Marshall County Fiscal Court
December 18, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, December 18, 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.

Judge Miller opened the meeting and said since the last meeting, former Magistrate & Commissioner Gordon Hargrove had passed away. Com. Hargrove faithfully served the people of Marshall County for 30 years. Gordon was a dear friend to many and will be missed by all.

I. GUESTS:

A. Property Valuation Administrator Tony Henson asked for the Court’s consideration of temporarily changing Chelsea Edwards’ status to a temporary position (5 days per week), without benefits until the end of February and then moving her back to the temporary position. Ms. Edwards, who is a county employee working in the PVA Office, has been a part-time employee (2 ½ days per week). A motion was made by Com. Drew and seconded by Com. Anderson to approve Mr. Henson’s request. All voted aye. Motion carried.

B. Economic Development Director Josh Tubbs addressed the Court regarding an application he has prepared for a $95,000 Delta Regional Authority Grant to be used to upgrade a portion of McFarland Road, located in the Riverport corridor. A motion was made by Com. Gold and seconded by Com. Anderson to authorize Mr. Tubbs to submit the application. All voted aye. Motion carried.

C. Water Vision 2020 Director Bobby Gifford updated the Court on the Brewers project. Mr. Gifford informed that he has submitted an application for an additional $525,000 from Delta Regional Grant funds to be used to upgrade water plants. He also submitted the budget for the North Marshall Water District for CY 2013 in the total amount of $1,435,500.00. NMWD Chairman Jerry Miller was present and commended Mr. Gifford for his work on behalf of the District. A motion was made by Com. Gold and seconded by Com. Anderson to accept the budget as submitted. All voted aye. Motion carried.

D. Jailer Roger Ford addressed the Court and requested that an additional day be added to the nurse’s schedule. Currently she is at the jail for 24 hours on a four day schedule and does not have enough time to meet the needs that are there now. He asked that an additional four hour day be added which would increase the amount on medical expenses from $102,298 to $119,908 annually. He added that he has met with the Treasurer and there is money available to get through July with the additional six hours. A motion was made by Com. Gold and seconded by Com.
Anderson to approve the additional six hours for the jail nurse as requested. All voted aye. Motion carried.

E. Ambulance Service Director Bryan Cutsinger informed that the Coroner has requested that the next ambulance to be taken out of service be transferred for use by the Coroner’s Office. A motion was made by Com. Drew and seconded by Com. Anderson to transfer the unit as requested. All voted aye. Motion carried.

F. Hardin Mayor Randal Scott invited everyone in the Courtroom to attend the Ribbon Cutting Ceremony this afternoon at 3:00 at the new Hardin City Hall.

II. CORRESPONDENCE:

A. Ken Collins sent a letter informing of his interest in being named Constable in District 2. Barry Darnall also sent a letter informing of his interest in being re-named Constable in District 2. During the November 20th meeting, Tom Lyons addressed the Court about being named Constable and the issue was tabled for research on the process of filling a vacancy in the office of Constable. Com. Anderson said that since there are three people interested, maybe the Court should let the people of that district decide during the next election. Com. Drew asked if it is a requirement that the position be filled. County Attorney Jeff Edwards answered that the state statutes provide for a way to fill the position but it does not state that the position “shall” be filled. A motion was made by Com. Drew and seconded by Com. Anderson to table this issue until the next meeting, at which time Mr. Edwards will provide a formal opinion regarding this issue. All voted aye. Motion carried.

B. James LeFevre, Executive Director of the District One Department of Highways submitted copies of the County Bridge Inspection Reports and a map of bridges inspected during the month of November 2012. The only bridge with a weight limit below 18 tons was Old Calvert City Road (project no. 079C00032N).

C. The Kentucky Board of Emergency Medical Services submitted an Ambulance Grant Status Report. All grants for Marshall County are current.

D. Mike Edwards sent a letter of appreciation for the recent renovations at the Big Bear Day Use Park.

E. Livingston County Judge/Executive Chris Lasher sent information and a letter on behalf of Lyon County Judge/Executive Wade White regarding the Army Corps of Engineers plan to close off a portion of the dams located along the Cumberland River –
which includes Barkley Dam. Judge Miller will provide copies of the information to the Commissioners.

III. OLD BUSINESS:

   A. A motion was made by Com. Drew and seconded by Com. Gold to approve the minutes of the November 17, 2012 meeting. All voted aye. Motion carried.

   B. Judge Miller has spoken with Jimmy Tubbs since the last meeting and he is not interested in the Assistant Animal Warden position. Following discussion, a motion was made by Com. Drew and seconded by Com. Anderson to table action and to hold interviews following the first Court meeting in January. All voted aye. Motion carried.

   C. During the November 17th meeting, Judge Miller informed of a project to widen Hwy. 348/5th Street and negotiations for selling right-of-way to the state for that project. An offer of $24,575.00 has been made. Sheriff Byars informed of a switch that can control the signal from the Sheriff's entrance so that it will stop traffic from all directions in case the officers need to get out in emergency situations. If the switch needs to be relocated, he said that would be his only problem. A motion was made by Com. Drew and seconded by Com. Gold to approve the offer, contingent upon the state moving the switch if needed. All voted aye. Motion carried.

