

Marshall County Fiscal Court  
July 1, 2014

The Marshall County Fiscal Court met in regular session on Tuesday, July 1, 2014 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. Bobby Gifford, Director of Water Vision 2020 submitted a drawdown request, for a total of \$18,989.58, for upgrades to the Marshall County Sanitation District #1 for the following: Paul Cloud Engineering in the amount of \$6,825.00 and \$12,164.58 for reimbursement to the district for a pump for the lift station. A motion was made by Com. Anderson and seconded by Com. Gold to approve the drawdown request. All voted aye. Motion carried.

B. Mike Edwards addressed the Court about the possibility of putting a sign up on Hwy. 68 near Marquita's Restaurant, marking the birthplace of Vernon Rudolph, founder of Krispy Kreme Doughnuts. Mr. Rudolph was born in 1915. A motion was made by Com. Gold and seconded by Com. Anderson that the Road Department develop a sign and get permission from the Department of Transportation to place it on the right-of-way. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Kate Hotle, Manager of Government Relations with Mediacom sent notification that the cable company will be increasing its Non-Sufficient Fund (NSF) charge on or about August 1, 2014 in our area (from \$25 to \$29 per returned payment).

B. Arthur Boykin, Executive Director of the Paducah Area Transit System (PATs), informed that effective today, Region 1 Human Services Transportation Delivery will be brokered by the Audubon Area Community Services, Inc. PATs is a subcontractor and can only provide Medicaid transportation that is preapproved and supplied from the broker. This change may result in some client's eligibility to receive transportation through this service no longer being approved.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Drew to approve the minutes of the June 18<sup>th</sup> and 30<sup>th</sup> meetings. Com. Drew asked that on the minutes of the June 30<sup>th</sup> meeting on the discussion on Kentucky Lake Motor Speedway, that it be added that the Court members complemented KLMS for finishing all of the scheduled races earlier than the deadline, with the exception of the one that went over the time limit. With the noted change, all voted aye. Motion carried.

B. Judge Miller addressed the variance request briefly at yesterday's special called meeting. He then read the request to the Court. Jeff Edwards said that KLMS would have to amend their request for a permit, which would require an additional public hearing. Yesterday, Mr. Hale (one of the track owners) said it would be a couple of vehicles testing tires, etc. on the track and during daylight hours only. County Attorney Jeff Edwards forwarded the information to Mike Foster, attorney for KLMS, about the need to file an amended petition. Judge Miller added that we will wait to hear from Mr. Foster before any additional action will be taken

C. Following the first reading of Ordinance #2014-06 (Marshall County Tourist Commission – name change to Kentucky Lake Convention & Visitors Bureau), a motion was made by Com. Drew and seconded by Com. Gold to approve the first reading. All voted aye. Motion carried.

D. County Attorney Jeff Edwards informed that property clean-up at the Health Department is an issue that needs to be handled by the department.

E. A bid opening has been scheduled for July 15<sup>th</sup> for the redevelopment and redesign for the county's website. Notice for bids will be published in today's as well as the July 15<sup>th</sup> editions of the Tribune Courier.

F. A bid opening was held for the purchase of a current model, ¾ ton, 4 x 4 crew cab pickup truck for use by the Director of the Office of Emergency Management. Advertisement for bids was published in the June 24<sup>th</sup> edition of the Tribune Courier. No bids were received. A motion was made by Com. Drew and seconded by Com. Gold to authorize OEM Director Frank Murphy to purchase the vehicle using the state contract price (\$30,938.00). All voted aye. Motion carried.

G. A bid opening was held for the cleanup of two properties. Advertisement for bids was published in the June 24<sup>th</sup> edition of the Tribune Courier. Since the advertisement was placed in the newspaper, one of the families has started cleaning up the property (Tubbs Road location). The other property is located at 104 Frontage Lane. One bid was received from Ronnie Blakney of R & M Trucking and Excavating Company of Almo in the amount of \$2,500.00. A motion was made by Com. Drew and seconded by Com. Gold to award the bid to R & M Trucking & Excavating. All voted aye. Motion carried.

Sheriff Byars asked about the property located on Tubbs Road, specifically how long the family would be allowed to work on it before being turned back over to the county for further action. The decision was to allow them 30 days from today's date.

Judge Miller informed that progress is still being made on the cleanup in Old Gilbertsville and shared pictures of the properties located at 205 & 215 W. 1<sup>st</sup> Street. Judge Miller added that complaints on other nuisance properties need to be signed and filed with the Sheriff's Office. Com. Anderson asked why we need a signed complaint before cleaning up nuisance properties. He added that's why we have a Sheriff and all of us (Court members) and we need to accept our responsibilities. He recommended that the property across from the county park be cleaned up first and added that he cited that property 10 years ago when he was Sheriff, and nothing's been done. All three Commissioners said they have signed complaints because neighbors didn't want to. He added that if we're serious about doing it, let's do it – we've been fighting this for years. Com. Drew asked now that these properties are cleaned up, what the next step would be in the process of filing a lien to recover the costs. Mr. Edwards replied that once we have the total costs, to file it with the Court, he will obtain a copy and file the appropriate documents. Sheriff Byars said his received a call over the weekend and the property owner was unaware that the cleanup process was going on at their property (3623 Gilbertsville Hwy.). When they went to mow, the house and barn had been torn down. Sheriff Byars added that he has documentation where notification was sent in 2012 and the County Attorney informed that they were notified in 2007 as well. Sheriff Byars said they wanted to complain about losing all of their father's tools that were in the barn. He thought they would be in Court today, but did not show up. Mr. Edwards told them if they wanted to file a formal complaint he would take it. Troy English also checked with the man doing the clean up and there was some scrap metal (a set of socket wrenches) and he will give them back to the property owners. Mr. Edwards added that it was not legally required. Com. Drew asked if the Nuisance Ordinance should be modified to include some type of hanging notice on the property prior to the cleanup process similar to notices posted on properties during the condemnation process. Mr. Edwards said he would make that amendment.

H. A bid opening was held for the purchase of a 40' clear span, 22' clear roadway bridge with a 2' guardrail for Old Calvert City Road. Advertisement for bids was published in the June 17<sup>th</sup> and 24<sup>th</sup> editions of the Tribune Courier. Two bids were received and are as follows:

1. Jim Smith Contracting Co., LLC - \$180,708.00 on a concrete prestress box beam bridge.
2. American Timber Bridge - \$169,000.00 on a treated timber bridge. Judge Miller asked Russell York and Jason Darnall to compare the bids to see that each met the specs.

Com. Drew asked if Smith listed the option – in the bid they first gave her – that the company would do everything or for the county to purchase the materials and Smith

would do the work. She added that the second option was significantly cheaper and that's why she asked that the bridge be put out for bids. Judge Miller replied that he just looked at the total bid. Com. Drew said that if the second option was listed, it would be a big savings but if not, then the timber bridge would be the cheaper way to go. The bridge is posted for 14 tons and someone had told Com. Drew that it only needed a curb, deck, & rail replacement. Judge Miller asked District One Hwy. Engineers to check the structure and after inspection, they said they would only accept a total bridge replacement.

I. A bid opening was held for the sale of surplus property. Advertisement for bids was published in the June 24<sup>th</sup> edition of the Tribune Courier. The bids are as follows:

- Randy Wood - #1 - 80" x 18' metal culvert - \$1,011.00; Steam Genie Washer - \$56.00; 1994 Ford pick-up truck - \$436.00; & 1999 Ford van - \$162.00.
- David Parker - #1 - 80" x 18' metal culvert - \$310.00; Scrap metal - \$0.025 per lb; 1994 Ford pick-up truck - \$277.00; & 1999 Ford Van - \$112.00.
- Michael Conkright - #1 - 80" x 18' metal culvert - \$131.31; #2 - 6' x 36' metal culvert - \$361.31; #3 - 6' x 36' metal culvert - \$361.31; #4 - 18" x 24' metal culvert - \$41.31; #5 - 36" x 30' metal culvert - \$51.31; #6 - 36" x 30' metal culvert - \$51.31; Steam Genie Washer - \$61.31; Scrap metal - \$0.0213 per lb; 1994 Ford pick-up - \$431.31; & 1999 Ford Van - \$261.31.
- Benny Adair - #1 - 80" x 18' metal culvert - \$517.00; #2 - 6' x 36' metal culvert - \$1,257.00; #3 - 6' x 36' metal culvert - \$1,257.00; #4 - 18" x 24' metal culvert - \$157.00; #5 - 36" x 30' metal culvert - \$257.00; & #6 - 36" x 30' metal culvert - \$257.00; scrap metal (he specified all old used snowplow blades only) - \$0.085 per lb; 1994 Ford pickup - \$278.00; & 1999 Ford van - \$250.00.
- Gamble's Recycling, LLC - #1 - 80" x 18' metal culvert - \$300.00; #2 - 6' x 36' metal culvert - \$455.00; #3 - 6' x 36' metal culvert - \$455.00; #4 - 18" x 24' metal culvert - \$100.00; #5 - 36" x 30' metal culvert - \$100.00; #6 - 36" x 30' metal culvert - \$100.00; Steam Genie Washer - \$50.00; scrap metal - \$.09 per lb; & 1999 Ford van - \$410.00.
- Tim York - #1 - 80" x 18' metal culvert - \$503.00.
- Cowboy Street - #1 - 80" x 18' metal culvert - \$500.00; Steam Genie - \$25.00; scrap metal - \$0.08 per lb; & 1999 Ford van - \$100.00.
- Rick Castleberry - Steam Genie - \$25.00; 1999 Ford van - \$350.00.
- Jeff English - #6 - 36" x 30' metal culvert - \$102.00.

Judge Miller asked Jeff Edwards and Emily Martin to compare the bids.

J. Judge Miller said that regarding the property across from the County Park, he is for going ahead and getting the cleanup started.

K. Com. Drew reported on the driveway issue on English road, she has looked at it and the part where gravel is washed out is on the turn-around and not on the county's right-of-way. The homeowner said the ditching has caused the washout. Russell York said that the driveway culvert needs to be replaced before any new gravel is put on the washout, because the culvert will not handle the water. After the culvert is replaced, the gravel could be replaced. Com. Drew added that if the homeowner wants the gravel replaced now, to make it clear to her that this would be the last time the county would replace it and any gravel needed in the future would be her responsibility.

L. Com. Drew asked if the City of Benton has indicated whether or not they would be willing to do the paperwork for the expanded jurisdiction on single family dwellings. Judge Miller reported that City Attorney Martin Johnson is out of town and he and Wendy Baxter will meet with him and Lois Cunningham, Benton Zoning Administrator, when he returns about the paperwork.

M. Com. Drew informed that she and Russell York met with residents of Chapel Lane and all are in favor of widening the road. The only problem is the right-of-way and the residents are asking that the right-of-way be changed on each side of the road. Mr. Davis told Com. Drew when the road was built, that he gave more of his property for the right-of-way than the property owners across the street. He will give some for the right-of-way and the neighbors across the road will give more. Com. Drew checked with the County Attorney to see if there was some type of commitment or process where the county could specify where the driving surface of the road would be located on a right-of-way. The normal driving surface on a road is 20' and some only have 18'. Judge Miller added that the county needs enough room to ditch and maintain. The current width of the driving surface is 14'. Com. Gold suggested that the road be surveyed and the surveyor could apply to the plat exactly where the road will be located. No formal action was taken at this time.

N. Andy Lepisto with Marshall County GIS informed that clarification is needed on the right-of-ways on James Martin Drive & John Mason Drive. The roads were accepted with the understanding that they both had 40' right-of-ways, but the roads actually have varying right-of-ways. Another issue was that more of the roadways were accepted (lengthwise) than what was requested. The road should have ended at the intersection of the two roadways. Mr. Lepisto said that in order to correct these issues, an accurate description needs to be drawn up. Following discussion, a motion was made by Com. Drew and seconded by Com. Anderson to accept the James Martin Drive and John Mason Drive as is and have the county surveyor complete a new survey on these roads in order to obtain an accurate description. All voted aye. Motion carried. Mr. Lepisto asked if an addendum is needed to change the length of the roads. County Attorney Jeff Edwards said he would address that at the next meeting.

IV. NEW BUSINESS:

A. A petition was submitted by residents of Quail Hills Road, Sparrow Lane & Pheasant Lane, requesting that the roads be accepted into the County Road Maintenance System. Judge Miller scheduled a public hearing immediately following the July 15<sup>th</sup> court meeting and appointed Casey Counce, Bobby Gifford, Russell York & Josh Tubbs as Road Viewers.

B. Treasurer Emily Martin distributed copies of information requesting bank quotes. A bid opening was scheduled for July 15, 2014.

C. Jason Darnall reported that both bids on the bridges met the specs. Com. Anderson asked if bid listed a lifespan for the bridge. Mr. Darnall said he asked Mr. York about the durability and Mr. York said the county has had good results from timber bridges and have had to replace some concrete ones. Com. Drew asked if anyone knew why the state did not use timber bridges, she thought that a concrete bridge would be a less expensive option. Judge Miller said that several counties across the state use timber bridges. Com. Gold added that timber bridges seem to hold up. A motion was made by Com. Drew and seconded by Com. Gold to accept the bid of \$169,000 as submitted by American Timber Bridge. All voted aye. Motion carried.

D. Judge Miller reported that the high bids on surplus property were as follows:

- Randy Wood - #1 – 80” x 18’ metal culvert - \$1,011.00, Steam Genie - \$56.00; & 1994 pickup - \$436.00.
- Benny Adair - #2 – 6’ x 36’ metal culvert - \$1,257.00; #3 – 6’ x 36’ metal culvert - \$1,257.00; #4 – 18” x 24’ metal culvert - \$157.00; #5 – 36” x 30’ metal culvert - \$257.00; & # 6 – 36’ x 30’ metal culvert - \$257.00.
- Gamble’s Recycling – scrap metal - \$0.09 per lb; 1999 Ford Van - \$410.00.

A motion was made by Com. Gold and seconded by Com. Anderson to accept the high bids on the surplus items. All voted aye. Motion carried.

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

F. Judge Miller reminded the Court of the Ameribration Celebration in Calvert City on July 4<sup>th</sup>.

G. A motion was made by Com. Drew and seconded by Com. Gold that Wendy Greer be categorized as a salaried employee at the current rate of pay. All voted aye.

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Motion carried.

H. Sheriff Byars informed that David Maddox has applied for funding through a C.O.P.S. Grant, which will pay for two additional School Resource Officers.

I. Jeff Edwards he has changed the language in the Nuisance Ordinance regarding posting of the property and the first reading will be held during the July 15<sup>th</sup> meeting.

J. 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