

Marshall County Fiscal Court  
October 1, 2013

The Marshall County Fiscal Court met in regular session on Tuesday, October 1, 2013 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, & Misti Drew; & Assistant County Attorney Jason Darnall were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Greg Carlton, Senior Vice President of Employee Benefits & Wellness with Peel & Holland, Inc. addressed the Court about employee insurance for 2014. Employee meetings will be held starting October 16<sup>th</sup> regarding the changes to the plans & open enrollment will be October 23<sup>rd</sup> & 24<sup>th</sup>. Mr. Carlton explained that there are several changes due to the Affordable Health Care Act. The Kentucky Employees' Health Plan has made changes at the state level affecting the benefits and premium sharing for 2014. The changes include four new plan designs (replacing the current four plans offered in 2013) and introduction of the LivingWell Promise: LivingWell CDHP – requires the LivingWell Promise; LivingWell PPO – requires the LivingWell Promise; Standard PPO; and Standard CDHP. The LivingWell Promise requires members to agree to do two things – promise to take the Humana Vitality Health Assessment online between January 1, 2014 and May 1, 2014 and keep their contract information current. Following discussion regarding the information which was distributed, a motion was made by Com. Anderson and seconded by Com. Gold to table action on the employee insurance program and meet again with Mr. Carlton at 3:30 on Thursday, October 3<sup>rd</sup> prior to making a decision. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. SPC Logan M. Bridgeman, a resident of Marshall County serving in Afghanistan, sent an email in appreciation for the Kentucky Flag Judge Miller sent to him on behalf of the people of Marshall County.

B. Judge Miller read a Proclamation for the Court's consideration, naming the week of October 13<sup>th</sup> thru 19<sup>th</sup> Kentucky Extension Homemakers Week in Marshall County. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Proclamation as presented. All voted aye. Motion carried.

III. OLD BUSINESS:

A. A motion was made by Com. Drew and seconded by Com. Gold to approve the minutes of the September 17, 2013 meeting. All voted aye. Motion carried.

B. During the September 17<sup>th</sup> meeting, there was a payment for a pauper burial to the Coroner's Office. The amount billed was \$825 but only \$500 was paid. Coroner

Mitchell Lee is disputing the partial payment and cited KRS 72.450. He explained that the bill was for a Coroner case and he thought it was mistakenly paid as an indigent case. This was an unclaimed body and he searched for any family members or friends that would claim the body, but found none. KRS 72.450 gives the Coroner the option of donating the unclaimed body to a medical school, but the length of time the subject had been deceased and the autopsy that was required, the medical school would not accept the body and his office had to bury the subject. A motion was made by Com. Drew and seconded by Com. Anderson to pay the additional \$325 to the Coroner as requested. All voted aye. Motion carried.

C. The fence and right-of-way issue in Grandview Subdivision has been successfully worked out. All parties are in agreement, and the fence has been removed from the county's right-of-way.

D. During the September 17<sup>th</sup> meeting, action was tabled on a request from Kentucky First Lady Jane Beshear that each of the counties assist with the 100<sup>th</sup> anniversary of the Governor's Mansion by purchasing a handcrafted chair through a contract with Berea College. The cost per chair is \$1,000 and each chair will have the county's name placed on a plaque on the back of the chair. A motion was made by Com. Anderson and seconded by Com. Gold that we participate and purchase a chair as requested. All voted aye. Motion carried.

E. County Attorney Jeff Edwards sent a letter regarding the petition on Way Avenue. The petition was submitted on an old form and there was no indication whether the petition was for the road to be considered as a "new road" or an "existing road". Also the petition was only signed by three individuals and no deeds were attached as required. The letter attached to the petition states that there is one commercial property on the road and that the remaining lots were not developed until recently. Based on these statements, it would appear that this road would fall into the "new road" category and the petitioners would be required to meet all of the requirements as set out in the Resolution passed on March 7, 2006 for a "new road". They would have the option of paying to the county the actual costs to have the road brought up to standards.

F. Com. Anderson informed that he has spoken with Jim Sires concerning the petition on Crooked Oak Loop and he will present the additional information required.

G. Com. Drew had an update on the Sledd Creek Road issue. She obtained information from the District One Highway Office regarding the road exchange of county and state roads, which took place in 1996. According to the document, Sledd Creek Road (formerly KY 1519), was traded to the county from the intersection of US 641 to

the end of state maintenance - a distance of 2.008 miles. The county records indicate road maintenance ends at a distance of 1.99 miles – which is approximately the difference from the end of the pavement to the end of the gravel portion of the road. Discussion was held about the need for a cul-de-sac. Com. Drew will check with the residents to see if they want a cul-de-sac and report back to the court.

IV. NEW BUSINESS:

A. Judge Miller informed that the State Auditor's Office has completed the audit for the Marshall County Clerk's Office for the year ended December 31, 2012. The audit will be kept on file for the Court's review.

B. Dennis Lovett spoke to the Court about the possibility of purchasing either a used Tahoe or Suburban for use by the Animal Control Officers. He obtained quotes and both vehicles were under \$10,000. Mr. Lovett will meet with Sheriff Byars next week about getting repeaters in the vehicles added to assist with the handheld radio capabilities.

C. Com. Drew asked what the Court wanted from the Animal Shelter Committee. It was her understanding that the committee would meet with the staff and create policies and procedures for the shelter. She added that the donations exceeded \$30,000 last year and there were some issues with that fund, which is kept separately from taxpayer monies. Judge Miller replied that the Animal Shelter has never officially had a shelter committee to oversee the shelter – only one to assist with the transition from a one staff to another. Com. Drew said that when Nelle Riley & Kim Walker were still employees at the shelter, the Court allowed a committee to be formed because there had been several complaints made at that time by an area citizen about the operation of the shelter. During discussion, Judge Miller said he would like to have the County Attorney's input on this issue as well. Com. Drew said that she's either going to be a big supporter of the Animal Shelter or leave and let people know what's going on if changes aren't made at the shelter.

D. Josh Tubbs, Director of Economic Development informed that through TVA reform, there is a draft resolution asking that a portion of the TVA in lieu of tax payment made to the state be shifted to Economic Development. Mr. Tubbs will keep the Court informed.

E. Com. Gold suggested that the students of the Marshall County School System be acknowledged for ranking fourth in the state for test scores.

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

G. Judge Miller called Court back into regular session and informed that discussion was held about the need for additional full time employees at the Road Department. For the last several years, when an employee retired or quit, he was not replaced. Road Department Superintendent Russell York has chosen three people. Two are working there on a temporary basis and will be given 90 days to obtain a CDL license. The other person already has a CDL. A motion was made by Com. Gold and seconded by Com. Drew to allow Mr. York to hire three employees at the Road Department. All voted aye. Motion carried.

H. Com. Gold has a conflict for the scheduled Court meeting on November 19<sup>th</sup>. A motion was made by Com. Drew and seconded by Com. Anderson to move the second meeting in November to the 26<sup>th</sup>. All voted aye. Motion carried.

I. A motion was made by Com. Anderson and seconded by Com. Gold to hold one meeting in December on the 10<sup>th</sup>. All voted aye. Motion carried.

J. Judge Miller informed that the state auditors are currently auditing the Court and are hoping to be finished by the end of this week.

K. Com. Drew informed that there is \$10,000 in the Animal Shelter budget for equipment which was earmarked for a vehicle purchase. Judge Miller asked Dennis Lovett if he checked with any local dealers. He replied that he did. Following discussion, this issue was tabled for Mr. Lovett to check further on used vehicles. He will report back to the Court.

L. 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