

Marshall County Fiscal Court
September 3, 2013

The Marshall County Fiscal Court met in regular session on Tuesday, September 3, 2013 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, & Misti Drew; and Assistant County Attorney Lisa Carter were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Pastor Tim Polley presented a Proclamation for the Court's consideration naming September 6th, 7th & 8th Emergency Responder Appreciation Weekend. The 5th Annual Emergency Responder's Appreciation Dinner will be Friday evening and Jeff Billingsly, a former Memphis law enforcement officer shot in the line of duty, will speak on Saturday at the Shadowen Performing Arts Center, of his personal journey of finding faith while battling through Post Traumatic Stress Disorder. A motion was made by Com. Drew and seconded by Com. Gold to approve the Proclamation. All voted aye. Motion carried.

B. Bryan Cutsinger, Director of the Marshall County Ambulance Service thanked Pastor Tim for all he has done for the emergency responders in Marshall County. Mr. Cutsinger asked for the Court's authorization to advertise for bids on a new ambulance. The unit it will be replacing has approximately 200,000 miles on it. He estimated the cost for a new ambulance at \$125,000 and added that KCTCS grant funding, in an amount between \$10,000 and \$11,000 is expected to help pay for the new ambulance. A motion was made by Com. Anderson and seconded by Com. Gold to authorize Mr. Cutsinger to advertise for a new ambulance. All voted aye. Motion carried.

II. CORRESPONDENCE:

There was no correspondence.

III. OLD BUSINESS:

A. Com. Anderson asked for a correction to the minutes of the August 20th meeting. On page three, item D. the minutes stated that both the motion and second were made by Com. Anderson. The motion should read that the motion was made by Com. Anderson and seconded by Com. Gold. With that correction, a motion was made by Com. Gold and seconded by Com. Anderson to approve the minutes of the August 20th meeting. All voted aye. Motion carried.

B. Anita Stevenson with the County Attorney's Office, identified some issues with the petition for Crooked Oak Loop:

1. No copies of deeds were supplied with the petition.

2. No proof of two residences in existence for 15 years was supplied nor subsequent proof of residence for each additional ¼ mile was supplied.
3. Unsure exactly what the petitioner's want taken into the road system. They highlighted the portion of the road that adjoins the south portion of Jim Siress' lot but it appears there is also a private road notation on the plat on the north side of Mr. Siress' lot. Do they want that taken in also?
4. The petition was signed by 11 property owners.
 - Jennifer Smethers – there is a mobile home located on this property. This lot was sold by Wyatt in 1997.
 - Garrett P. Arnold – this would not come up in the PVA system.
 - Eddie Barker – there is a mobile home on this property – the most recent sale was in 2012.
 - Dennis Speer – tract 7 – PVA only shows a barn on this property.
 - Dennis Speer – tract 8 – PVA shows land only.
 - Ryan Morgan – there is a house on this tract but in 2009 the value for the land was \$66,000 and then in 2009 – the FCV went up to \$273,823 (has not been there 15 years).
 - James Shanks – vacant land in 1997; PVA says house was built in 1998.
 - Ronald Brinegar – PVA says house was built in 2000.
 - Jimmie Dale Siress – PVA says house was built in 1995 but it was probably in 1996 since they didn't buy it until 1996.
 - Adam Spalding – double wide – 2008.
 - Jennifer Alberico – mobile home 1991.

Depending on where these houses are actually located would determine if the road meets those requirements.

Ms. Stevenson called C & C Surveying to determine the width of the road and they couldn't say for sure because James Cain drafted the plat and he is now retired. However, they looked at one of their plats in 2003 and stated the road was 40 feet wide. So, that meets the requirements if it is actually built that wide.

County Road Superintendent Russell York and Josh Tubbs will look at the road and report back to the Court at the next meeting.

C. While Mike Green and Dennis Lovett were out of the county attending Animal Control Officer Training, Jimmie Tubbs covered for them. Emily Martin informed that he has never been compensated. ACO's currently make \$12,360 per year and one week's pay is \$237.60. A motion was made by Com. Anderson and seconded by Com. Gold to compensate Mr. Tubbs in the amount of \$237.60. All voted aye. Motion carried.

D. Com. Drew asked for an update on the Calvert City medical office situation. Judge Miller informed that he has been in contact with Mayor Jones, the Hospital Administrator and the Health Department Director. The building, which is co-owned by the three entities, is being rented by Dr. Waller. The doctor is seeing patients one day per week and the office is staffed the other four days by a nurse practitioner. Dr. Waller pays rent to the hospital for the building. Judge Miller said his concern is leaving the citizens of Calvert City with no medical coverage.

IV. NEW BUSINESS:

A. A petition was submitted for county maintenance of Way Avenue, located behind Hardees in Draffenville. The petition was submitted on the old petition form and there was no indication as to whether the petition is to accept the road as an existing road or a new road. Com. Anderson said that storage buildings have been on the road for some time. Following discussion, a motion was made by Com. Anderson and seconded by Com. Gold to table any action on Way Avenue until a new petition is submitted. All voted aye. Motion carried.

B. County Treasurer Emily Martin submitted an amended Marshall County Fiscal Court Tax Rate for 2013. She informed that after the 2013 tax rates were set, the state PVA amended the assessment on tangibles. With the new assessment, the rate on tangibles needs to be amended to 10.83 which would remain the same as the tangible rate for 2012 with no tax increase. A motion was made by Com. Anderson and seconded by Com. Gold to approve the amended tax rate on tangibles at 10.83. All voted aye. Motion carried.

C. Following the first reading of Ordinance #2013-07 (2013 Tax Rates), a motion was made by Com. Drew and seconded by Com. Anderson to approve the first reading. All voted aye. Motion carried.

D. Following the first reading of Ordinance #2013-08 (Tourist Commission), a motion was made by Com. Drew and seconded by Com. Gold to approve the first reading. All voted aye. Motion carried.

E. Andrus Road, located in District 1, was discussed. Sometime ago, a portion of the road was accepted into the county road maintenance system but there is approximately 700' at the end of the road that for whatever reason is not paved and the records show that the county road stops at the end of the blacktop. There is a cemetery located past the end of the blacktop and under order of Judge David Buckingham several years ago, the fiscal court will take all roads into the county road maintenance system. A motion was made by Com. Gold and seconded by Com. Anderson to accept

the 700' at the end of Andrus Road into the county road maintenance system. All voted aye. Motion carried.

F. Emily Martin informed that she recently audited the insured county vehicles matching them with the titles in her files. There are three titles that are actually being used by the Refuse District and have been for some time. They are a 1998 Ford Econoline Van, 2003 Mack Garbage Truck, and a 2001 Ford F366. She recommended that the Court authorize Judge Miller to sign the titles to officially transfer the vehicles to the Refuse District. Also during the audit, she discovered that there is a 2006 Ford F250 that is titled to the Refuse District that should be transferred to the Fiscal Court and she will be asking them to transfer it to the Fiscal Court. A motion was made by Com. Anderson and seconded by Com. Gold to authorize Judge Miller to sign the titles for transfer as recommended. All voted aye. Motion carried.

G. A drawdown request on the Arts Commission Loan was submitted in the amount of \$127,164.98. A motion was made by Com. Gold and seconded by Com. Anderson to approve the drawdown request. Ms. Martin added that this should be the final drawdown request. All voted aye. Motion carried.

H. Ms. Martin informed that the state direct deposited funds into the wrong account and requested an intrafund transfer from the 911 Fund to the Road Fund of \$199,594.04. A motion was made by Com. Gold and seconded by Com. Anderson to approve the intrafund transfer. All voted aye. Motion carried.

I. The East Marshall Fire Protection District Budget for FY 2013/14 was submitted. A motion was made by Com. Anderson and seconded by Com. Gold to accept the budget. All voted aye. Motion carried.

J. The Harvey-Brewers Fire Protection District Budget for FY 2013/14 was submitted. A motion was made by Com. Gold and seconded by Com. Anderson to accept the budget. All voted aye. Motion carried.

K. The Elva-New Harmony-Oak Level Fire Protection District Budget for FY 2013/14 was submitted. A motion was made by Com. Gold and seconded by Com. Anderson to accept the budget. All voted aye. Motion carried.

L. Wendy Baxter distributed fliers for Marshall County Family Week, which will be September 6th – 13th. There will be a Color Run for the Animal Shelter in conjunction with Family Fun Day at Mike Miller Park on Saturday, September 14th.

M. An unpaved section of roadway at the end of Sledd Creek Road was discussed. Sledd Creek Road was at one time state maintained and was traded for maintenance for county roads. According to the County Road Department records, the county maintains 10,507' but there is a 100' to 150' section at the end that is gravel, leading to a paved driveway. No one was sure why that section was not taken in or paved. The records will be researched further and any findings will be reported to the Court.

N. The United States Department of the Interior, Fish & Wildlife Service electronically transferred a payment into the general fund. The annual payment to local governments is for lands under the administration of the US Fish & Wildlife Service. The amount transferred on August 9th was \$139,000 and should have actually been \$13,000. A motion was made by Com. Anderson and seconded by Com. Gold to authorize Treasurer Emily Martin to work with the Fish & Wildlife Service to straighten out the overpayment. All voted aye. Motion carried.

O. A motion was made by Com. Gold and seconded by Com. Drew to close the Courthouse on Saturday's. All voted aye. Motion carried.

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

Q. A motion was made by Com. Anderson and seconded by Com. Gold to go into executive session to discuss personnel. All voted aye. Motion carried.

R. Judge Miller called Court back into regular session and informed that when the County Attorney returns, a work session will be scheduled for Animal Control rules and discussion was held during executive session concerning the Building & Electrical Inspection Department.

S. Pastor Tim Polley announced that on Saturday, people are urged to bring non-perishable or canned goods to the Jeff Billingsly program. Those good items will be donated to Needline.

T. 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