

Marshall County Fiscal Court
March 6, 2014

The Marshall County Fiscal Court met in regular session on Thursday, March 6, 2014 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson & Misti Drew; County Attorney Jeff Edwards & Assistant County Attorney Jason Darnall were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. No one was present who asked to address the Court.

II. CORRESPONDENCE:

A. Judge Miller shared information about Move! Towards a Healthier You, a joint effort between the Marion VA Medical Center along with the Marshall County Health Department and Dietetic Students from Murray State University. It is a free eight-week series on nutrition and physical activity. The group will meet Wednesdays beginning March 12, 2014 through April 30, 2014 from 3:00 to 4:30 p.m. at the Marshall County Health Department.

B. Judge Miller read a letter outlining proposed animal control intake procedures at the Marshall County Animal Shelter. The letter, which was submitted by Director Autumn Hollis and Assistant Director Kip Hutchison, recommended that incoming stray dogs go straight into the quarantine kennels, helping to prevent the possible spread of disease. Each of the Animal Wardens will have keys to the outer gates of the runs and a mailbox system will be set up for the transfer of paperwork. Com. Drew said she didn't have an issue with the recommendation, and added that this is one of the reasons she would like to see a policy & procedure manual at the shelter. A motion was made by Com. Gold and seconded by Com. Anderson to adopt the animal control intake procedure. All voted aye. Motion carried.

C. During the February 19th meeting, Gavin Lane & Chapel Lane were discussed. County Attorney Jeff Edwards addressed each by a letter. The letter read in part, "It is my understanding that Chapel Lane is already in the county road system, but the right-of-way is not wide enough for current traffic flow. If additional right-of-way is needed, all landowners owning real estate along the right-of-way must convey to Marshall County by Quitclaim Deed the additional footage. The amount of footage required needs to be determined by the County Road Superintendent and agreed upon by the landowners as well as determining if the additional footage will be derived equally on both sides of the road or otherwise. Once those items have been agreed to, then proper legal descriptions of the acreage being conveyed from each landowner must be supplied so that Quitclaim Deeds to Marshall County can be prepared placing of record the expanded right-of-way. A surveyor can supply either a written legal description or a plat which can be incorporated into the deeds. Gavin Lane – a proper Petition needs to

be completed and submitted to the Fiscal Court for consideration of setting a Public Hearing. The Petition sets forth all of the requirements. Until such time as a complete Petition is submitted, no action should be taken. Com. Drew said from her understanding, only a portion of Gavin Lane will be petitioned to be accepted into the County Road Maintenance System.

D. Ron Beshears submitted a letter, of which copies were distributed to the Court members. Following brief discussion, a motion was made by Com. Anderson and seconded by Com. Gold to table this issue for further review. 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 February 4th Public Hearing regarding the request for an Entertainment Permit to Kentucky Lake Motor Speedway; the February 19th Fiscal Court meeting; and the February 19th Work Session regarding the Application for Entertainment Permit – Kentucky Lake Motor Speedway. All voted aye. Motion carried.

B. A motion was made by Com. Drew and seconded by Com. Anderson to issue an Entertainment Permit to James Hale & Ronald Jones, dba as Clover Leaf Realty, for the operation of Kentucky Lake Motor Speedway. All voted aye. Motion carried.

Discussion was held about the hours of operation for the racetrack.

- Judge Miller said he would like to keep in mind the peace & tranquility of the neighbors.
- Jeff Edwards asked if there was any request for a particular day (s) or hours.
- Com. Drew said that when speaking with Mr. Hale, he had requested 11:30.
- Tommy Houseman, General Manager of the racetrack said the plans are to only run on Saturdays, unless there is a special event, but due to the cost of special events, it would be very limited due to those costs. The normal day of operation will be 99 9/10th % on Saturday nights. Paducah International Raceway (PIR) runs on Friday nights. If PIR opens this year, they'll have Fridays, but if PIR doesn't open – KLMS would like to run Friday nights.
- Judge Miller strongly advised not to come to him Wednesday wanting a special event that same weekend – it won't happen. He added that this Court needs to know well in advance.
- Mr. Houseman thanked the Court for the opportunity to do business in Marshall County and would like – weather permitting – to have the first race the last week of March, but looking outside now – that may not happen. The Gates would open at 4:00 with hot laps at 6:00 or 6:30 and racing to begin at 7:00. They are

willing to comply any way they can. He added that they don't want to drag the races out all night long – 11:00 or 11:30 at the latest. Most tracks run six to eight classes of cars and KLMS will run four classes this season.

- Judge Miller said that if 11:30 is the time set – even during the race – the flag will be dropped and whoever is in the lead at that time will be declared the winner.
- Jeff Edwards said that if the permit hours are not followed, it will be a Class B Misdemeanor with stiff penalties, including jail time and revocation of the entertainment permit.
- Com. Anderson asked if racing starts at 6:30 – could the permit hours be amended next year if needed.
- Com. Drew said she has polled people on-line and the majority suggested 12:00. She asked Dr. Smith, because racing would be on Saturday nights only, about a compromise – if they could live with 11:30?
- Dr. Smith said if the races go past 11:30, they will seek an injunction.
- Com. Anderson said it's a tough situation – he understands the Smith's position and he would like to see the races over as soon as possible.
- Dr. Smith said that he father used to say, "Work expands to fit the time". If the hours are set at 11:30, the races won't be over until 11:30 every time.
- Judge Miller said, "You've heard the request for 11:30".
- Com. Drew said she was in favor of 11:00 if the races would be on Friday and Saturday – two nights each week. One night, she would be more inclined for 11:30. KLMS is in her district, and she can't please all of the people.
- Com. Gold said that of the Calvert City residents he's talked to, other than the Smith's, he has not heard anyone opposed to 11:00 or 11:30.
- Judge Miller said. "No racing after 11:30?"
- Jeff Edwards asked if there was a beginning time
- Mr. Houseman said gates open at 4:00 with hot laps at 6:00, racing at 7:00.
- Dr. Smith requested copies of all minutes regarding KLMS and also asked that the Commissioners be polled on the end time for racing.
- Com. Drew – 11:30
- Com. Gold – first said 11:00 but he didn't want to hurt the racetrack and would agree with 11:30.
- Com. Anderson – no later than 11:00, and added that this is not a voting situation.
- Judge Miller said he has always asked the Court's input before setting hours on an Entertainment Permit.
- Jeff Edwards asked for clarification on the times for the Entertainment Permit.
- Initially Mr. Houseman requested gates to open at 4:00; hot laps at 6:00 and racing to begin at 7:00. After discussion, he agreed to hot laps starting at 6:30 and racing at 7:00.

- Judge Miller set the hours of operation – gates open at 4:00; hot laps at 6:30; racing at 7:00; & absolute end time of racing at 11:30.

C. County Road Superintendent Russell York left two messages for the County Surveyor about surveying the area to be used for the Gun Range at the Landfill. Mr. Knoth's father is in the hospital, and Mr. York will attempt to contact the County Surveyor again.

D. Jeff Edwards has not had a chance to speak with Kyle O'Dell regarding the watershed issue. He will report back to the Court after speaking with Mr. O'Dell.

E. Com. Drew asked about the nuisance complaints in the Old Gilbertsville area. Sheriff Byars said he has gotten three of the letters returned because no one signed for the special delivery letters and one property owner has asked that the county clean up the property and send them the bill.

IV. NEW BUSINESS:

A. Judge Miller informed that Johnnie Jo Hollis has accepted another job and submitted her resignation as the weekend employee and as needed to fill in for staff at the Marshall County Animal Shelter and the staff recommended that Aaron Jones be hired to fill the position. The staff is out of town attending training, and Judge Miller asked Mr. Jones to start work this morning. Com. Drew said her only issue with this is that the position wasn't advertised and she wished the hire had gone through this process. Judge Miller replied that someone had to be there on a temporary basis, and Mr. Jones would be on a 90 day probationary period. Following discussion about a memo being sent to all department heads asking them to notify Judge Miller as soon as they know an opening will be coming up, a motion was made by Com. Drew and seconded by Com. Anderson to hire Aaron Jones on a part-time basis at the Marshall County Animal Shelter. All voted aye. Motion carried. Judge Miller added that he will prepare a memo to that effect.

B. The Audit of the Marshall County Sheriff's Department for the year ended December 31, 2012 has been received. Judge Miller added that it was a clean audit. A motion was made by Com. Anderson and seconded by Com. Gold to accept the Sheriff's Audit. All voted aye. Motion carried.

C. Judge Miller informed that Russell York has received a request that the Road Department haul rock and spread it on the road to the Boy Scout Camp. County Attorney Jeff Edwards said that would be permissible on a limited basis due to the camp being a non-profit entity and the county can provide assistance. A motion was made by

Com. Anderson and seconded by Com. Gold to assist the Boy Scout Camp as requested. All voted aye. Motion carried.

D. Russell York informed that there has never been a price increase for the cost of private road signs (blue signs) and asked for the Court's consideration of increasing it from \$25 per sign to \$35 per sign. A motion was made by Com. Gold and seconded by Com. Anderson to approve the price increase. All voted aye. Motion carried.

E. Judge Miller and Russell York met Tuesday at the Road Department and there are two old salt box spreaders that have to be repaired repeatedly and there is an opportunity to trade them. The cost to replace them is below the bid limit. Judge Miller added that this is for the Court's information.

F. Mr. York reported that the remainder of the salt has been loaded on the trucks. He complimented the Road Department employees for a job well done working to clear the roads following the ice/sleet/snow storm.

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

H. 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