

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 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 Paul Swearingen and Milt Stanfield voting yes to suspend the reading of the **February 14, 2011** Fiscal Court Minutes.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes the approval of the **February 14, 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 **February 28, 2011** Fiscal Court Minutes.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes the approval of the **February 28, 2011**, Fiscal Court Minutes.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to suspend the reading of the **March 3, 2011** Fiscal Court Minutes.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes the approval of the **March 3, 2011**, Fiscal Court Minutes.

### **RESPONSE FROM THE PUBLIC**

Brian Box brought to the court a petition of 100 signatures of residents from the Garrison community requesting that something be done to improve the quality of the public water supply in Garrison. Judge Massie stated that he had tested the hardness of the water in several different locations in the Garrison area as well as locations in Vanceburg and the Portsmouth area. Judge Massie found that the hardness of the water in Garrison was 21 to 23 grains per gallon, while the hardness of the water in Vanceburg was about 12 grains per gallon, and the hardness of the water in Portsmouth was 7 grains per gallon. Judge Massie stated that he would meet with the Garrison Water Board to relay the concerns of Garrison citizens.

Judge Massie stated that he sent a letter to Jessica Mitchell, Public Assistance Officer with the Kentucky Division of Emergency Management, requesting her assistance in preparing an appeal of the denial of FEMA funding for replacement of the bridge on Norman Lane.

### **OLD BUSINESS**

Judge Massie stated that he found a \$50 per month utility bill that the county has been paying to the **Electric Plant Board** for five years for a service which does not exist. The Superintendent of the Electric Plant Board has agreed to reimburse the county \$2,500.

Judge Massie updated the court on the **GPS** for the month of February 2011. Jailer Chris McCane stated that they had collected a total of \$2,796.00 for the month of February 2011.

Judge Massie updated the court on the **Alternative Sentencing Program**. He stated that the county can obtain a "Special Risk Accident Insurance" Policy for the Inmate Work Release/Alternative Sentencing Program. This policy would be through the Hartford Life Company at an annual premium of \$2,710.00. This was based on an estimate of about 20 participants. No action was taken at this time.

Judge Massie updated the court regarding financing the **Detention Center**. The previous administration structured a short term note with a balloon payment of \$855,000 due on May 1, 2011. Judge Massie reviewed rate quotes he obtained from **KACo (Kentucky Association of Counties)**, and from **Ross Sinclair & Associates, LLC**.

On a motion made by Joe Bentley duly seconded by Judge Massie with Paul Swearingen and Milt Stanfield voting yes to authorize the County Judge Executive to pursue financing for the Detention Center with **Ross Sinclair & Associates, LLC**.

### **NEW BUSINESS**

Opening of Bids for the **Tollesboro Industrial Park 50 +- acres**. Summary of bids for the three year contract for hay or soy beans were as follows:

**Harold Dean and Cliff Applegate \$75 per acre per year, with all three years paid in advance.**

**MT Cattle Co. (Dennis/Wes Thomas) \$111.00 per acre per year.**

**W & R Farms (Thomas Walker) \$126.00 per acre per year.**

**Wendall R. Applegate \$150.00 per acre.** (more clarification required for this bid)

No action was taken at this time.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to enter into an agreement with the **Rowan County Detention Center/Adult Detention Agreement** to house inmates, if required, from Lewis County at \$35/day for the period of July 1-2010 - June 30, 2011.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve the 1<sup>st</sup> Reading of **Ordinance #11-01**, Budget Amendment of Lewis County Fiscal Court, for unbudgeted receipts from the US Treasury and Commonwealth of Kentucky, primarily related to disaster funding for the 2010 floods.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to authorize **Kevin Cornette**, Economic Development Director with Buffalo Trace Area Development District as the **Applicant's Agent for 2011 Flood Buyout Project** on behalf of Lewis County Fiscal Court. Contract rate shall be for \$2,800.00 per property as approved in pre-application submission completed in September 2010.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to authorize the County Judge Executive to sign **Application and Grant Agreements (FEMA)**.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to adopt **Maintenance Agreement and Terms (FEMA)**.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to Adopt the **Acquisition and Elevation Certificate Statement (FEMA)**.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to Adopt **Applicant's Assurances (FEMA)**.

**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 presented 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 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 Joe Bentley and Paul Swearingen 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 Joe Bentley with Paul Swearingen and 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.

## **OTHER**

On a motion made by Joe Bentley duly seconded by Judge Massie with Paul Swearingen and Milt Stanfield voting yes to approve raising the **maximum amount that private trash haulers may charge** from \$13.00 a month to \$15.00 a month.

Judge Massie reminded that the court that the previous fiscal court had, in 2010, approved to accept responsibility for any cost over run on the Garrison Sewer Project. Kevin Cornette, Economic Development Director with Buffalo Trace Area Development District spoke and stated that the project was under budget at this time.

Magistrate Swearingen suggested selling a Dodge Pickup Truck owned by the Detention Center. Jailer Chris McCane stated that the vehicle is not used often, that it was purchased by the previous jailer with Commissary Funds, and that money received from sale of the vehicle would have to go back into the Commissary account.

## **ANNOUNCEMENTS**

On a motion made by Joe Bentley duly seconded by Judge Massie with Paul Swearingen and Milt Stanfield voting yes to **recess** the meeting until March 28, 2011 at 6:00pm on the third floor of the courthouse.

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Thomas Massie      Lewis County Judge Executive