

Marshall County Fiscal Court  
November 7, 2012

The Marshall County Fiscal Court met in regular session on Wednesday, November 7, 2012 in the Old Circuit Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. James O'Bryan addressed the Court regarding the possibility of a Land Use Ordinance. He said he moved to Marshall County 33 years ago, purchased property in Windy Hills Subdivision, built a home & raised a family. When he purchased the property, he was given a copy of the subdivision restrictions (no farm animals on the property, etc.). Because of those restrictions, he realizes that now his property was worth more than if the restrictions weren't in place and people in the neighborhood had let their property get in poor shape. Mr. O'Bryan recently purchased another piece of property, built another home and this property doesn't have any of these types of restrictions on it. His neighbor has started collecting cars and Mr. O'Bryan said there are now approximately 100 vehicles. Clean up of this property does fall under the Nuisance Ordinance. He has been researching Land Use Ordinances across the state and asked that the Court look at those Ordinances and consider adopting one in Marshall County.

B. Lois Rogalski, Director for Marshall County Agency for Substance Abuse Policy (ASAP) addressed the Court and asked if the Court would act as the Fiscal Agent. She added that there would be no cost to the county. Marshall County Treasurer Emily Martin has agreed to act on behalf of the county and Wendy Baxter is the Chairperson of the ASAP Board. Ms. Martin said it would take a budget amendment and the ASAP grant funds would be funneled through the General Fund. A motion was made by Com. Drew and seconded by Com. Gold to authorize the Marshall County Fiscal Court to act as the Fiscal Agent as requested. Com. Anderson asked about funneling federal funds through the county. Ms. Rogalski replied that it is all state funding, and no federal funds are involved. All voted aye. Motion carried.

C. Wendy Baxter presented a Memorandum of Agreement for the Court's consideration to enter into a one-year contract with Larry "Cat" Spears as Marshall County Building & Electrical Inspector. Ms. Baxter informed that KRS 198B.060 requires county government to either employ or contract with a state-certified electrical inspector. After research of the Court records, it could not be determined if Mr. Spears was an employee or contractor and the state Department of Buildings & Construction asked for clarification for their records. Judge Miller read the document for the Court's consideration. A motion was made by Com. Drew and seconded by Com. Anderson to approve the agreement as presented. Treasurer Emily Martin informed that the State Auditor's Office told her years ago to consider Mr. Spears an employee. Following

discussion about the different directives by the two state offices, Com. Drew withdrew her motion and Com. Anderson withdrew his second. A motion was made by Com. Drew and seconded by Com. Anderson to table this issue until a determination is made as to whether Mr. Spears should be considered an employee or a contractor. All voted aye. Motion carried.

D. Melissa Combs, Director of Emergency Management addressed the Court regarding the need for some work to help stabilize the tower at the Road Department. Since the original radio equipment was placed on the tower, additional repeaters have been added, making it top heavy. She recommended that additional cables be placed closer to the top of the tower and also that the cables near the bottom be replaced due to stretching and aging. The cost for the work will be \$3,200 plus and Ms. Combs suggested that the agencies that use the towers be asked to cost share in the repair work. A motion was made by Com. Gold and seconded by Com. Anderson to approve the additional cables and replacement cables, and authorize Ms. Combs to contact the agencies about sharing the cost. All voted aye. Motion carried.

E. Larry Willoughby addressed the Court and informed that one of his mules was shot and killed during black powder gun season. He said it was on his neighbor's property with permission and he wants someone to find out what happened.

## II. CORRESPONDENCE:

A. Tommy Turner, Chair of the KACo Legislative Committee sent a letter addressing Kentucky's public employee retirement systems. The Kentucky Retirement System (KRS) is comprised of the Kentucky Employee Retirement System (KERS), the County Employee Retirement System (CRS) and the State Police Retirement System (SPRS). KACo's Legislative Committee unanimously agreed on four major points, which the members feel must be considered as part of any solution to resolve the pension crisis.

- Insist that the Commonwealth continue to honor the promises made to current retirees and active employees.
- Urge the General Assembly to address the unfunded liability of KRS (including the consideration of a bond issue) and to statutorily recognize that a retirement plan is adequately funded at 80%, with an ultimate goal of 100% full funding.
- Encourage the General Assembly to consider separating the governance of CERS from KRS and create an independent CERS governing board.
- Urge the General Assembly to exhaust all possibilities to remedy the pension crisis before considering measures that would affect the retirement benefits of new hires.

B. Judge Miller informed that he and Economic Development Director Josh Tubbs have been working closely with representatives of Wacker Chemical Corporation of Calvert City regarding a planned \$60 to \$80 million expansion project, which will add approximately 15 full time jobs. The expansion is expected to be complete in 2014. Industrial Revenue Bond Financing will be necessary for this project and Wacker representatives have asked the Court for preliminary approval of the project, prior to the documentation for the bond funding process. Mr. Tubbs said from his understanding, Wacker would like a letter, which he volunteered to write. A motion was made by Com. Gold and seconded by Com. Anderson to give preliminary approval showing support for this project. All voted aye. Motion carried.

C. Mark Cool, Investigator Manager with the Kentucky Justice & Public Safety Cabinet informed that during a recent compliance audit of the Marshall County Sheriff's Department, all items were found to be in compliance. Chief Deputy David Maddox was complimented for a job well done.

