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DOWNTOWN CONVENTION CENTER

Plans receive unanimous OK

Payne calls approval a 'significant event'

BY STEVE VIED
MESSENGER-INQUIRER

In what Owensboro Mayor Ron Payne called "... a significant event in the history of the city," both

the Downtown Convention Center Steering Committee and the Owensboro-Daviess County Industrial Development Authority (IDA) voted unanimously Wednesday to

approve the design of a proposed 169,000-square-foot convention center as presented by the Baton Rouge, La., firm Trahan Architects.

Further, the IDA voted to seek \$20 million in additional funding to complete the downtown revitalization project, including the convention center, from the Owensboro City Commission, which Payne said he believed would be approved as early as next week.

"I think our commission is totally supportive of it," Payne said. "I've not heard anyone against it."

What Payne said he was most pleased with Wednesday was the level of support for the convention center proposal by members of the steering committee and IDA. The votes followed a series of three lengthy community forums held last week to air questions and concerns and present information

about the convention center proposal.

"I'm extremely pleased with the unanimous support of the steering committee and the IDA," said Payne. "I really think it speaks volumes about this project."

Wednesday's pivotal meetings followed Tuesday's declarations by the Greater Owensboro Chamber of Commerce and hotel

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A wether event



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Wayland Alexander Elementary School fourth-grader Addy Stewart, 9, right, tries her hand at walking a young 135-pound male sheep called a wether Wednesday during the 15th Ohio County Youth Agriculture Days at the Darren Luttrell farm near Olaton. About 150 fourth-grade students from Wayland Alexander, Western Elementary and Horse Branch Elementary schools spent the day visiting 12 stations to learn about various aspects of the business of agriculture from high-tech GPS technology to lessons in soil erosion. "My daughter was in the first year and she just graduated from the University of Louisville. It's hard to believe it's gone on this long," Darren Luttrell said. Ag Days continues today with another 150 Ohio County fourth-graders visiting the Luttrell farm.

SANITATION FEE

City: Rates won't go up

County raising landfill fees

BY KEITH LAWRENCE
MESSENGER-INQUIRER

If Daviess Fiscal Court approves an increase in the tipping fees at the landfill at its meeting today, Owensboro will see its sanitation costs increase by \$76,857.70 over the next year.

But that's not enough to require an increase in city's sanitation fee before 2016, City Manager Bill Parrish said Wednesday.

The Fiscal Court agenda calls for a vote at its 5 p.m. meeting today on raising the tipping fee at the landfill by an average of \$3 a ton.

But because the city has a contract with the landfill that runs through 2013, its rate will only increase \$1.45 a ton, Judge-Executive Al Mattingly said Tuesday.

Parrish said that during the fiscal year that ended June 30, "We paid for 46,104.43 tons of solid waste to be disposed of by the county."

That included "all of our commercial and residential trash that the city hauled, the yard waste we hauled and the trash and yard waste carried to the transfer station by city customers that the sanitation department paid for," he said.

The cost to the city was \$1,308,516.68, Parrish said.

If the city produces the same amount of solid waste in the current fiscal year, "We estimate a tipping fee cost this year of \$1,385,374.37; — or an additional \$76,857.70 over last year," he said.

But that's well within the city's budget.

"We actually budgeted \$1,615,328.00 for this year because we anticipated a county increase," Parrish said.

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DAVIESS COUNTY ANIMAL SHELTER

Daviess will take in McLean's strays

BY KEITH LAWRENCE
MESSENGER-INQUIRER

Daviess Fiscal Court is scheduled to vote this afternoon on a memorandum of agreement with McLean County to house that county's stray dogs and cats in the local animal shelter from Sept. 1 to Dec. 31.

McLean County will pay \$1,500 a month for the service.

"We're looking at a long-term agreement," Daviess County Judge-Executive Al Mattingly said. "But we want to see how it goes first."

McLean County Judge-Executive Kelly Thurman said he's hoping for a long-term agreement.

"It's a move that will impact our budget immediately," he said. "We'll hold animals here for 72 hours and then take them to Daviess County."

Animal control is costing McLean County more than \$40,000 a year.

"We just don't have the budget to offer a full-service animal shelter," Thurman said.

At the rate of \$1,500 a month, McLean would pay Daviess \$18,000 for a year's service.

"We'll still have to maintain our facility to hold the animals for 72

hours, and we'll still have to pay our animal control officer," Thurman said. "But we should see substantial savings."

McLean contracts with Muhlenberg County for its jail services.

"All counties our size and smaller are under budget constraints," Thurman said. "This is just the beginning of opportunities to go together with other counties to save money."

Regional animal shelters are not unheard of in Kentucky.

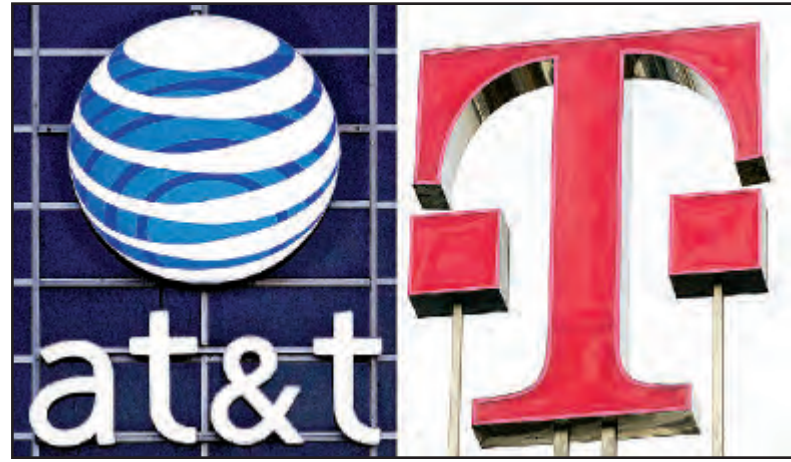
Christian County's shelter also serves Todd, Trigg and Caldwell counties. And last year, Rowan, Bath and Fleming counties signed an agreement to share a shelter.

A Nov. 11, 2008, fire at the McLean shelter killed 13 cats and three dogs. The shelter was rebuilt the following year.

Ashley Clark, director of Daviess County Animal Control, held the same position in McLean County before being hired here in 2008.

— Kelly Thurman
McLean County judge-executive

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Associated Press

U.S. files suit to block AT&T, T-Mobile merger

Antitrust suit: Deal to stifle competition

BY JOELLE TESSLER AND PETE YOST
ASSOCIATED PRESS

WASHINGTON — The Justice Department took the unusual step Wednesday to try to block AT&T's \$39 billion purchase of T-Mobile USA, arguing that the proposed merger would lead to higher wireless prices, less innovation and fewer choices for consumers.

Now AT&T, the nation's No. 2 wireless carrier, and No. 4 T-Mobile are plotting a legal response to challenge federal regulators.

In its civil antitrust lawsuit,

the Justice Department said the merger would stifle competition in the wireless industry. The deal, which is still under review at the Federal Communications Commission, would catapult AT&T past Verizon Wireless to become the nation's largest wireless carrier, leaving Sprint Nextel as a distant third-place player and certain to struggle.

AT&T quickly signaled that it won't abandon the transaction, leading to expectations of a fierce court battle.

AT&T has several incentives to take up a legal fight with regulators. In court, the burden is on the Justice Department — not AT&T — to show that the combination would harm competition.

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PLANS

FROM THE **FRONT PAGE**

developer Malcolm Bryant of their support for the convention center as proposed. Wednesday, the We Are Downtown merchants group came out in favor of the downtown plan, just after Rodney Berry, president of the Public Life Foundation of Owensboro, reported on the results of questionnaires distributed to attendees of last week's forums. Berry said the results showed high levels of support for the convention center proposal by more than 300 people who filled out questionnaires.

The Chamber and Bryant were among the groups and individuals that Payne, chairman of the steering committee, sought recommendations from on the 169,000-square-foot, \$48.4 million convention center proposal. The Chamber of Commerce was one of the groups that raised questions and called for more information about the increased size and cost of the convention center, which led to last week's three community forums focusing on the convention center.

Bryant, president of The Malcolm Bryant Corp., has agreed to build a \$20 million convention class hotel downtown next to the convention center.

The results of the questionnaire compiled by the Public Life Foundation showed "overwhelming" support for the latest and largest convention center, with 73 percent of the responders saying it was right size, compared to 21 percent who said it was too large and should be scaled back. Six percent said it was too small and should be expanded.

As for how to pay for the center and the rest of the downtown revitalization project, 44 percent want existing city resources used and 26 percent said they supported borrowing to complete the plan, as long as it could be done without increases taxes. Scaling back the size of the convention center was selected by 19 percent, while 13 percent said other parts of the downtown plan should be scaled back.

Question No. 3 of the questionnaire asked people to rate their impression of the proposed convention center on such things as location, size, appearance and design, use of the riverfront, cost and impact on tourism and conventions. Ninety-one percent were very favorable or favorable

toward its location on the former Executive Inn Rivermont site, while 77 percent were very favorable or favorable toward its size and 82 percent were very favorable or favorable toward its appearance and design. On its cost, now set at \$48.4 million, 69 percent indicated very favorable or favorable, 15 percent were not sure and 23 percent indicated they were opposed.

Respondents were invited to add their own comments to the questionnaire and many did. Twenty-six provided generally supportive comments of the convention center; two comments were negative and 19 expressed concerns about its cost. Concerns about how information about the convention center has been provided were raised by 17 respondents.

"By an overwhelming margin, forum participants support the latest and more ambitious convention center size," the PLF report, read to the committee by Berry, stated. "The convention center is very popular among the forum participants. They see significant impact in the use of the riverfront, impact on downtown, community pride, tourism, employment, etc. ... There are lingering concerns about costs — both capital construction and operating subsidies. To fund a shortfall, participants prefer that the city use existing funds or revenues. They are open to borrowing money if it does not involve a tax increase. Most forum participants do not want the downtown plan to be scaled back because of the higher priced convention center."

Daviess County Judge-Executive Al Mattingly, a member of the steering committee and the IDA, said a telephone survey of 700 people conducted over the weekend found that 52 percent of people thought the convention center was either the right size (34 percent) or too small (18 percent). Less than half of those surveyed (37 percent) said the center should be scaled back in size.

Mattingly said the results of the survey helped tip his vote to yes.

"In the end, I have to take a broader view of the community, a view of younger people" Mattingly said. "We're not building it for us, we're building it for the future."

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RATES

FROM THE **FRONT PAGE**

The budget also includes a storm reserve — cleanup costs and additional tipping fees, he said.

"While this is a significant increase this year, we are thankful that the county held the line on costs and did not raise our rates for the past two years," Parrish said.

Even with the increase in tipping fees, Parrish said he expects the current sanitation fund to remain solvent through June 30, 2016. "We would estimate the need for a vote to raise rates in fiscal year 2015-16 to become

effective on July 1, 2016," he said.

For the general public, the new rates take effect Nov. 1. But the city's contract calls for its rates to change on Sept. 1.

Judge-Executive Al Mattingly said the higher rates are necessary because the cost of heavy equipment used at the landfill is rising rapidly.

The cost of a compactor that the landfill needs has increased 25 percent in the past two years to \$1.035 million, he said.

Jim Hendrix, the county's director of administrative services, said the new fees are expected to raise

an additional \$400,000 for the landfill by the end of the current fiscal year on June 30.

"Our fees are still substantially below other landfills in the area," Mattingly said.

Earlier this year, County Commissioner George Wathen said the county's landfill "has the cheapest tipping fees around. Ours is \$22.50 a ton, and the average of the counties near us in Kentucky and Indiana is \$43.40. That low price helps us all."

Keith Lawrence, 691-7301, klawrence@messenger-inquirer.com

MERGER

FROM THE **FRONT PAGE**

If the deal doesn't go through, the company will be forced to pay T-Mobile a \$3 billion break-up fee and give it some wireless spectrum rights.

AT&T said it will ask for an expedited court hearing "so the enormous benefits of this merger can be fully reviewed."

In a statement, T-Mobile's owner, the German company Deutsche Telekom, said it is disappointed by the Justice Department's action and "will join AT&T in defending the contemplated merger."

The companies could wage a strong defense in court.

