

Crawford updates council on upcoming events

by CATHY DAWES
The Estill County Tribune

The Irvine council met on Monday night for their second meeting of the month and listened as Joe Crawford of Estill Development Alliance informed them of the many things going on in the community.

Crawford said that he wanted to apologize for not being able to attend previous meetings but what he thought would be a two week hiatus had turned into a month of recovery.

Crawford said that the paperwork for the Brownfield grant had been submitted

and he had not heard anything back from them so he considered that good news.

He also said that plans were in the works for the annual Revive River Drive which includes fireworks and a concert venue with several new artists included on the lineup. Crawford said that the music would be moved this year from its' previous location to the courthouse to try to spread out some of the traffic.

He said that as always they will work closely with the police chief to ensure the safety of everyone attending the event because that is

their top priority. Crawford stressed the fact that this is not a 'burn out event' and they have never encouraged people attending to participate in the burn outs.

Councilman Tobo Bryant said one thing he would like to see done this year is for the police to enforce that no vehicles that are not licensed to be on the road during Revive River Drive.

"Do you have any plans on the agenda for the city of Irvine for next year?" asked Councilman Billy Arthur.

Crawford replied that there were several things in the works and that one thing

that is being considered is a partnership with the Kruz-In that is held each month. He said that it would be beneficial to the car show as well as local businesses.

Another thing that Crawford said they are working on is a place for people who would like to start a business but don't necessarily have the money to go out on their own. He said it wouldn't be like a strip mall or anything of that magnitude but it would be a business that several people could set up shop in and if things went well then they could move out on their own after a period of

time. Mayor W.J. Noland said that the city is looking at options with the old Irvine High School located next to Estill Springs. He said he would like to purchase the building and turn it into apartments like they did with Irvine Elementary but the council would have to look at the zoning map to see if changes would be made.

Councilwoman Janice Bush said that she had visited several different locations that had been remodeled into apartments and that all of them were very nice.

Police Chief Brad Smith

stated that he wanted to thank John Stumilio for his hard work in the latest drug bust.

"We got a lot of drugs off the street this time," said Smith.

Janice Bush said that she wanted to take the time to offer her sincere gratitude to the council for allowing her to serve once again. Bush said that she truly loved the city of Irvine and considers it a privilege to be able to serve on the council again.

"I'm just like a stray dog. I've wandered back again," stated Bush.

AG rules Ravenna violated Open Meetings Act

17-OMD-140
July 19, 2017

In re: William C. Van Cleve/City of Ravenna

Summary: The City of Ravenna violated the Open Meetings Act in notifying city council members of a special meeting by telephone only, and in failing to post notice of the special meeting. The Attorney General is unable to resolve a factual dispute concerning actual delivery and receipt of an open meetings complaint.

Open Meetings Decision

The questions presented in this appeal are whether the City of Ravenna violated the Open Meetings Act in not responding to an open meetings complaint, in notifying city council members of a special meeting by telephone only, and in failing to post notice of the special meeting. We find that the City of Ravenna violated the Open Meetings Act in notifying city council members of a special meeting by telephone only, and in

failing to post notice of the special meeting at the city's headquarters. We are unable to resolve a factual dispute concerning actual delivery and receipt of a complaint in the context of an open meetings appeal.

William C. Van Cleve submitted a complaint under the Open Meetings Act to Ravenna on June 26, 2017, stating:

You called a Special Meeting June 16, 2017 to do the first reading of the 2017-2018 annual budget. The Special Meeting was not called according to the guidelines set out in KRS 61.823; the council members were notified by telephone. The date, time and the agenda for the Special Meeting was not posted at the city hall 24 hours in advance of the meeting.

Having received no response, Van Cleve initiated this appeal on July 1, 2017.

Ravenna responded to the appeal on July 6, 2017, stating:

The City of Ravenna nev-

er received Mr. Van Cleve's initial correspondence dated June 26, 2017. Mayor Estine Tipton was advised by Mr. Van Cleve at the special meeting that he believed the statutory procedures were not followed.

... The City of Ravenna acknowledges that there were two technical errors in its notice for the June 16th meeting. These were: 1) personal notification of the special meeting was made to all council members by telephone as opposed to written correspondence; and, 2) the failure of a city employee to post a notice at City Hall at least twenty-four hours in advance of the special meeting. A notice had been prepared, but a new employee who had not been present for any prior special meetings forgot to post it to the door. For these errors, the City of Ravenna apologizes.

KRS 61.846(1) provides that "the public agency shall determine within three (3) days . . . after the receipt of the complaint whether to

remedy the alleged violation pursuant to the complaint and shall notify in writing the person making the complaint, within the three (3) day period, of its decision." Ravenna claims that it did not receive Van Cleve's complaint. The Attorney General is unable to resolve a factual dispute over the actual delivery and receipt of a complaint in the context of an Open Meetings Appeal. See 00-OMD-142 ("The remaining question relating to the actual delivery of the notice to Commissioner Royalty involves the resolution of a factual dispute which we cannot, on the written record before us, resolve."); see also 14-ORD-099 ("This office has consistently acknowledged the inability to conclusively resolve a factual dispute concerning actual delivery and receipt of a request."). Accordingly, the record before us is insufficient to find that Ravenna violated KRS 61.846(1) in not responding to Van Cleve's complaint.

KRS 61.823, which governs special meeting procedures, provides that "written notice shall be delivered personally, transmitted by facsimile machine, or mailed to every member of the public agency . . . to receive notice of special meetings. The notice shall be calculated so that it shall be received at least twenty-four (24) hours before the special meeting." KRS 61.823(4)(a). "The Open Meetings Act does not recognize the validity of oral notification, delivered in person or by telephone. . . . Oral notice may be utilized in addition to, but not in lieu of, the statutorily required methods of communication." 04-OMD-184. As Ravenna admits, in providing notice of a special meeting to city council members only by telephone, Ravenna violated the Open Meetings Act.

KRS 61.823(4)(c) provides that "written notice shall also be posted in a conspicuous place in the building where the special

meeting will take place and in a conspicuous place in the building which houses the headquarters of the agency. The notice shall be calculated so that it shall be posted at least twenty-four (24) hours before the special meeting." Ravenna admits that the notice was not posted. Accordingly, in not posting a special meeting notice in the agency's headquarters, Ravenna violated the Open Meetings Act.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.846(4)(a). The Attorney General must be notified of any action in circuit court, but should not be named as a party in that action or in any subsequent proceedings.

Andy Beshear
Attorney General

Matt James

Assistant Attorney General

Distributed to:

William C. Van Cleve

Estine Tipton

Corey Erdmann

IPD arrests one for robbery and numerous drug charges

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The Irvine Police Department obtained a search warrant for Abney's residence, vehicles and a garage located at 999 Dark Hollow Road. The search warrant was executed by the Irvine Police Department, Kentucky State Police, Estill County Sheriff's Department, and Ravenna Police Department.

Cruisers lined the driveway at 999 Dark Hollow Road and on the roadway there from about 1:30 in the afternoon until about 9 p.m.

Sgt. Sturniolo said that IPD's K-9 officer, "Fritz" alerted on the 2007 black Yukon while the search warrant was being executed. He added that a plastic baggie with a powder residue was found under the driver's seat.

Among the items seized were 25.1 ounce sof methamphetamine, 4.4. ounces of heroin, 1,007 ocydodone 30 mg. pills, 220 Suboxone strips, 22 Suboxone pills, 3,666 Xanax pills, 2 viagara pills, 11 klonopin pills, 1 Amblen pill, marijuana, 7 hydrocodone pills, the 2007 GMC Yukon, and assorted drug paraphernalia.

IPD Chief Brad Smith said most of the drugs were packaged for large quantity sales.

After the search warrant was executed, Abney was charged with convicted felon in possession of a handgun, first degree persistent felony offender, trafficking in a controlled substance, first degree and first offense; three counts of trafficking in a con-

trolled substance, first degree, second or greater offense (methamphetamine, heroin, and drug unspecified); two counts of trafficking in a controlled substance, second degree, first offense, two counts of trafficking in a controlled substance, third degree, first offense, trafficking in a legend drug, first offense; illegal possession of a legend drug; possession of marijuana, and drug paraphernalia - buy/possess.

Because of the large quantity of drugs IPD reports they seized, several of the offenses were bumped into more serious classes. For example, more than two grams of methamphetamine or heroin, bumped the charge into a Class B class.

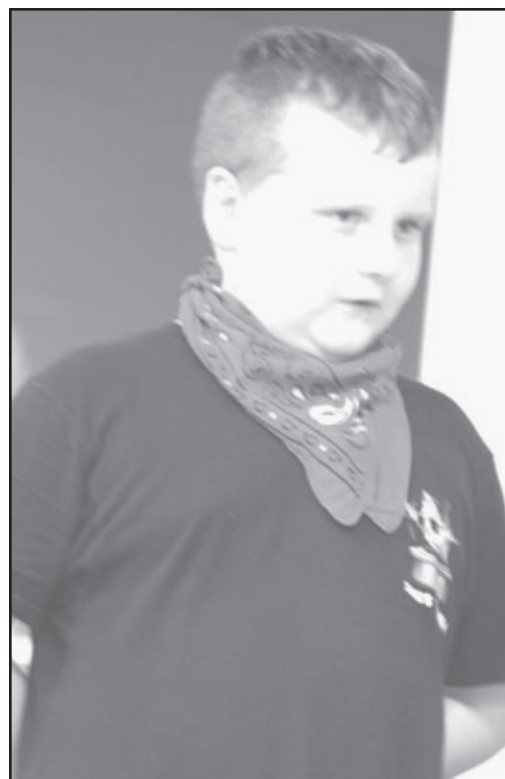
Most felonies are Class D and the punishment is one to five years in prison. The minimum punishment for a Class B felony is 10 years.

Abney was arraigned by video in Estill District Court on Monday. He pleaded not guilty to all charges.

District Judge William Leach amended Abney's bail to \$150,000 cash, because not all charges were included in the former bail amount.

Prior to Monday, Abney had a bail of \$25,000 cash on one citation and \$75,000 on the other one.

He is scheduled to be in Estill District Court July 26 for a preliminary hearing. At that time, Judge William Leach will decide if there is enough evidence to send the case to the grand jury.



Trinity Osborne had the leading role of farmer in E-I-E-I-Oh-No at the Drama Camp presentation. Dramas were directed by Penny West.



Each group of drama campers formed a star from wood slats during one of the songs they performed for their parents on Friday evening.



Drama campers, parents, grandparents and other relatives participated in group dances at the camp's conclusion on Friday. Music and dances were taught to the drama campers by Laurie White.



One mother was delighted to be the dance partner for her young son during "Jump Jim-Joe", "Big Set," and the Circle Dance.

School Board Meeting

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Retirees were recognized with a small reception and a gift. Brenda Honchell, Mary Martin, Connie Pasley, Randy Sutter, Jennifer Gross, Lucretia Reese, Shonna Ballard, Tammy Terry, Lisa Estes, Bobbie Muncie, and Cindy Robinson were recognized for their years of dedication to the students of Estill County.

"It's a bittersweet time for the school district to say goodbye to those individuals who have made an impact on our community," said Saylor.

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