

Marshall County Fiscal Court
February 21, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, February 21, 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 opened the meeting and said that some dear friends have passed away recently – Sam Lane, former Chairman of the Republican Party; Mr. Reed Conder former Marshall County School Superintendent; Rady Puckett a retired businessman from Calvert City; and former Livingston County Judge/Executive & Sheriff Ralph Smith. Judge Miller added that our thoughts and prayers and extended to all of their families.

I. BID OPENING – REROOFING JAIL/SHERIFF’S OFFICE/911 COMPLEX

A bid opening was held for reroofing the Jail/Sheriff’s Office/911 Complex. Proposals for bids were prepared by Castleberry McGregor Swinford Architects. Advertisement for bids was placed in the February 7, 2012 edition of the Tribune Courier, and Requests for Proposals were also distributed by Castleberry McGregor Swinford. Three bids were submitted and are as follows:

- Minter Roofing Company, Inc. of Benton, Kentucky - \$252,470.00
- Southern Roofing Co., Inc. of Paducah, Kentucky - \$279,213.00
- Swift Roofing, Inc. of Murray, Kentucky - \$291,600.00

Todd Castleberry left the meeting to compare the bids to determine if they met the specs.

II. GUESTS:

A. Michael Oliver, Transportation Engineer Supervisor with the Kentucky Department of Transportation presented the Rural Secondary Recommendations for 2012-2013 which is as follows:

Marshall County Tentative Allocation	\$1,371,623.00
Undistributed Balance	\$ 129,479.00
1. Maintenance of 130.012 Miles @\$3500 per mile	\$ (455,042.00)
2. County Judge/Executive Expenses	\$ (3,862.00)
Sub-Total:	\$ (458,904.00)
Balance for Improvements:	\$1,042,198.00

Recommended Improvements

3. County “Flex” Funds	\$ 274,325.00
------------------------	---------------

- | | |
|--------------------------------------------------------------------------------------------------------------------------|----------------------|
| 4. KY 1311 – Slickback Road
From: MP 1.279 – KY 1949
To: MP 5.933 – KY 58
4.654 Miles of Resurfacing | \$ 401,573.00 |
| 5. KY 1490 – Elva Road
From: MP 0.000 – KY 1949
To: MP 2.308 – KY 348
2.308 Miles of Asphalt Resurfacing | \$ 185,291.00 |
| 6. KY 282 – Johnson Riley Road
From: MP 0.000 – KY 95
To: MP 1.772 – KY 1523
1.772 Miles of Asphalt Resurfacing | <u>\$ 181,009.00</u> |
| 8.734 Miles of Asphalt Resurfacing | \$1,042,198.00 |

A motion was made by Com. Anderson and seconded by Com. Gold to accept the Rural Secondary Recommendations as presented. All voted aye. Motion carried.

B. Tracy Bracewell with NaturChem spoke to the Court about roadside herbicide spraying that could cut mowing right-of-ways to one time per year. The process involves three treatments at a cost of \$60.00 per treatment per mile. The total cost for treating 100 miles is \$18,000.00. Following discussion, a motion was made by Com. Drew and seconded by Com. Gold to enter into a contract with NaturChem on a trial basis for three treatments of 100 miles of right-of-way for \$18,000.00. All voted aye. Motion carried.

C. Todd Castleberry reported that the low bid, submitted by Minter Roofing did meet the specs on reroofing the Jail/Sheriff's Office/911 Complex. A motion was made by Com. Drew and seconded by Com. Anderson to accept the low bid of \$252,470.00 from Minter Roofing. All voted aye. Motion carried.

D. Priscilla Meyenberg addressed the Court concerning the possibility of implementing a leash law in the county. She informed that a pack of dogs are in the same area on Barge Island Road and she recently hit one. The neighborhood she lives in also has a problem with dogs chasing people and cars. Earlier this month she hit one of the dogs that darted out into the road in front of her. Ms. Meyenberg suggested that a leash law be passed in the county to help protect the animals that their owners are not taking care of. Judge Miller replied that a leash law has been discussed in the past, but in a rural county, a leash law would be almost impossible to enforce. Com. Drew added

that discussion has been held at the Animal Shelter about a tagging option – where the owners would purchase a tag for their dog, but there is great opposition from the community to a leash law. If a leash law was passed, it wouldn't stop people who let their dogs run loose now, it's an ongoing problem and it's hard to make someone responsible through legislation, especially if we don't have the manpower to enforce it. County Attorney Jeff Edwards drafted a leash law several years ago, which included tagging, and if any animal was found without a tag, it would be subject to being picked up and disposed of. At that time, many residents were against it. Com. Anderson informed that a statute is on the books, that if an animal is causing a dangerous situation, the Animal Warden could pick it up. He added that when he was Sheriff, a gentleman hit a dog that was in the road. The dog's owner wanted him to arrest the man, but the dog's owner was actually responsible for the \$6,000 worth of damage to the car. Com. Drew informed that if an animal is picked up, in order for the owner to get it back from the Animal Shelter, they would have to pay a fee.

E. Tina Helton addressed the Court about dogs from the neighborhood destructing her property. There are eight dogs that have broken decorative flamingos, frogs, mushrooms and have burned up a pump in her pond by using it as a swimming pool. Mrs. Helton was to the point of taking one of her neighbors to court because one of the dogs walked across blacktop sealer within 30 minutes of it being sprayed and then walked down their concrete sidewalk and across their concrete porch. She and her husband went to the neighbor's house and spoke to them about it, and the neighbors "cussed them up one side and down the other". However, when they got their court papers, the neighbors wanted to talk and agreed to keep their dogs out of the Helton's yard as much as possible. They settled out of court. When the dogs are let out each morning, they head to the Helton's yard – which hasn't solved anything. Judge Miller told Mrs. Helton to contact him and he would arrange for the Animal Warden to set humane traps to have the animals picked up. Com. Drew said that the owners would have to go to the Animal Shelter to pick up their animals and pay a fee, which would be the same consequence as a leash law.

F. Bobby Gifford, Director of Water Vision 2020 presented a drawdown request for the Court's consideration on WX 21157046 in the amount of \$3,000 to Paul Cloud Engineering. A motion was made by Com. Gold and seconded by Com. Anderson to approve the drawdown request as presented. All voted aye. Motion carried.

G. Andy Lepisto informed that the computer battery backups need to be replaced. The current backup system is actually doing more than it was originally designed to do. Currently the batteries have to be replaced approximately every nine months. As a short term fix, the batteries can continue to be replaced, but a larger backup system needs to be considered as a long term solution.

III. CORRESPONDENCE:

A. Eugene Kiser, Executive Director of the Kentucky Office of Homeland Security informed that a Grant, in the amount of \$27,900.00 has been awarded from the Law Enforcement Protection Grant Program. The award is for the purchase of 25 body armor vests, 6 duty weapons, 6 patrol rifles, and 6 tasers for the Sheriff's Office.

B. Ran Guennel sent an email informing of another car/deer accident on Moors Camp Hwy. approximately 100 feet from the end of his driveway. Russell York informed that signs have been installed along the roadway warning of deer crossings.

C. Lois Cunningham, Planning and Zoning Administrator for the City of Benton sent a Notice of Public Hearing regarding property located along the east side of US Hwy. 641, being the Southwest corner of Main Street/Hwy. 641, and E. 4th Street/Hwy. 2609. The hearing is scheduled for Monday, February 27th at 6:00 p.m. in the Benton City Hall Council meeting room.

D. Doug Taylor, West Kentucky Field Representative with the Kentucky Transportation Cabinet informed of the Governor's recent announcement of the continuation of the "flex fund" paving program for FY 2012-13. Estimates at this time indicate Marshall County will receive \$274,325 for resurfacing county roads after July 1, 2012.

E. Judge Miller announced that efforts are underway to try to secure an increase in the TVA tax equivalent monies to be used for local economic development in the 28 western Kentucky counties served by TVA. Currently 70% of all TVA payments are distributed to local entities, 30% is retained by the state and is spent through the general fund. Other states like Georgia, Illinois, and Virginia give 100% of the funds back to the counties while Mississippi and Alabama share over 85%. Kentucky shares the lowest percentage.

IV. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the February 7, 2012 meeting. All voted aye. Motion carried.

B. County Attorney Jeff Edwards has met with one of the managers with Aramark and asked why there are two contracts. The manager replied that it must have been an oversight. The three year contract will end in the next few months and it will be rebid at that time. Some of the other county departments were served by Aramark,

apparently without a contract. Emily Martin has requested a copy of the contract with the Animal Shelter and Aramark has not been able to produce it.

C. Following the second reading of Ordinance #2012-02 (Building Code), a motion was made by Com. Gold and seconded by Com. Anderson to approve the second reading and adopt ordinance #2012-02. All voted aye. Motion carried.

D. Emily Martin submitted an invoice for the 2010 overage from the Sheriff's Office in the amount of \$57,836.84. The overage was discussed last year, but action wasn't taken to approve payment. Ms. Martin explained that the 2010 overage is currently being paid out of the payroll fund and payment needs to be made from the general fund into the payroll fund. The overage for 2011 can be handled later because there are still a few outstanding receipts expected. Com. Anderson said he thought the Court agreed to do so last year. A motion was made by Com. Anderson to approve payment of the invoice and authorize moving funds from the general fund to the payroll fund. Com. Drew pointed out that the minutes from February 2011 reflect that we agreed to accept the Sheriff's Final Settlement showing the deficit, and it was her understanding that the motion to accept the settlement would take care of the deficit at that time, but if it needs to reflect specifically on the overage – Com. Drew then seconded the motion. Ms. Martin informed that moving the money from the general fund to the Payroll fund will wipe out the deficit of 2010, and the deficit it will create in the Sheriff's subsidy account will be covered out of reserves later in this meeting. Com. Drew asked why \$800,000 is being left in the Jail Account instead of putting that money into the reserves to reflect that the additional money is there. Ms. Martin answered that the \$800,000 was budgeted to the jail fund based on figures they had at the time. Com. Drew said what bothered her was everything being taken out of the reserves. She suggested a budget session to review where the finances stand. Com. Anderson suggested that any money that is held in reserve, to hold it in a reserve account and not in a specific account and then move it as needed. Judge Miller called for a vote on the motion. All voted aye. Motion carried.

V. NEW BUSINESS:

A. Judge Miller read a Resolution for the Court's consideration in opposition to the closure of the Madisonville, Kentucky Medical Examiner's Office. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Resolution as presented. All voted aye. Motion carried.

B. Betsy Hudson submitted her resignation from the Marshall County Tourist Commission. Judge Miller recommended Kathy Fennel with FLW. A motion was made

by Com. Anderson and seconded by Com. Gold to appoint Kathy Fennell as recommended. All voted aye. Motion carried.

C. Judge Miller has been in contact with Jr. Wright with the Department for Local Government regarding salary increases for elected officials. The Sheriff, Judge, and Clerk salaries are automatically increased, but unless there is something in the County Administrative Code, in order for Commissioners and Magistrates to receive a salary increase, it has to be approved in Court. This year's cost of living increase is 2.96%. Com. Drew said since the budget is tight, she does not want a salary increase. Com. Anderson and Com. Gold also passed on the salary increase.

D. John Smith, Chief of the Fairdealing-Olive Fire Department informed that April Hughes, a firefighter representative on the board has resigned and the firefighters recommend Hank Rogalinski to fill the remainder of her term (term to expire 6/30/2013). A motion was made by Com. Drew and seconded by Com. Anderson to name Hank Rogalinski as a firefighter representative as recommended. All voted aye. Motion carried.

E. Following the first reading of Ordinance #2012-03 (Budget Amendment), a motion was made by Com. Gold and seconded by Com. Anderson to approve the first reading of the Ordinance. All voted aye. Motion carried.

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

G. Judge Miller called Court back into regular session.

H. The Payroll Fund Accounts Receivable Report as of February 16, 2012 is as follows:

<u>From</u>	<u>Amount</u>
Marshall County Sheriff's Department*	\$174,937.23
Marshall County Attorney's Office	\$.02
Marshall County Clerk's office	\$ 0.00
Total Approved	\$174,937.25

*Note this amount contains \$57,836.84 for 2010 and \$117,100.39 for 2011

I. The Intrafund Transfers were submitted and are as follows:

<u>From</u>	<u>To</u>	<u>Amount</u>
Payroll Fund*	Occupational Tax Admin.	\$300,000.00
Occupational Tax Admin.	Occupational Tax Fund	<u>\$100,000.00</u>
	Total Approved	\$400,000.00

*Repay loan to payroll fund from Occupational Tax Administrator Fund

A motion was made by Com. Drew and seconded by Com. Anderson to approve the Intrafund Transfers as submitted. All voted aye. Motion carried.

J. The Budget Appropriation Transfers were submitted for January (attached). A motion was made by Com. Gold and seconded by Com. Anderson to approve the Budget Appropriation Transfers as submitted. All voted aye. Motion carried.

K. Representatives from the Department for Local Government will be at the Purchase Area Development District for a budget meeting on February 29th at 9:00 and will be in the Courthouse at 1:30. Judge Miller invited the Court to the meetings.

L. County Road Superintendent Russell York has the specs for the tractors and mowers as instructed in the last meeting. Judge Miller said he didn't think that we could get a better bid than the state contract price including trade in of the old tractors. Mr. York has spoken with four different dealers and he also believed the state contract price will be best. A motion was made by Com. Drew and seconded by Com. Gold to proceed on purchasing two tractors & mowers using the state contract price, including trade-in. All voted aye. Motion carried.

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

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

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk