

Marshall County Fiscal Court  
March 5, 2013

The Marshall County Fiscal Court met in regular session on Tuesday, March 5, 2013 in the Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, & Misti Drew; Assistant County Attorney Jason Darnall and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Jim O'Brien addressed the Court about the possibility of adopting a land use ordinance for the county. Mr. O'Brien has conducted research throughout Kentucky and offered to draft a shell ordinance based on what's being used in other counties. Judge Miller informed that discussion about a land use ordinance or county-wide zoning has been brought up several times over the years, but the people in the county have been against it.

Mr. O'Brien also addressed another situation in which one of his neighbors has approximately 100 junk cars. He, along with three or four other property owners in the area filed a complaint. After three or four months, he checked with the Sheriff and was told that he had 45 complaints on his desk and hadn't had time to get to them. He said he checked later with the Sheriff and he was told that the complaints had been turned over to the County Attorney. Mr. O'Brien then checked with the County Attorney, who told him to check back in two to three months. The property is on Hwy. 62 and there is no fence around the property. Com. Drew asked if the state had any regulations that could help in this situation. Michael Oliver, with the Department of Transportation was present and recommended that Mr. O'Brien contact Ron Milay at the District One Highway Office. Judge Miller asked Mr. O'Brien to contact him when he has the land use ordinance recommendation prepared so they can meet.

B. Michael Oliver, Transportation Engineer Supervisor with the Kentucky Department of Transportation presented the Rural Secondary Recommendations for 2013-2014 which is as follows:

Marshall County Tentative Allocation	\$1,555,746.00
Undistributed Balance	\$ 157,447.00
1. Maintenance of 130.012 Miles @\$3500 per mile	\$ (465,012.00)
2. County Judge/Executive Expenses	\$ (3,862.00)
Sub-Total:	\$ (468,874.00)
Balance for Improvements:	\$1,244,319.00

Recommended Improvements

3. County "Flex" Funds	\$ 311,149.00
4. KY 1311 – Slickback Road From: MP 0.000 – KY 402 To: MP 1.279 – KY 1949 1.279 Miles of Resurfacing	\$ 108,715.00
5. KY 1422 – Tatumsville Road From: MP 3.636 – US 641 To: MP 6.194 – Little Bear Hwy. 2.558 Miles of Asphalt Resurfacing	\$ 217,430.00
6. KY 782 – Johnny's Barber Shop Road From: MP 0.000 – KY 795 To: MP 3.624 – US 68 3.624 Miles of Asphalt Resurfacing	\$ 308,040.00
7. KY 2606 – Jackson School Road From: MP 6.500 – Culvert over Bee Creek To: MP 6.500 – Culvert over Creek Culvert replacement	\$ 50,000.00
8. KY 2606 – Jackson School Road From: MP 5.600 – Culvert over creek To: MP 5.600 – Culvert over creek Culvert replacement	\$ 50,000.00
9. KY 1477 – Dump Road From: MP 0.000 – KY 1462 To: MP 2.341 – KY 58 2.341 Miles of Asphalt Resurfacing	<u>\$ 198,985.00</u>
Total cost of Culverts & 9,802 Miles of Resurfacing	\$1,244,319.00

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.

Com. Gold asked about Curd Road, which was damaged by trucks hauling ice storm debris. There was a verbal agreement with the Department of Transportation that the road would be repaired at the state's expense. Mr. Oliver suggested that a letter be sent to District One Highway Engineer Jim LeFevre about the road. Flatt Road was

also damaged. After discussion, it was decided that Judge Miller and Russell York would schedule a meeting with Mr. LeFevre.

C. Jailer Roger Ford asked for the Court's approval of the Jail's Policy & Procedure Manual. There are no changes from the last manual. The County Attorney has reviewed it and recommended approval. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Jail Policy & Procedure Manual. All voted aye. Motion carried.

## II. CORRESPONDENCE:

A. Judge Miller read a news release from the National Association of Counties regarding Mayors, County & Local Leaders opposing the move to cap tax-exempt municipal bonds that would harm infrastructure & jobs. Judge Miller will keep the Court informed on this issue.

B. The Kentucky Board of Emergency Medical Services has awarded Marshall County \$10,714.29 as part of the Emergency Medical Services Grant Program. Judge Miller has signed the required documentation and returned it in order to receive the funding.

C. TVA is planning a power system improvement project in the Calvert City area. The schedule is to begin fiber optic construction in January, 2014 and be complete by March, 2014.

D. Adam Edelen, Kentucky Auditor of Public Accounts, sent information regarding House Bill 1, which is a measure aimed at bringing transparency and accountability to special districts in the Commonwealth.

## III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the February 18<sup>th</sup> meeting. All voted aye. Motion carried.

B. During the last meeting, discussion was held about an Ordinance adopted by Logan County regarding property around watersheds. Judge Miller has spoken with Logan Chick, Logan County Judge/Executive and obtained a copy of their ordinance. Discussion was held about the possibility of passing an ordinance that forbids people to build or put in structures below watersheds. Logan County's Ordinance grandfathered in the structures below their watersheds but will not allow for new construction in that area. Judge Miller asked Jeff Edwards if he thought the Marshall County Conservation

District was asking that Marshall County adopt a similar Ordinance. Mr. Edwards replied that he did. Judge Miller then asked if the Court has the authority to do so without a land use ordinance to which Mr. Edwards replied that it seems to be a stretch, but because it pertains to public safety it might be acceptable.

C. During a previous meeting, discussion was held about continuing association with the Pennyrile Narcotics Task Force. Since that time, Sheriff Byars has indicated that he is taking a second look at participating. Lieutenant Brett Edwards, Marshall County Sheriff's Department was present representing Sheriff Byars and informed that the Sheriff spoke this morning with a representative from the Task Force, and is now in favor of participating. Marshall County's portion for participation for 2013/14 is \$8,033. A motion was made by Com. Drew and seconded by Com. Anderson to approve the expenditure of \$8,033 and participate in the Pennyrile Area Narcotics Task Force. All voted aye. Motion carried.

D. A bid opening was held for vehicles for the Jail. Advertisement for bids was published in the Tribune Courier. One company submitted bids, which are as follows:

County Chevrolet, Benton, KY – on a 2013 Chevrolet Express Van - \$29,500.00;  
& on a 2013 Chevrolet Tahoe PPV - \$27,900.00.

A motion was made by Com. Anderson and seconded by Com. Gold to accept the bids on the Tahoe & Van from County Chevrolet. All voted aye. Motion carried.

E. The awning on the east side of the Courthouse entrance was damaged beyond repair by strong winds. The cost to replace the awning is \$1,667.50. A motion was made by Com. Anderson and seconded by Com. Gold to replace the awning. All voted aye. Motion carried.

F. Russell York informed that there is money available in the Road Department budget to purchase trucks. Mr. York would like to purchase one new pickup truck, one used pickup truck with a utility bed, and an additional utility bed. The used pickup and the additional utility bed would fall under the \$20,000 bid limit. A motion was made by Com. Anderson and seconded by Com. Gold to authorize Mr. York to advertise for bids for a new pickup truck and to purchase the used pickup truck with the utility bed and an additional utility bed. All voted aye. Motion carried.

Mr. York informed that there is a three to four month wait for new tractors & mowers. He recommended they be advertised for soon and paid for with funds from the FY 2014 budget. Discussion was held about advertising for a lease/purchase, an

outright purchase or a reverse auction. Following discussion, Mr. York was asked to prepare specs and present them at the next meeting.

G. Judge Miller informed that he has been contacted by residents of the Aurora community about the possibility of putting in a baseball field, tennis courts or some type of day use park on county owned property. Judge Miller suggested that Josh Tubbs look for grants to see if there are any funds available through the State Parks and Recreation Department. Judge Miller added that he thought it would be a good area for a day use park. The Commissioners concurred.

H. Com. Anderson informed that he has someone interested in filling the vacancy on the Refuse Board. No formal action was taken at this time.

I. Com. Gold brought up HB 257, regarding electrical inspections and repairs. He said that according to the bill, homeowners will have to get a permit to make any electrical changes in their houses. HB 257 has passed the House but is still in the Senate at this time. Judge Miller said he has spoken to Larry "Cat" Spears, Marshall County Building & Electrical Inspector and they are planning to meet regarding this bill.

J. Com. Drew asked about the possibility of opening a gun range at the Refuse Department property. More people in Marshall County have applied this year for concealed carry permits than in all of 2008. She added that gun control legislation has people aware and an area gun club has offered to provide funding for the range. Judge Miller said the property could be leased to the gun club on a long term basis. Com. Drew asked who could give an estimate on the cost of constructing the range. The County Attorney replied that a contractor could supply that information. Lt. Edwards informed that Sheriff Byars has the NRA regulations at the office. No formal action was taken at this time.

Com. Drew has obtained copies of McCracken & Kenton County's Animal Control Policy & Procedure Manuals. A meeting was scheduled for the afternoon of March 19<sup>th</sup> following the Budget Workshop to go over the manuals to work on one for Marshall County.

Com. Drew asked about the flooding situation in Old Gilbertsville. Russell York said that until the people purchase driveway culverts and they're installed, the flooding will continue.

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

Marshall County Fiscal Court  
March 5, 2013  
Page six

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

Respectfully submitted by:

Melonie Chambers  
Fiscal Court Clerk