

Marshall County Fiscal Court
March 3, 2015

The Marshall County Fiscal Court met in regular session on Tuesday, March 3, 2015 in the First Floor Conference Room, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Johnny Bowlin, & Dr. Rick Cocke; & Assistant County Attorney Jason Darnall were present. Chyrill Miller, County Judge/Executive presided.

Judge Miller opened the meeting and presented a plaque to Frank Murphy, Director of Emergency Management, in appreciation of his efforts in coordinating emergency services during the recent snow storm. Mr. Murphy was also first on scene of a situation where a vehicle went off of the roadway and overturned in a creek. Mr. Murphy rescued a man and his two children. Two of their pets were also in the vehicle and they were also recovered.

I. GUESTS:

A. County Clerk Tim York presented the County Clerk's Settlement for Calendar year 2014. Total receipts - \$9,425,852.19; total disbursements - \$9,224,114.04, and he has submitted a check to the County Treasurer for excess fees in the amount of \$201,738.15. A motion was made by Com. Gold and seconded by Com. Bowlin to accept the Settlement, subject to audit. All voted aye. Motion carried.

Mr. York also spoke about the need for an updated phone system in his office. The busiest months in his office are typically March and April. He added that his staff did not need to ignore the customers to answer the phones and an automated phone system would alleviate the problem.

Mr. York informed that the roof on the building where the voting machines are stored has stopped leaking after the repair work. The parking lot is apparently higher than the floor of the building and the last time he was in the building, water was standing on the floor. He asked if the road department could either dig a drainage ditch or slope the lot to divert water away from the building.

B. The following members of the Military Order of the Purple Heart, Department of Kentucky were present: Department Commander Benjamin Cooper; Ladies Auxiliary President Doris Fletcher; Department Chief of Staff Bill Fletcher; Department Chaplain & Purple Heart City & County Coordinator Irvin Lyons; Commander of Four Rivers Chapter 585 James Elder; Past President of the Department for Womens' Services Gail Lyons; and James Fletcher. Judge Miller read a Proclamation naming Marshall County a Purple Heart County. A motion was made by Com. Gold and seconded by Com. Cocke to approve the Proclamation. All voted aye. Motion carried.

C. Becky Cornwell with Marshall County Caring Needline had asked to address the Court but was not present. Judge Miller presented the numbers from the Holiday

Light Show in the Park for 2014. A total of 34,396 food items and \$56,149.00 were donated. The totals since 2000 are: food items - 339,250 and \$559,805.00 in donations.

D. Rachael Vaughan spoke to the Court concerning Happy Feet – a 501c3 corporation that provides brand name, top of the line shoes for school children who live in less than ideal financial situations. Ms. Vaughan is currently participating in the Kentucky Lake Chamber of Commerce Leadership Marshall County Class and the class chose Happy Feet for this years' project. Working through the Family Resource Centers with the Marshall County Board of Education it was determined by the Resource Center Directors who chose to work with Happy Feet, that there are 150 students in need from four elementary schools (Benton, Central, Sharpe and Calvert). Ms. Vaughan asked for the Court's consideration of donating \$500 to go toward the needed \$4,500 to purchase shoes for the children. A motion was made by Com. Cocke and seconded by Com. Bowlin to donate \$500 to Happy Feet. All voted aye. Motion carried.

E. Bonnie Kincannon with the Aurora Fire Department Women's Auxiliary addressed the court about some needed repairs & updates to the Aurora Jonathan Visitor Center and the park area.

- Requested a name change from Aurora Jonathan Visitor Center to Aurora Community Park. A motion was made by Com. Gold and seconded by Com. Cocke to approve. All voted aye. Motion carried.
- Requested approval to enclose the back of the pavilion with a metal wall to discourage the wind and sun – material cost is \$752.71. Build a 12' x 20' treated stage area with a 12' x 20' backdrop – material cost is \$1,506.40. A motion was made by Com. Gold and seconded by Com. Cocke to approve. All voted aye. Motion carried.
- Requested upgrades to the electrical service. The 1st service needs a 200 amp service installed in place of an existing 100 amp service and to upgrade the GFIs and any other receptacles including those in the pavilion. The 2nd service needs to be installed to replace the temporary service which was installed several years ago. A new pole will have to be set in order to get the service to the correct code height. The 3rd service needs to be replaced because it is also too close to the ground to pass code. The estimate for the electrical repair work is \$6,850. A motion was made by Com. Gold and seconded by Com. Bowlin to approve up to \$6,850 to make the needed changes on the electric at the park. All voted aye. Motion carried.

F. A motion was made by Com. Gold and seconded by Com. Bowlin to provide \$500 to go toward prize money for the Bow Fishing Tournament on June 27, 2015. All voted aye. Motion carried.

G. North Marshall Water District Board Chairman Jerry Miller introduced the other members of the board: Kendra Capps who has a background in Human Resources; Billy Driskill who has a background as a General Contractor and an Engineer; Jamie Leonard who has 36 years in Chemical and Environmental Engineering; Larry Draffen who was in Administration at Westlake; and Mr. Miller's background is in Health Care – advising hospitals in management practices. Mr. Miller turned the floor over to their Director, Bobby Gifford who updated the Court on the board improvements made since this board has been in place. He added that because of large amount of negative news coverage with the past board, they wanted to go over the progress that has been made at the water district with the new board. Mr. Gifford also commended the board members and staff for the hard work getting the district to where it is today.

Mr. Gifford informed of his recent meeting with Sanitation District #2 and added that he hopes to have a plan of action within the next three months.

Mr. Gifford also gave an update on the Watervision 2020 project at the Brewers "Y". There is \$3.5 million funding available for the entire state. He has requested \$1.2 million and has also negotiated a 60% loan - 40% matching grant.

H. Jean Jennings addressed the Court regarding the roads in Quail Hills Subdivision (Leonard Park was also present). Last year, residents of the subdivision asked that the roads be accepted into the county road maintenance system. The road did not meet specifications and following the public hearing, no action was taken. Ms. Jennings said that the subdivision was built in the 1980's and the roads only had a 30' easement and the pavement was 16' wide. Many of the homes are close to the street and some are located within the current required right-of-way of 40'. Ms. Jennings asked if the court would consider making an exception and accept the roads with a 30' easement. Com. Gold said there are several older roads in the maintenance system that do not meet the current standards to be accepted, but there are many that have been turned down since the Road Acceptance Policy was put in place years ago. Com. Bowlin said he drove through the subdivision over the weekend and some trees are located about a foot off of the pavement. He added that he has been told by a developer that a lawsuit will be filed if roads that don't meet the specs are accepted while his (which did not meet the specs) were turned down. Judge Miller apologized to Ms. Jennings and thanked her for addressing the court today.

I. Economic Development Director Josh Tubbs addressed the court about the following:

- He presented a framed certificate & informed that Marshall County has been certified as a Work Ready Community in Progress. He explained that all of the criteria has been met, with the exception of the soft skills criteria to be certified as a Work Ready Community. Soft skills is the portion implemented by the school system where seniors have exceeded requirements and are ready to enter either a two-year or four-year system of higher education or are ready to enter the work force. When the seniors have met those requirements, a seal will be placed on their diplomas. Soft skills was not implemented mid-school year, but will begin in September of this year.
- He distributed copies of a proposal from Bacon, Farmer & Workman, which was approved last year by the previous court. The proposal was for a study to be performed to determine the best place in the county for the development of an industrial park. The cost of the study for site consultation is \$67,500 excluding expenses. Mr. Tubbs said he would like the approval of this court as well. Following several questions from the court, Com. Cocke said he was not ready to take any action on the request at this time. Judge Miller thanked Mr. Tubbs for his report

J. Kathy Johnston stated her opposition to the proposed location of Purchase Youth Village (1230 Oak Level Road), the entrance to which will be between her house and her neighbors. The site is not located within the city limits of Benton. Assistant County Attorney Jason Darnall advised that unless an entity is breaking the law, there is nothing the county can do to stop the building because there is no county zoning. Ms. Johnston asked if a petition might help to stop the Youth Village from being built at that location. Mr. Darnall replied that she could also hire an attorney and file suit.

II. CORRESPONDENCE:

There were no items of correspondence.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Cocke to approve the minutes of the February 17, 2015 meeting. All voted aye. Motion carried.

B. A bid opening was held for contractual services on mowing and weed-eating various county owned properties. Notice for bids was published in the February 17th and 24th editions of the Tribune Courier. Seven bids were received:

1. Next Generation, Inc. of Benton - \$54,450.00
2. Green Lawn Care of Benton - \$27,500
3. Diane Ransom Lawn Care of Paducah - \$46,960
4. Atkins Lawn Care - \$17,250
5. A & C Lawn Care - \$31,500
6. Jimmy Miller - \$27,500
7. B & B Yard Care of Benton - \$36,960

Parks Director Larry Whitt was asked to compare the bids and make a recommendation later in the meeting (see item D).

C. Com. Gold has looked at the Pirates Cove situation and had pictures of four nuisance properties. One of the properties was addressed some time ago, but action was stopped and he believed it was because of a disability the homeowner had and there was a possibility of some of the family moving into the mobile home. The property has gotten much worse since that time. One of the other properties is on hold because of a legal situation that Sheriff Byars is working on. The other does not appear to meet the guidelines to be considered a nuisance at this time. Com. Cocke said he has met with Curtis Cavanaugh with Pirates Cove Homeowners Association and looked at the property. He said that from his understanding, one will take care of itself and the other one is certainly a health issue. He added that he is having the same problem in Old Gilbertsville. No action was taken at this time.

D. Mr. Whitt recommended that the mowing bid be awarded to Atkins Lawn Care at \$17,500. A motion was made by Com. Cocke and seconded by Com. Bowlin to accept the bid as recommended. All voted aye. Motion carried.

E. A motion was made by Com. Cocke and seconded by Com. Gold to recess for lunch. All voted aye. Motion carried.

F. Judge Miller called the meeting back in regular session at 1:05 p.m.

G. Treasurer Emily Martin has spoken with Robert Chandler about the Veterans Van Transportation Program and a possible change in the way Mr. Chandler is being paid to run the program. Ms. Martin will speak with Mr. Chandler again and report to the court.

H. Following discussion about the recent bid opening of proposals for audio & visual services for the courtroom, a motion was made by Com. Gold and seconded by Com. Cocke to reject the proposal from Crossroads and obtain for proposals for audio services only. All voted aye. Motion carried.

J. Sheriff Kevin Byars submitted a special subsidy budget amendment. A motion was made by Com. Gold and seconded by Com. Cocke to approve the special subsidy amendment. All voted aye. Motion carried.

K. Vic Enterprises submitted a change order in the amount of \$5,291.42 from Vic Enterprises for the removal of an old bridge abutment prior to putting in the new bridge on the Old Calvert City Road. Following discussion, no action was taken. Assistant County Attorney Jason Darnall advised that the agreement for the bridge installation was between Vic Enterprises and the bridge company and not the Fiscal Court.

IV. NEW BUSINESS:

A. Discussion was held about the drainage issue in Old Gilbertsville. Com. Cocke had a map with a proposed change to a stream that would help to divert the water from the areas that are prone to flooding. Prior to any work being done, approval will have to be granted from the Environmental Protection Agency as well as the Corps of Engineers. The court will be kept updated on this issue.

B. In honor of the Sesquicentennial Anniversary of the University of Kentucky, Judge Miller read a Proclamation declaring the week of March 23, 2015 UK Week in Marshall County. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the Proclamation as presented. All voted aye. Motion carried.

C. A motion was made by Com. Gold and seconded by Com. Cocke to accept the audit for FY ended June 30, 2014 of the Marshall County Public Library. All voted aye. Motion carried.

D. A motion was made by Com. Bowlin and seconded by Com. Cocke to accept the audit for FY ended June 30, 2014 of the Briensburg Fire Protection District. All voted aye. Motion carried.

E. A motion was made by Com. Cocke and seconded by Com. Gold to accept the audit of the Marshall County Sheriff's Settlement for 2013 taxes for the period from April 16, 2013 through April 15, 2014. All voted aye. Motion carried.

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

G. Judge Miller declared in recess for a scheduled budget workshop.

Marshall County Fiscal Court
March 3, 2015
Page seven

H. A motion was made by Com. Bowlin and seconded by Com. Gold to go back into regular session. All voted aye. Motion carried.

I. During the time the court was in the budget workshop, Jason Darnall and Road Superintendent Russell York discussed the drainage issues in Old Gilbertsville. Mr. Darnall drafted a letter and sent it via email to Judge Miller's Office to be sent when the correct contact information is obtained.

J. A motion was made by Com. Gold and seconded by Com. Cocke to approve an agreement with Randy Duke, who has successfully passed the first two required tests for certification as a Building Inspector. All voted aye. Motion carried.

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

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk