

FISCAL COURT ORDERS

DECEMBER 11, 2023

BOOK 44

SPECIAL SESSION OF NELSON FISCAL COURT

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COURT MET IN SPECIAL SESSION AT THE NELSON COUNTY CIVIC CENTER, PRESENT COUNTY JUDGE-EXECUTIVE TIM HUTCHINS AND THE FOLLOWING NAMED MAGISTRATES: ADAM WHEATLEY, KEITH METCALFE, JON SNOW AND JEFF LEAR.

Magistrate M. T. Harned was absent from the meeting.

MEETING CALLED TO ORDER- COUNTY JUDGE EXECUTIVE TIM HUTCHINS

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by County Judge Tim Hutchins.

PRAYER: The Prayer was led by Magistrate Jon Snow.

ADOPTION OF PROCEDURES FOR PUBLIC HEARINGS:-

On motion of Adam Wheatley, second of Jon Snow, by unanimous vote of the court, IT IS HEREBY ORDERED to approve the Adoption of Procedures for Public Hearings.

On motion of Jeff Lear, second of Keith Metcalfe, by unanimous vote of the court, IT IS HEREBY ORDERED to approve and authorize County Judge Tim Hutchins to preside over this Public Hearing.

PUBLIC HEARING FOR PUD APPLICATION #2704 LUXCO INC.-

County Attorney Chip McKay read aloud the Nelson County Fiscal Court Public Hearing General Guidelines. See pages 537-538.

County Attorney Chip McKay gave the Oath to the Public as a whole. He informed the audience that if anyone else wanted to speak, they would take the Oath before being allowed to proceed.

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Attorney's Jim Willett and Nick Nicholson spoke representing Luxco Inc.

Several residents from the area had questions and comments.

After hearing all questions and comments, Judge Hutchins closed the Public Hearing.

FISCAL COURT MEMBER DISCUSSION AND ACTION- After hearing statements and public comments from both sides, the Magistrates tabled Application #2704 Luxco Inc until the December 19, 2023 Fiscal Court meeting.

On motion of Adam Wheatley, second of Jon Snow, by unanimous vote of the court, IT IS HEREBY ORDERED to approve to table Application #2704 Luxco Inc.

On motion of Jon Snow, second of Adam Wheatley, by unanimous vote of the court, IT IS HEREBY ORDERED to adjourn the December 11, 2023 special session Fiscal Court.

TIM HUTCHINS, NELSON COUNTY JUDGE/EXECUTIVE

JEANETTE HALL SIDEBOTTOM, NELSON COUNTY CLERK

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NELSON COUNTY FISCAL COURT PUBLIC HEARING GENERAL GUIDELINES

For an Orderly and Constructive Public Hearing, the following general guidelines will apply:

1. When the floor is opened for discussion, only one person at a time may speak so that everyone may hear his or her comments;
2. Each person wishing to speak should wait to be recognized by the Hearing Officer, then come to the podium, state your name and address as clearly as possible for the record, and make any comments.
3. All comments, pro or con, should pertain to the proposed PUD being considered and only relevant comments or questions will be allowed by the Hearing Officer.
4. Questions may be asked of any person giving testimony; and
5. Please avoid redundant questions or comments as they only make for an unnecessarily long meeting and transcript. The Hearing Officer may limit the number of arguments deemed to be redundant.

ORDER OF PRESENTATION/TIME LIMITS

The County Attorney will administer the oath to all individuals wishing to testify and ask all attendees to sign in.

1. Applicant presentation.
 - a. The Applicant will have a maximum of 60 minutes to present their initial presentation and supporting evidence. The Applicant may request additional time to complete the initial presentation from the Hearing Officer. If the Hearing Officer grants additional time, then the organized opposition will be afforded the same time extension.
 - b. Time used by opponents for cross-examination will not be counted towards the 60-minute limit. Cross-examination shall not exceed 15 minutes. Cross-examination is limited to the scope of direct testimony.
2. Organized opposition presentation.
 - a. Each group of organized opposition shall have 60 minutes to present. One speaker for each group shall describe the group's membership for standing purposes.
 - b. Time used by the Applicant for cross-examination shall not be counted toward the 60-minute time limit. Cross-examination shall not exceed 15 minutes. Cross-examination is limited to the scope of direct testimony.
3. General public presentation and/or comments
 - a. Speakers not included in the Applicant or organized opposition presentations shall be treated as members of the general public and limited to 3 minutes each. This time is not transferable to others.
4. Applicant Rebuttal
 - a. The Applicant may have up to 15 minutes for rebuttal after all opposing testimony has been presented.
5. Opposition Closing Statement
 - a. Opposing groups may have up to 15 minutes for closing statement.
6. Applicant Closing Statement
 - a. The Applicant may have up to 15 minutes for closing statement.

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Upon all testimony and evidence being presented, the Hearing Officer will close the Public Hearing and will ask Fiscal Court to discuss and make decisions. The Fiscal Court may or may not decide to discuss and make a decision after the public hearing. The Fiscal Court may decide that additional time is needed to further review the testimony and evidence presented during the hearing and may table the discussion until a future meeting. If the Fiscal Court decides to table their discussion and decision, the Fiscal Court shall reconvene the meeting at a specified time, date, and location. The entire public hearing will be recorded and available to Fiscal Court members.

Any decision made by Fiscal Court shall be made by 2 readings and publication of an Ordinance.

Evidence Procedures

1. Rules of evidence shall not govern the presentation of proof before the Fiscal Court. Minimum due process standards shall govern the admission of evidence.
2. Evidence that is not relevant, material, or competent or which is unduly repetitious shall be excluded on the Motion of a Party or the Hearing Officer.
3. Exhibits may be introduced by any Party; however, opposing parties may inspect any Exhibit and state objections before the Hearing Officer accepts or rejects an Exhibit.
4. All Exhibits must be tendered to the County Attorney and marked by the County Attorney.

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