

# The Times

FLOYD COUNTY

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Volume 82, Issue 88 • 75 Cents



**HAP**  
**8-YEAR-OLDS**  
 — Page B1

**briefs**  
**State jobless rate increases**

The Associated Press  
 FRANKFORT — The latest employment figures show Kentucky's jobless rate rose slightly to 6.3 percent in June. Office of Employment and Training chief labor market analyst Justine Detzel blamed economic factors for the increase from May's 6.2 percent unemployment. Detzel said the state's economy has been weighed down in part by soaring prices for food and fuel. Non-farm employment fell by 4,400 jobs in the state. Detzel said the vast majority of the job losses were attributed to temporary layoffs. More than 1.9 million Kentuckians were employed in June.

## State says tourism pays Floyd \$55 million

by JACK LATTA  
 STAFF WRITER

Floyd County Tourism revenues are on the rise according to new statistics released recently by the Kentucky department of Travel.

The report, compiled by the Travel industry association in Washington D.C., showed that Floyd county

tourism increased by 8 percent in 2007 and added \$55,309,837 to the county's economy. Floyd County's numbers were part of a 6.5 percent statewide increase in tourism which added \$1.5 billion to the state's economy.

"We know that travel and tourism are an essential part of Kentucky's economy," said Mike Cooper, commissioner of the department. "Money spent

on tourism through the commonwealth circulates several times into the economy benefiting Kentucky communities through direct travel and in the service and retail sectors."

The report shows that more than 176,000 people are employed statewide in the tourism industry earning more than \$3.4 billion in payroll. In Floyd County, 624 people are employed in the

tourism industry, with a payroll of approximately \$15.8 million.

State Sen. Johnny Ray Turner, of the 29th senate district, was on hand for the announcement in Frankfort.

"Attracting tourists to our community is an ongoing process and local leaders have worked diligently to increase

(See **TOURISM**, page twelve)

### RIDING FOR SAFETY



photo by TONYA AMBURGEY

Lt. Gov. Daniel Mongiardo, on the green four-wheeler in the middle, and several others rode through the "figure-eight" portion of the ATV safety training course at the Knott County ATV Training Facility on Monday.

## Mongiardo promotes ATV safety, tourism

by TONYA AMBURGEY  
 HAZARD HERALD

HINDMAN — With the adventure tourism initiative taking off in the area and the number of ATV riders increasing daily, officials say it should be a top priority for riders to take a training and safety course, which is why Kentucky's Lt. Gov. Daniel Mongiardo was at the Knott County ATV and Motorcycle Rider Training Center on Monday.

He and several others took the four-hour course that covers basic safety techniques such as straight line riding, shifting, braking, crossing obstacles and riding up and down hills.

Tim Cody, the center's director, said the main focus of the course is being safe while on the trail.

"The importance of the training is hopefully to gain a better understanding of how to be safe on the trail, personal responsibility on the trail, and proper techniques as well as risk awareness while you are out there," Cody said.

In the past, Kentucky has led the nation in ATV deaths and currently sits at third, which Mongiardo says is unacceptable if the state is going to be the number-one destination for outdoor activities.

"On our journey to make Kentucky the number-one outdoor adventure tourism state, we also

want to make sure it is safe. We want to make sure as we draw people here ... that we do so with safety number one," he said.

This can be done by making sure the proper equipment such as helmets are worn, Mongiardo said, adding that ATVs are fun, but can also be very dangerous when not treated properly.

The lieutenant governor also spoke of the economic impact that bringing adventure tourism to Eastern Kentucky would have not only on the area, but the rest of the state as well because it would create an industry based on the region's nat-

(See **SAFETY**, page twelve)

## Man charged with fleeing with tot in tow

by JACK LATTA  
 STAFF WRITER

MARTIN — A Printer man was arrested Tuesday after leading law enforcement officials on a car chase with his infant son in the vehicle after a Martin City Police officer attempted to conduct a routine traffic stop.

According to officials, Kessie Elliott, 22, was arrested and charged with reckless driving, fleeing and evading police, wanton endangerment, excessive window tint, no insurance and endangering the welfare of a minor.

Elliott was observed by MCP officer Christopher Kidd performing a U-turn on Route 1428 when the officer tried to initiate a traffic stop.

Elliott allegedly fled from the officer in his vehicle until his path was blocked by a train. Elliott is accused of then putting his vehicle in reverse and attempting to ram the officer.

According to officials, the child in the vehicle was under 3 years of age.

Elliott is currently being lodged in the Floyd County Detention Center. Elliott's bond was set for \$2,500 cash by District Judge James Allen.

## N.C. man killed in Pike wreck

by JACK LATTA  
 STAFF WRITER

PIKEVILLE — Alcohol is suspected in the death of a North Carolina man who was killed last Friday after a motorcycle collision in Pike County.

According to Pikeville Police Department, Shawn David Allen, 34, of Taylorsville, N.C., was riding his motorcycle near Coleman's Court on Harold Branch when the accident occurred.

Allen was pronounced dead at the scene by Deputy Coroner Zeb Hampton.

A female subject who was also injured in the crash was transported to Pikeville Medical Center before being airlifted to St. Mary's Hospital in Huntington, W.Va.

The collision is still under investigation.

**3 DAY FORECAST**

**Today**  
 Showers  
 High: 80 • Low: 59

**Tomorrow**  
 Sunny  
 High: 85 • Low: 61

**Friday**  
 Partly cloudy  
 High: 87 • Low: 66

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## 'Free' and 'local' focus of East Ky. Fair

by JARRID DEATON  
 FEATURES WRITER

PRESTONSBURG — The East Kentucky Fair is right around the corner, and organizers have decided that the fair is once again free to attend.

The fair, now in its fourth year, will be focusing on local entertainment, including a Battle of the Bands with a \$1,000 prize.

At a recent meeting of the Floyd County Chamber of Commerce, Mark Wiete, treasurer of the East Kentucky Fair Board, explained the changes to the fair.

"We really wanted to focus on local talent this year," Wiete said. "There are a lot of talented individuals and bands from our home area."

The fair will open at 4 p.m. on July 31, at Thunder Ridge Racing and

Entertainment Complex in Prestonsburg. The event will begin with amusement rides and a petting zoo provided by Honey Hill Farm. At 6 p.m., the popular video game franchise of Guitar Hero will likely draw a large crowd with an open jam and qualifiers for the competition.

The opening day of the fair will also include a debate between Kentucky native sons Abraham Lincoln and

Jefferson Davis, portrayed by professional actors. A competition for local bands will close out the night starting at 9 p.m.

On August 1, the fair will feature Southern Storm, a popular local band. The band will take the stage at 6:30 p.m. After their performance, the second round of the local band competi-

(See **FAIR**, page twelve)

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served w/butter and syrup	
(3) Country Gravy and Biscuits.....2.79	
2 Buttermilk Biscuits and Gravy	

Additional Items — \$1.29 each  
 (1) Hash Browns  
 (2) Orange Juice or Tomato Juice  
 (3) Country Gravy



# Obituaries

## John Riley Cole

John Riley Cole, 69, of Shelby, Ohio, died Saturday, July 19, 2008, in the Hospice House in Ashland, Ohio.

Born December 6, 1938, in Betsy Layne, he was the son of the late Abram and Malta Bays Cole. He was of the Protestant faith; a veteran; and retired security guard for Plantation Patterns in Wadley, Alabama.

He is survived by his wife, Geraldine Reed Cole.

Other survivors include three sons and a daughter-in-law: Johnny Cole of Shelby, Ohio; Jody (Linda) Cole of Mansfield, Ohio; and Brian Hawkins of Arizona; four daughters and sons-in-law: Thelma (Mark) Ball of Galion, Ohio; Ruby (Bill) Long of Plymouth, Ohio; Cathy (Allen) Feltner of Tiro, Ohio; and Nadene (Scott Phelps) Johnson of Shelby, Ohio; two brothers and seven sisters: James Cole of London; Jimmy Lee Cole and Imogene Hawkins, both of Shelby, Ohio; Leora Owens, Lucille Boyd, Judith Shepherd, Phyllis Jean Adkins, and Helen Mullins, all of Martin; and Sylvia Carter of Ashland, Kentucky; six stepchildren, 17 grandchildren, 12 stepgrandchildren, six great-grandchildren, and 15 stepgreat-grandchildren.

In addition to his parents, he was preceded in death by two brothers and two sisters: Monroe Cole, Woodrow Cole, Betty Jean Cole, and Ora Lee Cole.

Funeral services were held Tuesday, July 22, at 1 p.m., at Nelson-Frazier Funeral Home, in Martin, with Don Crisp officiating.

Burial was in the Martin Cemetery, in Martin.

Visitation was at the funeral home. *(Paid obituary)*

## Burnis Hamilton

Burnis Hamilton, 59, of Galveston, died Sunday, July 20, 2008, at Pikeville Medical Center.

Born December 21, 1948, in Martin, he was the son of Ethel and Sam Hollifield, and Lacy

Henson and the late Hiram Hamilton: He was a disabled coal miner, and a member of Pilgrims Home Old Regular Baptist Church.

He is survived by his wife, Peggy Sue Adkins Hamilton.

Other survivors include two daughters: Pamela Johnson, (husband, Ronald) and Brittany Hamilton (boyfriend, Scott Little), all of Galveston; four brothers and four sisters: Billy Joe Hamilton and Hiram Hamilton Jr., both of Beaver; Benny Hollifield, Otis Hollifield, Ocie Huckins, Jeanette Bentley, and Jennifer McKinney, all of Teaberry; and Patty Justice of Robinson Creek; and two grandchildren: Katelyn Grace Johnson and Michaela Danielle Johnson.

In addition to his father, he was preceded in death by a son and daughter: John Henry Hamilton and Sabrina Hamilton.

Funeral services will be held Thursday, July 24, at 1 p.m., at Pilgrims Home Old Regular Baptist Church, in Grethel, with Old Regular Baptist ministers officiating.

Burial will be in the Adkins Cemetery, in Galveston, under the direction of Nelson-Frazier Funeral Home, in Martin.

Visitation is at the church. *(Paid obituary)*

## Charlene G. Ousley Johnson

Charlene G. Ousley Johnson, 53, of Blue River, died Sunday, July 20, 2008, at her residence.

Born December 9, 1954, in Prestonsburg, she was the daughter of Ima Jean McCoy Garrett of Lexington, and the late Chester Garrett. She was a homemaker.

She is survived by her husband, Bobby Johnson.

In addition to her mother, survivors include a son and daughter-in-law: Michael (Crystal) Ousley of Prestonsburg; two daughters and sons-in-law: Jennifer (Richard) Wehrle of Nicholasville; and Vicky (Scott) Hadley of Carrollton; a sister, Tammy Garrett of

Lexington; five grandchildren, five stepgrandchildren; and a grandchild on the way.

In addition to her father, she was preceded in death by two brothers and three sisters: Luther (Luke) Garrett, Bryant Garrett, Linda Lee Curnutt, Glenda Ousley and Paulette White.

Funeral services will be held Thursday, July 24, at 11 a.m., at Nelson-Frazier Funeral Home, in Martin, with Bobby Joe Spencer officiating.

Burial will be in the Garrett-Ousley Cemetery, in Prestonsburg.

Visitation is at the funeral home. *(Paid obituary)*

## Edith Looney May

Edith Looney May, 91, of Prestonsburg, died Sunday, July 20, 2008, at Riverview Health Care Center.

Born December 25, 1916, in McVeigh, she was the daughter of the late Charles Looney and Victoria Turner Looney. She was a homemaker; a member of the Lancer Baptist Church for 16 years; and a member of South

Prestonsburg Homemakers Club. She was preceded in death by her husband, Robert Les May, in December of 1991.

Survivors include a daughter, Drema Osborne (Don) of Prestonsburg; two grandsons: Martin Lee Osborne (Julie) and Gavin Osborne, all of Prestonsburg; three great-grandchildren: Jackson Osborne, Clara Osborne, and Robert Osborne.

In addition to her parents and husband, she was preceded in death by two brothers: Jack Looney and Ellis Looney; and two sisters: Mayne Looney Banks and Ardath Looney Ratliff; a granddaughter, Julie Victoria Osborne Lester; and a great-grandson, Max Lester.

Funeral services were held Tuesday, July 22, at 11 a.m., at the Carter Funeral Home Chapel, Prestonsburg, with

Rev. Bobby Carpenter officiating.

Interment was at Mountain View Memory Gardens, in Belfry.

Contributions are suggested to the Julie Osborne Lester Scholarship Fund, BSCTC, c/o Jean Dorton, 1 Bert T. Combs Drive, Prestonsburg, KY 41653.

The family has entrusted arrangements to the Carter Funeral Home. *(Paid obituary)*

## Stanley B. White

Stanley B. White, 66, of Southgate, Michigan, died Wednesday, July 16, 2008, at his residence.

Born April 30, 1942, in Newport, Arkansas, he was the son of the late William Isaac and Mary Elizabeth Wadley White. He was production superintendent for Ford Motors.

He is survived by his wife, Karen Isaac White.

Other survivors include two sons and daughters-in-law: William Isaac (Lisa) White and Timothy Scott (Renee) White, all of Southgate, Michigan; four grandchildren: Randy, Tyler, Kory and Kobe; and a sister, Barbara Hillis of Flint, Michigan.

In addition to his parents, he was preceded in death by four sisters: Jean Harris, Juanita White, Leah White, and Mildred Thompson.

Funeral services were held Tuesday, July 22, at 11 a.m., at the Wheelwright Freewill Baptist Church, in Bypro, with Baptist ministers officiating.

Burial was in the Hall Cemetery, in Bevinsville, under the direction of Nelson-Frazier Funeral Home, in Martin.

Visitation was Monday after 6 p.m., at the funeral home, with 7 p.m. nightly services; and at the church, Tuesday, at 10 a.m. *(Paid obituary)*

## Tony Griffith

July 21, 1953 - December 20, 2007



*In loving memory of our irreplaceable, wonderful father, on his birthday.*

*Dad, you are dearly missed every day.*

*Love always,  
Andrew and Andrea*

## Melissa Renee Powers

7/29/1977 - 3-21-2008

**"Happy Birthday Melissa"**

**Our "DARK HAIRED ANGEL"**

You are missed so much, our lives have changed with your passing, and we will never be the same again.

You're in our hearts forever and ever. God's Peace and Love.

All our LOVE: MOM AND DAD (Leesa and Darrell), sisters (Michelle and Meredith), MaMaw (Geneva) Bays-Cox, Uncle Delmer, and your niece and nephew, Madison and Braydon. Your "Happy House Family," and from everyone who's lives you touched.

### MEMORIES OF A LOVED ONE

To some, memories are not valued; some are never shared. But memories of a loved one, will always be there.

Whether they be of a relative present, or past, of one loved or hated, funny or sad, Memories of a loved one will always be there.

The greatest thing of a memory is not just a reflection of the past to say "remember the time," or "remember when," no! The greatest thing of a memory is that it shows he or she is, was, and will always be loved.

So, when you remember, don't dwell on the good or bad, just because it may stand out. "Just remember.

Because memories of a loved one are the greatest by far.  
Delmer Cox—1983

[www.floydcountytimes.com](http://www.floydcountytimes.com)

## Former Fletcher aide resigns post in state Senate

The Associated Press

FRANKFORT — Bill Nighbert, a former state transportation secretary for former Gov. Ernie Fletcher, has resigned his post as a top aide in the Republican-controlled Senate.

Senate President David Williams says Nighbert left his job as a top aide approximately 10 days ago. Williams says Nighbert was hired to work on transportation issues with the expectation only staying a short time.

Federal investigators have been questioning former Transportation Cabinet employees as part of a possible

criminal probe.

Nighbert's attorney Howard Mann says Nighbert

was only planning to work for the Senate during the legislative session.

### Card of Thanks

The family of Aileen Blackburn Collins Mullins would like to gratefully acknowledge the thoughtfulness and kindness of friends, relatives, and neighbors, in the loss of our loved one. Thanks to all those who sent flowers, food, and prayers, to our family. A special thanks to Clergymen Bethel Bolen and Jerry Manns for their comforting words; Rockfork Regular Baptist Church for all their love and support that was shown to our family; the Sheriff's Department for their assistance in traffic control; and the Hall Funeral Home for their professional and caring service. All your love and acts of kindness will always be a comfort to our family.

THE FAMILY OF AILEEN BLACKBURN COLLINS MULLINS

### Card of Thanks

The family of Lucy Ellen Artrip would like to extend their appreciation to all those friends, relatives, and neighbors, who helped in any way upon the passing of their loved one. Thanks to all those who sent food, flowers, prayers, or spoke comforting words. We are especially grateful to Bruce Coleman and ministers of the Church of Christ for their comforting words; the Sheriff's Department for their assistance in traffic control; and the staff of Hall Funeral Home for their kind and professional service. All the thoughtfulness and kindness will always be remembered.

THE FAMILY OF LUCY ELLEN ARTRIP

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# Community Calendar

## Calendar items will be printed as space permits

**Editor's note:** To announce your community event, you may hand-deliver your item to The Floyd County Times office, located at 263 S. Central Avenue, Prestonsburg, or mail to: The Floyd County Times, P.O. Box 390, Prestonsburg, KY 41653; or fax to 606-886-3603; or email to: [features@floydcountytimes.com](mailto:features@floydcountytimes.com). Information will not be taken over the telephone. All items will be placed on a first-come, first-serve basis as space permits.

### Wayland High School Class of '59 Reunion

The Wayland High School Class of 1959 will meet at the Wayland Historical Society Building on Saturday, October 4, at 11 a.m., in Room No. 208, to complete plans for their 50th reunion in 2009. For additional information, contact:

PSlone@allegiance.tv  
Sclaypool@fuse.net  
Judymusic@bellsouth.net

### East Kentucky Fair is accepting applications for vendors and exhibitors

It's not too late. The East Kentucky Fair is still accepting applications for vendors and exhibitors for the 2008 fair, to be held 7/31-8/2/08. Call Terry Trimble at 886-2374, or go online to: [www.eastkentuckyfair.com](http://www.eastkentuckyfair.com) for a form.

### Betsy Layne High School Class of 1998 Reunion

The Betsy Layne High School Class of 1998, 10-year class reunion will be held August 16, at 6:30 p.m., at the Heritage House, Prestonsburg. Tickets: \$25 per person. For tickets/more information, contact Misty Stevens Bauder at [mistybauder@hotmail.com](mailto:mistybauder@hotmail.com) or 606-432-7815.

### Highlands Folk Festival General Information

The Highland Folk Festival Committee is now reserving booth space for the upcoming festival to be held September 19 and 20, at the Mountain Arts Center, in Prestonsburg. This year's theme is "From Heritage to Hero," and will include demonstrations such as woodcarving, basket making, and clogging, just to name a few. Musicians will also be demonstrating mountain musical instruments from banjos to dulcimers. There will also be a special tribute to Floyd County Veterans and Emergency Personnel. Don't forget the Second Annual Chili Cook Off! If you would like more information or if you would like to participate, contact Khrys Varney at (606) 889-9886, or 1-888-MACARTS; or Debi Manuel at (606) 886-0170.

Proceed benefits the Mountain Arts Center Music Education Program.

### Prestonsburg High School Class of 1988 Reunion is planned for August 16

Where are you? 20-year class reunion is being planned on Saturday, August 16, at 6:30 p.m. at Stonecreek Golf Course. Please, contact Kay Skeens-Tungate at 859-948-4411 or Traci Hayes-Rankin at 606-886-8487 for details and to register. More information is available at: [www.classmates.com](http://www.classmates.com) E-mail: [kayt2828@aol.com](mailto:kayt2828@aol.com) Respond by August 1.

### Prestonsburg High School Class of 1998 10-Year



**Reunion**  
When: August 9th, at 7 p.m.  
Where: Heritage Inn (old Holiday Inn)  
For information, e-mail: Julie (Campbell) Stumbo at: [juliecstumbo@yahoo.com](mailto:juliecstumbo@yahoo.com)

**Free Bible Lessons**  
Write to: Bible Way Outreach Ministry, P.O. Box 3371, Kingsport, TN 37664. Lessons completely free of charge to all interested.

### Mathias Hughes Lydia Margaret Baldrige Family Reunion

The families of Linda E. Hughes (m) Jake Marsillett, Mary Darcus Hughes (m) John Wright, Sarah (Sally) Hughes (m) James Marsillett, John Malcom Hughes (m) Sally Johnson, James (Jim) Hughes (m) Ida Marsillett.

When: August 31, 2008  
Where: Delmer B. and Dearl Faye Holbrook, 143 Holbrook Hollow Rd., Prestonsburg, Ky. 41653. Phone: 606-886-8481. Time: 10:00 a.m. til ???  
Hope to see you there.

### East Kentucky Science Center & planetarium 1st responder summer camp is scheduled

East Kentucky Science Center and Planetarium 1st Responder Summer Camp. July 21st-25th; ages 12, 13, and 14. Registration deadline: July 14—only 25 openings available at The East Kentucky Science Center, located on the BSCTC Campus n Prestonsburg. To register contact the East Kentucky Science Center, at 606-889-0303.

### Floyd County Relay for

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606-886-2696  
<http://showtimes.hollywood.com>  
7/25/08 - 7/31/08  
**Cinema 1—Starts Friday, July 25**  
HELLBOY 2 (PG-13), Mon.-Sat. 7:00; Sun. (1:30) 7:00.  
WANTED (R), Mon.-Sun. 9:00 ONLY.  
**Cinema 2—Held Over**  
BATMAN: THE DARK KNIGHT (PG-13), Mon.-Sat. 7:00; Sun. (1:30) 7:00.  
Sunday Matinee—Open 1:00; start 1:30

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606-432-2957  
Tickets may be purchased in advance for any show on the date of purchase. Bargain Matinees Until 6 p.m.  
7/25/08 - 7/31/08  
**Cinema 1—Held Over**  
JOURNEY TO THE CENTER OF EARTH (PG), Mon.-Sun. 7:00-9:15; Fri. (4:15) 7:00-9:15; Sat.-Sun. (2:00-4:15) 7:00-9:15.  
**Cinema 2—Held Over**  
MAMA MIA (PG-13), Mon.-Sun. 7:00-9:15; Fri. (4:15) 7:00-9:15; Sat.-Sun. (2:00-4:15) 7:00-9:15.  
**Cinema 3—Held Over**  
HANCOCK (PG-13), Mon.-Sun. 7:15-9:30; Fri. (4:30) 7:15-9:30; Sat.-Sun. (2:15-4:30) 7:15-9:30.  
**Cinema 4—Held Over**  
SPACE CHIMPS (G), Mon.-Sun. 7:05; Fri. (4:20) 7:05; Sat.-Sun. (2:05-4:20) 7:05-9:20.  
**Cinema 4—Held Over**  
WANTED (R), Mon.-Sun. 9:05 ONLY.  
**Cinema 5—Held Over**  
HELLBOY 2: THE GOLDEN ARMY (PG-13), Mon.-Sun. 6:50-9:20; Fri. (4:20) 6:50-9:20; Sat.-Sun. (1:50-4:20) 6:50-9:20.  
**Cinema 6—Held Over**  
BATMAN: THE DARK KNIGHT (PG-13), Mon.-Sun. 8:00; Fri. (4:45) 8:00; Sat.-Sun. (1:30-4:45) 8:00.  
**Cinema 7—Starts Friday, July 25**  
STEP BROTHERS (R), Mon.-Sun. 7:15-9:30; Fri. (4:30) 7:15-9:30; Sat.-Sun. (2:15-4:30) 7:15-9:30.  
**Cinema 8—Held Over**  
BATMAN: THE DARK KNIGHT (PG-13), Mon.-Sun. 8:30; Fri. (5:15) 8:30; Sat.-Sun. (1:45-5:15) 8:30.  
**Cinema 9—Starts Friday, July 25**  
X-FILES: I WANT TO BELIEVE (PG-13), Mon.-Sun. 7:05-9:25; Fri. (4:25) 7:05-9:25; Sat.-Sun. (2:05-4:25) 7:05-9:25.  
**Cinema 10—Held Over**  
WALL-E (G), Mon.-Sun. 7:05-9:25; Fri. (4:25) 7:05-9:25; Sat.-Sun. (2:05-4:25) 7:05-9:25.

**STUART ISAAC** would like to thank all his customers and to invite all his friends, family, and everyone to stop by and take advantage of the low, affordable prices on top-of-the-line vehicles available at **DISCOUNT AUTO** 874-6844

**Life**  
Event to be held Friday, August 1, at Archer Park. Opening ceremony, 6:30 p.m. To register a team or to find out more, call Susan Shepherd at (606) 377-1096. You may also visit [www.events.cancer.org/rflfloydky](http://www.events.cancer.org/rflfloydky). Help the American Cancer Society help save lives!

**South Floyd High School 10-year reunion planned**  
A 10-year reunion for the South Floyd High School Class of 1998 will be held July 28, 2008. We are currently gathering addresses and phone numbers of the alumni. If you are an alumnus, please contact Danielle Tackett Harvel by phone or email—(606) 277-7770 or [danielleharvel@yahoo.com](mailto:danielleharvel@yahoo.com). More details will be announced at a later date.

