

**CUMBERLAND COUNTY FISCAL COURT**

**AUGUST 8, 2016**

**THE FISCAL COURT MET IN REGULAR SESSION ON AUGUST 8, 2016  
AT 4:00 P.M. IN THE CUMBERLAND COUNTY COURTROOM.**

**PRESIDING: JOHN A. PHELPS JR., JUDGE EXECUTIVE**

**EARL BRANHAM  
EDWARD ANDERSON  
STACEY THRASHER  
EUGENIA FERGUSON  
LINDSEY BELL  
THOMAS BROWN  
J.V. GROCE**

**PUBLIC NOTICE: Fiscal Court to consider removing a portion of the following road from county road maintenance: Oil Fork Road: "Propose closing of 1,560 feet of Oil Fork Road beginning at the end of the subject road, stopping at the property line of Keith Ash, making Oil Fork Road now 3,679 feet in Cumberland County, KY this closing also with a 50" bus turn around.**

**The propose closing of a portion of Oil Fork Road will be tabled until September 12, 2016 meeting. Motion to table by Edward Anderson, seconded by Thomas Brown. "All Voting Aye". Motion carried.**

**ITEM 1**

**Minutes from the July 5<sup>th</sup> and July 11<sup>th</sup> were approved. Motion by J.V. Groce, seconded by Earl Branham, "All Voting Aye". Motion carried.**

**ITEM 2**

**Visitors:**

**Cumberland Co. Clerk Kim King addressed the court concerning damage to voting machines. Harp Enterprises has given her an estimate of \$800.00 for each machine.**

**Jerry Lyn Wheat-Solid Waste Coordinator addressed the court concerning the two recycling vehicles. Mr. Wheat stated that both need extensive maintenance, but the truck he drives, the front end is coming out and having trouble driving it. Jerry Lyn wants the court to consider either having the truck worked on or purchase a new one. Court agreed to get estimates on repair.**

**Megan Acree with revive Cumberland County spoke on behalf of the committee. The majority of Cumberland County voted yes, so we want each of you to please consider voting yes for Sunday sales. Put away personal feelings about the election, and it's not a religious matter, this is about growth. I have a few points to the advantage of Sunday sales. It's very important for economic change and development growth of**

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**this county. Part-time jobs turning into full time jobs. We have the Cumberland River and Dale Hollow Lake that are unique and special. We have millions of visitors each year. Many will start or end their vacation on Sundays. If you chose to ultimate sale on Sunday, they will purchase before they get to our county. People in Cumberland County voted for change and job growth.**

**Cynthia Pennycuff stated, I have a business here, but I don't live here. I wasn't going to say anything, but I don't agree with anything Megan just said. The bible does say that we must abide by the laws and this is a new law so we must abide. Maybe we can agree to disagree and do away with Sunday sales.**

### **ITEM 3**

**Court approval of first reading and court approval of Ordinance #2016/17-1. Alcohol & Beverage Control Ordinance. Magistrate J.V. Groce commented on the teenagers in this county will not be able to work in many of the participating stores that sale alcohol. County Attorney Lindsey Bell stated that the court cannot impose a regulatory fee until the City of Burkesville is included on the list of qualified cities, due to the population. He said when the legislature reconvenes in January that law may be changed and the court can then amend the ordinance to establish a regulatory fee. The court approved the first reading of Ordinance #2016/17-01. This ordinance will include Sunday sales. Motion by Thomas Brown, seconded by Edward Anderson. A roll call was requested by J.V. Groce: Dist # 1 Thomas Brown voted-yes, Dist#2 Edward Anderson voted -yes, Dist#3, JV Groce-no, Dist#4 Earl Branham-no. Judge John Phelps broke the tie by voting yes (3-Yes 2-No) motion carried. Judge John Phelps stated I know there is much controversy and I have tried to consider all things biblical and economically. Thought about it, prayed about it. Y'all know the first miracle was turning water into wine, 180 gallons. This is found in John second chapter. A Jewish wedding was traditionally celebrated for seven days. That's a whole week. So if it's alright with our Lord and Savior Jesus Christ to make wine then I think Sunday sales should be allowed in Cumberland County so I vote yes.**

**Then court approved the sale of alcohol between the time 1:00pm and 10:00pm with a motion by Thomas Brown, second by Edward Anderson. Roll call: Dist#1 Thomas Brown-yes, Dist#2 Edward Anderson-yes, Dist#3 JV Groce-no, Dist#4 Earl Branham-no. Judge John Phelps broke the tie by voting yes (3-Yes 2-No). Motion carried.**

**The court set the start date for alcohol licenses. All county licenses shall begin on September 1 of any year and shall expire on August 31 of the following year. Any license issued after March 31 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. The cost of any license shall not be less than one half of the amount of the full fee for annual license of that type. Motion by Thomas Brown, seconded by Edward Anderson. Roll call: Dist#1-Thomas Brown-yes, Dist#2 -Edward Anderson-yes, Dist#3-JV Groce-no, Dist#4-Earl Branham-no. Judge John Phelps broke tie voting yes (3-Yes 2-No). Motion carried.**

### **ITEM 4**

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**Court approved a grant draw request for Burkesville-Cumberland County Industrial Authority. Motion by Earl Branham, seconded by J.V Groce. "All Voting Aye". Motion carried.**

**ITEM 5**

**Court approved Resolution #2016/17-01, approving a lease for the financing of a project and authorizing the execution of various documents related to such lease. This is the financing of two new sheriff's vehicles. The sheriff's office accepted the bid from Don Franklin Ford for \$85,177.00 and received a grant for \$41,900 for the purchase of two vehicles.**

**ITEM 6**

**Court approved cash transfer. Motion by Edward Anderson, seconded by J.V Groce. "All Voting Aye". Motion Carried.**

**ITEM 7**

**Court approved all warrants with two add on's. Motion by Thomas Brown, seconded by Earl Branham, "All Voting Aye". Motion carried.**

**ITEM 8**

**New Business**

**Court approved first reading of Amendment #2016/17-01. Motion by Edward Anderson, seconded by JV Groce. "All Voting Aye." Motion carried.**

**Court approved budget transfers. Motion by Earl Branham, seconded by Edward Anderson. "All Voting Aye". Motion carried.**

**Judge John Phelps discussed the Tri-County Animal Shelter. He will be going to the Adair Co. Fiscal Court meeting on Tuesday night August 9 and speak to their court about transferring our animals to their shelter.**

**MEETING ADJOURNED MOTION BY THOMAS BROWN SECONDED BY JV GROCE.**

**"All Voting Aye"**

**MOTION CARRIED**

**MEETING ADJOURNED**

\_\_\_\_\_  
**JUDGE EXECUTIVE**

**ATTEST:** \_\_\_\_\_ **CLERK**