

Marshall County Fiscal Court
November 20, 2012

The Marshall County Fiscal Court met in regular session on Wednesday, November 20, 2012 in the 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. Henry Lockett, a resident of Opal Lane, was present and asked that the court accept the road into the county road maintenance system. Mr. Lockett also had checks totaling \$110,769.24 from the residents to help cover the cost of getting the road up to county standards for acceptance. The estimated cost for the road is \$120,000 and Mr. Lockett explained that there are a couple of homeowners who haven't paid their share yet. One couple is in the process of selling their house, and they have agreed to pay their share once it is sold. County Attorney Jeff Edwards recommended that Road Viewers be appointed and a public hearing be set for the possible acceptance of Opal Lane. A motion was made by Com. Drew and seconded by Com. Anderson to begin the formal process. Judge Miller scheduled the public hearing for Tuesday, December 18th at approximately 11:00 a.m. and appointed Russell York, Josh Tubbs, & Bobby Gifford as road viewers. All voted aye. Motion carried.

B. Sissy Wommack presented a petition requesting that Samuel Lane, located in the Palma community, be accepted into the county road maintenance system. A motion was made by Com. Gold and seconded by Com. Anderson to accept the petition. Judge Miller scheduled the public hearing for Tuesday, December 18th at approximately 1:30 p.m. and appointed Russell York, Josh Tubbs, & Bobby Gifford as road viewers. Com. Drew asked Mrs. Wommack to explain one of the reasons for asking that the road be accepted. Mrs. Wommack informed that a secondary mortgage company, such as Fannie Mae or Freddie Mac, will not deal with property that is not located on a county road. Com. Drew added that this is the road she now lives on and she will recuse herself from any vote. Com. Anderson and Com. Gold voted aye. Motion carried.

C. During the November 7th meeting, Economic Development Director Josh Tubbs informed that Wacker is planning an expansion. As part of that process, Wacker representatives are planning to apply for a \$170,000 Economic Development Grant to go toward job creation. However, the grant would have to be funneled through a unit of government. Mr. Tubbs added that it is a win/win situation because if Wacker does not go through with the expansion, the grant would remain with the county to be used for economic development opportunities. A motion was made by Com. Gold and seconded by Com. Anderson to funnel the Economic Development Grant funds through the county on behalf of Wacker. All voted aye. Motion carried.

D. Paul Cathey & Becky Cornwell addressed the Court regarding the Christmas Lights in the Park that benefits Marshall County Caring Needline. Mrs. Cornwell distributed a list that included the amounts, per year, of non-perishable food items, donations and vehicle counts for 2000 through 2012. The totals were: 242,736 food items, \$398,956.00 monetary donations, and 233,366 vehicles (three years there was no vehicle count). Judge Miller commended Mr. Cathey, who began the light show at his house on Hwy. 68, donated all of the lights and the display in the park started from there. He has been instrumental in building on that beginning to what it has become today. Mrs. Cornwell added that this is a major part of the Needline budget and without the generous donations brought in by the light show, Needline would not be able to help the large number of people each year and might not have survived at all.

E. Judge Miller asked Ray Langston, with the Draffenville Lions Club, to share with the Court the amount of help the club has been able to provide to the community. Mr. Langston informed that this year, the Lions have given \$1,600 to Needline, \$500 to Marcella's Kitchen, \$500 to help fire victims, and \$2,624 to the Telethon. They have also made donations to the Marshall County Exceptional Center, Kentucky Eye Foundation, Kentucky Sheriff's Boys & Girls Ranch, Marshall County Rescue Squad, and Toys for Tots as well as donations of numerous fans to the "Beat the Heat" campaign. Mr. Langston added that the Lions Club Motto is "We Serve" – not just in Draffenville, but to the entire county.

F. Tom Lyons addressed the Court regarding the opening for Constable in District #2. Mr. Lyons is a retired Henderson County Deputy Sheriff and asked for the Court's consideration in naming him to fill the vacancy. Larry Hellcamp, owner of Southern Komfort Resort informed that Mr. Lyons has been acting as Security for his resort and recommended him for appointment. It was unclear if the Court could appoint a Constable in this instance, so a motion was made by Com. Anderson and seconded by Com. Gold to table this issue until the County Attorney could research and inform the Court. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Judge Miller read an email from Josh Tubbs regarding certification as a Work Ready Community. In an effort to become even more competitive in economic development, many communities are pursuing certification. The state Economic Development Cabinet recognizes this designation and uses it when working with companies on the site selection. Mr. Tubbs has scheduled a meeting at 10:00 on Wednesday, December 13th in the Fiscal Courtroom to discuss the initial steps of this designation.

B. Marcella's Kitchen will be serving their Annual Thanksgiving Feast on Thanksgiving Day, November 22nd from 11:00 to 1:00.

C. Jeff Burton, Director of the Division of Local Facilities, Department of Corrections informed that during a Jail inspection conducted on November 7, 2012, no items of non-compliance were noted.

D. Debbie Buchanan, Executive Administrator of the Marshall County Chamber of Commerce asked for the Court's sponsorship again this year for the Annual Chamber Dinner, scheduled for Thursday, January 17, 2013 at Marshall County High School. Last year, the Court paid for the \$500 Silver Sponsorship. Discussion was held about if funding was available. Treasurer Emily Martin will check and report back to the Court.

