

AT A REGULAR MEETING OF THE LEWIS COUNTY FISCAL COURT, HELD AT THE COURTHOUSE IN VANCEBURG, KENTUCKY 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 lead by Judge Thomas Massie.

The roll was called and all were present.

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 **January 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 **January 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 amend the **January 4, 2011**, Fiscal Court Minutes to correct a clerical error by restating Deputy Jailer Wendell Bloomfield's wage as \$8.50 instead of \$10.81.

RESPONSE FROM THE PUBLIC

Paul Issac with Med Corp addressed the court about reducing some of the costs to the Lewis County Detention Center. He announced that Med Corp will not be charging the Detention Center for post-incident evaluations of inmates.

Brian Box of the Garrison community addressed the court about his concerns with the water in Garrison having so much calcium. Magistrate Bentley said he receives several complaints about this problem. Melissa Potter of the Garrison Water Board spoke and said that Garrison buys some water from Vanceburg. Judge Massie stated that he will test the water for hardness and speak with the Garrison Water Board.

Mitch Hull from Thomas Lane addressed the court about insufficient rock being delivered to his road for the last several years. Judge Massie stated that the county hauled about 75 tons of rock around the 4th of January of this year.

Elnor Rodgers from Swearingen Branch Road addressed the court about the lack of attention paid to her road in the last several years. She stated that Swearingen Branch needs ditching and more rock.

Carlisle Logan from Norman Lane, addressed the court about the concerns of the county bridge on his lane. Carl Chaney, Emergency Management Director spoke that Norman Lane was a bridge that was denied by FEMA due to no bridge inspection. Judge Massie stated that he would follow up with an appeal to FEMA.

Paula Hampton addressed the court about the status on Straight Fork Road. Judge Massie stated that he has spoke with two engineering firms, as well as the District Nine State Road Department regarding the project.

Raymont Bolander from Liles Lane in Garrison addressed the court about a ditching problem near his property. Magistrate Bentley said that the county has pursued obtaining easements from other property owners.

Everitt Tulley from Crooked Creek addressed the court about issues on his road during snowy conditions. He requested that the hill on Crooked Creek be made passable for emergencies and school busses. Magistrate Stanfield requested that the Road Supervisor deliver small rock in lieu of salt on Crooked Creek when it snows.

Rick Blankenship from Union Hill addressed the court about some concerns with county roads in general. He suggested that the county inquire about obtaining crushed stone from Carmeuse (formerly Dravo Lime).

NEW BUSINESS

Jeremy Brickey with the Department of Transportation Cabinet addressed the court about the **2011-2012 Rural Secondary Road Program**. He presented the court with some road recommendations as follows:

Route KY 1443	Sullivan Ridge Road	Asphalt Resurfacing
Route KY 989	Burtonville Road	Asphalt Resurfacing
Route KY 1149	Town Branch Road	Asphalt Resurfacing
Route KY 8	Concord-Vanceburg Road	Asphalt Resurfacing
Route KY 3550	Concord-Trinity Road	Asphalt Resurfacing
Route Ky 1149	Town Branch Road	Guardrail Installation

The KYTC funds for Rural Secondary Projects this year total \$655,664 and the Flex Funds total \$231,717.00. Flex Funds made be used by the Judge Executive to repave county maintained roads, instead of state maintained roads. Judge Massie suggested that the court look over the recommendations, and take action at the next meeting.

Judge Massie received some **road closures** and **speed limit** requests from the public as follows:

Closure of the old Moore Hollow entrance (road was moved)

Closure on Nash Lane (possibly misnamed)

Speed Limit 15-25mph on Andrew Mason Road

The court delayed action on these items until research can be completed by the Road Supervisor, the Judge Massie, and the County Attorney.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve payment to **Wright's Chain Link Fence Company** in the amount of \$6,997.00 for replacing the flood damaged fence at the Solid Waste Department. (Funding for the full amount was supplied by FEMA).

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve the **Lewis County Sheriff's Department 2010 Fee Settlement**.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve the **Lewis County Clerk's Office 2010 Excess Fee Settlement**.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to approve Judge Massie's appointment of **Carl Chaney** as the Applicant's Agent for FEMA projects.

Alternative Sentencing Program update from January 10, 2011-February 15, 2011: 166 Jail days saved, \$4,150.00 savings based on \$25.00 a day. Jailer Chris McCane stated that there were 12 people in the program on average.

On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen and Judge Massie voting yes to reclassify **Jackie W. Stafford Jr.** from part-time to full-time as Alternative Sentencing Program Supervisor at an hourly rate of \$12.00, with 50% of the wages to be paid from the Road fund and 50% to be paid from the Jail fund.

GPS Program update from January 10, 2011-February 15, 2011: 401 Jail days saved, \$10,025.00 savings based on \$25.00 a day, \$2,777.00 in fees collected. Jailer Chris McCane said that there were approximately 12 people in the program.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to contract with **DC Elevator Company** for the elevator at the courthouse. (This will lower the monthly bill from \$460.00 to \$120.00 a month.)

On a motion made by Paul Swearingen duly seconded by Joe Bentley with Milt Stanfield and Judge Massie voting yes to contract with **Thyssen-Krupp Elevator** for three elevators at the Justice Center. (This will lower the monthly bill from \$922.00 to \$600.00 a month).

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to contract with **Cintas** for rugs and hand sanitizer. (The courthouse, justice center, road department, and detention center had a contract with Aramark, at an expense of approximately \$1180 per month. Aramark rebid about 40% lower, but Cintas bid lower. This will save about \$600.00 monthly.)

Judge Massie stated that he has switched to “every other month” service with Orkin at the jail and the court house to save \$150.00 monthly.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to authorize the county judge executive to solicit term sheets for **Jail Bond Financing**. A series of three short term notes have been issued. The Judge stated that long term bonds should be issued soon to avoid rate increases.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to authorize the Judge to solicit a **Recycling Grant Program**.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve **Resolution #11-01** to authorize the Judge/Executive to submit a project application for a grant from the **Recreational Trails Program** administered by Department for Local Government with a 50% match requirement. This project is to develop canoe access, fishing, and park sites on Kinniconick Creek using FEMA buyout properties.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to allow Judge Massie to hire the center for **Appalachian Philanthropy** as grant writers for a fee of \$1,250.00 for the Recreational Trail Program Grant Application.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to advertise for bid soy beans at the **Tollesboro Industrial Park** with 50+- acres for a term of three years.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to keep the current maintenance arrangement with **Larry Fannin** on the small (less than 5 acre) field adjacent to Black Oak Industrial Park.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to sell the **Road Tractor** (through the Mack Truck Program) at auction with a prearranged 85% price guarantee.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to retain ownership of the **Mack Truck Tri-Axle #1** for use at the road department.

On a motion made by Judge Massie duly seconded by Paul Swearingen with Joe Bentley and Milt Stanfield voting yes to sell the **Mack Truck Tri-Axle #2** at auction with a prearranged 85% price guarantee.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to authorize re-enrollment in the **Mack Truck Program**, subject to budget constraints.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to suspend the **Adoption Fee** of \$15.00 at the **Lewis County Animal**

Shelter, consistent of ordinances 07-14 and 97-11 (retaining the \$20.00 claim fee for owners of dogs, and the \$5.00 fee for dog tags.)

On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen and Judge Massie voting yes to reduce the **employee probationary period** from 1 year to 6 months before full time employees receive retirement and health benefits.

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

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

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

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

Chris McCane, Lewis County Jailer gave 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 approve 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.

On a motion made by Judge Massie duly seconded by Milt Stanfield with Paul Swearingen and Joe Bentley voting yes to approve the **claims**, (except for Thyssen-Krupp Elevator claim from the General Fund) 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 Milt Stanfield with Joe Bentley and Paul Swearingen 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 Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to **recess** the meeting until February 28, 2011 at 6:00pm on the third floor of the courthouse to discuss the projected fiscal year 2010-2011 budget shortfall.

Thomas Massie Lewis County Judge Executive