

Marshall County Fiscal Court
February 7, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, February 7, 2012 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; County Attorney Jeff Edwards and Assistant County Attorney Jason Darnall were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. County Clerk Tim York presented his financial settlement for Calendar Year 2011. Total receipts - \$9,201,835.49; total disbursements - \$8,976,839.66; and excess fees paid to Marshall County Fiscal Court - \$224,995.83. The check has been deposited. A motion was made by Com. Anderson and seconded by Com. Gold to accept the County Clerk's Settlement. All voted aye. Motion carried.

B. Judge Miller informed that Emergency Management Director Melissa Combs, County Treasurer Emily Martin, and Bobby Gifford are in class this week in Frankfort for FEMA training to help expedite funding requests. In Ms. Combs absence, he asked Assistant EM Director Duane Hawes to update the Court on the accident that destructed a 320' section of the Egners Ferry Bridge. Mr. Hawes informed that last Thursday, the Delta Mariner was transporting rocket boosters from Decatur, Alabama to Cape Canaveral, Florida, hit the bridge, and took out a 322' section which fell onto the ship. Luckily, there were no injuries or loss of life. All of the emergency responders were dispatched and did an excellent job. Due to this incident, the county has been declared in a state of emergency. The ship, which had a large section of the bridge draped across its' bow, was moved yesterday and salvage operations are underway. The boat from Aurora Ross has been on the scene during the operation, and an EMT has been aboard the Delta Mariner throughout the incident. The Kentucky Department of Transportation is conducting tests to see if the remaining sections of the bridge sustained any damage and is trying to determine if the bridge can be repaired for use until the new bridge can be built to replace it. Plans have been underway for some time for a new bridge. The Coast Guard and the National Transportation Safety Board as well as the ship's owner, Foss Marine, have been investigating the situation. The Sheriff's Office has also been at the site every day. Judge Miller added that he spoke with Chief District Highway Engineer Jim LeFevre and if the bridge piers are stable and the portion of the bridge can be replaced, it would take approximately four months to get the bridge reopened. Foss Maritime has arranged for a telephone number for people to call who have been affected by this – whether it be businesses or people who used the bridge for their daily commute. The number is 270-554-0051 - and is the Miller Law firm in Paducah. Judge Miller also had a number for Foss Maritime – Suzanne Lagoni – 206-790-9784.

C. Judge Miller recognized Lena Mallory, 4-H Agent for Marshall County who was in attendance.

D. Mark Fields, with Supplies Solutions which supplies janitorial supplies, addressed the Court. He has spoken with Rick Inman at the Judicial Building and is interested in providing services to the Fiscal Court and all of the departments. The 3-year contract for the service the county is currently using will expire in September of this year.

II. CORRESPONDENCE:

A. Lisa Carter sent a final report on Michael Dumas v. Marshall Co. Sheriff, et al. On October 15, 2011, Chief Judge Thomas Russell of the United States District Court entered an Order upholding the dismissal of all claims against the Marshall County Sheriff's Department and Detective Matt Hilbrecht.

B. Clayton L. Clem, Vice President of Electric System Projects, TVA informed that TVA is planning a power system improvement project in Marshall County. The proposal is to uprate 1.7 miles of the existing South Calvert-Calvert 161-kV Transmission Line. The schedule is to begin construction in October 2012 and have the line back in service in December 2012.

C. Junior Wright, State Local Debt Officer with the Department for Local Government sent a letter and a copy of the Certificate of No Appeal to his decision regarding the \$6,000,000 Marshall County, Kentucky General Obligation Refunding Revenue Bonds, Series 2011 (Refund Court Facilities Project).

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Anderson to approve the minutes of the January 24, 2012 meeting. All voted aye. Motion carried.

B. Jeff Edwards said it appears there is a contract through the bid process with Aramark. However, it also appears that somehow their salesman obtained a separate contract from a staff person. Mr. Edwards has requested documentation from Aramark and he will continue to explore that further. Com. Drew asked in the meantime, if the Court is held to the contract at the Judicial Building. Mr. Edwards said it concerns him a great deal that within that company they bid the services and then provided a separate contract as well and there may be, based on what he finds out, a reason that we may have not to participate in the contract for the Judicial Building. He will report back to the Court when he has more information.

