

Marshall County Fiscal Court
December 1, 2015

The Marshall County Fiscal Court met in regular session on Tuesday, December 1, 2015 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Johnny Bowlin, & Dr. Rick Cocke; County Attorney Jeff Edwards and Assistant County Attorney Jason Darnall were present. Kevin Neal, County Judge/Executive presided.

I. GUESTS:

A. Robert Chandler with the Veteran's Van gave the court an update. Mr. Chandler stated he talked with the Secretary of Transportation in Frankfort who informed him she was going to get him a smaller van to transport our veterans. Mr. Chandler said the vehicle would be a minivan and much easier to drive and it will get better gas millage. Mr. Chandler said the van they have now is older and has over 100,000 miles on it, he said it was a big van with a wheelchair lift and not all veterans needed a vehicle with a lift. Mr. Chandler would like to know if the court would take the minivan into its fleet of vehicles and provide insurance and gas. Treasurer Emily Martin will look in to how much the insurance would cost the court. Mr. Chandler said he could give the van to Marion VA, but if he does they would not allow him to use the van to take veterans to local area appointments. Mr. Chandler will report back to the court when he picks up the van.

B. Bobby Gifford with Watervision 2020 informed the court the Oak Level and Brewers tank were near the end of completion. Mr. Gifford stated the court approved a \$1.2 million dollar budget on the project, he thought he had secured all the funds from KIA but he has not. At the moment Mr. Gifford is at \$1,000,080.00 of the \$1.2 million that was to be used on the project. Mr. Gifford asked if he could request \$107,500.00 from KIA Funds, which would nearly complete that money.

Mr. Gifford stated the pumps cost \$61,995.00, electric and HVAC for the booster station was \$31,000.00, and telemetry for the tank itself was \$13,000.00 and Mr. Gifford has paid \$3,100.00 of that. Com. Bowlin asked Mr. Gifford if he was referring to the pump station at the hospital, Mr. Gifford said yes. Com. Cocke stated he has not received any of the information or paperwork on this money until now and asked Mr. Gifford to provide information before hand from this point forward. Mr. Gifford said the court had previously approved \$1.2 million dollars for the project, \$800,000.00 was a grant and \$400,000.00 was a loan. Mr. Gifford said he has already utilized \$275,000.00 of the loan, he is requesting the additional \$107,500.00 of the loan that was previously approved by the court. Com. Gold said he believed the court approved the \$1.2 million dollars for the project in 2013. Judge Neal stated all the monies that were approved did not get requested which is why Mr. Gifford needs approval to receive the remaining funds. A motion was made by Com. Gold and seconded by Com. Cocke to approve request of the funds. All voted aye. Motion carried.

Mr. Gifford also updated the court on both sanitation districts. With Sanitation District #2, he has the ok to start the application process for the monies the court has been working on to help them out. He'll start the application process, right now they are getting him information he needs to complete the application. Mr. Gifford said it will not run through the court, it will go through the Sanitation District Board, they were given the "ok" this week to proceed.

Mr. Gifford has solicited bids for the rehab of the lift stations for Sanitation District #1, a bid opening was published in the Tribune Courier. Mr. Gifford will open bids on December 14, 2015 and present a recommendation to the court on at the next fiscal court meeting on December 15, 2015.

II. CORRESPONDENCE:

There was no correspondence.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the minutes of the November 17th meeting. All voted aye. Motion carried.

B. Assistant County Attorney Jason Darnall updated the court on the Big Bear Park Easement. After reviewing the agreement Mr. Darnall had concerns about a provision stating if there were any pollution it would fall on the Fiscal Court to clean it up. Mr. Darnall stated Big Bear was a public beach and the Fiscal Court could not watch over it at all times. Mr. Darnall spoke with Nicholas Morris, who stated he would happy to entertain any language changes the Mr. Darnall provided him. Mr. Morris said he would forward the proposed changes on to the legal department but stated they may not be approved. Mr. Darnall stated he provided the proposed changes to Mr. Morris on Monday, November 30th, and was just waiting to hear back from him.

C. Judge Neal read the proposed South Marshall Fire Protection District Board comprised of Mike Alexander, Marcia Sirls (Chair Person), Gene Pettit (Secretary), Gary Freeman, Harry Holliday (Treasurer), Kenneth Jones, and June Hudson. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the South Marshall Fire Protection District Board. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. Judge Neal read a letter Wayne Onkst, State Librarian and Commissioner, regarding the expiration of Bruce Lyles term on the Library Board. Mr. Onkst provided two names to replace Mr. Lyles for consideration, Paul Thurman and Lisa Parker. A motion was made by Com. Cocke and seconded by Com. Gold to appoint Paul Thurman to the Library Board. All voted aye. Motion carried.

