

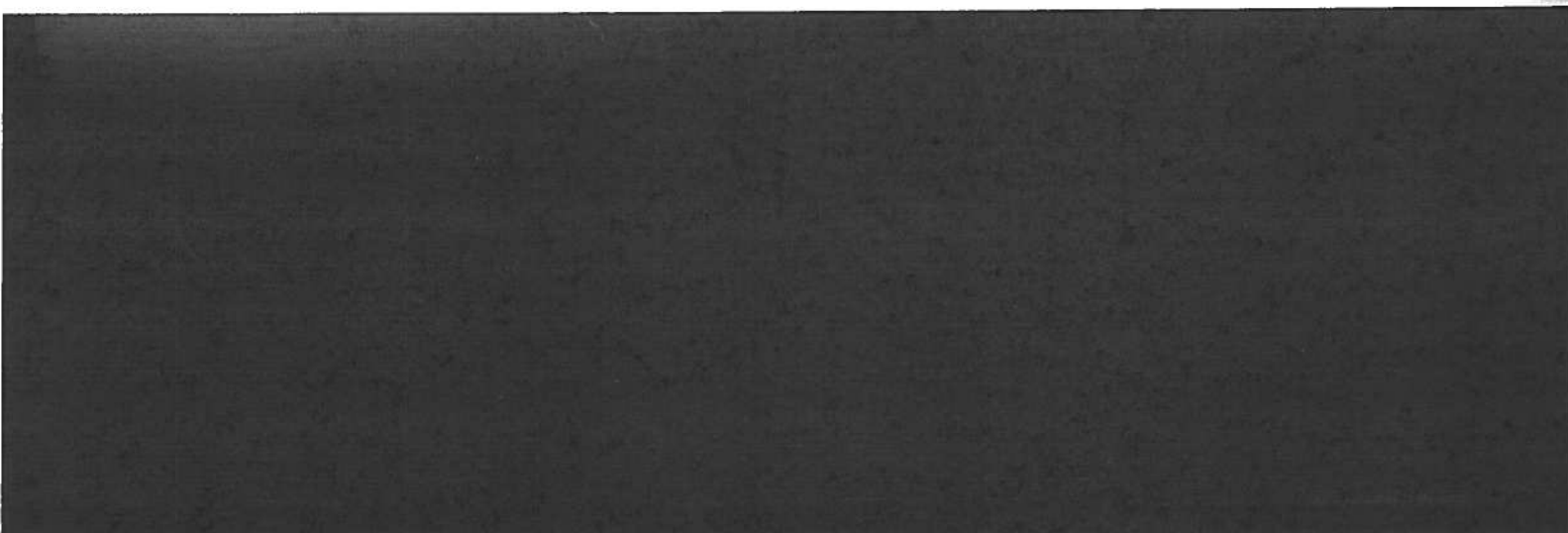
Powell County Fiscal Court

Regular Called Meeting

September 13th, 2016

6:00 p.m.

A G E N D A

- I. Called Meeting To Order
 - II. Roll Call
 - III. Clerk's Report of Last Meeting
 - IV. Bills Submitted for Payment
 - V. Approval Treasurers Financial Statement
 - VI. Approval Treasurers Transfers/Amendments
 - Budget Amendment #1 – 2nd Reading**
 - Budget Amendment #2 – 1st Reading**
 - VII. Old Business
 - **County Policy Procedure**
 - VIII. New Business
 - **Sheriff Settlement**
 - **Public Library**
 - **Tax Rates**
 - **Jail Policy & Procedure**
 - **Jail Update**
 - **CSEPP Bid**
 - **Alcohol Ordinance**
 - **Tourism Road Appointments**
 - **Daniel Boone Back Country Byway**
 - **Department Updates**
 - IX. Other
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**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING
SEPTEMBER 13TH, 2016
6:00 p.m.**

Present: James Anderson, County Judge Executive
Connie Crabtree, Fiscal Court Clerk
Robert King, County Attorney
Gary West – Road Foreman
Arlene Rogers – Ambulance Service
Danny McCormick - CSEPP

Judge Anderson called meeting to order
Judge Anderson asked the Clerk to call roll:

Magistrate Donna Gabbard – Present
Magistrate Keith Hall – Present
Magistrate Mike Lockard – Present
Magistrate Kenneth Rice – Present
Magistrate Timmy Tipton – Present

The meeting began with the approval of the Clerks report for the two prior meetings

A motion was made by Magistrate Lockard seconded by Magistrate Hall to approve the Clerks report for the regular called meeting held August 10th, 2016.

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

A motion was made by Magistrate Lockard seconded by Magistrate Hall to approve the Clerks report for the special called meeting dated August 30th, 2016.

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

There were no objections made to pay all bills submitted to court.

There were also two additional bills presented for payment from Master Electrical Services for CSEPP projects. The first one discussed was invoice #620, dated 5/23/2016 in the amount of \$12,442.80. The seconded was invoice #620, dated 9/7/2016 in the amount of \$78,389.64

Judge Anderson said he would make the motion not to pay the invoice dated 5/23/2016 in the amount of \$12,442.80 until an invoice with a current date is received and an explanation to why the invoice is dated back in May 2016 and we didn't receive it until September. This explanation is needed to clear Kacey and Connie because we have already received reimbursement for this invoice and there is a 3 day time span to disburse the money. With these modifications the court had no objection in paying this invoice

There were no objection in paying invoice # 620 in the amount of 78,389.64.

During last month's regular meeting the court agreed to pay up to \$12,000.00 for an engine for EC 1 ambulance. After looking at the invoice we failed to include labor cost for this engine to be installed. An additional \$3,851.33 is needed to do so. The court had no objection to pay this additional amount to Maple Street Auto for the labor.

Treasurer presented the Financial Statement for court to review

A motion by Magistrate Rice and seconded by Magistrate Gabbard to approve all Treasurer transfer's as presented.

1st reading of Budget Amendment #2

2017 Recycling Grant

Increasing General Fund 2017 recycling grant line by \$2133.02

Increasing General Fund reserve for transfers by \$80,000.00

2nd Reading of Budget Amendment # 1

Truck License Refund

Increasing Road Fund reserve for transfers line by \$ 27,905.00

A motion was made by Judge Anderson seconded by Magistrate **Rice to approve Budget Amendment # 1 in the amount of \$27,905.00**

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton- Aye

Judge Anderson - Aye

Serena Bowen with Powell County Tourism was present for the court meeting to make members aware that the Powell County Tourism had received a letter from the City of Stanton. The letter stated that the city of Stanton has for several years had a restaurant tax in place KRS91A.400 whereby received the funds generated from the tax. The Powell County Tourism would then, on or about a quarterly basis return a portion of the funds to the City for tourism-related initiatives. The Stanton City of Council for the City for tourism related initiatives. The City Council recently passed a resolution (a copy will follow minutes) whereby the City has made the decision to proceed with plans to assist in the creation of a separate Tourism and Convention Commission specifically for the City Of Stanton KRS 91.A.350. It is the intention of the City of Stanton KRS 91.A.350. It is the intention of the City of Stanton that is new entity will be responsible for the collection and expenditures of all funds derived from the city's restaurant tax. The expected date for this entity to be organized and active will be January 1, 2017. The city wanted to make the Powell County Tourism is aware of the upcoming change in the restaurant tax and will begin to collect the tax effective January 1, 2017.

Mrs. Bowen is worried that the money collected will go into the city's general fund and not be spent on Tourism. The tourism has been saving around 6 years to build a new welcome center and not having this revenue from the tax could kill the plans for this center.

Darlene Drake was present for the meeting also. Mrs. Drake has been on the tourism committee for 3 years. She said her concerned how the money will be spent. Currently the tourism tax is set up that the city cannot use that money for anything but tourism. She said anyone can take a look at our city parks and see how the money has been spent. Also the money has been used for advertising which has made a difference in the people visiting the Gorge.

Judge Anderson said that a big part of our economic development is strongly related to tourism. In moving this community forward he had spoken with both Mayor's in looking at a unified government and to see something like this is very concerning because this goes counter to this movement. The Judge said we are going to move our county forward we are going to have to consolidate and make better use of our resources.

The tourism was rewarded a Transportation T grant around 7 years ago in the amount of \$423,000.00 to build the Slade Welcome Center. The bid opening was held on September 14, 2016. Contingent on the contractor's getting some things lined up with the state the grant was getting ready to be awarded. With this coming up we will have to step back and check to see if it can be rewarded now. This could be a deferment for the welcome center.

No Action was taken at this time.

Sherry Skidmore with the Sheriff's Office was present for the meeting to present the 2015 sheriff's tax settlement.

A motion was made by Judge Anderson seconded by Magistrate **Gabbard to approve the 2015 sheriff's tax settlement.**

Magistrate Gabbard – Aye
Magistrate Hall – Aye
Magistrate Lockard – Aye
Magistrate Rice – Aye
Magistrate Tipton – Aye
Judge Anderson – Aye

Ms. Skidmore also presented the 2015 sheriff's franchise settlement. She said there was a computer error and had over paid three districts and the county was of them.

A motion was made by Magistrate Gabbard seconded by Magistrate Hall to **approve payment to Sherry Skidmore in the amount of \$500.00 for the preparation of the 2015 tax sheriff's tax settlement.**

Magistrate Gabbard – Aye
Magistrate Hall – Aye
Magistrate Lockard – Aye
Magistrate Rice – Aye
Magistrate Tipton – Aye
Judge Anderson – Aye

Old Business:

County Policy and Procedures manual was next on the agenda. Judge Anderson said there was not enough adequate time to discuss during this meeting. The court will a scheduled a date for a workshop.

Updates

Judge Anderson told members that one of our Lexington news affiliates thought it necessary to publish our audit ending 6/30/15. He said one of the things that raise the concern is the 444,000.00. This deficit is from prior year's back. Judge Anderson had audits back to 2007 on hand for court members to review if they wanted too. Judge Anderson told member's that back in the day the Road and LGEA funds were used to fund other funds. The audit shows a \$200,000.00 and a \$253,000.28 deficit. This deficit is will remain on there until we run a revenue.

Judge Anderson told members that just because some bureaucrat in Frankfort wants it to go away he will not tax our people or will he borrow money to make it go away on paper. All this means is the county owes the county. We have started working on paying it down and at this time there we will not imposed a tax or put the county in debt. He also said that Jailer Travis Crabtree this Fiscal Court or himself accrued this debt. Judge Anderson welcomed anyone who wanted to look at the past audits.

Judge Anderson made court aware that the paving has started and should be completed in the next three weeks.

Judge Anderson told court that several people messaged him about a Powell County Ambulance with an albino boa constrictor snake in it. Judge Anderson told court that the ambulance was sold in a surplus auction sale and that particular ambulance did not have the Powell County decals removed. We had thought that the ambulances that were sold were going to be parted out. Judge Anderson said from this day forward we will make sure that all any equipment sold will be not any reference to Powell County on it.

Powell County Library Director Julie Carroll attended the meeting to present their 2016 tax rates. The Powell County Public Library Board voted to approve the compensating rate provided by the Kentucky Department for Libraries and Archives.

Real Estate	.05 per \$100
Tangible Personal Property	.0525 per \$100
Motor Vehicle/Watercraft	.06 per \$100

Judge Anderson said he would like to commend them for not taking the increase this year.

Judge Anderson presented the Powell County Extension District Board tax rates for court to review. The breakdown follows:

The Powell County Extension District Board set the following tax rates for 2015:

Real Property 3.517 (4% rate)

Personal Property 3.627 (4% rate)

The board set the Motor Vehicle and Watercraft tax rates as follows:

Motor Vehicle/Watercraft: 4.5 cents per \$100 of assessed value for 2014 calendar year.

Judge Anderson presented the Powell County Board of Health 2016 tax rates for court to review. The breakdown follows:

Real Property 6.0 per \$100

Personal Property 6.0 per \$100

Motor Vehicle 6.0 per \$100

Judge Anderson told court that he was proud that he had not taken a rate increase since he had been in office. He said it would be his recommendation that the county took the compensating rate this year.

A motion was made by Judge Anderson seconded by Magistrate **Tipton to adopt the following Real Property 2016 tax rate for the county.**

Real Property 10.10 (compensating rate)

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton- Aye

Judge Anderson - Aye

A motion was made by Judge Anderson seconded by Magistrate **Hall to adopt the following Personal Property and Motor Vehicle tax rates for the county.**

Personal Property 11.33

Motor Vehicle 13.33

Watercraft 11.33

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Magistrate Tipton questioned the franchise corporation tax revenue. Treasurer Connie Crabtree explained to him that she receipts it in the way the Sheriff's office brings it to her. Judge Anderson said the Sheriffs tax settlement will be audited.

Amendment to the Jail's Policy and Procedure Manual.

The Jailer or designee may charge each inmate \$30.00 per day for the privilege of work release! Accurate records and receipts shall be maintained in Commissary.

A motion by Judge Anderson seconded by Magistrate **Gabbard to approve the revised section in the Jails Policy and Procedure Manual.**

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Jailer Travis Crabtree along with James Cook was present for the meeting to give an update on the Home Incarceration Program.

The program began on April 1, 2016. Since then we have had 15 participants. Of those 15, they have accounted for a combined total of 468 days on the program.

The reported amount the jail pays to house a county inmate is \$22.00 per day. At that rate, those 15 being out on an ankle monitor has saved the jail a total of \$10,296.00 as of today.

Those 15 have paid \$800.00 in activation fees, \$7,700.00 in program participation fees for a grand total of \$8,460.00. The billing for the monitoring service for the time frame of April 1, 2016 to today amounts to \$3,769.68.

Based on what participants have paid, subtract the billing that would create a revenue of \$4,690.32.

The court discussed a more reasonably priced monitor that could allow us to drop the price from \$15.00 a day to \$10.00 a day. This could make it more appealing for judges to utilize. This will give us other options we can use financially with a smaller, less expensive yet just as capable monitor.

A motion was made by Magistrate Hall seconded by Magistrate **Lockard to drop the fee to \$10.00 a day.**

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton- Aye

Judge Anderson – Aye

The court discussed having a workshop to discuss the home incarceration program. Jailer Travis Crabtree also suggested inviting the Judge to attend the workshop too.

The court also ask if the SAP Director David Howard could attend one of the Fiscal Court meeting to go over what that program does for the inmates.

Opening of sealed bids for the Black Creek Communications Site Support.

Judge Anderson presented the court with 2 sealed bids that was received for the Black Creek Communications Site Support.

First sealed bid opened was submitted from Lises' Electric in the amount of \$139,500.00

Second sealed bid opened was submitted from Master Electrical in the amount of \$138,758.00

A motion was made by Magistrate Tipton seconded by Magistrate Lockard **to approve the bid submitted for Master Electrical Services in the \$138,758.00**

Magistrate Gabbard – Aye
Magistrate Hall – Aye
Magistrate Lockard – Aye
Magistrate Rice – Aye
Magistrate Tipton – Aye
Judge Anderson – Aye

1st reading of Ordinance # 160913

WHEREAS, the citizens of Powell County have voted to end prohibition in the Natural Bridge Kentucky State Park and the sale of alcoholic beverages shall now be legal at said Park;

WHEREAS, the Powell County Fiscal Court deems it necessary to impose a regulatory license fee for the privilege of selling alcoholic beverages with Powell County;

- 1) A limited restaurant license fee for the sale of distilled spirits, wine and malt beverages is levied at \$1,400 per annum plus a regulatory license fee of .05% upon the gross receipts of the sale of alcoholic beverages of each establishment located within Powell County and licensed to sell distilled spirits, wine or malt beverages by the drink for consumption on the premises.

