

Marshall County Fiscal Court
October 21, 2014

The Marshall County Fiscal Court met in regular session on Tuesday, October 21, 2014 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, 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. Representatives from the Marshall County Hospital Auxiliary were present regarding Lovelight Tree Day in Marshall County. Judge Miller read a proclamation naming Friday, November 7, 2014 as Lovelight Tree Day in Marshall County. A motion was made by Com. Gold and seconded by Com. Drew to approve the proclamation as presented. All voted aye. Motion carried.

B. Emergency Management Director Frank Murphy addressed the Court regarding the following:

- Since receiving the new EM truck, he asked that the old EM vehicle (Explorer) be transferred to the Red Cross. At times, Darlene Lynn, Red Cross Director, has to respond to emergencies in her personal vehicle.
- The Calvert City Fire Department will be donating a retired fire truck to the Rescue Squad. When the vehicle is transferred, the Rescue Squad will surplus some vehicles. One of those is a Jeep Wrangler and the plan is to transfer it to the Animal Shelter. Dr. Rick Cocke, a Calvert City Councilman, informed that the vehicle was declared surplus during the last council meeting.

A motion was made by Com. Drew and seconded by Com. Gold to transfer the Explorer to the Lakeland Area Red Cross. Com. Anderson said that when he was Sheriff, and vehicles were moved from one department to another, they were sold for \$1. During discussion, Judge Miller said if it was required, he would pay the \$1. County Attorney Jeff Edwards said that the dollar would not make any difference in his opinion. All voted aye. Motion carried.

A motion was made by Com. Gold and seconded by Com. Anderson to approve the transfer of the Jeep from the Rescue Squad to the Animal Shelter. All voted aye. Motion carried.

C. Mr. Murphy introduced Kurt Steier with Emergency Communications Network who is an authorized sales agent with Code Red. Code Red is designed to keep citizens informed and aware, no matter where they are, if an emergency arises. Immediate notifications are available through phone, email, text message, cell phone, RSS feeds, digital signage, sirens, social media and mobile apps. The annual cost for Code Red is \$18,500. Judge Miller recommended that in view of the state statute

requiring a certain percentage of the budget being intact as of January 1 at the beginning of a new four-year term, that the Court revisit this item after the first of the year.

D. Economic Development Director Josh Tubbs updated the Court on Workforce Development. His office received notice that there is \$3,000 available to assist with certification. Two thousand five hundred will be used to help with certification for the existing workforce and five hundred will be put toward transportation for high school students to attend a construction day event at Murray State University.

E. Krissy Ramey, with Families on the Spectrum, addressed the Court about Project Lifesaver, which is aimed at special needs individuals that tend to wander and get lost. The program provides bracelets that pinpoint where the individual is located. Tim Polley, whose son is Autistic, added that in some instances, the individuals are easily abducted. Judge Miller said he would like to discuss partnering this program with the Exceptional Center Board at their next meeting. He will report back to the Court.

F. Robert Chandler gave an update on the Veterans Van Program. He took the required physical and he failed because he has a pacemaker. He was told that he couldn't operate a government vehicle with a pacemaker. Mr. Chandler added that three potential drivers will be taking a driver's physical on November 6th. Ward Butler informed that Calvert City VFW will be donating a van for transportation. Mr. Chandler can't drive, but he will continue to be the coordinator and make sure the area Veterans have transportation to their appointments.

II. CORRESPONDENCE:

A. The Marshall County Arts Commission will be having their Building Dedication and Open House of the Children's Art Center on Sunday, October 26th from 2:00 to 4:00. Judge Miller added that the Marshall County Health Department will also be holding an Open House during that same time.

B. The Department of Corrections sent three letters regarding recent inspections at the Marshall County Detention Facility and the Restricted Custody Center. One item of non-compliance that needed attention has been added to the Jail's Policy & Procedure Manual. The following statement has now been added: "All employees must have 40 hours on-the-job transport training before being allowed to transport inmates." A motion was made by Com. Gold and seconded by Com. Drew to approve the addition to the manual. All voted aye. Motion carried.

C. Eugene Kiser, Executive Director of the Kentucky Office of Homeland Security informed that the Grant for a power lift stretcher (HS13076MED) has been completed and is now officially closed.

D. The Fairdealing-Olive Volunteer Fire Department Board of Trustees sent a letter regarding the recent request for assistance in completing paving of the station parking lot. Discussion was held about marking money in the next budget for their request. The asphalt plant will be closing in a couple of weeks and discussion was held about the county patching the potholes to help them get through the winter. No formal action was taken.

III. OLD BUSINESS:

A. A motion was made by Com. Drew and seconded by Com. Gold to approve the minutes of the September 16th meeting. All voted aye. Motion carried.

B. The Interlocal Agreement for the Consolidation of Building Inspector Services and the Creation of a Joint Board to Administer and Enforce the Kentucky Building Code was presented. Judge Miller recommended that the initial appointments be staggered so all terms would not end at the same time. Com. Gold asked if the board members would receive any compensation to which Judge Miller replied that he wasn't sure if it was allowed by KRS. County Attorney Jeff Edwards said he would make the necessary changes regarding staggering the initial appointments so it can be approved during the next meeting. Discussion was held about the required time frame for approval of the agreement. Judge Miller suggested that the agreement could be approved today with the changes to be made by Mr. Edwards. A motion was made by Com. Gold and seconded by Com. Drew to approve the agreement with the changes. All voted aye. Motion carried.

C. Road Superintendent Russell York informed that the estimate for the proposed work on Briensburg-Tatumsville Road is \$15,000 for material only (\$11,000 for hot mix and \$4,000 for dense grade) and the Road Department could do the work. This item was tabled and will be addressed next spring.

D. The Jonathan Creek Water District submitted a field report for September, accounts balances and a copy of the letter sent to West Kentucky Telephone for damages to the water system by telephone contractors.

E. The nuisance property at 104 Frontage Lane has been cleared and pictures were provided. Mr. Edwards has filed a lien on the property. Discussion was held

concerning clarification on the nuisance property lien process. When the costs incurred in the process (Sheriff, advertising, actual cost of cleanup, etc) is determined, costs will be submitted to the Fiscal Court Clerk, who will compile those costs and notify the County Attorney.

F. Judge Miller read Ordinance #2004-08, which prohibits electioneering within a distance of three hundred (300) feet of the main entrance to a polling place. The Ordinance noted that nothing in the Ordinance prohibited electioneering on private property within the electioneering free zone other than where the polling place is located.

IV. NEW BUSINESS:

A. Judge Miller informed that he and Graves County Judge/Executive Tony Smith had been working together regarding South County Line Road, which divides Marshall and Graves Counties. Judge Miller contacted the Transportation Cabinet and requested funding to help with this much needed project. He received an agreement from the Transportation Cabinet providing up to \$100,000 to widen and resurface the road. Marshall County is acting as the agent for both counties. Judge Miller read a Resolution adopting and approving the executive of a Memorandum of Agreement. A motion was made by Com. Gold and seconded by Com. Drew to approve the Resolution and Agreement. All voted aye. Motion carried.

B. Following the reading of Ordinance #2014-12 (budget amendment), a motion was made by Com. Gold and seconded by Com. Drew to approve the first reading. All voted aye. Motion carried.

C. The Marshall County Public Library 2014 Kentucky Annual Report was submitted. A motion was made by Com. Anderson and seconded by Com. Gold to accept the report. All voted aye. Motion carried.

D. Treasurer Emily Martin informed that approval is needed for some items on the county employees' health insurance.

- The Court approved to go with the Kentucky Employees Health, but at the time of approval, the actual rates weren't available. Ms. Martin submitted the rate sheet. She also recommended that the Court continue the integrated HRA Funding (\$250 single/\$500 employee & spouse or employee & child/\$750 for family). A motion was made by Com. Drew and seconded by Com. Gold to approve the health insurance rate sheet & to continue HRA funding. All voted aye. Motion carried.

- The Wellness Program sheet was submitted. Ms. Martin recommended that more incentive be supplied for employees to become and stay healthy. The amounts recommended are \$200, \$300 & \$400.
- There is a 30 cent increase for the Vision Plan per employee per month.

A motion was made by Com. Drew and seconded by Com. Gold to continue the Wellness Program at the suggested rates and to approve the Vision Plan. All voted aye. Motion carried.

- Ms. Martin recommended approval of the Cafeteria Plan that is operated through FEBCO and directs how flex funds and HRA are distributed. A motion was made by Com. Drew and seconded by Com. Gold to approve the Cafeteria Plan. All voted aye. Motion carried.

E. 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.

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

H. An Intrafund Transfer was submitted and is as follows:

<u>From</u>	<u>To</u>	<u>Amount</u>
Grant Fund	Road Fund (McFarland Rd. project)	\$ 120,760.00
Occ. Tax Adm.	911 (budgeted subsidy)	\$ 31,250.00
Occ. Tax Adm.	Road Fund (budgeted subsidy)	\$ 500,000.00
Occ. Tax Adm.	General Fund (budgeted subsidy)	\$ 750,000.00
Occ. Tax Adm.	Jail Fund (if necessary)	\$ 150,000.00
	Total	\$1,552,010.00

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

I. Ms. Martin prepared the Payroll Fund-Accounts Receivable Report as of September 30th with the total amount of \$677,696.89 owed by the Sheriff's Department. Since that time the Sheriff has made a payment, leaving a balance of approximately \$600,000.

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.

J. The annual membership fee for the National Animal Care & Control Association is \$125.00. A motion was made by Com. Anderson and seconded by Com. Gold to renew the membership. All voted aye. Motion carried.

K. Judge Miller read the Animal Shelter report for September which is as follows: Animals in the pen as of 8/31/2014 – 52; brought in by Animal Wardens – 26; brought in by citizens – 58; total animals taken in – 84 (dogs – 37; cats – 11; puppies – 9; & kittens – 27); adopted – 47; animals in foster care – 0; reclaimed – 10; euthanized – 34; & animals in the pen (& in foster care) as of 9/30/2014 – 45; adoption fees - \$1,530.00. The ending balance in the donation account - \$11,438.76 and in the Colorfur Run account – \$8,525.90.

L. Judge Miller informed that the rent has increased in the office space currently being used by West Kentucky Allied Services across from the Courthouse and they are looking for new office space. The current rent is \$450.00 and Judge Miller added that WKAS can continue to pay that amount. He suggested that the offices that formerly housed Kentucky Homeplace be rented to WKAS. A motion was made by Com. Gold and seconded by Com. Drew to offer the space to WKAS at \$450.00 per month. All voted aye. Motion carried.

M. The family that donated the right-of-way for the new road by the hospital has requested that the road be named Cone Drive. There is no conflict with the road name. A motion was made by Com. Gold and seconded by Com. Anderson to approve the request. All voted aye. Motion carried.

Judge Miller added that the money for the bridge on Cone Drive has been earmarked by the state and will be available January 1, 2015. He recommended, for safety purposes, that the contract with Gerald Chambers & Sons be amended and to ask Brien Chambers, President of GC&S to advertise or begin the process to put in the bridge. He added that he will speak with Mr. Chambers.

N. Bob Helton, who lives on Keystone Drive was present and discussion was held concerning portions of the driving surface of the road being located on his property and an adjacent property and not within the county's 30' right-of-way. County Road Superintendent Russell York said the county has been maintaining the road for as long as he has worked for the county, which is over 35 years. Jeff Edwards said the road needs to be surveyed before he can do further work. After searching the recorded surveys, there are none on file for those two properties. Mr. Helton has a survey and

will give it to Anita Stevenson, who handles Fiscal Court items for Mr. Edwards.

O. Judge Miller informed that Glenn Nimmo's term has expired on the Hospital Board and he is not eligible for reappointment. Judge Miller recommended that Gary Shemwell be appointed. A motion was made by Com. Gold and seconded by Com. Drew to appoint Mr. Shemwell. All voted aye. Motion carried.

Judge Miller read the Executive Order updating all of the Board Member terms on the Hospital. A motion was made by Com. Anderson and seconded by Com. Gold to approve the executive order. All voted aye. Motion carried.

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

Q. Emily Martin has been contacted by Bethany Cooper with the City of Benton about the possibility of the Court sharing the rental cost of a lift to install speakers on top of the Courthouse. Half the cost of the rental is \$449.75. A motion was made by Com. Drew and seconded by Com. Gold to approve payment toward the rental of the lift. All voted aye. Motion carried.

R. The next meeting is scheduled for November 4th, which is the General Election Day. When the holiday schedule was approved for this year, the 4th was listed as a full-day. According to the Personnel & Policy Manual, the only full day for elections is for Presidential Elections. Court will meet on the 4th as scheduled, and the employees will get one-half day off on November 4th.

S. Judge Miller informed that Brigadier General Scott Campbell will be the keynote speaker for the Veterans Day Ceremony at 11:00 on November 11th.

T. Sheriff Byars requested an executive session to discuss possible property acquisition. A motion was made by Com. Gold and seconded by Com. Anderson to go into executive session. All voted aye. Motion carried.

U. Judge Miller called Court back into regular session. 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