

**Lewis County Fiscal Court  
Regular Meeting  
July 11, 2011**

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 Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to suspend the reading of the **June 13, 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 **June 13, 2011**, Fiscal Court Minutes.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to suspend the reading of the **June 27, 2011** Fiscal Court Minutes.

On a motion made by Judge Massie duly seconded by Paul Swearingen with Milt Stanfield and Joe Bentley voting yes to approve the **June 27, 2011**, Fiscal Court Minutes.

**RESPONSE FROM THE PUBLIC**

NONE

**OLD BUSINESS**

Road Closures on **old Moore Hollow Road**, no action was taken at this time.

**NEW BUSINESS**

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to approve **Resolution #11-08**, correcting the map of Greenhow Branch Road.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve **Resolution #11-09**, correcting the map of Butler Branch Road.

**The Recommendation of the Reapportionment Commission regarding magisterial districts was read in full by County Attorney Tom Bertram, recorded at the County Clerk's Office, and is incorporated into these minutes as follows:**

The Lewis County Reapportionment Commission consisting of Kenny Clark, John Roe, Sherman Kegley, and Glenda Himes (County Clerk) met on June 23<sup>rd</sup>, 2011 to initiate the process of defining the Magisterial Districts according to KRS 67.045. The commission chose four alternatives for the Area Development District to evaluate using computer mapping software and 2010 decennial census data. The commission reconvened on July 7<sup>th</sup>, 2011 to consider the alternatives. The following report was adopted unanimously by motion of the commissioners and is hereby presented to the Lewis County Fiscal Court and County Clerk:

- I. That the number of magisterial districts be set at four (4).
- II. That the boundaries of district one be drawn to incorporate the existing voting precincts of Concord, Tollesboro, and Burtonville, and that district one will contain a population of 3389. That the boundaries of district two be drawn to incorporate the existing voting precincts of Vanceburg #1, Vanceburg #2, Vanceburg #3 (with described boundary changes), and Black Oak and that district two will contain a population of 3441. That the boundaries of district three be drawn to incorporate the existing voting precincts of Garrison, Quincy, Tannery, and Firebrick and that district three will contain a population of 3562. That the boundaries of district four be drawn to incorporate the existing voting precincts Laurel, Petersville, and Vanceburg 4 (with described boundary changes) and that district four will contain a population of 3479. For the purposes of describing the new magisterial districts, the boundary between Vanceburg #3 and Vanceburg #4 shall be modified to move the population contained in the geographic area described as **south on Shelton Drive from the intersection of Shelton Drive and KY 59 (Fairlane Drive) to the intersection of Shelton Drive and KY 9 (AA Highway), then south on KY 9 (AA Highway) to the intersection of KY 9 (AA Highway) and KY 59 (Fairlane Drive), then north on KY 59 (Fairlane Drive) to the place of beginning**, from Vanceburg #4 to Vanceburg #3.
- III. That the total of the salaries currently paid to three magistrates be divided among the four magistrates so that no greater cost is incurred by Lewis County for magisterial salaries.

The minutes of the Reapportionment Commission meetings and a map of the proposed magisterial districts are incorporated as part of this report.

On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen and Judge Massie voting yes **to acknowledge the report** presented. Magistrate Bentley requested time to speak with the citizens about the recommendations before voting on the matter. Judge Massie stated the court has 60 days to adopt an ordinance regarding reapportionment, and that the fiscal court can approve or disapprove the recommendations of the reapportionment commission, but that the final reapportionment ordinance must comply with KRS 67.045 which states that “districts shall be drawn so that the districts are compact, contiguous and the population of each district shall be nearly as equal as is reasonably possible.” Judge Massie informed the court that according to the latest census data, the existing magisterial districts have more than the allowable 10% population variance, and therefore the magisterial district boundaries must be redrawn even if the fiscal court chooses to keep three magisterial districts.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve **B.J. Cunningham** for hire as seasonal temporary position at the Lewis County Road Department for \$10.00 an hour.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve the **2010-2011 Annual Treasurer’s Settlement**.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to approve to publish the **audit summary in lieu of the full Treasurer’s Settlement**. The full treasurer’s settlement is on file at the Office of the County Clerk.

On a motion made by Joe Bentley duly seconded by Judge Massie with Milt Stanfield and Paul Swearingen voting yes to acknowledge receipt of **2010-2011 4<sup>th</sup> quarter financial report**.

On a motion made by Joe Bentley duly seconded by Judge Massie with Milt Stanfield and Paul Swearingen voting yes to approve the 1<sup>st</sup> reading of **Ordinance #11-05**, Budget Amendment for Lewis County Fiscal Court 11-12 unbudgeted receipts for a Recycle Grant.

The court heard a written request of the **Planning Commission** to add (4) commission members to the County Liability’s Insurance. The court discussed the request. Issues were: How much would this cost the county, what liability does the planning commission present, and should the regulations of the planning commission first be approved by the fiscal court? No action was taken at this time.

On a motion made by Judge Massie duly seconded by Paul Swearingen with Milt Stanfield and Joe Bentley voting yes to acknowledge receipt of **Kinniconick Volunteer Fire Department 2011-2012 Budget**.

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

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to acknowledge receipt of **Tollesboro Fire Protection District 2011-2012 Budget**.

On a motion made by Joe Bentley duly seconded by Judge Massie with Milt Stanfield and Paul Swearingen voting yes to acknowledge receipt of the 2010-2011 Lewis County Detention Center **Annual Commissary Report**.

**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 Joe Bentley duly seconded by Judge Massie 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 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 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 Joe Bentley duly seconded by Judge Massie 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**

Sheriff Johnny Bivens recognized Garret Polley, Levi Polley, and Cole Dunigan for actions they took on June 5, 2011 when their friend had a seizure and fell into a creek. Sheriff Bivens presented each of the boys with a bicycle and a certificate.

Road Supervisor Tom Kennard reported to the court that he had met with Steve Brewer with FEMA and that projects had been approved for Fingerboard, Manley Hollow, and Toller Hollow.

Road Supervisor Tom Kennard stated Crooked Creek and Cabin Creek would be the next piling projects with E & E Construction.

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

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Thomas Massie      Lewis County Judge Executive