

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING**

October 18th, 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
- VII.** Old Business
- VIII.** New Business
- IX.** Other

ITEMS TO ADDRESS

- Updates
- Debbie Spencer – Resolution
- Welder bid
- November meeting date
- Weight limits on county roads

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING
OCTOBER 18TH, 2016
6:00 p.m.**

Present: James Anderson, County Judge Executive
Connie Crabtree, Fiscal Court Clerk

Judge Anderson called meeting to Order:

Judge Anderson asked the Clerk to call roll Magistrates Attendance:

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

The regular called meeting began with the court approving the Clerk's report for the prior month.

A motion was made by Magistrate Rice seconded by Magistrate Lockard to approve the Clerk's report for the September 13th, 2016 meeting.

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Clerk presented a copy of the meeting that was held to open sealed bids for the New Senior Citizens Center Project. Those present were County Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, Lee Ann Lacy from Bluegrass Area Development and Marty Friedman with MSE.

Mr. Friedman opened the seal bids received for the project.

KD Construction - \$373,250.00

Packs Inc. - \$509,888.00

Van Hook Enterprises - \$496,000.00

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to approve Clerk's report for the special called meeting dated October 3rd, 2016.

Ambulance Director Nathan Hall was the one that called her and advised her to do this. Ms. Clark once again told them that she was there to clear up any misinterpretations. Ms. Clark's father Ricky Clark also spoke briefly to the court on her behalf.

Dispatch employee Zackary Townsend was also present to speak to the court about an incident that happened while she was on the clock. Ms. Townsend asked the Judge if the court needed to go into closed to discuss her issue. Judge Anderson told her that any personnel issue that can lead to promotion or suspension can possibly go into closed session.

Ms. Townsend told court members that she had received a suspension letter over one partially call. She said this call was a little misleading as to how the events progressed to get to that point and these were the things she wanted to discuss with the court. She showed court members a screen shot on her phone she had taken from the recording from KADD concerning this call. She told members that she didn't think she should lose her job over this issue in any way shape or form. Ms. Townsend said it was one of those nights that everything seemed to happen at once. She said that the law enforcement refused to go to the place where the phone call was coming in from.

She feels like if they had went to the place it wouldn't have escalated into 6:00 a.m. This partially issue lasted for seven hours and she feels if it had been satisfied initially she wouldn't be standing here tonight. Magistrate Lockard asked her if the state police refused and she said they literally laughed at her. Magistrate Tipton asked if they went into closed session would they be allow to ask her to come in and answer any question they may have. County Attorney Robert King said he thought it had to remain a closed session. Magistrate Tipton said that we needed to hear Ms. Townsend side. Ms. Townsend started telling how the incident happened. She said it started off around 11:30. She got a 911 call from this partially person. This person said that her husband had kicked the back door in and took the dogs and took his own arrow head collection. Ms. Townsend said that the law enforcement was really busy that night but she gave Rex Scott the phone number to this person and he said he called her and said he was not coming up there over those damn dogs. The person that kept calling gave Ms. Townsend her husband mother's telephone number and ask her to call her to see if he or the dogs where there. The mother went on to give Ms. Townsend her son's telephone number and asked her to call him. Ms. Townsend said she tried called him because this person repeatedly kept calling for hours and hours and there was no law enforcement to help out. Ms. Townsend said he didn't answer the phone so she sent him a Face Book message and ask him to call dispatch. She said he did call and she ask him if he had the dogs. He went on to say he did not have the dogs.

Judge Anderson ask Ms. Townsend what was her thoughts on why she was being suspended. Ms. Townsend said she did not deny what she was being suspended for. The incident happened on September 6th, 2026. This partially lady that kept calling filed a form of complaint

Ambulance Director Nathan as a fire fighter is required to have 4 hours of driving per year. Magistrate Tipton said not only should they go through training they should be required to drug testing. Judge Anderson said that is what is has harped on before that his argument all along at any point that we pay for insurance premium for any department they should be required to participate in the county drug testing policy.

A motion was made by Judge Anderson from this point on any department who has vehicles covered on the County insurance and drives these vehicles has to participate in the county random drug testing policy this motion was seconded by Magistrate Lockard. All departments will be required to submit the names of their personnel to be placed in the county drug testing pool.

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Update on the Tourism Tax issue that was discussed at the last meeting.

Judge Anderson said since that time the tourism board actually called a meeting of the three governing bodies of Powell County being the two cities along with the county held at the EOC Building in efforts to open discussion and keep separation. It was put out there that anyone that had a problem could submit a list of what issues they may have with tourism. Since the time one of the cities has had a first reading. Judge Anderson said he still feels we are stronger together and it would be to our advantage to keep it as is.

New Business: Updates

- We had the ground breaking for the New Senior Citizens Center since the last meeting. Judge Anderson said the project is moving along well.
- The majority of the paving has been completed.
- The county had a successful surplus sale.

Debbie Spencer Resolution was the next topic to discuss.

This resolution is basically in line for what we are trying to do with tourism. There is a coalition of counties in Eastern Kentucky that have started to form a multi-county coalition of contiguous counties and experience similar economic growth and job creation.

Whereas Southeast Kentucky's Sky Mountain Trail 9-county Coalition has submitted a preapplication to develop comprehensive plans for both the Coalition and the contiguous counties of Johnson, Morgan, Wolfe, Lee, Owsley, Clay, Knox, Bell and Harlan in which Powell County will be added upon passing this resolution.

The roads are Hummingbird Lane, Dunaway Road, Pilot Road and West Lone Oak Judge Anderson was making the court aware that these are reimbursable through our flex fund and at this point we will bid it out per ton anything beyond what we approved and whichever contractor can get to it the quickest to finish before the end of the year.

Judge Anderson he had a gentlemen call him requesting that the court pass an ordinance in relation to clown outfits.

A motion was made by Judge Anderson seconded by Magistrate Lockard to table this request.

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

A motion was made by Judge Anderson seconded by Magistrate Rice to have any monies paid to the county from the Sheriff's Office be in the form of cash or money order to prevent issues we've been having under the current arrangement. Judge Anderson asked the Clerk to call roll

Magistrate Lockard – Nay

Magistrate Tipton – Nay

Magistrate Rice - Aye

Judge Anderson – Aye

Motion dies from lack of votes

A motion was made by Magistrate Tipton seconded by Magistrate Lockard to go into closed session. KRS 61.810 Sub Section F

A motion by Magistrate Rice seconded by Magistrate Lockard to come out of closed session.

No action taken in closed session

In relation to the discussion of the two employees situation

The court first address the EMS employee

Magistrate Rice made the motion seconded by Magistrate Gabbard to allow this employee to return to work at the Powell County Ambulance Service.

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

In relation to the second Dispatch employee

James Anderson

James Anderson

Donna Gabbard

Donna Gabbard

Mike Lockard

Mike Lockard

Kenneth Rice

Kenneth Rice

Timmy Tipton

Timmy Tipton