

**Lewis County Fiscal Court
Regular Meeting
November 14, 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 amend the **Fiscal Court rules** of order so that the minutes are not read unless requested by the public or by a member of the court.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve the **October 10, 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 **October 24, 2011**, Fiscal Court Minutes.

RESPONSE FROM THE PUBLIC

Clay Kelly from Strand Engineering approached the court. He stated he would like to get to know the county and the citizens of Lewis County.

OLD BUSINESS

None

NEW BUSINESS

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to approve the 1st reading of **Ordinance #11-12**, closing of **Prader Road CR# 1262**.

On a motion made by Paul Swearingen duly seconded by Joe Bentley with Milt Stanfield and Judge Massie voting yes to approve Judge Massie's appointment of Patrick Collins to the **Black Oak Industrial Authority Board** to complete the unfinished term of Steve Harris (deceased), term to expire on August 31, 2013.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve Judge Massie's appointments of Clarence Moore, for a four year term from January 1st, 2012 to December 31, 2015, Andy Lucas, for a three year term from January 1st, 2012 to December 31, 2014, and Tony Palarie, for a two year term from January 1st, 2012 to December 31, 2013 to the **Garrison-Quincy-KY Heights Water District Board** of Commissioners in accordance with KRS 74.020 (1) (a). Subsequent terms shall be four years in length per KRS 74.020(1).

On a motion made by Joe Bentley duly seconded by Judge Massie (voting yes) and Milt Stanfield and Paul Swearingen voting no to approve Judge Massie's appointment of Jim Bob Williams to the **Western-Lewis Rectorville Water and Gas Board**, term to expire June 30, 2015. The motion did not carry. KRS 67.040(3) provides that when there is a tie vote in the fiscal court in the selection of any officer or employee to be selected by the fiscal court, and a deadlock continues for 15 days, the county judge/executive shall cause the facts of the matter to be entered upon the minutes of the fiscal court, and the county judge/executive shall make the appointment. Judge Massie to make the appointment after 15 days.

On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen and Judge Massie voting yes to approve the change in status of **Tina Rowe** and **Charles Cochran** from probationary to full time with benefits at the Lewis County Detention Center with the probationary period complete.

Magistrate Bentley asked Jailer McCane how many full time and part time employees were working at the Detention Center. Jailer McCane stated that he has 16 full time and 3 part time employees. He stated that the turnover rate at the Detention Center has improved.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to authorize Judge Massie to apply for a **credit card** in the name of the Lewis County Fiscal Court to facilitate internet transactions and other transactions with vendors that do not provide net 30 day accounts.

Marty Lawhun and Thaddeus Lawhun were issued a permit by Judge Massie to haul garbage in Lewis County and are providing this service for previous customers of the Lewis County Fiscal Court. The Lewis County Fiscal Court no longer hauls trash, as private haulers are now sufficiently providing this service to all regions of Lewis County.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve to the transfer of advance payments from the customers of **Lewis County Sanitation** to Marty Lawhun in the amount of \$2,287.00.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve the **Annual Standing Order** to pre approve certain recurring expenses: **Other County Properties-Rental/Lease 01-5085-364**.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to acknowledge the lay off of **Michael D. Dunigan**, employee of the Lewis County Solid Waste Department, last day worked, October 18th, 2011.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve to set the Christmas and New Year's Holiday on the **2011 Holiday Schedule** as follows: Christmas Holiday - Friday December 23rd and Monday December 26th, New Year's Holiday - Friday December 30th and Monday January 2nd.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to set the **2012 Holiday Schedule** to substantially coincide with the 2012 State Holiday Schedule, as follows:

Martin Luther King Jr. Day	Monday, January 16th, 2012
Good Friday, 1/2 Day	Friday, April 6th, 2012
Memorial Day	Monday, May 28th, 2012
Independence Day	Wednesday, July 4th, 2012
Labor Day	Monday, September 3rd, 2012
Presidential Election Day	Tuesday, November 6th, 2012
Veterans Day	Monday, November 12th, 2012
Thanksgiving Holiday	Thursday & Friday, November 22nd & 23rd
Christmas Holiday	Monday & Tuesday, December 24th & 25th
New Year's Holiday	Monday, December 31st, 2012 & Tuesday, January 1st, 2013

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve the receipt of the **2011-2012 1st Quarter Report**.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve the claim from E & E Construction for the completion of **Lower Kinney Bridge** in the amount of \$32,500.00.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve the claim from E & E Construction for the **Emergency Piling Project on Straight Fork Road** in the amount of \$11,065.00.

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

Bob Moore, Lewis County Road Foreman 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 Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to acknowledge receipt of the **Monthly Jail Commissary Financial Report**. See Finance Book #3.

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

Judge Massie excused Magistrate Bentley from the meeting due to prior commitment.

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

On a motion made by Judge Massie duly seconded by Milt Stanfield with Paul Swearingen voting yes to approve the **transfer** of \$50,000.00 from the General Fund back to the Road Fund.

OTHER

Magistrate Stanfield asked about the status on John Lane. Judge Massie stated the surveying is complete and the County Attorney is in the process of completing the easements.

Magistrate Stanfield asked Judge Massie about the letter he wrote to the City of Vanceburg in request of \$10,000.00 to help support the E911 Dispatch Center. County Treasurer Kathy Dillow stated that Mayor Todd Ruckel had requested some budget information for the E911 Fund.

Magistrate Swearingen asked if the first mile of Rock Run Road would still be paved this year. Judge Massie stated that the flex fund paving projects were approved by KYTC in mid October, and that it is likely that one mile of Rock Run will be paved this fiscal year which ends on June 30th, 2012. He stated that H.G. Mays Corporation, the lowest priced contractor according to a Buffalo Trace Bid program, has committed in writing to honor their bid prices through the spring for projects that will not be completed this fall. Judge Massie stated that other flex fund paving projects such as Manley Hollow Road are likely to be completed in the spring of 2012 as well.

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

Thomas Massie Lewis County Judge Executive