

Marshall County Fiscal Court
January 10, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, January 10, 2012 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; County Attorney Jeff Edwards and Assistant County Attorney Jason Darnall were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Bobby Gifford, Director of Water Vision 2020 addressed the Court regarding the following:

- Change Order #2012-01, Water Vision Acct # 07-5220-7270, Project #WX21157046 in the amount of \$4,528.85. The Fiscal Court was reimbursed \$4,528.85 from Invoice # 3011222009 of R & R Piping bill presented 11/22/2009. The total amount of the invoice was \$28,865.20. A statement given to the Marshall County Sheriff's Office explained why the refund was given (statement attached). The \$4,528.85 was deposited into Marshall County Water Vision Fund # 07-5220-7270 and will be used for other Water Vision Projects. A motion was made by Com. Drew and seconded by Com. Gold to approve the change order as presented. All voted aye. Motion carried.
- A bid opening was held December 16th for supplying a factory built package grade mounted water booster pumping station capable of delivering 650 gpm at 130' TDH (for the Brewers project). Only one bid was received. It was from Straeffler Pump & Supply, Inc. in the amount of \$44,950.00. Mr. Gifford recommended the bid be accepted. A motion was made by Com. Gold and seconded by Com. Anderson to accept the bid as recommended. All voted aye. Motion carried.
- A drawdown request was presented on Project # WX21157046 in the amount of \$3,580.00 for engineering services to Paul Cloud Engineer. A motion was made by Com. Gold and seconded by Com. Anderson to approve the drawdown request. All voted aye. Motion carried.
- A request for payment was presented on #WX2115750 from KIA Fund B: # 10-03 in the amount of \$40,950.00 (\$19,850.00 on the Oak Level tank and \$21,100.00 on the Brewers tank). A motion was made by Com. Gold and seconded by Com. Anderson to approve the request for payment. All voted aye. Motion carried. Mr. Gifford added that this is the final payment to Caldwell Tanks.

B. Mark Harrison, Marshall County Ambulance Service Director informed that he has been applying for AFG (FEMA) Grant funds for the past six or seven years and was turned down each time. Last year when he applied, grant funds in the amount of \$128,780 were awarded for four cardiac monitors. The grant is a 90% Federal Share (\$115,902) and requires a 10% match (\$12,878). He requested approval to advertise for bids to purchase cardiac monitors. Judge Miller asked if the hospital would be

willing to provide the funding for the 10% match. Mr. Harrison replied that he didn't think so.

Mr. Harrison also informed that the total award was \$77,000 from the Kentucky Office of Homeland Security Grant (regional application). No matching funds are required. Marshall County's part was for two cardiac monitors or \$63,296.32. With the AFG funding, those are not needed. He had asked for communications equipment in the same grant request but that part did not get funded. He spoke with Gene Kieser and he indicated that a request to modify the spending plan to allow the purchase of radio equipment instead of cardiac monitors should not be a problem. The amount of the funding would not change. The balance of the grant of \$13,703.68 is to be spent without change. It was for a UTV and a MedBed insert for McCracken County (grant partner). On the radio equipment, specs would have to be drawn up and bid at a later time.

Mr. Harrison said that he would like to delay the purchase of a new ambulance replacement unit until the next fiscal year and apply the unspent equipment fund balance to the new budget beginning in July 2012. The estimated balance at the end of June is \$60,000 - \$70,000. He explained that the next ambulance to be replaced cannot be a remount. It is a Taylor Made unit and no one will remove the box. He estimated the new replacement cost at \$110,000 to \$125,000. He added that the AFG match will probably be around \$16,000 that was not budgeted for.

A motion was made by Com. Drew and seconded by Com. Gold to authorize Mark Harrison to draw up specs and advertise to purchase cardiac monitors as requested. All voted aye. Motion carried.

C. Becky Cornwell, Director of Marshall County Caring Needline updated the Court on the Christmas Lights in the Park. Monetary donations for 2011 were \$50,351.00 and 30,189 food items were also donated during the light show. She expressed appreciation to the Fiscal Court, the volunteers, and the employees at the county park for all of the help making this a successful fundraiser again this year.

II. CORRESPONDENCE:

A. Gary Boggess, on behalf of the "Little Band of Believers" who meet at 196 Union Hill Road, sent a letter of appreciation for the Road Department removing old concrete sewers and installing a new metal one.

B. Dr. Graham & Judy Smith sent a letter in support of the creation of a community medical clinic for Marshall County to be staffed by volunteers.

C. Ed Jones, on behalf of the Benton Kiwanis Club, sent a letter of appreciation for the Court's recent donation for the Tater Day BBQ Kookoff.

D. Junior Wright, State Local Debt Officer with the Department for Local Government sent a letter regarding his decision approving the issuance of Marshall County, Kentucky General Obligation Refunding Revenue Bonds, Series 2011 (refund Court Facilities Project) in an aggregate principal amount not to exceed \$6,000,000.

E. Sheriff Kevin Byars informed that a bomb threat had been made at North Marshall Middle School this morning and the Deputies had just cleared the building for the students to re-enter.

F. Judge Miller read Rule G-23 Activities of Financial Advisors, regarding the prohibition on underwriting issues of municipal securities for which a financial advisory relationship exists. Keith Brock with Civic Finance Advisors, LLC sent updated contract information for the General Refunding Bonds, Series 2012 (re-funding Judicial Building). A motion was made by Com. Gold and seconded by Com. Anderson to authorize Judge Miller to sign the document designating Civic Finance Advisors, LLC, Lexington, Kentucky as Financial Advisor for re-funding of the bonds. All voted aye. Motion carried.

G. The Kentucky Department of Revenue informed that based on a recent denial by the Kentucky Supreme Court to review the Kentucky Court of Appeals decision, Department of Revenue v. Lexington-Fayette Urban County Government (Case No. 2009-CA-2220), the monthly hold harmless distribution from the gross receipts and excise tax ("telecommunications tax") fund must be adjusted. Marshall County's monthly telecommunications tax hold harmless distribution will be reduced beginning with the January payment. The Department estimated the ongoing monthly payments will be approximately 2% less than the current monthly amount. Last year's distribution for the Refuse was \$817.39 and will be \$801.00 and the Court's was \$6,650 and will be \$6,517.

III. OLD BUSINESS:

A. Com. Drew asked that a correction be made to the minutes of December 14, 2011. Item C under Old Business regarding Billy Driskill and the North Marshall Water District which stated, "Com. Drew said she doesn't think there are any points for his removal". After review of the recording, item C should read, "Action on Billy Driskill, who is one of the North Marshall Water District Commissioners, has been tabled for some time". Com. Drew said, "It was tabled pending any further information that indicated legally we could remove & Bobby, I don't think we've had any evidence of that, have

we?” (Mr. Gifford) “Not that I know of.” (Judge Miller) “Not that I know of”. Com. Drew then said, “I don’t think we have grounds for removal”. A motion was made by Com. Drew and seconded by Com. Gold that Billy Driskill remain on the North Marshall Water Board. All voted aye. Motion carried. With the correction to the minutes of December 14th, a motion was made by Com. Gold and seconded by Com. Anderson to approve the minutes. All voted aye. Motion carried.

B. Parks Director Larry Whitt informed that the Park Board has decided to table action and withdraw the request to charge a rental fee for the large pavilion.

C. The Court had requested that Roy Jones contact a company regarding plans or specs for roof on jail/sheriff’s office/911 complex. Mr. Jones submitted an agreement with Castleberry McGregor Swinford Architects for the court’s consideration for the design of a total roof replacement to include removal and installation of approximately 7,800 sq. ft. of metal roofing, 15,500 sq. ft. of single ply roofing, gutters, downspouts, counterflashings & fascias. A motion was made by Com. Drew and seconded by Com. Anderson to enter into the agreement with Castleberry McGregor Swinford Architects for plans for a total roof replacement. All voted aye. Motion carried.

D. Following the second reading of Ordinance #2011-10 (Arts Commission Building Funding), a motion was made by Com. Drew and seconded by Com. Gold to approve the second reading and adopt Ordinance #2011-10. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. The members of the Elva/New Harmony/Oak Level Fire Protection District Board of Trustees informed that during the December 26th meeting, they discovered that board member positions are conflicting with KRS Chapter 75.031 regarding qualifications of board members. Johnny Hamlett is filling an elected landowner position and is currently an active firefighter with the department. Marcus Cope is an elected firefighter board member and is currently not on the roster as a firefighter. Glen Watkins recently passed away, leaving an open appointed member position on the board. In order to rectify this situation, Mr. Cope submitted a resignation letter as a firefighter representative and Mr. Hamlett submitted a resignation letter as a landowner representative. The Trustees requested that Johnny Hamlett be named to replace Mr. Watkins as an appointee position; Marcus Cope be named as a landowner representative; and active firefighter Anthony Sledd be named as the Firefighter representative. A motion was made by Com. Drew and seconded by Com. Anderson to approve the requests of the ENO Board. All voted aye. Motion carried.

