



AGENDA

**McCRACKEN COUNTY FISCAL COURT MEETING
JANUARY 9, 2023, 5:00 P.M., COURTROOM D
MCCRACKEN COUNTY COURTHOUSE
300 CLARENCE GAINES STREET**

**CALL TO ORDER
ROLL CALL
PRAYER
PLEDGE OF ALLEGIANCE**

I. CONSENT AGENDA

It is ordered to approve the Consent Agenda for the January 9, 2023, McCracken County Fiscal Court.

II. BUDGET TRANSFERS

It is ordered that the necessary cash transfers, in the amount of \$225,000.00 be made in order to pay County bills and payroll approved January 9, 2023.

III. ACCOUNTS PAYABLE

It is ordered to approve the Voucher Claims Register from December 12, 2022 to January 9, 2023, to show County bills in the amount of \$1,054,313.82 were paid.

IV. DISCUSSION

A. Opioid Settlement – Steve Doolittle

V. TABLED FROM PREVIOUS MEETING

COMMONWEALTH OF KENTUCKY
McCRACKEN COUNTY FISCAL COURT
RESOLUTION NO. 2022-_____

WHEREAS, the McCracken County Fiscal Court, representing the citizens of McCracken County, wish to express to the Kentucky General Assembly a general concern with the state of the laws governing the procedures, consequences, and inequities of city annexation; and

WHEREAS, because the population of McCracken County exceeds 30,000, the economic consequences of city annexation are more significant than in counties below a 30,000 population status, in that, annexation by the City of Paducah creates the following economic consequences to McCracken County and its residents:

1. The City of Paducah will increase the income tax of all employees in the annexed area from 1% to 2%.
2. The County shall lose all occupation tax revenue from employment in the annexed area.
3. The City shall gain all occupation tax revenue from the annexed areas.
4. County residents will suffer future increase in public school taxes to offset the loss of income suffered by the school employees because school employees will see their local income tax double.
5. The residents and businesses in the area annexed by the City of Paducah will pay more taxes on their insurance premiums because the City charges higher taxes on insurance premiums.
6. The City of Paducah will collect all revenue from insurance premium tax in annexed area.
7. The County will lose all revenue from the insurance premium tax in the annexed area.

WHEREAS, in 2021, the Kentucky General Assembly provided protection for three of Kentucky's 120 counties from economic consequences of annexation by the City of Corbin in the form of the following statutory language:

If a city annexes territory pursuant to KRS 81A.415 on or after June 29, 2021, and both the city and the county in which the territory annexed is contained levy a license fee at the time of annexation, then the county shall at least receive the same dollar amount of revenue that was generated in the preceding tax year by the county license fee. After the tax year in which the annexation occurs, if the revenues generated by both the city and county license fees for that territory decrease below the amount of revenue generated in that preceding tax year by the county license fee, then the revenue received by the county shall be reduced proportionately. Any increase in the license fee rate by the city or the county after the date of the annexation shall be subject to the crediting provisions contained in subsections (6) and (7) of this section; and ¹

WHEREAS, the following State Senators voted either "for or against" related to the statutory protection to three counties from the economic consequences of annexation by the City of Corbin as follows:
State Senators

YEAS : 69

NAYS : 20
ABSTAINED : 0
NOT VOTING : 11

WHEREAS, the following State Representatives voted either “for or against” related to the statutory protection to three counties from the economic consequences of annexation by the City of Corbin as follows:

State Representatives

YEAS : 20
PASSES : 2
NOT VOTING : 4

WHEREAS, the residents of McCracken County are in need of the same economic protection from annexation by the City of Paducah; and

WHEREAS, all 120 Kentucky counties are entitled to the same due process and equal protection under the Kentucky Constitution.

IT IS HEREBY RESOLVED by the McCracken County Fiscal Court to request the Kentucky General Assembly to enact legislation which provides McCracken County residents with the same protection from City annexation that has been provided to Whitley, Knox, and Laurel counties.

IT IS HEREBY FUTHER RESOLVED by the McCracken County Fiscal Court to request the Kentucky General Assembly to enact legislation which prohibits cities from annexing property owned by public schools without the consent of the governing authority for the public school.

VI. COURT ORDERS

- A. It is ordered that pursuant to KRS 65.940 the decision of the Commissioner and State Local Debt Officer to approve the General Obligation Bonds, Series 2022 (Barkley Regional Airport Project) in an aggregate principal amount not to exceed \$3,065,000.00 be recorded in the minutes of this meeting of the McCracken County Fiscal Court.
- B. It is ordered that the Judge Executive be authorized to enter into a financial advisory services agreement with Robert Baird & Company Inc. for financing of the Barkley Regional Airport terminal project.
- C. It is ordered to receive and record the FY2022 McCracken County Fiscal Court Audit.
- D. It is ordered to receive and record the Executive Order of December 22, 2022 which closed the courthouse due to hazardous weather.
- E. It is ordered to pay Jamie Huskey, McCracken County Clerk, \$10,186.50 (one half of the sum of 33,955 bills @ \$0.30 each) as the

county's share of the clerk's compensation for preparation of the 2022 real estate and tangible tax bills. The state will compensate an equal share per statute (KRS 133.240).

- F. It is ordered to approve the December Transient Room Tax in the amount of \$357,044.55 to be disbursed as follows:

Paducah CVB -----	\$ 105,411.31
Convention Center-----	\$ 71,221.68
Sports Tourism Commission-----	\$ 108,248.07
Escrow Fund-----	\$ 72,163.49

- G. It is ordered to pay the invoice dated December 15, 2022, to Paducah Water, in the amount of \$262.50 for annual electrical cost of lighting on I-24 tank.

- H. It is ordered to pay the invoice dated December 20, 2022, to BFW for the Sports Complex Project, in the amount of \$2,853.00. This is pursuant to the Interlocal Cooperation Agreement dated September 7, 2022, between City of Paducah, Kentucky, the County of McCracken County, Kentucky, and the Sports Tourism Commission. As per the Interlocal Agreement, the City of Paducah pays half of the invoice to McCracken County. Further, the Treasurer is authorized to transfer \$1,426.50 from the ARPA Fund to the Sports Complex Project Fund.

- I. It is ordered to pay the invoice dated December 20, 2022, to PFGW for the Sports Complex Project, in the amount of \$103,097.25. This is pursuant to the Interlocal Cooperation Agreement dated September 7, 2022, between City of Paducah, Kentucky, the County of McCracken County, Kentucky, and the Sports Tourism Commission. As per the Interlocal Agreement, the City of Paducah pays half of the invoice to McCracken County. Further, the Treasurer is authorized to transfer \$51,548.63 from the ARPA Fund to the Sports Complex Project Fund.

- J. It is ordered to pay the invoice dated December 7, 2022, to CMT for airport sanitary sewer extension, in the amount of \$3,228.50. This amount is one-half of the total invoice of \$6,457.00 and is pursuant to the Interlocal Cooperation Agreement dated August 28, 2021, between City of Paducah, Kentucky, the County of McCracken County, Kentucky, and the Barkley Regional Airport Authority.

- K. It is ordered that the Treasurer is authorized to open a new bank account and set up Fund 88 entitled Opioid Settlement for the purpose of receiving and disbursing funds associated with the Opioid Settlement.
- L. It is ordered that the Judge Executive be authorized to enter into Engagement Agreement with Stites & Harbison PLLC. The purpose of the agreement is for legal services related to the administration, planning, execution, and expenditure of American Rescue Plan Act funds received by the county. It is further ordered that the Judge-Executive is authorized to execute all documents necessary to effect same.
- M. It is ordered that the Judge Executive be authorized to enter in an agreement with Compass Municipal Advisors for Program Administrative Services to assist county with administering and disbursing federal funds received through the American Rescue Plan Act.
- N. It is ordered to pay the invoices listed below to Barkley Regional Airport Authority for new terminal, in the amount of \$820,199.05. This amount is one-half of the total invoices of \$1,640,398.07 and is pursuant to the Interlocal Cooperation Agreement dated August 28, 2021, between City of Paducah, Kentucky, the County of McCracken County, Kentucky, and the Barkley Regional Airport Authority.

Invoice MCFC121322 dated 12/13/2022 \$937.50
 Invoice MCFC122222 dated 12/22/2022 \$718,493.06
 Invoice MCFC122222D dated 12/22/2022 \$62,105.43
 Invoice MCFC12222F dated 12/22/2022 \$38,225.56
 Invoice RBASH25B dated 12/27/2022 \$437.50

VII. BOARD APPOINTMENT

- A. It is ordered to amend the orders of reappointment to the Extension District Board approved on December 12, 2022, of Ellie Waggoner and Nicholas Clark by removing the date of July 1, 2023 and adding the date of January 1, 2023.
- B. It is ordered that Eddie Jones is appointed to the JSA Board, his term begins January 1, 2023 and ends June 30, 2025.

