

Marshall County Fiscal Court  
April 15, 2014

The Marshall County Fiscal Court met in regular session on Tuesday, April 15, 2014 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, 1101 Main Street, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Stuart Foster, Western Kentucky University addressed the Court regarding the Kentucky Mesonet Weather Station. Mesonet is a group of automated weather and climate monitoring stations that measure air temperature, precipitation, solar radiation, relative humidity, and wind speed and direction. Soil moisture and soil temperature are monitored at selected sites. A station has been active in Marshall County for several years, and due to budget cuts, WKU is asking the communities in which the stations are located, to help provide funding to continue operations. Mr. Foster asked for the Court's consideration of contributing \$5,000 annually and WKU will match the contribution. Upon recommendation by Judge Miller, a motion was made by Com. Drew and seconded by Com. Gold to appropriate \$5,000 annually for the continuing operation of the Mesonet Weather Station. All voted aye. Motion carried.

B. Martin Johnson, Benton City Attorney, addressed the Court regarding an interlocal agreement for the implementation of the expanded building inspection program. He informed that there are several building jobs that have been put on hold waiting for this program to begin. The county Building & Electrical Inspector, Larry "Cat" Spears has agreed to accept the responsibility if there is someone working under him while training. He continued by saying that the city would provide the permits on a temporary basis, and the information would then be turned over to the county's Building Inspection Department. Judge Miller has not spoken with Calvert City Mayor Lynn Jones to see if the city would also be interested in participating in the agreement. Loyd Ford, Owner & Editor of The Lake News, informed that from his understanding, Calvert City resident Larry Mahaffy is a retired state inspector and Calvert City is negotiating with him to do their inspections. Com. Gold said he believes that two or three people have come forward who are interested in this position, and he would like to start the interview process. He added that he would like to push back to the state on the whole issue. Com. Drew asked Mr. Johnson if he had any ideas on how to educate the public on this new law regarding inspections. She recommended that the steps be put on the county's website. Judge Miller recommended that the county enter into a temporary interlocal agreement so that construction can continue on the jobs that are currently stopped. A motion was made by Com. Drew and seconded by Com. Gold to sign an interlocal agreement with the City of Benton, which would allow Larry "Cat" Spears to do residential inspections for the City of Benton. All voted aye. Motion carried.

C. Michael Oliver, Transportation Engineer Supervisor with the Kentucky Department of Transportation presented the Rural Secondary Recommendations for 2014-2015 which is as follows:

Marshall County Tentative Allocation	\$1,523,576.00
Undistributed Balance	\$ 178,959.00
1. Maintenance of 130.012 Miles @\$3500 per mile	\$ (455,042.00)
2. County Judge/Executive Expenses	<u>\$ (3,862.00)</u>
Sub-Total:	\$ (458,904.00)
Balance for Improvements:	\$1,243,631.00

Recommended Improvements

3. County "Flex" Funds <u>(15% of \$1,523,576)</u>	\$ 228,536.00
4. KY 2603 – Tom Lane From: MP 0.000 – KY 58 To: MP 5.074 – KY 408 5.074 Miles of Resurfacing	\$ 406,155.00
5. KY 1712 – Griggstown Road From: MP 0.000 – KY 782 To: MP 2.611 – US 68 2.611 Miles of Asphalt Resurfacing	\$ 221,935.00
6. KY 1897 – Olive-Hamlet Road From: MP 0.000 – KY 962 To: MP 4.553 – KY 408 4.553 Miles of Asphalt Resurfacing	<u>\$ 387,005.00</u>
12.238 Miles of Resurfacing	\$1,243,631.00

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

D. Tina McCormick, Director of the Marshall County Health Department, informed that the Board has recommended that the tax rate be set at 7.5% for FY 2014/15. The appraisal for the building in Calvert City was distributed to the Commissioners during the April 1<sup>st</sup> meeting. Judge Miller said that both he and Com. Drew have stated their opposition of leaving the residents of Calvert City without medical care if the clinic closes. The building is co-owned by the Court, the Health Department and the Marshall County Hospital, but the rent is being paid to the hospital only. During discussion, Judge Miller offered to set a meeting with the Calvert City Council or the doctor who is currently renting the facility to see if either would be interested in buying the property. Mrs. McCormick added that furniture will be moved into the new Health Department on April 28<sup>th</sup> and the IT people will need two days to connect all of the computers, etc. Hopefully by May 1<sup>st</sup>, the new building will be up and operational. Com. Drew asked regarding the tax rate, if there was a potential of it being lowered in the near future. Mrs. McCormick replied that at this time she wasn't sure, but would have an idea after the new department becomes operational. A motion was made by Com. Anderson and seconded by Com. Gold to approve the requested 7.5% tax rate for FY 2014/15 for the Marshall County Health Department. All voted aye. Motion carried.

