The Marshall County Fiscal Court met in regular session on Tuesday, April 5, 2011 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners, the County Attorney and Assistant County Assistant County Attorney were present. Mike Miller, County Judge/Executive presided.

Judge Miller opened the meeting and informed that Ben Laslie, the 18 year old son of Wanda Laslie, the Administrative Assistant of the Kentucky County Judge/Executive’s Association was killed in a car accident with two of his friends. Judge Miller asked that all involved be remembered in prayer.

I GUESTS:

A. The following representatives from the North Marshall Water District addressed the Court:
   1. Scott Solomon said the customers can’t get any answers and they are here to ask for help in getting answers. The Kentucky State Police is conducting an investigation of the allegations of wrongdoings at the North Marshall Water District and Judge Miller said that as long as the investigation is ongoing, all we have to go on are allegations, speculation and innuendoes. Judge Miller added that two weeks ago, he requested information from KSP and was told that no information would be divulged on an ongoing investigation. Mr. Solomon said one of his concerns is where all the money has gone and there is no management or control. The County Attorney said he has received one written complaint and is gathering information regarding it. He recommended that Mr. Solomon also file a written complaint with the Judge’s Office and he will have more information for the Court and the Public Service Commission if needed. Following several questions from Mr. Solomon regarding who they needed to meet with – Mr. Edwards or Judge Miller, Mr. Edwards replied that he would be glad to meet with them and go over their requests.
   2. Mike Thompson asked if the Court has seen a copy of the North Marshall Water District Audit for 2009/10 which was recently completed. Mr. Thompson also commented about how long it took to do the audit for that year. He also asked if any of the Court members had seen or read a report by Attorney Martin Johnson, which was given to the North Marshall Water District Board over a week ago. The Court members stated that they had not. Mr. Thompson said Mr. Johnson was hired to do an “in house” investigation by the NMWD. Jeff Edwards replied that the Court doesn’t have any more power as far as private records than any other individual. Mr. Thompson said he was told what the contents of the report were and he felt that it should be made public. Com. Drew asked if the Court could request a report from NMWD on the finances.
   3. Charlotte Keogh said one of her main concerns was the lack of financial oversight. She gave an example where a $20 uniform item was discussed for 30
minutes but discussion wasn’t held about several thousand dollars for payments that had a forged signature on it. She added that the customers want to know the board is looking out for their best interest.

Mr. Edwards, Ms. Keogh, Mr. Thompson & Mr. Solomon scheduled a meeting for this afternoon.

B. Bobby Gifford, Director of Water Vision 2020 presented a drawdown request on WX21157050 in the amount of $287,172.00. A motion was made by Com. Gold and seconded by Com. Anderson to approve the drawdown request as presented. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. JoHuana Leavell-Greene, Branch Manager of PVA Administrative Support, Department of Finance & Administration informed that Marshall County’s estimated statutory obligation to the Property Valuation Administrators for FY 2011/12 is $78,500. A motion was made by Com. Drew and seconded by Com. Gold to appropriate $78,500 to the PVA Office as obligated. All voted aye. Motion carried.

B. The Third Annual Relay for Life Softball Tournament will be held at H.H. Lovett Park on June 4th. Andrea Davis is the Fiscal Court Relay for Life Team Captain this year.

C. Sally Bloom, Senior Manager of Government & Community Relations of Mediacom informed that rate changes would again become effective beginning on or about May 1st. They are as follows:

<table>
<thead>
<tr>
<th>Service</th>
<th>Change in Price</th>
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<tbody>
<tr>
<td>All digital receiver with remote</td>
<td>$ 0.50</td>
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<tr>
<td>Mediacom Online Intro</td>
<td>($2.00)</td>
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<tr>
<td>Mediacom Online</td>
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<tr>
<td>Mediacom VIP Online</td>
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<td>Mediacom Online Max</td>
<td>($5.00)</td>
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<tr>
<td>Mediacom Ultra 50</td>
<td>($5.00)</td>
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<tr>
<td>Mediacom Online Ultra 105</td>
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D. Congressman Whitfield sent a letter of reply to Judge Miller’s letter supporting Community Development Block Grants. The Congressman also pledged his support of the CDBG program.
E. Gene Kiser, Acting Executive Director of the Kentucky Department of Homeland Security informed that in the wake of the earthquake in Japan, the Department has designated the New Madrid fault zone as the National Level Exercise for 2011. NLE 2011 will focus on regional catastrophic response and recovery activities between federal, regional, state, tribal, local and private sector participants. Kentucky is one of eight states participating in the NLE 2011, which will commence the week of May 16th through 21st. In preparation for these possible events, Homeland Security and the National Institute for Environmental Health Sciences are jointly sponsoring an earthquake preparedness seminar for Community Response Team members, Judge/Executive, Sheriffs & Emergency Managers on Saturday, April 30th at the Kentucky Dam Conference Center.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Drew to approve the minutes of the March 15th meeting. All voted aye. Motion carried.

B. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the March 24th special called meeting. All voted aye. Motion carried.

