

Marshall County Fiscal Court
June 25, 2012

The Marshall County Fiscal Court met in regular session on Monday, June 25, 2012 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; I and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Vicki Boatright updated the Court on the Marshall County Conservation District's annual plan of action which includes: Home Farm & Safety Day; Jackson Purchase Foundation & Mike Miller Park for native planting; working with the schools in grades one thru five on a arts and writing contest; working with the Marshall County Arts Commission; working with students to create rain barrels; Agriculture & Farm Day at Joseph Farms for the county's 4th graders; will be giving away approximately 2,000 tree seedlings; participating in Earth Day; giving away energy efficient light bulbs; promoting collection of e-scrap. Ms. Boatright added that Jake Hicks was the art winner for the county and his creation was put onto t-shirts and his project came in second in the state. Madelyn Henson was the winner of the essay contest.

B. Larry Whitt, Director of Parks informed that the ground breaking is today for the splash pad at the county park. He also added that he has received quite a few complaints on mowing on the county properties, in particular the day use parks. He checked the day use parks himself and they hadn't been mowed, weedeated, or the grass blown off. He called and spoke with Mr. Frizzell and his mower has been broken for the past two weeks and he will be trying to get the properties back in good shape. Mr. Whitt said he will keep the Court updated.

C. Treasurer Emily Martin informed that Marshall County has been granted a \$1,000 scholarship through the Kentucky Association of County Treasurers and Finance Officers to be awarded to a graduating senior in 2013.

II. CORRESPONDENCE:

A. Judge Miller informed that on May 18, 2012, Emily Martin was certified and had successfully completed the Kentucky County Treasurer Certification Program.

B. The Purchase Area Development District Staff has completed a final draft of the County Annex to the Jackson Purchase Hazard Mitigation Plan. A meeting will be held at 1:30 on June 27th in the PADD Conference Room and will serve as an opportunity for further written comments to the plan.

C. Jonathan Oliver with Whitlow, Roberts, Houston & Straub, PLLC who is representing KY Hydro Farm, a subsidiary of Wyatt Farms, sent a copy of a letter

regarding crop loss suffered when Naturchem did roadside application and overspray.

D. Lincoln Martin, Marshall County Agriculture Extension Agent sent a copy of the letter which was sent to the Extension District Board Members regarding a notice received from State Auditor Adam Edelen that all taxing districts are to complete a survey by June 26th.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the June 5, 2012 meeting. All voted aye. Motion carried.

B. Judge Miller informed that he was contacted by Jamie Woolridge, who received nuisance complaints on two properties. Mr. Woolridge has everything cleared, with the exception of the old mobile home and he reported that he is trying to find someone to remove it from the property.

Sheriff Byars has still not heard from the property owner on Treasure Island Road.

Com. Drew suggested that specs be drawn up and advertise for bids for the removal of abandoned mobile homes. County Attorney Jeff Edwards will draw up specifications for the Court's approval.

Com. Gold said the right-of-way has been cleared on Gaslight Lane, and he has been contacted by Refuse Board Chair Danny Newton regarding the property owners request to put up a privacy fence and if allowed, how high it has to be. Jeff Edwards recommended that the request be put in writing and that the Refuse Board could allow a fence to be put up.

C. A bid opening was held for the Workers Compensation. Advertisement for bids was published in the June 12, 2012 edition of the Tribune Courier. Peel & Holland was the sole bidder in the amount of \$184,943. In the 2013 budget, \$183,000 was budgeted for Workers Comp. and it is up from last year's amount of \$173,264. A motion was made by Com. Anderson and seconded by Com. Gold to accept the bid as submitted by Peel & Holland. All voted aye. Motion carried.

D. During the last meeting, action was tabled on the Property & Casualty Insurance because the bid was contingent on renewing workers compensation with the Kentucky Association of Counties. Peel & Holland was the sole bidder in the amount of \$315,046. A motion was made by Com. Anderson and seconded by Com. Drew to

accept the bid on Property & Casualty Insurance from Peel & Holland. All voted aye. Motion carried.

E. The work on Tucker Lane has been completed and the paperwork has been filed.

F. Following the second reading of Ordinance #2012-04 (Budget), a motion was made by Com. Anderson and seconded by Com. Gold to approve the second reading and adopt Ordinance #2012-04. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. FIRE PROTECTION DISTRICTS:

Aurora-Ross:

- Upon the recommendation of Judge Miller, a motion was made by Com. Gold and seconded by Com. Anderson to re-appoint Martha Hopper. All voted aye. Motion carried. Her three-year term will expire 6/30/2015.

Elva/New Harmony/Oak Level:

- Upon the recommendation of Judge Miller, a motion was made by Com. Anderson and seconded by Com. Gold to re-appoint Kandi Spraggs. All voted aye. Motion carried. Her three-year term will expire 6/30/2015.

Fairdealing-Olive:

- Upon the recommendation of Judge Miller, a motion was made by Com. Anderson and seconded by Com. Gold to re-appoint Barney Thweatt. All voted aye. His three-year term will expire 6/30/15. Motion carried.

Gilbertsville:

- Upon the recommendation of Judge Miller, a motion was made by Com. Anderson and seconded by Com. Gold to re-appoint Anna Williams. All voted aye. Motion carried. Her three-year term will expire 6/30/2015.

Hardin-South Marshall:

- Upon the recommendation of Judge Miller, a motion was made by Com. Gold and seconded by Com. Anderson to re-appoint Michelle Alexander. All voted aye. Motion carried. Her three-year term will expire 6/30/2015.

Harvey-Brewers:

- Upon the recommendation of Judge Miller, a motion was made by Com. Gold

and seconded by Com. Anderson to re-appoint Gary Teckenbrock. All voted aye. Motion carried. His three-year term will expire 6/30/2015.

- Linda Sue Baird resigned as one of the firefighter representatives. The Board submitted two names for consideration – Butch Wyman and Marty Haley. Both have agreed to fill the unexpired term, which will end 6/30/2014. A motion was made by Com. Anderson and seconded by Com. Gold to appoint Butch Wyman to fill the unexpired term of Linda Sue Baird. All voted aye. Motion carried.

Palma-Briensburg:

- Upon the recommendation of Judge Miller, a motion was made by Com. Anderson and seconded by Com. Gold to re-appoint Nick Darnell. All voted aye. Motion carried. His three-year term will expire 6/30/2015.

B. SPECIAL DISTRICT APPOINTMENTS

Jonathan Creek Water District:

- Upon the recommendation of Judge Miller, a motion was made by Com. Gold and seconded by Com. Anderson to re-appoint Larry Conner to a four-year term which will expire 6/30/2016. All voted aye. Motion carried.

Sanitation District #1:

- Upon the recommendation of Judge Miller, a motion was made by Com. Gold and seconded by Com. Drew to re-appoint Mike Layton to a four-year term which will expire 6/30/2016. All voted aye. Motion carried.

Sanitation District #2:

- Upon the recommendation of Judge Miller, a motion was made by Com. Drew and seconded by Com. Anderson to appoint Ray Barga to fill the remainder of the term vacated by Rodney Smith. Mr. Barga's term will expire 6/30/2013. All voted aye. Motion carried.

Marshall County Hospital Board

- Judge Miller informed that Gary Shemwell's term will expire 6/30/12 and he is not eligible to serve another term because this is his second consecutive term. Judge Miller recommended Kenneth Shadowen be appointed to replace Mr. Shemwell (term to expire 6/30/16). A motion was made by Com. Gold and seconded by Com. Anderson to appoint Kenneth Shadowen. All voted aye. Motion carried.

Marshall/Calvert City Riverport Authority Board

- Upon the recommendation of Judge Miller, a motion was made by Com. Anderson and seconded by Com. Drew to re-appoint Don Hise and Bob Gold to a four-year term which will expire 6/30/16. Com. Anderson and Com. Drew voted aye. Com. Gold abstained. Motion carried.

Marshall County Refuse District Board

- Upon the recommendation of Judge Miller, a motion was made by Com. Gold and seconded by Judge Miller to re-appoint Charlie Edwards to a four-year term which will expire 6/30/2016. Com. Gold voted aye. Com. Anderson and Com. Drew voted no.
- Judge Miller read a recommendation from Benton Mayor Steve Cary that Danny Newton be re-appointed to a four-year term as the city's representative (term to expire 6/30/16). Com. Anderson contested and said there has never been a city representative on the board. Judge Miller replied that there has been since day one. Com. Anderson said he has asked all of the Mayors and they never had an appointment on the board. Judge Miller responded that when he first came in office in 1974, the city's representative was Guy Mathis. The next city representative was Wayne Powell and they have had one continually since then. Com. Anderson asked to see the minutes of the Court meetings where that policy was adopted. Judge Miller said that minutes would have to be researched back to the 1960's – but we will dig them out. Judge Miller read a portion of KRS 109.115 (3) (b) which states in part, "The Mayor of the most populous city in each county that is a participant in the waste management district shall be appointed a member". Com. Anderson said that the statute says the fiscal court must choose one of the following. Com. Drew said there are two options on the statute – for the Judge/Executive to appoint with the approval of the Court or for the Mayor to recommend a representative. Com. Drew asked who the current city representative was and Judge Miller replied that it is Danny Newton. Com. Drew then replied that the court appointed him. She then asked if there was a letter recommending Mr. Newton for his previous appointment. Judge Miller replied that if there was a letter, it will be on file. Com. Anderson said we've got more serious problems than that – he brought up some issues at a Refuse Board meeting three or four years ago and the board members repeatedly defied his warnings. He also had the County Attorney attend a meeting and he confirmed what Com. Anderson had told the board and they defied the County Attorney. The County Attorney came back and told them again on record, Com. Anderson has a copy of the tape, and they defied the County Attorney a second time. Com. Anderson then told the Assistant County Attorney and they also defied him. Com. Anderson said he thinks there either needs to be a meeting with the

Refuse Board to discuss the status of this or there needs to be an investigation to determine what exactly occurred. Com. Drew said she wants to make sure we are doing this consistently because she personally thinks it was known that there wasn't going to be enough Fiscal Court support for these two members and she wants to make sure that we are not picking and choosing which way we operate under the statute for the purpose of letting somebody serve on the board. She said she's personally opposed, as is Com. Anderson, to giving away taxpayers property and operating under contracts that don't exist and that sort of thing. She added that she felt it would have been handled very differently if the North Marshall Water District issue hadn't been happening when all of this came up, but to have these board members continue to serve on this board in spite of these issues – she doesn't support their decision or conduct as board members. A motion was made by Com. Anderson and seconded by Com. Drew to table action on this issue. All voted aye. Motion carried.

C. The Gilbertsville Fire Protection District submitted their audit for FY ended June 30, 2011. A motion was made by Com. Drew and seconded by Com. Anderson to accept the audit as submitted. All voted aye. Motion carried.

D. The mower that is used at the Judicial Center, Sheriff's Office, 911, & Jail is out of service. Seaford Lawn & Garden submitted a quote for a Pro Trim 60" mower, including a \$1,700 discount and trade-in allowance of \$500. Parks Director Larry Whitt suggested that the properties listed above be added to the mowing contract, compensate by increasing the amount on the contract, and consider adding the properties to the bid list next year. This item was tabled.

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

F. The Intrafund Transfers were submitted and are as follows:

<u>From</u>	<u>To</u>	<u>Amount</u>
Occupational Tax Admin.	Occupational Tax Fund	\$ 850,000.00
Occupational Tax Admin.	General Fund	\$ 200,000.00
Payroll Fund	Occupational Tax Fund	\$ 100,000.00
Grant Fund	General Fund	\$ 18,789.43
	Total Approved	\$1,168,789.43

JUNE 30, 2012 TRANSFERS

<u>From</u>	<u>To</u>	<u>Amount</u>
Occupational Tax Fund	General Fund	Acc. Balance
Cherokee Park Fund	General Fund	Acc. Balance

Occupational Tax Fund	General Fund	Acc. Balance
911 Wireless Fund	911 Fund	Acc. Balance

*These amounts will be disclosed at the next court meeting.

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

G. The Budget Appropriation Transfers were distributed for FY ended June 30, 2012. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Budget Appropriation Transfers as submitted. All voted aye. Motion carried.

H. The Payroll Fund – Accounts Receivable Report as of June 25, 2012 is as follows:

<u>From</u>	<u>2012</u>	<u>Amount</u>
Marshall County Sheriff's Department		\$482,203.21
Marshall County Attorney's Office		\$
Marshall County Clerk's Office		\$
Total Approved		\$482,203.21

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

I. Emily Martin distributed copies of an office supply bid list. A motion was made by Com. Anderson and seconded by Com. Gold to accept the bid list. All voted aye. Motion carried.

J. Judge Miller asked Loyd Ford, Editor of The Lake News about the events of the Calvert City Ameribration. The beauty pageant is tonight, and on July 4th, events begin at 10:00 and include a Corn Hole tournament, talent contest, free rides, free watermelon, the parade begins at 7:00 followed by fireworks.

K. A motion was made by Com. Gold and seconded by Com. Anderson to approve payment of the bills. All voted aye. Motion carried. There was a question regarding a bill from the architect on the roof for the Jail/Sheriff's Office/911 Complex. The roofing contract with the architect will be reviewed and this bill held until it is verified that payment is owed. All voted aye. Motion carried.

L. County Attorney Jeff Edwards presented a deed from the Draffenville Community Center, Inc. to the Fiscal Court for the Draffenville Community Building,

located at 242 Griggstown Road, Calvert City. The corporation is resolving and this deed is a part of winding up the corporate affairs in the process. A motion was made by Com. Anderson and seconded by Com. Gold to accept the deed. All voted aye. Motion carried.

M. Com. Drew asked Andy Lepisto when he might be available to work on the county website. Mr. Lepisto said he is not available now, but will be in the foreseeable future.

N. Com. Drew asked Jeff Edwards when he went to the Refuse Board meeting and discussed issues regarding the disposal of scrap metal, which was being given away at that time. Mr. Edwards replied that it goes back to the old discussion about Clean Earth and he thought it was all being bid. Com. Drew said that it is now, but her question was – there was about a year and a half time lapse that the board members continued to operate without a contract – giving away the scrap metal. Mr. Edwards said he didn't remember the exact time frame, but he did go a couple of times. Com. Drew asked if that left the Court in a position of liability having board members that failed to follow proper procurement procedures after being advised that they needed to. Mr. Edwards said he thought it would expose the district. Com. Drew said which in turn, if we are making appointments knowing that they failed to follow those proper procurement procedures, how can we as a court recommend to re-appoint a person who chose not to follow the advice of our County Attorney? The statute is very clear – it says you can do one of three things with surplus property that belongs to the taxpayers. You advised them of that and they chose not to. Mr. Edwards said there was a time that someone from the state level advised there were some exceptions for scrap materials. He couldn't find it and no one's been able to show him that. It might be true if there was no value – but over this period of time – scrap metal has become valuable. Com. Anderson said we led our citizens to believe we would recycle their aluminum cans and by taking them to the transfer stations, they were supporting their local government. Why would we include a third party to dispose of property that belongs to the taxpayers? Now there's no accountability – where's the money? Nobody knows what went on 20 or 30 years ago. Com. Drew said it's not personal, we have a job to do – we're all accountable and she thinks we need to hold people to a standard whether or not we like them. It's not about personalities.

O. 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