

Marshall County Fiscal Court  
January 24, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, January 24, 2012 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; County Attorney Jeff Edwards and Assistant County Attorney Jason Darnall were present. Mike Miller, County Judge/Executive presided.

Judge Miller called the meeting to order. Storms with damaging winds were predicted for the area yesterday. Emergency Management Director Melissa Combs is on vacation, but Assistant EM Director Duane Hawes was present. He informed that Harvey Brewers Fire Department was called out on a structure fire and while fighting the fire, the National Weather Service sent notification of rotation in the Harvey area. Road Superintendent Russell York informed that there were 2 or 3 trees down in the county and 2 sewers were washed out. Judge Miller replied that we "dodged a bullet" on this storm.

I. GUESTS:

No one was present to address the Court.

II. CORRESPONDENCE:

A. Michael Grant, Grant Proposal Manager with the Kentucky Department of Agriculture informed that the Animal Control Advisory Board has approved the revisions in the animal Shelter Construction/Improvement Grant proposal submitted by the Marshall County Fiscal Court. He advised to proceed with the Animal Shelter Project.

B. Larry & Linda Farnum sent an e-mail and pictures of an area on Taft Road that is apparently being used as a dump site. Sheriff Byars has also been contacted by the Farnum's and the process has been started in accordance with the Nuisance Ordinance.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Anderson to approve the minutes of the January 10, 2012 meeting. All voted aye. Motion carried.

B. A motion was made by Com. Drew and seconded by Com. Gold to approve the Jonathan Creek Water District Budget for 2012. All voted aye. Motion carried.

C. Following the second reading of Ordinance #2012-01 (Roadway Solicitation), a motion was made by Com. Drew and seconded by Com. Anderson to approve the second reading and adopt Ordinance #2012-01. All voted aye. Motion carried. Sheriff Byars thanked the Court for giving him the opportunity to help protect the citizens

from solicitations in the county from people collecting money for non-existent charities.

D. During the January 10<sup>th</sup> meeting, copies of the Sheriff's proposed budget for 2012 were distributed and action tabled for the Court's review. The total amount of the budget was \$1,764,500 with a subsidy increase of \$238,900. Judge Miller added that he is not sure where the money for the subsidy will come from. Com. Anderson asked Sheriff Kevin Byars if the budget presented will maintain the office at the current level. Sheriff Byars replied that it would. A fuel cap and vehicle purchase are included in the budget – in previous budgets, these two items were not included. Sheriff Byars will be implementing a shift schedule beginning February 5<sup>th</sup> which will reduce overtime. Sheriff Byars estimate of what it's going to take to keep the Sheriff's Office operating at the current level is approximately \$150,000. Judge Miller reminded the Court that other departments in the county have vehicle needs as well. Com. Drew said \$800,000 was allocated for the jail and only \$100,000 of has been used and at another time \$200,000 was transferred to the jail contingent on state payments for prisoners. Judge Miller said that more state prisoners have been moved to private prisons since the new law went into effect, but hopefully the General Assembly will do something to ease the state prisoner funding for county facilities, but there is no guarantee. Com. Anderson asked if it meant the Court would have to subsidize this or have a choice to make – to either cut services, lay people off, or close early. Judge Miller replied that the fixed costs are continually going up and the income is flat-lined. This Court has not raised even the 0.4% as allowed by law since 1999 on the general levy. Com. Drew pointed out that the Court has saved almost \$1,000,000 through the course of reducing costs for different things; from the issues at the refuse where property was being given away, paying for services that weren't needed, \$100,000 in salaries that aren't paid anymore & the blacktop program has been cut by \$500,000. Judge Miller asked Road Superintendent Russell York how many miles of roads are maintained. Mr. York replied around 480 miles. Judge Miller said at some point, that's going to catch up with you. You cannot keep taking from the Road Department, the Refuse Department and others. Every department has been asked to cut back and Judge Miller said he believed all had tried. Com. Anderson replied that's why the Sheriff's Office is in the shape it's in now because that's what they've been doing for 20 years. Com. Drew said that the bottom line is that the county is responsible for collecting tax dollars and the people expect protection of persons and property and if the choice is to do that or not, to her it is a simple choice - there are still a lot of things that could be cut back. She suggested an efficiency audit be done in each department to see where more money could be saved. Com. Gold replied that over the last five years, the number of employees at the Road Department, Parks Department, and the Refuse Department has been reduced, but it can only be reduced so far and get the same service. Com. Anderson said he does not want to lay off anyone from the Sheriff's Office. Discussion was held about fee pooling. Judge Miller has a meeting scheduled with the Department for Local Government regarding

