

At a regular monthly meeting of the Fleming County Fiscal Court held Tuesday, June 8, 2021 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. Roll Call was conducted by Fiscal Court Clerk Tammy L. Gray. Magistrates present: Chris Hickerson, 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.

County Judge/Executive Foxworthy requested a motion to amend the May 11, 2021 meeting minutes as follows:

A motion was made to enact limitations of constable activities to include:

- 1.—No Fleming County Constable may use any form of emergency lights during course of any constable duties. ( KRS 189.950 (6) )
- 2.—No Fleming County Constable may use any form of emergency sirens during course of any constable duties. ( KRS 189.950(6) )
3. No Fleming County Constable may access Dispatch Center’s equipment, classified, CAD system and/or NCIC information without approval by the Fleming County Sheriff.
- ~~3.—No Fleming County Constable may carry any form of firearms or weapons during course of any constable duties.—~~
- ~~4.—No Fleming County Constable may use/contact Fleming County Dispatch Center with an attempt to gain access of classified records or request for services during the course of any constable duties.—~~

Motion was made to approve the amended May 11, 2021 minutes as noted by Magistrate Ray H. Money and seconded by Magistrate David J. DeAtley. Vote was unanimous.

Vote Unan.                      Motion: Chris Hickerson                      Second: David J. DeAtley

A motion was made to approve a Resolution and Agreement if awarded for the second KTC Discretionary Funding to resurface Pecks Ridge-Tilton Road and Crain Creek Road and give the County Judge/Executive the authority to sign any and all documents.

Vote Unan.                      Motion: David J. DeAtley                      Second: Chris Hickerson

A motion was made to approve the amended Statewide Mutual Aid and Assistance Agreement by Resolution 21-1337 and assign alternate Representative as Magistrate Donnie Fawns and also give the County Judge/Executive the authority to sign and execute any and all documents.

Vote Unan.                      Motion: James Smoot                      Second: Ray H. Money

A motion was made to give the County Judge/Executive the authority to sign and execute the annual Certificate of Insurance Obligor Compliance for the judicial center bond requirement.

Vote Unan.                      Motion: Richie Kielman                      Second: Chris Hickerson

A motion was made to approve the FY2021-2022 health insurance and county employee benefits providers as presented by Dryden.

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

A motion was made to approve effective May 21, 2021 the FY2021-2022 Waste Tire Grant application and agreement if awarded and give the County Judge/Executive the authority to sign any and all documents.

Staci Clements, Community Development Specialist with Buffalo Trace Area Development District, presented multiple documents for approval to execute the CDBG CV Utilities Grant documents.

Vote Unan.                      Motion: Chris Hickerson                      Second: Donnie Fawns

A motion was made to authorize the County Judge/Executive to adopt, accept, sign and execute any and all documents pertaining to the CDBG CV Utilities Grant as presented on contingency of approval and review by the Fleming County Attorney.

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

A motion was made to adopt/approve Resolution 21-1335 pertaining to State Title VI Plan.

Vote Unan.                      Motion: Chris Hickerson                      Second: Donnie Fawns

A motion was made to adopt/approve Resolution 21-1332 pertaining to Fair Housing Policy.

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

A motion was made to adopt/approve Resolution 21-1330 pertaining to State Analysis of Impediments to Fair Housing policy.

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

A motion was made to adopt/approve Resolution 21-1331 pertaining to Cost Overruns on the CDBG CV Utilities Grant.

Vote Unan.                      Motion: Chris Hickerson                      Second: Donnie Fawns

A motion was made to adopt/approve Resolution 21-1333 authorizing interlocal agreement with Licking Valley CAP to distribute CDBG CV Utilities grant proceeds.

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

A motion was made to adopt/approve Resolution 21-1334 authorizing the disbursement of CDBG CV Utilities grant funds within five days of receipt.

Vote Unan.                      Motion: David J. DeAtley                      Second: Chris Hickerson

A motion was made to approve an interlocal agreement with Licking Valley CAP to distribute the CDBG CV Utilities grant funding.

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

A motion was made to approve Resolution 21-1336 for the FY2021-2022 Cafeteria Plan.

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

A motion was made to approve the Fleming County Treasurer's month end May 31, 2021 financial reports as presented totaling \$ 3,917,639.81. Balances of Accounts: General Fund \$ 1,587,520.09, Road Fund \$ 88,693.83, Jail Fund \$ 7,308.01, LGEA Fund \$ 180,817.57, Forest Fire Fund \$ 137.97, Revolving Loan Fund \$ 14.34, Dispatch Fund \$ 340,997.87, ARPA Fund \$ 1,416,125.04 and Capital Improvement Fund \$ 296,025.09.

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

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

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

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

Vote Unan.                      Motion: Chris Hickerson                      Second: Richie Kielman

A motion was made to approve the Claims Reports and Carry In Claims reports as presented.

Vote Unan.                      Motion: Chris Hickerson                      Second: Donnie Fawns

A motion was made to approve the second reading and passage of Ordinance 21-1239 Budget Amendment.

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

A motion was made to approve the amended Capital Assets Report as presented by Dryden.

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

A motion was made to approve the FY2021-2022 Earthquake Coverage as presented.

Vote Unan.                      Motion: Ray H. Money                      Second: James Smoot

A motion was made to approve the FY2021-2022 Workers Compensation Agreement as presented.

Vote Unan.                      Motion: David J. DeAtley                      Second: Donnie Fawns

A motion was made to accept the Fleming County Board of Health 2021 Tax Rates.

Vote Unan.                      Motion: Chris Hickerson                      Second: Richie Kielman

A motion was made to authorize the Digital Data Request from Gateway ADD.

Vote Unan.                      Motion: Chris Hickerson                      Second: David J. DeAtley

A motion was made to approve the May 2021 County Road Maintenance Reports totaling \$ 83,305.66 as presented.

U Forbes Way residents came before the Fiscal Court reiterating a request to adopt their road. Mr. Jerry Judd issued a letter to the Fiscal Court at the last meeting reflecting the same request. Discussion was held regarding the prior Fiscal Court conversations about the past Road Department Supervisor's and realtor's statements made that alluded that U Forbes Way would be adopted and consider a county road but without their attendance at a Fiscal Court meeting to confirm no actions would be taken. Mr. Judd stated that discriminatory practices have been conducted by the current Fiscal Court by not "grandfathering" into the county road maintenance system U Forbes Way.

In May of 2021, the Office of County Judge/Executive's office was contacted to confirm the location of property parcels located on Harmon Lane and found a discrepancy in the documentation. In October of 2003, the Fleming County Fiscal Court took action on the closing of a portion of Harmon Lane listed as County Road # 1217 on the 2003 County Road Map with a mile point of 1.179. After review of the minutes, it was documented incorrectly in November of 2003. The minutes of October 9, 2003 is correct in stating that a petition was received and public notice was published in accordance of KRS 178.070 with the correct portion of the roadway to be closed. A public hearing was conducted on November 18, 2003 at the Fiscal Court meeting but the minutes stated to close Harmon Lane which is incorrect. There has been no maintenance past the mile point of 0.409 by the Fleming County Road Department since these actions in late 2003 and under KRS 178.116(1)(c) it would be deemed discontinued and possession reverts to the owner(s) of the tract of land. Today's Actions needed: Amend the November 18, 2003 minutes and confirm that Harmon Lane is 0.409 miles in length. Re-Record the original 2003 petition, copy of the original 2003 public notice and correction in the Fiscal Court Order Book and submit the correction to the Kentucky Transportation Cabinet Rural Secondary Division and Buffalo Trace ADD to submit all changes.

Vote Unan.                      Motion: Chris Hickerson                      Second: Donnie Fawns

A motion was made to amend the minutes of November 18, 2003 to correct the error recorded and reaffirm that Harmon Lane is officially 0.409 miles in length from the intersection of Sunset Road and to return the original County Road Number of Harmon Lane to be CR 1217 as listed on the 2003 County Road Map.

Vote Unan.                      Motion : Donnie Fawns                      Second : James Smoot

A motion was made to approve and authorize the County Judge/Executive to sign and execute any and all documents pertaining to KTC Emergency Funding to repair road slips on Upper Rock Lick Road and Markwell Road if awarded.

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

A motion was made to approve the Fleming County Clerk's month end May 31, 2021 report as presented by Fritz.

County Clerk Fritz discussed application for funding new ADA compliant voting equipment from the State and if not funded it would be requested from the Fiscal Court funds.

County Clerk Fritz stated reapportionment of districts would occur in 2022.

Vote Unan.                      Motion: Chris Hickerson                      Second: Richie Kielman

A motion was made to approve the Fleming County Sheriff's month end May 31, 2021 report as presented by Stacy Corbin.

Dispatch Director Charlotte Benton gave the monthly requests for services report, updated the Fiscal Court about the new camera system and completed NCIC audit.

County Attorney Monica Hill stated her office is now being audited and a full report of their accounts would be presented at the next meeting.

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

A motion was made to approve the surplus and disposal by online bidding a 1994 Ford Transport Van VIN # 1FBJS31H1RHB04388.

Notice was given by County Clerk Fritz that at the end of June 2021 driver's licenses will no longer be issued at the Circuit Clerk's office in Flemingsburg. Residents will travel to Morehead to obtain them.

Core Solar, LLC aka Fleming Solar, LLC Project Senior Development Manager/Attorney Dominic Salinas and Attorney Timothy J. Eifler, came before the Fiscal Court presenting an overview of Industrial Revenue Bonds and proposed PILOT agreement/resolution for the Fiscal Court's consideration. Discussion was held regarding the project's current application status with Kentucky Public Service Commission, project details, property deviation setback, economic development incentives, current vs. long term property valuation and decommissioning plans.

Vote Unan.                      Motion: Richie Kielman                      Second: James Smoot

A motion was made to adjourn the meeting 11:35AM.