B. Following the first reading of Ordinance #2012-01 (Roadway Solicitation), a motion was made by Com. Drew and seconded by Com. Gold to approve the first reading. All voted aye. Motion carried.

C. Judge Miller read the Animal Shelter report for December which is as follows: Animals in the pen as of November 30, 2011 – 49; brought in by Animal Wardens – 35; brought in by citizens – 78; total animals taken in – 113 (dogs – 40; cats – 16; puppies – 36; & kittens – 21); adopted – 101; animals in foster care – 0; reclaimed – 18; euthanized – 16; & animals in the pen as of 12/31/2011 – 32; donations - \$1,105; adoption fees - \$1,304; total money received - \$3,264.

D. The Marshall County Animal Shelter Report was submitted for Calendar Year 2011. Total animals taken into the shelter – 1,248; brought in by Animal Wardens – 443 & brought in by citizens – 805 (dogs – 437, cats – 291, puppies – 225, & kittens - 295); adopted – 483 (dogs – 185, cats – 50, puppies – 137, & kittens – 111); reclaimed – 98 (dogs – 93 & cats – 5); euthanized – 647 (dogs – 162, cats – 235, puppies – 86, & kittens – 164) & money taken into the shelter - \$7,356.00. Judge Miller commended Lexie Lamb and Misti Wagner, the staff at the animal shelter, for an outstanding job.

E. The East Marshall Fire Protection District submitted the audit report for FY ended June 30, 2011. It was a clean audit and everything was in order. A motion was made by Com. Drew and seconded by Com. Anderson to accept the audit. All voted aye. Motion carried.

F. The North Marshall Water District submitted the budget for Calendar Year 2012, and were distributed to the Court members prior to Court. A motion was made by Com. Anderson and seconded by Com. Drew to accept the audit. All voted aye. Motion carried.

G. The Jonathan Creek Water District submitted the budget for Calendar Year 2012. Action was tabled until the Commissioners receive copies for their review.

H. A listing of active county employees and their place of employment was presented for consideration to rehire. Com. Drew asked if the appointed officials needed to be listed separately. Discussion was held about which officials, if any would need to be addressed separately. Specifically the Road Superintendent, Treasurer, Director of Emergency Management, and Animal Warden positions were discussed. It was determined that the Road Superintendent and Treasurer were 4-year terms and had been rehired.

- Judge Miller recommended that Melissa Combs, Director of Emergency Management be rehired. A motion was made by Com. Gold that she retain that

position. Judge Miller called for a second on the motion. No one spoke. The motion died for lack of a second. (See item Q, this page.)

- Judge Miller recommended that Golden Kirk, Animal Warden be rehired. A motion was made by Com. Drew and seconded by Com. Anderson to retain Golden Kirk as Animal Warden. All voted aye. Motion carried.

I. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Treasurer's Report, subject to audit. All voted aye. Motion carried.

J. A motion was made by Com. Drew and seconded by Com. Gold to approve the Treasurer's Quarterly Report, subject to audit. All voted aye. Motion carried.

K. A motion was made by Com. Drew and seconded by Com. Gold to approve the Encumbrance Report in the total amount of \$136,236.53. All voted aye. Motion carried.

L. A motion was made by Com. Gold and seconded by Com. Drew to approve the Budget Appropriation Transfers (attached). All voted aye. Motion carried.

M. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Payroll Accounts Receivable Report (attached). All voted aye. Motion carried.

N. A motion was made by Com. Anderson and seconded by Com. Gold to go into executive session to discuss personnel & litigation. All voted aye. Motion carried.

O. Judge Miller called Court back into regular session and informed that recently there was an opening in the Treasurer's Office for the position of Occupational Tax Administrator. Judge Miller recommended that Brenda Edwards be transferred from the County Attorney's Office to that position on a four-day week and to work in the County Attorney's Office on Fridays, at the same rate of pay as the former Occupational Tax Administrator. A motion was made by Com. Gold and seconded by Com. Anderson to approve the transfer as recommended. All voted aye. Motion carried.

P. Judge Miller informed that another personnel matter was discussed regarding absenteeism of an employee and he would be meeting with that employee in the near future.

Q. Judge Miller stated as a matter of clarification, when talking about the appointed officials, the Emergency Management Director is appointed by the County Judge/Executive and that issue should not have been included in earlier discussion.

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R. A motion was made by Com. Anderson and seconded by Com. Gold to approve payment of the bills. All voted aye. Motion carried.

S. The Sheriff's budget for 2012 was distributed. Judge Miller asked the Court to review it and be ready to take action at the next meeting.

T. A motion was made by Com. Gold and seconded by Com. Drew to adjourn. All voted aye. Motion carried.

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk