

Marshall County Fiscal Court  
March 20, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, March 20, 2012 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; and Assistant County Attorney Jason Darnall were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. George Milam addressed the Court on behalf of the Marshall County Arts Commission. The Court, along with the City of Benton, has entered into an agreement with the Kentucky Association of Counties to underwrite a loan for the Children's Art Center. Funding would be provided through the Department for Local Government. Bids were opened in December and were \$300,000 more than anticipated. Mr. Milam asked for the Court's consideration of increasing the amount underwritten along with the City of Benton from \$200,000 to \$300,000. Following discussion, a motion was made by Com. Drew and seconded by Com. Gold to increase the amount as requested to \$300,000. Com. Drew said she knows the group is raising funds and is very confident they will be able to meet their obligation. All voted aye. Motion carried.

Mr. Milam informed that last May, the Court passed along a request from KACo asking for a photograph from each county to be hung in KACo's building in Frankfort. Johnnie Davis who is one of the county's local artists has been working on a collage and she almost has it completed. The subject is one that has changed this county – Kentucky Dam. Brian Roy, who works at KACo has seen the proofs and said it is the best one so far that's been submitted.

B. Jailer Roger Ford presented the budget for FY 2012-13, which at \$2,062,000 is \$48,500 more than the previous year's budget. The County Attorney has reviewed it. A motion was made by Com. Gold and seconded by Com. Anderson to accept the Jail Budget for FY 2012-13 as submitted. All voted aye. Motion carried.

Mr. Ford informed that the Jail Policy & Procedure Manual has been reviewed by the County Attorney and the state Department of Corrections. He asked for the Court's acceptance of the Policy & Procedure Manual. A motion was made by Com. Anderson and seconded by Com. Gold to accept the document as requested. All voted aye. Motion carried.

Mr. Ford informed that one of the vehicles used for transporting prisoners is out of commission. It is one that was purchased from the Sheriff's Office when Commissioner Anderson was Sheriff. On the vehicles used by the jail, one has over 200,000 miles, the 15 passenger van has over 100,000 miles on it, and another has 80,000 miles on it. He asked for the Court's permission to search for a vehicle to replace the vehicle that is out of commission. Com. Drew asked if the funds would come from the reserves in the jail

budget. Treasurer Emily Martin replied that it could be done through a budget appropriation transfer. A motion was made by Com. Drew and seconded by Com. Anderson to approve Roger Ford to re-appropriate funds to purchase a vehicle. All voted aye. Motion carried.

Com. Gold asked if Marshall County Jail houses prisoners from other counties in the area that don't have jails. Mr. Ford replied that some are housed here, while other counties, like Livingston County, send their prisoners to McCracken County through an agreement between the two.

Mr. Ford informed that plans are underway for the 20<sup>th</sup> Anniversary of the opening of the Detention Facility. There are two employees retiring in a couple of months with 20 years of service.

C. The following spoke regarding the Marshall County Animal Shelter/Humane Society issue:

- Kaye Hutchison was in favor of the county leasing the Humane Society Building. Ms. Hutchison cited additional money that was pared down from the Animal Shelter's budget by the new staff under the direction of the Animal Shelter Committee. She stated that she believes that money can be used to operate the Humane Society building at no additional cost to the county.
- Jamie Poe was against the county leasing the Humane Society Building. He said that the Animal Shelter is not a no-kill facility and with the addition of another building, there is no way the two facilities can be operated for the cost of one. He also asked why the Humane Society wants to join with the Animal Shelter at this time.
- Don Thomas was against the county leasing the Humane Society Building. He said that he is a responsible pet owner and also an economist. He took the information to an Economist from Murray State University on the costs to run the Animal Shelter and the Humane Society and they ran the numbers. The projected costs after the 10 year initial period are between \$1.1 and \$1.2 million. Mr. Thomas suggested that the county consider placing \$50,000 in a spay/neuter account and work with the veterinarians in the county to help reduce the number of unwanted animals. He added that what we have now is working and there is no need to fix it.
- Jeri Harrell was in favor of the county leasing the Humane Society Building. Ms. Harrell acquired records from the Animal Shelter and said she believed the

money that had been budgeted but was not being used could be put toward running the Humane Society building at no additional cost to the county.

- Mark English, who lives on Holland Road directly behind the Humane Society Building sent a letter and was also present. He stated his concerns about noise control and the need for a sound barrier being placed around the property. Some type of sound barrier is being looked into for the facility.

Judge Miller thanked everyone for expressing their opinions. Com. Gold outlined his plan, projected savings and cost analysis for a 10 year period and added that at the end of the lease, the county would have a physical asset if the current animal shelter facility is expanded.

D. Sheriff Byars asked if the Court had the opportunity to look over the COPS Hiring Grant information that was distributed during the last meeting. A motion was made by Com. Drew and seconded by Com. Gold to allow Sheriff Byars to apply for the grant funds. The money from the grant can be used to pay a salary if an officer is in danger of being laid off. Sheriff Byars added that there is a possibility of having to lay off an officer and if these grant funds are received, it would be a huge asset.

Sheriff Byars read a Resolution authorizing the Sheriff's Office to make application for and, upon approval, to enter into an agreement with the US Department of Justice, Office of Community Oriented Policing Services, to execute any documents which are deemed necessary, administer the project, and to act as the authorized correspondent for the project. A motion was made by Com. Drew and seconded by Com. Anderson to approve the Resolution as presented. All voted aye. Motion carried.

## II. CORRESPONDENCE:

A. Lee Grassley, Government Relations with Mediacom announced that on or about April 7<sup>th</sup>, the following channels will be added at no cost to customers subscribing to Family Channel programming: ABC Family; Animal Planet; BET; Cartoon; Discovery; Encore; Fox News; Lifetime; Starz Edge; & TLC.

B. Judge Miller read a Proclamation declaring April 2012 as "Confederate History and Heritage Month" in Marshall County. A motion was made by Com. Drew and seconded by Com. Gold to approve the Resolution as presented. All voted aye. Motion carried.

C. Von Puckett & Rhonda Morgan, Community Easter Egg Hunt Co-Chairs with Gerdau, Calvert City asked for the Court's consideration again this year of providing a

monetary donation of \$300 for the annual Easter Egg Hunt for the 600-plus children. A motion was made by Com. Drew and seconded by Com. Gold to donate \$300 as requested. All voted aye. Motion carried.

D. Judge Miller reported that TVA has made the decision to disband their police force valley-wide. Sheriff Byars urged people to contact their US Senators and Representatives about this situation as well as the TVA representatives. Janeese Everett, with Congressman Whitfield's Office was present and informed that they are sending out letters this week opposing the disbandment.

E. Christian Fellowship Church is holding a Volunteer Appreciation Luncheon for Marcella's Kitchen at 12:30 p.m. on March 25<sup>th</sup>. The Court members are invited to the luncheon. The Empty Bowl Project will be held at Marshall County High School between 11:00 and 2:00 on April 19<sup>th</sup>.

F. The Incredible Colon is in the county today from 9:00 to 3:00 at the Joe Creason Community Building. It is a 20-foot long , 10-foot tall, walk through replica of the human colon designed to educate the public about colorectal cancer.

### III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. English to approve the minutes of the March 6, 2012 meeting. All voted aye. Motion carried.

B. Judge Miller said that good points were made earlier in the meeting on both sides of the Animal Shelter/Humane Society issue. At his request, Gary Teckenbrock, Special Projects Crew Foreman put together an estimate for adding 34 runs to the current Animal Shelter. The material cost will be \$52,313 with the Special Projects Crew doing the work. Com. Drew noted this was just dog runs and doesn't include any additional space for volunteers or cats. She said she had a petition with 500 plus signatures in favor of the county leasing the Humane Society Building and asked that the Court give that plan consideration and if that doesn't work, then to withdraw from the lease. Com. Drew asked to try it for one year. Com. Gold asked about the possibility of the Humane Society housing any animals from the shelter if it is overcrowded. Com. Drew asked Com. Anderson what his thoughts were on this issue. Com. Anderson said that what had been going on was an absolute disaster and when he considered everything, he would vote to double the new staff's salary if he could. He also said that he still doesn't know which will work out the best. If it doesn't work, we can opt out. To that end, he said his vote would remain the same. Com. Gold pointed out that a deadlocked vote would leave the county in the 10 year lease. He added that the new

staff has taken some wonderful steps. Com. Drew offered to not vote if the lease was tried for a one year period. Jailer Roger Ford asked if inmates would be used at the Humane Society building if the county entered into the lease. If so, there were two problems he could foresee – he doesn't feel comfortable sending two or three inmates there if there's only one female at each building; and also the fact that the Humane Society building is located by itself as opposed to the Animal Shelter, which is at the landfill and other county employees are in the immediate area. Judge Miller said he would like to see the current facility expanded and if we have overflow to try to contract with the Humane Society. This issue was tabled.

