

Marshall County Fiscal Court
February 1, 2011

The Marshall County Fiscal Court met in regular session on Tuesday, February 1, 2011 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners, the County Attorney and Assistant County Attorney were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Ledonia Williamson presented a petition on behalf of the residents of Opal Lane requesting that the road be accepted into the county road maintenance system. Judge Miller informed that the County Attorney will review the petition and make a recommendation during the next meeting whether or not to schedule a public hearing on this request.

B. Janet Roland, a resident of Cas-Cal Drive addressed the Court about a drainage problem in her front yard. Following discussion about possible solutions to the problems, Com. Anderson volunteered to research the situation and speak to the adjoining property owners about possibly rerouting the water. He will report back to the Court.

C. Michael Oliver with the Kentucky Department of Transportation presented the Rural Secondary Recommendations for 2011/2012. Marshall County's tentative allocation is \$1,124,859.00; Undistributed balance - \$122,737.00; Free balance 243,525.00; Maintenance of 117.626 miles @ \$3,419 per mile - \$402,163.00; County Judge/Executive Expenses - \$3,862.00; sub-total: \$406,025.00. Balance for improvements: \$1,085,096.00. The recommended improvements are as follows: KY 408 – West 8th Street from MP 7.600 – Walnut Street to MP 7.600 – Walnut Street - \$50,000.00; KY 408 – Oak Level Road from MP 0.000 – Graves County Line to MP 4/348 – Oak Shadow Lane – 4.348 miles resurfacing - \$343,339.00; KY 1422 – Palma Road from MP 0.000 – US 68 to MP 3.636 – US _ US 641 3.636 miles of asphalt resurfacing \$316,757.00; KY 795 – Scale Road from MP 9.937 – Little Cypress Creek Bridge to MP 9.937 – Little Cypress Creek Bridge – Culvert Replacement - \$150,000.00; KY 1490 – Elva Road from MP 0.000 – KY 1949 to mp 2.308 – KY 348 – 2.308 miles of asphalt resurfacing - \$146,636.00; KY 1836 – Duncan Creek Road from MP 0.000 – Calloway County Line to MP 1.000 – 1.000 mile of asphalt resurfacing - \$78,364.00; Total Miles of Asphalt Resurfacing – 10.290 at a total cost of \$1,085,096.00. *** Mr. Oliver added that on the list, Elva Road and Duncan Creek Road were printed in red and suggested they may be used for the Flex Funds*** A motion was made by Com. Drew and seconded by Com. Gold to approve the Rural Secondary Recommendation as presented. All voted aye. Motion carried.

D. Bobby Gifford, Director of Water Vision 2020 presented a drawdown request on WX21157046, Grant # 281N for Paul Cloud Engineering in the amount of \$4,620.00.

A motion was made by Com. Gold and seconded by Com. Anderson to approve the drawdown request as submitted. All voted aye. Motion carried.

Mr. Gifford informed that the tanks for both Oak Level and Brewers should be up and operational by the end of August.

E. Mr. Gifford received a Memorandum of Agreement via e-mail this morning for the Spray Pad. The grant amount is \$140,000.00; the Fiscal Court's match is \$35,000.00 and the Park Board's Match is \$35,000.00. The matching funds were approved in a prior meeting. A motion was made by Com. Anderson and seconded by Com. Drew to authorize Judge Miller to sign the Memorandum of Agreement on behalf of the Court. All voted aye. Motion carried.

F. Mr. Gifford informed that Sunday evening, former Carlisle County Judge/Executive John Roberts passed away. Judge Roberts and Mr. Gifford, a former Magistrate of Carlisle County, went into office at the same time. He asked that Judge Roberts' family be remembered in our prayers. Judge Miller added that Judge Roberts was one of the best friends he had ever had and will be deeply missed.

II. CORRESPONDENCE:

A. John Denton with Waste Path Sanitary Landfill informed that the cost for disposal of the county's waste is being increased for the first time since 2005. Following are the old and new prices which will become effective March 1, 2011:

<u>Description of Service</u>	<u>Old Price</u>	<u>New Price</u>
Disposal of Trash & Garbage per ton	\$ 20.00	\$ 21.00
Roll Off Box Service (as needed per trip)	\$125.00	\$130.00
Passenger tires, less than 15" tall	\$ 5.00 /tire	same
Truck or equipment tires, over 15" tall Less than 17" tall	\$ 10.00 /tire	same
Heavy Equipment tires over 17" tall (not previously quoted)		\$276.00 /ton

B. Leslie Mahoney, State Hazard Mitigation Officer informed that the Pre-application/Letter of Intent request for funding for generators has been carefully reviewed and prioritized. The next phase of the grant process is the application phase and the HMGP Initiative application needs to be completed and returned by February 15, 2011. Bobby Gifford informed that the amount of the grant is \$127,777.00 and the HMGP Initiative application will be in the mail by Friday.

C. Judge Miller informed that additional funds have been approved for LIHEAP (Low-Income Home Energy Assistance Program), and West Kentucky Allied Services is the agency that administers LIHEAP for the Purchase Area Counties. LIHEAP numbers for Marshall County from November 2 through December 10, 2010 were 548 households assisted and \$75,471.00 expended. There were also 12 houses that received weatherization services in Marshall County. The average cost per house was \$6,100.00.

D. Judge Miller read an informational sheet about Bags of Love and the activities the group was involved in throughout 2010. With the help of the volunteers and donors, Bags of Love provided 65 bags to the children of Marshall County in 2010.

E. Loyd Ford, Editor and Publisher of The Lake News, sent a letter asking for the Court's support again this year in the Community Builders special section. The Court in the past has purchased a ½ page ad, and this year the cost for the ad remains the same - \$393.75. A motion was made by Com. Gold and seconded by Com. Anderson to purchase a ½ page ad. Com. Drew said she had a problem spending tax payers dollars on advertising that does not promote Marshall County, for example for economic development, but if it was something the Court has always done, she would not oppose it. All voted aye. Motion carried.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the January 18, 2011 meeting. All voted aye. Motion carried.

B. A boundary or right-of-way adjustment for KOA Lane, located in Aurora was submitted for the Court's consideration. A motion was made by Com. Gold and seconded by Com. Drew to approve the right-of-way adjustment document as presented. All voted aye. Motion carried.

C. County Surveyor James Knoth has performed a survey on the easement to Palmer Cemetery. The County Attorney reviewed the plat and document this morning. The property owner will be contacted to assure that there is no problem on this easement.

D. Judge Miller has spoken with the owners of the house and property in Cambridge Shores, which was discussed at length during the January 18th meeting. The owners have agreed to tear down the house, obtained a quote, and asked if the county could tear it down for less money than the quote. The county's estimated cost is higher than the other quote. Discussion was held about the length of time a person

would have to repair any problem, clear the property, or tear down structures, etc. in order to be in compliance with the Ordinance. Sheriff Byars said the time in Butler County is one year. Judge Miller recommended that he, the County Attorney, and Assistant County Attorney meet to work on a solution prior to the next meeting. The Commissioners concurred.

E. The proposed travel policy was distributed for review during the January 18th meeting. A motion was made by Com. Drew and seconded by Com. Anderson to approve the travel policy as presented. This policy will be for all county employees. All voted aye. Motion carried.

F. The proposed attendance policy was distributed for review during the January 18th meeting. A motion was made by Com. Drew and seconded by Com. Anderson to approve the attendance policy as presented. All voted aye. Motion carried.

G. An employee of the Marshall County Animal Shelter was recently arrested, but has not been convicted. Judge Miller spoke with the Commissioners and a temporary employee has been hired. Also, the Shelter was open Saturday. Judge Miller asked that the members of the press inform the public that the Shelter will be open Saturdays during February. Jeff Edwards informed that Campbell County has an in depth policy for their animal shelter. Judge Miller recommended that he and Mr. Edwards work on a policy for Marshall County prior to the next meeting. The Commissioners concurred.

H. Following discussion on Incentive Pay, a motion was made by Com. Drew and seconded by Com. Gold to allow County Treasurer Emily Martin, as work progresses on the budget, to include \$400.00 total per employee, broken down on each paycheck for Incentive Pay. All voted aye.

I. Judge Miller read the Guideform Residential Antidisplacement and Relocation Assistance Plan, which is part of the requirements for receiving the CERF (ice storm of 2009) reimbursement. A motion was made by Com. Gold and seconded by Com. Anderson to approve the document as presented. All voted aye. Motion carried.

J. James Keyser had asked to address the Court, but was not present. He lives on New Hope Road and wanted to address the court about speeding on the road. Judge Miller said he would relay Mr. Keyser's phone number to Sheriff Byars.

IV. NEW BUSINESS:

A. The Fairdealing Olive Fire Protection District submitted the 2011 budget in the

amount of \$155,000. Also included were the board minutes and financial reports from July through November 2010. A motion was made by Com. Gold and seconded by Com. Drew to accept the budget as submitted. All voted aye. Motion carried.

B. Christina Onnybecker, President of KLV/LA submitted three names for consideration to be appointed by the Court as KLV/LA's representative on the Marshall County Tourist Commission Board: Marilyn Williams, Whispering Oaks (Incumbent who finished the third year for Commissioner Harry Holliday); Robert Walter, Malcolm Creek Resort; & Lisa Anderson, Gingerwood Lodges. A motion was made by Com. Gold and seconded by Com. Drew to appoint Marilyn Williams. All voted aye. Motion carried.

C. At the request of Gary Atkins, a motion was made by Com. Anderson and seconded by Com. Gold to advertise for bids for a new loader. All voted aye. Motion carried.

D. A motion was made by Com. Anderson and seconded by Com. Gold to declare a 1999 Ford Crown Victoria, most recently used by the Marshall County Rescue Squad, as surplus property and to authorize advertisement to accept bids. All voted aye. Motion carried.

E. A motion was made by Com. Anderson and seconded by Com. Gold to go into executive session to discuss personnel & litigation. All voted aye. Motion carried.

F. Judge Miller called Court back into regular session and informed that discussion had been held during executive session regarding two Federal lawsuits that have been filed against the county by inmates.

G. Judge Miller informed that Lisetta Whitworth has been hired as the new Marshall County Health Department Director. Mrs. Whitworth and her husband will be moving to Marshall County and she will begin her duties in mid March.

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

I. Sheriff Byars presented a Statement of Amount to be Advanced for Each Month in 2011 for the Court's consideration. The total estimated advancement is \$120,000.00. A motion was made by Com. Gold and seconded by Com. Drew to approve the document as presented. All voted aye. Motion carried.

J. Josh Tubbs invited the Court to a breakfast at 7:30 a.m. on February 24th at Kentucky Dam Village Convention Center. The breakfast is a joint effort between

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Economic Development and the Chamber of Commerce.

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

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk