

Marshall County Fiscal Court
August 19, 2014

The Marshall County Fiscal Court met in regular session on Tuesday, August 19, 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. Kristi Tucker presented the Marshall County Public Library Annual Report for FY 2013/14 and submitted statistics for the year. The three libraries had 203,102 visitors; there are 31,337 library card holders; the number of actual books checked out – 304,053; total circulation of all items – 914,633; 63,390 public computer and wireless internet use and a total database use of 103,280. The report totals are for the libraries located in Benton, Calvert City & Hardin.

B. Josh Tubbs presented a Resolution for the Court's consideration in support of the submission of an application for Work Ready Communities in the Kentucky Workforce Investment Board's Work Ready Communities Initiative. Judge Miller read the Resolution. A motion was made by Com. Drew and seconded by Com. Gold to approve the Resolution. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Paula Bell, Treasurer of the Marshall County Cooperative Extension District, submitted the budget for the fiscal year. Judge Miller read the report for the Court.

B. Bryan Cutsinger, Director of the Marshall County Ambulance Service, informed that after checking with the company recommended by the Sheriff on a replacement engine for an ambulance, the cost was approximately \$6,800 higher than the one from Jasper Engines. The Court authorized the purchase of a replacement engine during the last meeting. The ambulance should be back in service by the end of next week.

Mr. Cutsinger also requested authorization to advertise for an ambulance remount and asked for court approval to begin the bid process. A motion was made by Com. Gold and seconded by Com. Drew to authorize Mr. Cutsinger to advertise for bids. All voted aye. Motion carried. Discussion was held about the county purchasing equipment for the Ambulance Service while the hospital receives the revenue. Judge Miller offered to schedule a meeting between the Court and the Hospital Board to discuss this issue. The Commissioners concurred.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the August 5, 2014 meeting. All voted aye. Motion carried.

B. Following the second reading of Ordinance #2014-08 (Chapel Lane Speed Limit set at 25 mph), 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. Judge Miller read a letter from Jack Coleman, Deputy Commissioner with the Department of Housing, Buildings & Construction informing that the agreement has expired between the Department and Marshall County for granting additional building codes enforcement responsibility. Wendy Baxter with the Marshall County Building & Electrical Inspection Department submitted a tentative plan, a proposed building form and a potential salary sheet. The Court held the first reading of an Ordinance some time ago, but after that, the Department of Housing, Buildings & Construction sent a different Ordinance and at that time, the Court held a first reading of that Ordinance. Yet again, the Department has sent another Ordinance and County Attorney Jeff Edwards said he would need to review it and compare it to the last Ordinance sent by the Department for any changes. Mr. Edwards has drafted Interlocal Agreements between the County and the cities of Benton, Calvert City & Hardin. The information provided by Ms. Baxter as well as the draft agreements will be distributed to the Court members prior to the next meeting. This item was tabled.

D. Assistant County Attorney Jason Darnall informed that he still has not heard from Mediacom regarding the franchise agreement.

E. Road Department Superintendent Russell York presented the estimates for paving additional areas of the parking lots for the Fairdealing-Olive Fire Department - \$13,500 and the Aurora Fire Department - \$3,000. Aurora is used as a voting precinct, Fairdealing-Olive is not, but both of their budgets are limited. A motion was made by Com. Gold and seconded by Com. Drew, because of the voting issue, to pave the additional area at Aurora Fire Department, wait on the other department at this time and discuss additional paving with their board. All voted aye. Motion carried.

F. Leon Lovett's and Mark Holt's terms have expired on the Jonathan Creek Water District Board.

- A motion was made by Com. Gold and seconded by Judge Miller to reappoint Leon Lovett. Com. Drew said that the Court should consider the condition of the Board after review by Bobby Gifford, Superintendent of North Marshall Water District at the Court's request. She read a portion of an email sent by Mr. Gifford

which outlined the steps he had suggested, and that no action was taken by the board. Mike Edwards, Chairman of Jonathan Creek Water District was present and updated the Court on changes made at the District including upgrading computer software; repairing 52 leaks caused by West Kentucky Telephone when fiber optic lines were installed (West Kentucky Telephone was billed for the \$30,000 in repairs in December but no payment has been received yet); an 80% change in employees; and a reduction in the percentage of water loss from 60% to 24%. Com. Drew asked Mr. Edwards if he was reappointed, if the Board could develop a plan to submit to the customers. Judge Miller advised that if he were in the Board's position, he would seek legal counsel regarding the bill to West Kentucky Telephone. Judge Miller called for a vote on the motion. Com. Gold, Com. Anderson and Judge Miller voted aye. Com. Drew voted no. Motion carried. (Term to expire June 30, 2018.)

