

Marshall County Fiscal Court  
October 23, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, October 23, 2012 in the Old Circuit Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; Assistant County Attorney Jason Darnell, and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Marshall County High School students Savanna Smothers and Alyssa Benard addressed the Court on behalf of the MCHS Leadership Dynamics Class and submitted a Proclamation for the Court's consideration. Judge Miller read the Proclamation, naming the week of October 21<sup>st</sup> through 27, 2012 "Safe Schools Week" in Marshall County. A motion was made by Com. Gold and seconded by Com. Drew to approve the Proclamation as presented. All voted aye. Motion carried.

B. Representatives from the Marshall County Hospital Ladies Auxiliary were present. Judge Miller read a Proclamation naming Monday, December 3, 2012 "Love Light Tree Day" in Marshall County. A motion was made by Com. Drew and seconded by Com. Gold to approve the Proclamation as presented. All voted aye. Motion carried.

C. Melissa Combs, Director of the Office of Emergency Management asked that the Court declare the 1989 Chevrolet, which has been used to tow the Fire Safety Trailer, as surplus property. Ms. Combs informed that the Alliance has secured a new vehicle which is better equipped for towing. She also asked for the Court's consideration of being able to use the money from the sale to replace the decals on the trailer. A motion was made by Com. Gold and seconded by Com. Drew to declare the truck as surplus and allow the money to be used to purchase new decals as requested. All voted aye. Motion carried.

D. Gary Vander Boegh asked to address the court regarding a resolution he submitted during the October 9<sup>th</sup> meeting. Judge Miller advised Mr. Vander Boegh that it was further down the agenda.

II. CORRESPONDENCE:

A. Jerry Miller, Chairman of the North Marshall Water District Board informed that board voted unanimously to provide Bobby Gifford a raise in pay based on his exceptional work in getting NMWD back in good standing. Effective with Mr. Gifford's pay in November, the board is providing him an increase of \$3,500 annually or \$291.67 per month, making his total annual salary \$42,000 plus benefits. Judge Miller added that he will ask Treasurer Emily Martin to work with North Marshall because the county pays a portion of his salary through Water Vision 2020.

B. Betsy Ryan, Environmental Control Supervisor with the Kentucky Department of Environmental Protection sent a letter regarding a recent citizen complaint of the open burning of a house for disposal at 408 Lynn Nelson Road in Benton. Ms. Ryan said it was the understanding that the citizen had obtained approval from the city of Benton to burn the house. The open burning of a house is a violation of Kentucky's Open Burning Regulation, 401 KAR 63:005 and under no circumstance is it legal to burn a house or its contents for disposal. Included with the letter was a copy of the open burning brochure and the open burning regulation. Also, information on fire training was included. Ms. Ryan concluded by advising that if the City of Benton/ Marshall County gives permission to citizens to burn structures in the future, it could result in a Notice of Violation and potential penalties of up to \$25,000 per day per violation.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Drew to approve the minutes of the October 9, 2012 meeting. All voted aye. Motion carried.

B. Com. Anderson informed that the residents of Opal Lane have decided to try to raise money to have the road paved instead of setting up a road taxing district, but from his understanding they weren't sure if all of the residents would be on board with it.

C. During the October 9<sup>th</sup> meeting, Com. Drew suggested Daniel Slayden to fill the vacancy on the Sanitation District #2 Board, but it was determined that he did not own property, only rented and is not eligible to serve. Com. Anderson has spoken with Royce Templeton, who is willing to serve if appointed. Upon the recommendation of Judge Miller, a motion was made by Com. Anderson and seconded by Com. Drew to appoint Royce Templeton to the Sanitation District #2 Board. All voted aye. Motion carried.

D. The 2013 Wellness Program hasn't been released, but Emily Martin suggested a change to the benefits eligible to state "Active Full Time Employees". Ms. Martin also suggested that a statement be included indicating that the employee has to be actively employed at the time of incentive payout to receive the benefit – terminated or retired employees would not be eligible. Ms. Martin not present, and Judge Miller tabled this issue until her return at the next meeting.

E. Gary Vander Beogh updated the Court on the status of other area county's resolutions in support of a Congressional Investigation into the unequal treatment of Paducah Gaseous Diffusion Plant workers who have applied for and been denied their medical benefits and compensation claims under the DOL EEOICPA. Assistant County

Attorney Jason Darnall summarized the Resolution for the Court's consideration. A motion was made by Com. Gold and seconded by Com. Drew to table action on the resolution until the next meeting. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to authorize County Road Supervisor Russell York to draw up specifications on a new sign truck for the Road Department and advertise for sealed bids. (This item was included in the budget.) All voted aye. Motion carried.

B. A motion was made by Com. Gold and seconded by Com. Anderson to authorize Jailer Roger Ford to draw up specifications and advertise for sealed bids for a vehicle for the Jail. (This item was included in the budget.) All voted aye. Motion carried.

C. County Clerk Tim York submitted the County Clerk's Claim for Preparing Tax Bills for 2012. The cost of preparation was \$6,486.60. The County is responsible for one half of the cost which is \$3,244.80. A motion was made by Com. Gold and seconded by Com. Anderson to approve payment of \$3,244.80. All voted aye. Motion carried.

D. Mr. York also submitted the County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills for 2012. The Department of Revenue's certification of the total number of motor vehicles and boats in Marshall County is 41,426 as of January 1, 2012, for which the Fiscal Court is to pay the County Clerk fifteen cents for the calculation of a tax bill for each account. This year's county compensation is \$6,213.90. A motion was made by Com. Drew and seconded by Com. Gold to approve payment of \$6,213.90. All voted aye. Motion carried.

E. The cities of Benton, Calvert City & Hardin have issued a 10:00 curfew for Halloween. A motion was made by Com. Gold and seconded by Com. Drew to set the curfew for the county at 10:00 as well. All voted aye. Motion carried.

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

G. Judge Miller called Court back into regular session and informed that an employee has been on unpaid leave after being arrested for a drug offense. The employee has now been convicted of that drug charge. Judge Miller recommended that the employee be terminated from county employment. A motion was made by Com.

Anderson and seconded by Com. Gold to terminate the employee as recommended. All voted aye. Motion carried.

H. Treasurer Emily Martin submitted an Intrafund Transfer of \$50,000.00 from the Road Fund to the General Fund – to be utilized only if needed. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Intrafund Transfer as requested. All voted aye. Motion carried.

I. The next regularly scheduled meeting would fall on Presidential Election Day, which is a scheduled county holiday. The meeting date was changed to Wednesday, November 7<sup>th</sup>.

J. Judge Miller informed Russell York went to Frankfort last week to look at surplus property. Currently, Mr. York is the only person authorized to look at surplus property and he recommended that Frankie Sledd and Jeff Jaco also be authorized by the county. A motion was made by Com. Gold and seconded by Com. Anderson to authorize the addition of Mr. Sledd and Mr. Jaco to view surplus property as requested. All voted aye. Motion carried.

K. Mr. York informed that a dump truck bed is no longer needed and asked that it be declared surplus and sold through sealed bids. A motion was made by Com. Gold and seconded by Com. Anderson to declare the dump truck bed surplus and authorize Mr. York to advertise for bids as requested. All voted aye. Motion carried.

L. Judge Miller informed that last Friday, there was a ceremony and a historical marker placed at WCBL honoring the late Shelby McCallum, who started WCBL and was a State Legislator. Judge Miller expressed appreciation to Justin Lamb for his dedication and hard work in being the driving force on the historical marker as well as the ceremony. Judge Miller pointed out that this is also Justin's birthday.

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

N. The Animal Shelter truck is getting in bad shape and the staff would like to get an enclosed vehicle to replace the truck so that the animals can be transported in inclement weather if needed. Mr. York checked at surplus property last week but didn't find anything suitable. A motion was made by Com. Drew and seconded by Com. Anderson to allow the Animal Shelter Staff to work with Judge Miller and to authorize the truck to be declared surplus property when a replacement vehicle has been found. (Money for a replacement vehicle is in the Animal Shelter budget). All voted aye. Motion carried.

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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