**Have an 'Out of this World' birthday party!**  
The East Kentucky Science Center is now offering a fun and distinctive party venue for kids of all ages. The Birthday Party package includes rental of a classroom and admission to exhibits and planetarium programs. Must be booked two weeks in advance; limit 40 guests. Call 889-0303 for more information.

**East Kentucky Science Center Night Science programs**  
Spend a night under the stars without pesky critters around! Grab your sleeping bag and come to the East Kentucky Science Center for the Night Science programs for ages 8 and up. The programs will begin at 7 p.m. and will include planetarium shows, laser shows and other activities. For more informa-

tion, contact Shannon at 889-0303, ext. 15. Cost \$15-20/person.

**Need Help With Home Repairs?**  
The Auxier Lifetime Learning Center can help! We are now taking applications for home repairs. If you, or someone you know, are low income and need help with repairs on your home, please call 606-886-0709 for your application, or stop by our office at 21 South River Street, Auxier. Office Hours: Monday-Friday, 8-4.

**Democratic Woman's Club meets at May Lodge**  
The Floyd County Democratic Woman's Club meets the second Monday of each month at 6:00 p.m., at the May Lodge, Jenny Wiley State Park.

**Need help with addiction?**  
Lifeline of Floyd County "Conquer Chemical Dependency" is a Christ-centered 12-step program offering support to those who are coping with addiction and learning to live drug-free lives. The support group meets on the following schedule:  
Mondays, at Minnie (beside pharmacy), from 7-8 p.m.  
Mondays, at Little Mud, Spruce Pine School, from 7-8 p.m.  
Tuesdays, in Prestonsburg, in the Van Ark Building, from 2-3 p.m.

(See CALENDAR, page six)

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'07 Chevy Cobalt SS: Auto., AC, Leather, Sunroof, Spoiler, Loaded!	'07 VW Jetta: Auto., AC, Rear Spoiler, Low Miles, Sharp!	'07 Toyota Corolla LE: Low Miles, CD Player, Power Pkg!	'07 Mercedes 230 Sport: 18,000 Miles, Auto., Sunroof, Leather, Spoiler, Sharp!
'05 Dodge Ram: Quad Cab, 4x4, SLT, Hemi, Loaded!	'07 Mazda 6: Sport Package, Auto., Spoiler, Sharp!	'04 GMC Sierra SLT: X-Cab, 4x4, Leather, Sharp, Loaded!	'07 Toyota Rav4: Auto., Great Gas Mileage, Loaded!
'08 Toyota Avalon: 4 Door, All The Extras, Sunroof, Only 8,000 Miles!	'07 Toyota 4Runner: SR5, Sunroof, 4x4, 3rd Seat, Factory Warranty!	'08 Nissan Altima: 2.5 S, Auto., Only 11,000 Miles, Fact. Warr., Sharp!	'07 Toyota Camry SE: Power Sunroof, Alloys, Loaded!
'07 Ford F350: King Ranch Pkg, Power Steps, Turbo Diesel F350 Pkg, Leather, Linc, Low Miles, Loaded!	Several To Choose From! H3: \$18,995		'05 GMC Canyon: Crew Cab, 4x4, Off Road, Z71, Loaded!
'04 Jeep Wrangler: Sahara Edition!	'04 Toyota Corolla S: Sunroof, 5 Speed, Great Gas Mileage!	'06 Cadillac STS: Navigation, Leather, Sunroof, Fact. Warr., Loaded!	'07 Chevy Cobalt LT: Low Miles, Great Gas Mileage!
'00 Jeep Grand Cherokee: 4x4, Cold AC, Good Running SUV!	'88 Chevy 4x4: New GV Motor, New Paint, Customer Restored, Nice Truck!	'00 Chevy Blazer: 4x4, Local Trade, Loaded!	
\$4,450	\$3,995	\$4,995	

**Specials of the Week:**



# Viewpoint

Amendment 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the government for a redress of grievances.

## Worth Repeating ...

He attacked everything in life with a mix of extraordinary genius and naive incompetence, and it was often difficult to tell which was which.

— Douglas Adams

## Guest View

### Cold cash vs. warm puppy

American voters are unhappy. Perhaps you've heard. About three-quarters say the country is headed in the wrong direction -- the highest level in 15 years. Many believe we already are in a recession.

This being an election year, it's big news. Pundits and politicians are puzzled. Sure, the economy is soft and probably will stay that way for a while. Gas prices and unemployment are up from earlier in the year.

But a recession? Not yet, at least not technically. By historic standards, today's 5.5 percent national unemployment rate actually is relatively low, though St. Louis' 6 percent jobless rate is at a 15-year high. Still, compared with where they were a few decades ago, most Americans are better off. So why all the gloom?

The unspoken assumption among political pundits is that somehow, there is a link between money (and the goods and security it buys) and happiness. At least superficially, there's some evidence to support it.

Surveys show people in richer countries report being happier than those in poor countries. That's probably not very surprising ("Would you prefer the air conditioning and running water, or the tsetse flies and African sleeping sickness?").

When researchers have asked people all over the world what would make them happier, the most common answer has been a change in material circumstances -- a bigger home, nicer things, more economic security.

(We know that, by the way, thanks to something called the World Database of Happiness. We are just a little bit happier to know that there is such a database, but we digress.)

Researchers have asked people how much more money they'd need to be happy. The answer is 20 percent. People say they'd be happier if their income were 20 percent larger than it currently is.

It turns out that's not true. If you measure people's income and self-reported happiness over time, you find that while incomes may rise, the general level of happiness does not. That's called the Easterlin Paradox, named after economist Richard A. Easterlin.

He tracked groups of people over time as they settled into careers and reached their peak earning years. Easterlin found that, on average, per person income grew by 116 percent. But the percentage of those claiming to be happy stayed the same. In fact, it fell slightly as people aged and experienced health problems.

The paradox is not just an issue in the West. German researchers found that as China's economy exploded during the 1990s, the percentage of people who said they were happy actually fell.

Easterlin thinks that changing expectations and relativism lie behind the paradox. As people earn more, they want more.

Sure they think 20 percent more money would make them happier, but they picture their income growing relative to everyone else's. So if you get richer and everyone else does, too, you're in the same place, relatively speaking. Or so the theory goes.

So what does predict happiness? Health is one big factor. People who are in better health report being happier. So do married people.

It is perhaps interesting to note that on average, married people have higher family incomes, and poorer people report being in worse health.

Unfortunately for pundits and politicians, there's not a lot of useful election strategy to be gleaned from these results. But perhaps it's true that some people aren't happy unless they're unhappy.

— St. Louis Post Dispatch



## Guest Column

### House week in review

by STATE REP. HUBERT COLLINS

With gas prices the way they are, not as many families are taking that annual trek to Disneyworld or traveling long distances to other vacation spots this summer. They have chosen instead to stay closer to home which, for Kentuckians, means there will still be lots of fun things to do on that trip not-to-far away from home.

Why? Because Kentucky has plenty to offer both visitors from out of state and Kentuckians themselves who want to see what different regions of their state have to offer. And the best news? No two regions are alike.

In the Kentucky's Appalachians tourism region which includes Johnson, Martin, Floyd and Pike counties, the majesty of our mountains is the biggest draw. But there are other major attractions in the region, too, including the U.S. 23 Country Music Highway, the Mountain Homeplace farmstead, performing arts, museums, festivals, Civil War sites, outdoors recreation including the incredible Breaks Interstate Park, fabulous state parks, the Eastern Kentucky Science Center and Planetarium, Thunder Ridge Racing complex, Kentucky Opry, and golf. And all are worth looking into.

One of our biggest successes in

recent years is, without a doubt, the designation of U.S. 23 as a National Scenic Byway in honor of the country music entertainers who once called the region home. The designation along with the U.S. 23 Country Music Highway Museum which opened in 2005 in Paintsville—has been a success and is expected to become more popular as word of the scenic byway spreads nationwide. Many of us state lawmakers from the region as well as local officials are hopeful that the byway will draw more and more visitors to the region each year.

State lawmakers and local officials as well as local businesses are all keeping their fingers crossed that 2008 is at least a decent tourism season for Kentucky despite the economy. Tourism was good to the Commonwealth last year, according to figures released by the Kentucky Department of Travel showing the economic impact of tourism on the state in 2007 was \$10.7 billion. Because of that, more than 176,600 people were able to find employment in a variety of travel-related jobs and state, local and federal governments received \$1.03 billion in tax revenue from tourism spending.

Knowing that 2007 was a successful tourism year for the Commonwealth is good news, but most of us would like to know how our regions fared individually, too. After all, attracting tourists is no simple task. Local leaders have worked diligently to expand the number of visitors to their regions of the state for

many years, and it would be good to know if those efforts are paying off.

The answer is yes. In Johnson County, for starters, tourism spending grew 0.9 percent over 2006 according to the Department of Travel figures. Tourism payroll also increased as did the number of tourism relative jobs, which experienced slight growth.

In Floyd County, tourists also spent 0.9 percent more than they did the year before, according to the figures. Employment remained relatively unchanged—moving from 619 to 624 jobs—but the spending increase is noteworthy, to say the least.

Similar growth of 0.9 percent was also seen in Pike County, which increased its tourism related employment (according to the Department's figures) from 1,009 to 1,023 jobs, and Martin County. Martin County's tourism spending for 2007 was estimated at \$5.9 million, up slightly from \$5.45 million in 2006.

We can only hope that 2008 has some tourism successes of its own statewide and in our respective regions, and I am hopeful that it will. The Commonwealth has spent a lot of time, money and energy in recent years making our state more attractive to visitors because we recognize how important tourism is to the state economy. And I can assure you that tourism will continue to be an important part of the General Assembly's agenda for decades to come.

Have a great summer, and have fun out there!

## Letters

### Newspaper provided help

I would like to thank the receptionist and staff of your newspaper for all

the helpful information I received on the Floyd County bus tragedy of 1958.

As driver trainer for the Casey County School System, the information was used as part of our eight-hour updates for our bus drivers. It was very

helpful in making bus safety a major priority in Casey County.

Thanks again.

Gail Ware  
Driver trainer  
Casey County Schools

# The Times

Published Sunday, Wednesday and Friday each week

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"Sure, it's priced right and good for my back... but how will my MONEY do under it?"



# Beshear takes car to latest town hall meeting

by ROGER ALFORD  
ASSOCIATED PRESS

SOMERSET — Gov. Steve Beshear, stung by criticism surrounding travel expenses, arrived in Somerset in an automobile — not an airplane — on Monday for the latest in a series of town hall meetings.

Beshear had taken three plane loads of high-ranking state officials with him to the coalfields of eastern Kentucky last week for the first of the

meetings at a cost of more than \$7,000.

"The symbolism of it shows him not to be very responsible with the public's money," said Brett Hall, a Republican Party strategist and one-time adviser to former Gov. Ernie Fletcher. "That's just one of the things that sticks in people's craws, especially when you hold yourself out to be Mr. Ethics and after accusing your predecessor of not being responsible with

public funds."

The governor defended the expense on Monday, saying it is important that Kentuckians have an opportunity to talk face to face with their government leaders.

"You deserve to know what we're doing, and we deserve to know what you think," Beshear told about 350 people who gathered inside an auditorium at Somerset High School. "And I don't like a filter between us. I like it straight

from the horse's mouth each way. So we're going to continue to do this."

Political opponents had criticized the cost of air travel for Beshear and his top assistants, pointing to the state's budget woes. The state faces a \$900 million revenue shortfall over the next two years.

Beshear heightened interest in the town hall meetings last week by telling a crowd of about 400 in Pike County that his proposal to legalize casinos in Kentucky isn't yet dead, even though lawmakers rejected the idea earlier this year. He discussed the issue briefly again on Monday, receiving mixed reactions from the crowd, some of whom waved red and white placards urging "No Casino Gambling."

"I would say that some of them are for it and some of them are against it," Beshear said after the meeting.

The governor proposed legislation earlier this year that called for a constitutional

amendment to legalize casino gambling. That measure, he said, could have generated up to \$600 million a year in additional state revenue. Lawmakers, however, rejected the proposal that had called for opening up to 12 casinos in the state and taxing them. If lawmakers had consented, voters would have had an opportunity to ratify or reject the decision in a ballot referendum.

The Rev. David Carr, a Baptist pastor in Somerset, said the casino opponents will likely attend each of the 11 remaining town hall meetings over the next five weeks to voice their opposition. Most of the discussion at the first two of the meetings hasn't involved casinos. Instead, residents have dwelt on an array of issues, urging Beshear to find ways to create jobs, build roads, improve education, fight drug abuse, and deal with illegal immigration.

Even so, Carr said, Kentucky residents are mak-

ing it clear that they are unhappy with Beshear's stand on casinos.

"I don't think he's listening to the people," Carr said. "If casinos are legalized, I see addictions and broken families and promises that can't be fulfilled."

The gambling issue remains a hot topic in Frankfort. State Rep. Tom Burch, D-Louisville, said Monday he intends to push legislation to legalize slot machines when the General Assembly convenes in January.

Burch wants to allow up to 18,000 slot machines, 6,000 of which would be placed at horse racing tracks across the state.

## Governor's crew's airfare to Pike Co. over \$7,000

The Associated Press

FRANKFORT — Gov. Steve Beshear took three plane loads of officials with him to Pike County at a cost of more than \$7,000 for the first stop in a six-week statewide tour.

The Lexington Herald-Leader reports the flights came just days after Beshear suggested ways state workers

could conserve on fuel when commuting.

Beshear, joined by all but two of his Cabinet secretaries, presided over the town-hall meeting in the eastern Kentucky town of Virgie to talk with constituents.

Three planes left Frankfort's Capitol Airport Thursday bound for Pike County-Hatcher Field, according to the airplane tracking

Web site FlightAware.com.

Political opponents criticized the move, pointing to the state's budget crunch. The administration defended the flights, saying they saved officials' time.

Energy and Environment Cabinet Secretary Len Peters, who flew in one of the planes, said Beshear will likely take top aides with him to the other 12 planned stops in the tour slated to end in August.

But Peters said the officials are likely to drive to many of the other events and will try to combine other business with the future town-hall meetings.

## YMCA in London closing, can't meet bills

The Associated Press

LONDON — Officials of the YMCA in London have shut down most programs, saying they can't afford to continue them.

Director Don Burgin said the London-Laurel County "Y" struggled with \$6,000 monthly utility bills and its budget was further stretched

by an increase in the minimum wage.

Burgin said the YMCA's summer camp and preschool activities will remain open.

The facility opened in 1999 and features a heated indoor swimming pool, exercise equipment, a gym, and aerobics room and a BMX track, according to the YMCA's Web site.

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Where: Allen Elementary Library

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Calendar

Tuesdays, at David, The David School, from 3:30-4:30 p.m.

Wednesdays, at Allen Baptist Church, from 7-8 p.m. Thursdays, at Allen Baptist Church, from 7-8 p.m.

For more information, call Shirley Combs at (606) 434-8400, or Tom Nelson at (606) 478-2836.

Hope in the Mountains

Hope in the Mountains will host public meetings on Mondays, at 9 a.m., at the junction of U.S. 23 and Rt. 80, on Watergap Rd., behind the Trimble Chapel Church.

Meetings focus will be to offer information in regard to community resources available to women seeking freedom from drug abuse. Family members are also welcome to attend. The Hope initiative proposes to help women break free from addictive lifestyles to become self-respecting contributing members of society.

Call 874-2008 or 788-1006 for more information.

Prestonsburg Rotary Club

Prestonsburg Rotary Club meets, 12 noon to 1 p.m., at Made From Scratch Restaurant, 1566 North Lake Drive. For additional information, contact Chris Daniel, 886-7354, or Tommie Layne, 886-2321, ext. 1297.

UNITE

The UNITE coalition of Floyd County will meet on the fourth Thursday of each month, at 5:30 p.m., at the New Allen Baptist Church. All interested persons welcome to join UNITE's fight against drugs.

"Living Free" - A support group sponsored by the Floyd County UNITE Coalition. Group will meet weekly at the old Allen Baptist Church, on US 23 N., between Allen and Banner, on Tuesdays, at 1:15 p.m.

Living Free is a faith-based 12-step support group open to all who are searching for recovery. There is no fee to attend. For more info, contact

Shirley Combs at 874-3388 or 434-8400.

'Earn While You Learn'

The Big Sandy Area C.A.P. office is taking applications for its "Senior Training Program." You must be 55 or older to apply. In Floyd, call 886-2929; Johnson, call 789-6515; Magoffin, call 349-2217; Pike, call 432-2775; and in Lawrence, call 638-4067.

Senior employment program

Are you a senior citizen on a fixed income struggling with soaring medical bills and living expenses? Could you use some extra spending money but don't know how to get back into the workforce?

If you are at least age 55, the Senior Community Service Employment Program (SCSEP) may be able to help. Earn extra money, learn new skills, and help your community at the same time! To find out more, call: 886-2929

External Diploma Program

Kentucky residents age 25 and older can earn a high school diploma by demonstrating skills learned on the job or in raising a family. Flexible scheduling is provided and confidentiality maintained. Classes are held at the Carl D. Perkins Rehabilitation Center, in Thelma, Mon. thru Fri., with evening classes on Thursday. EDP classes are also held at the Mullins Learning Center, in Pikeville, on Tuesdays, from 4:30-8:30 p.m. Contact Andy Jones at 606-788-7080, or 800-443-2187, ext. 186, or Linda Bell, at ext. 160 to make an appointment.

GED classes are also available.

Floyd County Extension Homemaker Club Meetings

Allen: 1st Monday, 11 a.m., at Christ United Methodist Church Fellowship Hall.

Dixie: 3rd Thursday, 12:30 p.m., Dixie Community Room.

David: 1st Monday, 1 p.m., at St. Vincent's Mission.

Martin: 1st Tuesday, 6 p.m., Martin Church of Christ.

Maytown: 3rd Thursday, 6 p.m., Maytown Learning Center.

Cliff: 3rd Tuesday, 12 p.m., Community Center.

Prestonsburg: 2nd Tuesday, 10:30 a.m., Extension Office.

South Prestonsburg: 3rd Tuesday, 7 p.m., Home of members (call 886-2668 for info.)

Left Beaver: 2nd Tuesday, 10:30 a.m., Osborne Elem. School Library.

Special interest groups: Nimble Thimble Quilt Guild: 1st/3rd Wednesdays, 10 a.m. to 2 p.m., Extension Office.

Newbees Quilt Group: 4th Thursday, 6 p.m., Extension Office. (The Newbees do not meet during the months of January and February.)

Looking for a Support Group?

Floyd County Alzheimer's Support Group meets regularly at Riverview Manor Healthcare Center. Call the center for meeting times.

Domestic Violence Support Group - The Big Sandy Family Abuse Center holds meetings each Tuesday from 5:30 to 6:30 p.m. The meetings are free of charge. Call 886-6025 for more information.

Overeater's Anonymous - Meetings held each Wednesday at 6:30 p.m., at the old Allen Baptist Church, located in Allen, just past red light. Call 889-9620 for more info.

US TOO! Prostate Cancer Survivors Support Group - For all men with prostate cancer and their families. Group meets the 3rd Thursday of each month, at 6 p.m., at the Ramada Inn, Paintsville.

Community Weight Loss Support Group - Meets Thursday's at 6:30 p.m., at the Martin Community Center. For more info, call 377-6658. Those who have had gastric

bypass surgery most especially welcome to attend. Meetings being offered as support to anyone needing extra support in dealing with weight loss.

Domestic Violence Hotline - 24-hour Crisis Line manned by Certified Domestic Violence counselors. Call 886-6025, or 1-800-649-6605. Remember, "Love Doesn't Have to Hurt."

Disabled? - You may be eligible for grant money to assist in your daily living. For an application or more information, call 886-4326.

A.S.K. (Adoption Support for Kentucky) - Support group for all adoptive parents (public, private, international, and kinship care), foster parents and all others interested in adoption. To be held the first Monday of each month, at the Department for Community Based Services office, 1009 North Lake Drive, Prestonsburg, from 6-8 p.m. Childcare will not be provided. For more information, contact Dedra Stone, adoptive parent liaison, at 432-4110, or 422-7927, or email to: doslone@eastky.net.

PARENTS! - Contact the Big Sandy Area Community Action Program, Inc. to find out about child care services in your area, the STARS for KIDS NOW licensing standards program, and how you can earn an income by staying home with your own children while caring for the children of others. Find out more by calling Cheryl Endicott at 886-1280, or 888-872-7227 (toll free).

East Kentucky S.T.A.R.S. Homeschoolers - Will hold monthly meetings at the Paintsville Recreation Center. For more information, call Trudy at 889-9333, or 297-5147. Everyone welcome.

Narcotics Anonymous (NA) - Each Wednesday, from 7-8 p.m., in the Atrium Conference Room, 2nd floor, May Tower, Pikeville Methodist Hospital. For more info, contact Chris Cook at 606-433-1119 or christopher-cook@hotmail.com.

Continued from p3

**Kindermusik**  
with Rebecca Haywood

Register now for Fall Semester!  
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Lori Click

Click joins Century 21

Century 21 American Way Realty is proud to announce that Lori Click, Affiliate Broker, has joined their staff of realtors.

Click lives at Oil Springs with her husband Randy and her dog, Hawk. She has one son, Steven, who lives in West Virginia and attends Marshall University. She enjoys camping, hiking, biking, and the outdoors.

Click comes well-qualified and has had seven years of experience with specialized training in residential, foreclosures, global relocation, network referrals and is a graduate of the Realtors Institute. She would like to let her clients, friends, and family, from past and present, know that she is now at Century 21 American Way Realty and is looking forward to helping them with all of their real estate needs.

You can reach Lori at (606) 886-9100 or (606) 297-1154, by email at lorlick@foothills.net, or you may stop by our office located at 412 N. Arnold Avenue in Prestonsburg.

Balloon designed by Ky. students reaches 100K feet

The Associated Press

BOWLING GREEN — A balloon packed with scientific gadgets that traveled from south central Kentucky to the edge of space was designed by a group of college students from around the state.

The latex balloon was launched just after noon on Monday from a field at the Bowling Green-Warren County Regional Airport. It reached a height of about 100,000 feet — nearly 20 miles up.

Karen Hackney, director of the Kentucky Space Grant Consortium and a physics and astronomy professor at WKU, said the project, which took about three years to complete,

would be the first of several student-led balloon and orbital satellite launches.

Kentucky Space is planning to send a satellite into orbit in January.

"Aerospace and technology companies will recognize what these students are doing and will know not just that they're skilled but that they have the ability to develop skills," Hackney said.

Balloon-1 carried a magnetometer, used to measure the magnetic fields in earth's upper stratosphere and an inertial measurement unit, used in the guidance systems in air and spacecraft.

The instruments' measure-

(See BALLOON, page seven)

The Floyd County Animal Shelter PET OF THE WEEK



This week's celebrity is Jackie Cotton. Ms. Cotton has been involved in the Martin Luther King Celebration at Martin, and sings at patriotic events and her church. She is show here with Maya, a 3-month-old female Lab mix.

The Floyd County Animal Shelter is located at Sally Stephens Branch in West Prestonsburg  
Phone 886-3189

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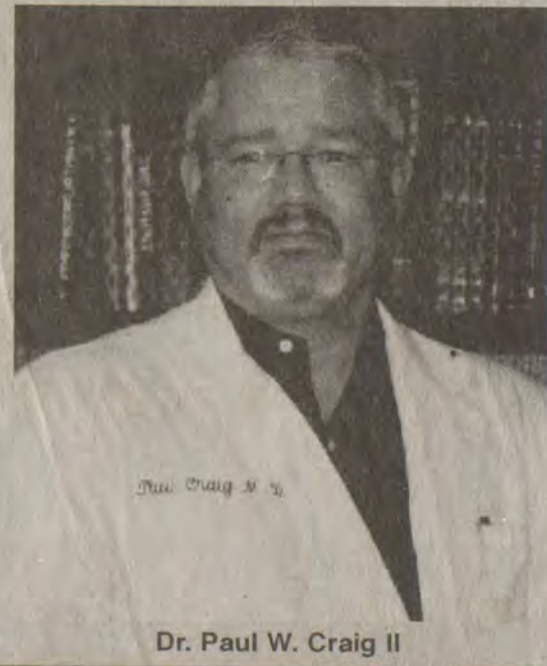
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Ohio Valley PHYSICIANS PRIMARY CARE SPECIALISTS

We would like to welcome the newest member of our staff, Dr. Paul W. Craig II. He is a Diplomat for the American Board of Preventive Medicine (Occupational Medicine). Dr. Craig will begin his practice on August 5.



Dr. Paul W. Craig II

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# Davis sites gain visits amid Lincoln 200th fervor

by JOE BIESK  
ASSOCIATED PRESS

FRANKFORT — From Abraham Lincoln's boyhood residence to the Mary Todd Lincoln house, visitors this year are flocking to Kentucky sites dedicated to the 16th president.

But, Lincoln's Confederate counterpart, Jefferson Davis, is experiencing a similar resurgence. Kentucky, which claims both men as native sons and has statues of both in its Capitol Rotunda, isn't the only place experiencing a Davis boost.

