



# Breathitt County

## Water District

*Making Breathitt County*

*A Better Place One Drop at a Time.*

April 13, 2021

Kentucky Public Service Commission  
PO Box 615  
211 Sower Boulevard  
Frankfort, KY 40602

RE: Case 2020-00398

To Whom it May Concern:

Attached are the requested documents pertaining to the appointment of a new board member.

Thank you,

Breathitt County Water District

## Board Members 2020

Name	Title	Year Term Ends	Address	# of Years on Board
David Ingram	Board Member	August, 2024	781 Calvin Morris Road Booneville KY 41314	4
Bobby Thorpe	Chairman	August, 2020	43 Dustin Dylan Lane, Jackson KY 41339	12
Cheryl Spicer-Campbell	Treasurer	August, 2022	PO Box 574 Jackson KY 41339	5
Eva Fugate	Secretary	August, 2021	106 Chenowee Branch, Jackson KY 41339	11
Sammie Turner	Vice Chairman	August, 2021	80 Belcher Turner Lane, Booneville KY 41339	11

ORDINANCE # 8-21-2003A

**AN ORDINANCE ESTABLISHING AND CREATING A SPECIAL DISTRICT TO PROVIDE WATER SERVICES TO THE RESIDENTS OF BREATHITT COUNTY, KENTUCKY**

**BE IT ORDAINED BY THE BREATHITT COUNTY FISCAL COURT AS FOLLOWS:**

**WHEREAS, the legislature of the Commonwealth of Kentucky has delegated responsibilities to the local governmental units to adopt and implement ordinances and resolutions to take action promoting the health, safety and general welfare of the citizens of Breathitt County, Kentucky, and,**

**WHEREAS, many rural areas of Breathitt County do not have adequate potable water to meet the needs of the citizens and residents of those areas, and,**

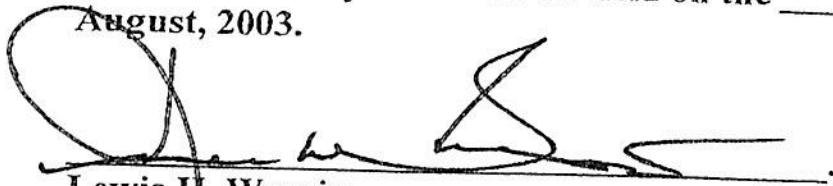
**WHEREAS, the lack of such an organized water system has lead to very poor water quality throughout the county with the residents having no or little access to quality, potable water in Breathitt County, Kentucky,**

**NOW, THEREFORE, BE IT RESOLVED BY THE BREATHITT COUNTY FISCAL COURT that there is hereby created a special district to be known as THE BREATHITT COUNTY WATER DISTRICT, and shall be governed and operated under the rules and procedures established under KRS Chapter 74, relating to water districts.**

**That this special district is created for the purpose of providing county-wide water service in order to provide safe and adequate potable water to adequately supply those areas of the County lacking in such.**

Dated this 21 day of August, 2003.

Given Second Reading and Adopted at a duly convened meeting of the  
Breathitt County Fiscal Court held on the 28 day of  
August, 2003.



Lewis H. Warrix  
Breathitt County Judge Executive

AYES

NAYS

Steve Banks  
Arch Turner  
James Combs

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Regular Court Meeting  
Breathitt County Fiscal Court  
July 24, 2012

Agenda

- I. Approval of Minutes for Regular Court Meeting June 26 & Special Meeting of June 29.
- II. Financial
  - A. Consideration for Approval of Financial Statement and Appropriation/Revenue Condition Report.
  - B. Consideration for Approval of 1st Reading of Budget Amendment #1.
  - C. Consideration for Approval of Budget Transfers.
  - D. Consideration for Approval of Inter-Fund Budget Transfer
  - E. Consideration for Approval of Monthly Claims List 01-5024 & 01-5025.
  - F. Consideration for Approval of Pay Request #4 to Phase IV Contractors in the Amount of \$26,550.00 per Contract on Museum Coal Severance Project A057.
  - G. Consideration for Approval of Pay Request #4, CDBG Grant for South Fork Waterline Project in the Amount of \$76,988.00.
  - H. Consideration for Approval of Pay Request #11, CS#1029 Grant for South Fork Waterline Project in the Amount of \$15,349.00.
  - I. Consideration for Approval to Return \$2,504.00 in Unspent Funds on Waste Tire Grant.
  - J. Consideration for Commitment of Support for PRIDE Education Outreach Program - \$4,800.00.
  - K. Consideration for Approval of Heritage Fair & Honey Festival Expenditures.
  - L. Consideration for Approval of Shriners' Expenditure.
  - M. Consideration for Approval of Sugar Camp Golf Club Support in Amount of \$3,000.00.
  - N. Consideration for Approval to Pay Expenditures for Jackson Physicians Medical Center upon Completion in Accordance with Contract.
  - O. Consideration for Approval to Appoint Jack Campbell to the Board of the Troublesome Creek Environmental Authority, Inc.
- III. Administration
  - A. Consideration for Approval to Apply for FY 2013 KY Bd of Emergency Services Ambulance Grant.
  - X B. Consideration for Approval to Appoint/Re-Appoint (2) Two Board Members to Breathitt County Water District, (4) Four Year Term, for Expiring Terms of Bobby Thorpe and Kash Noble on August 28, 2012.
  - C. Consideration for Approval to Consider Raising the Salary of the BCWD Board Members From \$150 to \$300/Month.
  - D. Consideration for Approval of Resolution in Support of Citizens for Veterans Health Care in Pursuit of New Veterans Hospital Facility in the Twenty Nine Counties.
- IV. Audience/Other County Business
  - A. Clara Gabbard – Honey Festival
  - B. Hoy Marshall – Buckhorn Creek Rd

## Minutes

The Breathitt County Fiscal Court met in Regular Session on July 24, 2012 at 10:00 a.m. Present and presiding were Harvey Jason Richardson, Breathitt Co. Judge Executive, Magistrates Tim Spencer, Roy Darrell Herald, Ray Moore, and Ellis Tincher. Also present were Deputy Judge Brenda Terry, Treasurer Ken Back, County Attorney Brendon Miller, Sheriff Ray Clemons, Deputy Reeve Hudson, Jr., County Surveyor Jake Combs and Fiscal Clerk Kay Barnett.

Meeting was called to order and Judge Richardson welcomed everyone.

Prayer was given by Brendon Miller.

Clara Gabbard presented T-shirts to the Court and County employees and gave an update on the Honey Festival. She then asked for a donation for the Festival.

Motion by Roy Darrell Herald, seconded by Ray Moore to donate \$5000.00 to the Honey Festival. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Roy Darrell Herald seconded by Tim Spencer to approve the minutes of the June 26, 2012 Regular Meeting and June 29, 2012 Special Meeting. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Roy Darrell Herald to approve the Financial Statement and the Appropriation Condition/Revenue Report. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Roy Darrell Herald to approve the First Reading of Budget Amendment #1. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Tim Spencer, seconded by Ray Moore to approve the Budget Transfers. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve the Order for Interfund Cash Transfers. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Magistrate Tim Spencer asked about an invoice on the Claims List submitted by King Crete.

Motion by Ellis Tincher, seconded by Roy Darrell Herald to approve the monthly claims list (01-5024 & 01-5025). Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, Ellis Tincher-aye, and Judge Richardson-aye. Motion carried.

Motion by Tim Spencer, seconded by Ray Moore to approve the Pay Request #4 to Phase IV Contractors on the Museum Coal Severance Project A057 in the amount of \$26,550.00. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Tim Spencer, seconded by Ellis Tincher to approve Pay Request #4 on the CDBG Grant for the South Fork Waterline Project in the amount of \$76,988.00. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve Pay Request #11 on the CS #1029 Grant for the South Fork Waterline Project in the amount of \$15,349.00. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Roy Darrell Herald to approve returning the unspent funds from the Waste Tire Grant in the amount of \$2,504.00 to the Kentucky State Treasurer. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Roy Darrell Herald, seconded by Ray Moore to commit support to the PRIDE Education Outreach Program in the amount of \$4,800.00. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Tim Spencer to approve expenditures for the Heritage Fair and Honey Festival. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Wendell Gross, on behalf of the Breathitt County Shrine Club, addressed the Court and requested a donation.

Motion by Judge Richardson, seconded by Roy Darrell Herald to donate \$10,000.00 to the Shriner's Club. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, Ellis Tincher-aye, and Judge Richardson-aye. Motion carried.

Motion by Roy Darrell Herald, seconded by Ray Moore to approve the Sugar Camp Golf Club Support in the amount of \$3,000.00. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Tim Spencer, seconded by Roy Darrell Herald to approve paying the expenditures for the Jackson Physicians Medical Center upon completion in accordance with the contract. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Judge Richardson, seconded by Roy Darrell Herald to approve applying for the FY 2013 Kentucky Board of Emergency Services Ambulance and to award the funds to McIntosh Ambulance upon receipt. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Motion by Judge Richardson, seconded by Ellis Tincher to approve reappointing Bobby Thorpe, Jr. and Kash Noble to the Breathitt County Water District Board. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, Ellis Tincher-aye, and Judge Richardson-aye. Motion carried.

