

Marshall County Fiscal Court
July 15, 2014

The Marshall County Fiscal Court met in regular session on Tuesday, July 15, 2014 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; Assistant County Attorney Jason Darnall and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. John Ehrig addressed the Court regarding Lauderdale Lane, which is a private road. He explained that one of the neighbors has caused a drainage problem by putting brush in a ditch, causing water to back up over a culvert and washing out the gravel on his portion of the road. His daughter was also present and informed that at times the roadway is impassable and she has had to park her vehicle and walk into her parents house on foot. Mr. Ehrig said that a couple of years ago, he put \$2,000 worth of gravel on the road and it has been washed away. There are three homes on this road. Mr. Ehrig's daughter said she has made 60 phone calls and no one has been able to determine who actually owns the road. County Road Superintendent Russell York said the original developer of the road has since passed away. Mr. Ehrig asked if something could be done and his daughter added that it literally washes out every time it rains. Judge Miller explained that it is against state law for the county to put county equipment on or do any work on private property. The developer knew the county specs for roads being accepted into the county road maintenance system, and the Ordinance outlining those specs was put into place to protect the homeowners. Jeff Edwards advised Mr. Ehrig to hire an attorney and this issue will need to be settled in civil court, not by this court. Mr. Ehrig asked how to get the road to be accepted as a county road. Judge Miller replied that it is handled through a petition process and the road would have to be brought up to current county standards to be accepted.

B. Josh Tubbs, Director of Economic Development addressed the Court regarding the following:

- As a result of the Branding Study, one of the suggestions was to capitalize on the main draw to the area, which is Kentucky Lake. Part of the recommendations to do that was to incorporate Kentucky Lake into not only the Tourist Commission and the Chamber of Commerce, but to consider changing the name of the Marshall County Economic Development Office. He added that since Economic Development was not developed through an Ordinance, that the Court consider changing the name to Kentucky Lake Economic Development. Judge Miller recommended that since Kentucky Lake covers more than just Marshall County, that Marshall County remain in the name. Mr. Tubbs replied that he will incorporate Marshall County into the new name and make the recommendation to the Court.
- Wendy Baxter is attending a Work Readiness Certification training in Lexington today and Mr. Tubbs said the goal is to apply for certification in September. He

outlined the steps necessary for certification.

- Plans are underway to draw up RFQ's for firms to assist with the development of an industrial park.

II. CORRESPONDENCE:

A. Mike Arms, Executive Director of the Association of Tennessee Valley Governments, sent a note of appreciation for the Court's continued membership. Judge Miller added that Marshall County has been a member since the inception of AVTG, which covers a seven state, 201 county area covered by TVA.

B. Kate Hotele, Manager of Government Relations with Mediacom, informed that on or about September 1, 2014, the cable service will be changing the seasonal rates for some of the services. The new rates are as follows:

<u>Service</u>	<u>Current Price</u>	<u>New Price</u>
• Video only	\$7.50/month	\$10.00/month
• HSD only	\$10.00/month	\$12.50/month
• Video & HSD only	\$17.50/month	\$20.00/month

C. Ronald Rigney, Director, Division of Program Management, Transportation Cabinet informed that the Transportation Cabinet's Draft FY 2014-18 Statewide Transportation Improvement Program will be available for public inspection at the local Highway District Offices, Area Development District Offices, Metropolitan Planning Organization Offices, Division of Planning, Division of Program Management, and also on the KYTC'S website.

D. Todd Westerman with the Kentucky Conservation Officers Association sent a letter requesting the Court's consideration of placing an ad in the Association's Magazine. KCOA is a non-profit organization whose purpose is to improve the working condition and benefits for Kentucky Conservation Officers and the families. This request was tabled for future consideration.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Drew to approve the minutes of the July 1, 2014 meeting. All voted aye. Motion carried.

B. Following the second reading of Ordinance #2014-06 (Marshall County Tourist Commission – name change to Kentucky Lake Convention & Visitors Bureau), a motion was made by Com. Drew and seconded by Com. Gold to approve the second reading and adopt the Ordinance. All voted aye. Motion carried.

C. A bid opening was held for the redevelopment and design of a county website. Notice for bids was published in the July 1st and 15th editions of the Tribune Courier. Two companies submitted bids – Cyber WebSmith, Inc. of Benton, Kentucky and Paul Anthony Holt, MBA of Denver, Colorado. Andy Lepisto with the GIS Department left the meeting to review the bids.

D. Judge Miller updated the Court on the property across from the entrance of the county park that is not in abeyance of the Nuisance Ordinance. The property owner asked the Chairman of the Refuse Board they could put a fence around the property. Judge Miller added that he will keep the Court updated.

E. Judge Miller and Jeff Edwards updated the Court on a recent meeting concerning the cities and county working out the details on the administrative portion of expanded jurisdiction through interlocal agreements. Judge Miller said that it appears someone will have to be hired and currently there is an open office on the second floor. He added that this is all because of a state mandate.

F. A quote opening was held for local financial institutions to serve as a depository for the Fiscal Court. Requests for quotes were hand delivered to all banks in the County. Two quotes were received and are as follows:

1. Heritage Bank – Plus .12% basis points with a Floor of .82% (below which interest rate will not fall).
2. CFSB – Plus .26% basis points with a Floor of .61% below which interest rate will not fall).