E. Troy English, Supervisor of the Marshall County Landfill, addressed the Court regarding the nuisance complaints turned in to the board by Sheriff Byars on the properties in Old Gilbertsville. The board has given the property owners 30 days to clean up the properties and if they are not cleaned by the end of that time, the owners will receive a letter from Attorney Denny Null. Mr. English informed that recently, Jeff Thompson has removed a mobile home and cleaned up the property, and it was immaculate when he was finished. Following further discussion about the nuisance complaints, no formal action was taken.

F. Parks Director Larry Whitt informed that the Road Department has purchased a new, larger tire changer. He has spoken with Russell York, Road Department Superintendent, and asked if the old tire changer could be transferred for use at the Park. A motion was made by Com. Anderson and seconded by Com. Gold to transfer the tire changer to the park as requested. All voted aye. Motion carried.

## II. CORRESPONDENCE:

A. David Green, Director of Communications for Kentucky Lake Motor Speedway, requested a variance for the hours of operation for a UMP-sanctioned race scheduled for April 26<sup>th</sup>. The winner of the 40-lap main event will receive \$10,000. The request is for an additional one hour and 30 minutes – moving the hours of operation to 5:30 to midnight. Judge Miller informed that the first race finished around 10:30, which

was an hour before the permitted time. A motion was made by Com. Anderson and seconded by Com. Drew to allow the variance as requested for the April 26<sup>th</sup> race. All voted aye. Motion carried.

B. Bryan Blair, Kentucky State Fair, sent a letter of invitation for the county to consider participating in the 2014 Kentucky State Fair Pride of the Counties exhibit. No formal action was taken.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Anderson to approve the minutes of the April 1, 2014 meeting. All voted aye. Motion carried.

B. Jeff Edwards informed that he will have a draft regarding the watershed issue. He will provide the draft to the Conservation District for their review and then present it to the Court.

C. Sheriff Byars informed that one of the property owners who is not in abeyance of the Nuisance Ordinance (property located at 63 Hall Drive, Gilbertsville), has requested that the county clean up the property and send a bill. Discussion was held about drafting a spec sheet for contractors to go by if they are hired to clean up such a property. Jeff Edwards informed that if it is put out for bids, a spec sheet will have to be ready for the contractors.

D. Com. Anderson said he wished Loyd Ford hadn't left the meeting, because he had an issue with a column that was published in the March 26<sup>th</sup> edition of The Lake News. Com. Anderson said that this court did not change former Animal Control Officer Golden Kirk's pay from \$2,000 per month to \$1,000 per month and wanted to make sure that was clear. He said that was being told throughout the county and it did not happen. Com. Gold said that we (the court) agreed to ask Golden Kirk to see if he would be willing to change duties – only riding along with the Animal Control Officers in a supervisory position for \$1,000 per month. Judge Miller said that he was asked by this court to see if Mr. Kirk would be willing to change duties to a ride along – supervisory position, with a reduction in pay from \$2,000 per month to \$1,000 per month and that's what he did. He added that Mr. Kirk decided not to accept the change in duties and cut in pay and submitted his resignation.

IV. NEW BUSINESS:

A. Following the second reading of Ordinance #2014-02 (Budget Amendment), a motion was made by Com. Gold and seconded by Com. Anderson to approve the

second reading and adopt Ordinance #2014-02. All voted aye. Motion carried.

B. Following the second reading of Ordinance #2014-03 (Amendment to the 2013 Tax Rates), a motion was made by Com. Gold and seconded by Com. Drew to approve the second reading and adopt Ordinance #2014-03. All voted aye. Motion carried.

C. Normally the annual bids are held during the second meeting in April. Judge Miller informed that the bid opening will be held during the first meeting in May so that Russell York can be present to review the bids and make any needed recommendations.

D. Judge Miller read a Proclamation naming May 1, 2014 "Day of Prayer" in Marshall County, in conjunction with the National Day of Prayer. A motion was made by Com. Gold and seconded by Com. Drew to approve the Proclamation as presented. All voted aye. Motion carried.

E. The Marshall County Cooperative Extension Service submitted the budget for FY 2014/15. A motion was made by Com. Drew and seconded by Com. Gold to accept the budget. All voted aye. Motion carried.

F. A petition was submitted requesting that John Mason Drive (new road) and James Martin Drive (existing road) be accepted into the county road maintenance system. Judge Miller appointed Josh Tubbs, Bobby Gifford, and Russell York as Road Viewers and scheduled a public hearing for the second meeting in May.

G. The Gilbertsville Fire Protection District submitted the budget for FY 2014/15. A motion was made by Com. Drew and seconded by Com. Anderson to accept the budget. All voted aye. Motion carried.

H. The Jonathan Creek Water District submitted the audit report for year ended December 31, 2013. Judge Miller reported that it was a clean audit. A motion was made by Com. Gold and seconded by Com. Anderson to accept the audit report. All voted aye. Motion carried.

I. Judge Miller read the Animal Shelter report for March which is as follows: Animals in the pen as of 2/28/2014 – 64; brought in by Animal Wardens – 38; brought in by citizens – 51; total animals taken in – 89 (dogs – 46; cats – 14; puppies – 24; & kittens – 5); adopted – 70; animals in foster care – 1; reclaimed – 4; euthanized – 8; & animals in the pen (& in foster care) as of 3/31/2014 – 72; adoption fees - \$1,570.00.

J. Emily Martin presented the Animal Shelter's Donation Account Fund Report.

K. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Quarterly Encumbrance Report. All voted aye. Motion carried.

L. The Payroll Fund - Accounts Receivable Report as of March 31, 2014 was submitted and is as follows:

From	Amount
Marshall Co. Sheriff's Department	\$331,413.08
Marshall Co. Attorney's Office	\$
Marshall Co. Clerk's Office	\$
Total Approved	\$331,413.08

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

M. 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.

N. Judge Miller read the Kentucky Department of Workers' Claims Drug-Free Workplace Renewal Affidavit for the Court's consideration. A motion was made by Com. Gold and seconded by Com. Anderson to continue with the Drug-Free Workplace Program. Motion carried.

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

P. Com. Drew informed that the survey has been completed on Chapel Lane. The Court heard a request in an earlier meeting to widen the roadway. The next step will be the preparation of quitclaim deeds for the adjacent property owners' signatures.

Q. When a culvert was replaced by the county on Monroe Street, water is now apparently being diverted onto private property. Com. Drew asked if there was any exception – if the county caused such a problem off of the right-of-way, for the county to fix the drainage problem. County Road Superintendent Russell York was not present, but will be asked to look at this situation and make a recommendation to the Court.

R. Com. Anderson said he has been contacted by Shane Carroll of Tubbs Road concerning a similar problem. When a culvert was replaced, and it rains approximately an inch, the gravel is washing out into Mr. Carroll's yard. Com. Anderson asked if the

county could fix the problem so gravel doesn't have to be replaced in that area every time it rains. County Attorney Jeff Edwards relied that if it will happen repeatedly, and it's on the right-of-way, it can legally be done.

S. Com. Anderson has also been contacted by Mark Ivey, near Moor's Camp and there is approximately a 100' culvert under the driveway to his shop. Gravel is also being washed away. Com. Anderson and Mr. York have looked at the situation. Com. Anderson suggested that a 50' culvert be put in to replace the existing one. He added that the Road Department is putting in load after load of gravel to fix the area after a rain. County Attorney Jeff Edwards asked if the area is all on the right-of-way. Com. Anderson replied that it is, the property owner said he couldn't afford to pay for the culvert. Mr. Edwards replied that it's within our realm. It will be not only a cost saving measure, it will protect the road.

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

U. Judge Miller called court back into regular session and informed that there will be a special budget workshop on Tuesday, April 22<sup>nd</sup> at 3:30.

V. Judge Miller informed that spec sheets will be developed for cleaning up property that is not in abeyance of the Nuisance Ordinance, we need to do this – because the Court will be placing liens on the properties.

W. Russell York has accumulated 80 hours of comp time. A motion was made by Com. Gold and seconded by Com. Drew to pay him for 5 hours of comp time. All voted aye. Motion carried.

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

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

Respectfully submitted by:

Melonie Chambers  
Fiscal Court Clerk