Motion by Roy Darrell Herald, seconded by Ellis Tincher to increase the monthly compensation for each BCDW member from \$150 to \$300. Vote is as follows: Tim Spencer-nay, Roy Darrell Herald-aye, Ray Moore-nay, Ellis Tincher-aye, and Judge Richardson-aye. Motion carried.

Motion by Tim Spencer, seconded by Ray Moore to approve the resolution in support of Citizens for Veterans Health Care in pursuit of a new Veterans hospital facility within the local twenty-nine county region. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, Ellis Tincher-aye, and Judge Richardson-aye. Motion carried.

Hoy Marshall, of Buckhorn Creek Road, addressed the Court regarding the status of Buckhorn Creek Road on the County Road Program. Mr. Marshall stated that he had spoken to Judge Richardson in May 2009 regarding a bridge that had been destroyed by a flood. He went on to say that the County had taken the bridge out and requested that since the County did not maintain the road, he would like for his property on the road consisting of approximately three hundred feet to be returned to him.

Motion by Roy Darrell Herald, seconded by Ray Moore to begin the legal process for the giving the property in question back to the original landowners. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

County Attorney Brendon Miller addressed the Court and stated that Sherry Pitts would be taking the County-funded position within his office and that Imogene Minix would be taking the state-funded position, effective August 1<sup>st</sup>.

Motion by Ray Moore, seconded by Roy Darrell Herald to approve moving Sherry Pitts to the County position and Imogene Minix to the State position. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.




Motion by Tim Spencer, seconded by Roy Darrell Herald to approve a resolution appointing Jack Campbell to the Troublesome Creek Environmental Authority. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

Treasurer Ken Back discussed spending in excess of the appropriated amounts for line-items within the Budget, especially within the Road Fund. He reminded everyone to watch their spending. He stated that he was not trying to tell the Court what to do, but only wants to make sure that they do not run out of money. He went on to say that on a positive note, the Court had refinanced an outstanding bond on the Breathitt County Judicial Center, and that as a result of refinancing, the County would receive approximately \$85,000.00.

Patrick Smith addressed the Court and requested that his hourly pay rate be increased to \$12/hour, which was his pay rate while employed by the Court in 2011. Motion by Judge Richardson, seconded by Roy Darrell Herald to increase Mr. Smith's hourly wage to \$12/hour. Vote is as follows: Tim Spencer-nay, Roy Darrell Herald-aye, Ray Moore-nay, Ellis Tincher-nay, and Judge Richardson-aye. Motion failed.

Motion by Ray Moore, seconded by Tim Spencer to adjourn. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye, and Ellis Tincher-aye. Motion carried.

  
Harvey Jason Richardson  
Breathitt County Judge Executive

AGENDA

Clara Gabbard, Breathitt County Honey Festival

I. Approval of Minutes for Regular Court Meeting on June 25, and Special Meeting of June 28 & July 12, 2013.

II. Financial

- A. Consideration for Approval of Financial Statement & Appropriation/Revenue Condition Report.
- B. Consideration for Approval of 1st Reading of Budget Amendment #1.
- C. Consideration for Approval of Monthly Claims List 01-5024 & 5025. *+ Budget Transfer*
- D. Consideration for Approval of Pay Req # 4, \$2,218.76, CS#B066 Senior Citizens.
- E. Consideration for Approval to Discuss FY 2014 Budget and Expenditures for Asst. Co Attny and Breathitt Co Clerk
- F. Consideration for Approval of Program Support for Heritage Fair and Honey Festival.
- G. Consideration for Approval to Apply for Spay/Neuter Grant.
- H. Consideration for Approval of Authorization Resolution for FY 2014 Coal Severance Projects.
- I. Consideration for Approval to Authorize Repairs to Stone Coal Hollow Bridge.
- J. Consideration for Approval to Authorize Payment to KingCrete in the Amount of \$16,400.00 On Emergency Repair of Flat Branch/*big* Branch Rd for Excess of CRA Allocation of \$86,600.00.

III. Administration

- A. Consideration for Approval of Breathitt Co Sheriff CY 2012 Property Tax Settlement.
- B. Consideration for Approval to Review Logging Permit Application in Relation to Other Counties' Procedures.
- C. Consideration for Approval to Begin Process for Adoption of Lewis Dr. ( at Bowlings Creek) into the County Road Plan.
- X* D. Consideration for Approval to Appoint Two Board Members to the Breathitt County Water District for Expiring Terms of Eva Fugate and Sammy Turner.

IV. Audience

- A. Christine White – Lower River Caney Rd
- B. Karen Moore – Lumber Bid

## Minutes

The Breathitt County Fiscal Court met in Regular Session on July 23, 2013 at 10:00 a.m. Present and presiding were Harvey Jason Richardson-Breathitt Co. Judge Executive, Magistrates Roy Darrell Herald, Ray Moore and Ellis Tincher. Magistrate Tim Spencer was absent. Also present were Treasurer Ken Back, Charlotte Bailey, County Attorney Brendon Miller, Clerk Tony Watts, Sheriff Ray Clemons, Circuit Clerk James Turner, Deputy Reeve Hudson, Jr., Crystal Deaton and Fiscal Clerk Kay Barnett.

Meeting was called to order and Judge Richardson welcomed everyone.

Prayer was given by Ken Back.

Judge Richardson recognized Treasurer Ken Back and announced Ken's retirement. He presented him with a plaque for all his hard work and dedication to the Breathitt County Fiscal Court. Judge Richardson stated this would be Ken's last fiscal court meeting as Treasurer. Numerous people congratulated Ken on the outstanding job he had done.

Clara Gabbard presented t-shirts and invited everyone out to enjoy the Honey Festival. She asked for a donation to help with the Honey Festival.

Motion by Ray Moore, seconded by Tim Spencer to donate \$2,500.00 to the Honey Festival and the Heritage Fair. Vote is as follows: Judge Richardson-aye, Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Tim Spencer, seconded by Roy Darrell Herald to approve the minutes of the June 25, 2013 Regular Meeting and June 20, 28<sup>th</sup> & July 12, 2013 Special Meetings. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Tim Spencer, seconded by Ray Moore to approve the Financial Statement and the Appropriation Condition/Revenue Report. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Tim Spencer to approve the First Reading of Budget Amendment #1. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Tim Spencer, seconded by Roy Darrell Herald to approve payment of the monthly claims (01-5024 & 01-5025). Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Magistrate Tim Spencer addressed the Court regarding overspending on gravel. He asked Treasurer Ken Back to call the vendor and inform them they won't be paid for any amount over \$8,000.00 monthly.

Motion by Roy Darrell Herald, seconded by Ray Moore to approve Pay Request #4 CS #B066 for senior citizens in the amount of \$2,218.76. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Discussion was held on the FY 2014 budget and expenditures for the Assistant County Attorney and the County Clerk. County Attorney Brendon Miller asked the Court to consider putting Stanley Turner back into the budget, due to all the hours he worked.

Motion by Ellis Tincher, seconded by Ray Moore to reinstate Stanley Turner back to his position as Assistant County Attorney at original salary and pay him for the two weeks he wasn't paid. Vote is as follows: Judge Richardson-aye, Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Clerk Tony Watts reminded the Court of when they requested him to pay his health insurance and retirement match earlier in the year. He asked the Court if they would pay the health insurance and he would pay his retirement match.

Motion by Ray Moore, seconded by Ellis Tincher to pay the Clerk's Office's health insurance. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Ellis Tincher to approve an Interfund Transfer. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Clerk Tony Watts also discussed the Tax Appeals Board. He stated there were a few taxpayers that had signed up for an appeal. He offered to pay the Board and the County can reimburse him, like is done every year.

Motion by Ray Moore, seconded by Tim Spencer to approve applying for the spay/neuter grant. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Tim Spencer, seconded by Ray Moore to approve the authorization of Resolution for FY 2014 Coal Severance Projects. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Roy Darrell Herald to approve repairs to Stone Coal Hollow Bridge. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Discussion was held on the invoice from King Crete. Magistrate Tim Spencer stated Gary King had agreed to do the work for \$86,600.00. Judge Richardson informed the Court that Mr. King had lowered the cost down.

Motion by Tim Spencer, seconded by Roy Darrell Herald to not approve paying the invoice to King Crete in the amount of \$16,400.00 on emergency repair of Flat Branch/Big Branch for excess of CRA allocation of \$86,600.00. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve the Breathitt County Sheriff's CY 2012 Property Tax Settlement. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Discussion was held on the logging permit application in relation to other counties. County Attorney Brendon Miller stated to not just single out loggers. Judge Richardson assured him they were not.

Motion by Ray Moore, seconded by Tim Spencer to table this discussion until a later date. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Roy Darrell Herald, seconded by Tim Spencer to approve beginning the process for adoption of Lewis Drive at Bowlings Creek into the County Road System. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

X Discussion was held on the expiration of two water board member's terms. Judge Richardson recommended reappointing the two members, Eva Fugate and Sammie Turner.

