

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.

Milt Stanfield 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 **April 11, 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 **April 11, 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 **April 25, 2011** Fiscal Court Minutes.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes the approval of the **April 25, 2011** Fiscal Court Minutes.

RESPONSE FROM THE PUBLIC

NONE

OLD BUSINESS

On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen and Judge Massie voting yes to approve the **Amendment** of the 2nd Reading of **Ordinance #98-10**, For the Purpose of Setting a Maximum Speed Limit on Andrew Mason Road, Memorializing Speed Limits for Holly Branch Road, Mary Avenue, Gail Avenue, Sandy Lane Road and Providing Penalty for Violation. Judge Massie directed Road Supervisor Tom Kennard to place a 25 mph Speed Limit sign on Andrew Mason Road.

Magistrate Swearingen and Magistrate Bentley voiced concerns regarding the **2011-2012 budget** for the **Lewis County Fiscal Court**. Both stated concerns that the deputy salaries at the Detention Center were higher than last fiscal year. Jailer Chris McCane stated that the intention is to raise the shift captains to \$13.00 a hr, full-time employees \$12.00 a hr., and part-time employees \$9.00 a hr. Judge Massie stated that the financial future of the county depends heavily on operations at the detention center, that the Jailer is a recently elected constitutional elected officer, and that some latitude needs to be provided to the jailer to operate the jail.

Magistrate Stanfield voiced concerns that the County Treasurer's salary in the budget for the second half of 2011-2012 fiscal year was only 50% of the current salary. Judge Massie stated that the Treasurer had expressed the intention to retire in December, after which he had budgeted for a part time employee to fill that role. Treasurer Kathy Dillow stated, and the magistrates affirmed that all magistrates had in private conversations encouraged the Treasurer to remain employed full time after reaching retirement eligibility. Judge Massie agreed to modify the budget to allow for a full time treasurer for the entire fiscal year 2011-2012.

Magistrate Swearingen brought expressed a desire to have the Solid Waste Department pick up more litter on the side of the road. Judge Massie stated that the Solid Waste employee works five days a week, two days running the county trash route, two days collecting the recycling trailers, and one day picking up litter, tires, or illegal dump sites. Judge Massie stated that turning the

county's trash route to a private hauler would give the Solid Waste employee two more days to pick up litter along roadways.

NEW BUSINESS

Deanna Jessie with **Kentucky Prescription Assistance Program (KPAP)** described a program to help citizens in the county who cannot afford prescription medicine. The program is for citizens with no health insurance and is an income based program. Agencies in the community can go through training to help citizens qualify.

On a motion made by Judge Massie duly seconded by Milt Stanfield with Joe Bentley and Paul Swearingen voting yes to acknowledge receipt of **Lewis County Conservation District 2011-2012** budget.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to approve **Lewis County Conservation District annual** support from fiscal court in the amount of \$15,000 for fiscal year 2011-2012.

On a motion made by Judge Massie that subsequent support for the conservation district be made contingent upon conservation grants not being awarded to conservation district supervisors, fiscal court members, or immediate relatives. Jerry Bloomfield, Supervisor stated that he is a farmer and he would like to have the opportunity to apply for the programs provided to citizens just like every other citizen in the county. Motion died due to a lack of a second.

ANNUAL STANDING ORDER TO PREAPPROVE CERTAIN RECURRING EXPENSES

Pursuant to KRS 68.275(3) "The fiscal court may adopt an order, to preapprove the payment of monthly payroll and utility expenses. No other expenses shall be preapproved pursuant to this subsection without the written consent of the state local finance officer." The fiscal court of **LEWIS** County in accordance with state law hereby orders recurring expenses for **UTILITIES, PAYROLL, and EMPLOYEE FRINGE BENEFITS** be paid when due.

The fiscal court of **LEWIS** County further orders upon the written consent of the state local finance officer the following expenses be paid when due:

01-5001-531	Official Bond Premiums
01-5015-531	Official Bond Premiums
01-5025-531	Official Bond Premiums
01-5040-531	Official Bond Premiums
01-5001-563	Mailing & Postage
02-6105-563	Mailing & Postage
01-5001-569	Registrations, excluding Travel
01-5025-569	Registrations, excluding Travel
01-5040-569	Registrations, excluding Travel
01-5035-199	Board Assessment Appeals
01-5065-192	Election Officers
01-5065-193	Election Commissioner
01-7700-602	Principal on Borrowed Money
01-7700-606	Interest on Borrowed Money
02-7700-602	Principal on Lease Purchase
02-7700-606	Interest on Lease Purchase
01-5081-525	Property, Bldg, & Liability Insurance AOC
01-9100-525	Property, Bldg, & Liability Insurance
01-9100-529	Property, Bldg, & Liability Insurance
02-9100-525	Property, Bldg, & Liability Insurance
02-9100-529	Property, Bldg, & Liability Insurance

03-5101-549	Jail Medical (required prepaid medical) Treatment not to exceed \$500.00)
07-5231-313	Construction/Garrison Sewer/Pass-thru
01-5030-367	PVA Statutory Contribution/Quarterly

It is hereby acknowledged the above standing order shall expire after July 1 of each fiscal year and no more payments designated in the standing order shall be preapproved, unless a new order is adopted by the fiscal court of **LEWIS** County according to the provisions of KRS 68.275 (3).

