

At the regular monthly meeting of the Fleming County Fiscal Court held Tuesday, August 13, 2019 at the Fleming County Courthouse, 100 Court Square, Flemingsburg, Kentucky the meeting was called to order at 9:00 AM by Fleming County Judge/Executive Larry H. Foxworthy who also led the Pledge of Allegiance. The roll call was conducted by Fiscal Court Clerk Tammy L. Gray. Magistrates present: David J. DeAtley, Richie Kielman, James Smoot, Donnie Fawns and Ray H. Money. Also present was County Attorney Monica Hill and County Treasurer Kathy Dryden. Magistrate Chris Hickerson was absent.

Vote Unan. Motion: Richie Kielman Second: Ray H. Money

A motion was made to approve the minutes of July 9, 2019.

The 2020 US Decennial Census Partnership Specialists Karen Coburn and Sheila Bonan were present to inform Fiscal Court members about the local Census Complete Count Committee and its endeavors. Fleming County Complete Count Committee Chairperson Clay Skaggs along with various local committee members will be conducting multiple outreach opportunities for our community.

Vote Unan. Motion: Ray H. Money Second: David J. DeAtley

A motion was made to approve the second reading and passage of Amendments to Ordinance 13-1150 Fleming County Administrative Code/Personnel Policies: (Note: Amendments are in BOLD lettering)

SECTION 2.8 Procedures for Requesting Public Records Relating to KRS 61.870 to 61.884

A. Initial Request with Immediate Inspection

(1) Any person desiring to inspect or copy the public records of the county shall make a request or complete a written application for such records at the office of the County Judge/Executive during regular office hours, except during legal holidays. The application shall be hand delivered, mailed, **electronically mailed (email)** or sent via facsimile. (KRS 61.872 (2))

SECTION 8.2 Adoption of Kentucky Model Procurement Code

A. **The Fleming County Fiscal Court shall hereby adopt and follow the provisions of the Kentucky Model Procurement Code (KRS ~~45a.343~~ 45A.005 to ~~45A.460~~ 45A.488) effective ~~July 1-2015~~ June 2019. ~~No other statutes governing purchasing shall apply to the Fleming County Fiscal Court upon adoption of these provisions.~~**

C. The Fleming County Fiscal Court has the sole authority to award any contract which exceeds ~~\$ 20,000.00~~

\$ 30,000.00 regardless of whether the award is based on competitive sealed bids, multi-stop sealed bidding, competitive negotiations, or by non-competitive negotiations as long as Model Procurement Code is followed.

SECTION 8.10 Disposition of County Surplus Property

- ~~A. The County Judge/Executive or his/her designee shall prepare a written statement which describes the property.~~
- ~~B. The statement shall include the proposed disposition of the property and the reasons such disposition is in the public interest.~~
- ~~C. The statement shall include the method of disposition, whether it is to be transferred to another governmental agency or to a private concern; compensation, if any, to be received; and whether it is to be sold at public auction, by sealed bids or through negotiations.~~
- ~~D. If the property is to be sold through negotiations, the property shall be appraised by at least two competent and independent appraisers and the appraisals attached. No property shall be sold on a negotiated basis for less than the appraised value.~~
- A. A local public agency may sell or otherwise dispose of any personal property which is not needed or has become unsuitable for public use, or which would be suitable, consistent with the public interest, for some other use.
- B. A written determination as to need of suitability of any personal property of the local public agency shall be made; and such determination shall fully describe the personal property; its intended use at the time of acquisition; the reasons why it is in the public interest to dispose of the item; and the method of disposition to be used.
- C. Surplus or excess personal property as described in this section may be transferred, with or without compensation, to another governmental agency; or it may be sold at public auction or by sealed bids in accordance with KRS 45A.365.
- D. In the event that a local public agency receives no bids for surplus or excess personal property, either at public auction or by sealed bid, such property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the local public agency. In such instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made. Any compensation resulting from the disposal of surplus or excess personal property shall be transferred to the general fund of the local public agency.
- E. As an alternative procedure to that set out in this section, a county may dispose of personal property pursuant to KRS 67.0802 relating to the disposition of county property, to define "independent appraisal" and to, in addition to the disposal methods available to counties, allow counties to transfer property for economic development purposes, trade property for the same or similar type of property, sell property without bids if the property is appraised for \$5,000 or less, sell property as scraps or dispose of as garbage, which can include road millings and dirt, if the value of the property is no greater than nominal, or allow the Finance and Administration Cabinet to sell the property on behalf of the county; amend KRS 45A.425 to allow the provisions of Section 1 of the Act to be used in lieu of those set out in the local model procurement code for counties having adopted it.
- F. Notwithstanding subsections (A) to (D) of this section, a city, urban-county government, or consolidated local government that has adopted KRS 45A.345 to 45A.460 may dispose of surplus property using the procedures in KRS 82.083.

Vote Unan. Motion: David J. DeAtley Second: Richie Kielman

A motion was made to approve to surplus the 1985 Fleming Homes mobile home VIN 42052 located at the Fox Valley Recreation Park and advertise to sell by sealed bids. Proceeds from the sale less advertising costs will be given to the Fox Valley Recreation Park.

Vote Unan. Motion: James Smoot Second: Richie Kielman

A motion was made to approve the renewal of the Johnson Controls agreement for inspection of the maintenance garage's fire extinguishers, vehicle extinguishers and sprinkler system at \$ 720.80 annually for three years.

Vote Unan. Motion: Donnie Fawns Second: Ray H. Money

A motion was made to renew the lease agreement with Altius to allow their communications receiver on the Pea Ridge tower at \$ 250.00 per month.

