

Marshall County Fiscal Court
June 11, 2013

The Marshall County Fiscal Court met in regular session on Tuesday, June 11, 2013 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, Misti Drew; Assistant County Attorney Jason Darnall & County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Economic Development Director Josh Tubbs presented a Resolution for the Court's consideration. The Resolution is to authorize the County Judge/Executive to enter into an agreement with the Department for Local Government for an Energy Efficiency & Conservation Grant/Loan and to execute any documents to facilitate the agreement. A motion was made by Com. Anderson and seconded by Com. Drew to approve the Resolution as presented. All voted aye. Motion carried.

Mr. Tubbs reported problems in submitting the application for TIGER Grant funding for a rail spur adjacent to McFarland Road at the Riverport. He has applied for the past three years for this grant, and the IRS required the name of the applicant be changed to Marshall, County of. Now, the IRS will not accept the application because of the comma in the applicant's name. Mr. Tubbs expressed his frustration with the different entities involved in the TIGER Grant process. Due to several problems with the different entities, the application deadline has been extended and he was told that the applications could be submitted via email. When he attempted to do so, the email was not working where the applicants were told to submit the documents. Mr. Tubbs said he wanted to update the Court and will continue to work on getting the grant submitted.

Mr. Tubbs informed that he met last week with Mayor Jones of Calvert City concerning the wastewater treatment plant. The plant is currently owned by Air Products, and it is for sale. The treatment plant is not in good working order and needs to be repaired. The Calvert City Council has appropriated \$100,000 toward a study to determine how to fix the treatment plant. The estimate for the study is \$300,000 total. Mr. Tubbs asked if the court would be willing to put some money toward this study. Judge Miller asked if the Mayor had a suggested amount for the county to invest. Mr. Tubbs replied that the Mayor suggested \$100,000 from the county and the remaining \$100,000 from the industries in Calvert City. Com. Gold said that a lot of work has already been done on the treatment plant, but it currently does not treat the city's wastewater, only the plants. Com. Drew said she would like for the Court to meet with the city council and see what they are looking at for the water treatment plant in the future. Judge Miller, Com. Anderson, & Com. Gold concurred.

B. David Grove, a resident of Birmingham Point Subdivision, addressed the Court about a recurring problem with a road being washed out. Three years ago, Mr.

Grove hired a contractor to removed vegetation that was causing some of the flooding, but there is also a culvert that is bent which slows water flow and needs to be replaced. The road is a private road, and is owned by the subdivision developer who lives out of state. Discussion was held about the county taking the road through the eminent domain process. Mr. Grove gave the contact information on the owner of the road to the County Attorney, who will make contact with him concerning this situation.

C. Sheriff Kevin Byars submitted the 2012 Property Tax Settlement for the Court's consideration. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Property Tax Settlement. All voted aye. Motion carried.

Sheriff Byars informed that a resident of Castle Drive, near Moors Camp, has received notification that he is not in compliance with the Nuisance Ordinance. The property owner has requested a hearing. Sheriff Byars will turn in the request to Danny Newton, Chairman of the Refuse District Board.

D. Jim Siress addressed the Court regarding Crooked Oak Loop. He informed that the road was blacktopped in 2003 and met the county's specifications for being accepted into the county road maintenance system. Mr. Siress was given a petition, which he will have signed and submit as required. Judge Miller appointed Russell York, Josh Tubbs, & Bobby Gifford as Road Viewers.

E. Parks Director Larry Whitt informed that the Splash Pad is now open at the county park and he estimated there have been between 250 and 300 kids there per day since opening. Mr. Whitt complemented the Special Projects Crew for the installation. The Park Board would like to build a pavilion next to the Spray Pad, and rent it for parties. The Spray Pad would be kept open to the public. After the money is recouped for the construction of the pavilion, the rent would be used toward repaving the walking trails in the park. A motion was made by Com. Drew and seconded by Com. Gold to allow the Park Board to build the pavilion as requested. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Becky Riddle, Coordinator of the Kentucky Historical Marker Program, sent a letter to Justin Lamb, Administrative Assistant in the County Judge/Executive's Office, informing that the advisory committee has approved 15 markers. Mr. Lamb's request for a marker for Henry H. Lovett, Sr. was one of those requests that received approval.

B. Larry Quillen, Administrator of the UK Center of Excellence in Rural Health expressed appreciation for the donated space in the Courthouse for the Kentucky Homeplace Program. There is new protocol for reviewing/revising space agreements

that was recently implemented for the program. All agreements that contain a standard renewal clause will now continue for a period of five years provided there are no requested changes.

C. Noah Taylor, National Flood Insurance Program Coordinator with the Kentucky Division of Water, sent a letter regarding the results of their recent community assistance visit. During a thorough drive-through in the Special Flood Hazard Areas and unmapped flood-prone areas and the resulting CAV meeting, no violations or deficiencies were identified concerning the local floodplain management program. Judge Miller added that copies of the report will be available in his office.

D. William Bennett, Compliance Administrator with the Administrative Office of the Courts, sent a copy of the Indoor Air Quality Investigation Report submitted by Summit Environmental Services regarding the noxious intermittent odors occurring in the Marshall County Judicial Center. The investigation did not reveal the source of the odor. Air samples and other tests performed did indicate mold in the air or behind the drywall in either the District or Circuit Judges' Offices is not likely to be the source of the odor. The report indicated that water intrusion occurred prior to the recent extensive repair of the roof and exterior walls, which resulted in visible mold on a ceiling tile in the second floor women's bathroom in the Family Court Offices and on the drywall in a basement storage area. Removal of this mold by a qualified mold remediation contractor is essential for the health and wellbeing of the building occupants. Since the source of the odor has not been identified, Mr. Bennett recommended two other potential sources be evaluated. First, have the HVAC contractor for the building inspect the units that supply treated air to both the second floor Circuit Judge's Office and first floor District Judge's Office. He also recommended to look for anything – dead animal, mechanical malfunction, location of sewer vent pipes to the air intake, or to have a plumber inspect for sewer gas. Judge Miller has spoken with Circuit Clerk Carla Marshall, who is following up on this issue. He will keep the Court informed when he hears from Ms. Marshall.

E. Joe Burgan, Fair Rates Kentucky, sent an email containing a summary of Attorney General Conway's recent remarks regarding the Big Rivers Electric Corporation's proposed rate increase. The email also contained a sample letter being circulated to elected officials for their signatures in opposition to the proposed rate increase. A motion was made by Com. Drew and seconded by Com. Anderson to send a letter opposing to the increase. All voted aye. Motion carried.

F. Bonnie Kincannon & Samantha Hollar, with the Aurora-Ross Fire Department Auxiliary requested that the 99-year lease for the Sorghum House and Pavilion county park area located in Aurora, be transferred from the Jonathan Aurora Action Committee,

which has been dissolved, to the Auxiliary. A motion was made by Com. Gold and seconded by Com. Drew to allow the transfer of the lease as requested. All voted aye. Motion carried.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Anderson to approve the minutes of the May 21, 2013 meeting. All voted aye. Motion carried.

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

C. Judge Miller called Court back into regular session and informed that discussion was held regarding unemployment and county employees who leave county employment for whatever reason. He added that the County Attorney is going to ask for assistance from the Commonwealth Attorney's Office and will report back to the Court on this issue.

D. Judge Miller informed that he has still not heard from Rachael Terrell from TVA. Jeff Edwards informed that he has spoken with James Adams, TVA, as well as Ms. Terrell and it is still their recommendation that the county go with a 30-day revocable license on day use parks where the easements have expired until all of the easements have expired, bundle all of the day-use parks together and then consider going to an easement. Com. Gold said he didn't like going from an easement to a license. Judge Miller added that in his opinion, TVA was continuing to be unreasonable. Com. Drew said if the Court chooses a license and TVA revokes it, then it's beyond our control. A motion was made by Com. Drew and seconded by Com. Anderson to enter into an easement with the Tennessee Valley Authority for the Big Bear day use Park until the other properties discussed can be bundled with it upon their expiration. Com. Gold, Com. Anderson, & Com. Drew voted aye. Judge Miller voted no. Motion carried.

E. Assistant County Attorney Jason Darnall prepared a job description for the Animal Control Officers. Judge Miller read the document for the Court's consideration. A motion was made by Com. Drew and seconded by Com. Gold to approve the job description. All voted aye. Motion carried.

F. County Attorney Jeff Edwards provided a copy of the draft Animal Control Ordinance for the Court's review.

G. Following the second reading of Ordinance #2013-05 (budget amendment), a motion was made by Com. Anderson and seconded by Com. Gold to approve the

second reading and adopt Ordinance #2013-05. All voted aye. Motion carried.

H. During the surplus bid opening held on May 21st, there was a tie bid for a drill. Russell York informed that Jacob Denfip did not want to submit another bid, so the bid was awarded to Jack Dunnigan.

I. Russell York informed that due to recent flooding, he & Mike Oliver haven't been able to meet concerning the flooding problems in Old Gilbertsville. He will update the Court after they meet.

IV. NEW BUSINESS:

A. A bid opening was held for the purchase of two tractors and mowers. Advertisement for bids was published in the June 4th edition of the Tribune Courier. The bids are:

1. McKeel Equipment Co. of Paducah – on a new Kubota M108SCSC w/Terrain King KB2200 - \$99,998 each – Trade-in offers – Case IH MX100 #1 - \$16,000; Case IH MX100 #2 - \$16,000; & Case IH 5130 - \$8,000
2. Hutson Ag of Mayfield – on a John Deere 6105M Cab Tractor w/Alamo Machete - \$108,589.84 – Trade in offer – MX100m00 7230 – @ \$34,000 for three tractors.

Russell York reviewed the bids and informed that the bid from McKeel's that did not meet the specs and recommended the bid be accepted from Hutson Ag. A motion was made by Com. Gold and seconded by Com. Anderson to accept the bid from Hutson Ag as recommended. Treasurer Emily Martin asked that the motion reflect that payment for the mowers & tractors will be made from the FY 2013/14 budget. All voted aye. Motion carried.

B. The Court of Justice Court Facilities Local Government Reimbursement Form was submitted for the Court's consideration. The estimated reimbursement to the county is \$258,152.00 for FY 2013/14. A motion was made by Com. Gold and seconded by Com. Anderson to authorize Judge Miller to sign the form on behalf of the Court. All voted aye. Motion carried.

C. The Possum Trot/Sharpe Fire Protection District's Audit Report for year ended June 30, 2012 was submitted.

D. Due to a very wet spring, there is an area wide problem with mosquitoes. Judge Miller informed that the Kentucky Department of Agriculture is spraying with ground foggers at night. The department only has four trucks to cover a dozen

counties. Discussion was held about a group effort in making requests that the state secure planes to help alleviate the problem. Judge Miller will write a letter to both the Governor and the Commissioner of Agriculture and contact the area Judge/Executives and ask that they also send letters.

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

F. A Intrafund Transfer Request to move \$50,000 from the Occupational Tax Administrator Fund to the Road Fund; and \$350,000 from the Occupational Tax Administration Fund to the Road Fund was presented. A motion was made by Com. Gold and seconded by com. Anderson to approve the Intrafund Transfers. All voted aye. Motion carried.

G. The Payroll Fund - Accounts Receivable Report as of May 31, 2013 was submitted and is as follows:

From	Amount
Marshall Co. Sheriff's Department	\$349,623.00
Marshall Co. Attorney's Office	\$
Marshall Co. Clerk's Office	\$
Total Approved	\$349,623.00

A motion was made by Com. Anderson and seconded by Com. Drew to approve the Accounts Receivable Report as submitted. All voted aye. Motion carried.

H. The budget appropriation transfer listing was distributed. A motion was made by Com. Gold and seconded by Com. Anderson to approve the appropriation transfers. All voted aye. Motion carried.

I. A drawdown request, in the amount of \$30,416.50, was submitted for the Arts Commission Project. A motion was made by Com. Gold and seconded by Com. Anderson to approve the drawdown request. All voted aye. Motion carried.

J. Judge Miller read the Animal Shelter report for May which is as follows: Animals in the pen as of 4/30/2013 – 39; brought in by Animal Wardens – 37; brought in by citizens – 91; total animals taken in – 128 (dogs – 37; cats – 20; puppies – 30; & kittens – 41); adopted – 109; animals in foster care – 0; reclaimed – 10; euthanized – 15; & animals in the pen (and foster care) as of 5/31/2013 – 33; adoption fees - \$1,742.00.

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

L. Com. Drew informed that the state Department of Transportation is conducting a traffic study on Hwy. 62 in front of McDonalds near the entrance/exit off I-24 to determine if a traffic light is needed. There was a recent fatal accident at that intersection. Judge Miller said he has also received complaints about heavy traffic on Hwy. 62 at the truck stop.

M. Russell York informed that the part-time workers for the Road Department are: Ray Chumbler, IV, Brantly Barrett, & Russell Wilson. A motion was made by Com. Anderson and seconded by Com. Gold to hire the part-time workers. All voted aye. Motion carried.

N. 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