IV. NEW BUSINESS:

A. Following the first reading of Ordinance #2012-02 (Building Code), a motion was made by Com. Gold and seconded by Com. Drew to approve the first reading. Russ Randall asked if this also included existing buildings. This is for new construction only. All voted aye. Motion carried.

B. Judge Miller shared a request from Community Options, which is a national non-profit organization that develops homes and employment for people with developmental disabilities. On Saturday, February 11th, Cupid's Chase 5K will be held and it is the largest, simultaneous 5K Run in the United States. Judge Miller has the information if anyone wants to make an individual contribution.

C. Two new tractors and mowers are needed at the Road Department. Judge Miller recommended that Road Superintendent Russell York be given permission to put together bid specs. If the state contract price is used, the items will not have to be put out for bids. The Commissioners had no objections.

D. Judge Miller read the Animal Shelter report for January which is as follows: Animals in the pen as of December 3, 2011 – 32; brought in by Animal Wardens – 37; brought in by citizens – 103; total animals taken in – 140 (dogs – 48; cats – 18; puppies – 56; & kittens – 18); adopted – 111; animals in foster care – 2; reclaimed – 12; euthanized – 6; & animals in the pen as of 1/31/2012 – 41; donations - \$210; adoption fees - \$1,601; total money received - \$1,811. Donated supplies for January included cat food, cat litter, cat treats, dog food, dog treats, collars & leashes, toys, bleach, & paper towels.

E. In the absence of the Treasurer, Finance Officer Karen Freeman presented the Treasurer's Report. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Treasurer's Report, subject to audit. All voted aye. Motion carried.

F. Ms. Freeman also presented the Intrafund Transfer Request which was to move \$100,000 from the Occupational Tax Administrator Fund to the Occupational Tax Fund. A motion was made by Com. Drew and seconded by Com. Anderson to approve the Intrafund Transfer as requested. All voted aye. Motion carried.

G. In January, the Court authorized Castleberry, McGregor, & Swinford Architects to draw up specs for the replacement of the roof on the Sheriff/Jail/911 Complex. A bill has been received in the amount of \$28,125.00. A motion was made by Com. Drew and seconded by Com. Anderson to approve payment of the bill, and

in the future to check with other firms to prepare specs. All voted aye. Motion carried.

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

I. Judge Miller called Court back into regular session and informed that property acquisition was offered on a lease agreement. The Court wants more information, and he will report back to the Court either at the next meeting or the first meeting in March.

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

K. Larry Whitt, Director of Parks, reported that he is awaiting the permit from the state inspector and will hopefully be able to start construction in two to three weeks on the splash pad at the county park.

L. Russell York reported that the Road Department is in need of two new pickup trucks. Judge Miller suggested that he include them in the requests for 2012/13 budget. Each department head needs to determine their needs. He added that the budget process will begin soon and hopefully it will be ready for adoption in June.

M. Sheriff Kevin Byars informed that February 16th, between 2:00 & 4:00 there will be a multi-agency drill at the new CFSB center in Benton. The drill may possibly be a bomb threat. The Sheriff invited the Court to attend. The actual drill will begin at 4:00.

N. Judge Miller informed that the state will be closing the Pathology Unit in Madisonville, which is used by the western part of the state. If the unit is closed, all autopsies will be performed in Louisville. Marshall County Coroner Mitchell Lee is involved, as well as other Coroners affected, in trying to get the decision reversed. Judge Miller and several other area Judges have met as well to try to assist the Coroners in their efforts. The Judge/Executive's Association as well as the Magistrates & Commissioners Association are also opposed to the unit closing.

O. Larry Whitt informed that Leadership Marshall County will be going to Frankfort Thursday & Friday for the Chamber of Commerce Reception and will be recognized on the House Floor. Judge Miller added that the group will be representing Marshall County well.

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