

Marshall County Fiscal Court
July 21, 2015

The Marshall County Fiscal Court met in regular session on Tuesday, July 21, 2015 in the Joe Williams Fiscal Courtroom, 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.

I. Executive Session – Personnel:

A. Judge Miller informed that a change in the agenda was requested and the executive session scheduled further down the agenda needed to be held earlier. A motion was made by Com. Bowlin and seconded by Com. Gold to go into executive session to discuss personnel. All voted aye. Motion carried.

B. Judge Miller called Court back in to regular session and informed that two personnel items were discussed. On the first one, there was no resolution at this time. The second issue was the need to replace a part-time employee at the Animal Shelter.

- A motion was made by Com. Bowling and seconded by Com. Gold to lift the hiring freeze. All voted aye. Motion carried.
- A motion was made by Com. Cocke and seconded by Com. Bowlin to hire September Watkins as a part-time employee at the Animal Shelter. All voted aye. Motion carried.
- A motion was made by Com. Gold and seconded by Com. Bowlin to place the hiring freeze back on. All voted aye. Motion carried.

II. GUESTS:

A. Scottie Henson gave the history of Louise Wyatt Lane, formerly known as Scottie Henson Lane, which resulted in a Circuit Court case. It was determined by the court that the road was not a county road; ownership of the road belonged to the Wyatt Family; and Mr. Henson only had an easement to allow access to his property. Since the court ruling, Mrs. Wyatt and her son have both passed away. Mr. Henson has discovered by researching deeds that years ago ownership of the road was listed on Robert Turner's deed as his property instead of on the Wyatt property. Mr. Henson said he would like for the road to be put back into county maintenance because he has to have dialysis three times per week. He complimented the Rescue Squad for helping to get him out of the road to his treatments during the snow storms. He also thanked Com. Bob Gold for bringing his personal tractor and clearing the road for the residents. Assistant County Attorney Jason Darnall advised that Mr. Henson and all of the adjoining property owners of the road would need to petition the Circuit Court and if that judgment was set aside, then the residents could petition the Fiscal Court for the road to be accepted into county maintenance.

B. Robert Fowler, Chairman of Marshall County Senior Citizens, Inc. and

Marshall County Advisory Committee on Aging read a prepared statement concerning the Meals on Wheels Program. The program was operated through the kitchen of the Marshall County Exception Center, but because the Center was losing money on each meal, the Center stopped the meals as of June 30th. Following discussion, a workshop was scheduled for the Fiscal Court and the Senior Citizens for Monday, July 27th at 4:00.

C. Economic Development Director Josh Tubbs informed of an expansion in Calvert City, which will be a \$1.5 million investment to an existing industry. The expansion would create 25 new jobs with an average salary of approximately \$20.00 per hour. He asked for the Court's consideration of providing an incentive by decreasing the Occupational Tax by 1/2 % for a period of 10 years for up to 25 jobs. A motion was made by Com. Gold and seconded by Com. Cocke to approve the incentive as recommended. All voted aye. Motion carried.

D. Randy Newcomb, Director of Kentucky Lake Convention and Visitors Bureau asked for the Court's consideration of sponsoring The South's Great Lake Fish Festival. The event will be held at Kentucky Dam Village at the Old Beach Area on September 19th from 7:00 a.m. to 7:00 p.m. FLW will be hosting a multi-species fishing tournament and there will also be an arts & crafts festival, kid zone (with inflatables and games), food vendors and a fish fry. A motion was made by Com. Gold and seconded by Com. Cocke to approve \$500 for a Gold Sponsorship. All voted aye. Motion carried.

III. CORRESPONDENCE:

A. Wayne Onkst, State Librarian and Commissioner of the Kentucky Department for Libraries & Archives informed that the term of Ricky Jones will expire as of August 1, 2015 on the Marshall County Public Library Board. Two names were submitted: Ricky Jones and Wesley McGregor. A motion was made by Com. Cocke and seconded by Com. Gold to reappoint Ricky Jones. All voted aye. Motion carried.

B. Judge Miller read a letter from H.O.P.E. Clinic asking for the court's consideration of being a corporate sponsor for the annual banquet. No amount was requested and this item was tabled.

C. The Lake News sent information concerning the upcoming edition of the Guide to the South's Great Lake Fish Festival. Discussion was held about placing an ad in the special edition, but no action was taken.

IV. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the minutes of the June 30, 2015 meeting. All voted aye. Motion carried.

B. During the June 30th meeting, Judge Miller did not sign the SmartPath Agreement and since that time, Jason Darnall reviewed the document and had some recommended changes, which have been approved by SmartPath. Judge Miller will sign the updated agreement.

C. Benton City Councilwoman Rita Murray informed that the Council entered into a contract with Reach Alert for instant mass communication at a cost of \$0.50 per household. Calvert City has a similar system through Code Red. Judge Miller thanked Ms. Murray for the information and added that the Court is not ready to make a commitment at this time. This item was tabled.

D. During the June 30th meeting, Judge Miller read an off-site server storage agreement to house the fiscal court's server with the Marshall County Library at the Calvert site. A motion was made by Com. Gold and seconded by Com. Cocke to enter into the agreement. All voted aye. Motion carried.

E. Water Vision 2020 Director Bobby Gifford submitted a drawdown request from DRA funds in the amount of \$17,988.54 (for the cost of lift station pumps for Sanitation District #1). A motion was made by Com. Gold and seconded by Com. Bowlin to approve the drawdown request. All voted aye. Motion carried.

