

Marshall County Fiscal Court
November 25, 2014

The Marshall County Fiscal Court met in regular session on Tuesday, November 25, 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 were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Bobby Gifford, Director of Water Vision 202 submitted a drawdown request from Delta Regional Funds in the amount of \$4,476.94 for Sanitation District #1. A motion was made by Com. Anderson and seconded by Com. Gold to approve the drawdown request. All voted aye. Motion carried.

Mr. Gifford informed that approval has been received from the City of Benton to build the pump station for the Oak Level Tank. The plans are being drawn up now and he will advertise for bids as soon as he receives them.

B. Randy Newcomb, Director of Kentucky Lake Convention and Visitors Bureau, submitted a proposal from Hobie Cat for a Marshall County/Kentucky Tourism Event scheduled for April 16-23, 2015. Mr. Newcomb informed that Hobie Cat will promote and host the event, which will be the first-ever Hobie Bass Open and Family Fun Fest. The cost of covering the tournament cash prize, event hosting and promotion of combined program is \$7,500. The Tourist Commission has agreed to provide \$2,500 as well as the City of Calvert City, leaving a balance of \$2,500. Mr. Newcomb asked that the Court consider redirecting \$2,500 of the obligated funds given for the recent branding study to be used for this event. A motion was made by Com. Gold and seconded by Com. Drew to redirect the funds. All voted aye. Motion carried.

C. During the September 2, 2014 meeting, Wendy Baxter addressed the Court regarding a grant application for funding to improve Walter Jenkins Road, Milliken Mill Road, and Castleberry Lane and parking areas within the Clarks River Wildlife Refuge. These funds (total grant amount \$350,000), in the dollar amount of \$271,000 with a 20% match, which can be met through in-kind by the Road Department for construction costs. During the meeting, the Court authorized Ms. Baxter to submit the application. Recently Ms. Baxter was contacted by the state with a recommendation of increasing the amount of the application to \$540,000. She and Road Department Superintendent Russell York have worked on the numbers for the new application and the new application is ready to be submitted. A motion was made by Com. Gold and seconded by Com. Drew to authorize Ms. Baxter to resubmit the application in the amount of \$540,000 (including the 20% match). All voted aye. Motion carried.

D. Larry Whitt, Director of Parks reminded the Court that the annual Light Show in the Park will begin Friday. All donations will be given to Marshall County Needline.

II. CORRESPONDENCE:

A. Sam Ruth, Commissioner of the Department for Facilities & Support Services informed that the Commonwealth of Kentucky went tobacco free effective November 20th, pursuant to Executive Order #2014-747. The order states, "The use of tobacco, any tobacco product, and any electronic cigarette or vaping device shall be prohibited on all properties owned, leased, or contracted for use by the Executive Branch of the Commonwealth of Kentucky over which the Finance and Administration Cabinet has control".

B. Paula Holden, Deputy Commissioner of the Department of Corrections informed that the department has reviewed the Marshall County Detention Center's Plan of Corrective Action for the follow-up inspection of September 19, 2014. The plan reflects a good faith effort to comply with the standards and has been accepted.

C. Lucretia Reasons Johnson, Division Director of the Department of Workers' Claims informed that the department has been asked to participate in the "KyHealthNow" initiative implemented by Governor Beshear in February 2014. This initiative is being used to improve the state's collective health by holding state agencies accountable for measurable success, challenging local governments, businesses, schools and individuals to make meaningful steps toward improving health in their communities. In an effort to measure the success of the program, the department has been asked to contact several employers who operate certified programs and inquire if they would be willing to share data with members of the Governor's initiative. Judge Miller gave the list of information requested to Treasurer Emily Martin to complete and return to the department.

D. Frank Murphy, Director of Marshall County Emergency Management, sent a letter on behalf of the Lakeland Chapter of the American Red Cross, asking that the 1975 one-half ton Chevrolet pickup truck and topper, as well as outdated and unserviceable computers, monitors and accessories be declared surplus property and be included in the items for bids. A motion was made by Com. Drew and seconded by Com. Gold to approve the request. 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 November 4, 2014 meeting. All voted aye. Motion carried.

B. Action was tabled during the November 4th meeting on the request for a donation by the Marshall County Marching Marshals to assist with revitalizing and

rebranding the vehicles used to transport band equipment. A motion was made by Com. Drew and seconded by Com. Gold to contribute \$1,000 toward the band's efforts. All voted aye. Motion carried.

