by viewing their construction certificates. He stated they followed strict requirements, and they partner with counties to make sure that everything is satisfactory. Once they obtain construction certificate, they would get with the Planning and Zoning Commission to request Fiscal Court's approval. Then they would review a list of permits for construction certificates, waste certificates, and permits. He informed everyone that they would make a road use agreement with the county. They would have a PILOT agreement if it were wanted but they were not a requirement. If it became an option to make a PILOT agreement, they would explore economics to see if there was a feasible option for the project. They would investigate industrial revenue bonds where they would lease the assets to the County and would give the savings back to the County. He wanted the Court to know that he understood the requirements and structure in Kentucky. He noted that he agreed that the County needed more time to understand what they wanted to do as he had seen the benefits of getting it right on the front end rather than being reactionary on the back end.

Mike Sullivan: He thanked the Court for allowing him to speak. He stated he represented a company called Heelstone Development that was based in North Carolina, and he introduced two Senior Development Associates, Cecilia DeLaGuardia, and Kate Goodwin. He stated that Heelstone had invested in hundreds of thousands of dollars trying to get their project into Daviess County. They had an interest in the proposed amendments to the zoning ordinance regarding the solar energy systems. They supported the setbacks, screening with fences, the landscaping, and the bonding requirements to make sure the decommissioning was taking place. They wanted to help get the plans submitted and updated. They wanted to make sure there was appropriate funding in place when the solar projects reached the end of their life, and the land should be restored as it should be. The only issue they mentioned was paragraph H that talked about a 1,200-acre limit on prime farmland. He stated he was not sure that the zoning ordinance should have an actual acre limit. He stated that the National Resource Conservation Service was the one who designated what prime farmland was and he believed there should be a balance between what the property owner wanted to do and the interest of the neighbors and others. Heelstone wanted to help work through the ordinance, share information, and answer questions to make sure informed decisions were made about what to put in the ordinance.

Duke Martin: He believed that the Court, NextEra, and the local neighbors should all have a seat at a table for the solar discussions as he thought it was the right thing to do.

Kimberley Demarest: Stated that she had read a statistic that said about 10 million acres were needed to convert to renewable energy and that 90% of that would come from prime farmland. She was concerned about the effects to the world food system. She noted that Heelstone stated they had spent \$100,000 already, but she believed that was called "the cost of doing business". She and her husband purchased a lot in January and if they had known that a solar farm might be placed around them, they would not have purchased it.

Lester Morales: He stated that NextEra had open houses that were open to the community prior to having discussions with the County. He reported that only two landowners attended. He stated the public was notified by an article in the paper and by a piece of mail that was sent to the surrounding landowners letting them know that the solar project was going to happen. He stated that he had partnered with the Chamber of Commerce and Economic Development and had developed strong relationships with them. He stated the only piece missing was the relationship with the community. He said they would try to advertise more on a social media platform to do better, making sure that everyone was aware of who NextEra was and what they were planning to do.

Commissioner Conder: Asked for clarification on the Federal subsidies. He asked Lester if the subsidies were to go away, how would that impact NextEra's payback and economic model, going forward.

Lester Morales: Said that it would adjust the structure of their deals.

Nicole Martin: Showed Lester the notice that NextEra mailed to the surrounding landowners. She stated it looked just like all the other junk mail that people received all the time. She suggested they make their mailings look "more important" if they wanted the community to be part of the conversations.

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

C. There were no Public Comments.

D. Comments by Daviess County Fiscal Court.

Commissioner Castlen: Stated that he appreciated it when the public attended the meetings and voiced their opinions. He thanked all those workers who worked outside in the snow and ice. He appreciated that they get up every morning and do their jobs. He noted that he had the opportunity to ride along with the road crew while they cleared the roads and that it was a wonderful experience to see what they do and noted that they "run like a well-oiled machine." He thanked those who provided services every day while being exposed to the wintry weather and he believed they did not get enough recognition.

Commissioner Conder: Stated that he also did a ride along with public works and that it was good to be able to see how everybody takes care of the facilities and the roads. He noted that once the flood water started to recede, there would be a huge cleanup needed. He encouraged the community to help with the cleanup.


Commissioner Marksberry: She voiced her appreciation to the community members who attended the meeting that night. She believed they were in "unchartered waters" and in unknown territory with the solar projects. She wanted to proceed with caution and stated that she did not want to hurt anyone's business or stop any economic development. She announced that "in the spirit of transparency" she would be having a town hall meeting on Tuesday, February 25th at 6 p.m. at the Daviess County Fairgrounds. She asked the public to participate.

Judge/Executive Castlen: He stated that several counties across the Commonwealth had passed similar moratoriums on solar farms such as Breckenridge, Meade, Boyle, Tremble, and Henderson Counties. He hoped that everyone could learn and work together as an entire community to figure out something that would work for the community by learning from the other counties.

4. Adjournment

Without objection, Judge-Executive Castlen adjourned the February 20, 2025 meeting.

SO ORDERED THAT COURT STAND ADJOURNED.



Judge/Executive Charlie Castlen



Commissioner Christopher Castlen

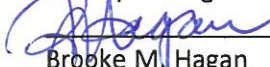


Commissioner Janie Marksberry



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 March 6, 2025.



Brooke M. Hagan
Daviess County Fiscal Court Clerk