

**Regular Session of the Daviess County Fiscal Court
held at the Courthouse in the City of Owensboro,
County of Daviess, Commonwealth of Kentucky
on this 2nd day of June 2011.
Present were Judge/Executive Al Mattingly and
County Commissioners George Wathen and Charlie Castlen**

County Commissioner Jim Lambert was absent.

Commissioner Charlie Castlen said the opening prayer and led in the pledge of allegiance to the flag.

Daviess County Engineer Mark Brasher presented information regarding Panther Creek. He noted that 2-weeks ago, waterways were visited and 12 areas of debris blockages were documented. Last week, cleaning began and only 7-blockages remain. Recently, Mr. Brasher had the opportunity to fly over Panther Creek and he spotted 2-areas of heavy debris, but fortunately, no blockages were viewed. As of this morning, all bridge crossings had been cleaned. Today, a resident called reporting a blockage and the Department of Public Works is responding with cleanup efforts, which may take up to 3-days to complete. Mr. Brasher reported seeing a considerable drop in the creek's water levels, as of today.

Mr. Brasher recommended a second fly-over to monitor the creek for blockages.

Judge Mattingly asked, "In cases where state highways cross the creeks, who is responsible for those cleanings?"

Mr. Brasher, "The state can be asked to clean out the blockage, as we have done recently, but they informed us that due to their workload, they are unable to perform the necessary clean up. What we are doing is asking the state's permission to access their right-of-way in order to clear the blockage and they agreed."

Daviess County Clerk Oz Osborne presented his 2010 Excess Fee totaling \$110,980.39.

Minutes of the May 19, 2011 meeting were submitted to the Fiscal Court members for review prior to the Fiscal Court meeting and on a motion of Commissioner Castlen, seconded by Commissioner Wathen with all the Court concurring said Minutes were approved and signed, and the Court was directed to spread upon the Fiscal Court Order Book the Minutes along with any exhibits, orders, ordinances or resolutions that pertain to same.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval the Contract with the Daviess County Public Schools for the Transportation of Parochial School Students for school year 2011/2012.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

See attached document.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval a joint Daviess/Ohio County Fiscal Courts Resolution authorizing the filing of a Kentucky Local

Government Economic Development Fund (LGEDF) Multi-County Coal Severance Grant and approval for the Judge/Executive to sign and submit said grant.

(DCFC - Resolution 11-2011)

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

See attached document.

Bob Whitmer, Airport Manager, believes it necessary to expand the terminal's holding area and add bathrooms. With the addition of a new airline, the terminal is processing and holding 300+ passengers at a time. Once a passenger enters the terminal waiting area they are not permitted to return to the lobby area in order to use bathroom facilities. The additional terminal space and bathrooms are greatly needed. This expansion will triple the holding area's square feet.

Commissioner Wathen asked if the federal government will cover the remaining \$1.5 million balance.

Mr. Whitmer, although not secured, he believes federal dollars will cover the balance. This project will not move forward without secured funding.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval to provide funding in an amount not to exceed \$600 for the Greenwood Cemetery's Military Veterans Memorial Marker.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

This funding will enable the addition of 5 names to the marker.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval the Deed of Easement providing RWRA with access to a pump station on the Daviess County Detention Center property.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

See attached document.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval Resolution 10-2011 – Designation of Applicant's Agent; Daviess County Treasurer Jim Hendrix.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

See attached document.

Richard Payne, "FEMA damage assessment is being conducted and they are asking members of the public affected by the recent flood waters to contact FEMA at 1-800-621-3362. You must be registered with FEMA to apply for individual assistance."

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for Approval to Award Bid No. 15-2011 – Leachate Trench and Grate to Nealen Excavating for \$36,600.

Without further discussion, Commissioner Castlen called for a vote on the motion. Voting results: Commissioners Wathen and Castlen voted in favor; due to a potential conflict of interest, Judge Mattingly recused himself and did not vote. Motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval to Award Bid No. 16-2011 – Fire Rescue Defibrillator to Physio-control for \$32,504.40.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval to Accept the May 31, 2011, Retirement Resignation of Daviess Co. Administrator Tony Sook. Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

The court commented on the tremendous service Mr. Sook provided this community. He will be missed.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for Approval the Creation of the Daviess County Drainage Commission. This is a 5-member board, initial terms staggered; subsequent appointees shall serve 4-year terms. Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed. See attached document.

Smokey Millay asked if the members of this board are to receive payment for their service on this board.

Judge Mattingly said, "No stipend will be paid to the advisory board members for their service." He further noted that if expenses including mileage and/or training as they relate directly to their service on this board may be considered for reimbursement.

Smokey Millay, "Asked about the installation of a guardrail along Worthington Road, as there is a deep ditch which is a safety hazardous. Is the county responsible for this need?"

Judge Mattingly said we will take a look at this issue and get back with you.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval the following Appointments:

Daviess County Drainage Commission:	TERMS:	<u>7/07/2011 - 7/07/xxxx</u>
• Charlie Craig (37-2011)		<u>2014</u>
• Jerry Fischer (36-2011)		<u>2012</u>
• Gene Bittel (35-2011)		<u>2013</u>
• Mattie Boarman (34-2011)		<u>2014</u>
• Mike Riney (33-2011)	(Acting as Chair for 2-years)	<u>2015</u>

The court expressed sincere appreciation for their service on this much needed board.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval the following Appointments:

Industrial Development Authority	TERM: <u>4/09/2011 – 4/09/2015</u>
• Nate Pagan	(39-2011)
Southeast Daviess County Water District	TERM: <u>6/01/2011 – 6/01/2015</u>
• Joe Elliot	(38-2011)
Ohio County Water District	TERM: <u>6/15/2011 – 6/15/2015</u>
• Harry Storm	(44-2011)
Daviess Co. Animal Control Commission	TERMS: <u>8/07/2011 – 8/07/2015</u>
• Kent Taul	(46-2011) Local Law Enforcement Rep.

- Sue Smiley (45-2011) Citizen Rep.
- Lydia Wethington (47-2011) Citizen Rep.
- Clay Horton (48-2011) Green River District Health Dept. Rep.
- Dr. Nikki Curtis (42-2011) Local Veterinarian Rep.
- Lindsey Clark (43-2011) Citizen Rep.

O'boro-D.C. Visitors & Convention Bureau TERMS: 6/30/2011 – 6/30/2014

- Roger Buchanan (41-2011) Hotel/Motel Rep.
- Jane Nobel (40-2011)

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

County Engineer Mark Brasher summarized the **First Reading KOC 530.13 (2011)** - An Ordinance Establishing Official Speed Limits for Roads Located with Daviess County, Kentucky, outside the Corporate Limits of the Cities of Owensboro and Whitesville.

Comments:

County Engineer Mark Brasher said, "This ordinance spells out statutory regulations relating to speed limits on county streets/roads. There are close to ten ordinances, which the court has been petitioned, that amend speed limits and postings on particular county roads/streets. Because these streets/roads have their own ordinance establishing a set and posted speed limit, they will not be affected by this ordinance. I am requesting the court's approval of this ordinance to gain countywide compliance. Currently, many streets/roads are posted at a speed limit contrary to statutory regulations; some are not posted at all. As monies become available or if the court wishes to establish a fund for the purpose of aligning the posting to reflect their statutory regulation, those postings will be changed and signage installed." Mr. Brasher further stated that his door is always open and he welcomes public input relative to this or any other county issue.

Commissioner Wathen, "This ordinance is not to arbitrarily change a speed limit, such as a neighborhood limit, because we may not know why the limit was originally set apart from its statutory designation."

Mr. Brasher agreed. He stated, "Correct, and when we come across those situations, and we will, my intention is to first, amend the limit to fit compliance and second, wait to hear from citizens. If citizen calls come in disagreeing with the amended limit, I will advise them on how to file a petition with the court requesting an ordinance to officially amend their street/road mph posting." He does not anticipate any street/road to be drastically changed, such as amending a posting from 35-mph to 55-mph or vice-versa. When those drastic differences are uncovered, a crash history investigation would be conducted and due-diligence performed before amending such drastic posting changes."

Although this ordinance may receive approval, Mr. Brasher, noted that any street/road mph changes will not become effective until the new limit is posted. Mr. Brasher has discussed this ordinance with the Sheriff who supports the ordinance. Unless the court directs differently, it is Mr. Brasher's desire to work within the ordinance, taking baby-steps as time/money permits.

Commissioner Castlen wants to ensure that if the court considers approving this ordinance, that it will be enforced.

Mr. Brasher explained that this document is fluid and will be an on-going instrument from which to work and the county may never see it fully implemented. He stated, "The state and federal highway departments have been doing this for over 100-years and they receive weekly requests to change speed limits on their roads. I plan to prioritize a roads list and once roads are completed, new roads will be listed."

Commissioner Wathen summarized the **First Reading KOC 621.14 (2011)** - An Ordinance Amending the Daviess County Road, Bridge and Street System by Accepting Park Drive into the County Road System and Adding Park Drive to the "Daviess County Road and Street Index".

Comments:

Commissioner Wathen, "We own this road and it had either been unintentionally omitted/removed from the index. Park Drive needs to be added to the index so we can make needed repairs."

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval of the **Second Reading - A.80 (2011)** Fiscal Year 2011/2012 Daviess County Budget.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

See attached document.

Comments:

No comments received.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval of the **Second Reading - A.78.02 (2011)** Fiscal Year 2010/2011 Budget Amendment.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

A copy of same follows adjournment.

Comments:

No comments received.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for Approval Budget Transfers for the Fiscal Year Ending June 30, 2011.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All present court members voted in favor. Motion passed.

See attached document.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered approval of all Claims for all Departments.

Said Claims are located in file folder June 2, 2011.

Documents for Recording June 2, 2011: **Special District Budgets:**

- Daviess County Public Health
- Daviess County Conservation
- Audubon Area Community Services, Inc.
- Owensboro Riverport Authority

Said Budgets are located in file folder June 2, 2011.

Comments:

Richard Payne noted that in June of 2009, the court applied for a FEMA Hazardous Mitigation grant to address issues relating to Crooked Creek, including new pavement and guardrails. He announced that county has been awarded this grant in an amount of \$189,000.

Karen Miller of the O-DC-CVB updated the community on upcoming events.

James Lacey Kamuf commented on the good job being done by this court. He stated, "From a guy who considers himself a big tree hugger, I read that people get upset about mass-transportation getting all of these subsidies – rail doesn't work, it has to be subsidized, and then we subsidize our local transportation quite a bit. I would like to reminded people that the airlines/airport receive large subsidies. We are going to be subsidized around \$1 million for this airport and I want the public to remember that all of these mass-transportation systems get large subsidies. Mass-transportation is not that bad of a deal when you compare it to the airline industry and the subsidies they get - no one ever seems to mention. Another issue is economic development. He encouraged the court to update a

county-wide map listing all of the roads and places of interest not only for those currently living here, but for those shopping for a place to call home. A good web reference is "open street maps". He encouraged the public to visit this site and include their changes when possible. Finally, Michael Bloomberg, Mayor of New York City, has said it is the city's responsibility to tackle global warming and not look towards the federal government for changes. Germany mandated, as a nation, 10% renewable. They found that they could do 27% without problem. I would like this community to think about this and look towards the future. If we want to be a progressive community, we really need to think about our locally generated pollution and begin talking about developing 10% renewable in our community."

Commissioner Castlen encouraged the public to mark their calendars to attend future Memorial Day events. It is important to remember those who have sacrificed life and limb for the protection of our freedoms.

Judge Mattingly thanked all Memorial Day event organizations and organizers for hosting Memorial Day events.

Due to a recent house fire that destroying the home of retired Moselyville Volunteer Fire Chief, John Chandler, a benefit will be held this Saturday at Windy Hollow Restaurant from 7:00 a.m. to 1:00 p.m. Proceeds will go to the Chandler family.

**Without objection, Judge/Executive Mattingly adjourned the meeting.
SO ORDERED THAT COURT STAND ADJOURNED.**

Al Mattingly
Daviness County Judge/Executive