- A motion was made by Com. Gold and second by Judge Miller to reappoint Mark Holt. Com. Gold, Com. Anderson and Judge Miller voted aye. Com. Drew voted no. Motion carried. (Term to expire June 30, 2018.)

G. Com. Drew asked if anyone had received an email from the Marshall County GIS Department stating that all properties in Quail Hills had adequate footage for the required 40' right-of-way. Judge Miller and County Attorney Jeff Edwards said they did not receive any information. Com. Drew will forward the information to them.

IV. NEW BUSINESS:

A. Judge Miller read the proposed Fiscal Court General Fund Tax Rates for 2014. The rates are: real property - 9.9 and tangible personal property – 9.8 (2013 rate – 9.9); tangible – 9.8 (2013 rate – 10.83); 2014 aircraft & documented watercraft – 11.2 (same as 2013); 2015 motor vehicle & watercraft tax rate – 11.2 (same as 2014). A motion was made by Com. Gold and seconded by Com. Drew to approve the tax rates as presented. All voted aye. Motion carried.

B. Following the first reading of Ordinance #2014-09 (2014 tax rates), a motion was made by Com. Drew and seconded by Com. Gold to approve the first reading. All voted aye. Motion carried.

C. The Fairdealing-Olive Fire Protection District Board failed to hold an election for the landowner representative term, which expired June 30, 2014. Bill Bailey is willing to serve again if reappointed. Upon recommendation by Judge Miller, a motion was made by Com. Gold and seconded by Com. Drew to appoint Mr. Bailey to a one year term until the June 2015 election for board members. (Whoever is elected to fill the term, will hold the position for a period of three years and then at future election

cycles will return to a four year term as required by Kentucky Revised Statutes.) All voted aye. Motion carried.

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

From	Amount
Marshall Co. Sheriff's Department	\$439,915.90
Marshall Co. Attorney's Office	\$
Marshall Co. Clerk's Office	\$
Total Approved	<u>\$439,915.90</u>

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

E. An Intrafund Transfer Request was submitted to move \$500,000.00 from the Occupational Tax Administrator Fund to the General Fund and \$500,000 from the Occupational Tax Administrator Fund to the Road Fund. Treasurer Emily Martin informed that since she prepared the Intrafund Transfer Request, she has received County Road Aid Funds and no longer needs the transfer to the Road Fund. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Intrafund Transfer to the General Fund. All voted aye. Motion carried.

F. Ms. Martin presented the Treasurer's Report for the month ending July 31, 2014. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Treasurer's Report, subject to audit. All voted aye. Motion carried.

G. Ms. Martin presented the Animal Shelter Donation Fund Account Report. The ending balance as of July 31, 2014 was \$9,313.12. Ms. Martin informed that there is an additional fund with an approximate balance of \$5,300, which is designated for the Color Run during Family Week. Following the Color Run, the remainder of the funds will be moved into the Donation Account.

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

I. Loraine Sullivan retired July 31st from North Marshall Senior Citizens and Treasurer Emily Martin asked if the funds used for Ms. Sullivan's health insurance (\$699.28) could be redirected to the Sr. Citizens Programs? The Court members concurred.

J. County Road Superintendent Russell York has looked at the Little Bear Hwy. area from Miller Lane to the end of the road at the lake and recommended a 35 mph speed limit. (See item L.)

K. Sheriff Byars informed that an arrest has been made in this morning's attack on Donnie Duke.

L. Following the first reading of Ordinance #2014-10 (speed limit set for 35 mph on a portion of Little Bear Highway), a motion was made by Com. Drew and seconded by Com. Anderson to approve the first reading. All voted aye. Motion carried.

M. Com. Anderson asked for an executive session to discuss a personnel issue. A motion was made by Com. Anderson and seconded by Com. Gold to go into executive session. All voted aye. Motion carried.

N. Judge Miller called Court back into regular session.

O. 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