C. Judge Miller read a proclamation he signed naming April 1st Arbor Day in Marshall County. A motion was made by Com. Drew and seconded by Com. Gold to approve the Proclamation as presented. All voted aye. Motion carried.

D. County Attorney Jeff Edwards presented a Resolution which, if approved would authorize West Kentucky Rural Telephone cooperative Corporation, Inc. right of way use of Marshall County property, roads, and all for the construction of a fiber optic network system. A motion was made by Com. Gold and seconded by Com. Drew to approve the resolution as presented. All voted aye. Motion carried.

E. The flooding situation off of Patriot Street has been alleviated with the installation of a larger sewer. Com. Drew added that she will be working with the Road Department and suggested a three year road plan for areas like this that need addressing.

IV. NEW BUSINESS:

A. County Treasurer Emily Martin reported on the reverse auction for salt. Two companies submitted bids: North American Salt Company - $69.11 per ton & Cargill Deicing Technology - $90.00 per ton. A motion was made by Com. Gold and seconded
by Com. Anderson to accept the bid from North American Salt Company. All voted aye. Motion carried.

B. Park Director Larry Whitt reported on the bids for mowing. Seven bids were submitted for mowing & maintaining 30 properties that are currently maintained by the county. All of the bids did meet the specifications and are as follows: A & C General Land Care - $25,200.00; Trent Frizzell - $25,320.00; Shane English - $42,000.00; Tracy Stevenson – $45,000.00; Oakley’s Lawn Care - $48,500.00; JS Lawn Care – $50,400.00; Marshall County Lawn Service - $52,856.90. Com. Anderson suggested that Mr. Whitt interview the low bidder to make sure he can perform the services. A motion was made by Com. Anderson and seconded by Com. Gold to accept the low bid of $25,200 from A & C General Land Care contingent on Mr. Whitt’s findings & recommendation. All voted aye. Motion carried.

C. Gary Taylor is retiring from the Park Department. A retirement luncheon will be held Friday at Cactus Jacks in Draffenville.

D. A building which housed a drug store on Hwy 62 in Possum Trot is in shambles and Judge Miller has received complaints. He will send a letter to the owners and give them time to address the problem.

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

F. Judge Miller called Court back into regular session and reported that Road Department Superintendent Gary Atkins will be retiring at the end of this month. He added that he is facing a serious surgery at the end of May.

G. The new Veterans Van that the Court has been working with other to acquire to transport area veterans as needed to medical facilities has been given to another agency. Because of a dispute over who which entity (Department of Transportation or the Veterans Administration) would hold title to the vehicle, the van will be given to another group. Money had been donated through the VFW Post 5739 Ladies Auxiliary to help with the van. A representative of the Post requested that the money be returned because it was donated for that specific purpose. If the people who donated the money want to, the Post will return the money to the Veterans Van Fund to keep the old vans in operation. A motion was made by Com. Drew and seconded by Com. Gold to return the donations for the new van to VFW Post 5739 Ladies Auxiliary. All voted aye. Motion carried.
H. Also from the Executive Session, Jeff Edwards is going forward for additional information on the North Marshall Water District complaints.

I. A motion was made by Com. Gold and seconded by Com. Anderson to approve payment of the bills. Com. Anderson questioned a bill for repair to a concrete driveway for salt damage. Judge Miller replied that Gary Atkins said the damage was done by the Road Department. All voted aye. Motion carried.

J. Jeff Edwards presented a deed for the former Barnes Grocery property. A motion was made by Com. Anderson and seconded by Com. Gold to authorize Judge Miller to sign the deed on behalf of the Court. All voted aye. Motion carried.

K. Discussion was held about an open dump situation and a steep embankment near Salyer Creek Cemetery. Judge Miller and Com. Drew will go to the site and view the area. The possibility of putting fencing or shrubbery near the embankment was also discussed.

L. Emily Martin informed that Park Enterprises is the company that programs the county’s voting machines. Currently the county is paying approximately $25,000 per election and Park Enterprises has offered a billing payment option. There will be six elections in the next four years including this year. The monthly payment would be $3,137.00 for 48 months. Ms. Martin recommends the monthly payment because of the budget situation we are in currently. She added that County Clerk Tim York also recommended it. A motion was made by Com. Gold and seconded by Com. Drew to make monthly payments to Park Enterprises as recommended. All voted aye. Motion carried.

M. Ms. Martin asked about the quarterly Subsidy Payment for the Sheriff’s Department. The Sheriff’s Department currently owes $61,461.08 for payroll from 2010. She suggested two options:

1. Pay the normal subsidy to the payroll fund rather than to the Sheriff to account for the amount owed by the Sheriff for 2010 payroll, leaving a $6,461.08 balance due.
2. Issue a Subsidy Payment for this quarter to the Sheriff, but also pay $61461.08 from the general fund to cover the 2010 deficit left in payroll fund due to his 2010 settlement.

She asked for the Court’s direction. Following discussion, a motion was made by Com. Drew and seconded by Com. Anderson to pay the Sheriff’s normal quarterly subsidy payment at this time. All voted aye. Motion carried.
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N. Sheriff Byars informed that the estimate on cruisers on the state contract price is $26,825.00.

O. 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