"It'll be hard for anyone to approach the level of attention that Abraham Lincoln gets because he's always classified as one of our greatest presidents," said Paul Bradshaw, manager at a Davis site in Georgia. "But I think there's a trend to learn more about the other side."

Interest in both Civil War presidents seems on the rise, amid a two-year blitz surrounding Lincoln's 200th birthday next February. This June marked 200 years since

the birth of Davis, who served as president of the Confederacy.

Attendance at Kentucky's Lincoln sites has increased about 18.1 percent, officials say. Lincoln's boyhood home in Hodgenville, for example, had more than 105,000 visitors in the first six months this year, compared with about 89,000 during the same period last year.

Kentucky has nine museums and historic sites dedicated to Lincoln, which have had more than 159,000 visitors this year. Mary Todd Lincoln's home in Lexington had more than 1,100 extra visitors this year while nearly 1,700 additional people went to the Lincoln Museum in Hodgenville, according to the Kentucky Historical Society.

Davis' memorial in Fairview, in southwestern Kentucky, meanwhile, has seen an increase in visitors by about 12 percent overall for the year, and a nearly 30 percent jump in June, the month he was born, said Mark Doss, the Davis memorial park manager. Doss said the park, which

includes a 351-foot tall obelisk honoring Davis, had its "biggest month of June in the history of the park," tallying about 4,000 visitors.

"It's to be expected," Doss said. "There's a lot of people that study Jefferson Davis and in the last few years there's been a lot more interest in his role not just in the war, but in his experience before the war."

Bradshaw, who runs the Davis historic site in Irwinville, Ga., where Davis was captured by Union troops, said he expects about 20,000 people or more will visit this year, compared with the normal attendance of between 12,000 and 15,000 people annually.

Increased interest in the Civil War, combined with the bicentennial events are likely behind the renewed interest, Bradshaw said. People seem to be looking for another perspective and to learn more about Southern history, he said.

"They know about Lincoln and everything he did," Bradshaw said. "I think there's a trend that there seems to be people who want to learn more about Jefferson Davis and what happened to him."

Rick Forte, acting director of Beauvoir, the home in Biloxi Miss. where Davis last lived, said about 4,000 people visited the estate on June 3 for his birthday celebration and grand opening of the home there. Forte said the home, which is now owned by the Mississippi Sons of Confederate Veterans, has also seen more visitors.

"We have seen just an outstanding growth of interest," Forte said. "Phone calls, e-mails, you name it."

In Lexington, a town that also boasts ties to both men, the Lexington History Museum has an exhibit featuring both Lincoln and Davis. Jamie Millard, the museum president and CEO, says a record number of people —

more than 8,000 — have viewed the museum's exhibit.

Lisa Cleveland, a spokeswoman for the Kentucky Historical Society, said that people drawn to Lincoln also tend to show interest in Davis. A mid-June academic symposium on Davis drew about 150 people, and Kentucky's Lincoln sites have also seen more visitors, Cleveland said.

"Clearly, for whatever reason, people are finding a reason to visit those Lincoln sites and looking at the Lincoln legacy in Kentucky," Cleveland said. "The interest is there, and I think it's fair to say that there has probably never been as much focus on Lincoln's Kentucky connection as there is now."

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## Balloon

Continued from p6

ments will aid in the design of future orbital satellites by Kentucky Space.

The project was funded by the combination of public grants and private financing, with the overall cost of the project amounting to about \$10,000, said Kris Kimel, a founder and president of the Kentucky Science and Technology Corporation.

"We hope to have four to six balloon launches a year, testing systems that will ultimately go into orbital satellites," Kimel said. "We're also looking at deep-space missions four or five years into the future."

Two high-resolution cameras were attached to the balloon, recording video of Kentucky from space.

Students tracked the balloon near Tompkinsville, where it was expected to land nearly four hours after having been launched.

Tyler Doering, a 24-year old University of Kentucky graduate student, oversaw the student construction of the payload. Doering said the project is relatively risk-free and inexpensive compared to future endeavors students would take on if they continued in the field.

"This was a good project for younger students," said Doering, who earned a bachelor's degree in electrical engineering from UK. "A lot of the students have engineering backgrounds and this provides invaluable hands-on experience."

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**Thursday, July 31**

4:00 – Close	Playland Amusements
4:00 – Close	Honey Hill Farms Petting Zoo & Pony Rides
6:00 – 8:00	Guitar Hero Open Jam and Qualifiers (Side Stage)
7:30 – 9:00	Lincoln/Davis Debate – Main Stage
8:00 – 10:00	"Parade of Breeds" – showcases Kentucky's Horse Breeds – Small Ring
9:00 – 10:30	Local Band Showcase – Main Stage

**Friday, August 1**

4:00 – Close	Playland Amusements
4:00 – Close	Honey Hill Farms Petting Zoo & Pony Rides
5:00 – 8:00	Guitar Hero Open Jam and Qualifiers
6:30 – 7:30	Southern Storm – Main Stage
8:30 – 10:30	Local Band Showcase – Main Stage

**Saturday, August 2**

10:30-12:30	Car Show – (Sponsored by Respond Ambulance)
12:00 – Close	Playland Amusements
12:00 – Close	Honey Hill Farms Petting Zoo & Pony Rides
12:00 – 12:30	Pie Eating Contest
12:00 – 1:30	Soup Bean & Corn Bread Cook-off
12:00 – 1:00	4-H Dog Show
12:00 – 1:00	Open Class Vegetable Contest (Adults only)
12:00 – 1:30	4-H Talent Variety Show
12:30 – 2:30	Jenny Wiley Theater Presentation
12:00 – 5:00	Invited Local Bands – Side Stage
1:00 – 6:00	Guitar Hero Qualifiers and Closed Competition from previous qualifiers (Side Stage)
1:00 – 4:00	Kentucky Outlaws Truck Pull – Cash Prizes – Street Legal Class available for locals – All locals invited. (Tentative)
2:30 – 3:00	4-H Rabbit Show
4:00 – 6:00	ATV Mud Bog Finals Race – Cash Prizes – Locals Invited (entry form online)
4:00 – 4:30	4-H Goat Show
6:00 – 7:00	Guitar Hero Finals – Prize/award undetermined (Main Stage)
6:00 – End	East Kentucky Fair Horse Show
8:00 – 8:30	Kentucky Opry Jr. Jamboree
9:00 – Close	Winning Bands Compete

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**GUITAR HERO COMPETITION FOR THE KIDS**

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July 24, 2008

Country Hills Veterinary Hospital  
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Printer Post Office.....	9:00-9:30 a.m.
Minnie Ballpark.....	10:00-11:45 a.m.
W.D. Osborne Elem. ....	1:30-2:00 p.m.
Weeksbury Community.....	2:15-4:00 p.m.
East Ky. Tire.....	5:00-5:30 p.m.
Near Reno's (Prestonsburg).....	6:00-6:30 p.m.

Rabies.....\$5.00  
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call Tonya at 230-0235.

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**Local environmental** company looking to hire field technician ( water sampling) in Eastern Ky area. Send resume to BCI P.O.Box 992 Prestonsburg Ky 41653.

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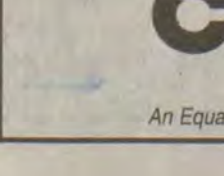
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**Beautiful Eskimo Spitz puppies for sale.** \$75.00 each. Call 285-1980 or 478-7255.

**AKC Registered golden retriever puppies for sale.** \$250. Call 226-4464 or 454-3646.

**Furniture**

**Sofa & Chair for sale.** Newly upholstered. \$450 Must see to believe. Beautiful!! Call 1-859-6283 or 1-422-5597.

**For sale: Suede couch & loveseat.** Beige in color. In excellent condition. 2 yrs old. Also brand new sealy pillow top mattress and box springs for sale. For mor info call 794-1176.

**ALLEN FURNITURE ALLEN, KY**  
Furniture, used appliances, living / bedroom suits, bunk beds, and lots more! Call 606-874-9790.

**Yard Sale**

**3 family yard sale:** July 25, & 26 9am - 5pm. Auxier Rd behind Tech 21. Girls 2t- 4t brand name clothing, ladies 6 -12 also brand name and various household items. Call 886-3437.

**Yard sale:** Baby girl clothing, childrens toys, adult clothing, household items, avon products and much, much more. Home of Darrell Allen 8489 State Road Fork in Prestonsburg, Ky. You can call 606-886-6478. Yard sale will be held on July 28 thru August 2 between the times of 10:00 am to 5:00 pm. thru 8/01

**Garage sale: Rain or shine,** variety of treasures, jewelry, collectable, crafts, computer desk. Friday 8/1 & 8/2 8am-5pm. 6403 Spurlock Cr Rd. 1.8 miles Gray house on right.

**Miscellaneous**

**2007 Honda 680 Rincon.** Low miles, extended warranty, green. Asking \$5,600 Call 478-8958.

**\$100 paid for junk cars with motor.** Call 285-0899. Martin area.

**Forklift for sale:** Yale, LP gas, numatic tires. More info call 606-285-9115.

**Want to buy junk cars.** Will pay up to \$100. Running or not. Will pick up for free. Call 606-226-8111 or 859-621-0787.

**For sale: 50 acres of coal.** In Laural Fork off quick sand, Ky. Call 260-347-0259.

**Suzuki 230 quad sport 4-wheeler.** Runs great! \$800 or best offer. Also a kids mini chopper \$400 OBO. If no answer leave message. Call 889-8872.

**For rent: Expanding offices?** Magoffin County Conservation District has office space for rent. Located on the Mountain Parkway in Salyersville. Call 606-349-1919 between the hours of 8 am - 4 pm.

**For sale: New 2008 Troy-Built lawn mower-17.5 H.P.** 42 inch cut-\$900. Call 606-874-9703.

**1999 21 Ft pontoon 4 stroke 50 motor with slip at Jenny Wiley.** \$ 8,000 firm Call 606-889-9853.

**For sale: 2 800 Watt Max 10" subwoofers** Volfenhag. Also Boss Amp 400 w X 2 Revolution series. \$ 200. Call 789-8792 or 792-8657.

**2 karat diamond choker necklace for sale.** Call 791-0107.

**Real Estate**

**House for rent**

**3 Br, 2 1/2 home for sale.** 37 acres. 2 rental properties and barn. 2,200 sq ft living space. Less than 2 yrs old. Asking \$350,000. Call 226-0528 or 791-2484.

**House for sale: 3 br, dining room, kitchen, single bath with full size unfinished basement.**

5,500 sq ft with garage area. Located half mile south of World Wide Equipment. Call 874-2421.

**3 Bd house for sale.** 1 1/2 bath new kitchen & app. Commercial bldg also located on property. Located on Middle Creek. Call 8886-2699.

**Brick & Stone House for Sale.** Four bedrooms, two and a half baths. 2900 square feet. Desirable location in Trimble Branch. Reasonably priced. Call 886-2020

**For Sale: 35 acres of land,** one story house with 1,600 sq.ft. of living space, partial basement located in Floyd County at Hi Hat, Ky. Two acres of flat land with the rest hillside. Four bedrooms, two full baths, living room, dining room and kitchen. Appraised value \$65,000. Price non-negotiable. Cash up front. No land contracts. Contact Mike Mullins at 606-785-5475 (8:00a.m.-5:00p.m.weekdays) or 606-251-3414.

**HOUSE FOR SALE**  
Newly constructed house for sale located at Abbott Creek. Vaulted living room ceiling, 3 BR, bonus room, fireplace, with cherry hardwood floors and cabinets with spacious attached garage. Located 4 miles from us 23. Panoramic view located in new subdivisions. \$210,000 asking price Seller willing to help with closing costs! Call 606-285-0054 606-791-0719, evenings 606-377-6042

**OFFICE SPACE FOR RENT!!!!**  
Previously Webb Medical Group. Very nice! Call 874-0032.

**Giovanis building in Martin** will soon be vacated. Ideal for another restaurant. Reasonable rent. If interested call 285-3025 Monday - Saturday 9am - 5 pm.

**Land for sale: 1/4 acre,** exiting septic, city water located at lvel between Prestonsburg and Pikeville. Call 606-422-1862.

**1,800 sq-ft office or retail space** for rent. 2347 South Lake Drive, Prestonsburg. \$1,500 month including utilities. Call 794-0249.

**Building for rent:** approx.2500 square ft. Former John P. Wells garage. Equipped with mechanics lift. Located on South Lake Dr Prestonsburg, Ky. Call 886-9690 for more info.

**Beauty Shop For Sale or Lease**  
Medical office

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Prestonsburg  
HELP WANTED: Waitresses, dishwashers/busboys, cooks. Paid vacation, health insurance available. Uniforms furnished.  
No phone calls, please!  
Apply in person.

**PREMIER ELKHORN COAL COMPANY**  
a subsidiary of TECO Coal, located at Myra, KY, is now accepting applications for the following position:  
**Safety Inspector** with minimum of three years mine-related experience. Requires Ky. Surface & Underground Mine Foreman, EMT, Mining Instructor, HAZ Woper, Dust Sampler, and Noise Survey Certifications.  
Applications will be accepted at:  
Kentucky Department for Employment Services  
138 College Street  
Pikeville, KY 41501  
Premier Elkhorn Coal Company is an EOE.

space for rent. Fully equipped. Blacktop parking lot. \$1,500 per month. Plus utilities. Ready to go. Located between PCC & Highlands hospital on the old road. Call 285-9000 between 10am - 9pm.

**The city of Prestonsburg** has office space for rent on the second floor of the Municipal building. Located at 200 North lake drive ( the former Ky blood center). The space has three main divided rooms and two large storage closets for a total of 600 square feet. \$700 per month, which will include all utilities for any additional information or to schedule a time to view the space please contact Sharon Schoolcraft, city clerk at 606-886-2335. The city of Prestonsburg has the right to accept or reject any applications made for the office space in order to ensure that ongoing security measures are taken in consideration for the municipal building.

**Rentals**  
**APARTMENT**

**Apartment for rent.** 3 Br, wall to wall carpet, living room, dining area. Unfurnished. \$ 500 - 525 per month. Plus utilities. Call 606-285-9000 10am - 9pm.

**1 Br apt for rent.** All utilities paid. \$475 per month. 4 miles West of Mtn Parkway. Call 886-6061.

**Apartments for lease.** 1 br furnished or unfurnished and 2 br available. Located close to town, on Old 114 Behind the Mountain Arts Center. Call 606-205-9510 or 606-263-4323.

**2 BR extra nice unfurnished apt.** near new Food City. Least and deposit required. No pets. no HUD. \$500 per month. Call 886-3565.

**APT FOR RENT**  
Branham height Apt Wheelright KY, is now accepting applications for one bedroom Handicap accessible Apt. rent is based on income. Contact Kathy 452-4777

**For rent:** Furnished apt and mobile home. No drugs or pets allowed. Ready to occupy, very clean, private and quiet. Good location near Prestonsburg & Jenny Wiley Lake. Suitable for 2 working people. Out of state workers welcome. Call 886-

**FOR SALE BY OWNERS**  
House at 116 N. River Street, Auxier, Ky. Priced in the mid-seventies. Single story six rooms and bath with attached carport and deck. Attic is 2/3 finished. House sits on 50'x100' fenced yard, and the lot extends on to the low water mark of the Big Sandy River. There is also a 10'x12' block building in the fenced area. Phone (606) 789-4615; 886-2246; or 789-1561

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Rent: fully equipped located on South Lake Dr Prestonsburg, Ky. Ready to move in! Call 886-9690 for more info.

**FARM FOR SALE**  
Floyd county 75 acres more or less, rt. 1100 off US 23 East Point Upper Little Paint. Lum Derosssett Branch. Call 606-325-4430 or 606-325-2809. Level- Sloping and timber. HUNTERS PARADISE!! Could be made into a subdivision.

**House for lease- 3 br, 3 1/2 bath.** Rt 80 at Garrett. Extremely private. Swimming pool available. Large yard. Call 454-3646 or 434-1281.

**For rent: 2 Br newly remodeled home.** \$500 month security deposit required. Call Monday - Friday after 6pm 886-2239 or Sat-Sun before 2 pm. References required. HUD approved.

**For rent: 2 Br house.** Located at Cowcreek. Central heat / air. Call 874-9132.

**House for rent on Little Paint Crk.** Quiet neighborhood, very clean, renovated, about 1100 sq ft. Carpet, storage building, lease required. No pets. \$600 month plus utilities. Call 886-3613 or 791-0565. 07/18 2wks

**House for rent** Allen, Ky @ Reynolds Hill. 3 Br, 2 bath big living room & large kitchen. \$700 month, \$500 deposit. Call 478-1122 or 791-5262.

**For rent: Prestonsburg.** Brick ranch. Three bedrooms, one bath, central heat and air, good condition. Nice yard. No pets or smokers. \$550 month. Call 886-6464.

**For rent: Prestonsburg.** Brick ranch with carport. Three bedrooms, one bath. Central heat and air. Good condition. Nice yard. No pets or smokers. \$550/mo. Call 886-6464.

**House for rent:** 1,500 sq ft. 2 Br, 1 bath fully furnished. All utilities. Located on US23 between Prestonsburg & Pikeville. \$795 deposit & \$795 month. Call 606-422-1862.

**2 BR Duplex for rent, central heat and air.** 1 mile North of Prestonsburg. No pets, references and security deposit required. Call 889-9747 or 886-9007.

**Mobile Homes**  
New federal lending program for landowners. No

3941 or 205-0215.

**Houses for Rent**

**House for lease- 3 br, 3 1/2 bath.** Rt 80 at Garrett. Extremely private. Swimming pool available. Large yard. Call 454-3646 or 434-1281.

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**For rent: Prestonsburg.** Brick ranch with carport. Three bedrooms, one bath. Central heat and air. Good condition. Nice yard. No pets or smokers. \$550/mo. Call 886-6464.

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**Mobile Homes**  
New federal lending program for landowners. No

**Mobile home for rent.** 3 br nice location. \$400 a month, plus \$400 deposit.

**For rent: Very good condition.** 3 Br, 2 bath mobile home. Located close to Prestonsburg community college. Central heat / air, 2 inch installed metal top that reduces electric bill. Garbage, water, sewage provided. No HUD. Rent \$500 month with \$400 deposit. Must have 1 yr of references. Call 606-874-2162.

**Lots for rent.** For mobile homes and travel trailers. Nice, clean, well suited for retiree's. 4 miles west of MAC. Rt 114. Call 886-2288.

**Mobile home for rent.** 3 br nice location. \$400 a month, plus \$400 deposit.

**For information contact:**  
1-800-525-3456,  
or [www.trustforlife.org](http://www.trustforlife.org)

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Organ And Tissue Donation Awareness

down payment & low monthly payments. Complete improvement packages available. Will also remove existing homes. Call 866-597-2083.

**2 Br mobile home for rent.** Call 889-0363.

**For sale: Dutch 28x64 built up north** was 65,500 now 45,000. Kitchen as new cabinets, stove with built in microwave. Also has dishwasher, fridge with ice maker, garbage disposal. 3 Br 2 bath. Master br has walkin closet, new floor, garden tub in master bathroom. Utility room w/space for w & d. New a/c unit, new duck work under floor. Also 24 round pool with 52 inch walls and cover and hot tub. For more info call 886-6371 or 226-2852.

**Special FHA Finance Program**  
\$0 Down if you own land or use family land. We own the bank your approved. Call 866-597-2083

**For rent: Nice 2 br Mobile home for rent** in Prestonsburg. Call 874-0875 or 226-3207.

**LOTS FOR RENT**  
Dwale Mobile home Park. off US 23 near Prestonsburg. Nice quiet community. Restrictions apply. 606-377-2357

**2 Mobile homes with land for sale.** Located at Cliff side. Approx 2 miles from town for more info contact 791-3727.

**1996 Mobile home for sale.** 14x72, 2 Br, 2 bath, newly remodeled. Call 606-353-4551.

**For rent: Very good condition.** 3 Br, 2 bath mobile home. Located close to Prestonsburg community college. Central heat / air, 2 inch installed metal top that reduces electric bill. Garbage, water, sewage provided. No HUD. Rent \$500 month with \$400 deposit. Must have 1 yr of references. Call 606-874-2162.

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Kentucky Circuit Court Clerks Association  
Organ And Tissue Donation Awareness

**COMMON-WEALTH OF KENTUCKY FLOYD CIRCUIT COURT DIV. II**  
C. A. No. 08-CI-00717  
Matthew Castle, single Petitioner vs. Warning Order Notification  
Clarenda T. Bailey/Deceased and the Unknown Heirs of Clarenda T. Bailey; Oma T. Johnson/Deceased and the Unknown Heirs of Oma T. Johnson; Arizona T. Isaac/Deceased and the Unknown Heirs of Arizona T. Isaac; Hagar Thornsby/Deceased and the Unknown Heirs of Hagar Thornsby; and Floyd County,

**NOTICE OF PERMIT CONFERENCE Pursuant to Application Number 836-0363 SU#1**  
In accordance with the provisions of 405 KRS 8:010, notice is hereby given that a permit conference is scheduled for August 12, 2008 at 10:00 a.m. at the Prestonsburg Regional Office for the Department of Natural Resources, Division of Mine Reclamation and Enforcement, concerning the above application filed by Lightsource Mining Company, Inc., P.O. Box 1078, Pikeville, KY 41502. The operation intends to transfer Permit No. 836-0316 to PIA Company, Inc., P.O. Box 1590, Martin, Kentucky 41649. The new permit number will be 836-0363. The operation disturbs 50.51 surface acres and underlies 107.05 acres. No new acreage is affected by the transfer. The operation is located 0.2 miles east of Minnie in Floyd County, Kentucky. The operation is approximately 0.4 miles southeast from KY RT 1101's junction with Simpson Branch Road and located on Left Fork of Beaver Creek. The operation is located on the McDowell USGS 7 2 minute quadrangle map at latitude is 37°28'21" and longitude 82° 44' 12". The application has been filed for public inspection at the Department for Natural Resources, Division of Mine Reclamation and Enforcement's Regional Office, 3140 South Lake Drive, Ste. 6, Prestonsburg, Kentucky 41653. Any person whose interest may be adversely affected by the issuance of the proposed permit may present information relevant to the permit, in oral or written form, at the time of the conference.

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NEW LISTING  
**BETSY LAYNE**  
BRICK RANCH Spacious 3 BR, 2 Bath brick ranch, just off US 23, 2 car attached garage, great room w/see through fireplace, formal LR, Family Room. \$159,000 MLS# 17005

**DANA**  
LOVELY TRI-LEVEL 3 BR, 1.75 Baths, LR, FR, Kitchen/Dining Combo, lg. Utility, 10+/- Acres, Fenced Back Yard, Garage and MORE!  
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**HAROLD**  
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**FOR SALE BY OWNERS**  
House at 116 N. River Street, Auxier, Ky. Priced in the mid-seventies. Single story six rooms and bath with attached carport and deck. Attic is 2/3 finished. House sits on 50'x100' fenced yard, and the lot extends on to the low water mark of the Big Sandy River. There is also a 10'x12' block building in the fenced area. Phone (606) 789-4615; 886-2246; or 789-1561

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For information contact:  
1-800-525-3456,  
or [www.trustforlife.org](http://www.trustforlife.org)  
**TRUST FOR LIFE**  
Kentucky Circuit Court Clerks Association  
Organ And Tissue Donation Awareness



**Kentucky Respondents**

I have been appointed as Warning Order Attorney in the above-styled action to attempt to notify the Heirs of Clarendra T. Bailey, Oma T. Johnson, Arizona T. Isaac and Hagar Thornsby of an action that has been filed seeking sale of property jointly owned by Matthew Castle and the above-referred heirs. Pursuant the petition the petitioner is asking that the Court sell this property, which is located on Reed Branch of Right Beaver Creek, and divide the proceeds among the common owners. According to the petition, Matthew Castle owns a 64% undivided interest in this property and the Heirs of Clarendra T. Bailey, Oma T. Johnson, Arizona T. Isaac and Hagar Thornsby own collectively 36% in this real property. My job is to attempt to notify these respondents of this pending action, and because I do not have sufficient information to do so, or even their names, I am placing this notice in the Floyd County Times in attempt to make such notification. If you are an heir, or believe you are an heir of the above-named decedents, then you may need an attorney to represent your interests. I do not represent you. The petition may be reviewed and is on file in the office of the Floyd

Circuit Clerk. If you decide to respond to this petition, then you must do so by August 20, 2008, and should send your response to the Floyd Circuit Clerk, 127 South Lake Drive, Prestonsburg, Kentucky 41653, and to the petitioner's attorney, Martin L. Osborne, 119 East Court Street, 2nd Floor, Prestonsburg, Kentucky 41653.

