

Marshall County Fiscal Court
July 24, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, July 24, 2012 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Bob Johnston, Chairman of the Marshall County Cemetery Committee, addressed the Court and informed that all of their funding had been used to clear cemeteries for this year. He asked if additional monies become available, that the Committee be considered for more funding.

B. Martin Johnson, Attorney for the City of Benton addressed the Court at the request of the Mayor. He informed that city records have been researched through the 1990's regarding the city's representative on the Refuse District Board. The first appointee was Guy Mathis in 1970 and the second appointee was Wayne Powell. Mr. Johnson added that sometimes people served seven or eight years because of inattentiveness on the City's part, but the city has always had a representative on the board. Com. Drew asked who the city's representative was prior to the last appointment that came into question. He responded that research of the city records has not been completed, but he would be happy to meet with the County Attorney after the research of the city records is completed and provide copies of all the documentation. Com. Drew said the way the statute reads, the Mayor actually makes that appointment but when she spoke with the Mayor, he wasn't aware he had an appointee. The Mayor said the Judge told him he had one, but he wasn't aware of it until then. She continued by saying that this is the Mayor's second or third term – Mr. Johnson replied that it is his second term. Com. Drew then said she was guessing that if it was his designee, he would have known that. Mr. Johnson said that throughout the years, what has apparently happened is the person serves until they are actually replaced and added that he believed Wayne Powell served approximately 16 years. Com. Drew replied that this Court appointed Mr. Newton. Mr. Johnson said he is not aware of what the Court has done, but he is in the process of documenting what the city has done. Com. Drew said it has come into question and she wanted him to know why it came into question because there are records indicating that the Court appointed Mr. Newton and not the Mayor so if we're saying that it was a city representative, to her it would mean the Mayor would have known that was his designee or the prior Mayor would have made that appointment, but neither of those happened - the Fiscal Court appointed him and she's not sure how he can be transitioned to the city's designee. Mr. Johnson said he understood what Com. Drew was saying and informed that the Mayor and the City Council confirmed Mr. Newton's appointment at the last City Council meeting. He concluded by saying that he will have the complete documentation of all those records.

II. CORRESPONDENCE:

A. Don Wilson, Pastor of First Baptist Church in Benton, sent a letter regarding a ministry in Eastern Kentucky that weekly provides backpacks filled with food for hundreds of school children in that region. That ministry is presently engaged in moving its storage facilities to Kentucky. First Baptist works with that ministry as well as local ministries to help feed the people in Marshall County. First Baptist supports Marshall County Caring Needline, Marcella's Kitchen, the local 4-H Snack Pack Ministry, and the Benton/Central Resource Centers. Pastor Wilson has been told that the county acquired some pallets that would be ideal to help with the storage of the food for the Eastern Kentucky Ministry and he asked if they could use them. Judge Miller informed that the county acquired some pallet racks and he has checked with the departments to see if they could be used in some capacity. None of the departments has a need for them. Judge Miller recommended that the Court allow First Baptist to use the pallet racks to assist with the Eastern Kentucky Ministry for food storage until such time as the county may need them. A motion was made by Com. Gold and seconded by Com. Anderson to loan the pallet racks as recommended. All voted aye. Motion carried.

B. Kemp Morgan, Administrator of Federal Project Development & Management with the Delta Regional Authority informed that all executed grant documents have been returned and the county is now authorized to proceed with the Wastewater Plant/Lift Stations Rehab Project (DRA Project KY – 10737 E.C.). Judge Miller added this will allow for much needed improvements to Sanitation District #1 in Aurora.

C. Barney Thweatt submitted his resignation as a property owner representative on the Fairdealing-Olive Fire Protection District Board effective September 1, 2012. Mr. Thweatt is moving out of the district. He recommended Lyle Anderson to replace him on the board and he has agreed to fill the remainder of Mr. Thweatt's term if appointed. A motion was made by Com. Gold and seconded by Com. Anderson to appoint Lyle Anderson to replace Mr. Thweatt as recommended. All voted aye. Motion carried.

D. Judge Miller read a letter of resignation from Marshall County Refuse District Board member Galen Edwards. Mr. Edwards' resignation, due to declining health, is effective immediately. Judge Miller expressed appreciation for Mr. Edwards' dedication and service. He also asked the Court to consider a replacement for Mr. Edwards.

E. Judge Miller received an email from Chris Smithmeier expressing his concern for the community after the wet/dry issue. The vote was very close and it was an extremely divisive situation. Judge Miller said there were some sharp words spoken during the campaign on both sides, and said as Happy Chandler used to say, "When the people of Kentucky speak, I hear no other voice". Judge Miller concluded by saying

the people of Marshall County have spoken, the vote is over & now it's time to get on about the business of our community and county & hopefully that's exactly what we'll do.

F. Martin Johnson reported on the Industrial Foundation survey of the former Fleetwood Property. Carl Holt was engaged to do the survey, the field work was completed last week, and the computer printout and description should be completed soon. The description will include all four tracts, which make up the entire parcel of property formerly owned by Fleetwood. Mr. Johnson explained that Fleetwood bought some property that wasn't put under lease with the Industrial Foundation. The foundation didn't need a portion of the property, but all of it which was also Fleetwood's intent from the outset. When the paperwork is complete, the deed will be sent to California to the Bankruptcy Trustee who has been working with the Foundation to get the property cleared. Mr. Johnson added that will be the last hurdle and then Marshall County Economic Development Director Josh Tubbs will be able to start showing the property and using it as a tool for attracting economic development.

III. OLD BUSINESS:

A. Judge Miller asked if there were any corrections or additions to the minutes of the July 3rd meeting. Com. Drew asked that on page four, under item D., a word in the third sentence be changed from he to Com. Anderson, for clarification. (The sentence will now read, "Com. Drew reminded Mr. Edwards that Com. Anderson recused himself in the North Marshall Water District issue, and she didn't know if it was the same thing.") A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes with the requested change. All voted aye. Motion carried.

B. A bid opening was held for the sale of approximately five acres near the Marshall/Calloway county line on Hwy. 1824. Judge Miller read the advertisement for bids which was published in the July 10th edition of the Tribune Courier. Three bids were received and are as follows:

1. Earl & Karen McLeod, 3012 Main Street, Benton - \$7,500.00.
2. Ronald B. Hargis, 3342 Slickback Road, Benton - \$6,511.00.
3. Jerry & Ann Darnall, 636 Brewers Hwy., Hardin - \$6,500.00.

A motion was made by Com. Anderson and seconded by Com. Gold to accept the high bid of \$7,500.00 from Earl & Karen McLeod. All voted aye. Motion carried.

C. Judge Miller asked if the Court wanted to continue to table the Refuse Board Appointment until Martin Johnson finishes his assessment on the city's appointees. Com. Anderson said he thinks we need to get to the bottom of everything before we move on the appointments. Com. Drew said to her, it's more than whether or not it's

just a city designee, it's the actions of the board. She added that she didn't know how everyone felt, but for her it's what Com. Anderson recommended last time, which was that we have some sort of investigation into what actually happened with all the scrap metal. She knows the County Attorney recused himself, which leaves the Court without counsel, and he recommended that the court obtain counsel. Com. Drew asked the County Attorney if that was what needed to be done. The County Attorney replied yes. Com. Drew said it appeared to her there are obviously concerns out there, but she added that she isn't an attorney. Com. Anderson asked the County Attorney if he recommended during the last meeting to obtain counsel as soon as possible to which the County Attorney replied that he did. Com. Anderson then asked the County Attorney how to do that. The County Attorney replied that it is something that can be done on an as needed basis. Com. Anderson asked – is basically what the court needs to do is agree on someone - to which the County Attorney replied yes. Com. Drew asked if that was something that could be discussed during executive session. Judge Miller responded that to hire someone to represent the Fiscal Court – it would be a personnel issue and could be discussed during executive session. Com. Anderson asked if the issue could be added to today's scheduled executive session to which Judge Miller replied that it can. A motion was made by Com. Anderson and seconded by Com. Drew to table the Refuse Board Appointments. Com. Drew asked about the current status of the Refuse Board – if the members are still serving. Judge Miller answered that they serve until a successor is appointed. All voted aye. Motion carried.

D. The Official Certification of the Local Option Election, which was held July 17, 2012, was submitted by the Election Commissioners of Marshall County. The results were: 6,906 opposed to alcohol sales and 6,211 for alcohol sales. A motion was made by Com. Gold and seconded by Com. Anderson to accept the official certification as submitted. All voted aye. Motion carried.

E. Com. Drew asked if there was a finalized description regarding the Nuisance Ordinance to give to people who want to remove any of the abandoned mobile homes that are not in compliance. The County Attorney said he has one that is workable and it is similar to the basic requirements the county had for construction contractors during the ice storm. He will present it at the next meeting.

IV. NEW BUSINESS:

A. Judge Miller informed that it is time once again to approve the Statement of Affiliation for the Marshall County Rescue Squad and also the Appointment of the Search and Rescue (SAR) Coordinator for Marshall County. Judge Miller recommended that the Affiliation be continued and that Tim Brinkley be re-appointed the SAR Coordinator. A motion was made by Com. Gold and seconded by Com. Anderson

to approve the Affiliation and reappoint Tim Brinkley as recommended. All voted aye. Motion carried.

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

C. Judge Miller called Court back into regular session and informed that discussion was held regarding FEMA funding that is available for property acquisition which could be used for training purposes. More information has been requested prior to the next meeting and Judge Miller added that the Court will look more closely before any decision is made. Another issue discussed was whether or not to continue the contract with the gentleman for mowing. He is no longer mowing, and the Court is under the impression that he is not owed anything. Judge Miller said he will be given the opportunity to come to court if he feels he has a just claim.

D. The East Marshall Fire Protection District submitted the budget for FY 2012/13. A motion was made by Com. Gold and seconded by Com. Anderson to accept the budget as submitted. All voted aye. Motion carried.

E. County Attorney Jeff Edwards submitted copies of letters he sent to four special districts regarding non-compliance with required budget filing. Continued non-compliance will result in any steps necessary to prevent the expenditure of funds. The letters were sent to: Elva/New Harmony/Oak Level Fire Protection District; Fairdealing Olive Fire Protection District; Aurora Ross Fire Protection District; & Benton Housing Authority. All other special district entities have filed their budgets as required.

F. County Treasurer Emily Martin submitted the following for the Court's consideration:

- Treasurer's Settlement for FY ended 6/30/12. A motion was made by Com. Anderson and seconded by Com. Gold to accept the Treasurer's Settlement as submitted. All voted aye. Motion carried.
- Payroll Fund – Accounts Receivable Report (as of July 24, 2012 – Marshall County Sheriff's Department - \$523,130.40; & Marshall County Attorney's Office - \$8,564.75). A motion was made by Com. Anderson and seconded by Com. Gold to accept the Payroll Fund – Accounts Receivable Report as submitted. All voted aye. Motion carried.

- Public Properties Corporation Funds Report for FY ended 6/30/2012. A motion was made by Com. Gold and seconded by Com. Anderson to accept the Public Properties Corporation Funds Report as submitted. All voted aye. Motion carried.
- General Obligation Refunding Bonds Series 2012 Report. A motion was made by Com. Gold and seconded by Com. Anderson to accept the General Obligation Refunding Bond Report as submitted. All voted aye. Motion carried.
- Fund Receipts Report (ending date 6/24/12) & an additional sheet with notations. A motion was made by Com. Anderson and seconded by Com. Drew to accept the Funds Receipt Report as submitted. All voted aye. Motion carried.
- Intrafund Transfer Report:

From	To	Amount
Occupational Tax Admin.	Payroll Fund	\$200,000
	Total approved	<u>\$200,000</u>

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

G. Emily Martin presented a list of cleaning supplies used by the difference departments. Following discussion, the Court members concurred to obtain quotes on the items instead of bids.

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

I. 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