

Marshall County Fiscal Court
November 5, 2013

The Marshall County Fiscal Court met in regular session on Tuesday, November 5, 2013 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, & Misti Drew; County Attorney Jeff Edwards & Assistant County Attorney Jason Darnall were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Marshall County Building & Electrical Inspector Larry "Cat" Spears addressed the Court regarding a change that occurred on a verbal agreement which was made approximately 30 years ago. At that time, the percentage of the fees were 80/20 with 80% going to Mr. Spears and 20% going to Robert Strow who was working in the Building & Electrical Inspection Department. Mr. Spears informed that the money from the inspections were his fees and per his agreement, 20% of his fee was given to Mr. Strow. Recently, the Court decided to keep the 20% instead of paying it to the person who replaced Mr. Strow. Judge Miller asked if anyone objected to going back to the original 80/20 split. A motion was made by Com. Gold and seconded by Com. Drew to approve the 80/20 split. All voted aye. Motion carried. Assistant County Attorney Jason Darnall will draw up an agreement to that effect.

B. Tim King addressed the Court on behalf of the Benton Main Street Board/Dickens Festival. The Dickens Festival and Christmas Parade are scheduled for December 14th. The official Lighting of the Greens will be November 18th. This year, Main Street would like to have all of the roof lines of the buildings in town outlined in LED lights. His estimate for the Courthouse roofline is \$400. A motion was made by Com. Drew and seconded by Com. Gold to participate with Benton Main Street and provide \$400 for lighting the roofline. All voted aye. Motion carried. Judge Miller asked Road Superintendent Russell York if they could provide some manpower and the bucket truck to light the roofline.

C. Bryan Cutsinger, Director of the Marshall County Ambulance Service, informed that the joint application between Marshall and Calloway Counties for battery operated hydraulic stretchers was only partially funded. The amount to be received will only pay for one stretcher and a portion of another one. There is money in the equipment budget to pay for the remainder of the stretcher, but it would only leave \$1,000 in the equipment budget and if some other piece of equipment needs to be replaced, it could deplete the fund. Mr. Cutsinger asked for the Court's consideration of providing funds, in the amount of \$11,213.33 to purchase a third stretcher. He explained that the Ambulance Service keeps three ambulances on call at all times. Discussion was held about the possibility of authorizing Mr. Cutsinger to use the money in the equipment fund to pay for the rest of the stretcher, placing an additional \$5,000 into the Ambulance Service's Equipment Budget and approving the purchase of the third stretcher. Following discussion, a motion was made by Com. Anderson and

seconded by Com. Gold to move \$5,000 into the Ambulance Service Equipment Budget, approve the expenditure of funds from the equipment budget to pay for the remainder of the costs of the second stretcher and approve the purchase of an additional (3rd) stretcher. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Judge Miller read a letter from Assistant County Attorney Jason Darnall regarding the proposed new Animal Control Ordinance. He informed that the Attorneys for Benton, Calvert City and Hardin have met and they are in need of further guidance of what is being asked of them concerning enforcement mechanisms. The specific questions are:

- Is the Fiscal Court requesting the establishment of an enforcement board to hear cases involving the administration of civil penalties?
- If so, who will be serving on this board, how many persons will be on the board, and will the persons on the board be entitled to compensation for their service (and if so how much)?
- For what designated purposes will collected fine money be used?

A motion was made by Com. Drew and seconded by Com. Anderson to table action on this issue. All voted aye. Motion carried.

B. Eugene Kiser, Executive Director of the Kentucky Office of Homeland Security informed that the North Marshall Generator Project application for grant funding was not approved for funding this year. Judge Miller informed that another grant request will be made next year.

C. Martin Johnson, Benton City Attorney informed that the attorney representing Huntington National Bank in the Fleetwood bankruptcy in California has advised that the attorney representing the liquidation trustee has been replaced and is not certain we can get a quitclaim deed to Fleetwood's plant site in Benton. He has requested that the \$10,000 the city and county sent be returned. Treasurer Emily Martin informed that a check, in the amount of \$5,000 has been received.

D. Brien S. Hoover, Leasing Manager of the Division of Real Properties, advised that a number of tenant agencies have recently advised they are unable to obtain replacement lamps for T-12 type light fixtures installed in leased properties. Judge Miller has checked with Roy Jones, who informed that all of our leased properties are in compliance and do not have the T-12 type fixtures.

E. Lee Grassley, Senior Manager, Government Relations with Mediacom informed that as part of their agreement with Disney and ABC, Fusion replaced ABC News Now on their channel lineup on or about October 28, 2013.

F. James Adams, Senior Manager of Commercial and Public Recreation, Natural Resources, Tennessee Valley Authority sent a letter regarding the easement for Big Bear Park. TVA offered to process the easement request for a fixed administrative cost of \$6,700. This amount does not include the cost of the public notice or the Comparative Market Analysis, which the county will pay directly. It also assumes the boundaries shown in the previous easement and the use of the property for public recreation are not changing. Granting of the easement will be subject to approval by TVA's Chief Executive Officer. Second, they offered an easement term for public recreation that can be extended up to a maximum of 60 total years. This should allow the county greater flexibility regarding grant funding. A motion was made by Com. Drew and seconded by Com. Gold to approve payment of \$6,700 for administrative costs. All voted aye. Motion carried.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the October 15th, 23rd & 25th meetings. All voted aye. Motion carried.

B. Action was tabled during the October 15th meeting on the proposed Animal Shelter Receipts Procedures. A motion was made by Com. Drew and seconded by Com. Gold to accept the Animal Shelter Receipts Procedures as presented. All voted aye. Motion carried.

C. Following the second reading of Ordinance #2013-09 (Kentucky Baptist Assemblies, Inc.), a motion was made by Com. Gold and seconded by Com. Anderson to approve the second reading and adopt Ordinance #2013-09. All voted aye. Motion carried.

D. Dennis Smith, with Pinnacle, General Contractor for the Health Department, updated the Court on progress on the building. Weather permitting, the building will be completed shortly after the first of the year.

IV. NEW BUSINESS:

A. Lena Mallory, County Extension Agent for 4-H Youth Development informed that the Marshall County Extension Council has nominated the following individuals to

serve on the Board: Dianna Angle, Doll Blakney, Nick Burroughs, & Mary Ellen Soucy. Two members' terms will be expiring as of January 1, 2014. Ms. Blakney is currently serving on the board and is eligible for another three year term.

- A motion was made by Com. Anderson and seconded by Com. Gold to reappoint Doll Blakney to a three year term. All voted aye. Motion carried.
- A motion was made by Com. Gold and seconded by Com. Anderson to appoint Dianna Angle to a three year term. All voted aye. Motion carried.

B. Residents of West Gilbertsville submitted a petition requesting either door-to-door garbage pickup or a closer dumpster site. Judge Miller noted that there are three families who signed the petition. He has forwarded the petition to the Refuse Board for their consideration.

C. The County Clerk's Claim for Preparing Tax Bills was submitted. Marshall County's portion is \$3,235.65. A motion was made by Com. Anderson and seconded by Com. Gold to approve payment. All voted aye. Motion carried.

D. Marshall County Tourism Director Randy Newcomb addressed the Court regarding a proposal for Branding Marshall County. The Brand Compass with Brand Navigator program was created to help small to mid-sized communities navigate through the delicate process of discovering, exploring and promoting their strongest brand position. The Brand Compass was developed from a track record of working with over 50 communities in over 26 states – all with the same common desire to create a destination of distinction. The program is designed to not just identify a community's strongest brand, but to also show how to create traction within the community so it works harder and smarter for that community. Mr. Newcomb explained that the total cost associated with the proposal is \$58,000 which would be split between the 2013 and 2014 budgets - hopefully between the Tourist Commission, Chamber of Commerce, and the cities of Benton, Calvert City and Hardin. He added that some of the larger companies might also be interested in sharing the costs. Mr. Newcomb asked for the Court's consideration of providing \$6,000 for initial funding. A motion was made by Com. Anderson and seconded by Com. Gold to provide \$6,000 in initial funding for this project. All voted aye. Motion carried.

E. Copies of the 2014 North Marshall Water District Budget were distributed. Com. Drew complimented the board for a job well done. A motion was made by Com. Drew and seconded by Com. Gold to approve the budget as submitted. All voted aye. Motion carried.

F. 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. The Payroll Fund - Accounts Receivable Report as of October 31, 2013 was submitted and is as follows:

From	Amount
Marshall Co. Sheriff's Department	\$408,552.38
Marshall Co. Attorney's Office	\$
Marshall Co. Clerk's Office	\$
Total Approved	<u>\$408,552.38</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.

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

I. Judge Miller called Court back into regular session and informed that Melissa McFerrin submitted her resignation as Director of Marshall County Emergency Management effective December 31, 2013. Mrs. McFerrin will be utilizing accrued comp time, vacation and sick time on the days she is unavailable. During those times, Deputy Directors Duane Hawes & George Knecht, and Administrative Specialist Darlene Lynn will cover the office. Judge Miller asked the Court to authorize him to advertise to fill this position. A motion was made by Com. Gold and seconded by Com. Anderson to authorize the advertisement as requested. All voted aye. Motion carried.

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

K. The Veterans Day Ceremony will be held at the Veterans Honor Plaza beginning at 11:00 a.m. on Monday, November 11th. Judge Miller informed that the Keynote Speaker will be Justice Bill Cunningham and Representative Will Coursey will emcee.

L. The Annual Christmas Lights in the Park will begin on Saturday, following Thanksgiving.

M. County Attorney Jeff Edwards, who is the Marshall County A & I Fair Board Chairman, informed of an event on Saturday, November 23rd at the County Park. Those who participate in the Ugly Sweater Walk will have a chance to preview the lights

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and separate stations will be offered such as pictures with Santa & Elf on the Shelf, a candy cane station, a hot chocolate & cider station, and a chili supper.

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

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk