

Marshall County Fiscal Court  
March 6, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, March 6, 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.

I. GUESTS:

A. Marshall County Coroner Mitchell Lee updated the Court on the meeting in Frankfort yesterday. The group consisting of State Representatives, State Senators, Coroners, Attorneys, and representatives from Fiscal Courts across the state met with the Governor's Chief of Staff and others to voice opposition to closing the Madisonville Medical Examiners Office. If the Madisonville Office is closed, any autopsies that were performed there would have to be done in Louisville. By closing the office, in many cases, it would cause the county's Coroner's budget to be doubled by having to go to Louisville for an autopsy and it would also put a bigger work load on the Louisville Medical Examiner's Office, which would cause a delay in finding a cause of death. Mr. Lee said that the Chief of Staff and the others in the meeting indicated that they would work to see that funding to keep the Madisonville Office open would be included in the state budget. Judge Miller thanked Mr. Lee for taking the lead in this effort. Mr. Lee replied that it is not over yet, and encouraged everyone to contact those in charge to urge that funding is available to keep the Madisonville Medical Examiner's Office open. Mr. Lee added that Resolutions in support of the effort were approved by Fiscal Courts across the state as well as the Coroner's Association, County Judge/Executive's Association, Sheriff's Association and other state-wide associations.

B. Sheriff Kevin Byars addressed the Court regarding two items: A body armor grant, on which he needs Judge Miller initials. The COPS Hiring Program, which has changed from past years. This fiscal year, the COPS appropriations bill established a local match requirement and a cap on the federal share. Grantees may receive up to 75% of the approved entry-level salary and fringe benefit costs, with a minimum of 25% local cash match requirement. Also under the new hire category Military Veterans Category, an agency must hire a military veteran who served on active duty for a period of at least 180 days, any part of which occurred beginning on or after September 11, 2001 to present who has been discharged or released from active duty in the armed forces under honorable conditions. There are also categories for rehire for officers who have been laid off or are scheduled to be laid off. Sheriff Byars added that he wanted to bring the information to the Court's attention today for consideration and information.

C. Duane Hawes, Assistant Director of the Office of Emergency Management addressed the Court regarding the devastation across eastern Kentucky from recent

tornadoes. Judge Miller informed that OEM Director Melissa Combs is helping to coordinate recovery efforts that are underway.

II. CORRESPONDENCE:

A. Cathy Holshouser with the Purchase Area Development District sent an invitation to the 2<sup>nd</sup> Jackson Purchase Hazard Mitigation Committee meeting scheduled for Tuesday, March 13<sup>th</sup> at 9:30 at the PADD office in Mayfield.

B. Nancy Price, Governmental Liaison with Kentucky Emergency Management sent information regarding preliminary damage assessments for the state.

C. Keith Todd, Public Information Officer with the Department of Transportation informed that a Paducah Power System utility crew plans to halt traffic for a brief time on Interstate 24 in Marshall County at 12 midnight Thursday, March 8, 2012. The traffic stoppage at mile point 24.47 is to allow the installation of an overhead fiber optic line.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the February 21, 2012 meeting. All voted aye. Motion carried.

B. Governor Beshear has signed an executive order formally declaring a regional state of emergency in the destruction of a span of the Eggners Ferry Bridge. The order is a formal step to enable the Kentucky Transportation Cabinet to seek emergency funds from the Federal Highway Administration in the cabinet's ongoing work to restore traffic across Kentucky Lake. Judge Miller added that during a recent meeting with the Governor, he was told that there are five qualified bidders for an accelerated schedule to repair the bridge and the work is scheduled to be completed by Memorial Day.

C. Judge Miller read a Resolution and Agreement utilizing Rural Secondary Program funds, in an amount not to exceed \$141,700 for the construction of a bridge and approaches on Chester Road (CR 1270), located 0.670 mile south of KY 402 (MP 0.670) over Free Branch. A motion was made by Com. Gold and seconded by Com. Drew to approve the Resolution and Agreement as presented. All voted aye. Motion carried.

D. The Humane Society of Marshall County has offered to lease their facility, located on Hwy. 68 in the Fairdealing community, for use as additional space for the county's Animal Shelter. County Attorney Jeff Edwards explained that the original offer

was for a 20 year lease, in which the county would be responsible for insurance, utilities, and upkeep on the building. Since that time, the Humane Society board has reconsidered and offered a 10 year lease with a 10 year option for renewal. The lease would also include approximately 15 acres at the current site, with the exception of a storage building. The board also requested that Dr. Bert Johnson serve on a committee to assist the Animal Shelter; be allowed to hold fundraising events at the Humane Society site and offered to split the proceeds with the Animal Shelter. Mr. Edwards added as of yesterday, there were 35 animals at the Humane Society. Com. Drew said that the bottom line is, we will have to have more room. Since the Animal Shelter policy revamp, all of the dog food has been donated as opposed to being purchased. She added that the adoption fee is \$15, the cost for euthanasia is \$14 per animal and with the savings in the shelter's budget - that money would be available to pay for the costs associated with leasing the building. The estimated cost per year for utilities, insurance, & upkeep at the building is approximately \$15,000 per year. Com. Gold suggested that the current Animal Shelter building be added on to over time and the county will then have a physical asset instead of money being spent on costs incurred with the lease. Judge Miller stated that the Marshall County Animal Shelter is not a no kill facility and the county is currently spending four times more on animals than we are on our senior citizens. Following further discussion, a motion was made by Com. Drew and seconded by Com. Anderson to enter into an agreement with the Human Society for a 10 year lease, with a 10 year right of renewal. Judge Miller said that Dr. Johnson wants to serve on the Animal Shelter Committee and he believes all Veterinarians in the county should be offered the opportunity to serve on the Committee. Judge Miller called for a vote on the motion. Com. Drew and Com. Anderson voted aye. Com. Gold and Judge Miller voted no. The motion failed.

IV. NEW BUSINESS:

A. Sam Lane, who was a member of the Marshall County Cemetery Committee, passed away recently and Judge Miller recommended that Marlie Conner be named to replace him. A motion was made by Com. Anderson and seconded by Com. Gold to name Marlie Conner as recommended. All voted aye. Motion carried.

B. The North Marshall Water District audit for the year ended December 31, 2011 has been submitted. A motion was made by Com. Drew and seconded by Com. Anderson to accept the audit. All voted aye. Motion carried.

C. Samantha Collins submitted her resignation as a member of the Elva/New Harmony/ Oak Level Fire Protection District Board. Board Chairman Johnny Hamlett recommended Rick Melton to fill the vacancy (firefighter term to expire 6/30/13). A

motion was made by Com. Anderson and seconded by Com. Gold to appoint Rick Melton as recommended. All voted aye. Motion carried.

D. In the past, the Court has provided funding to publish the Marshall County Quick Reference Guide, which lists contact information for the following: emergency assistance; miscellaneous assistance; clothing; counseling; group counseling; daycare & youth services; disability services; education; adult & family education; government services; health; housing; senior services; transportation; utility companies; and 800 toll free numbers. The last one for Marshall County was done in 2009 by Gene Gilliland, who has updated the information for this guide. The cost for publishing 30,000 guides is \$1,585.80. A motion was made by Com. Gold and seconded by Com. Drew to pay for publishing the quick reference guide for 2012/13. All voted aye. Motion carried.

E. Judge Miller read the Animal Shelter report for February which is as follows: Animals in the pen as of January 31, 2012 – 41; brought in by Animal Wardens – 28; brought in by citizens – 77; total animals taken in – 105 (dogs – 42; cats – 14; puppies – 44; & kittens – 5); adopted – 92; animals in foster care – 1; reclaimed – 5; euthanized – 0; & animals in the pen as of 2/29/2012 – 45; donations - \$1,319; adoption fees - \$1,200; total money received - \$2,519. Donated supplies for January included cat food, cat litter, cat treats, dog food, dog treats, collars & leashes, toys, bleach, & paper towels.

F. County Treasurer Emily Martin informed that on-line education training is available for employees and department heads through the Kentucky League of Cities. The cost per credit is \$9.50 if 300 credits are purchased and \$9.00 per credit if 500 are purchased. Ms. Martin recommended that 500 be purchased because if all credits aren't used, they will be rolled over to next year. A motion was made by Com. Gold and seconded by Com. Anderson to purchase 500 credits as recommended. All voted aye. Motion carried.

G. Sheriff Byars said that when random drug tests are scheduled for his department, the Deputies are usually in between shifts and he does not want to have to pay overtime for them to come in for a drug screen. He has asked the company several times to try to work with their schedules and has had no cooperation. Judge Miller asked Emily Martin to schedule a meeting with a representative from the testing company, the Sheriff and him to discuss this issue.

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

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

J. Judge Miller congratulated the Lady Marshals for winning the Regional Championship and wished them luck in the State Tournament. The boys team defeated Fulton City on Monday and will be playing Paducah Tilghman in the Regional Finals. He also wished them luck.

K. Com. Gold said he wants Gary Teckenbrock, Superintendent of the Special Projects Crew to look at the Animal Shelter and get an estimate on enlarging the building.

L. Economic Development Director Josh Tubbs informed of legislation regarding TVA in-lieu-of-tax payments that could change the amount of funding the county would receive, especially for economic development purposes.

M. Judge Miller informed that the Director of the Agency for Substance Abuse Prevention submitted an Ordinance which if approved would prohibit the possession or sale of bath salts or herbal incense products that provide a marijuana-like high when smoked. Currently there is legislation in Frankfort dealing with this issue and action is expected soon.

O. Com. Drew informed that the annual Marshall County Responders Dinner will be held on Saturday, March 10<sup>th</sup> at Marshall County High School.

P. Sheriff Byars informed that the decision has been made by TVA to dissolve their police force. TVA will no longer have uniformed officers and any police protection for the area they're now serving will have to be provided by the Sheriff's Office.

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

R. Judge Miller called Court back into regular session and informed that for the past six months, a program through the Purchase Area Development District known as Project Water, has provided a worker for the Road Department and that program has now ended. Mitchell Steyers, who is the worker, has been an excellent worker and Judge Miller recommended that he be hired on a 90 day trial basis as a new employee. A motion was made by Com. Anderson and seconded by Com. Gold to lift the hiring freeze. All voted aye. Motion carried. A motion was made by Com. Anderson and seconded by Com. Gold to hire Mitchell Steyers to fill one of the vacancies at the Road Department. Com. Drew asked how many employees were still needed at the Road

Department. County Road Superintendent Russell York answered three or four. All voted aye. Motion carried. A motion was made by Com. Gold and seconded by Com. Anderson to reinstate the hiring freeze. All voted aye. Motion carried.

S. For the past several years, approximately one-half of the employees at the Road Department have been working four – ten hour days and the other half are working five – eight hour days. Judge Miller asked if there was any objection to continuing those work hours. There were no objections.

T. Larry Whitt, Director of Parks complemented the Road Department for work on the road to the lake in the park. There were some washouts the park crew couldn't fix correctly and he contacted Mr. York, who sent over a couple of men and some equipment and did an excellent job. Mr. Whitt added that he wanted to publically thank them for a job well done.

U. 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