Judge Miller asked Treasurer Emily Martin and County Clerk Tim York to review the quotes and make a recommendation later in the meeting.

G. Following the first reading of Ordinance #2014-07 (a change to the Nuisance Ordinance requiring posting of the property), Sheriff Byars expressed his displeasure of the decision for the property to be posted. Com. Drew said it was her intention when she suggested that the property be posted, to cover all bases and in case the certified mail did not reach the property owner, that a neighbor might notice the posting and notify the owner. The Sheriff sends the notice to the last known address as it appears on the tax role. Com. Gold said that if someone purchases a piece of property after January 1st, then the mailed notice would be sent to the owner as of January 1st and would not reach the current owner. A motion was made by Com. Drew and seconded by Com. Anderson to approve the first reading. All voted aye. Motion carried.

H. Andy Lepisto reported that he has reviewed the bids on the website and needs to contact the companies that submitted bids for further information and will report back to the Court.

I. Tim York reported that after comparison of the bank quotes, part of the quotes depend on what will happen on future federal fund rate (which is uncertain), the recommendation is that Heritage Bank be awarded the quote. A motion was made by Com. Anderson and seconded by Com. Drew to accept the quote as submitted by Heritage Bank. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. J.W. Bryan, County Fees Branch Manager with the Finance & Administration Cabinet, informed that Marshall County's contribution for FY 2014/15 is \$3,766.00 (per KRS 31.185) to pay court orders entered against counties for the defense of the indigent. A motion was made by Com. Drew and seconded by Com. Gold to approve payment. All voted aye. Motion carried.

B. The County Clerk's Claim for motor vehicles and boat accounts as of January 1, 2014 is \$6,218.10. A motion was made by Com. Gold and seconded by Com. Anderson to approve payment of the claim. All voted aye. Motion carried.

C. Judge Miller informed of an opening on the Board of Tax Appeals and recommended Kip Mathis be appointed. A motion was made by Com. Gold and seconded by Com. Drew to appoint Mr. Mathis. All voted aye. Motion carried.

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

E. The Payroll Fund - Accounts Receivable Report as of June 30, 2014 was submitted and is as follows:

From	Amount
Marshall Co. Sheriff's Department	\$576,425.56
Marshall Co. Attorney's Office	\$ 15,159.23
Marshall Co. Clerk's Office	<u>\$ 30,661.10</u>
Total Approved	\$591,584.79

*County Attorney Balance Paid 7-3-14

*Clerk Balance Paid 7-1-14

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

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

G. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Encumbrance Report for the quarter ended 6/30/2014. All voted aye. Motion carried.

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

I. An Intrafund Transfer as of July 15, 2014 was submitted and is as follows:

<u>From</u>	<u>To</u>	<u>Amount</u>
Occ. Tax Adm.	General Fund	\$750,000.00
Occ. Tax Adm.	Road Fund	\$100,000.00
Occ. Tax Adm.	911 Fund (budget subsidy)	<u>\$ 31,250.00</u>
	Total Approved	\$881,250.00

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

J. Judge Miller read the Animal Shelter report for June which is as follows: Animals in the pen as of 5/31/2014 – 58; brought in by Animal Wardens – 44; brought in by citizens – 87; total animals taken in – 131 (dogs – 39; cats – 14; puppies – 37; & kittens – 41); adopted – 80; animals in foster care – 0; reclaimed – 14; euthanized – 16; & animals in the pen (and foster care) as of 6/30/2014 – 79; adoption fees - \$2,677.00.

K. The Palma-Briensburg Fire Protection District Budget was submitted for FY 2014/15. A motion was made by Com. Drew and seconded by Com. Anderson to accept the budget. All voted aye. Motion carried.

L. The Audit Report for FY ended June 30, 2013 was submitted by the Aurora Ross Fire Protection District. A motion was made by Com. Drew and seconded by Com. Gold to accept the audit report. All voted aye. Motion carried.

M. Discussion was held about the possibility of paying Troy English for the extra time he has spent working on the nuisance properties. Com. Anderson said he believes the Sheriff should receive the same treatment. Jeff Edwards informed that the county

could pay for the extra time or the amount could be added to the lien. No formal action was taken.

N. Com. Gold reported on a couple of things from the Judges, Magistrates & Commissioners Conference held last week in Louisville. He asked Parks Director Larry Whitt if he had received any information from the Department for Local Government regarding grant funds that will be available soon for walking trails. Mr. Whitt said he is waiting for the property acquisition before an application for grant funding can be submitted. Com. Gold also informed that discussion was held about the possibility of placing a tax on cell phones to help cover the costs of operating 911. The Magistrates & Commissioners Association as well as the Judge/Executive's Association are both in agreement that 911 needs additional funding from cell phone use.

O. Judge Miller informed that he has received numerous phone calls, emails & visits from people who are adamantly opposed to the states plan to close the portion of the Purchase Parkway from the intersection with I-24. He asked the County Attorney to prepare a Resolution for the Court's consideration opposing the states plan as well. Mr. Edwards said he would have the Resolution for the Court's consideration at the next meeting.

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

Q. A motion was made by Com. Drew and seconded by Com. Anderson to recess for a scheduled public hearing. All voted aye. Motion carried.

R. Judge Miller called Court back into regular session.

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