Motion made by Judge Massie, duly seconded by Magistrate Bentley with Magistrate Swearingen voting yes and Magistrate Stanfield voting no.

Review of Personal Policy with regard to **Comp-Time**. Judge Massie stated that there is a conflict with the personnel policy for one employee with respect to comp-time carried over from the prior administration. The previous Judge Executive signed an undated letter stating that one salaried supervisory employee had accumulated 480 hours of comp time that would carry over into the next administration. County Attorney Tom Bertram stated that the Personal Policy only has provisions for awarding compensatory time to non-supervisory employees and that compensatory time does not carry over from one year to the next. Judge Massie asked the Magistrates to come back with ideas for resolving the issue.

Disaster Declaration, FEMA and NRCS updates. Judge Massie stated that he issued an executive order declaring a disaster on April 27, 2011 due to floods that occurred in Lewis County beginning on April 2, 2011. Judge Massie, the road supervisor, and the road foreman traveled the county with the NRCS representatives on May 9, 2011 looking at potential sites for emergency funding in the county.

Bridge Funding requests submitted to the state. Judge Massie stated that the state will fund 80% of costs required to repair or replace county bridges, up to \$100,000 per year. The county might be eligible for two years of funding because the prior administration did not apply for this funding. The bridge requests are, in order of priority, as follows:

Norman Lane, CR-1009,

Concrete Deck and I-Beam Replacement, 69 feet long, estimated cost \$75,000.00

Lower Kinney Rd, CR-1102,

Concrete Deck and I-Beam Replacement, 40 feet long, estimated cost \$60,000.00

Rock Run Rd, CR-1002,

Replace tile that is causing flooding with a bridge, 22 feet long, estimated cost \$75,000.00

Town Branch Rd, CR-1068,

Concrete Deck and I-Beam Replacement, 40 feet long, estimated cost \$60,000.00

Simmons Road, CR-1250,

Replace insufficient low water crossing with a bridge, 45 feet long, estimated cost \$85,000.00

County Attorney Bertram informed the court that the **Garrison Water District** requested the fiscal court to initiate eminent domain (condemnation) proceedings on behalf of the district according to KRS 416.560. Two property owners in the Bentleyville area have refused to grant easements for grinder pumps required to connect their households to the sewer system. After reading aloud the 5th amendment to the US Constitution, Judge Massie suggested that the court not initiate eminent domain proceedings. Magistrate Bentley volunteered to speak with these individuals in an effort to obtain a resolution to the matter.

On a motion made by Judge Massie duly seconded by Paul Swearingen with Joe Bentley and Milt Stanfield voting yes to request bids for **drain tiles**.

On a motion made by Judge Massie duly seconded by Milt Stanfield with Joe Bentley and Paul Swearingen voting yes to amend the request for **drain tiles** to advertise at the best and lowest bid.

On a motion made by Milt Stanfield duly seconded by Paul Swearingen with Joe Bentley and Judge Massie voting yes to advertise the **county insurance policy** for bids.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to approve Jailer McCane's appointment of **Tina Rowe** at the Lewis County Detention Center to work 40 hours per week.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to reclassify **Matt Dyer**, E911 employee, **Hannah Maynard** and **Melissa Potter**, Detention Center employees from part-time to full-time with probationary period complete.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to approve Sheriff Biven's appointment of **Linda Oldaker** as deputy sheriff with specific duties as bailiff at a rate of \$8.00 per hour at the Lewis County Sheriff's Department.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to honor the request from the **Lewis County Industrial Authority**, to pay 50% of the insurance on the **Spec Building** in Black Oak, not exceed \$1500.00.

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 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 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 Milt Stanfield duly seconded by Joe Bentley 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

Magistrate Swearingen requested that the Magistrates be able to receive an agenda on Thursday before the regular fiscal court meeting on Monday.

Homer Wilburn, Animal Control Officer announced that the animal shelter is having a Rabies Clinic on Saturday May 14, 2011 from 1:00p.m. To 4:00 p.m.

Tom Kennard, Road Supervisor announced to the court that the Big Cabin Creek piling project will start on Wednesday May 11, 2011. The prep work for blacktop will begin on Trinity Station Road during the week of May 9, 2011.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to approve Judge Massie's appointment of **Amber Kegley** as part-time dispatcher at the E911 Center.

On a motion made by Judge Massie duly seconded by Milt Stanfield with Joe Bentley and Paul Swearingen voting yes to **recess** the meeting until May 23, 2011 at 6:00pm on the third floor of the courthouse.

Thomas Massie Lewis County Judge Executive