

Marshall County Fiscal Court  
June 20, 2017

The Marshall County Fiscal Court met in regular session on Friday, June 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. Attorney Scott Bergthold, who specializes in drafting and defense of municipal adult business regulations, presented documents on regulating negative secondary effects of sexually oriented businesses. Mr. Bergthold gave the Fiscal Court Clerk documentation on regulating legislative secondary effects for the official record.

B. Attorney Zach Brien was present representing his client Ron Beshears. In April 2013 Mr. Beshears submitted a petition to have Lookout Lane changed to Beshears Lane, at that time the issue was tabled and no action was ever taken. Judge Neal stated because the petition was filed in April of an odd year, which Ordinance #05-03 requires, and no action was taken the issue was still open for court consideration. Mr. Brien presented signatures from all property owner on Lookout Lane and other roads that connect to Lookout Lane in favor of the name change. Mr. Brien stated the name change is to honor Mr. Beshears father who will turn 100 this year. A motion was made by Com. Bowlin and seconded by Com. Cocke to change the name of Lookout Lane to Beshears Lane. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Judge Neal read an email from The Lake News asking the court to purchase an ad for their Ameribration edition. A motion was made by Com. Cocke and seconded by Com. Gold to purchase a full page ad (\$859.32). All voted aye. Motion carried.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the minutes of June 2<sup>nd</sup>, June 2<sup>nd</sup> budget workshop and June 19<sup>th</sup> budget workshop. All voted aye. Motion carried.

B. Treasurer Emily Martin read Ordinance #2017-02 Budget FY 17-18, 2<sup>nd</sup> Reading. A motion was made by Com. Gold and seconded by Com. Bowlin to approve Ordinance #2017-02 Budget FY 17-18. All voted aye. Motion carried.

C. County Attorney Jeff Edwards read Ordinance #2017-05 Administrative Code, 2<sup>nd</sup> Reading. Mr. Edwards read the proposed changes to the Administrative Code.

A motion was made by Com. Gold and seconded by Com. Bowlin to accept the amendment to Section 5.1, Exempt Employee. All voted aye. Motion carried.

A motion was made by Com. Cocke and seconded by Com. Gold to accept the amendment to Section 5.2 (6). All voted aye. Motion carried.

A motion was made by Com. Cocke and seconded by Com. Bowlin to accept the amendment to Section 5.24, Sick Leave (C) & (G). All voted aye. Motion carried.

After a lengthy discussion, Section 5.32 (A), Overtime/Compensation Time was amended to include sick and vacation time to count toward overtime. A motion was made by Com. Cocke and seconded by Com. Gold to approve the amendment. All voted aye. Motion carried.

A motion was made by Com. Gold and seconded by Com. Bowlin to accept the amendment to Section 5.33, County Vehicles (B). All voted aye. Motion carried.

After a very lengthy discussion, Section 5.51, Expense Reimbursements (3) was amended to read: Travel: The county offers a corporate rental program through Enterprise and county owned vehicles for travel. These methods are preferred. Department Heads and/or the Appointing Authority may offer to pay mileage at the Federal Government Rate to use a personal vehicle if it is deemed more cost effective. Alternatively, the employee may drive his/her own vehicle and receive mileage at the Federal rate for miles traveled. A motion was made by Com. Cocke and seconded by Com. Bowlin to accept the amendment. Com. Cocke voted aye, Com. Bowlin voted aye, Com. Gold voted aye, Judge Neal voted no. Motion carried.

D. Treasurer Emily Martin read Ordinance #2017-06 Budget Amendment, 2<sup>nd</sup> reading. A motion was made by Com. Gold and seconded by Com. Bowlin to approve Ordinance #2017-06 Budget Amendment. All voted aye. Motion carried.

E. Deputy Judge Brad Warning read the Coldwater Lane bridge decking Bid Advertisement published in the June 13<sup>th</sup> edition of the Tribune Courier. One bid was received from E&H Bridge in Bedford, IN, in the amount of \$19,990.00. Road Supervisor Roy Wadkins looked over the bid to make sure it met specifications. Mr. Wadkins stated the bid did meet specifications. A motion was made by Com. Gold and seconded by Com. Bowlin to accept the bid from E&H Bridge in the amount of \$19,990.00. All voted aye. Motion carried.

F. Deputy Judge Brad Warning read the Annual Bid Advertisement published in the May 23<sup>rd</sup> edition of the Tribune Courier. Bids were as follows:

<u>Rock Bid</u>		
Vulcan Materials	Dense Grade \$7.64/ton	#3 White Rock \$9.98/ton
Grand Rivers, KY	8s Washed Rock \$16.33/ton	57s Rock \$9.93/ton
	6" Rip-Rap \$9.58/ton	8" Rip-Rap \$9.58/ton
	#125 Rip-Rap \$9.58/ton	#300 Rip-Rap \$9.58/ton
	8" Minus \$8.42/ton	2.5" Road Base Black \$8.42/ton
Winn Materials	Dense Grade \$8.50/ton	#3 White Rock \$11.50/ton
Grand Rivers, KY	9m's \$12.25/ton	57s Rock \$11.75/ton
	6" Rip-Rap \$10.50/ton	8" Rip-Rap \$10.50/ton
	#125 Rip-Rap \$10.50/ton	#300 Rip-Rap \$10.50/ton
	8" Minus \$8.50/ton	2.5" Road Base Black \$9.50/ton

A motion was made by Com. Gold and seconded by Com. Cocke to accept the bid from Vulcan Materials. All voted aye. Motion carried.

<u>Fire Protection Maintenance Services</u>		
Murray Fire Systems	Fire Extinguisher (Annual inspection and tagging)	\$3.00/ea.
Murray, KY	Recharge (Dry Chemical)	
	2 ½ lb	\$10.00/ea.
	5lb	\$13.00/ea.
	10lb	\$18.00/ea.



20lb		\$22.00/ea.
Hydrostatic Testing (Dry Chemical)		\$10.00/ea.
6-Year Maintenance		\$5.00/ea. Plus recharge cost
Sprinkler system will be determined by system and quantity of sprinkler heads		

A motion was made by Com. Bowlin and seconded by Com. Gold to accept the bid from Murray Fire Protection Maintenance Services. All voted aye. Motion carried.

Fuel

Midwest Terminal	87 Octane	\$1.957	Mark-up	\$0.115
Paducah, KY	LS Diesel (On road)	\$1.9185	Mark-up	\$1.9185
	HS Diesel (Off road)	\$1.9235	Mark-up	\$0.115
	Winter/Summer Additive	\$0.02	Mark-up	\$no bid
Max Arnold & Son's	87 Octane	\$1.7905	Mark-up	\$0.08
Hopkinsville, KY	LS Diesel (On road)	\$1.814	Mark-up	\$0.08
	HS Diesel (Off road)	\$1.5895	Mark-up	\$0.08
	Winter/Summer Additive	\$no bid	Mark-up	\$0.015

A motion was made by Com. Cocke and seconded by Com. Gold to accept the bid from Max Arnold and Son's. All voted aye. Motion carried.

Oil

Midwest Terminal	15W40 Fleet Supreme	\$1,771.88/tote
Paducah, KY	Hydraulic Tractor Oil	\$1,315.00/tote
	Lithium Base Grease, HT #2 Grade	\$304.69 for 120/1
	GL 4 Gear Oil SAE GL 5 85W140 MP	\$52.78 for 35/1
	5W30 Synthetic Blend	\$311.30/55 gal drum
	Transmission Oil 50 Synthetic	\$184.38 for 35/1
	DEF Additive	\$474.38 for 330 gal tote
	Anti-Freeze Bulk	\$322.30 (50/50)/55 gal drum
Max Arnold & Son's	15W40 Fleet Supreme	\$1,412.50/tote
Hopkinsville, KY	Hydraulic Tractor Oil	\$1,097.50/tote
	Lithium Base Grease, HT #2 Grade	\$350.39 for 120/1
	GL 4 Gear Oil SAE GL 5 85W140 MP	\$39.00 for 35/1
	5W30 Synthetic Blend	\$247.50/55 gal drum
	Transmission Oil 50 Synthetic	\$172.00 for 35/1
	DEF Additive	\$420.00 for 330 gal tote
	Anti-Freeze Bulk	\$186.00 (50/50)/55 gal drum Concentrate \$350.00

A motion was made by Com. Bowlin and seconded by Com. Gold to accept the bid from Max Arnold & Son's. All voted aye. Motion carried.

Asphalt

Jim Smith Contracting	Bituminous Class I Surface Asphalt	\$69.50/ton
Grand Rivers, KY	Bituminous Class I Bas Asphalt	\$68.00/ton

A motion was made by Com. Cocke and seconded by Com. Bowlin to accept the bid from Jim Smith Contracting. All voted aye. Motion carried.





The bids were given to Road Supervisor Roy Wadkins to make sure they met specifications.

I. Court was recessed for a 10 minute break.

Judge Neal called court back to order.

IV. NEW BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Cocke for Judge Neal to sign the Needline Deed, giving Needline the deed to their building. All voted aye. Motion carried.

B. County Attorney Jeff Edwards read Ordinance #2017-07, ABC Amendment, 1<sup>st</sup> reading. There was discussion regarding the Ordinance, Com. Gold would like to keep a 50 patron limit for restaurants.

C. Judge Neal scheduled a special called meeting for June 27<sup>th</sup> at 9:30 a.m. in the Fiscal Courtroom. The July 4<sup>th</sup> regular scheduled meeting was canceled.

D. The Local Board of Assessment Appeals board appointment was tabled until the June 27<sup>th</sup> meeting.

E. A motion was made by Com. Gold and seconded by Com. Bowlin to approve Judge Neal to sign the Building Inspector Agreement between Marshall Co. Fiscal Court and Randy Duke. All voted aye. Motion carried.

