

Marshall County Fiscal Court  
February 19, 2014

The Marshall County Fiscal Court met in regular session on Wednesday, February 19, 2014 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson & Misti Drew; and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Sheriff Kevin Byars submitted a revised budget reflecting the \$125,000 returned by the Court during the February 4<sup>th</sup> meeting for the purchase & equipping of four vehicles. A motion was made by Com. Anderson and seconded by Com. Gold to approve the revised budget. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Patty Sanders, Secretary of the Marshall County Arts Commission, sent an invitation to a luncheon to the Court and all of the county employees who provided their services in making the Children's Arts Center a reality. The luncheon will be at the Arts Center on March 19<sup>th</sup> between the hours of 11:00 and 1:00.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the February 4<sup>th</sup> meeting. All voted aye. Motion carried.

B. During the February 4<sup>th</sup> meeting, there was a question about a firefighter who did not live within the boundaries of the district, being able to serve on the board. Judge Miller read a portion of an opinion by Attorney Darren Sammons, with the Department for Local Government, which stated there is a stipulation in KRS that requires the property owner representatives to live in the district they serve but not the firefighter representatives, so the appointment of Jason Acord to the Fairdealing Olive Fire Protection District will stand.

C. A quote was received from Jackson Purchase 2 Way Radio, in the amount of \$1,950.00 to repair the antenna, which would fix the problem the Animal Control Officers are having with their radios. A motion was made by Com. Anderson and seconded by Com. Gold to accept the quote and approve work on the antenna. All voted aye. Motion carried.

D. Judge Miller asked that the Court go into executive session to discuss personnel issues. A motion was made by Com. Anderson and seconded by Com. Gold to go into executive session. All voted aye. Motion carried.

E. Judge Miller called Court back into regular session and asked Property Valuation Administrator Tony Henson to give an update on expanded jurisdiction and the effect it would have on property owners. Mr. Henson informed that with expended jurisdiction and the adoption of the Kentucky Building Code, any structure over 200 square feet would require a permit and an inspection, including the addition of decks or porches to a house. It would also require a permit and inspection if any structural changes inside an existing building were made. He added that without county-wide zoning, there is no mechanism to enforce it. Com. Gold informed that this could affect economic development because the turn-around time for a plant expansion would go from approximately two weeks for the county to perform the inspection as opposed to the state, which will be at least four to six months. Judge Miller recommended that the second reading of Ordinance #2014-01 (Kentucky Building Code), be tabled until the first meeting in April so more information can be obtained. A motion was made by Com. Gold and seconded by Com. Drew to table the second reading as recommended. All voted aye. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. County Clerk Tim York submitted the financial settlement for calendar year 2013. Total receipts were \$9,713,755.16; total disbursements were \$9,481,301.50; and excess fees were \$232,453.66. Mr. York has already turned the check for excess fees in to the Treasurer's Office. A motion was made by Com. Anderson and seconded by Com. Gold to approve the County Clerk's Settlement. All voted aye. Motion carried.

B. Kenny Jones, Chairman of the Hardin-South Marshall Fire Protection District, informed that Mike Paynter has resigned as one of the firefighter representatives. A special election was held and Gary Freeman was chosen to fill Mr. Paynter's unexpired term. A motion was made by Com. Gold and seconded by Com. Anderson that Mr. Freeman replace Mr. Paynter (term to expire 6/30/2015). All voted aye. Motion carried.

C. Com. Drew received a request from residents of Chapel Lane that the road be widened. A business is now located on that road, and when two vehicles meet, one has to pull over into someone's yard. County Road Superintendent Russell York said there is only a 24' right-of-way on that road. Judge Miller asked if the property owners would be willing to deed more right-of-way. Com. Drew replied that she believed they would. Mr. York will look at the road and report back to the Court.

D. Com. Drew received a request that Gavin Lane be accepted into the County Road Maintenance System. A petition form will be provided to the residents of the road.

E. Judge Miller read the Animal Shelter report for January which is as follows:

Animals in the pen as of 12/31/2013 – 51; brought in by Animal Wardens – 19; brought in by citizens – 69; total animals taken in – 88 (dogs – 33; cats – 14; puppies – 39; & kittens – 2); adopted – 76; animals in foster care – 6; reclaimed – 9; euthanized – 1; animals in the pen (& in foster care) as of 1/31/2014 – 53; adoption fees - \$1,781.00.

Judge Miller read the Animal Shelter report for Calendar Year 2013 which is as follows: Animals taken into the shelter – 1,070; brought in by Animal Wardens – 342; brought in by citizens – 728 (dogs – 396; cats – 216; puppies – 234; & kittens – 224); adopted – 885 (dogs – 295; cats - 156; puppies – 239; kittens – 195); animals reclaimed – 84 (84 dogs); euthanized – 101 (dogs – 30; cats – 49; puppies – 4; & kittens - 18; donations - \$35,664.00; adoption fees - \$15,528.20; total money taken into the shelter - \$51,192.20.

F. The Marshall County Refuse District's audit, conducted by Pierce & Associates, for the year ended June 30, 2013 has been submitted. A motion was made by Com. Anderson and seconded by Com. Gold to accept the audit. All voted aye. Motion carried.

G. The Marshall County Public Library's audit, conducted by Romaine & Associates, for the year ended June 30, 2013 has been submitted. A motion was made by Com. Gold and seconded by Com. Anderson to accept the audit. All voted aye. Motion carried.

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

I. Judge Miller informed that there is a bill being considered before the General Assembly that \$1 million be placed in a fund to be used for public transportation to and from medical services for honorably discharged Veterans.

J. The Payroll Fund - Accounts Receivable Report as of January 31, 2014 was submitted and is as follows:

From	Amount
Marshall Co. Sheriff's Department	\$116,258.72
Marshall Co. Attorney's Office	\$
Marshall Co. Clerk's Office	\$ _____
Total Approved	\$116,258.72

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

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

L. Russell York asked for authorization to advertise for bids for the purchase of a new pick-up truck and snow removal equipment for the truck. A motion was made by Com. Drew and seconded by Com. Anderson to authorize Mr. York to advertise for the bid opening. All voted aye. Motion carried.

M. Com. Drew has been asked by an employee if they can be changed to a salaried employee and any overtime be given as comp time as opposed to being an hourly employee, who receives overtime pay for overtime worked. Following discussion about whether or not that could be changed, Jeff Edwards will review the Employee Policy & Procedure Manual and report back to the Court.

N. Judge Miller declared Court in recess for a scheduled workshop regarding the application permit for the operation of Kentucky Lake Motor Speedway.

O. Judge Miller declared Court back in regular session.

P. The appraisal from Sloan Appraisal & Realty Services has been received for the Big Bear Day Use Park property, and the cost is \$1,250.00. A motion was made by Com. Drew and seconded by Com. Anderson to approve payment of the invoice. All voted aye. Motion carried.

Q. Com. Drew asked if a survey could be done on the portion of the county's property that will be used for a gun range. Following brief discussion, a motion was made by Com. Drew and seconded by Com. Gold to ask the County Surveyor to perform the survey. All voted aye. Motion carried.

R. Com. Anderson has been asked again by Kyle O'Dell about the watershed issue. Jeff Edwards met last week with Mr. O'Dell on another matter, but added that he will meet with him again regarding this issue and report back to the Court.

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

Respectfully submitted by:

Melonie Chambers  
Fiscal Court Clerk