The Marshall County Fiscal Court met in regular session on Monday, May 9, 2011 in the Old Circuit Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners, Assistant County Attorney and County Attorney were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Melissa Combs, Director of the Office of Emergency Management gave an update on flooding throughout the county. The National Guard has been activated and are assisting with security and patrols in the flooded areas. Currently there are 25 roads still under water. Ms Combs expressed her appreciation to the National Guard, Road Department and everyone who has worked tirelessly providing aid during this disaster.

During the tornado and ice storm, the court required all contractors doing repair work in the county to apply for a permit and provide proof of insurance and bonding for their company, in order to protect the residents from unscrupulous people coming in to the area and taking advantage. A motion was made by Com. Anderson and seconded by Com. Drew to again require contractors to obtain a permit. There is no cost for the permit. All voted aye. Motion carried.

B. Larry Whitt, Parks Director informed that three bids were submitted for the construction and installation of the splash pad at the park. The Park Board’s recommendation is that the bid be awarded to Bluegrass Recreation, which was the low bidder in the amount of $86,528.00. Mr. Whitt added that there is a $70,000 matching grant on this project. A motion was made by Com. Drew and seconded by Com. Gold to accept the bid from Bluegrass Recreation as recommended. All voted aye. Motion carried.

Mr. Whitt reported that representatives from KACO have viewed the flood damage at the park and approval has been given to repair the damages. The bridges on the walking trails were washed away and the lower concession stand was flooded. He will be checking on the day use parks as the water recedes and will report back to the court.

C. Jailer Roger Ford reported that the two non-compliant items noted during a recent jail inspection (slight overcrowding in Dayroom 112 and boiler certification which expired June 16, 2010) have been corrected and are now in compliance. Mr. Ford asked the Court members to get with their respective associations and urge the state to utilize the county jails and not private facilities to house prisoners.

D. Bobby Gifford, Director of Water Vision 2020 presented a drawdown request on WX 21157406 in the amount of $3,968.05. A motion was made by Com. Anderson
and seconded by Com. Gold to approve the drawdown request as presented. All voted aye. Motion carried.

Mr. Gifford also presented a Request for Payment from the Kentucky Infrastructure Authority (KIA) in the amount of $189,996.50 for the Brewers tank. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Request for Payment as presented. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Melanie Thompson, Jonathan-South Family Resource Center asked for the Court’s consideration of providing assistance to the annual Back to School Bash. The event offers many things for families that need help getting ready for the start of a new school year by giving free school supplies, free haircuts, dental sealants, scoliosis screenings and many other services. Each year approximately 1,000 students are helped through this program. Last year the Court contributed $1,000.00. A motion was made by Com. Gold and seconded by Com. Anderson to place this donation back in the program. Discussion was held about the safeguards in place to make sure these supplies go only to Marshall County families. All voted aye. Motion carried.

B. Wayne Onkst, State Librarian and Commissioner of the Kentucky Department of Libraries & Archives, submitted two names for consideration to fill the expired term of Carla Marshall on the Marshall County Library Board which are: Carla Marshall and Karen Gibson. A motion was made by Com. Drew and seconded by Com. Anderson to reappoint Carla Marshall (term to expire April 30, 2015). All voted aye. Motion carried.

C. George Knecht, Chairman of the Fairdealing Olive Fire Protection District sent a letter of appreciation on behalf of the Trustees for the Court’s help with the demolition of the old fire station and enhancement of the fire department property.

D. Brian Andrus asked to address the Court regarding the need to replace radio equipment and switch to narrow band. He informed that he’s done an assessment of agencies that need to be switched and the cost for that change, according to the quote from Jackson Purchase 2-Way Radio is over the $20,000.00 bid limit. Duane Hawes, Assistant Director of the Office of Emergency Management asked if the Health Department had been included in his assessment. It was not included. Judge Miller replied that it will have to be bid because it is over the limit and the Health Department needs to be added to the list.
III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Drew to approve the minutes of the April 19th, 20th, & 25th meetings of the Court. All voted aye. Motion carried.

B. Judge Miller read a Resolution for the Court’s consideration authorizing the county to participate in the Rural Secondary Program with the Commonwealth of Kentucky and the monies committed by the Governor to the Flex Funding Program by Governor Beshear. A motion was made by Com. Drew and seconded by Com. Anderson to approve the Resolution as presented. All voted aye. Motion carried.

C. Dale Hargrove was present regarding the audio/video equipment for the courtroom. He recommended that the Court accept the low quote of $1,984.51 from J M Audio Design of Benton for gooseneck mikes, a power mixer, cables, desk plates, labor, design, installation and 24/7 Tech Support. A motion was made by Com. Drew and seconded by Com. Anderson to accept the quote from J M Audio Design as recommended. All voted aye. Motion carried.

D. Jeff Edwards reported that he has been working on the Animal Shelter Committee and he recommended two people for the committee – Dr. Paul Jaco and Lacey Baker. Following discussion, it was decided that the committee will be named during the next Court meeting.

E. During the April 19th meeting, no bids were submitted for annual bids for bituminous asphalt. Randall Armstrong with Jim Smith Contracting Company sent a letter offering an extension of the current asphalt paving contract, which is set to expire June 30th. The prices on the current contract are: Bituminous Class I Surface - $67.50 per ton and Class I Base - $66.00 per ton. A motion was made by Com. Gold and seconded by Com. Anderson to accept the extension on paving for 2011/12 as offered. All voted aye. Motion carried.

F. The Administrative Office of the Courts has approved the contract for sealant for the Judicial Building.

IV. NEW BUSINESS:

A. Judge Miller sent a letter to Harolyn Lamm, the property owner of two pieces of property in Possum Trot, giving her thirty (30) days to either demolish the two buildings in question or make substantial improvements that will meet the requirements of being safe and livable. One of the buildings is the old drugstore on Hwy. 62, and
since the letter was sent, it burned leaving only the shell of the building. The drugstore shelves still had stock on them. Ms. Lamm sent a letter prior to the fire requesting six months to make the improvements. Ms. Lamm was first notified approximately seven years ago. Judge Miller said as far as he was concerned, she had been given ample time and he was not willing to allow more than 30 days from today to either make the improvements or demolish the buildings. If she does not comply the county would demolish them and send her the bill. A motion was made by Com. Drew and seconded by Com. Anderson to give Ms. Lamm thirty (30) days from today. Com. Gold said the contents of the drugstore might become hazardous if they are all disposed of in a roll away. All voted aye. Motion carried. Jeff Edwards will notify Ms. Lamm by letter of the Court’s decision.

B. Judge Miller asked if the Commissioners were ready to name the Redistricting Committee. Com. Gold recommended Kenneth Howell for District #1, Com. Anderson recommended Billy Driskill for District #2, & Com. Drew recommended Pastor Mike Donald for District #3. County Clerk Tim York will serve as a non-voting member of the committee and schedule a meeting.

C. The Court Facilities Local Government Reimbursement Form for the Judicial Facility was submitted. The estimated reimbursement to the County is $282,826.00, which is the same as last year. A motion was made by Com. Anderson and seconded by Com. Gold to enter into the agreement and authorize Judge Miller to sign the agreement on behalf of the Court. All voted aye. Motion carried.

D. The Jonathan Creek Water District Audit Report for calendar year ended December 31, 2010 was submitted and will be kept on file in the Judge’s Office.

E. A motion was made by Com. Gold and seconded by Com. Anderson to purchase a full page ad in the Tribune Courier’s Fair Tab at a cost of $550.00. All voted aye. Motion carried.

F. During a previous meeting, the Court voted to make individual contributions to the Marshall County Relay for Life instead of paying for a Gold Sponsorship as in the past several years ($2,500.00). In a later meeting, there was confusion regarding whether or not a check had been issued during this fiscal year. A check was issued in January of 2010 but voided because it was requested it a different time (April). The check was reissued for the sponsorship on 4/27/10 so it was not issued for this fiscal year. Com. Drew said the Relay Committee was under the impression that they had the Court’s sponsorship already and that’s how the individual team’s costs were determined. She added that while she is in favor of looking at how we can reduce this,
she almost feels obligated and suggested that next year we need to give everybody enough of a heads up so they can start making plans for whatever those reductions are. A motion was made by Com. Drew and seconded by Com. Gold to be a Gold Sponsor in the amount of $2,500.00 for the 2011 Marshall County Relay for Life. all voted aye. Motion carried.

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

H. A budget workshop was scheduled for the afternoon May 23, following the next Court meeting.

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

J. Judge Miller called Court back into regular session and informed that discussion was held about the need to fill the Assistant Foreman's position created at the Road Department when Russell York was promoted to Road Superintendent. The Court has decided that at this time they will not fill that position and will work with Russell & Frankie Sledd for now.

K. Judge Miller had pictures of flooding around White Oak Creek in the Kerth Road area. Part of the Kerth Road is in Marshall County and part in McCracken County. Judge Miller gave the pictures to Russell York and asked him to check into the situation.

L. Judge Miller read the Marshall County Animal Shelter Report for April 2011 which is as follows: animals in the pen as of 3/31/11 – 20; brought in by Animal Wardens - 36; brought in by citizens – 50; total animals brought in – 86 (dogs – 27, cats – 17, puppies – 26, & kittens – 15); adopted – 34; reclaimed – 4; euthanized – 44; & animals in the pen as of 4/30/11 – 24.

M. Judge Miller informed that a lot of questions that have come up regarding the North Marshall Water District. Bobby Gifford is serving as the Superintendent and has been looking into the situation. He added that of the 75 to 80 questions, Mr. Gifford has found answers to most of them and the Court will have an extra session regarding North Marshall Water and have the opportunity to ask any questions.

N. A motion was made by Com. Anderson and seconded by Com. Drew to approve payment of the bills. All voted aye. Motion carried.
O. Com. Gold said he has a road that he’s been trying to get widened for a while but there is a barbed wire fence that would have to be taken down. He asked if the land owners gave the property to have the road widened and moving the fence could impact the farm, could the county move the fence. Judge Miller replied that it’s been done in the past and he has no problem moving the fence. The Commissioners concurred.

P. There has been a complaint filed about inoperable vehicles and junk on the sides of Gaslight Lane. The right-of-way is only 24’ but everything involved is covered by the Nuisance Ordinance. Russ Randall said that Mr. Gaston still has done nothing to his property in Cambridge Shores.

R. A motion was made by Com. Anderson and seconded by Com. Drew to set the number of summer workers at twenty (20) for the 2011 Summer Work Program. All voted aye. Motion carried.

S. 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