fee pooling. A motion was made by Com. Anderson to approve the Sheriff's Budget with the understanding that Sheriff Byars will be as careful with the budget as possible and after the meeting with the Department for Local Government, decide what will be done in regard to fee pooling and if that goes through in the meantime, figure out what we can do with the understanding that the budget may be amended up or down. The motion was seconded by Com. Gold. Com. Gold asked if the Sheriff was following the Court's hiring freeze. Sheriff Byars replied that he is. Com. Gold said we've worked at keeping the costs down and he hears constantly of counties and municipal governments laying people off. He added that he thinks this can be worked out where no layoffs will happen here. All voted aye. Motion carried.

E. Sheriff Byars presented the Annual Order Setting Maximum Amount of Salaries for Deputies and Assistants for calendar year 2012 in the amount of \$975,000.00. Com. Anderson asked what the amount was for 2011. Sheriff Byars replied that it was \$950,000.00. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Deputy Hire as presented. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. A bid opening was held for the purchase of four portable multi-parameter cardiac monitors/defibrillators. Advertisement for bids was published in the January 17, 2012 edition of the Tribune Courier. One bid was received from Physio-Control of Redmond, Washington in the amount of \$128,611.00 for four LIFEPAK 15 monitor/defibrillators. A motion was made by Com. Drew and seconded by Com. Gold to accept the bid of Physio-Control as presented. All voted aye. Motion carried.

B. Assistant County Attorney Jason Darnall, who also is the City Attorney for Hardin, presented an agreement for the Court's consideration for building and electrical inspections. The agreement was approved during the Hardin City Council meeting last week. A motion was made by Com. Gold and seconded by Com. Anderson to approve the agreement as presented. All voted aye. Motion carried.

C. A sample Ordinance was sent for the adoption of the Uniform Statewide Mandatory Building Code. County Attorney Jeff Edwards said the county is currently in compliance, but an updated Ordinance needs to be approved. Mr. Darnall will prepare the Ordinance and present it to the Court at the next meeting.

D. Judge Miller and Russell York attended the Kentuckians for Better Transportation Conference. Judge Miller updated the Court on the conference.

E. Judge Miller has received a request that the Merryman House, which assists

domestic violence victims, be allowed to use office space in the Courthouse a couple of days a week. The Commissioners agreed to the request.

F. A motion was made by Com. Anderson and seconded by Com. Gold to go into executive session to discuss property acquisition. All voted aye. Motion carried.

G. Judge Miller called Court back into regular session and informed that this morning he was approached about possible property acquisition. He will ask for more specifics and report back to the Court.

H. An Exchange of Information Agreement between the Marshall County Treasurer's Office and the Occupational License Tax for Schools was presented. A motion was made by Com. Anderson and seconded by Com. Gold to enter into the agreement. All voted aye. Motion carried.

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

J. Com. Drew asked about the Aramark contract at Judicial Building. When a change in supervisors of the janitorial staff was made, it was discovered that Aramark had a signed 5-year contract for services at the building. The contract was signed by the former maintenance supervisor at the Judicial Building, but it was apparently never approved by the Court. Judge Miller said that an employee cannot enter into a contract on the Court's behalf without the Court's permission. County Attorney Jeff Edwards will check into this issue and report back to the Court.

K. Russ Randall addressed the Court regarding a situation in Cambridge Shores. Last year Lowell Griffis spoke to the Court on behalf of the area residents because a house was in violation of the Nuisance Ordinance. The house has been torn down, the debris removed, and Mr. Griffis has since passed away. Mr. Randall thanked the Court.

L. Sheriff Byars informed that the Polar Plunge for Special Olympics will be Saturday, February 4<sup>th</sup> and the Sheriff's Office has a team and will take sponsorships.

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

Respectfully submitted by:

Fiscal Court Clerk