C. Through an oversight, two members' terms have expired (June 30, 2014) on the North Marshall Water District Board. They are: James Leonard and Larry Joe Draffen. A motion was made by Com. Drew and seconded by Com. Gold to reappoint Mr. Leonard and Mr. Draffen (new terms to expire 6/30/2018). All voted aye. Motion carried.

D. Judge Miller reported that Gary Teckenbrock has looked at the entrance to the Judicial Building and the Special Projects Crew will install a rail in the near future.

IV. NEW BUSINESS:

A. Judge Miller informed of a recent meeting on the former Fleetwood property and read a Resolution for the Court's consideration. If approved, the Resolution would authorize Judge Miller to execute any and all necessary documents as approved by legal counsel, in order to effectuate a marketing and brokerage agreement for the proposed sale of the property. A motion was made by Com. Gold and seconded by Com. Drew to approve the Resolution. All voted aye. Motion carried.

B. The Kentucky Lake Chamber of Commerce in Marshall County (formerly known as Marshall County Chamber of Commerce) sent a letter regarding the 2015 Chamber Membership Directory. Last year, the Court purchased a ½ page ad in the 2014 directory at a cost of \$150. A motion was made by Com. Gold and seconded by Judge Miller to purchase a ½ page ad in the 2015 directory. Com. Drew abstained from voting because she is a Director on the Chamber Board. All others voted aye. Motion carried.

C. The roof leaks in the portion of the building where the voting booths are stored. County Clerk Tim York obtained an estimate from Minter Roofing Co. of Benton, in the amount of \$4,593.00. Judge Miller added that the proposed work is considered leak repair/maintenance work and it is not guaranteed to stop the roof leaks. Discussion was held about moving the voting booths to another storage place, but the booths have to be stored in climate controlled areas and that space has been modified to meet those requirements. A motion was made by Com. Gold and seconded by Com. Drew to have Minter Roofing repair the roof. All voted aye. Motion carried.

D. The Sheriff's Audit for the year ended December 31, 2013 has been received from the State Auditor. Judge Miller informed that the only comment on the audit was

that the Sheriff overspent the maximum salary limitation fixed by the Fiscal Court by \$107,291.00. The Auditor recommended that the Sheriff monitor his payroll expenditures during the year and obtain any necessary amendments before years' end. Sheriff Byars said that COLA (cost of living adjustment) is the thing that he never can gage and had an amendment for the Court's consideration as recommended in the audit. A motion was made by Com. Gold and seconded by Com. Drew to accept the Sheriff's Audit. All voted aye. Sheriff Byars asked if the Court wanted to go over the amendment. Judge Miller said he would like for him and the Sheriff to meet to discuss the overages prior to moving on the amendment. All voted aye. Motion carried.

E. The Jonathan Creek Water District submitted the monthly reports.

F. Treasurer Emily Martin informed that for the past several years, there have been employees who have been unable to take all of their allotted vacation time by years' end and the Court has paid those employees for the vacation hours. There are a few employees this year in the same situation and she asked if the Court wanted to continue with paying for the unused vacation days. The Court members concurred to continue.

G. 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.

H. Ms. Martin presented the Budget Appropriation Transfers. A motion was made by Com. Gold and second by Com. Drew to approve. All voted aye. Motion carried.

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

From	Amount
Marshall Co. Sheriff's Department	\$234,369.01
Marshall Co. Attorney's Office	\$
Marshall Co. Clerk's Office	\$
Total Approved	<u>\$234,369.01</u>

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

J. Ms. Martin reported that monies has been received from grant funds through though the Department of Transportation. She had originally requested an intrafund transfer in light of the 65/35 requirement of funds to be in the budget when a new four-

year term of office begins to make sure the funds were there. With the additional monies from the state, no transfer is needed. She reported that all accounts are within the 65/35 rule.

K. 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.

L. Judge Miller called Court back into regular session and informed that there is an opening in the Animal Shelter staff for a part-time position. Jay Herrington has been working through the KTAP Program at the shelter. The County Attorney's Office will do a background check and if it comes back clear, Judge Miller recommended that Mr. Herrington be hired. A motion was made by Com. Gold and seconded by Com. Drew to do so. All voted aye. Motion carried.

M. Ms. Martin sent a letter to the Kentucky Retirement System requesting an official determination of why additional charges (\$9,130.62) are due for William D. Maddox, who retired from the Sheriff's Department on September 1, 2014 and was rehired in a different position in the department. Judge Miller added that hopefully we will receive an answer prior to the next meeting.

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

O. The December Court meeting was scheduled for Tuesday, December 16th.

P. Sheriff Byars asked that the Court record reflect that no action was taken on his request for an amendment.

Q. 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