   D. The payment schedule for the Arts Commission loan was discussed. Emily Martin has been in contact with George Milam with the Arts Commission and a representative from KACo and it was determined that it would be best for the Court to make the payment since it is in the Court’s name and be reimbursed by the Arts Commission. The Arts Commission is requesting that this debt be allowed to be reimbursed in arrears to allow them a longer time for fundraising and they would reimburse the Court in the later part of June each year. Ms. Martin suggested that a stipulation be included that if a situation occurs that money is tight, the Arts Commission will make bi-annual payments. A motion was made by Com. Gold and seconded by Com. Drew to allow the Arts Commission to repay the debt annually, with the stipulation if money is needed, that the payment schedule be changed to bi-annual payments. All voted aye. Motion carried.

IV. NEW BUSINESS:

   A. A motion was made by Com. Anderson and seconded by Com. Gold to table action on the Administrative Code until a work session can be held in early January. All voted aye. Motion carried.
B. The Aurora Ross Fire Protection District submitted the FY 2012/13 budget. A motion was made by Com. Gold and seconded by Com. Drew to accept the budget as submitted. All voted aye. Motion carried.

C. County Clerk Tim York submitted the Annual Order Setting Maximum Amount for Deputies and Assistants for Calendar Year 2013 at $575,000. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Annual Order as submitted. All voted aye. Motion carried.

D. County Clerk Tim York submitted the budget for Calendar Year 2013. A motion was made by Com. Anderson and seconded by Com. Gold to accept the budget as submitted, subject to audit. All voted aye. Motion carried.

E. Following the first reading of Ordinance #2012-09 (budget amendment), a motion was made by Com. Anderson and seconded by Com. Gold to approve the first reading. All voted aye. Motion carried.

F. Judge Miller read a Memorandum of Agreement sent by Paul Rister, Program Coordinator/Fishery Biologist with the Kentucky Department of Fish & Wildlife Resources regarding the county’s assistance with the upkeep at Sledd Creek Boat Ramp and KY Dam Tailwater Boat Ramp. Following discussion, a motion was made by Com. Anderson and seconded by Com. Drew to ask County Attorney Jeff Edwards to write a response to Mr. Rister indicating that the county is willing to help when it is possible, but to be under no obligation. All voted aye. Motion carried.

G. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Treasurer’s Report, subject to audit. All voted aye. Motion carried.

H. The Payroll Fund - Accounts Receivable Report as of December 4, 2012 was submitted and is as follows:

<table>
<thead>
<tr>
<th>From</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marshall Co. Sheriff’s Department</td>
<td>$83,290.79</td>
</tr>
<tr>
<td>Marshall Co. Attorney’s Office</td>
<td>$</td>
</tr>
<tr>
<td>Marshall Co. Clerk’s Office</td>
<td>$</td>
</tr>
<tr>
<td>Total Approved</td>
<td>$83,290.79</td>
</tr>
</tbody>
</table>

A motion was made by Com. Anderson and seconded by Com. Gold to approve the Accounts Receivable Report as submitted. All voted aye. Motion carried.
I. A bid opening was scheduled but will have to be postponed due to an error in the advertisement.

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

K. Judge Miller called Court back into regular session and informed that the county has been offered some property and it is the consensus of the Court that they are not interested at this time because of the price. There is other property available that the Court may be interested in.

L. Judge Miller read the Animal Shelter report for November which is as follows: Animals in the pen as of 10/31/2012 – 55; brought in by Animal Wardens – 30; brought in by citizens – 64; total animals taken in – 94 (dogs – 39; cats – 15; puppies – 27; & kittens – 11); adopted – 95; animals in foster care – 2; reclaimed – 1; euthanized – 1; & animals in the pen (and foster care) as of 11/30/2012 – 54; donations - $1,330.50; adoption fees - $1,883.00; total money received $3,213.50.

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

N. Judge Miller declared Court in recess for a scheduled public hearing regarding Opal Lane.

O. Judge Miller declared Court back in regular session.

P. Discussion was held about setting a meeting to discuss expanded jurisdiction for the Building & Electrical Inspection program. The tentative date was the afternoon of January 15th. Com. Gold said he asked the County Attorney to check with other County Attorneys to see how their counties are handling expanded jurisdiction.

Q. Sheriff Byars said he echoed the comments about former Commissioner Gordon Hargrove and added that another faithful servant and dear friend had passed away – Marilyn Reed, who was a dispatcher for many years.

R. Judge Miller declared Court in recess until 1:30 for a scheduled public hearing regarding Samuel Drive.

S. Judge Miller called Court back into regular session.
T. The next Court meeting was scheduled for Thursday, January 3, 2013.

U. A motion was made by Com. Anderson and seconded by Com. Drew to adjourn. All voted aye. Motion carried.

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk