

CALLOWAY COUNTY
FISCAL COURT MEETING
June 21, 2023, Regular Meeting

An adjourned meeting of the Calloway County Fiscal Court was held at 9:00 am on Wednesday, June 21, 2023, in the Calloway County Court House Annex. Judge Executive Kenneth C. Imes called the meeting to order and led the Pledge of Allegiance and a prayer. The following duly qualified members of the Court were present: Squire Don Cherry, Squire Paul Rister, Squire Larry Crutcher and Squire Ricky Stewart. Also present were County Treasurer Tonya Robinson, Deputy Judge Executive Gina Winchester, County Attorney Bryan Ernstberger, and County Clerk Antonia Faulkner.

The Court reviewed the minutes of the May 17 regular meeting. Motion made by Squire Stewart seconded by Squire Crutcher to waive the formal reading and approve the minutes as presented. All voted aye and it was so ordered.

County Treasurer, Tonya Robinson, asked the Court to approve the financial statements as presented. Motion made by Squire Rister, seconded by Squire Crutcher to approve. All voted aye and it was so ordered. Motion made by Squire Rister, seconded by Squire Stewart to approve the payment of the bills. All voted aye and it was so ordered. Motion made by Squire Stewart, seconded by Squire Crutcher to approve the cash transfers. All voted aye and it was so ordered. After a discussion, motion made by Squire Rister seconded by Squire Crutcher to amend the previous motion to approve the cash transfers to include cash transfer from general fund to jail fund in the amount of \$200,000. All voted aye and it was so ordered. Motion made by Squire Rister seconded by Squire Crutcher to approve the transfers as amended. All voted aye and it was so ordered. Motion made by Squire Crutcher seconded by Squire Cherry to approve the budget transfers as presented. All voted aye and it was so ordered.

Judge Imes recessed the regular meeting and called to order a Public Hearing regarding budget amendment #3 regarding funds for FRDR and KYTC. There were no comments, the hearing was closed, and the regular meeting called back into session. Motion made by Squire Rister seconded by Squire Crutcher to approve the second reading as presented. All voted aye and it was so ordered.

Judge Imes recessed the regular meeting and called to order a Public Hearing regarding the second reading of the FY 2023-2024 Budget. There being no comment, the public hearing was closed, and regular session called back to order. Motion made by Squire Rister seconded by Squire Cherry to approve the second reading of FY 2023-2024 Budget as presented. All voted aye and it was so ordered.

Judge Exec Imes recessed the regular meeting and called to order a Public Hearing regarding the second reading of the ordinance for a proposed gas tax. This would only take effect if or when the State allowed for such. There being no comment, the public hearing was closed, and the regular session called back to order. Motion made by Squire Stewart seconded by Squire Rister to approve the second reading. All voted aye and it was so ordered.

County Attorney, Mr. Ernstberger discussed with the Court the first reading of an updated Ethics ordinance. He acknowledged Squire Rister's work and the need for the update. After a discussion, motion made by Squire Crutcher seconded by Squire Stewart to approve the first reading of the Ethics Ordinance as presented. All voted aye and it was so ordered. Motion made by Squire Rister seconded by Squire Stewart to approve the first reading of the repeal of the current Ethics Ordinance #99-0104-A. All voted aye and it was so ordered. The current Ethics ordinance will stand until the approval of the second reading of the updated version, and the approval of the second reading of the repeal.

Judge Imes called on County Clerk, Antonia Faulkner to report the findings of the Reapportionment Committee. Based on the 2020 Census Calloway County's population was 37,103. Judge Imes took this time to explain that he and Mayor Rogers had appealed the number with the census as they both felt the number was low. Judge Imes believed the county was approximately 2500 short. With the current numbers it was found that there was a variance between Magisterial Districts 2 and 3 that needed to be addressed. Mr. Rister had calculated from the 2020 Census findings that the variance

was 17.1%. It has been the opinion of the Attorney General that the interpretation of KRS 67.045 allows up to a 10% variance. Committee member Jane Benson used her extensive knowledge of mapping to prepare different options of moving census blocks based on population between the two districts. Ms. Farris and Mr. Marcum addressed the effects that the different moves would be on the magistrates, their respective district's county road mileage, the voter precincts, the voter changes, and the legal description move of the magisterial district lines. An explanation of the findings, needs, and requirements were presented to the Court with the recommendation of using what the committee called option 4. This option would move 8 census blocks from Census Tract 105 BG 2 from district 3 to district 2 and moves 13 census blocks from CT 106.01 BG 2 from district 3 to district 2. This would also be described as moving the south line of magisterial district 2 from the center of Sunset Dr south to Sycamore, following Sycamore south to South 16th south to Johnson Blvd east to South 12th, south along 12th to Glendale going east to 9th Street (see folder). Moving these census blocks affects 791 residents and brings the variance down to 0.4% between all district populations. With this option, based on 2020 census data each district would have 9,276 +/- 18 people. Judge Imes acknowledged the committee members and took the time to share his appreciation of the committee's effort and presented Ms. Benson with her official appointment certificate. He then asked the will of the Court. Motion made by Squire Rister seconded by Squire Stewart to approve the recommendation as presented. All voted aye and it was so ordered. Motion made by Squire Rister seconded by Squire Stewart to approve the first reading of the Ordinance adopting magistrate district boundaries. All voted aye and it was so ordered. Motion made by Squire Stewart seconded by Squire Rister to approve the first reading to repeal Ordinance # 01-0918-A pertaining to the current magistrate district boundaries. All voted aye and it was so ordered.

Judge Imes discussed KRS 67.710 requiring the Court to appoint a county treasurer for a term of 4 years by June 30. Judge Imes recommended to reappoint Mrs. Tonya Robinson to another term to expire June 30, 2027. Motion made by Squire Cherry seconded by Squire Crutcher to reappoint Mrs. Robinson. All voted aye and it was so ordered. At this time Judge Imes recessed the regular session to swear Mrs. Robinson in. The regular meeting was called back into order and the Court discussed the approval of payments associated with the issuing of surety bonds on behalf of the county treasurer per KRS 67.710. Motion made by Squire Crutcher seconded by Squire Rister to approve as presented. All voted aye and it was so ordered.

Mrs. Robinson discussed with the Court the maturity of a 6 month The Murray Bank CD. After speaking with the bank, it was determined the CD could be renewed for 3 months. Motion made by Squire Crutcher seconded by Squire Rister to approve the 3-month renewal. All voted aye and it was so ordered.

Judge Imes presented a request from the City of Hazel. The land where the Hazel Community Center sits was deeded to Hazel from the County in 2020. It was discovered that the deed failed to transfer the entire portion of land to the City of Hazel. Judge Imes asked the Courts permission to sign documents on behalf of the County deeding the additional land to the City of Hazel. Motion made by Squire Rister seconded by Squire Crutcher to give the Judge permission to sign. All voted aye and it was so ordered.

Judge Imes asked the Courts approval of a Resolution adopting the revised admin code. Squire Cherry asked for discussion, stating he was not satisfied with a section dealing with elected officials. He requested time to hear back from his research and review a specific question sent to KACO attorney. Mrs. Winchester questioned the County Attorney regarding staying in compliance. Mr. Ernstberger explained the County would comply standing on the current code, with revisions to be adopted as approved. The approval of the resolution would be tabled for now.

The Court discussed the health insurance contract. It was determined substantial increase merited a move to the State Health Ins plan, KEHP. The Court was asked to approve resolution 23-0621-B adopting the contract with KY Department of Employee Insurance to begin participation in KEHP on July 1, 2023 and terminate any and all former providers of these services. Motion made by Squire Rister seconded by Squire Stewart to approve the resolution as presented. All voted aye and it was so ordered.

The gentlemen of the Court then reviewed a resolution establishing an Agency Fund with the Murray Calloway County Community Foundation for the Animal Shelter. According to KRS 65.1575 donations could be made to a fund restricted to build a new animal shelter however the funds must be held as its own nonprofit account. Motion made by Squire Crutcher seconded by Squire Rister to approve the resolution. Squire Rister questioned including in the resolution the approval of the use of ARPA funds to open the account. Judge Imes stated there was currently no urgency in opening the account. After further discussion Squire Rister amended his motion approving the resolution with the approval of the allocation of up to \$10,000.00 of County funds to open the agency account after July 1, 2023, allowing additional funds as approved. All voted aye and it was so ordered.

Antonia was asked to read a resolution recognizing Mr. David Ryan Graham's many economic and exceptional contributions to the welfare of the community, supporting the future naming of any road and/or bridge in the city, county, or state. Motion made by Squire Stewart seconded by Squire Rister to approve Res 23-0621-D as presented. All voted aye and it was so ordered.

The Court reviewed personnel changes to be approved. Motion made by Judge Imes seconded by Squire Rister to approve the changes which include Donnie Thomas retirement from the Road Dept., resignation of Anthony Hutchison, John Weigel, Dylan Phillips, Penny Steen, and Brandi Pigg from the jail. Along with the hiring of Kimberly Henson and Austin Wilson to the jail. All voted aye and it was so ordered. Motion made by Judge Imes seconded by Squire Crutcher to approve pay adjustments effective July 1 (see attached). All voted aye and it was so ordered. Judge Imes presented to the Court an Executive Order naming Emily Cook as the new animal care and control director effective July 1, 2023. She agrees to keeping her assigned animal control officer duties while taking on the management of the animal shelter with the retirement of Darla Jackson. Judge Imes took the time to thank Darla for all she has done in the past 30 + years and Emily for willingness to take this assignment.

Board appoints began with the reappointment of Mr. Dannie Harrison to the Fire District Board. Motion made by Squire Cherry seconded by Squire Crutcher to approve the appointment expiring 6-30-2027. All voted aye and it was so ordered. Motion made by Squire Crutcher seconded by Squire Rister to reappoint Jordan Smith to the 911 Appeals Board with the term to expire 6-30-2026. All voted aye and it was so ordered. With the recommendation of Jeremy Whitmore, motion made by Squire Rister seconded by Squire Crutcher to appoint Pamela Guy to fulfill the unexpired term of Kristin Taylor on the Tourism Commission to expire 9-16-2024. All voted aye and it was so ordered.

Judge Imes asked the Courts approval to surplus 19 lots in the Western Shores Subdivision deeded to the County in a recent settlement. Motion made by Squire Rister seconded by Squire Crutcher to approve the surplus. All voted aye and it was so ordered. Deputy Judge Exec. Gina Winchester gave a committee update. Judge Imes asked for public comment, and there was none.

There being no further business before the Court, motion made by Squire Stewart seconded by Squire Rister to adjourn. All voted aye and it was so ordered.


Approved this 19th day of July 2023 by Judge Executive, Kenneth C. Imes