

Marshall County Fiscal Court
June 6, 2011

The Marshall County Fiscal Court met in regular session on Monday, June 6, 2011 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners, the Assistant County Attorney and County Attorney were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Robert Johnston, Chairman of the Marshall County Cemetery Board addressed the Court about the possibility of paving an approximate ten foot wide walkway to Palmer Cemetery. This walkway would allow mowing equipment an access to the cemetery, but will not be wide enough for vehicles. The Commissioners concurred with the suggestion. County Attorney Jeff Edwards will send a letter to the property owners.

B. Terry Lowery & Charlotte Keogh spoke to the Court regarding the North Marshall Water District - addressing in particular the report Mr. Gifford gave at a recent court meeting. After discussion about the issue, Ms. Lowery & Ms. Keogh asked if there was a County Ethics Commission. They were told that there is an ethics commission and to put their complaints in writing, place them in a sealed envelope, submit them to the County Judge/Executive's Office and they would be forwarded for review by the Ethics Commission.

C. Bobby Gifford, Director of Water Vision 2020 submitted a drawdown request on WX 21157046 in the amount of \$36,253.00 (R & R Piping Co. - \$33,678.00 & Paul Cloud Engineering - \$2,575.00). A motion was made by Com. Drew and seconded by Com. Gold to approve the drawdown request as submitted. All voted aye. Motion carried.

Mr. Gifford presented a request for payment from KIA funds on WX 21157050 (Brewers & Oak Level tanks) in the amount of \$8,340.92 (Paul Cloud Engineering - \$4,725.00 & CSS Pipe - \$3,615.92). 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.

Mr. Gifford added that he and Josh Tubbs are working on projects that might be eligible for 2010 disaster recovery money due to the heavy rain last May & June. There are eighty-three Kentucky counties that are eligible for up to \$300,000. Mr. Gifford will keep the court informed.

D. During a previous meeting, County Road Superintendent Russell York reported that the fuel tanks at the road department are out of compliance. He was instructed to contact Randy Barrett, owner of Barrett Maintenance, Inc. to see what needs to be done to get them into compliance. Mr. Barrett addressed the Court and

informed that he had looked at the tanks and outlined what needs to be done. Mr. York also obtained quotes from another company, but Barrett Maintenance's quote was the lowest bid and was under the bid limit. A motion was made by Com. Drew and seconded by Com. Gold to accept the quote for the installation of three fuel tanks at the road department as submitted from Barrett Maintenance. Com. Gold recommended an amendment to the motion to assume we'll need option 1, which does not include the overflow valves. However, if it is determined by the State Fire Marshal that the valves are needed, to include them with the initial quote. Com. Drew amended her motion to include Com. Gold's recommendation. All voted aye. Motion carried.

E. Mark Harrison, Director of the Marshall County Ambulance Service addressed the Court about narrow band radio. Brian Andrus addressed the Court on May 9, 2011 regarding the entities that need to be switched to narrow band radio, but did not include the Ambulance Service. Mr. Harrison obtained a quote from Jackson Purchase Two-Way Radio in the amount of \$4,820.00 for the state contract price which was \$110.00 higher than the actual quote. He asked for the Court's guidance. A motion was made by Com. Drew and seconded by Com. Anderson to accept the state contract price from Jackson Purchase Two-Way Radio and allow them to review the plan on June 24th with all the other departments. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Jeff Burton, Director of the Division of Local Facilities, Department of Corrections informed that the department has reviewed the Marshall County Detention Center's Plan of Corrective Action and it has been accepted.

B. Loyd Ford, Editor & Publisher of The Lake News asked for the Court's consideration of again purchasing an ad in the Ameribration section. The costs are as follows: full page - \$787.50; half page - \$393.75; quarter page - \$196.88; eighth page - \$98.44; & sixteenth page - \$49.22. Mr. Ford also enclosed a copy of the Court's ad from 2010. Judge Miller opened the floor for a motion however none was made.

C. Judge Miller read a copy of a letter he received addressed to the East Marshall Fire District Board from Diane Witowski and Marilyn Brooks representing the Malcolm Creek Neighborhood Watch. They requested that their annual meetings be held at the fire department. Com. Anderson said their request was denied. Sheriff Byars said this was the second request and he has been told that only the firefighters and their families were allowed to use the facility. He added that it's been paid for by tax payers dollars and he believes the taxpayers should be allowed to use it. Judge Miller asked if the Court has the authority to tell the fire department to let them use it.

Following discussion, Judge Miller said he will write a letter on their behalf to the fire department.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the May 23, 2011 meeting. All voted aye. Motion carried.

B. Action had been tabled on Danny Cope's request to have blue lights and permission to operate a radio while performing his duties as Constable. The issue was tabled to see if he would be covered through the county's worker's comp insurance. Judge Miller read a letter from Rich Orenstein with KACo which said he would be covered. Since the earlier meeting, Mr. Cope was told that permission for the radio would be through the Sheriff and not the court. As stated in a previous meeting, at such time as he receives the same training that Deputy Sheriffs and Police Officers do, at his own expense, his request will be denied. Judge Miller added that court has not assigned any duties and the Sheriff has not assigned any duties to the Constable. A motion was made by Com. Drew and seconded by Com. Anderson that until such time Mr. Cope completes the same training as required of the Deputy Sheriffs and Police Officers, Mr. Cope's request is denied. All voted aye. Motion carried.

C. County Attorney Jeff Edwards sent a letter to Mr. & Mrs. Randolph Shoda regarding the Victor Darnell Road Extension. He has also spoken with the Shoda's concerning the fence that will have to be moved and replaced by the county for the extension.

D. 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.

E. Judge Miller called court back into regular session and informed that discussion was held about negotiations on the Destin Lane issue. The opposing parties have asked that the county officially close both Destin Lane and Grass Lane. Judge Miller recommended that a public hearing be set for approximately 11:00 a.m. on Tuesday, July 19th and that Russell York, Josh Tubbs, & Bobby Gifford be appointed as Road Viewers. A motion was made by Com. Anderson and seconded by Com. Gold to do so. All voted aye. Motion carried.

F. Jeff Edwards has individuals who have agreed to serve on the Animal Shelter Committee, and will schedule a meeting in the near future.

IV. NEW BUSINESS:

A. Following the first reading of Ordinance # 2011-04, setting the speed limit on Southern Komfort Road at 35 mph, a motion was made by Com. Drew and seconded by Com. Anderson to approve the first reading. All voted aye. Motion carried.

B. A petition was submitted for county maintenance of Dawson Lane, Aubrey Court, Cricket Court, & Bryant Adam Court. After review, it was determined that the petition was not complete. Judge Miller suggested that Russell York view the roads and if the court wants to address the petitioners on the deficiencies, to do so by letter.

C. Judge Miller recommended that the Court once again support the Mobile Dental Clinic, which provides dental treatment for elementary school children at the individual schools throughout the county at no cost to the families. Last year the Court contributed \$10,000 and a motion was made by Com. Gold and seconded by Com. Drew to contribute \$10,000 again this year. All voted aye. Motion carried.

D. The Palma-Briensburg Fire Protection District Audit Report for FY ended June 30, 2010 was submitted and will be kept on file in the Judge/Executive's Office for public review.

E. Following a recent meeting and a report by Interim Director Bobby Gifford on the problems at the North Marshall Water District, the issue was tabled. A motion was made by Com. Drew and seconded by Com. Gold to authorize the County Attorney to draft a letter reflecting the Court's authorization to notify the members of the North Marshall Water District Board of possible action by the Court. Com. Drew & Com. Gold voted aye. Com. Anderson abstained from voting. Motion carried.

F. Judge Miller read the Marshall County Animal Shelter Report for May 2011 which is as follows: animals in the pen as of 4/30/11 – 24; brought in by Animal Wardens - 22; brought in by citizens – 48; total animals brought in – 70 (dogs – 30, cats – 12, puppies – 17, & kittens – 11); adopted – 29; reclaimed – 6; euthanized – 42; & animals in the pen as of 5/31/11 – 17.

G. Judge Miller asked for the Court's permission to reassign Melonie Chambers, Wendy Baxter, and Shane Watkins who are county employees and members of the Marshall County A & I Fair Board to work the week of the fair at the fairgrounds. A motion was made by Com. Gold and seconded by Com. Drew to reassign the employees as requested. All voted aye. Motion carried.

H. Judge Miller informed that there is a bill for two new vehicles for the Sheriff's Department. During the January 18, 2011 meeting, Sheriff Byars informed that two vehicles were in need of replacement and the state contract price was approximately \$25,000 to \$26,000. County Treasurer Emily Martin asked Sheriff Byars if payment for those two vehicles was included when he prepared his 2011/12 budget. In the future Judge Miller suggested that vehicle purchases be included in the budget. Following discussion, a motion was made by Com. Drew and seconded by Com. Gold to clarify the motion of January 18, 2011 regarding the purchase of the vehicles to state: to approve the purchase of the two vehicles as requested by the Sheriff. All voted aye. Motion carried.

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

J. Com. Drew said she was contacted over the weekend by someone concerned about the Refuse District and there seems to be some confusion about the monthly payment to Clean Earth Recycling. She asked if it was for the removal of Freon and taking white goods or was it for payment for our use of the transfer station. It was presented to her as if the Court was taking that away from him and his family depends on it. The Refuse Board is responsible for the leases and not the Court. Judge Miller informed that several years ago, there was no market for Freon removal or disposal of white goods but there is now. It's a potential source of revenue for recycling.

K. 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