F. A motion was made by Com. Bowlin and seconded by Com. Cocke to advertise for Performance Contracting RFP as long as the language in the bid advertisement is changed to "Accreditation by the National Association of Energy Service Companies" is preferred but not required. All voted aye. Motion carried.

G. An employee contract agreement between Marshall Co. Fiscal Court and an employee at the Marshall Co. Exceptional Center was discussed. The Exceptional Center's Board has chosen to separate from the County effective July 1, 2017. The Exceptional Center has one employee who is within four months of retirement, County Attorney Jeff Edwards will draft an agreement for this employee to stay with the County from July 1, 2017 through November 1, 2017 when he can retire. This item was tabled until the June 27<sup>th</sup> meeting when Mr. Edwards will have the agreement ready for the Court's review. Judge Neal also asked Mr. Edwards to have the agreements between entities using county owned buildings and the Fiscal Court ready for the June 27<sup>th</sup> meeting.

H. A motion was made by Com. Gold and seconded by Com. Bowlin for Judge Neal to sign the Grant Application for the Friends of Chestnut Creek Watershed Project. All voted aye. Motion carried.

I. Roy Wadkins, Road Supervisor, presented recommendations for three new employees, they are Daniel Jameson, Jonathan Poe, and Danny Brame. These new hires will replace three current employees who are retiring, two are retiring at the end on June and the other is retiring at the end of July. A motion was made by Com. Bowlin and seconded by Com. Cocke to accept the recommendations and hire Daniel Jameson, Jonathan Poe, and Danny Brame. All voted aye. Motion carried.

J. Judge Neal recommended Dean McCoy and Tim Watkins be appointed to the North Marshall Water District Board. Com. Cocke and Com. Bowlin both stated they would like for Kenneth Shadowen to be reappointed to the Board. No action was taken.

K. A motion was made by Com. Cocke and seconded by Com. Gold to reappoint Weldon Solomon to the Palma Briensburg Fire Department Board. All voted aye. Motion carried.

L. A motion was made by Com. Cocke and seconded by Com. Bowlin to reappoint Robert Johnson to the Possom Trot/Sharpe Fire Department Board. All voted aye. Motion carried.

M. A motion was made by Com. Gold and seconded by Com. Cocke to reappoint Robert Phelps to the Fairdealing Olive Fire Department Board. All voted aye. Motion carried.

N. Judge Neal recommended Jeff O'Bryan be appointed to the Jonathan Creek Water District Board. A motion was made by Com. Bowlin and seconded by Judge Neal to appoint Jeff O'Bryan to the Jonathan Creek Water District Board. Com. Bowlin voted aye. Judge Neal voted aye. Com. Cocke voted no. Com. Gold voted no. Motion dies. County Attorney Jeff Edwards stated in 15 days Judge Neal can break the tie. If no decision is made in 15 days, the Public Service Commission will have 90 days to make an appointment.

Jonathan Creek Water District Board member Joshua Medley spoke and urged the Commissioners to appoint a person ready to help the water district move forward with much needed improvements.

O. A motion was made by Com. Cocke and seconded by Com. Bowlin to reappoint Marlie Conner and Ethel Hendrickson to the Marshall County Cemetery Board. All voted aye. Motion carried.

P. Judge Neal recommended Andy Lyles be appointed to the Marshall County/Calvert City Riverport Authority Board. A motion was made by Com. Gold and seconded by Com. Bowlin to appoint Mr. Lyles to the Board. All voted aye. Motion carried.

Q. Judge Neal recommended Pamela Siris and Dr. Blake Wiseman be appointed to the Hospital Board. A motion was made by Com. Gold and seconded by Com. Bowlin to appointed Ms. Siris and Dr. Wiseman to the Board. All voted aye. Motion carried.

R. A motion was made by Com. Gold and seconded by Com. Cocke to appoint Joel Frizzell and Ritchie Clendenen to the Marshall County Code of Ethics Board. All voted aye. Motion carried.

S. IT/GIS Director recommended Chad Tucker be hired for the open IT position. A motion was made by Com. Cocke and seconded by Com. Gold to hire Mr. Tucker for the position. All voted aye. Motion carried.

T. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the Standing Order for Travel, Utilities, and Salaries. All voted aye. Motion carried.

U. A motion was made by Com. Gold and seconded by Com. Cocke to approve the Treasurer's Report. All voted aye. Motion carried.

V. Treasurer Emily Martin requested an Intrafund Transfer moving \$100,000.00 from the Occupational Tax Admin fund to the Jail Fund. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the transfer. All voted aye. Motion carried.

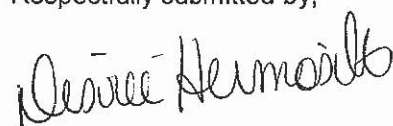
W. A motion was made by Com. Bowlin and seconded by Com. Gold to approve the Appropriation Transfer Report. All voted aye. Motion carried.

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

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

Respectfully submitted by,

A handwritten signature in black ink that reads "Desiree Hermosillo". The signature is written in a cursive, flowing style.

Desiree' Hermosillo  
Fiscal Court Clerk