

**Lewis County Fiscal Court  
Regular Meeting  
September 12<sup>th</sup>, 2011**

AT A REGULAR MEETING OF THE LEWIS COUNTY FISCAL COURT, HELD AT THE COURTHOUSE IN VANCEBURG, KENTUCKY AT 6:00 P.M., WITH THE HONORABLE THOMAS MASSIE PRESIDING AND WITH THE FOLLOWING MAGISTRATES IN ATTENDANCE: ESQ. MILT STANFIELD, ESQ. PAUL B. SWEARINGEN AND ESQ. JOE BENTLEY.

Johnny W. Bivens, Lewis County Sheriff, called the meeting to order.

Joe Bentley offered a prayer.

The Pledge of Allegiance was led by Judge Thomas Massie.

The roll was called and all were present.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to suspend the reading of the **August 8, 2011** Fiscal Court Minutes.

On a motion made by Joe Bentley duly seconded by Judge Massie with Paul Swearingen and Milt Stanfield voting yes to approve the **August 8, 2011**, Fiscal Court Minutes.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to suspend the reading of the **August 26, 2011** Fiscal Court Minutes.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve the **August 26, 2011**, Fiscal Court Minutes.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to suspend the reading of the **September 6, 2011** Fiscal Court Minutes.

On a motion made by Joe Bentley duly seconded by Judge Massie with Paul Swearingen and Milt Stanfield voting yes to approve the **September 6, 2011**, Fiscal Court Minutes.

**RESPONSE FROM THE PUBLIC**

Mr. Bellamy from Creamery Pike Road approached the court to request improvement with gravel at the passing area on the road. Magistrate Stanfield and Road Supervisor Tom Kennard agreed to meet and look at the road on Wednesday September 14, 2011.

John Prater approached the court to request county maintenance of John Lane. County Attorney Tom Bertram stated that he could not find any record that the county had ever adopted John Lane into the county road system. County Attorney Bertram discussed the legal requirements for adopting a road into county maintenance, citing county adoption standards as well as Kentucky Revised Statutes.

On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen voting yes and Judge Massie abstaining to begin the process of adopting **John Lane** into the county road system by directing the county surveyor to survey the road and easements.

After the vote, Judge Massie reiterated the importance of keeping the official list of county maintained roads accurate and up to date. He stated that the Road Supervisor will not perform work on roads that have not been adopted by the fiscal court. He also stated that the state funding the county receives is based in part on the mileage of county maintained roads.

Phillip Stamm approached the court to ask about closing Prader Road. Although county maintenance had been discontinued more than three years prior, Judge Massie suggested removing the road from the county maintenance list by an ordinance.

On a motion made by Judge Massie duly seconded by Milt Stanfield with Joe Bentley and Paul Swearingen voting yes to initiate the procedures under K.R.S. 178.070 for removing **Prader Road** (CR 1262), length 0.245 miles, from the county road maintenance, and to appoint Phillip Stamm and John Prater as viewers.

Bob Rose from Buck Lick Road off of Briary Road approached the court with concerns about Buck Lick Road. Road Supervisor Tom Kennard stated that the county had installed 4 drainage tiles in the past four weeks. Mr. Rose requested that 2 additional tiles and more gravel be placed on Buck Lick Road. Judge Massie stated that there were higher priority roads to repair in the next several weeks.

## **OLD BUSINESS**

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve the 2<sup>nd</sup> reading of **Ordinance #11-06**, the closing of old Moore Hollow Road CR#1317.

Michael Hunt approached the court in support of the proposed Vicious Animal ordinance. He stated there are currently two pit-bulls on Bradford Lane that should be investigated. He stated he has kids and is concerned that one of the pit bulls roams free.

Anita Bertram, Supervisor of the Lewis County Health Department spoke on behalf of the Health Department. She recommended that the court pass the ordinance. She stated this is a problem the Health Department deals with daily, and that dog attacks affect children disproportionately.

On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen and Judge Massie voting yes to approve the 2<sup>nd</sup> reading of **Ordinance #11-09**, amendment of vicious animal ordinance to match the City of Vanceburg with respect to Pit Bulls and Wolf Hybirds.

**NEW BUSINESS**

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to approve setting the **Trick or Treat** date and time to October 31, 2011 from 5:00 p.m. to 7:00 p.m.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to approve the hire of **Amber Bertram** as part time at the Lewis County Detention Center for \$8.00 an hour.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to approve the hire of **Donald Andre** as part time at the Lewis County Detention Center for \$8.00 an hour.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to accept the bid from E & E Construction on Bridge Deck & Beam Replacement on **Lower Kinney Road** CR #1102 and to consult with County Engineer Phil Mauney on accepting the metal or concrete bid. The bids were submitted as follows:

<b>E &amp; E Construction-Concrete Deck</b>	<b>\$32,500.00</b>
<b>E &amp; E Construction-Metal Deck, (inclusive of E &amp; H Bridge &amp; Grating, Inc)</b>	<b>\$60,975.14</b>

On a motion made by Joe Bentley duly seconded by Judge Massie with Paul Swearingen and Milt Stanfield voting yes to accept the bid from King-Crete Drilling Inc. on the Slip Repair Project on **Horseshoe Bend Road** CR #1105. The bids were submitted as follows:

<b>Hinkle Contracting Company, LLC</b>	<b>\$31,200.00</b>
<b>King-Crete Drilling, Inc</b>	<b>\$17,406.90</b>

On a motion made by Judge Massie duly seconded by Milt Stanfield with Joe Bentley and Paul Swearingen voting to reject the bid from Mountain Enterprises Inc. on Asphalt Repaving Project on **Dry Hollow Road** CR #1035 and to allow the County Judge Executive to negotiate with contractors for competitive prices. The bid significantly exceeded the paving reimbursement rate from FEMA, as well as the rates quoted for recent paving projects in the county. The bids were submitted as follows:

<b>Mountain Enterprises Inc.</b>	<b>\$29,758.35</b>
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On a motion made by Joe Bentley duly seconded by Judge Massie with Paul Swearingen and Milt Stanfield voting yes to approve the purchase of a **Ridgid K-400 Drain Cleaner with Snake** for the Lewis County Detention Center, price not to exceed \$1,000.00.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to approve the payment for King-Crete Drilling Inc. for the work completed on **Lower Kinney Slip Repair Project** in the amount of \$22,160.00.

On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen and Judge Massie voting yes to enter into **close session**.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to enter into **open session**.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve the termination of **George D. Hobbs**, custodian at the Lewis County Courthouse.

**Johnny W. Bivens**, Lewis County Sheriff presented the monthly Sheriff's Report.

**Tom Kennard**, Lewis County Road Supervisor presented the monthly Road Department Report.

**Carl Chaney**, Lewis County E-911 Director presented the monthly EMS Report.

**Homer Wilburn**, Lewis County Animal Control Officer submitted the monthly Animal Control Report.

**Chris McCane**, Lewis County Jailer presented the monthly Detention Center Report.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to acknowledge receipt of the **Monthly Jail Commissary Financial Report**. See Finance Book #3.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to approve the **Monthly Treasurer's Report** as presented by Kathy Dillow, Lewis County Treasurer. See Finance Book #3.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve the **claims**, for General, Road and Bridge, Jail, Animal Shelter, E911 and LGEA accounts as presented. See Finance Book #3.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to approve the **transfers** for the General, Road and Bridge, Jail, Animal Shelter, E911, and LGEA Accounts. See Finance Book #3.

## **OTHER**

Judge Massie stated that he and Jailer Chris McCane traveled to Frankfort to testify against a proposed regulation that would have increased the minimum number of employees on each shift at the Lewis County Detention Center. Judge Massie stated that Department of Corrections

recently agreed, during a conference call, to amend the regulation to exempt small jails such as the Lewis County Detention Center.

Road Supervisor Tom Kennard spoke about the new Drag A Box Paver. He stated that he is pleased with the equipment. He stated they have used the paver on Popular Flat Road. Tom Kennard stated that the county had 35 sites approved for reimbursement from FEMA. He stated most of these sites will be repaired by the Road Department and the others will be put out for bid.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to **adjourn** the meeting.

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Thomas Massie      Lewis County Judge Executive