GREGORY J. ALLEN  
WARNING ORDER ATTORNEY

**NOTICE OF BOND RELEASE PRIVATE Pursuant to Application Number 836-5361**

In accordance with the provisions of KRS 350.093, notice is hereby given that Premier Elkhorn Coal Company, P.O. Box 130, Myra, Kentucky 41549, has applied for a Phase II and III bond release of permit number 836-5361 which was last issued on December 22, 1998. The application covers an area of approximately 678.25 acres located 1.5 miles northeast of Ligon in Floyd County. The operation is approximately 0.3 miles west from KY 979's junction with Buckhorn Branch Road and located 0.3 miles west of Mud Creek. The latitude is 37° 23' 29". The longitude is 82° 40' 35". The bond now in effect for 836-5361 is a surety bond for twenty-three thousand two hundred dollars (\$23,200). Approximately sixty percent (60%) of the original bond

mount of (\$38,000) is included in this application for release. Reclamation work performed includes: backfilling, final grading, seeding, and mulching completed in the Spring of 2000. Written comments, objections, and requests for a public or informal conference must be filed with the Director, Division of Mine Reclamation and Enforcement, #2 Hudson Hollow, Frankfort, Kentucky 40601, by September 17, 2008. A public hearing on the application has been scheduled for September 18, 2008 at 9:00 a.m. at the Division for Mine Reclamation and Enforcement's Prestonsburg Regional Office located at 3140 South Lake Drive Suite 6, Prestonsburg, Kentucky 41653. The hearing will be canceled if no request for a hearing or informal conference is received by September 17, 2008.

**PUBLIC NOTICE**

Ms. Beverly May, Kentuckians for the Commonwealth, 363 Wilson Creek Road, Langley, Kentucky 41645 has petitioned the Kentucky Environmental and Public Protection Cabinet to declare an area unsuitable for all types of surface coal mining activities, pursuant to 405 KAR Chapter 24. The petition number is LUM 08-2. The petition area is located in Floyd County and consists of 2,006 acres in and around the Wilson creek watershed. A Public Hearing will be held on August 14, 2008 at 6:30 p.m. at the Allen

Central High School, 442 KY Rt. 550, Eastern, Kentucky. The purpose of the hearing is to receive public comments on the LUM 08-2 petition, pursuant to KRS 350.610 and 405 KAR Chapter 24. The hearing will be legislative in nature, with no cross-examination of participants. For individuals who do not wish to make public comments, written comments may be submitted to the Kentucky Department for Natural Resources at the time of the hearing, or may be sent directly to the Department at the following address: Paul J. Ehret, Director, Division of Mine Permits, Kentucky Department for Natural Resources, No. 2 Hudson Hollow, Frankfort, Kentucky, 40601. The comment period ends August 15, 2008.

The petition document is on file for review and copying (at cost) at the above address, as well as the Division of Mine Reclamation and Enforcement, 3140 South Lake Drive, Suite 6, Prestonsburg, Kentucky 41653.

**COMMON-WEALTH OF KENTUCKY FLOYD CIRCUIT COURT DIVISION II C.A. NO. 06-CI-00440 KENTUCKY NATIONAL BANK OF PIKEVILLE PLAINTIFF VS. LLOYD JOHNSON; PENNY JOHNSON; HIGHLAND**

**HOSPITAL CORPORATION d/b/a HIGHLANDS REGIONAL MEDICAL CENTER; COMMON-WEALTH OF KENTUCKY; AND FLOYD COUNTY, KENTUCKY DEFENDANTS NOTICE OF COMMISSIONER'S SALE**

BY VIRTUE OF Findings of Fact, Judgment and Order of Sale referring to Master Commissioner of the Floyd Circuit Court entered on the 27th day of February, 2007, in the Floyd Circuit Court, in the above styled action, in the principal sum of \$276,326.80, together with interest, costs and fees, I shall proceed to offer for sale at the Old Floyd County Courthouse Door, South Central Avenue, Prestonsburg, Kentucky, (behind the new Floyd County Justice Center) to the highest bidder, at public auction on Thursday, the 24th day of July, 2008 at the hour of 9:00 a.m., the following described real estate lying in Floyd County, Kentucky, and more particularly described as follows: Beginning at a stake on the Mayo Trail right of way, thence across the bottom to a marked elm, thence a straight line to a marked pine near the top of point thence with the center of the point to the top of the hill. Thence around the ridge and down a point with the Logan Baldrige (now Malcolm

George Line) to the foot of the point to a small drain. Thence following the drain to a poplar tree. Thence down the Travis Branch to the Mayo trail right of way. Thence crossing the Mayo Trail to the east side and running up the trail of about 250 feet to the Jack Baldrige line. Thence running with Jack Baldrige line to the top of the point. Thence down the hill a straight line to a marked pine standing in the field, thence a straight line from the pine down the hill to a locust post on the Mayo Trail marked with three hacks about 226 feet from where the line crossed the trail at the beginning making one contiguous boundary with the Mayo Trail running through it. The following described property, which is part of the tract described hereinabove, is hereby excluded, reserved, and not conveyed herein: Beginning at a steel stake at the corner of Travis Branch Road; U. S. 23 right of way; thence running north approximately 284 feet to the Harold and Sandy Nickles property; thence running west 184 feet to a steel stake on the

hill; thence running south 316 feet to a steel stake on the edge of Travis Branch Road, thence running 184 feet east with Travis Branch Road to the point of beginning.

**TERMS OF SALE:**

(a) At the time of sale, the successful bidder, if the other than the Plaintiff, shall either pay cash or 20% of purchase price, with the balance on credit for thirty (30) days.

(b) The successful bidder shall be required to execute a bond with good surety thereon for the unpaid purchase price of said property, if any, bearing interest at the rate of twelve percent (12%) per annum from the date of sale until paid, having the force and effect of a Judgment. (c) The property shall be sold subject to any easements and restrictions of record in the Floyd County Clerk's Office and such right of redemption as may exist in favor of the United States of America and/or the record owners thereof, pursuant to 28 U.S.C. 2410 or KRS 426.530.

(d) The purchaser shall be required to assume and pay all city and

county ad valorem taxes for the year 2007, and all subsequent years which are not yet due and payable. Any and all delinquent city and county ad valorem taxes will be paid from the sale proceeds.

(e) In the event the Plaintiff is the purchaser of the above described property for an amount equal to, or less than, its first lien, it shall take a credit against said lien for the amount of the bid and no bond shall be required of the Plaintiff, and it shall only be obligated to pay court costs, the fees and costs of the Master Commissioner and any real estate taxes assessed against the real estate. Any announcements made on date of sale takes precedence over printed matter contained herein.

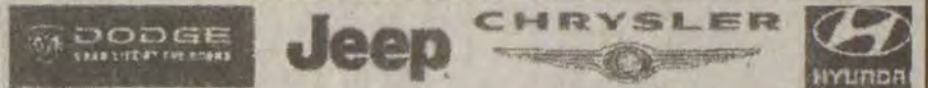
Hon. William S. Kendrick, Floyd Master Commissioner

**NOTICE OF INTENTION TO MINE Pursuant to Application Number 836-8066, Renewal**

In accordance with KRS 350.055, notice is hereby given that Frasure Creek Mining, LLC, 4978 Teays Valley

Rd, Scott Depot, WV 25560 has applied for renewal of a permit for a surface coal mining and reclamation operation located 0.50 miles southeast of Allen, Kentucky in Floyd County. The proposed operation will disturb 178.08 surface acres making a total area of 178.08 within the permit boundary. The proposed operation is approximately 0.7 miles southeast from KY 1428's junction with US 23 and located 0.1 miles south of Levisa Fork. The proposed operation is located on the Harold USGS 7 1/2 minute quadrangle map. The surface area to be disturbed is owned by Adams Real Estate, LP and Banner Coal Terminal, LLC. The application has been filed for public inspection at the Department for Natural Resources' Prestonsburg Regional Office, 3140 South Lake Drive, Suite 6, Prestonsburg, Kentucky 41653-1410. Written comments, objections, or requests for a permit conference must be filed with the Director of the Division of Permits, #2 Hudson Hollow Complex, U.S. 127 South, Frankfort, Kentucky 40601.

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# Quest: Repairing more hearts with implanted pumps

by LAURAN NEERGAARD  
AP MEDICAL WRITER

WASHINGTON — When it comes to hearts, Taneal Wilson won the lottery.

A small pump implanted to keep the 31-year-old alive long enough for a heart transplant somehow helped Wilson's ravaged heart completely recover instead.

Only a lucky few are ever weaned off those implants, their rested hearts able to work on their own again. How to duplicate those successes is one of cardiology's biggest questions — as a new generation of the heart pumps begins U.S. testing.

"Why his heart recovered and the next person's heart does not recover, we don't know," said Dr. Steven Boyce, Wilson's surgeon at Washington Hospital Center in the nation's capital. "We're waiting for the science to catch up to the art."

That science is beginning. Doctors have begun pairing heart pumps with high doses of cardiac medication in hopes that more aggressive therapy will shrink flabby enlarged hearts enough to avoid a transplant, or at least enable

patients to survive longer without one. At a few hospitals in the U.S. and Britain, they're also testing an experimental steroid-like drug on pump recipients that might spur heart muscle to rebuild.

Experts gathered by the National Institutes of Health recently urged testing heart pumps on patients who aren't quite as sick, instead of reserving them for the near-dead like doctors do today.

By that time, "we probably have lost our window of opportunity," said Dr. Lyle Joyce of the University of Minnesota — part of the first study to see if the slightly less sick fare better using Ventracor's next-generation VentrAssist pump.

It's much-needed work. Heart failure is on the rise, with 5.3 million Americans and 20 million people worldwide whose hearts become weak and unable to pump properly due to age, damage from a survived heart attack or other problems. In half of all cases, doctors can't even find a cause — like Wilson, who went from healthy to near comatose in a matter of weeks.

Medications and certain pacemakers help, yet heart

failure kills 57,000 Americans a year and contributes to many more deaths. Only about 2,100 patients a year receive a heart transplant. A few thousand more try to buy time with "left ventricular assist devices" or LVADs, that take over the left ventricle's job of pumping blood through the body, powered by special batteries worn in a fanny pack.

Early pumps were too big for many patients and wore out quickly, the longest lasting just over a year. Last spring, the Food and Drug Administration approved a mini-LVAD, Thoratec Corp.'s HeartMate II, deemed safer and, with fewer moving parts, expected to last longer.

Now comes a third generation of LVADs that doctors hope will last five years or longer because they have just one moving part. Among them: VentrAssist, which has begun U.S. testing, and a pump by HeartWare Ltd. — to begin testing soon — designed to be even smaller and easier to implant.

Resting the heart can prove remarkably rejuvenating. About a third of LVAD patients have significant improvement in heart muscle

function, making them better transplant candidates, says Dr. Simon Maybaum of New York's Montefiore Medical Center, who led the best study to date of recovery.

But rarely do patients fare as well as Taneal Wilson — whose pump was surgically removed June 17, 10 months after its implant, because his heart is functioning like a normal 30-something's again.

Between 5 percent and 9 percent of LVAD recipients have been weaned off, some only to quickly relapse. Boyce postponed Wilson's explant for months to be as sure as possible that his heart would beat unaided.

"This is a second chance God gave me," says Wilson. "I told the doctors every day, 'I got two sons. I need to go home to them.'"

Wilson was a school maintenance crew supervisor, used to physical labor, when he suddenly found it difficult to breathe. He spent weeks in intensive care before Boyce could implant the then-experimental HeartMate II, the only LVAD small enough to fit his chest.

Looking back, Wilson laughs about adapting to life

Doctors can't yet predict which LVAD recipients will be lucky like Wilson, although so-called acute patients with abruptly damaged hearts have a better shot. More hospitals are learning how to dial back the pumps to test for recovery.

"If you don't look for it, you can't find it," says Maybaum, whose own hospital had two explants in the last year.

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## Safety

ural resources with a tax base that will allow Lexington, Louisville, and northern Kentucky to keep their tax dollars for use in their own infrastructures.

Mongiardo said, "The economy in rural Kentucky, Eastern Kentucky, and parts of western Kentucky has suffered because the type of jobs that may fit in Lexington, Louisville, and northern Kentucky just don't fit here. What we do have here are natural resources. We have the mountains. We have all this flat land thanks to the coal industry and mountaintop removal that we can do so many more things on."

He went onto say, "We think the economic develop-

ment based on what the coal industry has left us with, the flat lands and all the trails throughout Eastern Kentucky, that we can develop a large part of our economy that goes hand and hand with the coal industry that brings us energy based on our own resources and outdoor adventure tourism based on the after mining and reclaimed lands that the coal industry has given us. I think it is going to be one of the biggest economic impacts that Kentucky has ever seen."

The Knott County Training Center is located in Softshell off of Route 80. It is one of only five facilities in the nation that is an ATV safety training facility and the only

one in the nation that also has a trail system connected to it, which allows riders to train and ride in one location.

To take an ATV or motorcycle safety course call the Center at (606) 233-0080 to register. The cost is \$100, but

in an effort to promote ATV safety is offered free to anyone who has just purchased a new four-wheeler in cooperation with the ATV Safety Institute through the ATV manufacturers, Cody says.

Continued from p1

### ATTENTION MEDTRONIC DEFIBRILLATOR PATIENTS!!

Medtronic Corp. has recalled several models of their Sprint Fidelis Defibrillator Leads from the market! Fractures in the leads can cause the device to deliver unnecessary shocks or not operate at all leading to major complications or death. If you, or someone you know, have this device, please contact Lewis & Roberts, 3700 Glenwood Avenue, Raleigh, NC at (888) 981-4939 for a free consultation. You may be entitled to compensation.

## Tourism

Continued from p1

the number of visitors to the area," Turner said. "This report is good news for the area and an indication that our efforts are paying off and, thanks to continued strong local leadership, we are looking forward to even more growth in the future."

According to the Department of Travel, almost \$7.25 billion was spent by domestic travelers in Kentucky in 2007. In conjunction with indirect spending, the estimated value of the tourism industry in the state is in excess of \$10 billion.

## Fair

Continued from p1

tion will begin. On Saturday, August 2, the busiest day of the fair will begin with a car show starting at 10:30 a.m. Various food-related competitions are scheduled to take place throughout the day, including a soup bean and corn bread cook-off. The Kentucky Opry Jr. Jamboree is scheduled from 8 p.m. until 8:30, followed by the winning bands of the local band competition.

Admission to the East Kentucky Fair is free, and a \$10 charge allows fairgoers to ride all of the amusement rides.

"We worked really hard to obtain free admissions," said Terry Trimble, executive assistant at the Big Sandy Area Development District. "If anybody wants to come out and get in on that, just give us a call. It's going to be a lot of fun."

For more information on the East Kentucky Fair, visit www.eastkentuckyfair.com.



**Mariano Faresi, M.D.**  
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# FLOYD COUNTY Sports

Inside  
NASCAR • B3

## Southern Nationals: Kinzer earns pole, finishes 5th

by STEVE LeMASTER  
SPORTS EDITOR

SWAINSBORO, Ga. — Allen driver Brandon Kinzer turned in a fast qualifying time of 15.808 and started from the pole Friday night at Swainsboro Raceway in the O'Reilly Southern Nationals Series' event 4 of 10 as part of the 2008 season. Defending champion Chris Madden started seventh and worked his way up the field en route to a feature victory. Dillon Wood (2), Dennis Franklin (3) and Brent Dixon (4) were also in the top-

five. Kinzer also earned the GRT Race Cars Highest Finisher award.

Results from the O'Reilly Southern Nationals Series Event No. 4 of 10 at Swainsboro Raceway (Swainsboro, Ga.), Friday, July 18, follow.

Car Count: 34. 1. (7) Chris Madden, \$5,300; 2. (10) Dillon Wood, \$2,500; 3. (8) Dennis Franklin, \$1,500; 4. (2) Brent Dixon \$1,000; 5. (1) Brandon Kinzer, \$900; 6. (19) Bob Robertson \$800; 7. (21) Shon Flanary, \$750; 8. (23) Brian

Booze, \$725; 9. (13) Tony Knowles, \$700; 10. (16) John Henderson, \$675; 11. (24) Ethan Hunter, \$650; 12. (18) Chesley Dixon, \$625; 13. (15) Frankie Beard, \$600; 14. (20) James Cline, \$590; 15. (22) Scott Shirey, \$580; 16. (17) Michael Akeson, \$575; 17. (14) Jeff Fortner, \$570; 18. (5) Jeremy Faircloth, \$560; 19. (4) Randle Chupp, \$555; 20. (12) Ronnie Lee Hollingsworth \$550; 21. (11) Ben Faircloth, \$545; 22. (9) Shane Riner, \$540; 23. (6) Casey Roberts, \$535; 24. (3) Ed Basey \$530. Integra Shocks Fast

Qualifier (\$100.00): Brandon Kinzer, 15.808. Lap Leaders: Brent Dixon 1-34, Dillon Wood 35-52, Chris Madden, 53. Cautions: 6 (Laps 0, 1, 4, 28, 30, 40). PPM Racing Products Hard Charger of the Race (\$50): Brian Booze (23rd to 8th). Barry Wright Race Cars Highest Finisher (\$100): Dennis Franklin. Rocket Chassis Highest Finisher (\$100): Dillon Wood. GRT Race Cars Highest Finisher (\$100): Brandon Kinzer. Delph Communications Highest Finisher (\$50): Chris Madden. Wilwood Tough Brake Award

(\$50): Monk Gullede. Provisionals: Brian Booze, Ethan Hunter. American Racer Tires B-Main (Top Four Advance): Ben Faircloth, Jeff Fortner, Michael Akeson, James Cline, Monk Gullede, Dion Deason, Scott Jones, Travis Pennington. Hoosier Racing Tires B-Main (Top Four Advance): Ronnie Lee Hollingsworth, Frankie Beard, Chesley Dixon, Shon Flanary, Casey Barrow, Brian Booze, Keith Freeman, Tommy Gandy. MasterSbilt Race Cars B-Main (Top Four Advance):

Tony Knowles, John Henderson, Bob Robertson, Scott Shirey, Daniel Baggerly, Ethan Hunter, Jason Lyles, Steven Howard.

2008 O'Reilly Southern National Series Remaining Schedule  
July 24 — Cleveland (Tenn.) Speedway, \$3,500 to win  
July 25 — Volunteer (Tenn.) Speedway, \$5,300 to win  
July 26 | Tazewell (Tenn.) Speedway, \$5,300 to win

## Hicks claims second straight feature victory

by STEVE LeMASTER  
SPORTS EDITOR

SITKA — Veteran driver Terry Hicks claimed his second straight Late Model feature win Saturday night. Hicks turned in the fast qualifying time of 13.88 and drove his way to a first-place finish at 201 Speedway in the Late Model division.

In the Late Model feature, Hicks outlasted Paul Davis, D.J. Wells, Kevin Hall and Shannon Thornsberry in a heated top-five pack.

Jim Lemaster (Open Wheel Modified), Tim Mason (Mr. Metal Bomber) and D.I. Henson also claimed feature victories.

The 201 Speedway Race Summary from Saturday follows.

Late Model Qualifying: 9-Terry Hicks, 13.88; 13-Jamie Ferguson, 14.15; 17-Shannon Thornsberry, 14.20.

First Late Model Heat: 9-Terry Hicks; 17-Shannon Thornsberry; 99-David Powers; 2-Rick Whitt; 17-Steve Stollings; 87-David Smith; 3-Richie Edwards; 25-Albert Butcher; 57-Brittany McKinney.

Second Late Model Heat: 11-D.J. Wells; 13-Jamie Ferguson; R1-Rod Evans; 10-Raymond Nichols; 16-Paul Davis; 43K-Kevin Hall; 17-Mark Queen; 15-Sean Boggess; 9-Jimmy Perkins; 26-Shane Case.

Late Model Feature: 9-Terry Hicks; 16-Paul Davis; 11-D.J. Wells; 43K-Kevin Hall; 17-Shannon Thornsberry; 13-Jamie Ferguson; 99-David Powers; 3-Richie Edwards; 2 Rick Whitt; 15-Sean Boggess; 25-Albert Butcher; 17-Steve Stollings; 10-Raymond Nichols; 87-David Smith; 57-Brittany McKinney; R1-Rod Evans; 17 Shannon Thornsberry; 9-Jimmy Perkins; 26-Shane Case; 81-Benny Butcher.

Open Wheel Modified Qualifying: 3-Jim Lemaster, 14.98; 12-Kevin Copher 15.13; 74-Beadie Blackburn, 15.30.

First Open Wheel Modified Heat: 3-Jim Lemaster; 74-Beadie Blackburn; 46-Dennis Deboard; 15-Stanley Haddix; 21-Jimmy Barnett; 3-Jacob Ross; 50/50-Driver name unavailable.

Second Open Wheel Modified Heat: 12-Kevin Copher; 55-Darren Muncy; 35-Jermey Hayes; 17-Brian Salisbury; B3-Randy Boggs; 23-Courtney Conley; J16-Leslie Johnson; 40-Chris Maynard; 1D-Tommy Cordell.

Open Wheel Modified Feature: 3-Jim Lemaster; 46-Dennis Deboard; 55-Darren Muncy; B3 Randy Boggs; 17-Brian Salisbury; 35-Jeremy Hayes; J16-Leslie Johnson; 12-Kevin Copher; 50/50-Driver name unavailable; 0-Chris Maynard; 23-Courtney Conley; 21 Jimmy Barnett; 15-Stanley Haddix; 1D-Tommy Cordell; 24-Johnathan Connelley; 74 Beadie Blackburn; CJ1-Charlie Jude.

First Bomber Heat: 45-Tim Mason; P20-Ervin Vance; R17-Don Risner; 20-Bo Howard; 7C-A.J. Stambaugh; 37H-Greg Hensley; 73-Charlie Mollette; B70-Jason Blair;

(See FEATURE, page two)



## HAP 8-YEAR-OLDS COMPETE IN PAINTSVILLE TOURNAMENT

Players from the HAP (Harold-Allen-Prater) Little League participated in a coach pitch 8-and-under tournament in Paintsville on Saturday, July 19. Cameron Wright is pictured up to bat to the HAP team. First baseman Colin Ousley is pictured fielding for Harold-Allen-Prater.



## Benson barrels to first NCTS win

TIMES STAFF REPORT

SPARTA — NASCAR Craftsman Truck Series veteran Johnny Benson won a Lap 119 four-wide battle for the race lead in Turn 3 and motored on to secure a Kentucky Speedway-victory Friday night in the Built Ford Tough 225 Presented by the Greater Cincinnati Ford Dealers.

Benson took his first career win at the track after guiding his No. 23 machine to the low line, weaving his way through a three-truck ostacle course that included Friday night's second-place finisher and his Bill Davis

Racing teammate Michael Annett in the No. 22, holding point for closing 32-lap segment, and earning the third-closest NCTS victory in track history by 0.474 of a second.

"The truck ran good, but it wasn't easy. It may have looked easy, but it was a little slick out there. We got a tremendous run off Turn 2 and got alongside the No. 18 and I thought I was in pretty good shape.

"Then, we both had a run on the No. 22. It was going to be a 50-50 shot whether he was going to get off the gas or turn left. He turned left and I followed him,"

Benson said of the pass that eventually secured him the win.

The Grand Rapids, Mich. driver registered his second win of the season and second in his past three series starts. His seventh top-five and ninth top-10 finish of the season boosts him three spots in the series standings to first. He will enter the series July 25 race in Indianapolis with a one-point lead in the standings over tonight's third-place driver, Matt Crafton.

Annett netted his first top-five and second top-10 finish of the season in only his third start. He jumped

from seventh to second during the decisive four-wide battle in Turn 3.

"Johnny got a great run on the inside of us. I just kept following his line and learned more in 20 laps behind him than I did in two days of practice here. The truck took off and we were able to bring it home second," Annett said.

Crafton reeled off his third straight top-five finish of the season and owns two top-five and five top-10 finishes through five career series starts at the track.

"I love coming here. I

(See BENSON, page two)

## Former EK Miner Pace signs with BC Kalev

TIMES STAFF REPORT

PIKEVILLE — Former East Kentucky Miner Josh Pace has signed a contract with BC Kalev, a professional basketball team located in Tallinn, Estonia.

Last summer, the East Kentucky professional basketball organization made Pace the first signee in franchise history. Pace made the most of his debut season with the Miners. After an exceptional season with East Kentucky, Pace worked out in front of NBA

teams during the months of May and June.

BC Kalev is a member of the Baltic Basketball League. The team plays in the BBL's Elite division. The Baltic states basketball league was founded in 2004.

"I'm very excited for Josh," said East Kentucky Miners Coach Kevin Keathley. "Josh is very deserving of any and all future contracts he signs. He's a first class player both on and off the court. He was, in my view, the

most valuable player in the CBA this past season."

The former Big East Conference standout led the way for the Miners during their debut season.

"Josh will be missed in a Miners uniform," Keathley added. "Myself and team owners Jay Fiedler and Demetrius Ford wish him the very best of success this upcoming season. He always has a home here in Pikeville, Kentucky when he returns from overseas."

Pace, who led the CBA in scoring with a 23 points

per game average during the 2007-08 season, also received attention from teams based out of Germany and Australia.

The Syracuse University graduate had a league-high three triple-doubles for the Miners during the 2007-08 season. Pace helped the Miners to a 26-22 regular-season record and a berth in the CBA Playoffs during the team's debut season. A native of Georgia, Pace was a CBA All-Star and All-CBA Second Team selection.



photo by Dusty Layne/East Kentucky Miners  
Former East Kentucky Miner Josh Pace is headed overseas.

## UK cornerback Lindley on Watch Lists

TIMES STAFF REPORT

LEXINGTON — Junior cornerback Trevard Lindley has been named to the preseason watch lists for two more national honors, the Chuck Bednarik Award and the Jim Thorpe Award.

The Bednarik Award, for the nation's top defensive player, is given by the Maxwell Football Club of Roslyn, Pa. The Thorpe Award, for the nation's best defensive back, is granted by the Jim Thorpe Association of Oklahoma City, Okla. Lindley also is on the Bronko Nagurski watch list (nation's best defensive player) announced earlier this year by the Football Writers Association of America.

Lindley (Hiram, Ga.) has five interceptions, 23 pass breakups and 118 tackles during his two seasons as a Wildcat. Four of his five interceptions have been key plays in Kentucky victories, with the fifth pick helping send a game into overtime. He has led the team in breakups both years and is only four PBU away from Antoine Huffman's career record of 27. He also does an excellent job in run support and was second on the team in tackles last season, a rare feat for a cornerback.

## Beaver Junction hosts Round 9 of 2008 season

by STEVE LeMASTER  
SPORTS EDITOR

DWALE — Beaver Junction Motocross hosted round nine of its 2008 Outdoor Series Sunday. A total of 103 entries competed on the Floyd County track. The entries included some athletes from Huntington, W.Va., a hotbed for motorsports. Beaver Junction Motocross will host Round 10 on Sunday, Aug. 10.

Results from Sunday follow.  
250 B: 1. James Williamson; 2. Danny Osborne. 125 B: 1. Chris Bailey. 250 C: 1. Shane Hamilton; 2. Corey Qualls; 3. Corey Gibson. 250 D: 1. Colby Casey; 2. Joe Bush; 3. Stevie Jacobs. School Boy: 1. Josh Bolen; 2. Myles Minix; 3. Chad Nelson. College Boy: 1. Chris Bailey; 2. Christian Francis. 65 Junior: 1. Tyler Bowling; 2. Kenton Hall; 3. Dawson Hamilton. 65 Senior: 1. Thai-Lee Francis;

(See HOSTS, page two)



# Arroyo, Reds snap Mets' 10-game winning streak

by JOE KAY  
ASSOCIATED PRESS

CINCINNATI — A whole lot of little things ended the New York Mets' winning streak.

Bronson Arroyo extended his latest surge by pitching eight innings Friday night, and the Cincinnati Reds used a minimal rally to beat the Mets 5-2, ending their 10-game winning streak.

It took a lot of Arroyo and a little bit of luck to end the Mets' run, which ended one win shy of the franchise record. The 10 straight victories put them back in contention in the NL East. Their first loss in exactly two weeks dropped them one game behind Philadelphia in the division.

"They continued to battle right to the end," Mets manager Jerry Manuel said. "It was exciting and fun. They deserve a big pat on the back. But we've got work ahead."

A basic-as-it-gets rally finally finished it.

The Reds scored four times in the fifth off John Maine (8-

7) despite getting only two balls out of the infield. Ken Griffey Jr. drew a bases-loaded walk, Brandon Phillips lofted a two-run single into shallow right field, and Edwin Encarnacion got hit by a pitch with the bases loaded.

"Just good placement," Phillips said of his hit. "It's a beautiful thing."

Jay Bruce hit a solo homer off Maine, who has failed to last five innings in three of his last four starts.

"I don't know what it is," Maine said. "I work hard between starts. I go out there and the little things here and the little things there are hurting you."

Arroyo (8-7) has been extremely streaky this season. The right-hander is in one of his upturns, winning his last four starts. The majors' hottest team managed only four hits off Arroyo, including Carlos Beltran's RBI double.

The eight innings matched Arroyo's longest performance of the season.

"A lot of times, you get into a groove where you feel like you're unbeatable, and I

feel like that lately," Arroyo said.

Francisco Cordero, who blew a two-run lead in the ninth inning Thursday night, gave up a walk in the ninth before finishing it off for his 20th save in 25 chances.

Exquisite starting pitching was the foundation of the Mets' surge. Their staff threw four shutouts in the last six games before the All-Star break, but hasn't been the same since. The Mets blew two leads in their 10-8 win Thursday night, and Maine gave the Reds plenty of assistance during their decisive rally on Friday.

The Reds loaded the bases on Paul Bako's single, Bruce's walk and Jeff Keppinger's infield single with two outs. Keppinger's grounder took a high hop and left third baseman David Wright in a tough spot. He tried to make a backhand swipe and step on the base simultaneously, but couldn't come up with the ball.

"It just didn't work out," Wright said.

Griffey fouled off a 94

mph fastball with a full count to extend his at-bat, then took one low and away to force in a run. Phillips got just enough of a pitch to loft it over the head of first baseman Carlos Delgado for two more runs.

After Adam Dunn was intentionally walked to reload the bases, Maine hit Encarnacion to make it 5-2 and end his outing. Maine walked five, threw a wild pitch and hit one batter as he fell to 0-3 in three career starts against Cincinnati.

Although Maine was downcast, his manager saw indications that he's pulling out of his slump.

"When you make a pitch and they bloop it, there's nothing you can do," Manuel said. "They didn't hit him hard."

Even so, Maine was upset by his ugly pitching line. He needed 102 pitches to go 4 2-3 innings.

"I'm just struggling right now in all aspects," he said. "I can't throw strikes, I walk too many people."

Notes: The Mets won 11 straight in 1969, 1972, 1986

and 1990. ... RHP Pedro Martinez is still scheduled to throw in the bullpen on Saturday to test his sore groin. Martinez got an injection for the injury on Thursday. If he has no problems, he could start Tuesday against Philadelphia. "We'll see what he looks like tomorrow," Manuel said. "He just has to say that he feels good." ... Reds OF Ryan Freel will have surgery on Wednesday to repair a torn tendon that attaches to the base of his right hamstring. Freel has been sidelined since June 4. There's no timetable for his recovery. ... The Reds honored Griffey, Johnny Bench and Joe Morgan before the game for their career Gold Glove honors.

**Dodgers stunned Diamondbacks with five-run ninth; 14th win escapes Webb:** At Arizona, Brandon Webb and the Diamondbacks staked Lyon to a three-run lead, but the Diamondbacks closer, pitching in his third straight game, couldn't hold it.

Nomar Garciaparra dou-

bled and James Loney singled. Andruw Jones hit what could have been a double-play grounder to Stephen Drew, but the shortstop bobbled the ball and had to throw to first for the out as Garciaparra scored.

"If we turn that it's potentially a different outcome," said Arizona manager Bob Melvin. "You never know where the game goes after that."

In St. Louis, Troy Glaus' three-run homer off Heath Bell in the eighth gave the Cardinals a two-run lead but the Padres rallied against Isringhausen, who blew his eighth save in 19 chances. He was booed by a sellout crowd after allowing three straight one-out hits, including an RBI double by Edgar Gonzalez.

Isringhausen got the shot at his first save since May 5 because replacement closer Ryan Franklin, who is 14-for-18, needed a day off after a two-inning save on Saturday.

"No matter how much a veteran he is, he's trying to do more," La Russa said. "And today, it was less."

# Favre declines to address heated rift with Packers

by CHRIS JENKINS  
ASSOCIATED PRESS

GREEN BAY, Wis. — Brett Favre stuck to the script, declining to address his public rift with the Green Bay Packers in an appearance at Lambeau Field on Saturday.

In town to present former teammate Frank Winters for induction into the Packers' Hall of Fame at a banquet Saturday night, Favre briefly spoke with reporters about his former center's career before abruptly stepping off the stage and ducking out a side door.

But before he left, Favre paused to praise the place where he used to play — and now is trying to make a play to get away from.

"That's the thing about Green Bay," said Favre, who spoke for about three minutes. "It's a special place. There's a lot of tradition. You think of the Packers, you think of all these great names, and to be a part of that — and I know Frank feels honored — is a special thing. I'm thankful that he asked me to be here."

With that, Favre introduced Winters and walked off the stage.

Favre also put the smoldering controversy aside when he received a team MVP award during Saturday night's event, calling himself "an old, gray-haired quarterback showing I can still do it."

Favre went out of his way to thank former teammates, something he chided himself for forgetting to do during the taping of the ESPY awards in Los Angeles earlier this week.

"It's all about the team," Favre said. "I hope I have never lost sight of that."

Favre also put the matter aside as he introduced Winters, Packers general manager Ted Thompson and coach Mike McCarthy both were present for the ceremony.

The only passing mention to the latest chapter in the Favre retirement saga came from event master of ceremonies Larry McCarren, a former Packers player and current broadcaster.

"There are bigger problems in the world than the one the Packer nation is wrestling with now," McCarren said early on

as he urged attendees to put the issue aside for the night.

On Saturday afternoon, Winters said he was glad Favre kept his commitment to present him to the Packers' Hall of Fame despite the fact that it might be an awkward situation, given the very public nature of Favre's rift with the team in recent weeks.

"There's a lot of people probably, around the NFL and the United States probably thinking Brett wouldn't show up today," said Winters, who had asked Favre to present him several months ago. "But I knew deep down inside he would, and he told me he would be here, and it's a great honor."

Favre retired in early March, but recently has been having second thoughts about playing in 2008. But the latest, and most intense, episode in several off-seasons' worth of Favre's flip-flopping on his future in football was met with lukewarm enthusiasm by the Packers, who spent the offseason planning to move forward with Aaron Rodgers as their starter.

Favre asked to be released from his contract, a request the team has no plans to grant. The next step for Favre could be to petition NFL commissioner Roger Goodell for reinstatement, a move that would force the Packers to release him or place him on their active roster. He also could be traded.

The Packers have filed tamping charges against the Minnesota Vikings, suspecting that interest from the Vikings is the main reason Favre has changed his mind about playing in 2008.

Favre's rights belong to the Packers until his current contract expires after the 2010 season.

In an interview with Fox News last week, Favre criticized Thompson for being untruthful with him. Packers officials have gone out of their way not to criticize Favre, instead laying out a specific timeline of their dealings with him in the offseason, in hopes that fans will understand why the team decided to move forward without No. 4.

The most significant episode in their timeline came in late March, when Favre led the Packers to believe he was

going to unretire and they were prepared to welcome him back — only to change his mind once again and stay retired.

Despite the public acrimony, Winters said Saturday night's dinner — where Favre was to present Winters and receive a team MVP award from the Hall of Fame for his performance last season — wouldn't be a problem.

"I don't think it's awkward," Winters said. "I mean, I'm sure there's a lot of people out there that would like to ask him a lot of questions. But this is a special night for a couple of guys, and we're just going to keep it to that."

Saturday night's inductees included Winters, former defensive tackle Gilbert Brown and former video director Al Trembl.

Brown deflected a question about whether Favre's situation is going to overshadow the evening's event.

"I don't know," Brown said. "All I know is tonight is (about) Gilbert Brown, Frank Winters and Al Trembl. That's all I care about."

Winters also ducked questions about the Favre situation.

"When it plays out, however it plays out, I'll comment at that point," Winters said. "But right now, I'm not going to comment on it and take anything away from the other guys that are getting inducted tonight."

Despite putting himself in a potentially awkward situation, Favre still managed to laugh while playing with Winters — including the first time they met in 1992, when Favre's conditioning was less than ideal.

"I said, 'What do you play?' He said, 'I play center,'" said Favre, who weighed 252 pounds at the time. "He says to me, 'What do you play, line-backer?' And from that point on, we were inseparable."

Winters said he didn't have any insights on Favre's next move. But he acknowledged that it's difficult for players to leave the game.

"You miss the guys," Winters said. "I'm not going to lie, you miss the paycheck. It's a great way to make a living. But sooner or later, you realize it's time to move on."

## Feature

Continued from p1

27—Driver name unavailable.  
Second Bomber Heat:  
J17—J.J. Terry; 3D—Darren Damron; P12—Dean Pennington; 77—Harley Hall; 0—Shannon Richmond; 44—Steve Strong; 11 Jim Ison; R7—Justin Risner.  
Mr. Metal Bomber Feature: 45—Tim Mason; 20—Bo Howard; J17—J.J. Terry; 11—Jim Ison; 73 Charlie Mollette; 7C—A.J. Stambaugh; P20—Ervin Vance; 0—Shannon

Richmond; R17—Don Risner; R7—Justin Risner; 77—Harley Hall; B70—Jason Blair; 27—Driver name unavailable; 3D—Darren Damron; 44—Steve Strong; 37H—Greg Hensley; P12—Dean Pennington.  
First Four Cylinder Heat: 18K—Dl Henson; D6—Darin Rogers; 30—Estill Lawson; 68—Nathan Messer; 9—Ethan Conley; A17—Alan Salisbury.  
Second Four Cylinder Heat: 18S—Shawn Ousley;

37—Alan Osborne; L13—Henry Lawson; M77—McCaye Sexton; B2—Michael Blair.  
Four Cylinder Feature: 18K—Dl Henson; 37—Alan Osborne; 18S—Shawn Ousley; D6—Darin Rogers; M77—McCaye Sexton; L13—Henry Lawson; B2—Michael Blair; 30—Estill Lawson; 9—Ethan Conley; A17—Alan Salisbury; 68—Nathan Messer.

## Glasgow family ready to cheer on Olympian

THE ASSOCIATED PRESS

GLASGOW — A central Kentucky woman has an extra reason to watch the Summer Olympic games in Beijing.

Swimmer Elaine Breeden, of Lexington, will compete in the 100-meter and 200-meter butterfly at the games which

begin Aug. 8.

Breeden's cousin Mariam Gibson is planning to get other family members together to watch Breeden, who is scheduled to swim on the second day of the games.

Gibson says they've been hearing since Breeden was a little girl about how hard she

worked.

Breeden won the NCAA championship in the 200 as a freshman at Stanford in 2007.

Gibson's brother Buddy Underwood says it was exciting watching Breeden qualify for the Olympic team, especially in the 100, since it's not known as her best event.

# FCT SPORTS CALENDAR

**Focus High School Football Combine:** The inaugural Focus High School Football Combine will be held Saturday, July 26 at Blackcat Stadium on the campus of Prestonsburg High School. Coaches from NCAA Division I, II and III, NAIA and junior college football programs will receive full results and video from the combine.

The combine will be comprised of the 40-Yard Dash, 20-Yard Shuttle Run, Bench Press (Repetitions of 185 pounds), Vertical Jump and Broad Jump.

The combine is open to any high school senior, junior, sophomore or freshman-to-be and will coincide with the final day of the annual Prestonsburg High School 7-on-7 passing tournament.

A postgame meal will be provided at the conclusion of the combine. Each combine participant will also receive an event T-shirt and a copy of their individual results.

Preregistration for the combine is \$50. Onsite regis-

tration will get underway at 8 a.m. on Saturday, June 14. Registration on the day of the combine is \$60.

For more information on the Focus High School Football Combine, including registration details, call 606/794-6409, email footballcombine@suddenlink.net or write Focus High School Football Combine, P.O. Box 1677, Prestonsburg, Ky., 41653.

**East Kentucky Pro Basketball Youth Camps** The East Kentucky Pro Basketball Youth Camp, conducted by East Kentucky Miners Coach Kevin Keathley, will be held at Sheldon Clark High School July 31-Aug. 2.

The three-day camp will run from 9 a.m.-3 p.m.

The preregistration fee for the East Kentucky Pro Basketball Youth Camp is \$65 per participant. Two siblings in the same immediate family who preregister can attend the camp for \$100. Each additional sibling in the same immediate family will be able to attend the camp

for \$35 through preregistration.

The registration fee for the camp is \$75 per camper. Registration for the camp will be held from 8-9 a.m. on the first day of the event.

Each East Kentucky Pro Basketball Youth Camp participant will receive a T-shirt, participation medal and certificate of completion. The camp will also include giveaways and the chance to win various prizes and awards, including basketball merchandise and trophies.

Lunch will be provided from noon-1 p.m. every day of the camp.

Camp applications are available at the East Kentucky Miners office (located at 237 2nd Street Suite 5, Pikeville) and several area businesses.

Checks for the camp should be made payable to Coach Kevin Keathley. For more information on the East Kentucky Pro Basketball Youth Camps, call 606-437-9715 or 606-794-6409.

## Benson

thought we had the best truck tonight. When we were in dirty air, we could pass him (Benson) and get away. I think if we had gotten the lead we would've won this race. This was great. We just need to keep doing what we're doing for the rest of the year, getting top fives and wins, and hopefully we'll be the best in the end," he said.

Dennis Setzer, the 2005 Kentucky NCTS champ, finished fourth and registered his fifth top-five series finish at the track in his ninth career start. He moved to 10th in the series

standings.

David Starr rounded out the race top-five in his No. 11 Red Horse Racing truck. He moved from 12th to 11th in the series standings with his fourth top-five and sixth top-10 finish of the season. He delivered his second top-five and fifth top-10 NCTS finish at Kentucky Speedway in his seventh career start.

Ron Hornaday, Jr., the 2006 Built Ford Tough 225 Presented by the Greater Cincinnati Ford Dealers winner who entered tonight's race with the lead in the series standings

and a 27-point advantage over Crafton, earned his ninth top-10 finish of the season with his second straight 10th-place series showing in Kentucky. He slipped to third in the series standings, but trails the new leader by just five points.

Current NASCAR Sprint Cup Series leader Kyle Busch, a former NASCAR Nationwide Series and ARCA RE/MAX Series winner at the track, placed sixth in his first NCTS race on the 1.5-mile tri-oval.

Friday's official attendance was 31,308.

## Hosts

Continued from p1

2. Austin Osborne. 50 Senior; 1. Tyler Bowling; 2. Trey Francis; 3. Cameron Crider. 30-Plus: 1. Scott Varney; 2. Danny Osborne; 3. Johnny Osborne. 50 Junior: 1. Nate Collins; 2. Tyler Osborne. 50 Four-Stroke Oil Injection: 1. Blayze Stumbo; 2. Matthew Belcher; 3. Nate Collins. 50 Open: 1. Trey Francis; 2. Braley Johnson; 3.

Cameron Crider. 70-110 Auto: 1. Chance Francis. 65 Open: 1. Kenton Hall; 2. Dawson Hamilton; 3. Tyler Bowling. 125 C: 1. Corey Qualls; 2. Josh Bolen; 3. Christian Francis. 125 D: 1. Joe Bush; 2. Justin Tackett; 3. Bradley Casey. 85 Senior: 1. Justin Ousley; 2. James Allen. 85 Junior: 1. Matthew Niece; 2. Thai-Lee Francis; 3. Austin

Osborne. 25-Plus: 1. Scott Varney; 2. James Williamson; 3. Scott Brunfield. 40-Plus: 1. Johnny Osborne; 2. Gene Campbell; 3. Danny Osborne. 85 Open: 1. Justin Ousley; 2. James Allen. 125 AM 2 Stroke: 1. Myles Minix; 2. Ricky Crider; 3. Jesse Justice. C/D Unlimited: 1. Josh Bolen; 2. Tyler Newsome; 3. Justin Jacobs.

CONTACT THE FLOYD COUNTY TIMES SPORTS DEPARTMENT  
Phone: 606/886-8506  
Fax: 606-886-3603  
Email: sports@floydcountytimes.com



# Pitstop strategy works: Edwards nets Nationwide Series win at Gateway

**Driver wins at track less than 2 hours from home**

THE ASSOCIATED PRESS

MADISON, Ill. - Carl Edwards was in no rush to get to the post-race interview room at Gateway International Raceway.

Edwards passed Jason Leffler with 49 laps remaining Saturday night and cruised to victory at the Missouri-Illinois Dodge Dealers 250, marking his second win at Gateway in three years in front of a nearly hometown crowd.

"It was so hard to leave Victory Lane, I didn't want to come down here," said Edwards, who grew up in Columbia, Mo., about a 2-

hour drive from the track. "I have so many friends down there, they're taking pictures. It's just really, really special to win here for me."

Joey Logano, the 18-year-old driver in just his fifth race, finished second after starting fourth. Jason Keller took third, followed by Leffler and Brad Keselowski.

Edwards earned his second victory on the Nationwide circuit in 21 starts this year. He has nine Top 5 finishes and 11 in the Top 10. Edwards took advantage of the sixth caution of the 200-lap race. He got four tires and filled his tank, coming out of the pits third. He quickly overtook Leffler and James Buescher and went on for the easy victory.

"When you've got it, you've got it," Logano said. "And (Edwards' team) hit it dead on tonight. It was showing pretty much the whole race. My car wasn't horrible. It was pretty good, but Carl's car was remarkable."

The final caution, caused after David Reutimann got underneath the back of Keselowski, provided one of several pauses during the choppy race.

Landon Cassill, who finished sixth, started a five-car accident that brought out a red flag with 84 laps left. He sent Scott Wimmer into the wall with a tap to the driver's side back bumper, causing a chain reaction that knocked out Wimmer, Mike Bliss, last-year's winner Reed Sorenson and Steve Wallace.

The cars remained under red for nearly 30 minutes as the track was cleaned before driving resumed under caution for five laps with pole-winner Jamie McMurray in the lead.

"When you've got a guy who doesn't want to get passed and a guy who wants to pass, it gets tough," Cassill said. "I was just right on (Wimmer), but it's just hard to give up track position. I saw

him bobble and as soon as he bobbled, it was too late. I just nudged him."

The event started despite a partial power outage that darkened about a third of the lights around the track, including the caution lights, the scoring tower and the public address system.

Officials called a competition caution on Lap 22 to practice going through the procedure without the caution lights. The caution was lifted on Lap 25 and all the power was restored almost immediately after the green flag was waved.

However, the caution lights went blank for a second time. That brought out another competition caution on Lap 72.

McMurray, who earned the pole with a speed of 133.101 mph during qualifying, left

the race with engine problems after completing 152 laps. It marked the 11th time in 12 events at Gateway that the pole-sitter failed to win. Martin Truex Jr.'s victory in 2004 was the only time the top qualifier has won at Gateway.

Logano led twice for a total of 42 laps and he finished for the second consecutive race and in the Top 5 for the third straight.

In the end, however, it was Edwards' final pitstop that got him the victory.

"There's only been a couple of times I've had a car that dominant at the end of race," Edwards said. "I was just cruising around at the end and the car was so good. I was really proud of the guys for making the adjustments like that. I couldn't believe how fast it was."

## NASCAR SPRINT CUP DRIVER STANDINGS

1. Kyle Busch, 2,881
2. Dale Earnhardt Jr., 2,619
3. Jeff Burton, 2,590
4. Carl Edwards, 2,509
5. Jimmie Johnson, 2,494
6. Jeff Gordon, 2,384
7. Greg Biffle, 2,318
8. Matt Kenseth, 2,317
9. Kevin Harvick, 2,308
10. Tony Stewart, 2,305
11. Kasey Kahne, 2,295
12. Denny Hamlin, 2,283
13. Clint Bowyer, 2,256
14. Brian Vickers, 2,188
15. David Ragan, 2,185
16. Ryan Newman, 2,094
17. Martin Truex Jr., 2,050
18. Kurt Busch, 2,038
19. Bobby Labonte, 1,905
20. Juan Pablo Montoya, 1,863

# Kinzer places 12th at Southern Nationals Event No. 5

by STEVE LeMASTER  
SPORTS EDITOR

SYLVANIA, Ga. - Floyd County Late Model driver Brandon Kinzer overcame a 23rd-place start and finished 12th Saturday night in the 2008 Southern National Series Event No. 5 at Screven Motor Speedway.

Dennis Franklin, who finished runner-up in the series last year, won the feature. Ed Basey (2), Shon Flanary (3), Chesley Dixon (4) and Dillon Wood (5) completed the top-five.

The rest of the top-10 included Dillon Wood (6), Jeff Fortner (7), Tony Knowles (8), John Henderson (9) and Jeremy Faircloth (10).

Results from O'Reilly Southern Nationals Series Event No. 5 of 10 at Screven Motor Speedway (Sylvania, Georgia) on Saturday, July 19 follow..

- Car Count: 37. 1. (1) Dennis Franklin \$5,300; 2. (16) Chris Madden \$2,500; 3. (2) Ed Basey \$1,500; 4. (5) Shon Flanary, \$1,000; 5. (6) Chesley Dixon, \$900; 6. (4) Dillon Wood, \$800; 7. (3) Jeff Fortner, \$750; 8. (11) Tony Knowles, \$725; 9. (12) John Henderson, \$700; 10. (7) Jeremy Faircloth, \$675; 11. (24) Brian Booze, \$650; 12. (23) Brandon Kinzer, \$625; 13. (19) Steven Howard, \$600; 14. (18) Dion Deason, \$590; 15. (17) Monk Gullede, \$580; 16. (21) Keith Freeman, \$575; 17. (10) Bob Robertson, \$570; 18. (22) Wilson Griffis, \$560; 19. (20) Sean Meeks, \$555; 20. (14) Casey Barrow, \$550; 21. (13) Casey Roberts, \$545; 22. (9) Frankie Beard, \$540; 23. (8) Ronnie Lee Hollingsworth, \$535; 24. (15) Allen Taylor, \$530.

Integra Shocks Fast Qualifier (\$100): Dennis Franklin, 15.110. Lap Leaders: Dennis Franklin, 1-53. PPM Racing Products Hard Charger of the Race (\$50): Chris Madden (16th to 2nd). Barry Wright Race Cars Highest Finisher (\$100.00): Dennis Franklin. Rocket Chassis Highest Finisher (\$100): Chesley Dixon. GRT Race Cars Highest Finisher (\$100): Shon Flanary. Delph Communications Highest Finisher (\$50): Chris Madden. Wilwood Tough Brake Award (\$50): G.R. Smith. Provisionals: Brandon Kinzer, Brian Booze.

American Racer Tires B-Main (Top Four Advance): Tony Knowles, Casey Barrow, Monk Gullede,

Sean Meeks, Brian Booze, Daniel Baggerly, Ethan Hunter, James Cline, Brian Turner.

Hoosier Racing Tires B-Main (Top Four Advance): John Henderson, Allen Taylor, Dion Deason, Keith Freeman, G.R. Smith, Tommy Gandy, Bo Smith, Chris Taylor, Ben Faircloth.

Masterbilt Race Cars B-Main (Top Four Advance): Casey Roberts, Chris Madden, Steven Howard, Wilson Griffis, Michael Akeson, Brandon Yahn, Scott Shirey, Scott Jones, Brandon Kinzer.

ONLINE:  
southernnationalsseries.com

## FLOYD COUNTY YEARBOOKS AVAILABLE

The Floyd County Board of Education has declared as surplus previous years editions of the Floyd Countian Year Book. These will be available at the Maintenance Department at Allen, Kentucky on Thursday, July 24th. Please contact Linda Hackworth on Wednesday for further instructions, at 606-874-2435.

Copies of this year's book (the 2007-2008 Edition) can still be purchased at the Central Office location. This year's book is in full color and contains all schools in one volume for the price of \$22.

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# FLOYD COUNTY Lifestyles

## YESTERDAYS

Items taken from The Floyd County Times,  
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### POISON OAK

## An age-old question

When I was a kid, I knew another kid who lived in my neighborhood who, no matter in which direction you were traveling, when he'd meet up with you, would always greet you with, "Where ya going, Buddy?"

I really don't think he gave a hoot as to your destination, but that was just his version of "hello" or "What's up?" or "How ya doing?" But I still remember him after more than half a century, because of his unique way of greeting people, and if he'd have used one of the aforementioned ways, I doubt I'd ever thought of him again.



Clyde Pack

Now, after nearly 60 years, I'm finding myself posing a very similar question. Change "you" to "we," and I come up with, "Where're

"we" going, Buddy?"

Matter of fact, that thought ran through my head last Friday afternoon, when I pumped \$35 worth of gas into the already half-full tank of my car.

Where "are" we going with these gas prices?

Some people might respond "to the poor house," and would likely be able to put up a pretty good argument to support their opinion. Others might simply say they'd "rather not think about it," which makes a lot of sense, too, because developing a bleeding ulcer will do nothing to help gas prices.

One of those nerdy-type talking heads on TV said the other day, that by Labor Day, we should expect to pay around \$5 a gallon. An even nerdier talking head, sitting on the other side of the table argued that we'd be in terrific shape by then, as gas prices would "level off" at between \$3.50 and \$4 a gallon. Then he sent the whole show into commercial break by saying, "See, it'll be cheap by then!"

Cheap? I don't know what life is like in Nerdville, but there's nothing cheap about \$3.50 for a gallon of gas.

Problem is, regardless of which of the two is right—if one of them really is—judging from all the traffic that still zips up and down U.S. 23, drivers are willing to pay whatever it takes to fill up. It's almost as if everybody has resigned themselves to the fact they can't do anything about it, and have decided they're not going to let "Big Oil" dictate the way they live, where they go, and especially what they drive.

Anyway, along about the time I knew the kid with the "question mark" greeting, I also learned about a feller by the name of Mark Twain, who wrote very entertaining stories about living on the Mississippi River, more than a hundred years ago. It seems about one day Mr. Twain was talking about the weather, and he said, "Everybody talks about the weather, but nobody does anything about it."

Wonder if he wouldn't pretty much say the same thing about today's gas prices?

Sometimes my long-ago friend's question sort of seems appropriate, doesn't it? Just where "are" we going, Buddy?

## HIGH-PROFILE RECOGNITION



photo courtesy of Tim Cooley

Members of the Floyd County Rescue squad surround the official NASCAR Truck Series Pace Truck during an event held at the Kentucky Motor Speedway on Saturday. The truck, along with several others at the race, displayed the squad's 50 year anniversary logo.

# IN THE FAST LANE

## Rescue squad honored at Kentucky Speedway

by JARRID DEATON  
FEATURES WRITER

The Floyd County Rescue Squad, responding to emergencies and helping those in need for 50 years, received special recognition during an event at the Kentucky Speedway on July 19.

Officials with the Kentucky Speedway invited the squad to showcase its historic photos and some rescue equipment.

The races at the Speedway began with recognition of the

squad's 50 years of service

"We were treated like kings," said Tim Cooley, captain of the rescue squad.

without any source of funding other than donations from members of the community.

Seven of the trucks in the race honored the squad by sporting the 50 anniversary logo. The trucks with the logos were the no. 51 truck, driven by Kyle Busch, the no. 15 truck, driven by Marc Mitchell, the no. 28 truck driven by Wayne Edwards, the no. 11 truck

driven by Jason White, the no. 7 truck driven by Ryan Lawler, and the no. 85 driven by Bret Raymer.

Raymer Racing donated a \$10,000 sponsorship where they will carry the Floyd County Emergency and Rescue Squad logo on the NASCAR Truck Series no. 85 truck for the remainder of the year.

Floyd County Rescue Squad members Captain Tim Cooley, John M. Hunt, James Allen, Richie Schoolcraft, Will Hughes, Craig Cooley, Chris Schoolcraft, Jarrod

May, and Lon May attended the ceremonies and also enjoyed all access capabilities at the raceway.

"It was a remarkable, but tiring weekend," Cooley said.

The Floyd County Rescue Squad is recognized as the first official rescue squad in the state of Kentucky.

The squad was formed on April 27, 1957, close to two months after 27 people died in a school bus crashed into the Big Sandy River. James Goble, who lost three children in the crash, and other local residents took the initiative to form the rescue squad in order to help prevent such tragic incidents from occurring in the future.

# Girl Scout honored for helping family

by JARRID DEATON  
FEATURES WRITER

When a Floyd County family of eight lost their home in a fire, Samantha Shelton knew she had to help.

Shelton, a resident of Prestonsburg, was recently honored with the Girl Scout Gold Award for her efforts in building a new home for the family. The Gold Award requires a minimum of 65 completed service hours.

After hearing about the family's loss, and that they were living in an outdoor tent with limited access to electricity and water, Shelton teamed with the Low Income Housing Coalition of East Kentucky (LINKS) to help construct a new home. With the help of her father, Tommy Shelton, the project was granted a corporate sponsorship through his place of employment.

Shelton and her group of volunteers built a four-bedroom home for the family and assisted with the design, which included having bunk beds with storage underneath them for the six children.

Eddie Patton, executive director of LINKS, praised Shelton for her actions.

"This project has truly been taken personally by Samantha," Patton said. "She was instrumental in helping this family with, not just a handout, but a hand-up. She has been a true example of what it takes to make a difference.

Shelton is the daughter of Tommy and Sherry Shelton. She attends Johnson Central High School, where she will be a senior in the fall. Along with being involved with LINKS, she is also a member of of the academic team, Future Problem Solving, Key Club, Cosmetology Cub, and has been named the International Future Problem Solving Champion. Shelton was also selected to participate in the Governor's Scholars program for 2008.



photo courtesy of Girl Scouts of Kentucky

Samantha Shelton was recently honored by the Girl Scouts with the Girl Scout Gold Award. Pictured are (L-R) Justice Mary Noble, Samantha Shelton and Miss Kentucky Kaitlynn Postel.

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# YESTERDAYS

(Items taken from  
The Floyd County  
Times,  
10, 20, 30, 40, 50, 60,  
70 years ago.)

## Ten Years Ago

(July 24 and 29, 1998)

Ten Prestonsburg High School seniors, charged with vandalism at that school, were ordered to make restitution to the district; give a public apology for their actions; and do community service. On Wednesday, the ten appeared in Floyd District Court to be arraigned on charges of second degree criminal mischief and second degree criminal trespass.

State Representative Greg Stumbo and State Senator Benny Ray Bailey are to be invited to a Floyd County Board of Education meeting to explain why they are pushing for two sports complexes to be built in the county. State officials confirmed that Stumbo and Bailey have mandated that athletic complexes first be built at Prestonsburg and South Floyd High Schools, before school officials can use School Facilities Construction Commission funds for any other school building projects.

Former Prestonsburg High School basketball coach Jack Pack is asking that a motion for a judicial review of his termination hearing be dismissed. In a motion by Pack's attorney, Phil Damron, an injunction is being sought to halt "further acts of harassment, vengeance and discrimination" against the teacher.

There's going to be another group of Rebels in the county. Duff Elementary and Martin Middle School students have chosen Allen Central Middle School as the name of their new school, and adopted the Rebel mascot to go along with it.

Eight Floyd County students received \$50 savings bonds from local businesses, and certificates of appreciation from the Floyd County Board of Education, Tuesday, during a meeting of the school board. The students were honored for their recognition of perfect attendance. Students honored were: Allison L. Caudill, Justin Newsome, Jason Hall, Leslie Allen Fugate, Shawn David Case, Barry Adkins, Ramanda Jo Music, and Christopher J. Noble.

Disposal of surplus school property in Floyd County, a result of school consolidations, has drawn the interest of one state lawmaker, who wants the property given to a local church. State Representative Greg Stumbo wrote a letter to school officials requesting that the Prater Creek School property be given to the Little Salem Regular Baptist Church.

State School Board members continue to be pleased with the progress reports regarding improvements being made in the Floyd County School System. State manager Woodrow Carter and interim superintendent Mike King appeared before a committee of the state board, Tuesday afternoon, in Danville, and said that the district is moving forward, but a lot of work remains to be done.

Floyd County's Board of Education will have five voting members next month, when suspended board member Jody Mullins will be able to resume his seat on the board. At the Kentucky Board of Education meeting, Tuesday, in Danville, Mullins appeared before the full board to report he has complied with the provisions of his suspension.

The Floyd County School System received a glimmer of hope Sunday night when board members learned the district may not end the 1997-98 year in the red for the third straight year. State financial consultant Matt Wireman presented the board with "good news," of the possibility of the system ending the year with a \$500,000 to \$800,000 surplus.

Ten months after a Wheelwright City Commissioner was charged with receiving stolen property, he was indicted by a Floyd County Grand Jury. The grand jury returned a true bill against 44-year-old Luther Johnson Jr., Monday, for allegedly purchasing a 1996 Pontiac Grand Am in September when he knew it had been stolen, the indictment says.

A Floyd County Grand Jury returned a true bill Monday, against Hardy Kilburn, 36, of Arkansas Creek, accused of driving under the influence of drugs and alcohol prior to a mishap that claimed the life of an area resident, and injured two others. He was charged with murder, and two counts of first degree assault, as the result of a May 19 accident.

Wrecking crews have been tearing down houses on Francis Court in downtown Prestonsburg, between the courthouse and the Courthouse Annex. The county plans to build a parking lot on the site.

Mayor Jerry Fannin reported at a regular meeting of the city council, that the city has been approved for a \$40,000 state grant for the expansion of hiking and biking trails in the area.

There died: Evalena DeLong Akers, 81, a resident of Berea Health Care Center, Wednesday, July 15, at the Berea Hospital; Ocie M. Slone Greene, 80, of Allen, Wednesday, July 22, at Highlands Regional Medical Center; Frank Douglas Gunnell, 55, of Portsmouth, Ohio, a native of Prestonsburg, Sunday, July 12, at Mercy Campus of the Southern Ohio Medical Center; Ann Burchett, 63, of Emma, Tuesday, July 21, at Highlands Regional Medical Center, Prestonsburg; Alice Gray Burke Buchanan, 74, of Lexington, Monday, July 20, at Central Baptist Hospital; Clarence Osborne, 70, of Hi Hat, Friday, July 24, at Hazard Appalachian Regional Hospital; Sidney Moore, 84, of Mousie, Thursday, July 23, at ReGENCY Manor in Columbus, Ohio; Faith N. Samons, 85, of South Point, Ohio, Saturday, July 25, at King's Daughters Medical Center;

Willia H. Stone, 100, of East Point, Saturday, July 25, at Riverview Manor Nursing Home; Lizzie Tackett, 72, of Grethel, Monday, July 27, at Vencor Hospital, Louisville; Chester "Perk" Hodge, 56, of Garrett, Friday, July 24, at Our Lady of the Way Hospital, Martin; Savannah Howard Fraley, 88, of Prestonsburg, Friday, July 24, at her residence.

## Twenty Years Ago

(July 27, 1988)

Ordinances regarding annexation and city retirement were on the agenda for the city council members of Prestonsburg at last week's meeting.

Board of Education members, with a rumor of state takeover in their midst, don't seem to be worrying at this time.

Two stolen cars were recovered by Prestonsburg City Police this week.

More than 139 marijuana plants were confiscated as a part of an eradication process in the county.

Annexation continues to be discussed on the Holiday Inn project.

There died: Ernest Collins, 73, of Prestonsburg, Thursday, at Highlands Regional Medical Center; Paul Centers, 55, of Martin, Tuesday, at his residence; Emma Lou Horn, 52, of Prestonsburg, Sunday, at Highlands Regional Medical Center; and Maudie Luxmore, 90, of Price, Sunday, at Our Lady of the Way Hospital.

## Thirty Years Ago

(July 26, 1978)

The one spot of US 23, between Prestonsburg and Paintsville, which is regarded as most dangerous, in a long list of danger spots, apparently is marked for improvement.

The city council, this week, asked bids from contractors on resurfacing of 1.2 miles of streets in Prestonsburg, West Prestonsburg, Lancer and the Goble-Roberts Addition.

The charred body of Eddie Gene Hamilton, 24, of Teaberry, was found, early Tuesday morning, in a burning automobile on a Huntington, W.Va., parking lot, and authorities there ordered an autopsy in an effort to determine if he was dead before the fire broke out, or had died as a result of burns.

Representatives of both labor and industry made presentations at the hearing, held at the courthouse here, last Thursday, by the Department of Labor. Out of the hearing will come a new prevailing wage scale for the region, which now includes the Ashland area.

Charlie Hayden, 35, of Auxier, was killed, almost instantly, late Saturday afternoon, when the dune buggy which he was driving, plunged over a hill in the Patton Hollow-Mary Luck Hollow section of Auxier.

There died: Lousia Hicks, 62, of David, Tuesday morning, at Highlands Regional Medical Center; Banks Hall, 30, of Halo, Monday, at Our Lady of the Way Hospital, Martin; Mrs. Pearl Wood Layne, 71, of Betsy Layne, Saturday, at Methodist Hospital in Pikeville; Johnnie B. Miller, 65, formerly of Emma, July 10, at Munroe Memorial Hospital, Ocala, Florida; Burl Gibson, 40, formerly of Floyd County, July 1, in California.

## Forty Years Ago

(July 25, 1968)

A political rampus that led to a session of Senator McCarthy supporters, featured the Floyd County Democratic convention, held here Saturday afternoon, to name 38 delegates from this county to this state convention in Louisville next Saturday.

All major post offices, including Prestonsburg's, will feel the effects, beginning Saturday, of the employment cutback required by the new federal tax bill.

Willie Lee Kidd, 30-year-old Honaker miner, was killed early Wednesday morning, when he was caught beneath a block of slate, while at work in the Conn Coal Company mine on Mud Creek.

For heroism in the face of enemy fire in Vietnam, last February 27, Sp-4 Burklin Calhoun, son of Mr. and Mrs. Sam Calhoun, of the Auxier Road, near here, has been awarded the Bronze Star with "V" device.

A Sugarloaf resident, this week, reported sighting a bear near the United Fuel Gas Company pipeline.

Born: to Mr. and Mrs. Billy P. Coburn, of Mousie, a daughter, July 17; to Mr. and Mrs. Delmar Thompson, of Pompano Beach, Fla., formerly of this county, a daughter, May 21.

There died: Maggie Hopkins, 83, of Holton, Ind., formerly of Floyd County, at Hopewell, Ind.; Mrs. Carrie Porter, 88, of Dwale, Tuesday, at the Prestonsburg General Hospital; Mrs. Laura Crider, 70, of Auxier, last Wednesday, at the Prestonsburg General Hospital.

## Fifty Years Ago

(July 24, 1958)

"I would never agree to build anything less

than first-class facilities at Dewey Lake." Gov. A. B. Chandler told members of the Eastern Kentucky Planning Commission at a conference in Frankfort, Tuesday, following Conservation Commissioner Laban T. Jackson's announcement last week of a plan of low-cost housing in Jenny Wiley State Park at the lake.

Elimination of the years-old system of issuing fiscal court interest-bearing warrants in payment of county indebtedness was hailed, this week, by County Attorney Robert S. Wellman, as one of the greatest fiscal advances ever made by Floyd County.

Groundwork for the eventual establishment of a Chamber of Commerce was laid at the Monday meeting of the Prestonsburg City Council.

Philemon Frasure, 21, of East McDowell, succumbed Tuesday, 15 hours after he had been injured by a falling tree on Frasure's Creek.

Born: to Mr. and Mrs. Billy Hale, of Topeka, Kansas, a son, William II.

There died: Noah Tackett, 56, of Beaver, Friday, at McDowell Memorial Hospital; Mrs. May Stratton Layne, 64, of Ivel, Sunday, at the Methodist Hospital, Pikeville; Mrs. Lucy Brown Argelas, 68, of Hi Hat, Friday, at the home of a daughter in West Virginia; Mrs. Josie Clark, 74, of Prestonsburg, Saturday, at a Cincinnati hospital; Mrs. Ellen Stanley, 54, of Lackey, Friday, at her home; Mrs. Sula R. Salyers, 46, last Wednesday, at her home at West Prestonsburg.

## Sixty Years Ago

(July 20, 1948)

Floyd County will have its own draft board, as will most other eastern Kentucky counties, it was announced this week.

Damage estimated at upward of \$1,500 was caused near West Garrett, late last Thursday, by a windstorm of cyclonic intensity.

Another phase of the Dewey Reservoir operation was expected to get underway within a matter of a few weeks, as the U.S. Corps of Engineers received three bids, Tuesday, on the job of clearing the reservoir area.

The Prestonsburg Board of Education at its meeting, Tuesday evening, employed a full complement of 14 high school teachers, three of which are new to the school.

Ted Benedett, former Eastern State Teachers College Grid Star, and coach at Wheeling, W.Va. High School, was employed, Tuesday

night, by the Prestonsburg Board of Education as athletic coach here, to succeed John R. Eibner, who resigned recently.

Howard Burchett, of Emma, pitching star of Prestonsburg High School's Black Cats was recently signed by the Dayton, Ohio, club of the Central League.

Married: Miss Virginia Lee Keen, Prestonsburg, and Capt. Robert Moore Butler, of Yazoo City, Miss., June 12, at Alexandria, Va.; Miss Eileen Elizabeth Wolf, of West View, Pa., and Mr. Clyde B. Burchett, of Prestonsburg, June 5.

Born: to Mr. and Mrs. Richard D. Ball Jr., a son, Richard D. III, at Pikeville.

There died: Mrs. Martha Hall Allen, 89, of Lackey, last Friday, at the home of her son, Willie Allen; Mrs. Laura Goble, 69, of Emma, Tuesday, at the home of her daughter, Mrs. Rhoda Reed, at Dayton, Ohio.

## Seventy Years Ago

(July 28, 1938)

Judges of the Court of Appeals, Friday, decided that the temporary injunction issued by Circuit Judge John W. Caudill, to prevent the removal of the Martin High School, should be continued.

Mrs. Carl Allen and her four-month-old daughter were seriously injured and another daughter, Jacqueline, 11, was killed, when a speeding truck swerved off the highway near Lackey, striking them as they walked along the railroad track.

Floyd farmers have received \$12,000 in loans from the Federal Land Bank in the last 60 days, it was announced.

That sheep-raising may be revived in Floyd County, a group of approximately 30 farmers met in County Agent Sam Isbell's office here, last Thursday, and organized the Floyd County Sheep Growers' Association.

Mrs. James Watkins, and her 18-month-old daughter, were rushed to the Stumbo Memorial Hospital, where the babe remained in critical condition for several days, after they were both bitten by a copperhead.

Born: to Mr. and Mrs. M. J. Leete Jr., at Martin, July 17, a daughter, Judith Carol.

There died: Irvin "Pomp" Ford, 40, of Prestonsburg, July 23, at home; Mrs. Rosa Hurd Hall, 57, of Banner, last Thursday, at her home; James Shannon Stratton, 74, of Mare Creek, July 20, at his home; Mrs. Lula Francis, 28, of Wayland, last Friday, at Wayland.

## King Crossword

### ACROSS

- 1 Tibetan monk
- 5 Brooch
- 8 First victim
- 12 Blackbirds
- 13 Buck's mate
- 14 Portrayal
- 15 Personal aura
- 17 River of England
- 18 Strips in the kitchen?
- 19 Housecoat of a sort
- 21 Pinion partner
- 24 Architect I.M.
- 25 Diastemata
- 28 Fibs
- 30 Proof abbr.
- 33 Volcano output
- 34 Easter symbol
- 35 E.T.'s craft
- 36 The air up there
- 37 Give a makeover
- 38 "Little Women" woman
- 39 Caribbean or Coral
- 41 Wings
- 43 East-of-the-Urals folks
- 46 Collision
- 50 Common queries, on a Web site
- 51 Review

1	2	3	4	5	6	7	8	9	10	11
12				13			14			
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18				19	20					
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43	44			45			46	47	48	49
50				51	52	53				
54				55				56		
57				58				59		


- 6 Debtor's interjection
- 7 Requirement
- 8 Got up
- 9 Small shop
- 10 Otherwise
- 11 Groucho-like look
- 16 - jiffy
- 20 Daisy lead-in
- 22 Hint
- 23 In a way
- 25 Petrol
- 26 Invite
- 27 Bod
- 29 Carbon compound
- 31 Small salamander
- 32 Homer's
- 34 Cereal choice
- 38 Alaska explorer
- 40 Made comfortable
- 42 Performance
- 43 At a distance
- 44 Full of wisdom
- 45 Con game
- 47 Blue hue
- 48 Lather
- 49 Dickens' Uriah
- 52 Kanga's kid
- 53 Mamie's man

P	S	G	E	O	M	D	E	E	R	
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H	L	B	O	D	E	R	A	K	S	
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E	D	S	E	I	L	E	S	A	V	
R	E	I	P	E	R	A	C	K		
H	E	R	S	T	D	U	N	O	C	B
E	S	O	E	U	O	I	L	S	T	M
L	E	R	O	E	O	D	S	I	N	A
L	A	B	E	L	I	N	P	I	N	A

Solution time: 25 mins.

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U.S. General Services Administration  
PSA





Pictured are those participating in BSCTC's Summer Children's Music and Drama Performance: (front row, from left) Mason Griffith, Shelby Damron, Jillian Howard, Julia Damron (second row) Summer Pelphry, Julie Matijasic, Kevin Justice, Parker McKealan, Eden Wyatt, Kerrigan Campbell, Bailey Ratliff (third row) Director Laura Ford Hall, Haley Damron, Tori Stepp, Nicholas Hites, Rebekah Tackett, Andrew Wright, Savannah Looney, Katie Stepp, Marlana VanHoose (fourth row) Assistants Candace Preece and Recca Maynard, Alyssa Moe, Kaitlyn Coleman, Kayla Nelson, Tambriell Caudill, Hannah Maynard, Assistant Michelle Fields, Assistant Alyson McKenzie, Assistant Clayton Case. Not pictured are: Grant Martin, Corbin Bentley, Shelby Crider, and Technical Director Timothy Cooley.

## Children's Music and Drama Camp to perform

by JARRID DEATON  
FEATURES WRITER

Gearheart Auditorium will be alive with the sound of children's music and more Thursday as the Big Sandy Community and Technical College Children's Music and Drama Camp present "Stories and Songs."

The performance will include the 30 children that participated in the college's annual summer music and drama camp under the direction of Laura Ford Hall, BSCTC

communication faculty and music and drama director.

"This group of children is very talented," Hall said. "They are good at both singing and acting. They are very sweet and have been one of the best groups I have ever worked with. I expect their production to be very good and I am so proud of them for all that they have accomplished."

The children learned basic concepts of drama, acting, and vocal music during the camp.

"We hope everyone will come

to see our children's production," Hall said. "We are excited about the program and plan to offer it year after year. We are pleased to bring arts education opportunities not only to our college students, but also to the children in our area."

The performance will begin at 7 p.m. in Gearheart Auditorium on the Prestonsburg campus of Big Sandy Community and Technical College. Admission to the event is \$5.