X Motion by Judge Richardson, seconded by Ray Moore to reappoint Eva Fugate to the Breathitt County Water Board. Vote is as follows: Judge Richardson-aye, Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

X Motion by Judge Richardson to reappoint Sammie Turner to the Breathitt County Water Board. Motion failed due to the lack of a second.

Christine White approached the Court regarding the old county road to the river crossing being blocked at River Caney. She stated a family had put up a gate and locked it. County Attorney Brendon Miller recommended the Sheriff go up and ask the people to remove the gate. Judge Richardson assured Ms. White that he would send someone out to measure the road and if necessary will send the Sheriff out to take action on the matter.


Mrs. Stamper asked the Court to clean out the ditch by her house. She stated surface water was destroying her well. Judge Richardson assured her he would send the road department out to clean out the ditch.

Calvin Saum, III reminded the Court that the year was half over and the road department needed to go out and pick up road side litter for the Litter Abatement Program.

Bobbie Thorpe commended Sammie Turner for the excellent job he does on the water board. Brendon Miller informed the Court that they had ninety days to appoint someone or the state would.

Ken Back stated that Charlotte would do a good job as treasurer.

Motion by Ray Moore, seconded by Tim Spencer to adjourn. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.



Harvey Jason Richardson  
Breathitt County Judge Executive

Public Hearing  
Regular Court Meeting  
Breathitt County Fiscal Court  
October 22, 2013

AGENDA

- I. Approval of Minutes for Regular Court Meeting on September 24, 2013 Regular Meeting, October 7, 2013 Special Meeting and October 18, 2013 Emergency Meeting.
- II. Financial
  - A. Consideration for Approval of Financial Statement & Appropriation/Revenue Condition Report
  - B. Consideration for Approval of 1<sup>st</sup> Reading of Budget Amendment #4
  - C. Consideration for Approval of 2<sup>nd</sup> Reading and Adoption of Budget Amendment #3
  - D. Consideration for Approval of Budget Transfers
  - E. Consideration for Approval of Inter-Fund Budget Transfers
  - F. Consideration for Approval of Monthly Claims List 04-5004
  - G. Consideration for Approval of Pay Requisition #3 in the Amount of \$79,097.05 for Bethany Waterline Extension Project
  - H. Consideration for Approval of Request #6 for Disbursement in the amount of \$6,767.00 for the Breathitt Co. Senior Citizens Project ID #B066
  - I. Consideration for Approval for Discussion of the Montessori Building
  - J. Consideration for Approval of Coroner's Monthly Expense Allowance
- III. Administration
  - X A. Consideration for Approval of Re-Appointment of Sammie Turner to the Breathitt County Water District Board
  - B. Consideration for Approval of Formally Adopting J. Wise Allen Lane into the County Road System and Extending the Length of Campbell Branch Rd. a distance of 2 miles.
  - C. Consideration for Approval of Removing Dustin Dylan Lane from the County Road System
  - D. Consideration for Approval of Building Bridge on J. Wise Allen Lane
  - E. Consideration for Approval of Starting Legal Procedures to Adopt Byrd Lane into the County Road System

Minutes

The Breathitt County Fiscal Court met in Regular Session on October 22, 2013 at 10:00 a.m. Present and presiding were Harvey Jason Richardson-Breathitt Co. Judge Executive, Magistrates Tim Spencer, Roy Darrell Herald, Ray Moore and Ellis Tincher. Also present were Deputy Judge Brenda Terry, Treasurer Charlotte Bailey, Mayor Rose Wolfe, County Attorney Brendon Miller, Clerk Tony Watts, Sheriff Ray Clemons, Circuit Clerk James Turner, Deputy Reeve Hudson, Jr., Crystal Deaton and Fiscal Clerk Kay Barnett.

Meeting was called to order and Judge Richardson welcomed everyone.

Prayer was given by Charlotte Bailey.

Motion by Ellis Tincher, seconded by Roy Darrell Herald to approve the minutes of the September 24, 2013 Regular Meeting, October 7, 2013 Special Meeting and October 18, 2013 Emergency Meeting. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Tim Spencer, seconded by Roy Darrell Herald to approve the Financial Statement and the Appropriation Condition/Revenue Report. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Tim Spencer to approve the First Reading of Budget Amendment #4. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Tim Spencer to approve the Second Reading and Adoption of Budget Amendment #3. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Tim Spencer, seconded by Roy Darrell Herald to approve the Budget Transfers. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Tim Spencer to approve the Interfund Transfers. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Roy Darrell Herald to approve payment of the monthly claims 04-5004 with the exception of only paying Hinkle Contracting \$8,000.00. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.



Motion by Tim Spencer, seconded by Roy Darrell Herald to approve Pay Request #3 for the Bethany Waterline Extension Project in the amount of \$79,097.05. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

X Motion by Ray Moore, seconded Ellis to approve Pay Request #6 for disbursement in the amount of \$6,767.00 for the Breathitt Co. Senior Citizens Project ID #B066. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Discussion was held on approving the Coroner's Monthly Expense of \$300.00 that is set by the State. Motion failed due to a motion.

Motion by Judge Richardson, seconded by Roy Darrell Herald to approve the re-appointment of Sammie Turner to the Breathitt County Water Board. Vote is as follows: Judge Richardson-aye, Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve formally adopting J. Wise Allen Lane into the County Road System and extending the length of Campbell Branch Road, a distance of 2 miles. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Tim Spencer to approve removing Dustin Dylan Lane from the County Road System. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve building a bridge on J. Wise Allen Lane. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve starting legal procedures to adopt Byrd Lane into the County Road System. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Magistrate Ray Moore inquired as to why District II was the only magisterial district that was having any bridges built. He questioned why District I, III and IV were being totally left out. He stated he had requested a bridge be built on Maggie Drive for two years, and still hadn't been done. He stated it should be done fairly, not just in one district.

Motion by Ellis Tincher, seconded by Roy Darrell Herald to build a bridge on Licking Fork Road off Meatscaffold Rd. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Elizabeth Baker with Breathitt County ROTC asked the Fiscal Court for a donation of \$2,500.00 to build an obstacle course. She stated they could have competitions here if they had an obstacle course. The Court asked if the Board would help pay for the obstacle course. Discussion was held.

Motion by Tim Spencer to match the Breathitt County Board of Education the amount of \$1,500.00. The motion was withdrawn before a second was made.

Motion by Ellis Tincher, seconded by Tim Spencer to table the request for the donation for the ROTC Program until the next meeting after Mrs. Baker has a chance to speak with the Board. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

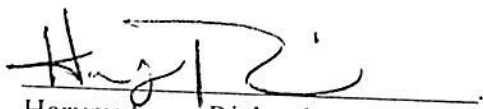
Motion by Tim Spencer, seconded by Ray Moore to close the Regular Session and go into Executive Session. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Ellis Tincher to close the Executive Session and go back into Regular Session. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Judge Richardson, seconded by Ray Moore to authorize County Attorney Brendon Miller to continue with the litigation to enforce the purchase of the building and contents and release the termination of the real estate from the Breathitt County Board of Education for the sum of \$75,000.00. Vote is as follows: Judge Richardson-aye, Tim Spencer-abstained, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Ellis Tincher to formally accept the offer of \$75,000.00 for the Montessori Building and contents, if the minutes of the October 18, 2013 Emergency Meeting is not acceptable of the said offer. Vote is as follows: Judge Richardson-aye, Tim Spencer-abstained, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Tim Spencer to adjourn. Vote is as follows: Tim Spencer-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

  
Harvey Jason Richardson  
Breathitt County Judge Executive



# Breathitt County

## Water District

*Making Breathitt County*

*A Better Place One Drop at a Time.*

November 22, 2013

Jeff D. Cline  
Annual Report Branch Manager  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602

Dear Mr. Cline,

The Breathitt County Fiscal Court has approved the reappointment of two Commissioners. The Fiscal Court did approve the reappointment of Eva Fugate, on July 23, 2013, and the reappointment of Sammie Turner on October 22, 2013. The term of each will be for four (4) years beginning on August 28, 2013, and ending on August 28, 2017.

Please advise of any questions or need for further information you may have.

Thank you,

A handwritten signature in cursive script that reads "Cheryl Campbell".