E. General John Heltzel, Kentucky Emergency Management, informed that KYEM is in the process of updating the Commonwealth's hazard Mitigation Plan. This plan is required by the Federal Emergency Management Agency for Kentucky to receive mitigation project funding. Kentucky is designated by FEMA as one of only ten states nationwide to have an "enhanced" mitigation program. This designation provides the commonwealth with an additional 5% of funding as compared to non-enhanced state programs. A meeting is scheduled at the Purchase Area Development District on November 26th from 1:00 – 4:30 p.m.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the November 7, 2012 meeting. All voted aye. Motion carried. (See page seven, item K for correction.)

B. Action was tabled during the November 7th meeting on either entering into a contract with or officially naming Larry "Cat" Spears as an employee as Marshall County Building and Electrical Inspector. Judge Miller read a Memorandum of Agreement officially employing Mr. Spears. A motion was made by Com. Gold and seconded by Com. Drew to approve the Memorandum of Agreement as presented. All voted aye. Motion carried.

C. During the November 7th meeting, action was tabled on payment for the UK Mobile Dental Unit. On June 27th, the Marshall County Health Department approved payment of \$10,000 but the Cabinet for Families & Children would not allow the payment for FY 2011/12 without a Memorandum of Agreement. However, the state would allow the payment to be made with a MOA for 2012/13. The bill for 2011/12 has not been paid.

D. Judge Miller informed that there are two items for discussion (personnel & right-of-way acquisition by the state) and requested an executive session. A motion was made by Com. Anderson and seconded by Com. Gold to go into executive session. All voted aye. Motion carried.

E. Judge Miller called Court back into regular session and informed that he was contacted by Darwin Belt, with Florence & Hutcheson concerning the planned widening (including sidewalks on both sides of the street) of Hwy. 348, from the intersection of Hwy. 641/Main Street. A tentative offer has been made and Judge Miller said negotiations will take place on the price.

F. Judge Miller said that several applications have been submitted for Assistant Animal Warden. Copies are being made for the Court members and a decision will be made during the December 18th meeting.

IV. NEW BUSINESS:

A. Judge Miller read the Animal Shelter report for October which is as follows: Animals in the pen as of 9/30/2012 – 79; brought in by Animal Wardens – 46; brought in by citizens – 42; total animals taken in – 88 (dogs – 48; cats – 9; puppies – 25; & kittens – 6); adopted – 102; animals in foster care – 6; reclaimed – 10; euthanized –6; & animals in the pen (and foster care) as of 10/31/2012 – 55; donations - \$2,776.44; adoption fees - \$1,570.00; total money received \$4,346.44.

B. Judge Miller read the proposed Holiday Schedule for 2013 which is as follows:

Martin Luther King, Jr. Day	Monday, January 21, 2013
Good Friday (1/2 day)	Friday, March 29, 2013
Tater Day	Monday, April 1, 2013
Memorial Day	Monday, May 27, 2013
Independence Day	Thursday, July 4, 2013
Labor Day	Monday, September 2, 2013
Veteran's Day	Monday, November 11, 2013
Thanksgiving	Thursday & Friday - November 28 & 29, 2013

Marshall Co. Attorney's Office	\$ 7,772.25
Marshall Co. Clerk's Office	\$ _____
Total Approved	\$186,801.63

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

G. An Intrafund Transfer of \$200,000.00 from the Payroll Fund to the Occupational Tax Administrator Fund (repay loan from Occupational Tax Administrator Fund to cover Sheriff's Payroll) was submitted. A motion was made by Com. Gold and seconded by Com. Drew to approve the Intrafund Transfer as requested. All voted aye. Motion carried. Judge Miller added that the Refuse District has repaid the loan made by the Court.

H. Mrs. Martin submitted budget appropriation transfers which, with the remaining \$400 in the Special Contributions Fund will cover the bill for the UK Mobile Dental Program. The transfers into the Service Group Contribution Account are as follows:

- \$5,000 from the Wellness Program
- \$4,500 from Membership Dues
- \$100 from State Fire Protection

A motion was made by Com. Gold and seconded by Com. Anderson to approve payment of the UK Mobile Dental Program bill. All voted aye. Motion carried.

I. Judge Miller informed of the festivities during the Dickens' Christmas Festival & Parade on Saturday, December 8th:

- 4:30 – Lighting of the Greens by the Fiscal Court members
- 4:30 – MCHS Choir Performance at the Courthouse Steps
- 5:15 – Parade "Let There Be Light" with Grand Marshals - Marshall Co. Arts Commission
- Dickens Alley & other activities open after the parade
- Food - Chili Supper hosted by the Benton Women's Club
- Pig Roast sponsored by Magic Valley BBQ
- Attractions – Live Nativity Scene w/animals sponsored by 1st Missionary Baptist
- Horse Carriage rides sponsored by Puckett's Jewelry
- Children's Train Rides sponsored by the City of Benton

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

K. Com. Drew asked that a correction be made to the minutes of November 7th. She requested that the portion regarding temporarily hiring help for the Animal Warden be changed to reflect that only Jimmy Tubbs was hired on the contract basis and that motion should not have included Mike Green.

L. Chief Deputy Sheriff David Maddox submitted the Sheriff's Bond, in the amount of \$120,000 from Ohio Casualty Insurance Company. A motion was made by Com. Anderson and seconded by Com. Drew to approve the bond. All voted aye. Motion carried.

M. A motion was made by Com. Gold and seconded by Com. Anderson to approve payment of the \$500 Silver Sponsorship for the Annual Marshall County Chamber Dinner. Com. Gold and Com. Anderson voted aye. Com. Drew recused herself because of her membership on the Chamber Board of Directors. Motion carried.

N. A motion was made by Com. Anderson and seconded by Com. Drew to have only one meeting in December on the 18th, and if necessary to have another meeting, to do so at the call of the Chair. All voted aye. Motion carried.

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