Powell County Tourism Board appointments

The appointment is a joint appointment between the County Judge Executive James Anderson and Stanton Mayor Dale Allen.

A motion was made by Judge Anderson seconded by Magistrate Rice **to approve Judge Anderson's ½ appointment of Tim Hibbard to the Stanton Hotel/ Motel Association. This appointment is contingent on Mayor Allen's appointment.**

Magistrate Gabbard – Aye
Magistrate Hall – Aye
Magistrate Lockard – Aye
Magistrate Rice – Aye
Magistrate Tipton – Aye
Judge Anderson - Aye

Red River Chamber of Commerce appointment.

This appointment is a joint appointment between County Judge Executive James Anderson and Stanton Mayor Dale Allen.

A motion was made by Judge Anderson seconded by Magistrate Hall **to approve Judge Anderson's ½ appointment of Chris Allen to Red River Chamber of Commerce. This appointment is contingent on Mayor Allen's appointment.**

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Daniel Boone Back Country Byway

Judge Anderson said there was a situation arising in Estill County, Where it appears a private property owner has blocked a county road. Even though it appears that the blockage is located in Estill County, it is on a road that has implications for people here too, and is partially located in Powell County. In an effort to get this corrected the court all agreed to reaffirm CR-1119 which is Mountain Springs Road. This road is currently being used as part as the Daniel Boone Backcountry Byway.

Judge Anderson said that Judge Taylor plans on having a meeting on the 19th and he plans to attend it since it involves Mountain Springs Road.

A motion was made by Judge Anderson seconded by Magistrate Hall **to re-affirm Mountain Springs Road (CR-1119) as a county road.**

Magistrate Gabbard – Aye

Magistrate Hall- Aye

Magistrate Lockard- Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Department Updates:

Gary West made court aware that the 5500 Dodge was ready for the snow.

Roads are being blacktopped as soon be complete soon.

Judge Anderson told court that the county had mowed three times already and most likely if there is a complaint on a road not being mowed it's a state road.

The state sub- contracts their mowing out which means they do not have the equipment to mow themselves. The county is getting ready to start the 4th round of mowing.

Judge Anderson said he was going to advertise in the next week's paper for a tandem axle dump truck.

Arlene Rogers said the Maple Street Auto had been working in EC 2'S radiator and should be done soon. Judge Anderson said we approved the surplus ambulance from Rowan County. Ambulance Director Nathan Hall was going to submit a bid.

Danny McCormick said he had sent a request to the state to purchase 5 new tuff books for the ambulance service.

He also said there is an issue with the right of way in getting to the tower on Black Creek. Mr. Webb owns the property and will not grant anyone access to it. Mr. McCormick ask the court if they had any suggestions on a different way to access the tower. Judge Anderson told him to go the PVA's office and get a list property owners. Judge Anderson said he actually own property there through the Nature Preserve. Judge Anderson said to look at all property owners.

No Action Taken

CSEPP exercise is next week.

There were no objection is paying Pay Estimate #4 in the amount of \$248,286.47 for the new Jail construction

Judge Anderson said new jail expansion is around two weeks behind but should start pouring the slab this week.

A motion by Magistrate Lockard seconded by Magistrate Hall to **go into closed session. KRS 61.810 Paragraph F**

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton- Aye

Judge Anderson – Aye

A motion was made by Magistrate Rice seconded by Magistrate Hall **to come back into session.**

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton –Aye

Judge Anderson - Aye

No Action taken in closed session

The court gave Judge Anderson the ability to hire an individual from the applicants they discuss in closed session.

A motion made by Magistrate Rice seconded by Hall **to adjourn this regular called meeting.**

Magistrate Gabbard Aye

Magistrate Hall – Aye

Magistrate Lockard –Aye

Magistrate Rice – Aye

Magistrate Tipton- Aye

Judge Anderson – Aye

James Anderson

Donna Gabbard

Donna Gabbard

Keith Hall

Mike Lockard

Mike Lockard

Kenneth Rice

Kenneth Rice

Timmy Tipton

Timmy Tipton