

**RUSSELL COUNTY FISCAL COURT  
REGULAR MEETING  
MONDAY OCTOBER 14, 2019  
6:00 P.M.**

The Russell County Fiscal Court held their regular monthly meeting on Monday October 14, 2019 at 6:00 p.m. at the Russell County Courthouse. Those in attendance were County Judge Executive Gary D. Robertson, Magistrates Terry Waddell, Mickey Garner, Ronald Johnson, Steve Richardson, Larry Holt, County Attorney Kevin Shearer, Attorney Don Byrom, and County Treasurer Kim Fenske.

**WELCOME, PLEDGE & OPENING PRAYER:** Judge Robertson welcomed all those present and led everyone in the pledge followed by a prayer by Jailer Dunbar.

**MINUTES:** Judge Robertson presented the minutes from the September 9, 2019 regular meeting. Magistrate Johnson made a motion to approve the minutes with Magistrate Richardson seconding. The roll call was unanimous.

**PAY BILLS:** Judge Robertson submitted a list of regular bills to be approved along with a list of bills that came in late. Magistrate Garner made a motion to pay the bills with Magistrate Richardson seconding. The roll call was unanimous.

**DETENTION CENTER REPORT:** Jailer Dunbar read the jail report as follows: Prescription Co-pay \$225.18; Nurse Visits \$55.55; State Inmate Housing \$69,637.48; Social Security Payment \$200.00; Clinton County Inmate Housing (2 checks) \$11,270.19; Booking Fees \$1,830.49; Old Bills \$201.26; Phone Commission \$4,158.64; Per Diem \$3,562.76; Reimbursement for a monitor \$281.77; Bond Interest \$.51; Interest \$96.30 for a total income of \$91,520.13. The expenses were \$144,314.00 which makes a difference of income and expenses (\$52,793.87). There was 22 hours overtime. As of today there are 74 state inmates, 2 from Clinton County and 50 from Russell County for a total of 126 inmates. Magistrate Holt made a motion to accept the detention center report with Magistrate Waddell seconding. The roll call was unanimous. Jailer Dunbar also spoke about the success of the launch of the new Pre-Release program that was discussed at the last meeting. Judge Robertson stated the bids had come in for the Lift Station project that was needed to be done at the jail. He stated the bids were \$89,768.80 from Brockman Contracting; \$91,840.00 from Cumberland Pipeline and \$105,600.00 from Herrick Company. He stated the engineering firm's cost was \$24,500.00 and they were recommending Brockman Contracting for the job. Magistrate Garner made a motion to accept the bid from Brockman Contracting with Magistrate Johnson seconding. The roll call was unanimous.

**SHERIFF'S REPORT:** Sheriff Polston provided his report for the month of September. He stated there were 593 calls dispatched; 65 arrests; 13 mental health transports; 148 court papers served; 6747 court security transport miles; 6 drug warrants with arrests; 12 EPO's served; 13 juvenile summons served; 16 criminal summons executed.

**TREASURER'S MONTHLY & QUARTERLY SETTLEMENT REPORTS & MONTHLY AE TRANSFERS:** Treasurer Fenske read the totals of each fund: General \$1,111,115.48; Road \$621,132.32; Jail \$905,209.10; LGEA \$10,660.63; ASAP \$110,798.01; Grants \$2,629.50 Tourism \$15,565.65; Dispatch \$152,397.78; Airport \$58,974.81; Airport Project 6,778.34; DFC \$12,101.21; Airport Board \$51,558.02; ABC \$38,360.67 for a total of \$3,097,281.52. Treasurer Fenske stated all accounts were reconciled and in balance, all quarterly reports had been uploaded to DLG. She also stated the pre-approved monthly AE transfers were included in the packet. Magistrate Holt made a motion to approve the monthly and quarterly settlement reports and AE transfers with Magistrate Richardson seconding. The roll call was unanimous.

**2<sup>nd</sup> READING BUDGET AMENDMENT 19-07:** Treasurer Fenske read the ordinance which was for unbudgeted receipts. Magistrate Waddell made a motion to accept the amendment with Magistrate Garner seconding. The roll call was unanimous.

**TRANSFER \$10,036.40 FROM GENERAL TO GRANTS FOR SAFE ROOMS:** Judge Robertson stated we needed to transfer \$10,036.40 from the General fund to the Grants fund to pay the final payment for the safe rooms. Magistrate Johnson made a motion to do the transfer and make the final payment with Magistrate Waddell seconding. The roll call was unanimous.

**COMPLIMENT ADJUSTMENTS:** Judge Robertson stated we needed to make some adjustments to our personnel compliment. Treasurer Fenske added some part time positions needed to be changed over to full time positions in multiple departments as well as some salary adjustments. Magistrate Garner made a motion to make all the adjustments with Magistrate Waddell seconding. The roll call was unanimous.

**COMMERCIAL BUILDING INSPECTER:** Judge Robertson stated he had received a letter from the state saying Carly Fudge who had been the county commercial building inspector was no longer certified by the state to do so. He went on to state he had received a letter from Kenneth Blevins who had applied for the open position. He added Mr. Blevins was certified by the state and was qualified and said it would be his recommendation to appoint him as the county commercial building inspector. Magistrate Waddell made a motion to appoint Mr. Blevins as the commercial building inspector with Magistrate Johnson seconding. The roll call was unanimous.

**AIRPORT BOARD APPOINTMENT:** Judge Robertson stated Mr. Bob Sutherland had sent him a letter of resignation from the board on September 14, 2019. He stated Mr. Sutherland had been a very active member of the board and thanked him for his service. Judge Robertson recommended David Flanagan to fill the remainder of the term which will go until 12/31/21. Magistrate Garner made to motion to accept the Judge's recommendation and to appoint David Flanagan to the board. Magistrate Waddell seconded the motion. The roll call was unanimous.

**NCIC BOARD APPOINTMENTS:** Judge Robertson stated this board was a little different than other boards as it's a requirement by law to have 80% of the serving board members be involved with law enforcement. Judge Robertson recommended a four year term and to appoint County Attorney Kevin Shearer, Commonwealth Attorney Matthew Leveridge, Jailer Bobby Dunbar, Sheriff Derek Polston and HM Bottom to their second term beginning 10/16/19 and expiring on 10/15/23. Magistrate Johnson made a motion to accept the judge's recommendation with Magistrate Richardson seconding. The roll call was unanimous.

**DISCONTINUANCE OF PORTION OF JUMP OFF ROAD:** Judge Robertson explained we had started the process for discontinuing a portion of Jump Off Road at last month's meeting. He stated this was really just a formality as the county had not maintained the road for many years. However, the state had contacted us and their records show a longer length, therefore we needed to follow the proper protocol to show on the record the correct and actual length of the road the county maintains. There were a couple of individuals that had signed in to speak regarding the closure. Judge Robertson allowed both Mr. Anthony Carnes and Mr. Bill Williams to come up and share their thoughts or concerns. The issues both individuals brought before the court were issues that would be outside the realm of the fiscal court and County Attorney Shearer told them this. The issue was regarding the property owners allowing right of ways for a water line. Magistrate Garner made a motion to accept the second reading of the portion of discontinuance and Magistrate Holt seconded. The roll call was unanimous

**RESOLUTION 19-14 LOGAN ANTLE BRIDGE PROJECT:** Judge Robertson stated he had received the MOA for the Logan Antle Bridge project from the state and we needed to pass Resolution 19-14 to allow him to sign it. He also stated he hoped we would be able to bid the project soon and we were only waiting on the engineering company to obtain the water permit from the state. Once that was received, we could bid the project. Magistrate Garner made a motion to sign Resolution 19-14 and Magistrate Waddell seconded the motion. The roll call was unanimous.

**ROAD CHANGES:** Judge Robertson stated we had some road changes that needed to be dealt with. Magistrate Johnson stated he wanted to take in Clear Creek Road which is in District 3 and is 0.133 miles in length. He made the motion to take the road into the county road system. Magistrate Waddell seconded the motion. The roll call was unanimous. Magistrate Garner stated he wanted to take in Campbell Ferry Lane which is in District 2 and is 0.644 miles in length. Magistrate made the motion to take the road into the county road system. Magistrate Richardson seconded the motion. The roll call was unanimous. Both roads are platted and Clear Creek has a 30' right of way and Campbell Ferry Lane has a 40' right of way.

Magistrate Holt asked the question on whether or not any concrete evidence was found regarding the right of ways. County Attorney Shearer stated the statute calls for a 30' right of way but before the statue was law it went from ditch to ditch. Magistrate Holt asked what part of the ditch would be considered the line because that could vary and he wanted to know if there was anything the court to do to clarify the boundary. County Attorney Shearer stated he understood and he felt everything would have to be individualized. He went on to state that back in 2011 the county started making sure everything had the 30' right of way but before that it was not designated as such and there is no way you can go

backwards. Magistrate Johnson stated he thought back in 1992 or 1994 when Terrill Flanagan was judge that the county took everything in as maintained that's why there are no right of way deeds until 2011 unless it was a platted subdivision.

**HALLOWEEN HOURS:** Judge Robertson stated we always set the hours for the kids for Halloween. He stated we generally do it from 5:00 pm till 8:00 pm on October 31<sup>st</sup> and he was recommending to the court to do the same this year. Magistrate Johnson made a motion to accept the hours for Halloween with Magistrate Richardson seconding. The roll call was unanimous.

**OTHER BUSINESS:**

Magistrate Garner stated he still wanted to get something from 911 Dispatch on a record from the last year of how many calls that PHI got because he had met with AirEvac and had found in the last 3 months (and this was a month ago) they had had 6 calls and they have 3000 members here in the county. Magistrate Garner made a motion of a request to 911 Dispatch on how many calls did PHI get versus Air Evac in the last year.

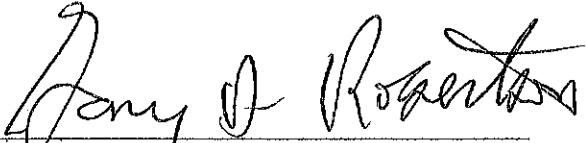
Judge Robertson stated he had received a request from Eli Fish & Game Club for the court to write a letter of support for their organization to make some improvements to the Caney Creek boat ramp. He stated a copy of the letter and proposed changes was in the packets. He also stated this would be at no cost to the fiscal court. Magistrate Johnson made a motion to write the support letter with Magistrate Waddell seconding. The roll call was unanimous.


Judge Robertson stated he needed to create the 2020 Census committee. He stated he wanted to recommend Steve Bledsoe, Scott Hamm Jr. and Jimmy Flanagan to be the committee. Magistrate Waddell made a motion to accept the judge's recommendation of the appointees with Magistrate Garner seconding. The roll call was unanimous.

Judge Robertson stated the Area Development District had put out a request for sealed bids on a pickup truck they had used for mapping. He stated it was a 2004 Ford 4 door with 153,000 miles on it, 4 wheel drive and had been new when they bought it. He stated it was in really good condition and he had put a bid on it. He said if we were fortunate to get the bid then he was asking for the court's approval to write the check. Magistrate Garner made a motion to pay for the vehicle if the bid was awarded with Magistrate Waddell seconding. The roll call was unanimous.

Judge Robertson stated the alcohol sales were down a bit from last month. He stated we collected \$19,270.02 in regulatory fees from the prior month. He stated out of that amount the county paid \$2,736.14 to the City of Jamestown for their share of the sales.

**ADJOURN:** Magistrate Waddell made a motion to adjourn with Magistrate Garner seconding. All was in favor. The meeting adjourned at 6.48p.m.

  
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Gary Robertson  
County Judge Executive

  
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Kim Fenske  
County Treasurer