B. County Attorney Jeff Edwards read Ordinance #2015-07 Ordinance Establishment Fee Pooling System for the Office of Marshall County Sheriff (first reading). Com. Gold asked how the ordinance would impact the Treasurer's Office. Treasurer Emily Martin stated the majority of things listed in the ordinance were already being done such as payroll. Mrs. Martin stated she thought the major impact to her office would be having more bills to pay. She also stated she will have to work closely with Department of Local Government due to the way the Sheriff's fiscal year falls compared to the court's fiscal year. Mrs. Martin said she would have to make several amendments to the Fiscal Court's budget to reflect the Sheriff's 2016 budget.

Sheriff Byars asked Judge Neal if he could ask some questions to which Judge Neal replied yes. Sheriff Byars asked the members of the Fiscal Court if they had heard of this ordinance prior to this week. Com. Bowlin stated yes, he was informed of the ordinance yesterday. Sheriff Byars asked Com. Bowlin if he said yesterday to which Com. Bowlin said yes, Sheriff Byars stated he asked if they were informed of it prior to this week. Com. Gold stated he was informed about the ordinance yesterday. Com. Cocke said he was aware of the thought process but was not aware the ordinance was going to be drafted and read. Sheriff Byars asked if being the Chief Law enforcement Officer of Marshall County that it should have been discussed and presented to him as well. Com. Gold stated he did not disagree with the Sheriff and he has had a discussion with Judge Neal about that point. Com. Gold stated that was the Judge's perview but he thought it could have been discussed sooner and some information exchanged. Sheriff Byars stated the ordinance was not discussed with him, he did have a meeting with Judge Neal the week before where the issue was first brought up. Sheriff Byars said he didn't feel like a week prior to the first reading of the ordinance is enough of a discussion and he feels like it was underhanded and deceitful the way it was handled.

Judge Neal told Sheriff Byars that fee pooling is not new and is something that other counties have in place. Judge Neal said questioning communication with other court members was not fair because it is not the whole picture; fee pooling is another option the court can look into. Judge Neal also informed Sheriff Byars there was no law stating communication had to be made with the Sheriff regarding fee pooling nor was there a timeline to go by. Sheriff Byars said Judge Neal stated he wanted open lines of

communication with the entire county government, Sheriff Byars said this was not open lines of communication, it was dictating in his opinion. Judge Neal stated that was not accurate, Sheriff Byars came to his office and spoke with him, which is the first step of open lines of communication and he cannot dictate Sheriff Byars behavior. Sheriff Byars stated a week prior to the ordinance being read was not discussion of the issue. Sheriff Byars said from his understanding Judge Neal was not going to budge on the issue in any way, it is what Judge Neal wants to do so there is not going to be any discussion from what he understands. Judge Neal stated yes, that is what they discussed. Sheriff Byars clarified he did not have "a dog in the race" at this point. Judge Neal stated at this point no. Sheriff Byars wants it to be clear to the public that he has no interest in the ordinance in any way. Judge Neal stated there would be a vote on the ordinance December 15th, 2015. Sheriff Byars stated Judge Neal was going to do what he wants and it does not matter if the Sheriff opposes it or not and does not matter his opinion. Judge Neal told Sheriff Byars his opinion has been noted.

Com. Cocke stated his understanding is between the first and second reading of an ordinance that is when it is to be discussed and listen to opinions, which he is open to. Judge Neal said this is a process, we have presented the first reading and there is no deceitfulness, that is Sheriff Byars opinion. Judge Neal brought this here today to bring to the court's attention another option of managing the taxpayers money. Sheriff Byars asked why fee pooling was not being done to all fee offices and why was the Sheriff's Department being singled out. Judge Neal stated the Sheriff's Department was not being singled out. Sheriff Byars asked Judge Neal why other offices were not being included, Judge Neal stated "because they're not". Judge Neal stated he was not going to argue with Sheriff Byars and moved on to the next item of the agenda.

C. Treasurer Emily Martin requested an Intrafund Transfer of \$250,000.00 from the Occupational Tax Admin. to the Road Fund (Budgeted Subsidy) *completed 11-23-15. A motion was made by Com. Bowlin and seconded by Com. Gold to approve the transfer. All voted aye. Motion carried.

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

E. Judge Neal informed the court he has been in touch with Wayne Shelton, CPA in regards to coming in and making sure procedures to date are being followed correctly. Judge Neal is waiting to get a quote from Mr. Shelton and will update the court when it is received.

F. Com. Gold stated he had a conflict with the scheduled January 19, 2016 meeting, he would be out of town that day. He said he would be available January 15,

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Com. Bowling stated January 15th would be fine with him. Judge Neal said it would be discussed at the next meeting.

G. Jeff Risley approached the court regarding property on Hunter's Lane in the Sunny Acres Subdivision he and his wife were considering to purchase. Mr. Risley wanted to gain access to the property by creating a drive way off of Hunter's Lane but was not sure who owned the easement. Judge Neal said he would see if the county could legally go forward. Assistant County Attorney Jason Darnall and Paralegal Anita Stevenson talked with Mr. Risley to see if they could help him in any way.

H. Emergency Management Director Curt Curtner informed the court the Aurora Bridge was being moved at the moment.

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

Respectfully submitted by,

Desiree' Hermosillo
Fiscal Court Clerk