

Marshall County Fiscal Court  
September 20, 2017

The Marshall County Fiscal Court met in regular session on Tuesday, September 20, 2017 in the Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. Elected Commissioners: Dr. Rick Cocke, Johnny Bowlin and Bob Gold; County Attorney Jeff Edwards were present. Kevin Neal, County Judge/Executive presided.

I. GUESTS:

A. Jeff Gaddy, Attorney with Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA, Pensacola, FL, was present to discuss a Resolution authorizing, approving and directing the employment of certain law firms to represent the County in potential litigation against contributors of opioid addiction crisis. After a lengthy discussion a motion was made by Com. Cocke and seconded by Com. Gold for Judge Neal to sign a resolution and agreement with Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA; Greene, Kethcum, Farrell, Bailey & Tweel, LLP; Baron & Budd, PC; Hill Peterson Carper Bee & Deitzler PLLC; McHugh Fuller Law Group; Law Office of Lucas Magazine; Bowling & Johnson, PLLC; Gray & White Law. All voted aye. Motion carried. County Attorney Jeff Edwards read the Resolution for the record.

B. Greg Carlton with Peel and Holland presented the 2018 Employee Benefits Renewal Recommendations. Kentucky's health plan is increasing by 3% this year, which is an increase of about \$45,000.00 to the county. Delta Dental is also increasing by 3% this year. Mr. Carlton recommended staying with the Kentucky Health Plan for another year. Treasurer Emily Martin stated open enrollment was tentatively scheduled for October 11<sup>th</sup> and 12<sup>th</sup>. A motion was made by Com. Gold and seconded by Com. Cocke to sign the agreement with Peel and Holland for the Kentucky Health Plan for 2018. All voted aye. Motion carried.

C. Chad McCann with Rivercrest Engineering gave an update on Sanitation District #1 and District #2, Mr. McCann also presented a bid recommendation for the lift station improvements at Sanitation District #1. Rivercrest Engineering recommends Youngblood Excavating/Contracting, LLC in the amount of \$686,977.00. After discussion, a motion was made by Com. Gold and seconded by Com. Bowlin to accept the bid from Youngblood Excavating/Contracting, LLC in the amount of \$686,977.00 and move forward with the Sanitation District #1 lift station improvements. All voted aye. Motion carried.

Treasurer Emily Martin presented the Sanitation Districts accounts receivable. Sanitation District #1 owes the general fund \$3,293.30, Sanitation District #2 owes the general fund \$21,868.03. Sanitation District #2's new employee, Jonathan Smith, is currently being paid by the fiscal court (not reimbursed) and is an additional \$2,368.18.

II. CORRESPONDENCE:

A. Judge Neal read a notice of proposal to construct wireless communications facility from Pike Legal.

B. Judge Neal read a public notice from ISP Chemicals in Calvert City regarding a tentative decision to renew a variance for waste designation.

C. Judge Neal read a thank you note from the Marshall County Wheelchair Ramp Ministry.

D. Judge Neal read a letter from the Office of State Budget Director regarding CERS pension plans.

E. Com. Cocke requested a letter received from City of Calvert in regard to the Well-head protection district be placed on the website.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Cocke to approve the minutes of the September 5<sup>th</sup> meeting. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Bowlin for Judge Neal to sign a resolution and agreement with the Kentucky Transportation Cabinet to replace a drainage structure on Green Acres Lane (CR 1107) in the amount of \$49,760.00 CB01 Rural Secondary Fund. All voted aye. Motion carried.

B. Final county appropriation to the PVA FY 17-18 is \$25,000.00 more than budgeted, the increase is funded in the budget amendment. A motion was made by Com. Cocke and seconded by Com. Bowlin to approve the final county appropriation to the PVA FY 17-18 totaling \$100,700.00. All voted aye. Motion carried.

C. A motion was made by Com. Gold and seconded by Com. Bowlin to close the Veteran's Van Fund at Heritage Bank and award the interest earned (\$4.69) to the Marshall County Veteran's Support Group. All voted aye. Motion carried.

D. A motion was made by Com. Gold and seconded by Com. Bowlin to advertise for bids for surplus property at the Road Department. All voted aye. Motion carried.

E. A motion was made by Com. Bowlin and seconded by Com. Cocke to advertise for bids for a skid-steer at the Road Department. All voted aye. Motion carried.

F. Treasurer Emily Martin read the 2017 Tax Rates. A motion was made by Com. Gold and seconded by Com. Cocke to approve the 2017 Tax Rates. All voted aye. Motion carried.

G. Judge Neal read a Resolution with Kentucky Rural Water Finance Corporation authorizing the filing of a petition with the State Local Debt Officer for approval to finance the cost to make extension, additions and improvements to the Marshall County Sanitation District #1 and the Marshall County Sanitation District #2. A motion was made by Com. Gold and seconded by Com. Bowlin for Judge Neal to sign the Rural Water Resolution. All voted aye. Motion carried.

H. Treasurer Emily Martin read Ordinance #2017-11 Budget Amendment, 1<sup>st</sup> reading. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the budget amendment. All voted aye. Motion carried.

I. Judge Neal read Ordinance #2017-12 Industrial Development Authority, 1<sup>st</sup> reading.

J. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the Appropriation Transfer. All voted aye. Motion carried.

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

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

M. Judge Neal announced the second reading for Ordinance #2017-11 and #2017-12 will be October 3, 2017.

N. Economic Director Josh Tubbs stated Benton Wood Products will hold a job fair on September 27, 2017 from 10:00 a.m. – 3:00 p.m. EST. The job fair will be held at 4377 Mayfield Highway, Benton.

O. A motion was made by Com. Gold and seconded by Com. Bowlin to go into Executive Session to discuss personnel, litigation and real estate. All voted aye. Motion carried.

P. Judge Neal called court back to order.

Q. Judge Neal stated there were several items discussed in Executive Session. A petition was filed to close Way Avenue last year that the court did not take action on. There has been some land donated to Sanitation District #2 and about 400 feet of Way Avenue would need to be taken in to the county road maintenance system. A motion was made by Com. Bowlin and seconded by Com. Gold to take in 400 feet of Way Avenue and for Judge Neal to sign the deed for that property. All voted aye. Motion carried.

A motion was made by Com. Bowlin and seconded by Judge Neal to confirm the dismissal of 911 Director Misti Drew. Com. Gold voted aye, Com. Bowlin voted aye, Com. Cocke recused himself, Judge Neal voted aye. Motion carried.

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

Respectfully submitted by,



Desiree' Hermosillo  
Fiscal Court Clerk