Fox Valley Recreation Park Board Chairperson Chip Spann came before the Fiscal Court with requested information regarding proposed pre-application for 70/30 ARC grant funding to install a new waste water treatment facility at the park. Estimates of long term amortization of the 30% match, potential rental rates increase and status of current facility was discussed. Mr. Spann informed the Fiscal Court that with a rental rate increase the park would be able to handle the debt service payments and requested approval from the Fiscal Court to have Buffalo Trace Area Development District submit a pre-application for ARC grant funding which has a deadline of September 23, 2019 for this year's funding. Discussion was held regarding options of pump station vs. new waste water treatment facility. Further discussion will be at the Special call meeting on September 3, 2019 at 3:00 PM.

Three bids were reviewed for the grant funded emergency generator at the Pea Ridge tower. Bids were from All American Fire \$ 17,925.00, DKC Radio \$ 17,500.00 and Public Safety Store \$ 18,500.00.

Vote Unan. Motion: Donnie Fawns Second: Richie Kielman

A motion was made to accept the recommendation from Judge/Executive Foxworthy to award the project to the low bidder DKC Radio at \$ 17,500.00.

Vote Unan. Motion: David J. DeAtley Second: Richie Kielman

A motion was made to approve the 2020 Litter Abatement Grant application.

Vote Unan. Motion: Ray H. Money Second: Donnie Fawns

A motion was made to approve Resolution 19-1285 authorizing ARC grant application for Senior Center Kitchen Project (Note: Joint application with City of Flemingsburg)

Vote Unan. Motion: Richie Kielman Second: James Smoot

A motion was made to approve the 2019 Waste Tire Collection Event Agreement.

Tire Amnesty will be held at the County Maintenance Garage on September 26, 27 and 28, 2019.

Vote Unan. Motion: Ray H. Money Second: Richie Kielman

A motion was made to approve the county road maintenance reports as follows for June 2019 totaling \$ 507,047.42. District One \$ 4,594.64, District Two \$ 12,438.38, District Three \$ 393,334.71, District Four \$ 941.58, District Five \$ 87,822.57, District Six \$ 7,915.54.

Vote Unan. Motion: David J. DeAtley Second: Richie Kielman

A motion was made to approve Resolution 19-1286 recognizing Dispatch Telecommunicators as First Responders.

Vote Unan. Motion: Richie Kielman Second: Ray H. Money

A motion was made to approve the County Treasurer's month end of July 31, 2019 totaling \$ 1,051,924.10. General Fund \$ 341,304.61, Road Fund \$ 332,359.48, Jail Fund \$ 69,073.97, LGEA Fund \$ 109,092.67, Forest Fire Fund \$ 65.69, Revolving Loan Fund \$ 8,255.43, Dispatch Fund \$ 150,767.64, Capital Improvement Fund \$ 41,004.61.

Vote Unan. Motion: Donnie Fawns Second: Richie Kielman

A motion was made to approve the Budget Transfers as presented by Dryden.

Vote Unan. Motion: David J. DeAtley Second: Richie Kielman

A motion was made to approve the Cash Transfers as presented by Dryden.

Vote Unan. Motion: Ray H. Money Second: Donnie Fawns

A motion was made to approve all claims reports and carry in claims reports as presented.

Vote Unan. Motion: David J. DeAtley Second: James Smoot

A motion was made to approve payment of fuel account on the first of each month upon receipt effective 7/1/2019.

Vote Unan. Motion: Richie Kielman Second: David J. DeAtley

A motion was made to approve to set salaries as presented effective 7/1/2019.

Vote Unan. Motion: Ray H. Money Second: Donnie Fawns

A motion was made to approve the Judge/Executive's recommendation to keep the personal property, real property and motor vehicles tax rates as the same as last year 16 cents per hundred.

Vote Unan. Motion: David J. DeAtley Second: Richie Kielman

A motion was made to set the Forest Fire tax rate as the same as last year at 2.5 cents per acre.

Vote Unan. Motion: Richie Kielman Second: Ray H. Money

A motion was made to approve the road department pay scale effective 7/1/2019.

Discussion was held by County Clerk Jarrod Fritz regarding reapportionment proceedings that will come once the 2020 Census is completed.

Vote Unan. Motion: Ray H. Money Second: Richie Kielman

A motion was made to approve the Fleming County Clerk's month end July 2019 report as presented by Fritz.

Fleming County Chamber of Commerce Director Crystal Ruark came before the Fiscal Court to give update of past and currently scheduled events. Members were given a survey and nomination forms for Chamber Awards.

Vote Unan. Motion: Ray H. Money Second: Richie Kielman

A motion was made to approve the Fleming County Sheriff's monthly reports for June and July 2019.

Vote Unan. Motion: Richie Kielman Second: Donnie Fawns

A motion was made to approve the Fleming County Jailer's monthly report for July 2019.

Judge/Executive Foxworthy announced that the Ewing Volunteer Fire Department were awarded State Agriculture Board grant funding to purchase grain rescue equipment.

Dispatch Director Charlotte Benton gave the July 2019 request for services report, announced the award of CMRS grant funding to purchase new dispatch phone system and continues to work on the damages caused by lightning strike on the communications tower at the annex building.

County Attorney Monica Hill briefly discussed current court docket schedule and use of rocket docket.

Vote Unan. Motion: James Smoot Second: Richie Kielman

A motion was made to set a Special Call meeting on September 3, 2019 at 3:00 PM and move the regular monthly meeting to September 17, 2019 at 10:00 AM.

Vote Unan. Motion: Richie Kielman Second: James Smoot

A motion was made to adjourn the Fiscal Court meeting at 10:30 AM.