VIII. ORDINANCE

- A. **It is hereby Ordered that Pursuant to KRS Chapter 67, the second reading and adoption of Ordinance No. 2022 - 11 shall be conducted in summary format as follows:**

COMMONWEALTH OF KENTUCKY

MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2022 – 11

AN ORDINANCE AMENDING THE MCCRACKEN COUNTY ZONING AND SUBDIVISION REGULATIONS SET FORTH IN MCCRACKEN COUNTY ORDINANCE NO. 2019-08, AS AMENDED, BY MAKING REVISIONS AND AMENDMENTS TO THE ZONING REGULATIONS PERTAINING TO PERMITTED AND CONDITIONAL LAND USES IN AREAS ZONED AS AGRICULTURAL, COMMERCIAL, RURAL RESIDENTIAL, AND URBAN RESIDENTIAL. FURTHER THIS ORDINANCE MAKES REVISIONS AND AMENDMENTS TO THE ZONING REGULATIONS PERTAINING TO THE BOARD OF ADJUSTMENT, DEFINITIONS, MOBILE HOMES PARKS, PARKING, SIGNS, AND STORMWATER CONVEYANCE AND MANAGEMENT. MOREOVER, A NEW SECTION PERTAINING TO RECREATIONAL VEHICLE COMMUNITIES IS ADDED.

Summary: The action effectuated in the present Ordinance is authorized and required by Kentucky Revised Statutes, Chapter 100 and operates to amend the McCracken County Zoning Ordinance regulations by amending definitions of Home Based Business, Home Occupation, Mobile Home Park, and adding a definition of Recreation Vehicle Community. Additionally, amending regulations pertaining to temporary, off premise, and changeable digital signs. Further, creates a new section pertaining to the regulation of Recreational Vehicle Communities. Moreover, amends the permitted uses in the Agricultural District by removing Government buildings and facilities and Government owned parks and recreation areas, and adds Recreational vehicle community as a conditional use. In addition, adds Recreational Vehicle Communities as a conditional use for Rural Residential. Further removes Government buildings and facilities as a permitted use in Urban Residential. Moreover, adds Recreational vehicle community as a permitted use within the commercial zone. Additionally, amends the regulations pertaining to requirements for parking surfaces and number of parking spaces, adds requirements for Landscaping of parking areas, and adds enforcement and waiver provisions. Further, amends Section in Article VI, Stormwater Conveyance and Management, pertaining to Construction certification,

which shall now be by the planning Department, not the Commission. Lastly, amends the appeals process contained in the section pertaining to the Board of Adjustment within Article VII, Administration, and Enforcement.

Certification: It is hereby certified by the McCracken County Fiscal Court that the present summary represents an accurate official statement of the main points of and contents of Ordinance No. 2022 – 11.

Public Inspection: Ordinance No. 2022 – 11 shall be available for public inspection in its whole and complete form in the McCracken County Judge Executive’s Office during ordinary business hours.

- B. **It is hereby ordered that pursuant to KRS Chapter 67, the second reading and adoption of Ordinance No. 2022–12 shall be conducted in summary format as follows:**

McCracken County Kentucky
McCracken County Fiscal Court
Ordinance No. 2022-12

AN ORDINANCE AMENDING THE MCCRACKEN COUNTY ADMINISTRATIVE CODE BY REPEALING THE EXISTING SECTION 3.9 OPEN RECORDS POLICY AND ENACTING THE MODEL OPEN RECORDS POLICY; AMENDING SECTION 4.6 PROCUREMENT STANDARDS; AMENDING SECTION 4.7 CAPITALIZATION POLICY; AMENDING SECTION 5.15 CELL PHONE POLICY; AMENDING SECTION 6.12 VEHICLE USE POLICY; AND AMENDING SECTION 6.14 TRAVEL POLICY

Summary: The present action is mandated by KRS 61.876 and operates to repeal in its entirety the currently existing Section 3.9 of the McCracken County Administrative Code entitled “Open Records Policy” and enacting an entirely new Section 3.9 entitled “Model Open Records Policy” and establishing the duties of each specific Public Agency operating on behalf of McCracken County, Kentucky, in relation to the same. The Present action amends existing section 4.6 Procurement adding detail to the procedure for purchases. The present action amends existing section 4.7 Capitalization Policy to add Lease Capitalization. The present action amends existing section 5.15 Cell Phone Policy to clarify the partial reimbursement section. The present action amends section 6.12 Vehicle Use Policy to update the procedure for document submission. The present action amends the existing section 6.14 Travel and Expense Reimbursement to provide detail concerning the amount of reimbursement available and the procedure in which to obtain reimbursement from the County for qualified expenses.

Certification: It is hereby certified by the McCracken County Fiscal Court that the present summary represents an accurate official statement of the main points of and contents of Ordinance No. 2022-12.

Public Inspection: Ordinance No. 2022 - 12 shall be available for public inspection in its whole and complete form in the McCracken County Judge Executive's Office during ordinary business hours.

- C. **It is hereby Ordered that Pursuant to KRS Chapter 67, the first reading of Ordinance No. 2023-02 shall be conducted in summary format as follows:**

MCCRACKEN COUNTY KENTUCKY
MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2023-02

AN ORDINANCE AMENDING ORDINANCE NO. 2021-12, AS AMENDED, BY MODIFYING THE FEES CHARGED FOR ELECTRICAL PLAN REVIEWS AND INSPECTIONS, TO ENSURE COMPLIANCE WITH INSPECTION SPECIFICATIONS OF THE KENTUCKY BUILDING CODE AS SET FORTH IN 815 KAR 7:120 AND THE KENTUCKY RESIDENTIAL CODE AS SET FORTH IN 815 KAR 7:125, TO ENSURE MCCRACKEN COUNTY'S FEES ARE COMMENSURATE WITH THOSE OF COMPARABLE JURISDICTIONS, AND TO AUTHORIZE THE FISCAL COURT TO CONTRACT WITH A CERTIFIED ELECTRICAL INSPECTOR FOR THE PERFORMANCE OF ELECTRICAL PLAN REVIEWS AND INSPECTIONS

Summary: The action effectuated in the present Ordinance is authorized by Kentucky Revised Statutes section 198B.060, the Kentucky Building Code of 815 KAR 7:120, and the Kentucky Residential Code of 815 KAR 7:125, and operates to amend the fees charged for electrical plan review and inspection services to ensure that such services are in compliance with the provisions of the aforesaid building codes, that the fees for such services are commensurate with comparable local county governments, and authorizes the McCracken County Fiscal Court to contract with (a)

certified electrical inspector(s) for the performance of electrical plans and reviews.

Certification: It is hereby certified by the McCracken County Fiscal Court that the present summary represents an accurate official statement of the main points of and contents of Ordinance No. 2023-02.

Public Inspection: Ordinance No. 2023-02 shall be available for public inspection in its whole and complete form in the McCracken County Judge Executive's Office during ordinary business hours.

- D. **It is hereby Ordered that Pursuant to KRS Chapter 67, the first reading of Ordinance No. 2023-01 shall be conducted in summary format as follows:**

MCCRACKEN COUNTY KENTUCKY
MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING MCCRACKEN COUNTY ORDINANCE NO. 2022-04 AND SETTING FORTH A CURRENT SALARY CLASSIFICATION TABLE FOR COURT SECURITY OFFICERS IN THE MCCRACKEN COUNTY SHERIFF'S DEPARTMENT

Summary: The action effectuated in the present Ordinance is authorized by Kentucky Revised Statutes, Chapter 91A and Sections 65.210 to 65.314. The present Ordinance formalizes the amending of McCracken County Ordinance No. 2022-04 and setting forth a current salary classification table for Court Security Officers of the McCracken County Sheriff's Department.

Certification: It is hereby certified by the McCracken County Fiscal Court that the present summary represents an accurate official statement of the main points of and contents of Ordinance No. 2023 – 01.

Public Inspection: Ordinance No. 2023-01 shall be available for public inspection in its whole and complete form in the McCracken County Judge Executive's Office during ordinary business hours.

- E. **It is hereby Ordered that Pursuant to KRS Chapter 67, the first reading of Ordinance No. 2023-03 shall be conducted in summary format as follows:**

MCCRACKEN COUNTY KENTUCKY
MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2023-03

AN ORDINANCE CREATING A COMPENSATION AND CLASSIFICATION SYSTEM FOR THE MCCRACKEN COUNTY CLERK'S OFFICE

Summary: The action effectuated in the present Ordinance is authorized by Kentucky Revised Statutes, Chapter 91A and Sections 65.210 to 65.314. The present Ordinance formalizes setting forth a current salary classification table for employees of the McCracken County Clerk's Office.

Certification: It is hereby certified by the McCracken County Fiscal Court that the present summary represents an accurate official statement of the main points of and contents of Ordinance No. 2023 – 03.

Public Inspection: Ordinance No. 2023-03 shall be available for public inspection in its whole and complete form in the McCracken County Judge Executive's Office during ordinary business hours.

IX. EXECUTIVE SESSION

X. ADJOURNMENT