

Marshall County Fiscal Court
June 5, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, June 5, 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:

A. George Milam, with the Marshall County Arts Commission introduced Johnnie Davis, owner of Paper Moon Studio. Ms. Davis presented a framed print which will be displayed on the walls of the Kentucky Association of Counties offices in Frankfort. Each county was asked to submit something that represents the county and Ms. Davis print was a collage of pictures including Kentucky Dam and sights associated with the lakes area. A motion was made by Com. Anderson and seconded by Com. Gold to purchase the print at a cost of \$323.00. All voted aye. Motion carried.

B. Benton City Attorney Martin Johnson addressed the Court regarding the former Fleetwood property. The property needs to be deeded back to the City/County Industrial Authority but there are two tracts of land which need to be surveyed in order to have a clear title. The estimate for the survey is \$1,500 to \$2,000 and Mr. Johnson informed that the City of Benton has agreed to split the cost with the county. A motion was made by Com. Anderson and seconded by Com. Gold to enter into an agreement with the City of Benton to split the cost of the survey. All voted aye. Motion carried.

C. Sheriff Byars presented the Order approving the 2011 Franchise and Unmined Mineral Tax Settlements. A motion was made by Com. Drew and seconded by Com. Anderson to approve the settlement. All voted aye. Motion carried.

D. Sheriff Byars submitted the following Nuisance Ordinance Violations:

1. Larry W. Phillips, 2863 Gilbertsville Hwy., Gilbertsville – excessive weeds or grass; trash; & collapsed house. He spoke with the owners and they are planning on selling the property and tearing the house down. No action is required.
2. Thomas Byerley, 100 Gaslight Lane, Benton – trash; excessive weeds or grass; junked or wrecked vehicles; & junked mobile/manufactured home. The owners are in the process of cleaning up the property and asked about installing a privacy fence. Jeff Edwards said it would be the decision of the Refuse Board regarding the fence.
3. Greg Weeks, 25 Hall Street, Gilbertsville – trash; excessive weeds or grass; junked mobile/manufactured home; junked home. Mr. Weeks intends to have the property cleaned up in approximately three weeks. Progress on this property will be monitored and if it is not cleaned up in three weeks, it will be turned over to

the Refuse Board.

4. Ernest Brown, Imogene Drive, Lot #22, Gilbertsville – trash; vehicles; excessive weeds or grass; & junk on property. Mr. Brown requested a hearing with the enforcement board through his attorney Bob Prince.
5. Harolyn Lamm was cited for two properties – 354 Windy Hills Circle, Calvert City – trash & house & garage falling down – the house is uninhabited; & 9658 US Hwy. 62, Calvert City – trash & collapsed building and rubble from building. Ms. Lamm requested a hearing on both properties.
6. Jamie Woolridge was cited for two properties - 3258 US Hwy. 68 E., Benton – improper burning; trash; excessive weeds or grass; & 96 Union Cemetery Lane, Benton – trash; excessive weeds or grass; & junked mobile/manufactured home. The Sheriff has not been contacted by Mr. Woolridge.
7. Michelle Leo was cited for 582 Treasure Island Road, Hardin – excessive weeds or grass; animal; & junked mobile/manufactured home. The mobile home is abandoned. The Sheriff has not received a response from Ms. Leo.

A motion was made by Com. Anderson and seconded by Com. Drew to move on the property located at 96 Union Cemetery Lane where the mobile home is located, clean it up and show the owner that we are serious about this and hope he will clean up the rest. If he doesn't by the time that's completed and if there is still no response, the Sheriff can explain to the property owner the next steps that will be taken. Judge Miller asked if a salvage company should be contacted. Com. Drew said she would give a list of salvage companies that she is aware of to Judge Miller so he can find out the costs involved and then share the information with the other Commissioners. All voted aye. Motion carried.

A motion was made by Com. Anderson and seconded by Com. Drew to remove the mobile home at 582 Treasure Island Road. Com. Drew asked for verification that it is abandoned. All voted aye. Motion carried.

Com. Anderson asked Sheriff Byars to check on property on Castle Drive, located off of Moors Camp Road.

D. Discussion was held about the five acres owned by the county on Hwy. 1824 near the Calloway County line. A motion was made by Com. Drew and seconded by Com. Gold to place a for sale sign on the property. All voted aye. Motion carried.

A motion was made by Com. Gold and seconded by Com. Anderson to declare the five acre lot as surplus property and advertise for sealed bids to be accepted until the second meeting in July. All voted aye. Motion carried.

E. County Road Supervisor Russell York informed that Bub Myers Lane has been paved.

II. CORRESPONDENCE:

A. The Kentucky Conservation Officers Association sent a request for the Court to publish an ad in their magazine. A discounted full page ad is \$600.00 and the discounted price for a ½ page ad is \$395.00. The Court members decided to pass on the ad.

B. Jerry Wagner, Executive Director of the Kentucky Sheriffs' Boys & Girls Ranch sent a letter of appreciation for the repair work on the road at the ranch.

C. Lexie Lamb, Director of the Marshall County Animal Shelter submitted her resignation effective June 15, 2012. Judge Miller expressed appreciation to Lexie for her hard work and dedication and wished her well in her new endeavors.

D. Clayton Clem, Vice President of Electric System Projects, TVA informed that TVA is planning a power system improvement project in Marshall County. Construction is scheduled to begin in March 2013 and plans are to have the line back in service in June 2013.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the May 15, 2012 meeting. All voted aye. Motion carried.

B. Judge Miller read a Resolution for the Court's consideration in support of the coal economy in Kentucky. A motion was made by Com. Drew and seconded by Com. Gold to approve the Resolution as presented. All voted aye. Motion carried.

C. Following the second reading of Ordinance #2011-10 (Arts Commission), a motion was made by Com. Drew and seconded by Com. Gold to approve the second reading and adopt Ordinance #2011-10. All voted aye. (This second reading was required by the attorneys for the lending institution to KACo due to a sentence being omitted from the notice for the second reading.)

D. Following the second reading of Ordinance #2012-04 (budget), a motion was made by Com. Anderson and seconded by Com. Gold to table action at this time. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. The Audit for FY ended 6/30/11 was submitted by the Palma Briensburg Fire Protection District.

B. The Audit for FY ended 6/30/11 was submitted by the Possum Trot/Sharpe Fire Protection District.

C. The Audit for FY ended 6/30/11 was submitted for the Fiscal Court and will be kept on file for public inspection.

D. Judge Miller read the Animal Shelter report for May which is as follows: Animals in the pen as of 4/30/2012 – 90; brought in by Animal Wardens – 75; brought in by citizens – 105; total animals taken in – 180 (dogs – 46; cats – 33; puppies – 26; & kittens – 75); adopted – 118 (dogs – 35; cats – 12; puppies – 24; & kittens – 47); animals in foster care – 27; reclaimed – 9; euthanized – 33; & animals in the pen as of 5/31/2012 – 86 (includes 11 liters of kittens); donations - \$787.00; adoption fees – \$1,469.20; & total money received - \$2,256.20. Judge Miller added that in looking at these numbers, he thinks it's time to consider setting a fee when people repeatedly bring in litters of kittens and puppies into the shelter year after year. While Com. Drew was filling in at the shelter last week, there were two owner surrenders that were brought in to be euthanized instead of taking them to the vet. Judge Miller has checked with area counties and some are taking in 10 to 12 animals total a month, some as few as five.

E. A bid opening was held for Property & Casualty Insurance. Notice for bids was published in the May 8th edition of the Tribune Courier. Peel & Holland submitted the only bid which is through the Kentucky Association of Counties and is contingent upon renewing workers comp. Upon recommendation of Judge Miller, a motion was made by Com. Anderson and seconded by Com. Gold to table action on this issue until the next meeting. All voted aye. Motion carried.

F. A motion was made by Com. Anderson and seconded by Com. Gold to schedule a bid opening for the second meeting in June for Workers Comp Insurance. All voted aye. Motion carried.

G. A bid opening was held for the sale of surplus property. Advertisement for bids was published in the May 29th edition of the Tribune Courier for scrap metal and a 1999 EZ Go-Cart with a lift bed. The bids are as follows: Benny Adair bid on four items of scrap metal at \$0.15 per pound – 2 – 3' x 30' galvanized sewer pipe & 2 – 4' x 20' coated sewer pipe; Leslie Street bid \$0.03 per pound on the scrap metal; Mike Green

bid \$300.00 on the EZ Go-Cart. Com. Drew asked what the going rate was on scrap metal and if the Court could dispose of it. Russell York said that Mr. Street told him on his bid, he would be willing to equally split the profit.

- A motion was made by Com. Gold and seconded by Com. Anderson to accept the bid of \$300.00 for the EZ Go-Cart from Mike Green. All voted aye. Motion carried.
- A motion was made by Com. Anderson and seconded by Com. Gold to accept the bid as submitted from Benny Adair on the four sewers at \$0.15 per pound. All voted aye. Motion carried.
- A motion was made by Com. Anderson and seconded by Com. Drew to reject the bid of \$0.03 per pound on the remaining scrap metal. All voted aye. Motion carried.
- A motion was made by Com. Anderson and seconded by Com. Drew to allow the Road Department to dispose of the remaining scrap metal as soon as possible. All voted aye. Motion carried.

H. A bid opening was held for the purchase of radios for the Marshall County Ambulance Service. Advertisement for bids was published in the May 18th edition of the Tribune Courier. One bid was received from Jackson Purchase Two-Way Radio in the amount of \$63,927.99. Ambulance Service Director Brian Cutsinger informed that grant funds are available to pay for the radios and no county match is required. A motion was made by Com. Gold and seconded by Com. Anderson to accept the bid as submitted by Jackson Purchase Two-Way Radio. All voted aye. Motion carried.

I. Jeff Edwards presented an agreement regarding Tucker Lane. There is an issue with drainage and the road was constructed with federal funds, the right-of-way is ditch to ditch from Scale Road to Clark's River. On the last portion of the road, Gary Holland owns one side, Gerald Peck owns the other side and the remainder of the road to the river belongs to the Federal Government (Clarks River Wildlife Refuge). The purpose for the agreement is for the county to put a sewer under the road to direct the flow of water away from Mr. Peck's property down toward the river and onto a small portion of Mr. Holland's property and then onto the Refuge. Both Mr. Peck and Mr. Holland have signed the agreement and Mr. Edwards has spoken with representatives of the Refuge and they are prepared to sign the agreement as well. A motion was made by Com. Anderson and seconded by Com. Gold to approve the agreement and authorize Judge Miller to sign on behalf of the county. All voted aye. Motion carried.

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

K. Judge Miller called court back into regular session and informed that problems at the animal shelter were discussed during executive session – not with personnel - with the exception of having to find someone to replace Lexie Lamb who recently resigned as Director. Discussion was held about the unusual amount of animals being brought to the shelter. It was the consensus of the court that policies need to be developed, instead of allowing people to bring in box after box of kittens and puppies, they they be charged a fee at least equal to what it would cost to euthanize that animal. Judge Miller added that a reasonable amount will be set, that the county is not trying to gouge anybody, but the fact of the matter is, the volume of animals we're getting, we can't control anymore. The Court will be working on a policy and hopefully will have a recommendation at the next meeting.

L. A motion was made by Com. Anderson and seconded by Com. Gold to approve the purchase of a second print of Kentucky Dam and the lake area from Paper Moon Studio, in the amount of \$323.00 to be displayed in the Courthouse. All voted aye. Motion carried.

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

N. Com. Drew asked about an invoice for the UK College of Dentistry Program for FY 2012/13. County Treasurer Emily Martin informed that it was not included in the budget. This item will be discussed during a budget workshop.

O. Sheriff Byars asked if the people that brought in the older animals to be euthanized lived out in the county or in one of the incorporated cities. Com. Drew replied that they lived out in the county. One of the animals was 14 years old, blind and had bowel & urinary problems. The Sheriff said he wasn't trying to be crass or cruel but growing up he had taken responsibility for putting down his animals when needed, and buried them on his property. He asked if people were afraid of the repercussions if they did the same. Com. Drew responded that she thinks we've made it easy for someone to dump their animals on us for whatever problem the people have with the animal.

P. Emily Martin requested a budget workshop. The workshop was scheduled for 9:00 a.m. on Monday, June 18th.

Q. Due to conflicts in schedules, the next Court meeting was moved to Monday, June 25th at 9:30.

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R. Judge Miller added that today is the last meeting that Jody Norwood, with the Tribune Courier, will be covering. He will begin working at the Paducah Sun next week. Judge Miller wished him well. Alan Reed will be replacing Jody at the Tribune.

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