Morgan Reed, executive director of the trade group, Association for Competitive Technology, said AT&T has at least one key factor on its side: Deutsche Telekom has said it does not plan to continue to invest in upgrading the T-Mobile network to deliver faster wireless. That means, "T-Mobile is not a competitor anymore," Reed said.

"T-Mobile has already stepped away from the table," Reed noted. "We're at three nationwide wireless carriers no matter what."

The association, which represents more than 3,000 small and independent application developers, believes

the merger would benefit the wireless broadband industry.

In addition, the Justice Department lawsuit portrays T-Mobile as having been a strong competitor in the past, but merger analysis is forward looking, said Washington attorney Robert Bell, who has represented clients in mergers for over 25 years.

"To the extent AT&T can show there's good reason to believe that T-Mobile is going to be a very different kind of competitor in the future — for example, weaker financially, less innovative — then the lawsuit becomes quite a bit different," Bell said.

University of Notre Dame law professor Joseph Bauer said he was "pleasantly surprised" by the Justice Department's challenge of the deal because it has become so rare for the antitrust regulators to block major mergers during the past decade.

During a news conference, Deputy Attorney General James Cole said the merger would result in "tens of millions of consumers all across the United States facing higher prices, fewer choices and lower quality products for mobile wireless services."

T-Mobile has been an important source of competition, including through innovation and quality enhancements such as the roll-out of the first nationwide high-

speed data network, according to Sharis Pozen, acting chief of Justice's antitrust division.

AT&T and T-Mobile compete nationwide in 97 of the largest 100 cellular marketing areas, according to the suit filed in U.S. District Court in Washington.

The lawsuit says the acquisition would eliminate a company that has boosted competition with low pricing and innovation.

T-Mobile had the first handset using the Android operating system, BlackBerry wireless email, the Sidekick smart phone, national Wi-Fi "hotspot" access and a variety of unlimited service plans.

In a statement, Sprint said the Justice Department's lawsuit "delivered a decisive victory for consumers, competition and our country. By filing suit to block AT&T's proposed takeover of T-Mobile, the DOJ has put consumers' interests first."

Federal Communications Commission chairman Julius Genachowski said the record before his agency "raises serious concerns about the impact of the proposed transaction on competition."

Although the FCC's separate review of the proposed merger is still ongoing, the agency has never approved a significant merger that is being challenged by the Jus-

The \$1,500 fee McLean will pay Daviess will cover food and medical expenses for the new animals, Clark said.

But dogs and cats are euthanized when the shelter gets too full.

And the increased number of animals "most likely will increase euthanasia," Clark said.

SHELTER

FROM THE **FRONT PAGE**

"When I was there, we took in about 1,000 animals a year," she said. "I hope it's dropped since then. I'd hate to think that we're going to increase our intake by 25 percent."

The Daviess shelter took in 4,050 animals last year.

The Daviess shelter's euthanasia rate was around 85 percent three years ago.

Last year, Clark said, it was between 40 and 50 percent.

The kill rate for dogs is between 20 and 25 percent. But three-fourths of the cats that go into the shelter don't come out alive.

Mattingly said McLean County will continue to have

Security intensifies as 9/11 date nears

BY **EILEEN SULLIVAN**
ASSOCIATED PRESS

WASHINGTON — As the nation prepares for the 10-year anniversary of the 9/11 attacks — a date al-Qaida has cited as a potential opportunity to strike again — security is intensifying at airports, train stations, nuclear plants and major sporting arenas around the country.

"At this point there is no specific credible threat, but that doesn't mean we are relaxing at all in terms of our vigilance," said John Brennan, President Barack Obama's homeland security and counterterrorism adviser.

"We are concerned about the lone actors that are out there, we are concerned that al-Qaida or others may try to take advantage of the 9/11 anniversary events," Brennan told The Associated Press on Wednesday.

"We're looking at all different angles — what might have been planned for a while, we're still looking for indications that there might be something out there, but we are very interested in seeing whether or not there's any indication whatsoever of a lone actor and that's much more difficult to pick up."

The security ramp-up around the country underscores a shift in policing focus since the attacks a decade ago. Officers and emergency responders have been trained in detecting suspicious activity that could uncover a terror plot, aware that the threat has changed in part from an organized large-scale attack using airliners as missiles to the potential for smaller, less sophisticated operations carried out by affiliated groups or individuals.

Metropolitan areas are on alert.

"Throughout the city, whether it's the ports or the airports or venues or whatever, you will see an increase in awareness, an increase in resources at strategic places," said Mark Eisenman, assistant chief over the homeland security command for the Police Department in Houston, home to the country's largest port. "We are certainly aware of the threats and the concerns, and we're much more willing to share information than probably ever in the past."

Some of the first informa-

tion gleaned from Osama bin Laden's compound after he was killed in May indicated that, as recently as February 2010, al-Qaida considered plans to attack the U.S. on the 10th anniversary of the 9/11 airliner strikes. But counterterrorism officials say they believe that planning never got beyond the initial phase and they have no recent intelligence pointing to an active plot.

On Wednesday, vendors at Los Angeles' regional transit hub, Union Station, were being briefed by law enforcement on ways to be aware of suspicious activities over the next few weeks, said Commander Pat Jordan, chief of the transit services bureau at the L.A. County Sheriff's Department.

There will be increased law enforcement presence on L.A. transit systems during the "threat window," with bomb sniffing dogs, and random baggage searches, he said, adding, "You can't be complacent."

Transit employees in L.A., like riders around the country, are told that if they see something, they should say something. And three weeks ago, the department held an exercise with an active shooter scenario similar to the tactics terrorists used in the deadly 2008 attacks in Mumbai. In the transit environment, Jordan said, some of the greatest threats could come from gunmen and the use of explosives hidden in backpacks.

"Our role at the local level has become much more important over the past year, as we realized the potential for the insider, domestic threat — somebody who is already here in the United States," said Washington Metropolitan Police Department Chief Cathy Lanier. These insiders, already living inside the country, would have a shorter planning cycle than a terrorist organization plotting to attack the U.S. from overseas, she said, and therefore local law enforcement officers are critical in catching a plot in their community before it's too late.

In Phoenix, police will be doing more patrols around the region's nuclear power plant, airports and other critical sites that, if attacked, could affect the city, said Bill Wickers, sergeant at the

homeland defense bureau of the Phoenix Police Department. Messages on the department's internal television station include reminders of what constitutes suspicious activity, such as someone making drawing a diagram of a piece of important infrastructure or someone wearing a heavy coat while it's 115 degrees outside.

"The heat's been turned up," Wickers said.

And there's a rapid response team of hazardous material technicians, special weapons and tactics and bomb operators ready to go, Wickers said, adding that the city used federal money that became available after 9/11 to help fund that team and other counterterrorism measures.

In Florida, there will be extended staffing at the state's fusion center — an intelligence-sharing operation established after 9/11 that places law enforcement from around the state, as well as representatives from the FBI, Homeland Security Department and Transportation Security Administration in one building, said the center's director, Robert LeFiles.

The police chief in Arlington, Va., home to the Pentagon, which was attacked on 9/11, called the weeks surrounding the anniversary a time of heightened awareness.

"Ten years ago changed the world for us, and we should all be consciously aware of what's going on around us," said Douglas Scott.

New Yorkers will see more police officers on patrol in and around ground zero, where the World Trade Center towers stood, said Police Department spokesman Paul Browne. The department also plans an increased show of force in the subways, always considered a potential terror target.

Plans to tamper with an unspecified U.S. rail track so that a train would fall off a valley or from bridge were found on handwritten notes pulled from bin Laden's Pakistani hideout in May. The al-Qaida planners noted that if they attacked a train by tilting it, the plan would succeed only once because the tilting would be spotted the next time.

Katia now a hurricane

BY THE ASSOCIATED PRESS

WEST PALM BEACH, Fla. — Katia became the second named hurricane of the season in the Atlantic Ocean on Wednesday, but forecasters said it was too soon to determine where it might head.

The National Hurricane

Center in Miami cautioned the public not to stress over the storm. It is over warm waters and in a low wind shear environment, two ingredients that could propel it to become a major hurricane, likely by the weekend. But it's too soon to tell if it will ever come near land.

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