

**Lewis County Fiscal Court  
Regular Meeting  
August 8, 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 Paul Swearingen and Milt Stanfield voting yes to suspend the reading of the **July 11, 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 approve the **July 11, 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 **July 22, 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 approve the **July 22, 2011**, Fiscal Court Minutes.

**RESPONSE FROM THE PUBLIC**

A concerned citizen approached the court to request county maintenance on John Lane. He stated to the court before the 911 address changes, the road was called Gash Lane. He stated that in the past, the county maintained back to the last house on the road. Judge Massie stated that the county road map prepared and maintained by the Buffalo Trace Area Development District, before Judge Massie took office, indicates that this is not a county maintained road and is therefore not eligible for county maintenance. Judge Massie stated that he and Road Supervisor Tom Kennard had both recently viewed the road, and he suggested that all three Magistrates inspect the road before the court takes action on the road. Magistrates agreed to visit John Lane.

Bob Rose from Buck Lick Road off of Briary Road approached the court with concerns for both of the roads. He stated he would like to have some road work done by winter. Road Supervisor

Tom Kennard spoke and said that Briary needs a permant repair and not patchwork. Kennard stated that he planned to take a representative from FEMA to Briary Road to determine if it was eligible for FEMA assistance. Kennard also stated that the Road Department would be replacing a tile on Buck Lick Road and the repair would be completed in the next two weeks.

Mr. Bellamy from Creamery Pike Road approached the court to request improvement with gravel at the passing area on the road. Judge Massie asked Mr. Bellamy if he could meet with Magistrate Stanfield and Road Supervisor Tom Kennard to show them the issue.

### **OLD BUSINESS**

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve the 2<sup>nd</sup> reading of **Ordinance #11-05**, Budget Amendment for LC Fiscal Court 11-12 Unbudgeted Receipts for Recycle Grant.

On a motion made by Judge Massie duly seconded by Paul Swearingen with Milt Stanfield and Joe Bentley voting yes to approve the 1<sup>st</sup> reading of **Ordinance #11-06**, the closing of old Moore Hollow Road CR#1317.

### **NEW BUSINESS**

On a motion made by Joe Bentley duly seconded by Judge Massie with Milt Stanfield voting yes and Paul Swearingen voting no to approve the hire of **Phil Mauney** for engineering of bridges, drainage structures, and engineering oversight of large projects, \$20.00 per hour, 100 hrs per month.

On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen and Judge Massie voting yes to approve the 1<sup>st</sup> reading of **Ordinance #11-07**, to enter into a lease agreement with Ross Sinclair and Associates for the purpose of financing equipment at the Lewis County Road Department to include, refinancing of articulating wheel loader, long term financing of the triaxle dump truck, financing for a single axle dump truck with snow plow (new purchase), and financing of a backhoe with ditching/grading attachment (new purchase). The lease will not exceed \$450,000.00 in principal and will be for a six year term.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve **Resolution #11-10**, application to the Department of Natural Resources for assistance under the Kentucky Heritage Land Conservation Fund.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve **Resolution #11-11**, agreement between KYTC and Lewis County, Construct a bridge deck on Lower Kinney Road (CR#1102) and on Greenlawn Road (CR#1068); Drainage structure on Rock Run Road (CR#1002); and if funds permit, improve the low water ford on Simmons Road (CR#1250) \$160,000.00 Rural Secondary Fund.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve the purchase of a **Drag-A-Box Material Spreader** from J. Pyott and Associates for \$13,353.04 for use at the Lewis County Road Department.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes the approval to bid out bridge deck replacement on **Norman Lane**.

Judge Massie stated that a flaw in the state compensating rate calculation provided a loophole which, according to a recent opinion from the Kentucky Attorney General, allowed tax districts to raise tax rates by more than the statutory limit of 4%. He stated that this flaw is a consequence of having a Tangible property rate which is higher than the Real property rate. Judge Massie recommended lowering the tangible rate from 14.1 to 14.0 cents per hundred, while keeping all other general county tax rates the same as last year, in order to bring the Tangible property rate closer to the Real property rate.

On a motion made by Stanfield duly seconded by Paul Swearingen with Joe Bentley and Judge Massie voting yes to order that the following tax rates be levied for the **COUNTY OF LEWIS** for the year 2011,

- (1) Upon each \$100.00 of Real Estate and including Property for Public Service Companies for general purposes, a tax levy of **13.0 cents**.
- (2) Upon each \$100.00 of Tangible Personal and Public Service Companies, a tax levy of **14.0 cents**.
- (3) Upon each \$100.00 of Motor Vehicle and Watercraft, a tax levy of **14.1 cents**.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting no to acknowledge the 1<sup>st</sup> reading of **Ordinance #11-08**, adopting the full report of the reapportionment commission as presented at the previous regular fiscal court meeting. Motion failed with 2 in favor and 2 opposed.

Magistrate Stanfield and Magistrate Swearingen brought up concerns about the recommendation in the report to split the three magistrates' salaries among the four magistrates after the next election. Reapportionment commissioner Sherman Kegley spoke before the court on behalf of the reapportionment commission to suggest that the reapportionment commission had included that provision in the report due to their reservation about increasing the costs to the county by creating a fourth magisterial district. Magistrate Stanfield stated that he would not be seeking reelection, but that he felt strongly that the magistrates' pay should remain the same after the next election. Judge Massie stated that because of the new magisterial district, magistrates' geographic regions would be smaller with a fewer number of constituents to represent.

Magistrates suggested that the issue of magistrate salary could be addressed in a few years, before the statutory deadline preceding the primary election in 2014. Judge Massie amended **Ordinance #11-08** to adopt the reapportionment commission report specifically without reference to magisterial salary changes, and the ordinance was read as amended.

On a motion made by Judge Massie duly seconded by Milt Stanfield with Paul Swearingen and Joe Bentley voting yes to approve the first reading of **Ordinance #11-08** as amended.

On a motion made by Judge Massie duly seconded by Milt Stanfield with Paul Swearingen and Joe Bentley voting yes to approve the 1<sup>st</sup> reading of **Ordinance #11-09**, amendment of vicious animal ordinance to match the City of Vanceburg with respect to Pit Bulls and Wolf Hybrids.

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 **Lewis County Conservation District** 2011 Annual Report/10-11 Annual Financial Report.

Conservation District Board Supervisor Bill Bertram approached the court with a request from the Lewis County Conservation District that the fiscal court provide funds to assist with rent for the Conservation District office facility.

Judge Massie made a motion to approve the request of \$1,650.00 for rent at the **Lewis County Conservation District** under the condition that the Conservation Supervisors do not benefit personally from the grant programs administered by the Conservation District. Motion died due to lack of a second.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to approve the request of \$1,650.00 for rent at the **Lewis County Conservation District** without any conditions.

On a motion made by Judge Massie duly seconded by Joe Bentley with Milt Stanfield and Paul Swearingen voting yes to approve the proposal from **Wilburn Enterprises LLC** to properly vent the air conditioner at the Lewis County Animal Shelter.

On a motion made by Judge Massie duly seconded by Paul Swearingen with Milt Stanfield and Joe Bentley voting yes to approve the hire of **Michael D. Dunigan** from layoff at the Solid Waste Department for \$12.32 an hour.

On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen and Judge Massie voting yes to approve the hire of **Shalen Allen** as part time at the Lewis County Detention Center for \$8.00 an hour.

On a motion made by Judge Massie duly seconded by Paul Swearingen with Joe Bentley and Milt Stanfield voting yes to approve the hire of **Adam Chinn** from part time to full time at the Lewis County Detention Center for \$11.50 an hour.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to approve the hire of **Wayne Hensley** as full time at the Lewis County Detention Center for \$9.00 an hour.

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to approve the hire of **Matt Hinton** from part time to full time as captain at the Lewis County Detention Center for \$11.50 an hour.

On a motion made by Judge Massie duly seconded by Paul Swearingen with Joe Bentley and Milt Stanfield voting yes to approve to advertise for bid on **Holly Road**, Rail Lagging Sites 1 & 2.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Milt Stanfield and Judge Massie voting yes to approve **Richard Berry's** contract extension until December 31, 2011.

On a motion made by Judge Massie duly seconded by Milt Stanfield with Joe Bentley and Paul Swearingen voting yes to accept the bid from **Worldwide Equipment** on the single axle dump truck with snow plow and spreader. The bids were submitted as follows:

<b>Worldwide Equipment</b>	<b>\$86,612.00</b>
<b>Peterson Trucking</b>	<b>\$115,197.00</b>

On a motion made by Joe Bentley duly seconded by Judge Massie with Paul Swearingen and Milt Stanfield voting yes to accept the bid from **Wilson Equipment** for the 4wd Case 580 Super N Backhoe with ditch attachment. This was the only bid received.

<b>Wilson Equipment</b>	<b>\$82,681.10</b>
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On a motion made by Milt Stanfield duly seconded by Joe Bentley with Paul Swearingen and Judge Massie voting yes to accept the bid from **E & E Construction** on a Piling Project on Toller Hollow Road. The bids were submitted as follows:

<b>E &amp; E Construction</b>	<b>\$26,715.00</b>
<b>Hinkle Contracting Company</b>	<b>\$48,538.00</b>
<b>King Crete Drilling</b>	<b>\$34,260.00</b>

On a motion made by Judge Massie duly seconded by Joe Bentley with Paul Swearingen and Milt Stanfield voting yes to accept the bid from **King Crete Drilling** on the Slip Repair Project on Lower Kinney Road. The bids were turned in as follows:

<b>King Crete Drilling</b>	<b>\$22,160.00</b>
<b>Hinkle Contracting Company</b>	<b>\$37,400.00</b>

On a motion made by Paul Swearingen duly seconded by Joe Bentley with Milt Stanfield and Judge Massie voting yes to **enter** into a 10 minutes **recess**.

On a motion made by Joe Bentley duly seconded by Judge Massie with Milt Stanfield and Paul Swearingen voting yes to **re-enter** from a 10 minutes **recess**.

On a motion made by Joe Bentley duly seconded by Milt Stanfield with Paul Swearingen and Judge Massie voting yes to accept the bid from **Brown County Construction** for the Asphalt Repaving Project on Manley Hollow Road. The bids were turned in as follows;

<b>Brown County Construction</b>	<b>\$7,672.08</b>
<b>H.G. Mays Corporation</b>	<b>\$9,001.40</b>

**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 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 Joe Bentley duly seconded by Judge Massie 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 Joe Bentley duly seconded by Judge Massie with Milt Stanfield 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**

Magistrate Swearingen brought up MedCorp Ambulance Service. Judge Massie stated there is a complaint form on the web site for KBEMS. Carl Chaney stated that MedCorp is trying to get a 3<sup>rd</sup> ambulance to be stationed here in the county.

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

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Thomas Massie      Lewis County Judge Executive