Mullins-Hall

Teddy and Brendy Mullins of Drift are pleased to announce the engagement and forthcoming marriage of their daughter, Laura Ann to Anthony Gene Hall. Anthony is the son of Tony and Bonita Hall of McDowell. Laura is a 2004 graduate of South Floyd High School and a 2007 graduate of Pikeville College, where she obtained an associate's degree in nursing. She is employed by Pikeville Medical Center. Anthony is a 2001 graduate of South Floyd. He is assistant manager of K-Vat. The couple will exchange vows on July 26. After a honeymoon in Tennessee, the couple will reside in McDowell.

### Child Find for Children with Disabilities in Need of Special Education or 504 Services

**Child Find**  
The Floyd County School District keeps educational records in a secure location in each school and Board office.

The Floyd County School District obtains written consent from a parent or eligible student (age 18 or who is attending a postsecondary institution), before disclosing personally identifiable information to an entity or individual not authorized to receive it under FERPA.

For students who have been determined eligible for Special Education, educational records will be destroyed at the request of the parents when they are no longer needed to provide educational programs or services. The Floyd County School District may destroy the educational records of a child without parent request years after they are no longer needed to provide educational programs or services. Parents are advised that data contained in the records may later be needed for Social Security benefits or other purposes. The Floyd County School District may retain, for an indefinite period of time, a record of the student's name, address, telephone number, grades, attendance records, classes attended, grade level completed, and year completed.

Children eligible for Special Education include those children with disabilities who have autism, deaf-blindness, developmental delay, emotional-behavior disability, hearing impairment, mental disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment and who because of such an impairment need Special Education services.

Children eligible for 504 services include those children who have a current physical or mental impairment that currently substantially limits some major life activity which causes the student's ability to access the school environment or school activities to be substantially limited.

The Floyd County School District has an ongoing "Child Find" system, which is designed to locate, identify and evaluate any child residing in a home, facility, or residence within its geographical boundaries, age three (3) to twenty-one (21) years, who may have a disability and be in need of Special Education or 504 services. This includes children who are not in school; those who are in public, private, or home school; those who are highly mobile such as children who are migrant or homeless; and those who are advancing from grade to grade, who may need but are not receiving Special Education or 504 services.

The District's "Child Find" system includes children with disabilities attending private or home schools within the school district boundaries who may need special education services.

The Floyd County School District will make sure any child enrolled in its district who qualifies for Special Education or 504 services, regardless of how severe the disability, is provided appropriate Special Education or 504 services at no cost to the parents of the child.

Parents, relatives, public and private agency employees, and concerned citizens are urged to help the Floyd County School District find any child who may have a disability and need Special Education or 504 services. The District needs to know the name and age, or date of birth of the child; the name, address, and phone number(s) of the parents or guardian; the possible disability; and other information to determine if Special Education or 504 services are needed.

Letters and phone calls are some of the ways the Floyd County School District collects the information needed. The information the school District collects will be used to contact the parents of the child and find out if the child needs to be evaluated or referred for Special Education or 504 services.

If you know of a child who lives within the boundaries of the Floyd County School District, who may have a disability and may need, but is not receiving, Special Education or 504 services, please call Debbie Warrix (606.886.4530) or send the information to:

**Director of Special Education**  
Floyd County Schools  
106 North Front Avenue  
Prestonsburg, KY 41653  
606.886.4530

**Section 504 Coordinator**  
Floyd County Schools  
106 North Front Avenue  
Prestonsburg, KY 41653  
606.886.4530

If you know of a child who attends a private or home school within the boundaries of the Floyd County School District, who may have a disability and may need, but is not receiving, Special Education services, please call Debbie Warrix (606.886.4530) or send the information to:

**Director of Special Education**  
Floyd County Schools  
106 North Front Avenue  
Prestonsburg, KY 41653  
606.886.4530

"Child Find" activities will continue throughout the school year. As part of these efforts the Floyd County School District will use screening information, student records, and basic assessment information it collects on all children in the District to help locate those children who have a disability and need Special Education or 504 services. Any information the District collects through "Child Find" is maintained confidentially.

Written Policies and Procedures have been developed that describe the District's requirements regarding the confidentiality of personally identifiable information and "Child Find" activities. There are copies in the Principal's office of each school, and in the Board of Education office. Copies of these Policies and Procedures may be obtained by contacting:

**Director of Pupil Personnel**  
Floyd County Schools  
106 North Front Avenue  
Prestonsburg, KY 41653  
606.886.4530

The District office is open Monday through Friday, from 8:00 a.m. to 4:00 p.m.

The Floyd County School District provides a public notice in the native language or other mode of communication of the various populations in the geographical boundaries of the District to the extent feasible. If you know of someone who may need this notice translated to another language, given orally, or delivered in some other manner or mode of communication, please contact the Director of Pupil Personnel, the Director of Special Education or the Section 504 Coordinator at the address or phone number listed above for the Floyd County Schools.

Revised Feb. 2007

STUDENTS

09.14 AP.111

### Notification of FERPA Rights

Distribute this notice annually to parents and students.

The Family Education Rights and Privacy Act (FERPA) affords parents and "eligible students" (students over 18 years of age or students who are attending a postsecondary institution) certain rights with respect to the student's education records. They are:

- 1) *The right to inspect and review the student's education records within forty-five (45) days of the day the District receives a request for access.*

Parents or eligible students should submit to the school Principal/designee a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the record(s) may be inspected.

- 2) *The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or in violation of the student's privacy or other rights.*

Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of privacy or other rights. They should write the school Principal, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or in violation of their privacy or other rights.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise him/her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- 3) *The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.*

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A "school official" is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.

Upon request, the District shall disclose education records without consent to officials of another school district in which a student seeks or intends to enroll or to other entities authorized by law.

STUDENTS

09.14 AP.111  
(CONTINUED)

### Notification of FERPA Rights

- 4) The right to prohibit the disclosure of personally identifiable information concerning the student to recruiting representatives of the U.S. Armed Forces and its service academies, the Kentucky Air National Guard, and the Kentucky Army National Guard.

Unless the parent or eligible student requests in writing that the District not release information, the student's name, address, and telephone number (if listed) shall be released to Armed Forces recruiters upon their request.

- 5) *The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.* The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

Review/Revised:8/25/2003



**ORDINANCE NO. 06-2008**

**AN ORDINANCE RELATING TO THE IMPOSITION AND ADMINISTRATION OF A OCCUPATIONAL LICENSE REQUIREMENT, AND PAYMENT OF AN OCCUPATIONAL LICENSE TAX BY PERSONS AND BUSINESS ENTITIES CONDUCTING BUSINESSES, OCCUPATIONS AND PROFESSIONS WITHIN THE CITY OF PRESTONSBURG, KENTUCKY; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF ANY SUCH CONFLICT.**

WHEREAS, the Prestonsburg City Council desires to comply with the requirements of KRS 67.750 to 67.790 and deems it necessary and desirable that certain changes be made to existing ordinances imposing occupational license taxes on persons and businesses entities conducting businesses, occupations, and professions within the City of Prestonsburg, Kentucky, so that the assessment and payment of Occupational License Taxes can be administered more efficiently.

NOW, THEREFORE, be it ordained by the city council of the City of Prestonsburg, Kentucky as follows:

Ordinance No. 05-2008 is hereby enacted and shall read in full as follows:

Sections:

1	Definitions
2	License Application Required
3	Occupational License Tax Payment Required
4	Apportionment
5	Employers to Withhold
6	Returns Required
7	Extensions
8	Refunds
9	Federal Audit Provisions
10	Administrative Provisions
11	Information to Remain Confidential
12	Penalties
13	Use of Occupational License Tax
14	Severability

**§ 1 - Definitions**

As used in this ordinance, the following terms and their derivatives shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- (1) "Business entity" means each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted;
- (2) "Business" means any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. "Business" shall not include the usual activities of board of trade, chambers of commerce, trade associations, or unions, or other associations performing services usually performed by trade associations or unions. "Business" shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes or receipts of such unit, group, or association, inures to the benefit of any private shareholder or other person.
- (3) "City" means the city of Prestonsburg, Kentucky.
- (4) "Compensation" means wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:
  - (a) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and
  - (b) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code;
- (5) "Conclusion of the federal audit" means the date that the adjustments made by the Internal Revenue Service to net income as reported on the business entity's federal income tax return become final and unappealable;
- (6) "Final determination of the federal audit" means the revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.
- (7) "Fiscal year" means an accounting period of 12 months ending on the last day of any month other than December;
- (8) "Employee" means any person who renders services to another person or any business entity for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency of instrumentality of any one (1) or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.
- (9) "Employer" means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that:
  - (a) if the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term "employer" means the person having control of the payment of such wages, and
  - (b) in the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term "employer" means such person;
- (10) "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 2003, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2004, that would otherwise terminate;
- (11) "Net profit" means gross income as defined in Section 61 of the Internal Revenue Code minus all the deductions from gross income allowed by Chapter 1 of the Internal Revenue Code, and adjusted as follows:
  - (a) Include any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof;

- (b) Include any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not taxed;
  - (c) Include any amount claimed as a net operating loss carry back or carry forward allowed under Section 172 of the Internal Revenue Code;
  - (d) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and
  - (e) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution, or the Constitution and statutory laws of the United States;
- (12) "Person" shall mean every natural person, whether a resident or non-resident of the city. Whenever the word "person" is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereof;
  - (13) "Return" or "Report" means any properly completed and, if required, signed form, statement, certification, declaration, or any other document permitted or required to be submitted or filed with the city;
  - (14) "Sales Revenue" means receipts from the sale, lease, or rental of goods, services, or property;
  - (15) "Tax district" means any city of the first to fifth class with the authority to levy net profits, or occupational license taxes;
  - (16) "Taxable net profit" in case of a business entity having payroll or sales revenue only within the city means net profit as defined in subsection (11) of this section;
  - (17) "Taxable net profit" in case of a business entity having payroll or sales revenue both within and without the city means net profit as defined in subsection (11) of this section, and as apportioned under Section (4) of this Ordinance; and
  - (18) "Taxable year" means the calendar year or fiscal year ending during the calendar year, upon the basis of which net profit is computed.

**§ 2 - Occupational License Application Required**

- (1) Every person and business entity engaged in any business in the city of Prestonsburg shall be required to apply for and obtain a occupational license from the city of Prestonsburg before the commencement of business or in the event of a change of business status. Licensees are required to notify the city of any changes in address, the cessation of business, or any other changes which render the information supplied to the city in the license application inaccurate.

**§ 3 - Occupational License Tax Payment Required**

- (1) Except as provided in subsection (2) of this section, every person or business entity engaged in any business for profit and any person or business entity that is required to make a filing with the Internal Revenue Service or the Kentucky Revenue Cabinet shall be required to file and pay to the city an occupational license tax for the privilege of engaging in such activities within the city. The occupational license tax shall be measured by 1.5% of:
  - (a) all wages and compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and nonresident who is an employee;
  - (b) the net profit from business conducted in the city by a resident or nonresident business entity.
- (2) The occupational license tax imposed in this section shall not apply to the following persons or business entities:
  - (a) Any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, any savings and loan association whether state or federally chartered;
  - (b) Any compensation received by members of the Kentucky national guard for active duty training, unit training assemblies and annual field training;
  - (c) Any compensation received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections;
  - (d) Public Service Corporations that pay an ad valorem tax on property valued and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly non-public service who are also engaged in public service activity are required to pay a license fee on their net profit derived from the non-public service activities apportioned to the city;
  - (e) Persons or business entities that have been issued a license under KRS Chapter 243 to engage in manufacturing or trafficking in alcoholic beverages. Persons engaged in the business of manufacturing or trafficking in alcoholic beverages are required to file a return, but may exclude the portion of their net profits derived from the manufacturing or trafficking in alcoholic beverages;
  - (f) Life insurance companies incorporated under the laws of and doing business in the Commonwealth of Kentucky.

**§ 4 - Apportionment**

- (1) Except as provided in subsection (4) of this section, net profit shall be apportioned as follows:
  - (a) For business entities with both payroll and sales revenue in more than one (1) tax district, by multiplying the net profit by a fraction, the numerator of which is the payroll factor, described in subsection (2) of this section, plus the sales factor, described in subsection (3) of this section, and the denominator of which is two (2); and
  - (b) For business entities with sales revenue in more than one (1) tax district, by multiplying the net profit by the sales factor as set forth in subsection (3) of this section.
- (2) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the city during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the tax period. Compensation is paid or payable in the city based on the time the individual's service is performed within the city.
- (3) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the city during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period.
  - (a) The sale, lease, or rental of tangible personal property is in the city if:



1. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within the city regardless of the f.o.b. point or other conditions of the sale; or
  2. The property is shipped from an office, store, warehouse, factory, or other place of storage in the city and the purchaser is the United States government.
- (b) Sales revenues, other than revenues from the sale, lease or rental of tangible personal property or the lease or rental of real property, are apportioned to the city based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within the city and the denominator of which is the total time spent performing that income-producing activity.
- (c) Sales revenue from the sale, lease, or rental of real property is allocated to the tax district where the property is located.
- (4) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the city, the business entity may petition the city or the city may require, in respect to all or any part of the business entity's business activity, if reasonable:
- (a) Separate accounting;
  - (b) The exclusion of any one (1) or more of the factors;
  - (c) The inclusion of one (1) or more additional factors which will fairly represent the business entity's business activity in the city; or
  - (d) The employment of any other method to effectuate an equitable allocation and apportionment of net profit.
- (5) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without the city, the license tax shall be measured by that part of the compensation paid or payable as a result of work done or service performed or rendered within the city. The license tax shall be computed by obtaining the percentage which the compensation for work performed or services rendered within the city bears to the total wages and compensation paid or payable. In order for the city to verify the accuracy of a taxpayer's reported percentages under this subsection, the taxpayer shall maintain adequate records.
- (6) All partnerships, S corporations, and all other entities where income is "passed through" to the owners are subject to this ordinance. The occupational license tax imposed in this ordinance is assessed against income before it is "passed through" these entities to the owners.
- (7) If any business entity dissolves, ceases to operate, or withdraws from the city during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, cessation of business, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of any occupational license tax for the period of that taxable year during which the business entity had business activity in the city.
- (8) If a business entity makes, or is required to make, a federal income tax return, the occupational license tax shall be computed for the purposes of this ordinance on the basis of the same calendar or fiscal year required by the federal government, and shall employ the same methods of accounting required for federal income tax purposes.

#### § 5 - Employers to Withhold

- (1) Every employer making payment of compensation to an employee shall deduct and withhold from the compensation an occupational license tax calculated under Section (3) of this ordinance.
- (2) Every employer required to deduct and withhold tax under this section shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter, make a return and report to the city, and pay to the city, the tax required to be withheld under this section, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the city.
- (3) Every employer who fails to withhold or pay to the city any sums required by this ordinance to be withheld and paid shall be personally and individually liable to the city for any sum or sums withheld or required to be withheld in accordance with the provisions of this section.
- (4) The city shall have a lien upon all the property of any employer who fails to withhold or pay over to the city sums required to be withheld under this section. If the employer withholds, but fails to pay the amounts withheld to the city, the lien shall commence as of the date the amounts withheld were required to be paid to the city. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the city.
- (5) Every employer required to deduct and withhold tax under this section shall annually on or before February 28 of each year complete and file on a form furnished or approved by the city a reconciliation of the occupational license tax withheld where compensation is paid or payable to employees. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements, or a detailed employee listing with the required equivalent information, as determined by the city, shall be submitted.
- (6) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and occupational license tax deducted by the employer from the compensation paid to the employee for payment to the city during the preceding calendar year.
- (7) An employer shall be liable for the payment of the tax required to be deducted and withheld under this section.
- (8) The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to this section shall be personally and individually liable, both jointly and severally, for any tax required to be withheld from compensation paid or payable to one or more employees of the business entity, and neither the corporate dissolution or withdrawal of the business entity from the city, nor the cessation of holding any corporate office, shall discharge that liability; provided that the personal and individual liability shall apply to each and every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this subsection unless such person had authority to collect, truthfully account for, or pay over the tax imposed by this ordinance at the time that the taxes imposed by this ordinance become or became due.
- (9) Notwithstanding subsections (7) and (8) of this section, every employee receiving compensation in the city subject to the tax imposed under Section (3) of this ordinance shall be personally liable for any amount due. In all cases where the employer does not withhold the tax levied under this ordinance from the employee, such employee or employees shall be responsible for filing with the city each quarter in the same manner as if they were the employer.

#### § 6 - Returns Required

- (1) All business entity returns for the preceding taxable year shall be made by April 15 of each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the city.

- (2) Every business entity shall submit a copy of its federal income tax return and all supporting statements and schedules at the time of filing its occupational license tax return with the city. Whenever, in the opinion of the city, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the city may compel the business entity to produce for inspection a copy of any statements and schedules in support thereof that have not been previously filed. The city may also require copies of reports of adjustments made by the federal government.
- (3) Every business entity subject to an occupational license tax governed by the provisions of this ordinance shall keep records, render under oath statements, make returns, and comply with rules as the city from time to time may prescribe. Whenever the city deems it necessary, the city may require a business entity, by notice served to the business entity, to make a return, render statements under oath, or keep records, as the city deems sufficient to determine the tax liability the business entity.
- (4) The city may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.
- (5) The full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the city at the time prescribed for filing the occupational license tax return, determined without regard to any extension of time for filing the return.

#### § 7 - Extensions

- (1) The city may grant any business entity an extension of not more than six (6) months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the city and the business entity, for filing its return, if the business entity, on or before the date prescribed for payment of the occupational license tax, requests the extension and pays the amount properly estimated as its tax.
- (2) If the time for filing a return is extended, the business shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due on the return, but not been previously paid, from the time the tax was due until the return is actually filed and the tax paid to the city. A fraction of a month is counted as an entire month.

#### § 8 - Refunds

- (1) Where there has been an overpayment of tax under Section (5) of this ordinance, a refund or credit shall be made to the employer to the extent of overpayment only if a written application for refund or credit is received by the city from the employer within two (2) years from the date the overpayment was made.
- (2) An employee who has compensation attributable to activities performed outside the city, based on time spent outside the city, whose employer has withheld and remitted to this city, the occupational license tax on the compensation attributable to activities performed outside the city, may file for a refund within two (2) years of the date prescribed by law for the filing of a return. The employee shall provide a schedule and computation sufficient to verify the refund claim and the city may confirm with the employer the percentage of time spent outside the city and the amount of compensation attributable to activities performed outside the city prior to approval of the refund.

#### § 9 - Federal Audit Provisions

- (1) As soon as practicable after each return is received, the city may examine and audit the return. If the amount of tax computed by the city is greater than the amount returned by the business entity, the additional tax shall be assessed and a notice of assessment mailed to the business entity by the city within five (5) years from the date the return was filed, except as otherwise provided in this subsection.
  - (a) In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.
  - (b) In the case of a return where a business entity understates net profit, or omits an amount properly includable in net profits, or both, which understatement or omission, or both, is in excess of twenty-five percent (25%) of the amount of net profit stated in the return, the additional tax may be assessed at any time within six (6) years after the return was filed.
  - (c) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this subsection, or six (6) months from the date the city receives the final determination of the federal audit from the business entity, whichever is later.

The times provided in this subsection may be extended by agreement between the business entity and the city. For the purposes of this subsection, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.
- (2) Every business entity shall submit a copy of the final determination of the federal audit within thirty (30) days of the conclusion of the federal audit.
- (3) The city may initiate a civil action for the collection of any additional tax within the time prescribed in subsection (1) of this section.

#### § 10 - Administrative Provisions

- (1) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this ordinance.
- (2) Any tax collected pursuant to the provisions of this ordinance may be refunded or credited within two (2) years of the date prescribed by law for the filing of a return or the date the money was paid to the city, whichever is the later, except that:
  - (a) In any case where the assessment period contained in Section (9) of this ordinance has been extended by an agreement between the business entity and the city, the limitation contained in this subsection shall be extended accordingly.
  - (b) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the business entity shall file a claim for refund or credit within the time provided for in this subsection or six (6) months from the conclusion of the federal audit, whichever is later.

For the purposes of this subsection and subsection (1) of this section, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.
- (3) The authority to refund or credit overpayments of taxes collected pursuant to this ordinance is vested exclusively in the city.

#### § 11 - Information to Remain Confidential

- (1) No present or former employee of any tax district shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the tax district or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in



prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the tax district from testifying in any court, or from introducing as evidence returns or reports filed with the tax district, in an action for violation of a tax district tax law or in any action challenging a tax district tax laws.

- (2) The city reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her duly authorized agent all such information and rights to inspect any of the books and records of the city if the Commissioner of Revenue of the Commonwealth of Kentucky grants to the city the reciprocal right to obtain information from the files and records of the Kentucky Department of Revenue and maintains the privileged character of the information so furnished. Provided, further, that the city may publish statistics based on such information in such a manner as not to reveal data respecting net profits or compensation of any person or business entity.
- (3) In addition, the city is empowered to execute similar reciprocity agreements as described in subsection (2) of this section with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this ordinance.

**§ 12 - Penalties**

- (1) A business entity subject to tax on net profits may be subject to a penalty equal to five percent (5%) of the tax due for each calendar month or fraction thereof if the business entity:
  - (a) Fails to file any return or report on or before the due date prescribed for filing or as extended by the city; or
  - (b) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.
 The total penalty levied pursuant to this subsection shall not exceed twenty-five percent (25%) of the total tax due; however, the penalty shall not be less than twenty-five dollars (\$25).
- (2) Every employer who fails to file a return or pay the tax on or before the time prescribed under Section (5) of this ordinance may be subject to a penalty in amount equal to five percent (5%) of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this subsection shall not exceed twenty-five percent (25%) of the total tax due; however, the penalty shall not be less than twenty-five dollars (\$25).
- (3) In addition to the penalties prescribed in this section, any business entity or employer shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the city. A fraction of a month is counted as an entire month.
- (4) Every tax imposed by this ordinance, and all increases, interest, and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the city.
- (5) The city may enforce the collection of the occupational tax due under section (3) of this ordinance and any fees, penalties, and interest as provided in subsections (1), (2), (3), and (4) of this section by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this ordinance.

- (6) In addition to the penalties prescribed in this section, any business entity or employer who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor.
- (7) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this ordinance of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor.
- (8) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the city and required to be filed with the city by the provisions of this ordinance, or by the rules of the city or by written request for information to the business entity by the city.
- (9) Any person violating the provisions of section (11) of this ordinance by intentionally inspecting confidential taxpayer information without authorization, shall be fined not more than five hundred dollars (\$500) or imprisoned for not longer than six (6) months, or both.
- (10) Any person violating the provisions of section (11) of this ordinance by divulging confidential taxpayer information shall be fined not more than one thousand (\$1000) or imprisoned for not more than one (1) year, or both.

**§ 13- Use of Occupational License Tax**

All money derived from the license taxes under the provisions of this ordinance shall be paid to the city and placed to the credit of the city's general revenue fund.

**§ 14 - Severability**

Each section and each provision of each section of this ordinance are severable, and if a provision, section, paragraph, sentence or part thereof, or the application thereof to any person licensee, class or group, is held by a court of law to be unconstitutional or invalid for any reason, such holding shall not affect or impair the remainder of this ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently of the rest.

Done this 23 day of June, 2008.

Attest:

*Sharon Schoolcraft*  
Sharon Schoolcraft, City Clerk

*Jerry Fannin*  
Jerry Fannin, Mayor

**ORDINANCE NO. 4-2008**

**AN ORDINANCE OF THE CITY OF PRESTONSBURG, KENTUCKY AMENDING SECTIONS 3, 6, 10, 11 and 13 OF ORDINANCE NO. 6-91 TO REFLECT RATE CHANGES**

**ORDINANCE NO. 6-91**

**AN ORDINANCE OF THE CITY OF PRESTONSBURG, KENTUCKY RELATING TO COLLECTION AND DISPOSAL OF SOLID WASTE**

**WHEREAS**, the collection and disposal of solid waste and related refuse materials has become an increasing concern to the citizens of Prestonsburg, Kentucky and other cities and towns across the Commonwealth of Kentucky; and,

**WHEREAS**, the City Council of the City of Prestonsburg has conferred with relevant solid waste consultants and experts for the purpose of accumulating sufficient information necessary to regulate the collection and disposal of solid waste;

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Prestonsburg, Kentucky, as follows:

**Section 1. DEFINITIONS**

- "Applicant." Any person making application for a permit to operate a landfill, or to collect and dispose of any form of waste material.
- "Ashes." The residue from the burning of the wood, coal, coke and other combustible materials in homes, stores, institutions and small industrial establishments for the purpose of heating, cooking and disposing of waste combustible material. Cinders that are produced in large quantities at steam-generated plants are not included within the meaning of the term.
- "Building Rubbish." The waste material resulting from the construction, remodeling, repair and demolition operations on commercial buildings, houses and other structures.
- "City." The City of Prestonsburg, Kentucky.
- "Construction Permit." A permit for:
  - (1) A landfill not previously permitted;
  - (2) A permitted landfill which seeks substantial modification in the scope of its permitted activities;
  - (3) A landfill whose permit has lapsed and has not been renewed for sixty (60) days.
- "Director." The Director of the Department of Public Works, his authorized agents or representatives.
- "Dump fees." The cost to dispose refuse at the landfill.
- "Medical Waste." Includes, but is not limited to any and all pathological, biological, radioactive or other toxic waste generated by health care businesses or facilities as may be defined by the Environmental Protection Agency, or Commonwealth of Kentucky.
- "Non-wooded Landscape Waste." Grass clippings, leaves, garden vegetation, weeds and twigs (pencil thin), free of other debris or refuse.
- "Nuisance." Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes but is not limited to the keeping of the following:
  - (1) Ashes, debris, garbage, lumber, bricks, cinder blocks, insulation materials, building debris, refuse or waste of any kind, whether liquid or sawed.
  - (2) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.
- "Open Burning." Any fire wherein the production of combustion is emitted directly into the outdoor atmosphere and is not directed thereto through a stack or chimney, incinerator or other similar device.

- "Operator." Any person responsible for the construction and/or operation of the landfill.
- "Permit." Permission, in whatever form, by the Director of Public Works or any Administrative Agency within the city.
- "Person." Any individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership, association, firm or other entity whatsoever.
- "Plan." The detailed plans and specifications for the disposal site or facility, which shall include all material, description and information set forth in the application for permit and upon which said permit was approved by the city.
- "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or damaged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water or on land.
- "Pollution." The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water or land.
- "Putrescible." Organic solid waste subject to decomposition by bacteria, fungi and oxidation, except trees, brush and the like not requiring daily cover.
- "Recyclable Materials." May include, but not limited to various grades of paper, aluminum, tin cans, glass and plastics.
- "Refuse." All nonputrescible waste.
- "Roll Call Container." A large, durable polyethylene refuse container on wheels, complete with attached lid. Roll cart containers are designed: to be rolled to the curb by residents or proprietors; dumped automatically by refuse vehicles; and to hold both garbage and trash. Carts are provided by the city and remain the property of the city.
- "Salvage." The controlled removal of reusable materials.
- "Sanitary Landfill." A landfill at which putrescible and other solid waste may be disposed pursuant to a method of disposing of said waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practicable volume and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.
- "Scavenging." The manual sorting of refuse either in the trucks or at the place of the fill, or in unconfined truck discharged areas by individuals not associated with the landfill operation.
- "Shall." Is mandatory; "MAY" is permissive.
- "Solid Waste." All putrescible or nonputrescible refuse in solid form. Solid waste includes but is not limited to garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes including explosives, pathological wastes and radioactive materials.
- "Solid Waste Collector." Any person who collects or transports solid waste.
- "Solid Waste Disposal Site or Facility." Any place at which solid waste is disposed of by incinerator, landfill or any other approved method.
- "Special Handling Wastes." Wastes which cannot be properly or safely handled by a packer-type garbage truck (front or rear loading) without resulting in damage to city equipment. This waste shall include but is not limited to tires, wooden pallets, lumber, large engine parts, large furniture, large scrap metal and shavings, bricks, building rubbish, concrete blocks, stoves, excavating earth, food processing waste, metal drums, large wire bindings, heavy packaging material, boiler house cinders, sewage, or process sludge, and hazardous or toxic materials of any sort.
- "Spoiled Food." Any food which has been removed from sale by the United States Department of Agriculture, Food and Drug Administrations, Kentucky State Department of Health, Floyd County Health Department, or any other regulatory agency having jurisdiction in judging food unfit for consumption.



"State." The Commonwealth of Kentucky, or an authorized agency thereof having regulatory authority.

"Town House or Condominium." A single-family residence sharing a common wall with one or more single-family residences.

"Toxic Pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307 (a) or other acts.

"Trash." A variety of both combustible and noncombustible solid waste from materials from homes, stores and institutions. Normally, trash consists of general yard waste, small tree branches, grass clippings, leaves, small appliances, and other residential rubbish.

"Vecor." Any insect or animal which transmits diseases from one person or animal to another.

"Waters of the State." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

"Woody Landscape Waste." Tree limbs or trunks not more than six (6) inches in diameter.

## Section 2. PROHIBITED PRACTICES

- (A) To use dumpsters other than those assigned to the owner/occupant of any premises serviced by the city, its representatives or assigns. Persons using dumpsters other than those assigned to them by the city shall be subject to fines and/or penalties as hereinafter set forth.
- (B) To throw or deposit any garbage, rubbish, waste matter, or to cause the same to be thrown or deposited upon or in any street, alley, gutter, vacant lot, or yard.
- (C) To keep, place, or deposit garbage or waste on any private grounds or premises whatsoever, except in receptacles as designated herein.
- (D) To store or keep any garbage, rubbish or waste matter where rodents, flies or insects can have access thereto or feed thereon.
- (E) To bury any such garbage or waste matter at any place within the city limits except as authorized by the Director of Public Works or a relevant public health officer.
- (F) To deposit or allow to accumulate any rubbish or waste matter, any junked motor vehicle, or any other matter deemed to be a nuisance in the context of this chapter in or upon any vacant lot, yard, street, alley, gutter, highway, park or other public place in the city except for building materials and related supplies in use for construction by virtue of an authorized current building permit.
- (G) To burn any garbage or refuse, waste paper, boxes, rubbish, debris, brush, grass, weeds, cuttings from trees, lawns and gardens except that such materials may be burned in a state approved furnace or private incinerator pursuant to a permit issued by and under the supervision of the city.
- (H) To deposit or cause to be deposited in any manner garbage or rubbish or any other waste matters into the sewage system of the city except with the written approval and under the direction of the Superintendent of the Utilities Commission and the appropriate public health officer.
- (I) For the owner or operator of any truck or any vehicle carrying manure, swill, offal or any other noxious, offensive or dangerous substance or the contents of any privy vault, cesspool, septic tank or sink to allow the scattering, spilling or leakage of the contents thereof upon any street or other public way or upon the yard, driveway or within the premises, whether public or private, or to allow such vehicle to stand or remain near any building, place of business or residence, or to unreasonably delay the time of loading or unloading or in passing along any street or through any uninhabited place or connection therewith to be kept in an unsanitary and unwholesome condition or be stored in any place where needless offense is caused to any person.
- (J) To engage in the collection, hauling or transportation of any garbage or other similar solid waste or refuse for hire, except by the city or its authorized agent. This is not intended to preclude the hauling for hire of commercial garbage or waste or any private or commercial rubbish or waste matter as defined in this chapter, or of cesspool or privy contents, or of any waste building or construction materials left over from construction, renovation or demolition of any building, so long as said private or commercial rubbish or waste collector first obtains a permit from the city.
- (K) To keep or allow to accumulate for more than one week any kind of putrescible garbage or waste material.
- (L) No person, firm, or corporation, other than the city or its agents shall engage in the collection, transportation or disposal of garbage or other waste materials from any premises or business, either for hire or compensation, without first obtaining a permit as required by the city.

## Section 3. RECYCLING

Recycling plans may be implemented by the city with approval of the Mayor on a trial basis for up to six months, after which rules and regulations involving the recycling of materials shall be presented to the City Council for inclusion in this chapter. Recycling pickups will be provided for residents one day a week. Materials to be recycled will be determined by the Director of Public Works.

## Section 4. COLLECTION

### Roll Cart Container Service.

- (A) The city may provide a roll cart container to every residential property which is currently within the city limits or an area where the city provides for waste collection.
- (B) The city may provide a roll cart container to office, commercial and industrial units, apartment complexes, or other buildings within the city limits or area where the city provides for waste collection and which property does not generate enough waste to warrant container service, or has special circumstances which do not allow use of dumpster containers.

### Dumpster Container Service.

- (A) The city will provide collection services for dumpster containers at any multi-family residential structure, office, commercial, industrial unit, or other building within the city limits or area where the city provides for waste collection, subject to the approval of the Director of Public Works and the City Council.

(B) Dumpster containers will be furnished by the city at the following locations:

- (1) Apartment buildings, townhouses or condominiums of seven units or larger.
- (2) All office, commercial and industrial units or other buildings, including apartment complexes, townhouse complexes and condominium complexes, which, as determined by the Director of Public Works and the City Council, generate a sufficient amount of refuse to warrant the use of a dumpster (approximately eight (8) cubic yards per any collection day or three (3) or more roll cart containers of refuse normally).
- (3) Exempt from this requirement are existing apartment buildings, office, commercial and industrial units or other buildings which the Director of Public Works and the City Council determine either do not have sufficient space to properly locate a dumpster or have special circumstances which make the use of a dumpster at that location wholly impracticable. Existing properties which have sufficient space, but do not have dumpster collection may be required to change type of service by the Director of Public Works and the City Council within twelve (12) months of formal written notice.

## Section 5. PROCEDURE FOR USING ROLL CART CONTAINERS.

- (A) It will be the responsibility of the property owners and/or tenant of said property to keep the roll cart container provided by the city reasonably secure and in good condition. If the container needs replacement due to normal wear and tear or because of some manufacturer's defect, a new container will be provided or repairs will be made at no charge. The city will replace stolen or vandalized containers unless the city determines that the resident clearly has been neglectful in the care of his or her container. If so, the resident may be required to purchase replacement containers.
- (B) The roll cart container may be filled to capacity as long as the lid can be closed and latched. No hazardous, medical, special handling waste, bricks, dirt, engine blocks, or other excessively heavy material, hot ashes, paints, solvents, or flammable liquids shall be placed in the container.
- (C) Any residence or establishments that do not use the roll cart containers or establishments that use containers for excess garbage and trash in addition to the one provided by the city will comply with the following regulations. All containers and receptacles must have covers. Regulation garbage containers shall be watertight containers equipped with tight-fitting covers sufficient to keep out water, prevent disturbance by animals and entrance of insects. Containers shall not be less than five (5) nor more than thirty (30) gallons capacity. All standard garbage containers shall be equipped with suitable handles by which they may be lifted. Tied plastic bags may be used for excess trash placement at the curb.

## Section 6. MAINTENANCE AND PLACEMENT OF ROLL CART CONTAINER.

- (A) Refuse containers shall be maintained in good condition. Any container that is not provided by the city and does not conform to the provisions of this chapter, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, must be promptly replaced by a proper receptacle. ~~All bulk trash accumulated in residential, commercial or manufacturing buildings, other than those items which can be placed in the roll cart container, shall be flattened and tied in bundles or packed in suitable containers of a size that can be readily handled by one collector, and in no case shall such bundle or container be larger than three (3) feet by four (4) feet. Brush shall be cut into lengths not exceeding four (4) feet and tied into bundles which can be readily handled by an individual collector.~~ All nonresidential establishments which do not use dumpsters will comply with the regulations listed above. When any container is found to be in bad condition or when the refuse is not properly prepared in accordance with this section, a notice shall be attached to such container or refuse by the Director of the Department of Public Works, or his representative, listing the defect to be cured before collection continues.
- (B) Garbage containers shall be kept or placed at the most accessible place at the rear of the house or building or in unlocked areas or passageways thereof at ground level. Containers must be clearly visible to collectors as they enter the rear yard. Garbage containers shall not be kept upon the street, sidewalk, other public place, front yard or premises or below ground. Containers shall not be kept in garages, on patios or in enclosed areas. Residents shall place receptacles for trash at the curb.

## Section 7. REFUSE COLLECTION SCHEDULES

- (A) In all areas of residential city collection, garbage service will be provided at least once per week on the same days of each succeeding week. Trash that will not fit in the roll cart container and that is properly prepared pursuant to this chapter will be collected once per week. When a scheduled refuse collection day falls on a city holiday refuse will be collected on the next regularly scheduled collection day. The Director of the Department of Public Works will retain the right to adjust schedules in response to emergencies or severe weather.
- (B) Roll cart containers and receptacles for trash and ashes shall be placed at the curb line for collection but shall not remain at the curb line longer than a reasonable time necessary for collection. City containers and other receptacles for trash and ashes shall be placed at the curb no sooner than 7:00 p.m. on the evening prior to collection and no later than 5:00 a.m. on the day of collection. City containers and other receptacles shall be removed from the curb no later than 7:00 p.m. in the evening on the day of collection. Roll carts and other receptacles shall be kept in the rear yard when not at the curb for collection. Properties which do not have rear yard access may be exempt from this provision upon approval of an alternative storage location by the Director of Public Works.

## Section 8. PROCEDURE FOR USING DUMPSTERS.

- (A) No dumpster shall be located closer than six feet to any abutting residential property line. Whenever in the opinion of the site so as to conform with these requirements, or there are special circumstances that make the requirements wholly impractical, the Director may designate a location for the dumpster which in his discretion is the most accessible and aesthetically appropriate or make exemptions from the requirements as necessary. Any property owner aggrieved by the determination of the Director of Public Works may address the concern to City Council.
- (B) All dumpsters and containers, regardless of whether collection service will be provided by the city or by private hauler, shall be maintained in a safe and sanitary condition and shall be cleaned by the owner/occupant of the dumpster site as often as necessary to prevent the dumpster from becoming malodorous. Litter and debris shall not be allowed to accumulate around the dumpster, and all refuse shall be deposited in such manner so as to prevent it from blowing out of the dumpster.
- (C) The Department of Public Works and the City Administrator is hereby authorized to promulgate further regulations regarding dumpsters in order to provide standards for the location and maintenance of the dumpsters not in conflict with this chapter.
- (D) The city shall make a minimum of one collection per week from each establishment having dumpster containers. If a dumpster is blocked by a vehicle or is obstructed in any other way which prohibits access to a dumpster, the Department of Public Works will return for this collection only if the collection schedules allow. No dumpster containers will be collected or emptied by the city of its collection equipment is required to pass over a curb. Such containers shall be placed and located as directed by the Director of Public Works.



- (E) A dumpster container will not be collected when in the opinion of the Director of Public Works it is filled with special handling wastes or when the combined weight of the container and its contents is of such excessive weight as to pose a threat to the proper functioning of the packer truck lifting equipment.
- (F) Establishments using dumpster containers shall ensure that the container is placed at a point that is reasonably accessible for the purpose of collection. Such point shall not be in any public street, alley or sidewalk, or upon any public property of any nature. Dumpsters in extremely difficult locations may not be serviced if in the opinion of the Director of Public Works a better, safer and more accessible locations exists upon the property. Establishments shall see that dumpster containers are maintained in good condition. Any container with ragged edges, serious rust problems affecting the strength of the container or broken sleeves may not be serviced and may be replaced by the city. Dumpster containers shall be cleaned as often as necessary by the owner/occupant of the property to ensure that the container does not become malodorous and unsanitary.
- (G) Temporary placement of dumpsters on rights-of-way for restoration or demolition work requires a permit from the City Clerk/Tax Collector. Further, the city reserves the right to refuse service to temporary dumpsters.

**Section 9. RESTRICTIONS**

- (A) It shall be unlawful to place any hazardous or medical waste or special handling waste in a receptacle for pick-up by the city. The city reserves the right to enter into private contract negotiation and award a franchise or franchises to businesses for the collection and disposal of hazardous, medical or any other special wastes under terms and conditions as the city deems reasonable and appropriate.
- (B) It shall be unlawful for any person to engage in the refuse collection business in the city without first obtaining a license from the city.
- (C) It shall be unlawful for any person other than refuse collectors in the Department of Public Works or a person duly licensed to collect, haul, convey or transport any of the waste materials herein mentioned, to interfere in any manner with the receptacles containing any such waste materials, or to remove any such receptacle from the location where placed by the property owner/occupant or the Director of the Department of Public Works, or to remove any of the contents of such receptacles.

**Section 11. SPECIAL TRASH ORDER PICKUPS AND RATES**

If time is available all special trash order pickups will be collected during the first week of each month. This is a courtesy service offered by the city and the scheduled times for pickups will be determined by the Director of Public Works. All trash orders must be placed at curb or areas where a truck can park to load.

- (A) FEES:
  - (1) Minimum charge per order \$15.00
  - (2) One pickup load \$20.00 plus dump fee
  - (3) Small dump truck \$30.00 plus dump fee
  - (4) Mid-size dump truck \$40.00 plus dump fee
  - (5) Large dump truck \$50.00 plus dump fee
  - (6) Skidsteer (if needed) \$40.00
  - (7) Backhoe (if needed) \$40.00
  - (8) Partial loads that can be disposed of at the public works department will be estimated charges for dump fees.
  - (9) There will be no dump fees for loads that contain only metal that can be recycled but there will be a truck fee.
  - (10) Any limbs are to be cut in sections shorter than six (6) feet in length, logs are to be cut in sections small enough to hand load in truck. Anything that can't be chipped will be taken to dump and a dump fee will be charged and regular truck fees will be charged for brush.
  - (11) Leaves are to be bagged and placed beside curb. There will be no charge for leaf pickups.
- (B) CHARGES FOR INDIVIDUAL ITEMS:
  - (1) Refrigerators, stoves, washer, dryers, water heaters \$15.00
  - (2) Tires 16" or smaller \$3.00 each
  - (3) Tires larger than 16" \$12.00 each
  - (4) Batteries \$2.00 each
- (C) RESTRICTED ITEMS THAT CANNOT BE PICKED UP:
  - (1) No metal tanks of any kind; oxygen, refrigerant, propane or soda fountain tanks
  - (2) No paint cans unless they are completely dried out
  - (3) All construction debris must be removed by the contractor
  - (4) We do not provide containers or dumpsters for construction debris. In some cases we may be able to provide a dump truck for loading if available to the home owner.
  - (5) Trees and tree limbs cut by professional trimmers must be removed by the contractor.

**Section 10. COLLECTION RATES.**

- (A) Collection rates for residential service shall be \$40 ~~\$13.50~~ per month. Roll carts may be provided at the rate of \$2 per month.
- (B) All other collection rates shall be \$3 ~~\$4.50~~ per cubic yard per month, plus a container service fee as follows:
  - (1) ~~\$3.00 per month for each roll cart container. Collection rates for commercial roll carts is \$17.00 per month for one day a week pickup and \$15.00 extra for each additional day. A roll cart will be furnished for commercial pickups.~~
  - (2) \$21.00 per month for each four cubic yard dumpster;
  - (3) \$25.00 per month for each six cubic yard dumpster;
  - (4) \$35.00 per month for each eight cubic yard dumpster;
- (C) Businesses which presently have their own dumpsters will be allowed to phase out those dumpsters until or unless a replacement is necessary in the judgement of the Director of Public Works with the approval of the City Administrator.
- (D) The City Administrator and the Director of Public Works shall work together with businesses, or groups or businesses, on an individual basis, to assist them with volume reduction plans in order to economize the need and use of both roll cart and dumpster service.
- (E) The current rates shall be increased to the amounts stated in divisions (A) and (B) above in the following periodic increments: Section 10 and Section 11 effective July 1, 2008:
  - (1) Effective July, 1991, all increases up to 33.3% above the individual's current charge;
  - (2) Effective January 1, 1992, additional increases up to 66.6% above the current charge;
  - (3) Effective June 1, 1992, 100% (for full implementation of rate increase).

**Section 11. FEE EXCEPTIONS FOR ELDERLY OR PERSONS WITH DISABILITIES.**

The monthly garbage collection rates stated in Section 10 shall not apply to family residential units which are occupied by the homeowner or occupant of individually metered rental units, provided that said homeowner or occupant is 62 years of age and provided that proof of age is established to the satisfaction of the appropriate officers of the city. If such provisions apply, the monthly collection rates shall be discounted by 20% per month \$10.00 per month.

**Section 12. ENFORCEMENT.**

The Director of Public Works, his agents, or representatives, is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the provisions of this chapter, as enumerated and regulated by the Mayor and City Council, including the following powers in addition to any others herein granted:

- (A) To enter upon all properties within the city for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter;
- (B) To delegate the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter;
- (C) To delegate any of his functions or powers under this chapter to such other officers, agents and employees as he may designate;
- (D) To promulgate regulations which may be necessary to carry out and effectuate the provisions of this chapter.

**Section 13. PENALTY**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a code violation, and upon conviction thereof, shall be punishable by a fine of not less than \$25 nor more than \$300, in the discretion of the Code Enforcement Board. Each day any violation shall be considered a separate violation.

Done this 23 day of June 2008.

Attest:

*Sharon Schoolcraft*  
Sharon Schoolcraft, City Clerk

*Jerry Fannin*  
Jerry Fannin, Mayor

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# "Hope for Life"

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Our video and read the case for support

Current list of donors and Volunteers

Up-to-date naming opportunities

## Clubs and Organizations! Do You Want to Know More about the "Hope for Life" Campaign?

If your club or organization would like additional information, we are happy to provide a speaker with an engaging and informative program, including a video about this exciting project. Please call Kathy Rubado at 606-889-6271 to schedule a presentation.

## What is the purpose of the "Hope for Life" Campaign?

To raise the funds necessary to aid in the construction of a new Emergency Department at Highlands Regional Medical Center. The existing ED was built in 1985 to accommodate 15,000 patient visits per year. Growth through the years has resulted in an increase in the patient load to over 25,000 patients visits each year. Today there is not enough space to meet patient needs. The scope of the project is to replace the existing 6,400 square-foot ED with a totally new, two-story, state-of-the-art, modern facility with over 11,000 square feet of space, a 19 bed private room capacity, and the ability to accommodate 30,000 patient visits per year.

## Our Volunteers

Dr. Charles Arnett  
Bob Bayes  
Jack Blackwell  
Dewey Bocook  
Morris Copley  
Denny Dorton  
OT Dorton  
Phillip Elliott

Jennifer Burke Elliott  
Bill Francis  
Chris Hoffman  
Brad Hughes  
Bob Hutchison  
Fran Jarrell  
Dr. Jody Johnson  
Elizabeth Lambert

Ann Latta  
Jim Lauffer  
Dr. Angela  
Dr. Gopal M  
Dr. Mina Me  
Lois May  
Charlie Miller  
Mark Miller  
Ted Nairn  
Barry Newill  
Paul Nunn

Maggard  
Ajmundar  
Ajmundar

Julie Paxton  
Nicky Pelphrey  
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Dr. Jason Rice  
Gerald Robinette  
Kathy Rubado  
Rob Shepherd  
Homer Short  
Dr. Stephen Shy  
Bill Smith

Tom Smith  
Burl Wells Spurlock  
Beau Spurlock  
Dr. Anthony Stumbo  
David Tackett  
Richard Thomas  
Harold C. (Bud)  
Warman, Jr.  
Mark Wiete  
Don Willis  
Greg Wilson

**Thank You**

**May I volunteer to help on this campaign?**  
By all means. The campaign is staffed by volunteers. We need and will appreciate your help. Please call Kathy Rubado, Executive Director of Highlands Foundation, at 606-889-6271 to discuss how you can become involved.

## Our Donors to Date

Mr. and Mrs. Robert R. Allen, II  
Libby Anderson, *In Honor of Brandy and Randi Anderson*  
Anonymous, *In Memory of Charlie Bumgardner*  
Anonymous, *In Memory of Georgia Stone*  
Dr. Charles and Nan Arnett, *In Memory of Frank and Audrey Arnett*  
Joann Arnett, *In Memory of Ollie J. Arnett*  
Associates in Rehab Pikeville  
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Mark and Donna Wiete, *In Memory of Jack P. Wiete*  
Jimmy Williamson, Jr., *In Honor of Jimmy Williamson, Jr. and Family*  
Drema Wilson  
Greg and Margaret Wilson, *In Honor of Lizzie and Mitch Wilson*  
Tonya Workman  
Chris and Miranda Wright  
Jean Yates  
Kaleb Yates  
Mike Yates  
Sinae Young  
Dr. Philip Zambos, *In Memory of Dr. Nicholas Zambos (Orthopedic Surgeon)*

### Why should our community support the "Hope for Life" Campaign?

One of the most critical services to any community is 24/7 access to modern, high-quality emergency healthcare close to home.

### How will gifts to the "Hope for Life" Campaign be recognized?

Donors will be recognized through publicity, publications, and commemorative opportunities. A list of donors will be published during the course of the campaign and again when the campaign is completed. Although Highlands Foundation encourages donors to accept public acknowledgment of their gifts, we will respect the wishes of those who choose to remain anonymous.

### Why a three-to-five year pledge period?

The goal of \$1.75 million is too high to be reached with out-of-pocket cash gifts. With a three-to-five year pledge period, donors will be able to maximize their generosity to the campaign. Donors can also benefit from income tax laws written to encourage gifts to nonprofit institutions like Highlands Foundation over a multi-year period.

### Are gifts other than cash accepted?

Yes. The campaign will accept gifts of stocks, bonds, insurance policies, real estate, personal property, grain, livestock, works of art, or any item that can be converted to cash. MasterCard, Visa, and Discover credit card payments are also accepted. In light of changes in tax laws, donors are advised to consult tax advisors in order to achieve the maximum tax benefits from their gifts.



## HIGHLANDS FOUNDATION CAMPAIGN

PO Box 668  
Prestonsburg, KY 41653  
606-889-6271

Please note: This ad includes names of those who have made donations and have signed up to volunteer as of July 11, 2008. If your name is listed incorrectly or omitted, we apologize, please contact Martha at 800-457-1906. If you would like to participate in the campaign and have your name listed, please call Kathy Rubado at 606-889-6271.