V. NEW BUSINESS:

A. Judge Miller informed that Jerry Miller submitted his resignation which will become effective August 17th as a member on the North Marshall Water District Board. Several names have been recommended to replace Mr. Miller – Chuck Russell, Edwin Donohoo and Kenneth Shadowen, who is a member and Treasurer of the Marshall County Hospital Board. Jason Darnall added that Mr. Shadowen should be able to serve on both boards unless the Hospital Bylaws prevent it. The appointment will be made during the August 11th court meeting.

B. Mike Edwards' term expired June 30th on the Jonathan Creek Water District Board and he does not want to be re-appointed. Judge Miller asked that the Commissioners make any recommendations and the appointment will be made during the August 11th meeting.

C. Kelly Wilson's term as a member of Sanitation District #1 expired June 30, 2015. Mr. Wilson wants to continue serving on the board. A motion was made by Com. Gold and seconded by Com. Bowlin to reappoint Mr. Wilson (4 year term to expire 6/30/19). All voted aye. Motion carried.

D. The following changes were recommended for the Marshall County Policy & Procedure Manual:

- Page 4 – Retirement – the section should read: Marshall County participates in the County Employees Retirement system, including its Standard Unused Sick Leave Program (employees must work 100 hours per month to participate in retirement).
- Page 7 – Sick Leave – item 6 should read: Records shall be kept of sick leave allowance, sick leave taken and balance of sick leave allowance for individual employees. Abuse of sick leave shall be cause for disciplinary action, up to and including dismissal and forfeiture of payment as provided in paragraph 8 of this section.
- Page 8 – item 8 should read: Employees shall be allowed to accrue sixty (60) days of sick leave. Unless an employee is terminated for cause, upon cessation of employment with the county, an employee shall be paid for fifty (50%) percent of accrued sick days in accordance with the employee's then existing rate of pay.

The changes in the sick leave portion of the policy will become effective as of July 1, 2016.

A motion was made by Com. Gold and seconded by Com. Bowlin to approve the changes as recommended. All voted aye. Motion carried.

E. Clarification is needed regarding Cone Drive (new road by Marshall County Hospital). A motion was made by Com. Bowlin and seconded by Com. Gold to accept Cone Drive into the County Road Maintenance System. All voted aye. Motion carried. Also for clarification purposes, a motion was made by Com. Cocke and seconded by Com. Bowlin that Quail Ridge Road and Waterway Cove are private roads and not part of the County Road Maintenance System. All voted aye. Motion carried.

F. During the annual bid process, no bids were submitted on timber bridge and culvert materials. American Timber Bridge (aka Kentucky Timber Bridge) sent a proposal to extend the current annual bid for FY 2014-15 through 2015-16. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the bid extension. All voted aye. Motion carried.

G. The Animal Control Officers need repeaters in their vehicles to boost the hand-held radios in order to stay in contact with dispatch. A quote of \$1,370.00 has been received from Jackson Purchase 2 Way Radio. Treasurer Emily Martin informed that \$1,000 is in the equipment budget and \$400.00 can be moved from travel & training to cover the cost. A motion was made by Com. Gold and seconded by Com. Bowlin to move \$400.00 as recommended and purchase the repeaters. All voted aye. Motion carried.

H. No bids were submitted on the scrap metal items at the park. A motion was made by Com. Gold and seconded by Com. Bowlin to dispose of the scrap where the metal would bring the highest price. All voted aye. Motion carried.

I. Copies of the Aurora Ross Volunteer Fire Protection District budget was submitted. The fiscal year date was incorrect and the Commissioners will review it prior to the next meeting.

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

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

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

M. Treasurer Emily Martin presented the annual salary schedule, which was approved in the budget. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the salary schedule. All voted aye. Motion carried.

N. The Payroll Fund - Accounts Receivable Report as of June 31, 2015 was submitted and is as follows:

From	Amount
Marshall Co. Sheriff's Department	\$411,286.70
Marshall Co. Attorney's Office	\$ 19,769.25
Marshall Co. Clerk's Office	\$ <u>0.00</u>
Total Approved	\$431,055.95

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

O. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the Encumbrance Report. All voted aye. Motion carried.

P. An Intrafund Transfer was submitted to move \$800,000.00 from the Occupational Tax Administrator Fund to the General Fund and to move \$44,000.00 from the Occupational Tax Administrator Fund to the 911 Fund. A motion was made by Com. Bowlin and seconded by Com. Gold to approve the Intrafund Transfers. All voted aye. Motion carried.

Q. Judge Miller read the Animal Shelter report for June which is as follows: animals in the pen as of 5/31/2015 – 57; brought in by Animal Wardens – 23; brought in by citizens – 79; total animals taken in – 102 (dogs – 41; cats – 9; puppies – 19; & kittens – 33); adopted – 73; animals in foster care – 0; reclaimed – 10; euthanized – 27; & animals in the pen (& in foster care) as of 6/30/2015 – 49; adoption fees - \$1,959.00.

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

S. Road Superintendent Russell York informed that money has been budgeted for the purchase of a dump truck and asked for authorization to advertise for bids. A motion was made by Com. Cocke and seconded by Com. Gold to authorize Mr. York to advertise for bids. All voted aye. Motion carried.

T. Mr. York informed that work has begun on Flex Fund projects and paving will begin on Barge Island Road in the morning.

U. Judge Miller reminded the Court of the changes in the upcoming court schedule: August 11th will be the next meeting and the meetings in September will be held on the 8th and 29th. The first meeting in October is scheduled during Fall Break for Marshall County Schools and will need to be rescheduled.

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

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk