

Marshall County Fiscal Court  
February 18, 2013

The Marshall County Fiscal Court met in regular session on Monday, February 18, 2013 in the Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, & Misti Drew; and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Kyle O'Dell, Chairman of the Marshall County Conservation District Board of Supervisors, addressed the Court regarding watershed issues. Two watersheds have been upgraded to high hazard classification because of existing structures below them. One is located in the Griggstown Road where a house and a mobile home are located below the watershed. The other is on Foust Sledd Road, where a mobile home park is below the structure. A house mover has been contacted about raising the existing homes, but the cost would be in the thousands of dollars. During a meeting last year regarding the watersheds, discussion was held about a proposed Ordinance in Logan County that would help to protect the county from this situation occurring. There are approximately 20 watersheds in Logan County and four in Marshall County. This is something that is happening state wide. There is also a potential situation with the watershed on 408. The land is now farmland, but if it is ever sold and developed for road frontage, it would be a very serious matter not only to the Conservation District, but to the county as well. Judge Miller added that during the meeting last year, discussion was held about either draining the watersheds or building the levees up, but either option would be costly and the money taken in by the Conservation District is used to maintain the watersheds, including mowing. Mr. O'Dell added that the structures were built in the early 1960's and had a potential life span of 50 years so they are working as they are supposed to, but the district is responsible for maintenance of the watersheds. These are problems that need to be handled before they become major problems. Discussion was held about developing an Ordinance since the county has no zoning. Judge Miller said he will speak with Judge Logan Chick, Logan County Judge/Executive about their proposed Ordinance prior to the next meeting.

B. Becky Cornwell, Director of Marshall County Caring Needline, presented the 2012 totals for the Holiday Light Show in the Park. The totals are as follows: food – 30,426 items; donations - \$50,253.00; and a vehicle count of 18,453 . Over the past 12 years the total contributions have been – 273,153 items; donations - \$449,179.00; and the vehicle count – 251,819. Mrs. Cornwell expressed appreciation to all involved for helping make this year's light show a success.

II. OTHER BUSINESS:

A. Judge Miller informed we said goodbye yesterday to good friend Juanita Hargrove. Juanita was the widow of long-time Magistrate and Commissioner Gordon

Hargrove. Also long time Road Department employee Euclid Conner's funeral service is today. Judge Miller asked that their families be kept in prayer.

III. CORRESPONDENCE:

A. Les Landers submitted his resignation as a member of the Marshall County Sanitation District #1 Board of Directors. Mr. Landers will continue as the State Licensed Operator of the system until another board member receives certification. Judge Miller commended Mr. Landers and his wife for their years of service on the board and added that without their efforts, the system would have been shut down years ago.

B. Judge Miller read a news release informing of a grave marker dedication for former slave Parenthia "Pone" Harrison. The dedication will be held on Saturday, February 23<sup>rd</sup> at 1:00 p.m. at the Olive Methodist Church Cemetery.

C. County Attorney Jeff Edwards submitted a letter regarding Opal Lane. Mr. Edwards prepared a Quitclaim Deed from all of the residents along the road deeding the 40 foot roadway to the county. As of today, it has not been executed by all of the parties. He advised that no work can be done on Opal Lane until the deed is signed by all parties and properly recorded.

IV. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Drew to approve the minutes of the February 11<sup>th</sup> meeting. All voted aye. Motion carried.

B. During the February 11<sup>th</sup> meeting, a request was received from Marshall County Relay for Life for sponsorship from the Court. The Court sponsored the event in 2011 but did not in 2012. No funds were included in the budget for Relay this year. Following discussion about the tight budget and the possibility of the Court members making personal contributions instead of a sponsorship, no formal action was taken.

C. Parks Director Larry Whitt informed that he spoke with Keith Westfall, who submitted the \$18,000.00 low bid on mowing during the last meeting. Mr. Westfall does understand the amount of property included in the bid. Mr. Whitt recommended that the bid be awarded. A motion was made by Com. Anderson and seconded by Com. Gold to accept the bid as recommended. All voted aye. Motion carried.

D. During the last meeting, all bids were rejected on the crane and the Court authorized Road Superintendent Russell York to sell the crane as scrap. Since that time, the high bidder offered to purchase the crane for more than it would bring as scrap. Jeff Edwards advised that once an item is bid and all bids are rejected, the Court has filled statutory requirements and the item can then be sold. A motion was made by Com. Anderson and seconded by Com. Gold to sell the crane to the individual. All voted aye. Motion carried.

E. During the February 11<sup>th</sup> meeting, the Court voted to provide \$90,000 to the Sheriff's Department for the purchase of three vehicles and equipment. Sheriff Byars asked that the Court vote to amend his budget to that effect. A motion was made by Com. Anderson and seconded by Com. Gold to amend Sheriff's budget by adding \$90,000 for vehicle purchase and equipment. All voted aye. Motion carried.

VII. NEW BUSINESS:

A. Animal Control Officer training was discussed. There are classes available for Level I and Level II training in Baton Rouge, LA, Memphis, TN, St. Louis, MO, and Louisville, KY. If both officers attend the same training sessions, a backup plan for animal control would have to be in place. Former Animal Warden Golden Kirk has offered to be of assistance if needed, and Jimmie Tubbs, who assisted Mr. Kirk, may also be available if needed. A motion was made by Com. Drew and seconded by Com. Anderson to send the Animal Control Officers to training Baton Rouge, contingent that backup Animal Control is available during that week. All voted aye. Motion carried.

B. During the February 11<sup>th</sup> meeting, a list of items was submitted as prepared by Sheriff Byars, of equipment that may be needed by the Animal Control Officers. Following discussion, purchasing equipment was put on hold until after the training to see what might or might not be needed. The Animal Control Officers are in need of a catch pole. They only have one, it is not in good shape and each of them needs one in their vehicle. A motion was made by Com. Anderson and seconded by Com. Gold to authorize the purchase of a catch pole. All voted aye. Motion carried. Sheriff Byars informed that the officers have been using the radios and working through Central Dispatch. He added that hopefully a vehicle will be ready to transfer from the Sheriff's Department to Animal Control by the end of the week.

C. A budget workshop was scheduled for the afternoon of February 28<sup>th</sup>, immediately following a meeting at 1:30 regarding transportation needs with Stacey Courtney with the Purchase Area Development District.

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

E. County Road Superintendent Russell York asked if the Court members had a list of the roads for paving this year. He would like to have any culverts that need to be replaced to allow time for them to settle prior to paving.

F. Curd Road and Flatt Road were damaged by heavy trucks removing ice storm debris. Judge Miller said the agreement was that the state would repair and repave the roads if the county allowed the state to use dump sites on those roads. Mr. York met last week with Michael Oliver with the District One Highway Office about the situation and Mr. Oliver wasn't sure if the state would write the county a check and use the county's contract price, because the state's paving contract is over. Judge Miller said he didn't care whose contract they use, as long as they repair the roads as promised.

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

H. Judge Miller called Court back into regular session and informed that it has been reported that we have had well intentioned people assisting in some areas of county government that is a possible liability to the county. The offer of help is appreciated, but the Court members agreed that we not allow it due to the liability factor. Judge Miller said it was also brought to his attention that a county employee was talking on a cell phone while driving. His office received a call complaining of a dangerous situation that was avoided. He sent a memo to all departments that while in county vehicles, to stay off of cell phones. If an employee receives a call, to pull over safely to the side of the road, but not to use the phones while operating county vehicles.

I. County Treasurer Emily Martin asked that the Court consider requesting Romain & Associates for the annual audit. She said that we can request this now and hopefully won't end up in the same situation as last year and be included in the state's audit request. The Court members concurred and a letter will be sent to the State Treasurer's Office requesting Romain & Associates.

J. A motion was made by Com. Anderson and seconded by Com. Gold to go into recess until the scheduled Administrative Code Workshop at 1:00 this afternoon. All voted aye. Motion carried.

Respectfully submitted by: