

Marshall County Fiscal Court
August 20, 2013

The Marshall County Fiscal Court met in regular session on Tuesday, August 20, 2013 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, & Misti Drew were present. Mike Miller, County Judge/Executive presided.

Judge Miller opened the meeting and welcomed everyone. Court was postponed until 2:00 for this morning's funeral for Russ Randall.

I. GUESTS:

A. Sheriff Byars presented an amendment to the 2012 Property Tax Settlement. He informed that after review by the state, it was determined that the state owed the Sheriff's Office one penny. A motion was made by Com. Anderson and seconded by Com. Gold to approve the amendment as presented. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Joe Orcutt sent a letter of appreciation on behalf of his family and neighbors for the County Road Department removing the swimming pool and trash from the house on the corner of Dogwood Place. The house has been vacant for approximately four years and Mr. Orcutt thanked the Court for listening & finding a solution to the problem.

B. Major General Edward W. Tonini, Adjutant General of the Department of Military Affairs, sent a letter of appreciation for the Court's support of the Kentucky National Guard Memorial.

C. Judge Miller read a Notice of Proposed Plan and Public Comment Period for the former LWD site in Calvert City. The Kentucky Department for Environmental Protection, Division of Waste Management will be holding the public comment period from August 13th through September 16th and the public meeting will be Thursday, September 12th from 6:30 to 8:00 at the Calvert City Library.

D. Former Animal Control Officer Dennis Tynes sent a letter to the Court, which read, "I would like to address a statement made at the last Fiscal Court meeting. It stated that I resigned due to the inability of Golden Kirk to perform his job. This statement was totally false. I resigned due to a conflict with employees at the animal shelter. My resignation had nothing to do with Mr. Kirk. I have deep respect for Golden. If details of my resignation are needed you can contact me. Please read and enter this letter into the minutes of the Fiscal Court."

E. Judge Miller read a letter from Kentucky Attorney General Jack Conway to Zac Greenwell, Commonwealth Attorney of the 5th Judicial Circuit in Marion, appointing Mr. Greenwell as Special Prosecutor in the review of allegations against Mike Miller,

Marshall County Criminal Complaint. Judge Miller said he didn't know when Mr. Greenwell would begin the review. Everything from the investigation has been turned over to the Attorney General. Jamie Poe asked Judge Miller if that was what he offered to do before the Court spent \$5,600. Judge Miller replied that it was. Com. Drew added that the Court tried two different times to go with a local investigator, but had to hire someone from out of the area. Judge Miller said that County Attorney Jeff Edwards did contact the Commonwealth Attorney prior to the start of the investigation. He added that Mr. Edwards and Assistant County Attorney Jason Darnall are attending a Prosecutor's Conference and Assistant County Attorney Lisa Carter is in Court, so if there are any legal questions this morning, we will have to postpone them or try to get Mr. Edwards on the phone.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the August 6th meeting and the August 13th special called meeting. All voted aye. Motion carried.

B. Jerry Sikes asked if the lawyer (Kent Wicker) was finished with the investigation. Judge Miller replied that he is and the report has been read into the Court record. Mr. Sikes asked if the total cost of the investigation is known. The cost to this point is \$5,475 and Treasurer Emily Martin said that as of this morning, she has not received an additional bill.

C. County Road Superintendent Russell York reported that when he checked Brooks Lane he discovered that the speed limit sign had been knocked down. It was originally posted for a 25 mph speed limit, and the sign has been replaced. The other roads in the area were checked and the roads are so short that the Sheriff and Mr. York did not recommend any speed limits be posted.

D. Wendy Baxter reported that an Expanded Jurisdiction Task Force meeting was held on August 15th. Task Force members Andy Lepisto, Jeff Edwards, Tony Henson & Ms. Baxter decided to schedule a visit to Anderson County, which has Expanded Jurisdiction and is similar to Marshall County. She added that discussion was held about modeling Marshall County's Expanded Jurisdiction after Anderson County's. Ms. Baxter said that the Task Force should have something for the Court's review by October.

IV. NEW BUSINESS:

A. Former Kenlake State Park Superintendent John Rittenhouse was a

restaurant representative on the Tourist Commission. He has moved out of the county, creating a vacancy. Tourism Director Randy Newcomb recommended Bertha Wilson, owner of the Brass Lantern be appointed to fill the vacancy. Judge Miller also recommended Ms. Wilson. A motion was made by Com. Anderson and seconded by Com. Gold to appoint Bertha Wilson as recommended. All voted aye. Motion carried.

B. Judge Miller read the Statement of Affiliation for the Marshall County Rescue Squad. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Statement of Affiliation. All voted aye. Motion carried.

C. Judge Miller read the Animal Shelter report for July which is as follows: Animals in the pen as of 6/30/2013 – 64; brought in by Animal Wardens – 41; brought in by citizens – 58; total animals taken in – 99 (dogs – 30; cats – 22; puppies – 18; & kittens – 29); adopted – 89; animals in foster care – 7; reclaimed – 14; euthanized – 11; & animals in the pen (& in foster care) as of 7/31/2013 – 56; adoption fees - \$1,647.00.

D. A motion was made by Com. Anderson and seconded by Com. Anderson to approve the Treasurer's Report, subject to audit. 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. A petition was submitted requesting that Crooked Oak Loop be accepted into the county road maintenance system. Judge Miller appointed Russell York, Josh Tubbs & Bobby Gifford as road viewers and asked that they report at the next meeting.

G. Economic Director Josh Tubbs informed that he attended a meeting of the Regional Economic Development Authority concerning McCracken County Port Authority's attempt to obtain foreign trade zone status. The Port Authority has requested letters of support. A motion was made by Com. Gold and seconded by Com. Anderson to authorize Judge Miller to sign a letter of support on behalf of the Court. All voted aye. Motion carried.

H. Property Valuation Administrator Tony Henson said there was an ad in Sunday's Paducah Sun for an opening in the Marshall County GIS Department. The ad was incorrect and he hasn't run anything in the paper in the past two years.

I. Darlene Lynn, Director of the Lakeland Area Red Cross, informed that the state Department of Transportation will be tearing down the building that formerly housed the toll booth office which is now the Red Cross Office. The City of Benton has

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a building that will be revamped and will allow the Red Cross to use. Ms. Lynn asked for the Court's consideration of continuing to pay the utilities at the new office. The county has been paying for the utilities at the current site since 1994. A motion was made by Com. Anderson and seconded by Com. Gold to continue to pay for the utilities. All voted aye. Motion carried.

J. Judge Miller recommended that when Jailer Roger Ford gets the old van cleaned up, it be donated to the Calvert City American Legion to be used for Burial Detail. A motion was made by Com. Anderson and seconded by Com. Gold to give the van to the Calvert City American Legion as recommended. All voted aye. Motion carried.

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