Cheryl Campbell  
Office Manager

---

1137 Main Street, Suite 305, Jackson, KY 41339  
Phone (606) 666-3800 ext. 250  
Fax (606) 666-2860  
Email [breathittwater@yahoo.com](mailto:breathittwater@yahoo.com)

Regular Court Meeting  
Breathitt County Fiscal Court  
April 28, 2015

9:30 AM – Public Hearing to Adopt Perkins Branch into County Road System  
9:45 AM - LGEA/CRA Use Hearing

AGENDA

- I. Welcome/Prayer/Pledge of Allegiance
- II. Approval of Minutes for Regular Court Meeting Held on March 24, 2015.
- III. Financial
  - A. Consideration for Approval of Financial Statement & Appropriation/Revenue Condition Report.
  - B. Consideration for Approval of Budget Transfers.
  - C. Consideration for Approval of Inter-Fund Budget Transfers.
  - D. Consideration for Approval of Monthly Claims List 10-5028.
  - E. Consideration for Approval of 2<sup>nd</sup> Reading and Adoption of Budget Amendment #9.
  - F. Consideration for Approval of the 1<sup>st</sup> Reading of Budget Amendment #10.
  - G. Consideration for Approval of 1st Reading of FY 2015/2016 Budget/ Standing Order/Liability Schedule.
  - H. Consideration for Approval to Declare Surplus Property and Approval to Conduct Public Sale.
  - I. Consideration for Approval to Advertise for Bids for the Following: Automotive Parts/Shop Supplies, Prisoner Meals, Bridge Lumber, Pest Control Services, Gravel/Road Materials, Plastic/Galvanized Pipe, Janitorial Supplies, Water Treatment Chemicals/Service (Judicial Center), Petroleum Products (Gasoline and Petroleum), Asphalt, Elevator Maintenance and Basic Computer/IT Services.
  - J. Consideration for Approval to Disburse \$119,900 in County Road Aid Emergency Funds for the Repair of Hunting Creek Road Upon Completion of Work.
  - K. Consideration for Approval to Pay Election Officers (\$18, 000 total).
  - L. Consideration for Approval for Discussion and Disbursement of Pay Request # 2 in the Amount of \$21,375 for CS1035 (Breathitt County ATV Trails) to Managed Adventure Systems.
  - M. Consideration for Approval of County Road Aid Cooperative Program Agreement and Resolution.
- IV. County Department Updates
  - A. Breathitt County Judge Executive – Hon. J.L. Smith
  - B. Breathitt County Attorney –Hon. Gary Salyers
  - C. Breathitt County Sheriff – Ray Clemons
  - D. Breathitt County Jailer – James Turner
  - E. Breathitt County Clerk – Tony Watts
  - F. Breathitt County Tax Administrator – Kay Barnett
  - G. Breathitt County Coroner – George Griffith
  - H. Breathitt County Water District – Estill McIntosh
  - I. Breathitt County Solid Waste – Calvin Saum

V. Audience

- A. Managed Adventure Systems - Presentation
- B. Robert Stewart – County Water Concerns
- C. Earl Lovely – Crystal Broadband Networks (Rousseau/Lambric Community Center)
- D. Kelvin Fugate – Breathitt County Conservation District

VI. Administration

- A. Consideration for Approval of One Appointment by the Fiscal Court, Bobby Deaton (Four Year Term) and the Ratification (From Previous Administration) of Robert Turner for the Remainder of His Four Year Term by the Judge Executive to the PVA Appeals Board with a Contract Payment Amount of \$150 Per Day.
- B. Consideration for Approval of Ratification of the Appointment of Jeff Allen to the Coal Fields Industrial Authority Board.
- C. Consideration for Approval to Begin Legal Proceedings to Adopt Caden Avenue into the County Road System.
- X D. Consideration for Approval to Appoint a Board Member to the Breathitt County Water Board.
- E. Consideration for Approval to Adopt Perkins Branch Road into the County Road System.
- F. Executive Session

VII. Adjournment

## Minutes

The Breathitt County Fiscal Court met in Regular Session on April 28, 2015 at 10:00 a.m. Present were Judge Executive John Lester (J.L.) Smith, Magistrates Donnie Bush, Roy Darrell Herald, Ray Moore and Ellis Tincher. Also present were Clerk Tony Watts, Jailer James Turner, Coroner George Griffith, County Attorney Gary Salyers, Assistant County Attorney Dawn Watts, Sheriff Ray Clemons, Deputy Sheriff Reeve Hudson, Jr., Treasurer Charlotte Bailey, Finance Officer Mitch Smith, BCWD Superintendent Estill McIntosh, Paul Nesbitt-Nesbitt Engineering, Jennifer McIntosh-KRADD and Fiscal Clerk Kay Barnett.

Judge Smith called the meeting to order.

Prayer was given by Treasurer Charlotte Bailey.

Judge Smith recognized Mrs. Clara Gabbard's Preschool Class who led the Pledge of Allegiance.

Motion by Donnie Bush, seconded by Ray Moore to approve the minutes of the March 24, 2015 Regular Meeting. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Donnie Bush to approve the Financial Statement and the Appropriation/Condition Revenue Report. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Roy Darrell Herald to approve the Budget Transfers. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Donnie Bush to approve the Inter-Fund Budget Transfer. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Donnie Bush to approve payment of the monthly claims list 10-5028. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Roy Darrell Herald to approve the Second Reading & Adoption of Budget Amendment #9. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Roy Darrell Herald, seconded by Ray Moore to approve the First Reading of Budget Amendment #10. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Donnie Bush to approve the first reading of FY 2015/2016 Budget/Standing Order/Liability Schedule. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Donnie Bush to approve declaring the following vehicles and equipment as surplus property and to conduct a public sale:

- 2001 Ford Crown Victoria (1072) – Sheriff's Dept.
- 2000 Ford Crown Victoria (4706) – Sheriff's Dept.
- 2001 Ford Crown Victoria (1083) – Sheriff's Dept.
- Ford Crown Victoria (Junk) – Sheriff's Dept.
- 2002 Ford F350 Truck (1285) – Road Department
- Kabota Farm Tractor M7950 – Road Department
- Chevy Tahoe (5686 Wrecked) – Judge's Tahoe
- 1996 Chevy Truck (54368) – Road Department
- Dump (56052) – Road Department
- Assortment of scrap snowblades and miscellaneous tools and other items

Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve advertising for bids the following supplies and services:

- Automotive Parts/Shop Supplies
- Prisoner Meals
- Bridge Lumber
- Pest Control Services
- Gravel/Road Materials
- Plastic/Galvanized Pipes
- Janitorial Supplies
- Water Treatment Chemicals/Service (Judicial Center)
- Petroleum Products (Gasoline and Petroleum)
- Asphalt
- Elevator Maintenance
- Basic Computer/IT Services

Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve disbursing \$119,900.00 in County Road Aid Emergency Funds for the repair of Hunting Creek Road upon completion of work and funding. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Roy Darrell Herald to approve paying election officers in the amount of \$18,000.00 payable to the Breathitt County Clerk. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve for discussion and disbursement of Pay Request #2 in the amount of \$21,375.00 for CS1035 (Breathitt County ATV Trails) payable to Managed Adventure Systems. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Roy Darrell Herald to approve the County Road Aid Cooperative Program Agreement and Resolution. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Judge Smith asked for an update on all departments. He informed the Court and audience of the bad road conditions due to all the heavy rain and asked the citizens of Breathitt County to bear with them and will continue to repair all roads and will soon be in to their new budget cycle. Judge Smith gave an update on FEMA and hopefully will receive federal aid. The decrease of fuel tax and coal severance funding might force them to wait for the next cycle of coal severance funding.

County Attorney Gary Salyers discussed delinquent property taxes and informed the Court and audience that the delinquent tax bills would go out May 15<sup>th</sup>.

Sheriff Ray Clemons stated his office had a busy month transporting prisoners and transporting individuals to the Psychiatric Ward in Hazard.

Deputy Jailer Steven Turner stated since the last meeting they had ninety-one new intakes and bonded out ten, therefore, didn't cost the County anything. Presently have thirty-four inmates at Three Forks Regional Jail.

Clerk Tony Watts further discussed delinquent property taxes and the sell date of property tax bills would be during the month of October or November. Definite date would be announced later. He informed everyone that due to business being slow, his office would only be open on the first and fourth Saturday of the month.

Tax Administrator Kay Barnett updated everyone that her office was still working on delinquent taxpayers and had contacted new taxpayers and was having good response.

Coroner George Griffith stated his office had transported three cases to the Medical Examiner's Office in Frankfort and year to date cases were forty-four cases.

Supt. Estill McIntosh of Breathitt County Water District updated the Court that to date there were 1,621 customers on line and was working on the Hwy. 205 and the tank site and pump station site on Hwy. 315/28. Gave updates on other projects.

Calvin Saum-Solid Waste Coordinator announced the Spring Cleanup was a huge success, 480 loads were hauled in to the site. He thanked the Fiscal Court for coming up with the funding for the cleanup.



Jennifer McIntosh-KRADD informed the Court that KRADD had applied for an ARC Flexi Grant, but still haven't received it for Hwy. 1098. Applied for a grant for twenty additional miles on Trail Head

Bill Reid-Managed Adventure Systems gave progress report for Phase I of Breathitt County OHV Park. He announced he already had some signatures of property owners.

Steve McIntosh-McIntosh Ambulance asked for an update on asking all vendors to turn in proof of insurance to be legal. He asked the Court to consider and discuss this matter.

Ben Nichols announced Arrowmed Ambulance was doing very well and would be moving the ambulance service to the Grand View Building on Hwy. 15 later in the summer.

Discussion was held on the salary of the PVA Appeals Board. Clerk Tony Watts told the Court that the statute states the Court must pay a minimum of \$100.00 per day.

Motion by Ray Moore, seconded by Ellis Tincher to approve appointing Bobby Deaton to a four year term and the ratification of Robert Turner for the remainder of his four year term by the Judge Executive to the PVA Appeals Board with a contract payment of \$100.00 per day. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Roy Darrell Herald to approve the ratification of the appointment of Jeff Allen to the Coal Fields Industrial Authority Board. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried. (Judge Smith informed the Court that Ed Raleigh, former board member, had given his blessings.)

Motion by Donnie Bush, seconded by Roy Darrell Herald to approve beginning the legal process to adopt Caden Avenue (on Miller's Branch off Hwy. 52) into the County Road System. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Donnie Bush, seconded by Ellis Tincher to approve appointing Cheryl Campbell to the Breathitt County Water Board filling the expired term of Eugene Turner. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Ellis Tincher to approve adopting Perkins Branch Road into the County Road System. (A public hearing was held prior to the meeting) Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Ellis Tincher to close the Regular Session and go into Executive Session for personnel issues and purchasing road equipment. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Ellis Tincher to close the Executive Session and go back into Regular Session. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Judge Smith stated that during Executive Session discussion was held on personnel issues and road equipment and at this time with a heavy heart and lots of consideration of the budget he would make the following motion.

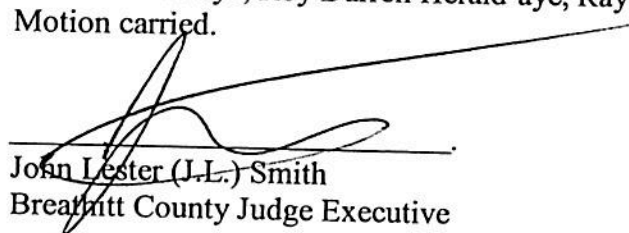
Motion by Judge Smith, seconded by Donnie Bush to lay off from the road department the following employees: Patrick Smith, Ronnie Campbell and Robert E. Smith. From the Jail Budget one full time position and three part time positions would be eliminated and from the Coroner's Budget one full time position and one part time position would be eliminated and the last date of work for these employees would be May 15, 2015 and the Jailer and Coroner must submit the names to the County Judge Executive by May 11, 2015 at 12:00 p.m. of the employees they choose to eliminate. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Magistrate Donnie Bush stated he didn't want to see anyone laid off, however, they had no choice in the matter due to financial reasons. Magistrate Ray Moore agreed.

Judge Smith stated it was getting time to start cutting weeds from the right of ways on the county roads and the road department needed an additional tractor.

Motion by Ray Moore, seconded by Ellis Tincher to approve purchasing a tractor for the road department at state contract price and if none was available, then advertise for bid. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Roy Darrell Herald to adjourn. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

  
John Lester (J.L.) Smith  
Breathitt County Judge Executive

Regular Court Meeting  
Breathitt County Fiscal Court  
June 28, 2016

AGENDA

I. Welcome/Prayer/Pledge of Allegiance

II. Approval of Minutes for Regular Court Meeting Held on May 24, 2016 and Special Sessions Held on June 1, 2016 and June 10, 2016.

III. Financial

- A. Consideration for Approval of Financial Statement & Appropriation/Revenue Condition Report.
- B. Consideration for Approval of Budget Transfers.
- C. Consideration for Approval of Inter-Fund Budget Transfer.
- D. Consideration for Approval of Monthly Claims List 12-5028.
- E. Consideration for Approval to Pay all Expenses on the Visa Credit Card in the Amount of \$1,382.36 for Period Ending June 2, 2016.
- F. Consideration for Approval of the 2<sup>nd</sup> Reading and Adoption of Budget Amendment 13.
- G. Consideration for Approval of 2<sup>nd</sup> Reading and Adoption of Budget Amendment 12.
- H. Consideration for Approval of 1<sup>st</sup> Reading & Adoption of Emergency Budget Amendment 14
- I. Consideration for Approval of the 2<sup>nd</sup> Reading and Adoption of FY 2016/2017 Budget.
- J. Consideration for Approval to Open the Re-advertised bids for FY 2016-2017.
- K. Consideration for Approval to Award Annual Bids Opened in May Meeting for FY 2016-2017.
- L. Consideration for Approval to Open Bids for Voting House Building (Surplus Property).
- M. Consideration for Approval to Open Bids for FEMA Projects 4239 and 4217.
- N. Consideration for Approval to Disburse Funds and Sign All Necessary Paperwork for the Amount of \$27,530.24 from the FY 2016/2017 Coroner's Budget/Deputy Coroner Appropriation to Settle Coroner's Labor Board Case # 15-C1-00208 with Jeff Carter and Helen Griffith and to Disburse Funds to Brendon D. Miller for Legal Representation.
- O. Consideration for Approval of Sheriff's 2015 Property Tax Settlement, Gas Settlement & Oil Settlement.
- P. Consideration for Approval to Disburse the FY 2016-2017 Sheriff's Program Support.
- Q. Consideration for Approval to Disburse Funds in the Amount of \$51,534.96 for RFD #6-CS Project D014

IV. County Department Updates

V. Audience

VI. Administration

- A. Consideration for Approval of Prioritization of Projects for Flex Funding.
- B. Consideration for Approval of Resolution #06282016-A Regarding The Regional Hazard Mitigation Plan
- C. Consideration for Approval of the 1<sup>st</sup> Reading of Amendments to the Administrative Code.
- D. Consideration for Approval to Discuss Permit/Resolution for Over Weight Trucks on County Roads
- E. Consideration for Approval to Discuss and Take Possible Action on Ordinances
- F. Consideration for Approval of Ratification of Two BCWD Members (Terms will Expire 8/28/2016)
- G. Executive Session

VII. Adjournment

## Minutes

The Breathitt County Fiscal Court met in Regular Session on June 28, 2016 at 10:00 a.m. Present were Judge Executive John Lester (J.L.) Smith, Magistrates Donnie Bush, Roy Darrell Herald, Ray Moore and Ellis Tincher. Also present were Assistant County Attorney Dawn Watts, Mayor Rose Wolfe, Deputy Sheriff Reeve Hudson, Jr., Deputy Sheriff John Hollan, Treasurer Charlotte Bailey, Executive Secretary Lottie Hutchinson, Finance Officer Mitch Smith, Road Dept. Secretary Bridgette Banks, Mike Miller-KRADD, Estill McIntosh-BCWD Superintendent, Bobby Thorpe, Jr.-BCWD Chairman, Pride Coordinator/Solid Waste Officer/Videographer Calvin Saum, II and Fiscal Clerk/Occupational Tax Administrator Kay Barnett.

Judge Smith called the meeting to order.

Prayer was given by Treasurer Charlotte Bailey.

Judge Smith led the Pledge of Allegiance.

Motion by Ray Moore seconded by Donnie Bush to approve the minutes of the Regular Meeting held on May 24, 2016 and Special Meetings held on June 1, 2016 and June 10, 2016. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve the Financial Statement and the Appropriation/Condition Revenue Report. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Ellis Tincher to approve the Budget Transfers. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Donnie Bush, seconded by Ray Moore to approve the Inter-Fund Budget Transfer. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Discussion was held on monthly claims list 12-5028. Magistrate Ellis Tincher recommended to go into Executive Session and discuss claims list. Judge Smith stated they would move the claims list down on the agenda to be discussed during Executive Session.

Motion by Ray Moore, seconded by Ellis Tincher to approve payment of all expenses on the Visa Credit Card in the amount of \$1,382.36 for period ending June 2, 2016. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve the Second Reading & Adoption of Budget Amendment #13. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Only one bid was received for FEMA Asphalt Projects. The bid was from Hinkle Contracting Co., LLC.

4217 Asphalt Projects	Hinkle Contracting Co., LLC
4218 Asphalt Projects	Hinkle Contracting Co., LLC
4239 Asphalt Projects	Hinkle Contracting Co., LLC

Judge Smith stated this bid would be certified and awarded at a later date as the other FEMA Bids.

Discussion was held on disbursing funds and signing all necessary paperwork for the amount of \$27,530.24 from the FY 2016/2017 Coroner's Budget/Deputy Coroner Appropriation to settle the Coroner's Labor Board Case #15-C100208 with Jeff Carter and Helen Griffith and to disburse funds to Brendon D. Miller for legal representation. Judge Smith entertained a motion regarding this matter, but none was heard. It was decided upon to be discussed during Executive Session.

Motion by Ellis Tincher, seconded by Donnie Bush to approve the Sheriff's 2015 Property Tax Settlement, Gas Settlement and Oil Settlement. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Donnie Bush to approve disbursing the FY 2016/2017 Sheriff's Program Support. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve disbursing funds in the amount of \$51,534.96 for RFD #6-CS Project D014. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Judge Smith gave updates on the budget and road department.

Solid Waste Officer/Pride Coordinator Calvin Saum stated he was closing out grants, staying very busy.

Estill McIntosh-Breathitt County Water District Superintendent gave update on amount of customers who were signed up on County water and updated the Court on various water projects.

Treasurer Charlotte Bailey explained to the Court that she needed the Court's approval to possibly amend Emergency Budget Amendment #14, due to the fact it had to be adopted now due to the budget ending June 30<sup>th</sup>.

Motion by Ray Moore, seconded by Ellis Tincher to authorize Treasurer Bailey to make any necessary amendments to Emergency Budget Amendment #14 due to the budget year ending June 30, 2016. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Judge asked for a show of hands of anyone that wanted to speak.

Mayor Rose Wolfe handed out an ordinance for the Court's review regarding banning Saboxone, Methadone and Pain Clinics. She pleaded that Breathitt County does not need anymore. She asked the Fiscal Court to seriously consider this order. She was speaking on behalf of the citizens of the City and County. She stated people needed rehab, not prescribed drugs.

Elaine Manning-AirMedCare gave presentation and handed out an agreement for the Court to review and adopt. Judge Smith stated they would review the agreement and invite her back at the next meeting.

Motion by Ellis Tincher, seconded by Ray Moore to approve prioritizing the list of roads provided for patching paved roads for Flex Funding. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Dist. I

1. Hounshell Rd.
2. Panbowl Lake Rd.
3. Morgue Rd.
4. Elk Ridge Rd.

Dist. II

1. Butterpoint Rd.
2. Sebastians Branch
3. Stone Coal

Dist. III

1. John St.
2. Coochie Branch
3. Dube Rd.
4. Barge
5. John Little Crk.
6. Harvey Bend Rd.
7. Hays Branch Rd.

Dist. IV

1. Smith Branch
2. Bridge Hollow
3. Wolfe Creek
4. Lick Branch Noctor
5. Railroad St.

Judge Smith stated Item VI. B. would be discussed during Executive Session.

Discussion was held on obtaining a Permit/Resolution for overweight trucks on county roads. Judge Smith has been meeting with County Attorney regarding this issue and will present a resolution at a later date.

Judge Smith stated Item VI. D. would be discussed during Executive Session.

X Judge Smith asked for approval to ratify his appointments of two Breathitt County Water District Board Members. He asked to reappoint Bobby Thorpe, Jr. and to fill Kash Noble's vacancy as his term will expire August 28, 2016 with David Ingram. Discussion was held.

X Motion by Ellis Tincher, seconded by Ray Moore to reappoint Bobby Thorpe, Jr. to the Breathitt County Water District Board. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Further discussion was held on ratifying the appointment of David Ingram. Judge Smith reminded the Court that David Ingram was his recommendation, only asking Court to ratify his appointment. Magistrate Roy Darrell Herald stated David Ingram was in his district and was a good person. A long pause was heard. Chairman Thorpe was asked what he thought about Mr. Ingram. He stated he thought Mr. Ingram would be an asset to the Board. Further discussion was held.

Motion by Roy Darrell Herald, seconded by Ray Moore to appoint David Ingram to the Breathitt County Water District Board. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded Ellis Tincher to adopt Resolution #06282016-A regarding the Regional Hazard Mitigation Plan. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Judge Smith discussed a High Speed Internet Agreement that he and County Attorney Gary Salyers had been working on. He stated no action would be taken, will wait for Mr. Salyers to be present. Assistant County Attorney Dawn Watts had reviewed the agreement, but would wait for Mr. Salyers.

Motion by Ellis Tincher, seconded by Ray Moore to close the Regular Session and go into Executive Session to discuss claims list, Coroner's Labor Board Case, amendments to Administrative Code and ordinances. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ray Moore, seconded by Ellis Tincher to close the Executive Session and go back into Regular Session. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Ray Moore to approve Monthly Claims List 12-5028. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Motion by Ellis Tincher, seconded by Roy Darrell Herald to disburse funds and sign all necessary paperwork for the amount of \$27,530.24 from the FY 2016/2017 Coroner's Budget/Deputy Coroner Appropriation to settle the Coroner's Labor Board Case #15-C100208 with Jeff Carter and Helen Griffith and to disburse funds to Brendon D. Miller for legal representation. Vote is as follows: Judge Smith-aye, Donnie Bush-~~nay~~, Roy

Darrell Herald-aye, Ray Moore-**abstained** and Ellis Tincher-aye. (Magistrate Ray Moore withdrew his abstention and voted **no**). Motion carried.

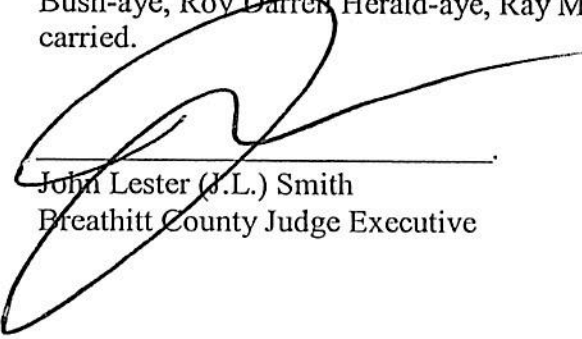
Motion by Donnie Bush, seconded by Ellis Tincher to approve the 1<sup>st</sup> Reading of Amendments to the Administrative Code. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye and Ellis Tincher-aye. Motion carried.

Motion by Donnie Bush, seconded by Ellis Tincher to approve the 1<sup>st</sup> Reading of an Ordinance #06282016-B Banning the Operation of **new** Pain Clinics, Suboxone Clinics and Methadone Clinics in the County of Breathitt, Kentucky. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

Discussion was held on changing the status of all salary employees to hourly, effective next pay period.

Motion by Donnie Bush, seconded by Ray Moore to change the status of all salary employees to hourly, effective next pay period. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.

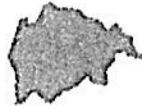
Motion by Ray Moore, seconded by Donnie Bush to adjourn. Vote is as follows: Donnie Bush-aye, Roy Darrell Herald-aye, Ray Moore-aye and Ellis Tincher-aye. Motion carried.



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John Lester (J.L.) Smith  
Breathitt County Judge Executive





Breathitt County Fiscal Court  
Special Court Meeting  
November 2, 2020  
10:00AM

AGENDA

- I. Welcome: Call to Order
- II. Prayer/ Pledge of Allegiance
- III. Discussion of Flex Funding.
- IV. Consideration of Approval for Engineer/Architect for the New Courthouse Project.
- V. Consideration of Approval for a Construction Manager for the New Courthouse Project.
- VI. Discussion of Personnel issues ( OT and Timeclock Protocol)
- VII. Discussion of disciplinary action taken toward Crystal Deaton.
- VIII. Consideration of Approval to Adopt a Policy on Social Media in the Breathitt County Administrative Code.
- IX. Consideration of Approval for John Lester Smith to pay in the amount of \$333.00 monthly for rent on the Montessori Building and to pay \$1,100.00 to Humfleet Appraisal Company.
- X. Consideration of Approval to Transfer Match Budget 05-001.
- XI. Consideration of Approval for a nominee for the Breathitt County Water Board.
- XII. Adjournment

The Breathitt County Fiscal Court met in Special Session on Tuesday, November 2, 2020 at 10AM via ZOOM conferencing. Present and presiding was Judge Executive Jeff Noble. Also present were Magistrates Ray Moore, Ellis Tincher, Roy Darrell Herald and Donnie Bush, Treasurer Matt Hudson, County Attorney Brendon Miller and Fiscal Clerk Chris Friley.

I. Welcome and Call to order by Judge Noble.

II. Prayer and Pledge of Allegiance led by Judge Noble.

III. Discussion of Flex Funding for following roads:

Airplane Hollow, Back St., Big Br. Southfork Rd., Cockrell Frk, Deaton Rd, Dumont Ridge Rd., ElkRidge Rd., Firetrail Rd., Blanton Bridge, Hunting Creek, Joe Little Fork, Kings Br., Lick Br. Noctor, Little Buckhorn Rd., Littles Creek Rd., Mt. Carmel, Oakwood Dr., Peggs Frk, Robinson Rd., Roses Br., Shoal Br, Smith Rd., Stamper Rd., Townhill Rd, Trent Holler and WarCreek Rd. This is for 2 years of flex funding.

Motion by Ray Moore, 2<sup>nd</sup> by Donnie Bush. All aye, motion passed.

IV. Motion by Ellis Tincher, 2<sup>nd</sup> by Donnie Bush to approve Engineer/Architect for the New Courthouse Project. Vote as follows: Ellis Tincher-YES, Donnie Bush-YES, Ray Moore-YES, Roy Darrell Herald-NO, Judge Noble voting NO as well. Motion passed.

V. Motion by Donnie Bush, 2<sup>nd</sup> by Ellis Tincher to approve Construction Manager for the New Courthouse Project. Vote as follows: Ellis Tincher-YES, Donnie Bush-YES, Ray Moore-YES, Roy Darrell Herald-NO, Judge Noble voting NO as well. Motion passed.

VI. Discussion of Personnel Issues (OT and Timeclock Protocol)

No action taken

VII. Discussion of disciplinary action taken toward Crystal Deaton

Motion by Roy Darrell Herald, 2<sup>nd</sup> by Judge Noble to terminate Crystal Deaton. Vote as follows: Ellis Tincher-NO, Ray Moore-NO, Donnie Bush-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

No Action taken at this time.

