

Marshall County Fiscal Court  
February 15, 2011

The Marshall County Fiscal Court met in regular session on Tuesday, February 15, 2011 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners, the County Attorney, and the Assistant County Attorney were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Pat Beadles addressed the Court on behalf of a group from Kerry Landing regarding the condition of the roads in the subdivision. The development has had several owners. Each developer has promised to pave the roads, yet nothing has been done and the roads have started to deteriorate. On the only road into the subdivision, there is a culvert that in particular is in need of repair or replacement before it fails and the residents are left without access to their homes. Assistant County Attorney Jason Darnall informed that since the roads in the subdivision are public roads, a Public Road District could be formed and an assessment could be made to the each property owner in the subdivision and be paid through property taxes over a ten (10) year period, the county would have to provide the money upfront, but the funds could be repaid through their taxes. Judge Miller & Jason Darnall offered to meet with the Mr. King, who is the owner of the majority of the property in the subdivision regarding forming a Public Road District and will report back to the Court. Following discussion about the immediate danger of the culvert, Judge Miller will contact District One Highway Engineer Jim LeFevre and ask him to look at the problem and make a recommendation on the proper way to correct it.

II. CORRESPONDENCE:

A. Alan Bakes, Board Chair of the Purchase Area Sexual Assault & Child Advocacy Center sent an update on programs in which PASAC has been involved. One of which is The Green Dot, an organization built on the premise that we can measurable and systematically reduce violence with any given community. Effective March 1<sup>st</sup>, PASAC's current Executive Director Mary Foley will be joining The Green Dot and Lori Brown, who has been with PASAC for seven years will assume the duties of Executive Director.

B. Danny Nelson, Chairman of the Marshall County Parks Board informed that Parks Maintenance Supervisor Gary Taylor will be retiring effective April 30<sup>th</sup>. The Park Board recommended that the Fiscal Court promote Shane Jaco, who is currently the Maintenance Foreman under Mr. Taylor, to the position of Maintenance Supervisor. If Mr. Jaco's promotion is approved, the Board recommended that Jamie Brien, an employee at the park since April 2004 be promoted to fill Mr. Jaco's current position as Maintenance Foreman. With Mr. Taylor's retirement and Mr. Jaco's possible promotion to Maintenance Supervisor, and Mr. Brien's possible promotion to Maintenance

Foreman, another employee is needed at the park. With the Fiscal Court's approval, the Park Board recommended that Clarke Cox, Gilbertsville, Kentucky be hired for the park maintenance staff. Mr. Cox has a horticulture degree from Murray State University and has worked in the landscaping business for approximately 20 years. Judge Miller asked if the Court wanted to address each recommendation separately or as a group. Com. Drew said she would like to address each separately because she had a problem and didn't mind stating it in open Court. Com. Drew said she represented the people of the county and did not believe the people wanted someone with a felony record, a drug conviction, in a supervisory position at the county park. Park Director Larry Witt addressed the Court. He has been on the job since January 3<sup>rd</sup> and he stated that both Mr. Jaco and Mr. Brien have done an outstanding job in his opinion. He reminded the Court that Mr. Jaco has been in a supervisory position in the past and that the five member park board and he unanimously agreed for the promotions as requested. Com. Drew said it is her understanding that there are currently three employees at the park now with records and she is speaking for the people of the community. Com. Gold recommended that these personnel items be discussed during executive session. Com. Anderson agreed. A motion was made by Com. Anderson and seconded by Com. Gold to table action for the time being and discuss these personnel issues when the Court goes into executive session later in the meeting as scheduled. All voted aye. Motion carried.

C. Marshall County Disaster & Emergency Service Director Melissa Combs presented the annual Mutual Aid Agreement for the Court's consideration. A motion was made by Com. Gold and seconded by Com. Drew to approve the Mutual Aid Agreement as presented. All voted aye. Motion carried.

D. Ms. Combs presented the Statement of Affiliation with the Marshall County Rescue Squad for the Court's consideration. A motion was made by Com. Drew and seconded by Com. Anderson to approve the Statement of Affiliation as presented. All voted aye. Motion carried.

E. General John Heltzel, Director of Kentucky Emergency Management informed that March 9, 2011 at 10:00 CST, the Earthquake Response Plan Training Presentation will be presented at the Carroll Knically conference Center in Bowling Green, Kentucky.

### III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Drew to approve the minutes of the February 1, 2011 meeting. All voted aye. Motion carried.

B. Com. Anderson said he didn't have any new information regarding the situation on Cas-Cal Drive. He added that he will speak with the property owner today after Court.

C. The County Attorney sent letters to each of the property owners adjacent to Palmer Cemetery regarding the roadway easement. He will keep the Court informed.

D. Discussion was held about the time allowed for people to get their property cleared after being notified they were in non-compliance with the Nuisance Ordinance. However, no formal action was taken.

E. Judge Miller and Jeff Edwards have not met to work on a policy for the Marshall County Animal Shelter. They will try to have something for the Court's consideration by the second meeting in March.

F. County Attorney Jeff Edwards has reviewed the petition filed on Opal Lane and submitted a letter which stated in part, "The Petition does not appear to meet the requirements for taking in the road as an existing road in that it is required that the road be in existence and contain two residences or businesses for a minimum of fifteen years prior to the filing of the Petition as well as all other specifications set out in 2 (a through h). All of the deeds attached to the petition as less than fifteen years old with the exception of the deed to Benny & Glenda Adair who developed the subdivision. No evidence was provided verifying that the road has been in existence for fifteen years with the required number of residences per length of the road. Petitioning as a new road requires that the final surface be of bituminous material as base coat as well as all other specifications set out in 1 (a through l) of the Resolution. It is my understanding this is a gravel road." Com. Gold said that Ledonia Williamson offered to repay the cost for work on the road during an earlier court meeting. Judge Miller added that she will be contacted about forming a Public Road District.

G. Judge Miller recognized Marshall County Refuse Board Chairman Danny Newton.

#### IV. NEW BUSINESS:

A. Jason Luebker, Chief of the Palma-Briensburg Fire Department informed that Firefighter Trustee Steven Criswell is unable to finish his term due to time constraints. The Board recommends Jeff Robison, an active firefighter be appointed to fill the remainder of Mr. Criswell's term. A motion was made by Com. Anderson and seconded by Com. Drew to appoint Mr. Robison as recommended (term to expire 6/30/2011). All voted aye. Motion carried.

B. Mr. Luebker also informed that Appointed Trustee Harvey Culp is unable to finish his term. The Board recommends Don Kilby be appointed to fill the remainder of Mr. Culp's term. A motion was made by Com. Drew and seconded by Com. Anderson to appoint Mr. Kilby as recommended (term to expire 6/30/2013). All voted aye. Motion carried.

C. Following the second reading of Ordinance #2011-02 (Court Fees), a motion was made by Com. Gold and seconded by Com. Drew to approve the second reading and adopt Ordinance #2011-02. All voted aye. Motion carried.

D. A bid opening was held for lighting for the Courthouse and Sheriff's Department. Notice for bids was published in the January 18<sup>th</sup> edition of the Tribune Courier. Two bids were submitted and are as follows:

1. Benton Electric Supply, Benton, Kentucky - \$18,604.40
2. Jay's Electric, Benton, Kentucky - \$23,544.00

The bids will be reviewed to make sure they meet the specifications. This item was tabled.

E. A bid opening was held for Building Automation System for the heating/cooling system at the Detention Facility & Sheriff's Department. One bid was received: Automated Building Concepts, Inc. of Calvert City, Kentucky - \$64,500.00. The bid will be reviewed to make sure it meets the specifications. This item was tabled.

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

G. Judge Miller called Court back into regular session.

H. A motion was made by Com. Anderson and seconded by Com. Drew to hire Clarke Cox as recommended by the Marshall County Park Board. All voted aye. Motion carried. Judge Miller said it is the recommendation of the Court that action be postponed on the other two requests until the Court can meet with the Park Board for further discussion. Mr. Whitt will arrange the meeting.

I. Judge Miller reported that on the property acquisition, there is an opportunity to acquire some property and it is the recommendation of the Court that an appraisal be done as quickly as possible and also determine the taxable value. He added this is something the Court would like to do, but only after everything is in order. Hopefully this will be done before the next meeting of the court. The person who is interested in selling the property wants to move on it as soon as possible.

J. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Treasurer's Report, subject to audit. All voted aye. Motion carried.

K. Judge Miller read the Marshall County Animal Shelter Report for January 2011 which is as follows: animals in the pen as of 12/31/10 – 16; brought in by Animal Wardens - 37; brought in by citizens – 30; total animals brought in – 67 (dogs – 29, cats – 26, puppies – 11, & kittens – 1); adopted – 12; reclaimed – 5; euthanized – 51; & animals in the pen as of 1/31/11 – 15.

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

M. The coffee service that had been covering the offices in the Courthouse has closed. Three businesses were checked for quotes and the best price was from Coffee Sales & Service, which currently serves the Park. The Commissioners concurred to use Coffee Sales & Service for the offices in the Courthouse.

N. At the request of Sheriff Byars, the Court will hold a special meeting at 4:00 on Thursday, February 24<sup>th</sup> to accept the Sheriff's Final Settlement for Calendar Year 2010.

O. Wendy Baxter reminded the Court of the Economic/Chamber Breakfast on the 24<sup>th</sup> beginning at 7:30 at Kentucky Dam Village State Park.

- P. Danny Newton, Chairman of the Refuse District reported on three situations:
1. The Gaston family is currently taking bids on having the house torn down.
  2. The Orr property – the paperwork has been turned over to the County Attorney.
  3. The Owens property has been taken care of.

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

Respectfully submitted by:

Melonie Chambers  
Fiscal Court Clerk