### III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the October 23, 2012 meeting. All voted aye. Motion carried.

B. Judge Miller read a Resolution for the Court's regarding Paducah Gaseous Diffusion Plant Workers who have applied for their medical benefits and compensation claims under the DOL EEOICPA. The Resolution encouraged any Marshall County sick nuclear worker (and family) to contact the offices of our Congressional delegation and request that their claims be given all due consideration under the EEOICPA statutes and regulations. A motion was made by Com. Drew and seconded by Com. Gold to approve the Resolution as presented. All voted aye. Motion carried.

C. Discussion was held about some abandoned property that is not in compliance with the Nuisance Ordinance. The property is located across from June Hudson's property off of Hwy. 68 near Aurora. Judge Miller had pictures of the property and noted that there was a swimming pool that still had water in it and informed that he sent an inspector from the Health Department to check the situation. Com. Drew said that the city of Benton doesn't have any upfront costs because they are covered by the fines levied to the property owners. Jeff Edwards replied that the city of Benton has zoning. Sheriff Byars said when it comes right down to it, the county does not get much help from the District Court. Com. Drew asked if the Fiscal Court could meet with the District Judge. Jeff Edwards said that a meeting couldn't be held with the District Judge until after the case is closed. He added that short of zoning, the Fiscal Court is doing what can be done. Com. Gold said there is property that's been declared a nuisance

now and a bank has possession. A man wants to purchase the property as is and clear it but he hasn't been able to get anywhere with the bank. The bank representatives won't return his calls. Com. Anderson said that until we have a penalty for violating the law, most people won't do anything about it.

D. Judge Miller informed that payment of the bill for the UK Mobile Dental Clinic was approved for payment on June 27<sup>th</sup> by the Marshall County Health Department (as discussed during an earlier Court meeting). However, the invoice was for FY 2011/12 and not FY 2012/13. The bill for 2011/12 is still owed, but the Health Department payment cannot be used for the program for 2011/12, but it can be for FY 2012/13. The Fiscal Court had been paying for the program, in which the Mobile Dental Clinic goes to the elementary schools in the county to provide dental care to the students, for many of whom it may be their only visit to a dentist. Following discussion, Judge Miller said he will check on this issue and report back to the Court. A motion was made by Com. Anderson and seconded by Com. Gold to table this issue. Motion carried.

#### IV. NEW BUSINESS:

A. A bid opening was held for the sale of a Rogers Dump Body. Advertisement for bids was published in the October 30<sup>th</sup> and November 6<sup>th</sup> editions of the Tribune Courier. No bids were received. A motion was made by Com. Anderson and seconded by Com. Gold to authorize County Road Superintendent Russell York to sell the dump body for scrap. All voted aye. Motion carried.

B. A bid opening was held for the purchase of a current model pickup truck with a service bed. Advertisement for bids was published in the October 30<sup>th</sup> and November 6<sup>th</sup> editions of the Tribune Courier. Four bids were received:

- Parkway Chrysler, Benton, KY - \$38,143.00
- Country Chevrolet, Benton, KY - \$29,455.11
- Leon Riley Ford, Benton, KY - \$31,200.00
- Parker Ford, Murray, KY - \$30,498.68

Judge Miller asked Mr. York to review the bids to determine if they meet the specifications.

C. Rich Ornstein with KACo sent information regarding the 2012 General Assembly's amendment to KRS 65.870 to prohibit local governments from regulating firearms – including ordinances that may already be on the books prohibiting firearms from portions of county grounds.

D. A motion was made by Com. Anderson and seconded by Com. Gold to go into executive session regarding a personnel matter. All voted aye. Motion carried.

E. Judge Miller called Court back into regular session and informed that one of the Road Department employees has a medical condition. He submitted a medical release from his doctor but it is very vague on what he is permitted to do. Judge Miller added that the Court needs further information before he will be allowed to drive a county truck.

F. Russell York reported that the low bid of \$29,455.11 from Country Chevrolet did meet the specs. Upon the recommendation of Judge Miller, a motion was made by Com. Gold and seconded by Com. Anderson to accept the bid from Country Chevrolet. All voted aye. Motion carried.

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

H. The Payroll Fund – Accounts Receivable Report as of November, 2012 is as follows:

<u>From</u>	<u>Amount</u>
Marshall Co. Sheriff's Department	\$568,794.11
Marshall Co. Attorney's Office	\$
Marshall Co. Clerk's Office	\$
Total Approved	\$568,794.11

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.

I. The Budget Appropriation Transfers were submitted. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Budget Appropriation Transfers as submitted. All voted aye. Motion carried.

J. Judge Miller informed that the Veterans Day Ceremony will be held at the county park on Monday, November 12<sup>th</sup> at 11:00 a.m. Bill Gold, a 21-year Veteran of the United States Air Force will be the guest speaker. Music will be provided by the Marshall County High School Choral Group and the American Legion as well as the Patriot Riders will be part of the ceremony.

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

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L. A work session regarding the county's policy & procedure manual was scheduled for Tuesday, November 20<sup>th</sup> at 1:30 p.m.

M. The Assistant Animal Warden has resigned. Com. Drew asked what needs to be done because of the hiring freeze. Judge Miller said that Mike Green has agreed to work weekends & Jimmy Tubbs has agreed to act as Assistant Animal Warden. Discussion was held about whether these would be temporary or permanent positions. Following discussion, it was determined that they would be hired on a 2-week contract basis. A motion was made by Com. Anderson and seconded by Com. Drew to hire Mr. Tubbs (for weekdays) and Mr. Green (for weekends) until November 20, 2012. All voted aye. Motion carried.

N. 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