

Marshall County Fiscal Court  
May 23, 2011

The Marshall County Fiscal Court met in regular session on Monday, May 23, 2011 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners and the County Attorney were present. Mike Miller, County Judge/executive presided.

I. GUESTS:

A. Danny Cope, Constable of District #3 addressed the Court and distributed information regarding the duties of Constables and copies of the following: his bond in the amount of \$10,000; an ORI Assignment letter from the Kentucky State Police; and copies of certifications of law enforcement trainings he has completed. He said he wants to do the job that the people elected him to do. He asked the Court for permission to run blue lights on the dash and rear of his vehicle and also for frequency numbers for radio communications so that he can ask for back up, report an accident or a felony in progress and also to run plates on vehicles he stops for traffic violations. Constable Cope said he was covered under KACO for liability insurance as well as any other elected official. He said wants to work with the Sheriff's Office to help protect the citizens of Marshall County and he intends to do this job to the fullest. Judge Miller asked if the Commissioners had any questions. Com. Drew asked for example, in the event of a lawsuit, could the Court have a defense with the Constable training he's received and not the full law enforcement training as recommended by the Court. County Attorney Jeff Edwards said it depends on the circumstances. Com. Drew told Constable Cope she appreciates the fact that he got the training he did, but she is concerned that someone is out there without all the training needed. Com. Anderson asked what the county's liability carrier's position is on this issue. He suggested that action on Mr. Cope's request be tabled until answers are obtained from KACo. Constable Cope said he has spoken with Brian Roy with KACo and he was assured that he is covered. Following discussion, Judge Miller will check with KACo and report to the court at the next meeting.

Judge Miller's wife is having a medical procedure on the next regularly scheduled Court date so the meeting was moved to Monday, June 6<sup>th</sup>.

B. Callie Duke, President and Courtney Tucker, Vice-President of Health Occupational Students of America (HOSA) at Marshall County High School, addressed the Court regarding the upcoming HOSA National Competition in Los Angeles, California. Last year, the Court made a contribution of \$1,000 which was matched by the School Board. This year, the cost is \$6,600 and the students have raised \$2,000 to date. The group also has fundraisers planned including calling businesses, hosting a middle school dance, doing blood pressure screenings at Wal-Mart and having a car wash at Ponderosa. A motion was made by Com. Anderson and seconded by Com. Gold to match the School Board's donation, up to \$1,000.00. All voted aye. Motion carried.

C. Debi Davis addressed the Court in regard to starting the funding for the matching grant for the construction of the new Marshall County Health Department. Mrs. Davis explained that a couple of years ago, the county received a Community Development Block Grant but it stayed on hold because at that time FEMA had given indications that they were going to put up to \$4 million into a bunker type shelter and the idea was to put it under the new health department building. She added that FEMA has made no movement on that and the construction of the health department had to go on. In the meantime, while the application had been on hold, some of the rules have changed and she has to redo all the evidentiaries to being them up to date. The last two steps she needs is for the Court approve a motion honoring assurances that everything the clearing house sends out, the Court will adhered to (i.e. historical preservation, land easement, honor building codes & permits). Mrs. Davis said all of these items have been met. A motion was made by Com. Gold and seconded by Com. Anderson to honor the assurances as requested. All voted aye. Motion carried.

D. Bobby Gifford, Director of Water Vision 2020, presented an ad-on for the Oak Level and Brewers tanks. He recommended that Mid-South Tank Consultants be awarded a contract for painting the tanks at a cost of \$5,670.00 per tank. A motion was made by Com. Gold and seconded by Com. Drew to enter into the contract as recommended. All voted aye. Motion carried.

## II. CORRESPONDENCE:

A. Keith Rogers, Executive Director of the Kentucky 4-H Foundation, sent an invitation to the West Kentucky 4-H Camp Open House on Monday, June 20, 2011. This event is an opportunity to showcase the camp improvement projects and thank those who have helped make these projects possible.

B. Roger Thomas, Executive Director of the Governor's Office of Agriculture Policy informed that the Department will be hosting Development Fund Forums across the Commonwealth. The forum in our area will be June 21<sup>st</sup> from 7:00 to 8:30 p.m. at Kentucky Dam Village State Resort Park.

C. Judge Miller announced that Josh Tubbs was recently elected to serve on the Tennessee –Tombigbee Waterway Development Council Board of Directors.

D. Senator Rand Paul sent a letter of appreciation to Judge Miller for participating in the meeting in Calvert City concerning the flood and recovery. Judge Miller added that the Senator's field office has been in daily contact offering assistance.

E. Temple Hill, CSBG Clerk with West Kentucky Allied Services informed that WKAS is offering help to low income families affected by the flood. Ms. Hill has a temporary office set up at Needline from 9:00 to noon and Scott Daugherty is also taking applications at the Marshall County WKAS Office, located at 1107 Poplar Street.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Drew to approve the minutes of the May 9, 2011 meeting. All voted aye. Motion carried.

B. Jeff Edwards met with Dr. Paul Jaco about serving on the Marshall County Animal Shelter Committee. Dr. Jaco suggested that Dr. Daria Koym serve instead because he thought she might be more accessible. However, he still wants to help. Mr. Edwards added that he will get a meeting put together and work on policies for the shelter.

C. Discussion was held regarding two properties she owns in the Possum Trot area, a business and a home, that are uninhabitable. Since the first letter was sent giving her thirty (30) days to either get the properties repaired or torn down, the business burned. After receiving the letter, but prior to the fire, Mrs. Lamm requested an additional six (6) months to make the repairs to both properties. A letter was sent to Mrs. Lamm denying the time extension. Also the Gaston property in the Cambridge Shores area, that there has been sufficient time and if the court is in agreement, he will notify the Gaston's by letter they have until June 8<sup>th</sup> to tear down the house in Cambridge Shores.

D. Due to a conflict, the workshop for the Court's FY 2011/12 budget was rescheduled for 2:30 p.m. on Tuesday, May 31<sup>st</sup>.

E. There will be a Code Red demonstration at 2:00 p.m. on June 1<sup>st</sup> in the Fiscal Courtroom.

F. A meeting was scheduled for 10:00 a.m., on Tuesday, May 31<sup>st</sup> regarding Bobby Gifford's findings after review of the North Marshall Water District records.

G. Com. Anderson asked about the right-of-way issue on Victor Darnall Road. Jeff Edwards said he has to contact one of the parties about a fence issue.

H. Russ Randall asked for clarification on the Gaston property so he could report back to the Cambridge Shores Homeowners Association. Jeff Edwards replied that written notice will be sent. The Gaston's have until June 8<sup>th</sup> to tear down the house.

Jeff Edwards will draft a letter to Mr. Gaston for the Judge's signature. He added that all of the due processes had been met on this issue. A motion was made by Com. Anderson and seconded by Com. Drew to allow no further time extension, and on June 8<sup>th</sup> this item will be turned over to the Sheriff and action will be taken. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Drew to schedule the Magisterial Redistricting Committee meeting at 9:00 a.m. on Monday, June 6, 2011. All voted aye. Motion carried.

B. Emily Martin, Treasurer submitted the Intrafund Transfer Listing for the Court's consideration. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Intrafund Transfers as submitted. All voted aye. Motion carried.

C. Mrs. Martin submitted the Accounts Receivable Report for the Court's consideration. 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.

D. The Budget for FY 2011/12 Refuse District was submitted. A motion was made by Com. Gold to approve the budget as submitted. The motion died for lack of a second. Com. Drew asked for copies of the budgets for review prior to action. A motion was made by Com. Drew and seconded by Com. Anderson to table action to review the budget. All voted aye. Motion carried.

E. The East Marshall Fire Protection District Budget for FY 2011/12 was submitted. It was tabled for further review.

F. The Marshall County Sanitation District #1 Budget for FY 2011/12 was submitted. It was tabled for further review.

G. Russell York, Road Department Superintendent asked for the Court's permission to purchase and install up to eight spotlights for use on pick-up trucks as needed during storms and/or at night. A motion was made by Com. Anderson and seconded by Com. Gold to allow Mr. York to purchase & install the spot lights as requested.

H. Mr. York informed that Mid-West Terminal informed that the fuel tanks at the road department are no longer in compliance and need to be brought up to specifications. The estimate for getting them into compliance is a little less than \$14,000.00. Following discussion, Mr. York was asked to contact Randy Barrett with Barrett Maintenance regarding the tanks and report back to the Court.

I. Sheriff Kevin Byars submitted the Sheriff's Tax Settlement for 2010 on Unmined Minerals. Judge Miller read an Order for the Court's consideration approving the above mentioned settlement. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Order as presented. All voted aye. Motion carried.

J. Sheriff Kevin Byars submitted the Sheriff's Tax Settlement for 2010 for Property Taxes. Judge Miller read an Order for the Court's consideration approving the above mentioned settlement. A motion was made by Com. Gold and seconded by Com. Drew to approve the Order as presented. All voted aye. Motion carried.

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

L. Judge Miller called Court back into regular session and informed that Lisa Carter, who is representing the county through KACo, will be in contact with the opposing attorney regarding the Destin Lane issue. Mrs. Carter will report back to the Court.

M. Judge Miller reported that he would like to have an Incident Review Meeting on the flood response on Tuesday, June 7<sup>th</sup> at 6:00 p.m. either in the Fiscal Courtroom or in the old Circuit Courtroom. The Court concurred.

N. Judge Miller informed that the dedication of the new Carlisle County Courthouse is at 11:00 a.m. on Friday, June 3<sup>rd</sup>.

O. Judge Miller informed that there is an opening on the Board of Assessment Appeals for the Fiscal Court appointment. PVA Tony Henson has spoken with Martie Wiles, who has agreed to serve if appointed. Upon recommendation of Judge Miller, a motion was made by Com. Anderson and seconded by Com. Gold to appoint Martie Wiles to the Board. All voted aye. Motion carried.

P. Judge Miller spoke about the mosquito infestation after the flooding, and informed that the Governor's Office has appropriated \$1.4 or \$1.5 million to contract with a spray plane to help alleviate the situation.

Q. Road Department Superintendent Russell York reported that as of last Friday all of the roads have reopened after the flooding.

R. The Kentucky Department of Transportation sent a press release that no debris left on the state right-of-way will be picked up. However, debris left on the county right-of-way will be picked up. Mr. York said it will take time and asked the citizens to be patient.

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

T. A motion was made by Com. Gold and seconded by Com. Anderson to increase the number of summer workers from twenty to twenty-five, and those five be selected by the County Attorney. All voted aye. Motion carried.

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

Respectfully submitted by:

Melonie Chambers  
Fiscal Court Clerk