

Marshall County Fiscal Court
May 15, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, May 15, 2012 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; Assistant County Attorney Jason Darnall and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

No one asked to address the Court.

II. CORRESPONDENCE:

A. Mike Arms, with the Association of Tennessee Valley Governments informed that Tennessee Valley Authority (TVA) has estimated that the in-lieu of tax payments for 2013 are likely to decline by 6 to 10 percent. The tax equivalent payments to be paid during FY 2013 are based on TVA's FY 2012 revenues and currently TVA's FY 2012 year-to-date revenues are running significantly lower than last year.

B. Two items of correspondence were submitted regarding TVA's length of stay requirements for campgrounds on TVA land. According to TVA officials, the requirements have been in place for 40 to 50 years, but haven't been enforced. This is not a problem just for the campgrounds in the county, but valley wide throughout the TVA region.

C. Bob Nanney with Nanney Insurance Agency sent a letter and enclosed a letter from a client of his who suffered two flat tires from spike strips that were placed by the Sheriff's Office to stop another vehicle. The mother of the person the spike strips were meant for had agreed to provide the replacement cost of the tires, but Mr. Nanney's client has not turned in the bills. He will be reimbursed when the bill is received.

D. Martin Johnson informed that Operation Bass, Inc. is reorganizing to allow an increase in the number of investors. The notification is because this transaction will involve the two (2) capital leases Operation Bass, Inc. has with the City/County Industrial Development Authority, and the rental from those leases has been pledged to secure loans the Authority has at CFSB, and those loans are partially guaranteed by the County.

III. OLD BUSINESS:

A. Com. Drew asked for a correction to the minutes of the May 1st meeting. The portion that discussed an animal control operation manual from Texas, it is a manual from Kentucky. With the noted correction, a motion was made by Com. Anderson and

seconded by Com. Gold to approve the minutes of the May 1, 2012 meeting. All voted aye. Motion carried.

B. During the May 1st meeting, action was tabled on naming a replacement for Rodney Smith on Sanitation District #2. Judge Miller has not been able to contact Jessie Holder, who was suggested by the District as a new member. He will try again to contact Mr. Holder and report back to the Court.

C. Following the second reading of Ordinance #2012-05 (budget amendment), a motion was made by Com. Drew and seconded by Com. Anderson to approve the second reading and adopt Ordinance #2012-05. All voted aye. Motion carried.

D. Judge Miller informed that Bobby Boggess has offered to put out a crop on the county's property on Hwy. 1824. This property was donated to the county some time ago. The Road Department has cleared it and this item was tabled during the May 1st meeting. Mr. Boggess offered to put out the crop for a 75/25 split on the profits. Discussion was held about selling the property to Mr. Boggess if he was interested. Following discussion, a motion was made by Com. Gold and seconded by Com. Anderson to let Mr. Boggess put a crop on the property and look at another option at a later time. All voted aye. Motion carried.

E. During the May 1st meeting, Park Director Larry Whitt was instructed to check on the county property being mowed through a contract and report back to the court. Mr. Whitt is out of town, but reported to Jeff Edwards that the properties have all been mowed and are in good shape. A motion was made by Com. Anderson and seconded by Com. Drew to pay the rest of the month on the mowing contract. All voted aye. Motion carried.

F. Com. Drew reported that she received information regarding Retro Reflectivity. The requirements have been changed so that when signage is being replaced, it must meet the guidelines instead of all of the signage having to be replaced by a set date. Russell York, Road Superintendent verified that any new signage being placed does meet the new requirements.

IV. NEW BUSINESS:

A. A bid opening was held for the sale of a 27' 1975 T-Craft boat and trailer, a 2001 Ford Econoline van, and a 1980 Ford Econoline 350 Ambulance from the Rescue Squad. Notice for bids was published in the April 24th and May 1st edition of the Tribune Courier. Only one bid was submitted and is as follows: Mike Green with Universal Auto & Green's Towing – on the boat & trailer - \$250.00; 2001 Ford Econoline Van –

\$400.00; & on the 1980 Ford Econoline 350 Ambulance - \$300.00. The bid notice had a minimum bid requirement of \$500.00 on the boat & trailer. Action on the bids was tabled until Curt Curtner, Chief of the Rescue Squad could be contacted about the bid.

B. Judge Miller read a Memorandum of Understanding between the Transportation Cabinet and the Fiscal Court regarding the use of the Courthouse to conduct the State Traffic School Course. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Memorandum of Understanding as presented. All voted aye. Motion carried.

C. Judge Miller presented the County Road Aid Cooperative Contract between the Kentucky Transportation Cabinet and Marshall County in the amount of \$803,474.00 and a Resolution approving the agreement for FY 2013. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Resolution and Contract as presented for the County Road Aid. All voted aye. Motion carried.

D. Curt Curtner, Chief of the Rescue Squad came into the meeting. Judge Miller told Mr. Curtner the bids on the items. Mr. Curtner asked if the bids could be accepted even though the bid on the boat and trailer did not meet the minimum requirement. The County Attorney and Assistant County Attorney both replied that since there was only one bidder, that would be acceptable. Mr. Curtner recommended that the bids be accepted. A motion was made by Com. Gold and seconded by Com. Drew to accept the bids on the surplus items from the Rescue Squad. All voted aye. Motion carried.

E. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Standing Order to Pay Salaries and Utilities. All voted aye. Motion carried.

F. During the May 10th meeting of the Marshall County Board of Health, the board unanimously voted to recommend that their tax rate be set at 7.5 cents per \$100 of the assessed valuation of all real property, all personal property, and all motor vehicles. Judge Miller informed that this is a .5 cents reduction from the previous year. A motion was made by Com. Anderson and seconded by Com. Gold to accept the recommendation of the Board of Health and set the tax rate at 7.5 cents. Com. Anderson and Com. Gold voted aye. Com. Drew voted no. Motion carried.

G. Sheriff Byars reminded the Court that the tax bills will be sent through a new system this year and all of the tax rates need to be set by the first meeting in September so there won't be any delay in sending them out.

H. Judge Miller read the Animal Shelter report for April which is as follows: Animals in the pen as of 3/31/2012 – 48; brought in by Animal Wardens – 28; brought

in by citizens – 89; born at the shelter – 19; total animals taken in – 136 (dogs – 41; cats – 12; puppies – 27; & kittens – 56); adopted – 69 (dogs – 27; cats – 10; puppies – 24; & kittens – 8); animals in foster care – 7; reclaimed – 9; euthanized – 9; & animals in the pen as of 4/30/2012 – 90 (includes 9 liters of kittens); donations - \$1,526.00; adoption fees - \$964.00; total money received - \$2,490.00. Both the “Stuff the Truck” and “Critter Day” events for the Animal Shelter were very successful. Dr. Paul Jaco volunteered to spay/neuter all of the animals adopted during Critter Day.

I. The Jonathan Creek Water District Audit was submitted. A motion was made by Com. Gold and seconded by Com. Anderson to accept the audit. All voted aye. Motion carried.

J. Judge Miller reminded the Court of the scheduled County Road Aid Hearing at 1:30 this afternoon.

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

L. Com. Drew requested an executive session for a personnel issue and said she would like to clarify the reason she voted against the Health Board Tax. Com. Drew is in favor of getting the tax back to the original rate as soon as possible and she feels she owes it to the people of the county.

M. Sheriff Byars informed that the office was audited recently by the Department of Homeland Security and passed with flying colors. He commended Deputy David Maddox on the grants he has submitted on behalf of the department.

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

O. Judge Miller called Court back into regular session. He informed that a letter will be sent clarifying duties and office location for an employee.

P. Russell York requested the Court's permission to advertise for bids for the sale of surplus metal sewers. A motion was made by Com. Drew and seconded by Com. Anderson to declare the items surplus and authorize Mr. York to advertise as requested. All voted aye. Motion carried.

Q. County Attorney Jeff Edwards introduced Darren Powers, a first year law student at the University of Kentucky. Mr. Powers will intern in the County Attorney's

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Office and will be working on updating the Tourist Commission Ordinance among other things.

R. Com. Drew asked if there was a preference on which court meeting the Sheriff would submit the complaints regarding the Nuisance Ordinance. It was decided they would be submitted during the first meeting each month.

S. Discussion was held regarding warrantee on leasing tractors & mowers versus purchasing them. Following discussion, no action was taken.

T. 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