C. Judge Miller gave an update on the Madisonville Medical Examiner's Office. Money has been appropriated in the budget to keep the office open.

D. Governor Beshear recently announced that the Eggners Ferry Bridge will be repaired and open by the day before Memorial Day. The firm that repaired the Minton Ferry Bridge will also be working on Eggners Ferry Bridge.

E. The issue of conflicts in scheduling random drug testing has been worked out.

#### IV. NEW BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to accept the Audit Report for the year ending June 30, 2011 from the Briensburg Fire Protection District. All voted aye. Motion carried.

B. Following the second reading of Ordinance #2012-03 (budget amendment), a motion was made by Com. Gold and seconded by Com. Anderson to approve the second reading and adopt Ordinance #2012-03. All voted aye. Motion carried.

C. A bid opening was held for mowing 31 properties owned by the Marshall County Fiscal Court. Advertisement for bids was published in the February 28<sup>th</sup> edition of the Tribune Courier. Seven bids were received and are as follows:

1. Trent Frizzell - \$21,780.00
2. Scott Oakley - \$40,822.00
3. Oakley Lawn Service - \$31,500.00
4. Stevenson Lawn Care - \$38,900.00
5. Adam Miller - \$24,576.00
6. Keith Westfall - \$43,000.00
7. Marshall County Lawn Service - \$29,323.84

The Court took a short recess and Larry Whitt, Marshall County Parks Director left to review the bids.

Judge Miller called Court back into regular session. Mr. Whitt recommended the bid be awarded to Trent Frizzell, with the low bid of \$21,780.00, subject to proof of insurance. Com. Anderson & Com. Drew voted aye. Com. Gold abstained from voting – he is related to Mr. Frizzell. Motion carried.

D. On behalf of the Marshall County Genealogical Society and Archives, Justin Lamb submitted a background on the Sprout Spring Historical Marker, which was erected in 1999 four miles east of Benton at 1800 Foust Sledd Road. The marker contained details of the first fiscal court meeting which founded Marshall County in 1842. In 2008, the marker was vandalized and sent to the state highway department in Mayfield to be repaired. However, the marker was too damaged for repair and the highway department advised to contact the Kentucky Historical Society about replacing it. In years past, the Historical Society would replace damaged historical markers at no cost, but due to budget cuts they cannot bear the entire cost. They have offered to pay 80% of the cost (\$1,750) and have the sponsor, which is the Fiscal Court, pay the remaining 20% (\$350). A motion was made by Com. Anderson and seconded by Com. Gold to appropriate \$350 to replace the Sprout Spring Marker. All voted aye. Motion carried.

E. The Payroll Fund Accounts Receivable Report as of March 16, 2012 is as follows:

	<u>2011</u>	
<u>From</u>		<u>Amount</u>
Marshall County Sheriff's Department*		\$ 58,851.60
Marshall County Attorney's Office		\$
Marshall County Clerk's Office		\$ _____
	Total Approved	\$ 58,851.60

\*Includes outstanding Homeland Security Grant

	<u>2012</u>	
<u>From</u>		<u>Amount</u>
Marshall County Sheriff's Department		\$251,050.01
Marshall County Attorney's Office		\$ 6,477.80
Marshall County Clerk's Office		\$ _____
	Total Approved	\$ 257,527.81

A motion was made by Com. Drew and seconded by Com. Anderson to approve the Payroll Accounts Receivable Report. All voted aye. Motion carried.

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

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

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

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

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

I. Russell York reported that grass retardant spraying will begin Monday on the right-of-ways.

J. Com. Anderson suggested that the Policy & Procedure Manual be updated prior to the budget. Treasurer Emily Martin said that approximately 85% of a draft of the update has been completed and she will e-mail a copy to the Court members for their review.

K. Sheriff Byars informed that he has been contacted by the US Coast Guard with a request for help from the Sheriff's Department during the hearing concerning the ship hitting Eggners Ferry Bridge, scheduled for April 17<sup>th</sup> thru 21<sup>st</sup> at Kenlake State Resort Park. Judge Miller said we were told the different entities would be reimbursed and all departments are keeping receipts of all expenditures.

L. 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