VIII. Discussion on Social Media Policy. Tabled until later date.

IX. Discussion on Montessori Bldg. Tabled until next meeting.

X. Motion by Donnie Bush, 2<sup>nd</sup> by Ellis Tincher to approve Transfer Batch #05-001. All aye, motion passed.

XI. Motion by Donnie Bush, 2<sup>nd</sup> by Ray Moore to appoint Bobby Thorpe to fill David Ingram's position on the Breathitt Water Board. Vote as follows: Ellis Tincher-YES, Donnie Bush-YES, Ray Moore-YES, Roy Darrell Herald-NO, Judge Noble voting NO as well.

XIII. Motion by Roy Darrell Herald, 2<sup>nd</sup> Judge Noble to appoint Monroe Fugate to Breathitt Water Board to replace Bobby Thorpe. Vote as follows: Ellis Tinchler-NO, Ray Moore-NO, Donnie Bush-NO, Roy Darrell Herald-YES. Judge voting YES also. Motion failed.

XIV. Motion by Donnie Bush, 2<sup>nd</sup> by Roy Darrell Herald to adjourn. All aye motion passed.

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Judge Exec. Jeff Noble



Breathitt County Fiscal Court  
Special Court Meeting  
November 9, 2020  
10:00 AM

AGENDA

- I. Welcome/ Call to Order
- II. Prayer/ Pledge of Allegiance
- X III. Consideration for Approval for a nominee for The Breathitt County Water Board.
- IV. Discussion of Personnel in Executive Session.
- V. Consideration of Approval for a Flex Grant for a Webpage for Elkview.
- VI. Consideration of Approval to pay Kilburn Diesel's in the amount of \$3,546.21 for Jacob break/ paint job.
- VII. Adjournment

The Breathitt County Fiscal Court met in Special Session on Monday, November 9, 2020 at 10AM VIA ZOOM. Present and presiding was Judge Jeff Noble. Also present were Magistrates Ray Moore, Ellis Tincher, Roy Darrell Herald and Donnie Bush, Treasurer Matt Hudson, Fiscal Clerk Chris Friley, and County Attorney Brendon Miller.

I. Welcome and call to order by Judge Noble

II. Prayer and Pledge of Allegiance by Judge Noble

III. Motion by Roy Darrell Herald, 2<sup>nd</sup> by Judge Noble to approve nominee Drewey Lovins to the Breathitt County Water Board. Vote as follows: Donnie Bush-NO, Roy Darrell Herald-YES, Ray Moore-NO, Ellis Tincher-NO. Motion failed. Motion by Roy Darrell Herald, 2<sup>nd</sup> by Judge Noble to renominate David Ingram to the Breathitt County Water Board. Vote as follows: Roy Darrell Herald-YES, Ray Moore-NO, Ellis Tincher-NO, Donnie Bush-NO. Motion failed.

IV. Motion by Roy Darrell Herald, 2<sup>nd</sup> by Donnie Bush to enter Executive Session all aye, motion passed.

V. Motion by Ellis Tincher 2<sup>nd</sup> by Donnie Bush to approve flex grant for a webpage for Elkview. All aye, motion passed.

VI. Motion by Donnie Bush, 2<sup>nd</sup> by Ray Moore to approve to pay Kilburn Diesel in the amount of \$3,546.21 for Jacob brake and paint job. All aye, motion passed.

Motion by Ellis Tincher, 2<sup>nd</sup> by Ray Moore to re enter normal session. All aye, motion passed.

Motion by Ray Moore, 2<sup>nd</sup> by Roy Darrell Herald to raise Mitchell Spicer's pay from \$8/hr to \$10/hr with a reevaluation after 3 months. All aye, motion passed.

Motion by Donnie Bush, 2<sup>nd</sup> by Ellis Tincher to direct County Attorney to take legal actions necessary to compel Breathitt County Judge Executive Jeff Noble to abide by the July 31, 2019 Breathitt Circuit Court Declaratory Judgement concerning the office space for the Finance / 911 Coordinator. Vote as follows: Roy Darrell Herald-NO, Ray Moore-YES, Ellis Tincher-YES, Donnie Bush-YES, Judge Noble voting NO also. Motion passed.

Vote as follows: Roy Darrell Herald-NO, Ray Moore-YES, Ellis Tincher-YES, Donnie Bush-YES, Judge Noble-NO as well. Motion passed.

VII. Motion by Ellis Tincher 2<sup>nd</sup> by Ray Moore to adjourn meeting. All aye, motion passed.

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Judge Exec. Jeff Noble



Breathitt County Fiscal Court  
Special Court Meeting  
November 13, 2020  
10:00 am

AGENDA

- I. Welcome/ Call to Order
- II. Prayer/ Pledge of Allegiance
- X III. Consideration of Approval to nominate Breathitt County Water Board Nominees.
- IV. Consideration of Approval of Cost of Living Raise.
- V. Consideration of Approval for John Lester Smith to pay in the amount of \$333.00 monthly for rent on the Montessori Building and to pay \$1,100.00 to Humfleet Appraisal Company.
- VI. Consideration of Approval to set salary for the ABC Officer.
- VII. Executive Session/ Personnel.
- VIII. Consideration of Approval of 1<sup>st</sup> Reading and Adoption of Emergency Budget Amendment # 2020-BA-009.
- IX. Consideration of Approval to disburse funds for the FAHE/Juniper Health Project up to the amount of \$500,000.00 upon receipt of funds.
- X. Adjournment

The Breathitt County Fiscal Court met in Special Session on Friday, November 13, 2020 at 10AM VIA ZOOM Conferencing. Present and presiding was Judge Jeff Noble. Also presiding was Magistrates Ray Moore, Ellis Tincher, Roy Darrell Herald and Donnie Bush, Treasurer Matt Hudson, Fiscal Clerk Chris Friley and Assistant County Attorney Bruce Herald.

I. Welcome / Call to order by Judge Noble

II. Prayer / Pledge of Allegiance by Judge Noble

III. Motion by Roy Darrell Herald, 2<sup>nd</sup> by Donnie Bush to approve David Ingram to continue his spot on the Breathitt County Water Board. All aye, motion passed.

Motion by Roy Darrell Herald, 2<sup>nd</sup> by Judge Noble to nominate Megan Hudson to the Breathitt County Water Board. Vote as follows: Ray Moore-NO, Ellis Tincher-NO, Donnie Bush-NO, Roy Darrell Herald-YES, Judge Noble voting YES also. Motion failed.

IV. Motion by Roy Darrell Herald, 2<sup>nd</sup> by to approve Cost of Living Raise + \$2/hr for all employees. No second. Discussed in Exec. Session in which no action taken at this time.

V. Motion by Roy Darrell Herald 2<sup>nd</sup> by Judge Noble to approve John Lester Smith to pay \$333.00 monthly for rent on the Montessori Building and to pay \$1,100.00 to Humfleet Appraisal Company. Vote as follows: Roy Darrell Herald-YES, Ray Moore-NO, Ellis Tincher-NO, Donnie Bush-NO, Judge Noble voting YES also. Motion failed. Magistrate Tincher mentioned he would like to discuss possibly purchasing building instead of renting land. All agreed to discuss further with John Lester Smith.

VI. Motion by Roy Darrell Herald, 2<sup>nd</sup> by Judge Noble to set salary for ABC Officer at \$300/biweekly. Vote as follows: Roy Darrell Herald-YES, Ray Moore-NO, Ellis Tincher-NO, Donnie Bush-NO, Judge Noble voting Yes also. Motion failed.

VII. Motion by Roy Darrell Herald, 2<sup>nd</sup> by Donnie Bush to enter into Exec. Session. All aye, motion passed.

\*\*Motion by Roy Darrell Herald, 2<sup>nd</sup> by Judge Noble to come out of Exec. Session. All aye, motion passed.

NO ACTION TAKEN IN Exec. Session.

VIII. Motion by Donnie Bush, 2<sup>nd</sup> by Ellis Tincher to approve 1<sup>st</sup> Reading and adoption of Emergency Budget Amendment #2020-BA-009. All aye, motion passed.

IX. Motion by Ray Moore, 2<sup>nd</sup> by Donnie Bush to approve to disburse funds for the FAHE/Juniper Health Project up to the amount of \$500,000.00 upon receipt of funds. All aye, motion passed.

X. Motion by Donnie Bush, 2<sup>nd</sup> by Ellis Tincher to adjourn. All aye, motion passed.

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Judge Exec. Jeff Noble





*No Quorum*

Breathitt County Fiscal Court  
Special Court Meeting  
November 16, 2020  
10:00 am

AGENDA

- I. Welcome/ Call to Order
- II. Prayer/ Pledge of Allegiance
- III. Consideration of Approval to nominate Breathitt County Water Board Nominee.
- IV. Consideration of Approval to adopt a new drug policy into the Breathitt County Admin. Code.
- V. Adjournment.



**Breathitt County**  
**Water District**

*Making Breathitt Count,*

*A Better Place One Drop at a Time*

November 17, 2020

Public Service Commission  
PO Box 615  
211 Sowers Boulevard  
Frankfort, KY 40602

RE: Board Member Appointment

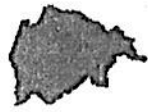
The Breathitt County Fiscal Court reappointed David Ingram on November 13, 2020. The term will be for four (4) years beginning on August 28, 2020 and ending on August 28, 2024.

Thank you,

A handwritten signature in cursive script that reads "Estill McIntosh".

Estill McIntosh  
Superintendent

*No Quorum*



Breathitt County Fiscal Court  
Special Court Meeting  
November 18, 2020  
8:15 am

**AGENDA**

- I. Welcome/ Call to Order
- II. Prayer/ Pledge of Allegiance
- III. Consideration of Approval to nominate Breathitt County Water Board Nominee.
- IV. Consideration of Approval to adopt a new drug policy into the Breathitt County Admin. Code.
- V. Adjournment.



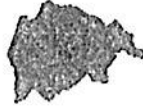
NO QUORUM

Breathitt County Fiscal Court  
Special Court Meeting  
November 19, 2020  
9:00 AM

AGENDA

- I. Welcome/ Call to Order
- II. Prayer/ Pledge of Allegiance
- III. Consideration for Approval to nominate for The Breathitt County Water Board.
- IV. Consideration of Approval to adopt a new drug policy into the Breathitt County Admin. Code.
- V. Adjournment

Breathitt County Fiscal Court



Regular Court Meeting

November 24, 2020

10:00 A.M.

AGENDA

- I. Welcome: Prayer: Pledge of Allegiance
- II. Approval of Minutes for Regular Meeting September 22, 2020, Special Meeting October 2, 2020, Special Meeting October 6, 2020, Regular Meeting October 27, 2020, Special Meeting November 2, 2020, Special Meeting November 9, 2020, and Special Meeting November 13, 2020.
- III. Financial
  - A. Consideration of Approval of Appropriation/Revenue Condition Report.
  - B. Consideration of Approval of October 2020 Financial Statement.
  - C. Consideration of Approval of October 2020 Justice Center Corporation Fund Report.
  - D. Consideration of Approval of Fund Activity Report
  - E. Consideration of Approval of Budget Transfers Batch # 05-002.
  - F. Consideration of Approval of Budget Transfers Batch # 05-001.
  - G. Consideration of Approval of 1<sup>st</sup> Reading of Reading
  - H. Consideration of Approval of Payment of Vendor Claims.
  - I. Consideration of Approval of totaling \$22,841.35 as outlined in Requisition #2 for the Elk View Campground Project Phase 2 upon receipt of funds.
  - J. Consideration of Approval to Discuss Payment Schedule to the office of Mike Harmon- Auditor of Public Accounts.
  - K. Consideration of Approval of Resolution # 20201124-Resolution to address the modernization of Kentucky Transportation Funds Mechanism.
  - L. Consideration of Approval to remove old Drug policy from the Admin. Code and Adopt the New Policy.
  - M. Adjournment.

- \* Items added -
- o Water Board Nominee
  - o ABC officer Pay
  - o Election Expense Invoice
  - o Montessori Bldg.
  - o Mike Gross / ARM
  - o Exec. Session

The Breathitt County Fiscal Court met in Regular Session on Tuesday, November 24, 2020 at 10 AM via ZOOM conferencing. Present and presiding was Judge Jeff Noble. Also present were Magistrates Ray Moore, Ellis Tincher, Donnie Bush and Roy Darrell Herald, Treasurer Matt Hudson, Fiscal Clerk Chris Friley and County Attorney Brendon Miller.

I. Welcome and Pledge of Allegiance by Judge Noble. Prayer by State Representative Bill Wesley.

Items added to agenda: Water Board Nominee, ABC Officer Pay, Election Expense Invoice, Montessori Bldg., Mike Gross/ARM Bldg., Executive Session.

II. Motion by Roy Darrell Herald 2<sup>nd</sup> by Ellis Tincher to approve the following minutes: Regular Meeting 09-22-2020, Special Meeting 10-2-2020, Special Meeting 10-6-2020, Regular Meeting 10-27-2020, Special Meeting 11-9-2020 and Special Meeting 11-13-2020. All aye, motion passed.

#### FINANCIAL

A. Motion by Donnie Bush, 2<sup>nd</sup> by Roy Darrell Herald to approve appropriation / revenue condition report. All aye, motion passed.

B. Motion by Ray Moore ,2<sup>nd</sup> by Ellis Tincher to approve October 2020 Financial Report. All aye, motion passed.

C. Motion by Ellis Tincher,2<sup>nd</sup> by Ray Moore to approve October 2020 Justice Center Corporation Fund Report. All aye, motion passed.

D. Motion by Ellis Tincher ,2<sup>nd</sup> by Roy Darrell Herald to approve Fund Activity Report. All aye, motion passed.

E. Motion by Roy Darrell Herald ,2<sup>nd</sup> by Ellis Tincher to approve Budget Transfers Batch #05-002. All aye, motion passed.

F. Motion by Ray Moore ,2<sup>nd</sup> by Ellis Tincher to approve Interfund Transfers Batch #05-001. All aye, motion passed.

G. Motion by Ellis Tincher ,2<sup>nd</sup> by Roy Darrell Herald to approve 1<sup>st</sup> Reading of Budget Amendment #2020-BA-010. All aye, motion passed.

H. Motion by Roy Darrell Herald ,2<sup>nd</sup> by Ray Moore to approve payment of Vendor Claims. All aye, motion passed.

I. Motion by Ellis Tincher ,2<sup>nd</sup> by Donnie Bush to approve to issue payment in the amount of \$22,841.35 as outlined in Requisition #2 for the Elk View Campground Project Phase 2 upon receipt of funds. All aye, motion passed.

J. Motion by Ellis Tincher ,2<sup>nd</sup> by Ray Moore to approve payment schedule to Office of Mike Harmon-Auditor of Public Accounts in the amount of \$8,000/month. All aye, motion passed.

K. Motion by Donnie Bush ,2<sup>nd</sup> by Ellis Tincher to approve Resolution #20201124. Resolution to address the modernization of Kentucky Transportation Funds Mechanism. All aye, motion passed.

L. Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to approve removal of old Drug Policy from the Admin. Code and Adopt the New Policy. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

M. Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Jamie Mullins Smith to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Kash Noble to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Willie Bush to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Lauren Hendrickson Johnson to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Janice Turner to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Lenae Shouse to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Millie White to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Thelma Gross to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Lillian Trent to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Sam Lucas to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Linda Thorpe Fugate to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Drewey Lee Jones to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to nominate Danny Bear Strong to the Breathitt County Water Board to replace Bobby Thorpe. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

N. Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble to pay the ABC Officer \$7.25/hr for part time position. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

O. Motion by Ray Moore ,2<sup>nd</sup> by Ellis Tincher to pay Breathitt County Election Board Members for meetings from Sept. 14, 2020 – November 12, 2020. All aye, motion passed.

P. Motion by Roy Darrell Herald ,2<sup>nd</sup> by Judge Noble for JL Smith to pay \$1100.00 appraisal fee for the Montessori Building on Jett Drive and \$333.00/month rent for 25 years. Vote as follows: Donnie Bush-NO, Ellis Tincher-NO, Ray Moore-NO, Roy Darrell Herald-YES, Judge Noble voting YES as well. Motion failed.

Motion by Donnie Bush ,2<sup>nd</sup> by Ellis Tincher to purchase the Montessori Building from JL Smith for \$100,000 at payments of \$6250.00 a month for 12 months with payments starting 1/2021 and to pay the \$1100.00 appraisal fee to Humfleet Appraisal. Vote as follows: Donnie Bush-YES, Ray Moore-YES, Ellis Tincher-YES, Roy Darrell Herald-NO. Motion passed.

Q. Mike Gross spoke regarding ARM building. Requests to rent building from County for use as a gun range. No action taken until Mr. Gross checks on Insurance.

R. Motion by Donnie Bush ,2<sup>nd</sup> by Ellis Tincher to enter into Executive Session. All aye, motion passed.

Motion by Ray Moore ,2<sup>nd</sup> by Ellis Tincher to re enter regular session. All aye, motion passed.

NO ACTION TAKEN IN EXECUTIVE SESSION.

County Attorney Brendon Miller wanted to give update on Tax Collection. Mr. Miller advised that total collected so far is \$387,322.00 and \$28,641.00 of that will go to the Fiscal Court. Since collection activities have begun this 3<sup>rd</sup> quarter he has collected \$239,672 which is a big difference from 1<sup>st</sup> and 2<sup>nd</sup> quarter. 1<sup>st</sup> quarter total collected: \$13,661.00 and 2<sup>nd</sup> quarter \$9,201.00.

S. Motion by Donnie Bush ,2<sup>nd</sup> by Ray Moore to only purchase fuel from Jiffy Mart. Vote as follows: Ray Moore-YES, Donnie Bush-YES, Ellis Tincher-YES, Roy Darrell Herald-NO. Motion passed.



T. Motion by Roy Darrell Herald ,2<sup>nd</sup> by Ray Moore to issue quarterly support payment of \$6,000 to Ky River Regional Animal Shelter. All aye, motion passed.

U. Motion by Roy Darrell Herald ,2<sup>nd</sup> by Donnie Bush to adjourn. All aye, motion passed.

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Judge Exec. Jeff Noble