The Marshall County Fiscal Court met in regular session on Tuesday, April 1, 2014 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, 1101 Main Street, 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. Larry Whitt updated the Court on the day use park projects with TVA, which are being completed. Mr. Whitt complemented the Marshall County Special Projects crew for their work on the projects.

II. CORRESPONDENCE:

A. Kentucky Association of Counties (KACo) sent a memo regarding the passing of Gary Moberly, President of Gary Moberly & Associates who was the primary contact for KACo’s Alternative Dispute Resolution Program (ADR) and the Drug-Free Workplace Program. KACo has not engaged the services of a replacement, but Larry Crigler is filling in on the ADA Program and Tara Aziz is the contact for the Drug-Free Workplace Program.

B. JoJuana Leavell-Greene, Branch manager, PVA Administrative Support with the Finance & Administration Cabinet informed that Marshall County’s statutory obligation to the Property Valuation Office for FY 2014-15 is $78,500.00. Judge Miller met with Marshall County PVA Tony Henson this morning and the payment is the same as last year. Judge Miller added that in this session of the General Assembly, some of the funding has been returned for the operation of PVA Offices, but not all. In the counties where the Fiscal Court does not supplement the PVA Office, staff will have to be let go. This will not affect our PVA Office because it is supplemented.

C. Lee Grassley, Government Relations with Mediacom, informed that on May 1, 2014, Mediacom will be implementing a Non-Standard Convertor Fee of $5.00 per month. The fee will be applied to all customers who rent a DVR box from Mediacom, but choose to cancel their DVR service subscription and do not return the box. The fee will remain in place until the box is returned. In conjunction with this change, Mediacom will be standardizing the Electronic Reactivation of Account and Electronic Change of Service Fees at rates of $2.00 companywide.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the March 18th meeting. All voted aye. Motion carried.
B. Russell York reported that he is waiting on the survey results on the gun range. He estimated that it will take 66 tons of dirt to build the berm to meet the specifications.

C. Jeff Edwards reported that he attended a meeting yesterday about the watershed issue. He will draft an Ordinance for the Court’s review at the April 15th meeting.

D. Judge Miller reported that Gary Teckenbrock has checked on the tables, chairs & storage racks at the Hardin Community Building. Eight 8’ tables and 100 metal folding chairs need to be replaced. The costs are as follows: table - $79.88 ea.; a 4-pack of chairs - $42.98; & table storage carts - $147.47 ea. A motion was made by Com. Gold and seconded by Com. Anderson to provide $2,200.00 to purchase the tables, chairs & two table storage carts. All voted aye. Motion carried.

E. During the March 18th meeting, discussion was held about scavenging at the Landfill. Danny Newton, Chairman of the Refuse Board, informed that “No Scavenging” signs have been installed as well as cameras.

F. Judge Miller brought up the Lookout Lane/Beshears Lane for discussion. Ron Beshears sent a letter and copies were made for the Commissioners. Com. Drew said she had compassion, but the Court voted that unless all of the property owners along a road were in favor of changing a road name, it would remain the same. She has spoken with Rick Leeper, who is still opposed to changing the name, and Mr. Leeper told her that others along the road had also changed their minds and wanted the road to remain Lookout Lane. Com. Gold said that there are a lot of issues with a road name change – address, GIS information, etc. and it can also be confusing to emergency responders. He added that he is not in favor of changing any road names. Com. Anderson said he agreed with Com. Gold.

G. Com. Drew asked for an update on the Nuisance Complaints received by the Sheriff. Sheriff Byars informed that he will be attending the next Refuse Board meeting and will report back to the Court. Two of the property owners have asked that the county clean up their property and send them the bill. Discussion was held about which entity is responsible for the cost of the initial clean-up. After checking the Ordinance, it was determined that it was the Court’s responsibility.

IV. **NEW BUSINESS:**

A. Sloan Appraisal & Realty Services completed an appraisal on the building in Calvert City, which was jointly purchased by the Fiscal Court, Health Department and
Hospital. The fair market value of the property as of February 18, 2014 was $150,000. The price for the building was purchased for less, but improvements were made to the property.

B. Judge Miller informed that the copier/printer/scanner/fax machine in his office has quit working and needs to be replaced. A motion was made by Com. Anderson and seconded by Com. Gold to authorize the County Judge/Executive’s Office to purchase a replacement. All voted aye. Motion carried.

C. The Marshall County Conservation District submitted the budget and annual plan of work for FY 2014/15. A motion was made by Com. Anderson and seconded by Com. Gold to accept the documents. All voted aye. Motion carried.

D. The Fiscal Court’s Audit for FY ended 6/30/2013 has been received. It was a clean audit with two recommendations/comments:
   1. On financial statement findings – the Court lacks adequate segregation of duties over revenues and receipts. Due to a limited number of staff and the diversity of operations. Judge Miller response – We will take recommendations into consideration and implement changes where we feel both internal controls and time management could be improved.
   2. During testing of payroll, auditors noted three instances where time cards were not maintained by salaried employees. According to KRS 337.320, “Every employer shall keep a record of…the hours worked each day and each week by each employee”. Good internal controls dictate that all timesheets be signed by employees and have supervisory approval. Judge Miller’s response – the Road Department salaried employees that are not keeping time sheets will be instructed to begin using the time clock to account for their hours as soon as possible.

E. The North Marshall Water District submitted the financial statements and supplemental information for December 31, 2013 and 2012. A motion was made by Com. Anderson and seconded by Com. Drew to accept the documents. All voted aye. Motion carried.

F. Martin Johnson, Attorney representing the city of Benton, addressed the Court about the city’s obligation for landscaping at the Childrens Arts Center. At the time the commitment was made, there was a city employee who was knowledgeable about landscaping, but he no longer works for the city. There is a county park employee with a degree in horticulture and Mr. Johnson asked that he be allowed to supervise the city employees to make sure the landscaping is done correctly. The Court members agreed to Mr. Johnson’s request.
G. Judge Miller informed that there has been a lot of discussion in Frankfort about the budget, but the legislators have not addressed HB 237 (Road Plan). Rep. Will Coursey had money in the budget for Barge Island Road, Moors Camp Highway, and the bridge for the new entrance off of Oak Level Road to Marshall County Hospital. Flex funding has been reduced from 20% to 15%, which will equate to approximately $100,000 for Marshall County. Judge Miller added that he spoke with Rep. Coursey this morning and $250,000 has been restored in the budget for the Childrens Art Center and $2 million to replace the roof at Kentucky Dam Village State Resort Park. Judge Miller added that hopefully more money can be replaced in the budget.

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

I. Judge Miller called Court back into regular session and informed that discussion was held during executive session about the new building inspection law, which will encompass single-family dwellings. Marshall County Building & Electrical Inspector Larry “Cat” Spears is prepared to train someone in order to get them certified. Martin Johnson will speak with the Benton Mayor and City Council about a joint effort between the city and county to provide inspections. He will work with the County Attorney to draft an interlocal agreement for inspections. Judge Miller added that discussion was also held regarding janitorial services at the Courthouse. Currently a temporary employee (3 to 4 hours per day, 5 days per week) is helping the full time staff person.

J. Judge Miller received a call requesting a county leash law. Discussion was held about the inability to enforce such a law county-wide.

K. Following the first reading of Ordinance #2014-03 (Amendment to 2013 Tax Rates), a motion was made by Com. Anderson and seconded by Com. Gold to approve the first reading. All voted aye. Motion carried.

L. An Intrafund Transfer listing was submitted and is as follows:

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occ. Tax Adm.</td>
<td>911 Fund (budgeted subsidy)</td>
<td>$ 31,250.00</td>
</tr>
<tr>
<td>Grant Fund</td>
<td>Road Fund (DRA-McFarland)</td>
<td>$ 31,020.00</td>
</tr>
<tr>
<td>Occ. Tax Adm.</td>
<td>Jail Fund</td>
<td>$150,000.00</td>
</tr>
<tr>
<td></td>
<td>Total Approved</td>
<td>$212,270.00</td>
</tr>
</tbody>
</table>

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

N. Russell York asked for authorization to advertise for bids for two mowers. It will take two to three months to get the mowers in, and they won’t be paid for until after July 1st. A motion as made by Com. Anderson and seconded by Com. Gold to advertise for bids for two new mowers. All voted aye. Motion carried.

O. Judge Miller informed that he has spoken with Russell York and they will be recommending to County Treasurer Emily Martin that the budget for blacktop for the next fiscal year be increased by $100,000.

P. Ray Langston said he recently drove down Moors Camp Hwy. and since the road had been widened and repaved, traffic was speeding which created a dangerous situation. Another gentleman, who lives off of Moors Camp Hwy., said he had experienced the same problems. Sheriff Byars told the gentlemen that if they could determine a time when the traffic problems were more prevalent, he would have patrols in that area.

Q. Judge Miller discussed the break-in last week at the Exceptional Center. One couple brought a $500.00 check to his office to replace the pop-corn machine, which was destroyed and another gentleman drove over from Fancy Farm to make a $100.00 donation.

R. Judge Miller thanked Jerry Sikes, the members of the United Auto Workers Retiree Council, friends and supporters for their friendship over the last trying year.

S. Having no further business, Judge Miller declared the meeting adjourned.

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk