

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING
AUGUST 8TH, 2017**

6:00 p.m.

A G E N D A

- I. Call 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 #2
- VII. Old Business
- VIII. New Business

- Sherry Skidmore
- Drug Mitigation Proposal
- HB 156
- Airport Board Appointment
- Dump Truck Expense
- Board of Adjustments
- School Transportation Proposals
- Conference Expense
- Tax Rates

VI. Other

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING
AUGUST 8TH, 2017
6:00 p.m.**

The Powell County Fiscal Court met at the Office of the Powell County Judge Executive's on August 8th, 2017 for a regular called meeting at 6:00 p.m.
Judge Anderson ask for a moment of silence to honor the passing of Chief Deputy Robert "Rog" Mathews and Magistrate Keith Hall's father- in- law Darrhyl Combs.

Present: James Anderson, County Judge Executive
Connie Crabtree, Fiscal Court Clerk
Robert Kling, County Attorney
Dale Allen, Stanton Mayor
Nathan Hall, Ambulance Director
Tim Snowden, Solid Waste Coordinator
Arlene Rogers, Asst. Ambulance Director
Gary West, Road Foreman

The meeting was called to order at 6:00 p.m. by Judge Anderson.
Judge Anderson ask the Clerk to call roll for Magistrates in attendance:

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

The meeting began with approving the Clerk's report for the prior meeting.
A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to approve the regular called meeting dated July 18th, 2017.

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

Treasurer presented court members with the financial statement for their review.

A motion was made Magistrate Rice seconded by Magistrate Hall to approve Treasurers transfers as presented including the budget transfers to balance 4th quarter report.

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

1st Reading of Budget Amendment #2 for the Slade Welcome Center in the amount of \$48,000. Treasurer will deposit check into the General fund then disburse it to Powell County Tourism.

There were no objections to pay all bills submitted for payment.

Magistrate Tipton ask the County Attorney what the status was on the horses we have been housing.

Mr. King told him that he thinks there is a statute that reads when a victim is prosecuting a crime that restitution or any out of the pocket expense can be collected if they are found guilty. The trial date is now scheduled for September.

There were no objections to pay Request #16(Powell Co. Draw Request #15) for the Powell County Detention Center Project in the amount of \$315,693.85.

There were no objections to pay Request # 7 for the Powell County Senior Citizens Building Project in the amount of \$ 48,771.50.

Public Comments:

The first person to speak was Stanton Mayor Dale Allen. He said the last time he attended the meeting he talked about the sewer project and there were some concerns about helping residents getting it in. He said he spoke with the engineers and they worked out that anybody that was on the gravity sewer line would be allowed \$500.00 for installation and they would have to get their own contractor and then submit a bill to the city and they would be then be reimbursed up to \$500.00. They would still be required to get a plumber's permit which would cost around \$150.00 and do the smoke test. He said he feels this would help the residents with the cost. The \$950.00 tap on fee would also be waived.

Jenell Brewer was also present for the meeting to get permission to use the two front rooms at the Powell County Ambulance Service for an Advocacy Center. Magistrate Tipton said based on what Mrs. Brewer had presented at last month's meeting he feels like she does a lot to help folks and does not have a problem with this request. He asked if we should draw up a contract.

Judge Anderson ask Ambulance Director Nathan Hall if he had a problem with her using the offices. Mr. Hall said that they do training in one of the offices and at the current time there are some supplies in there. He wants to ask the person that does the training what he wants to do with the supplies but he does know that one room would be free.

A motion was made by Judge Anderson seconded by Magistrate Hall to allow Mrs. Brewer to use these rooms or room as long as it's ok with the EMS Service and also allow the County Attorney Robert King to draft up a contract to make sure the county is protected.

Magistrate Gabbard – Aye

Magistrate Hall– Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

Medical Director Dr. Lubbard was the next person to speak with the court. He said when he took over our ambulance service it was in pretty bad shape. In terms of measuring an ambulance service we were

like a red dot in the middle of a lot of blue ones which was really bad. He told the court about a couple of incidents that took the ambulances to many minutes to get to the patient. He went on to say this is not because of the crew or anybody on seen but more of an administrative kind of failure. We have not structured the ambulance service to be able to meet these needs. Likewise since the beginning of the calendar year of 2017 from Montgomery County alone we have called mutual aid 33 times and we cannot operate that way. He thinks from our administrative stand point we have the ability to fix this. We have plans that we can implement and fix these issues. One of the things that we need to ask from the court officially is the latitude to be able to change this.

We need to change the way we respond to patients. We need to implement two basic life support ambulances, two paramedics and a chase car which will not be too expensive. It will cost less than one ambulance and give twice the coverage they can provide. He said he can talk more about that when it is more fleshed out, but this is thing they will be asking for. He ask for an answer on the standard guidelines they recently put together. He said at this moment there is no written policy on how the ambulance service should run. They have no way to tell who the change of command is. He said they needed it signed. He also said they need to get on a 24/48 hour schedule at the ambulance service. In closing he said right now they are basically asking for latitude and the courts blessing to make changes without having to come back to the court with every change they make. Judge Anderson said they need to have a workshop to work on the protocols and discuss this more.

Old Business:

Judge Anderson presented court with an amendment to the Agreement between the Kentucky Transportation Cabinet & the Powell County Fiscal Court Slade Welcome Center.

Federal Project 6000-023/Authorization # 83803 P02-628-1000005869

(Old) \$529,130/ (NEW Inc. of \$150,000) \$679,130

This Amendment made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Powell County Fiscal Court (RECIPIENT) acting as an amendment to that Agreement entered into between the parties dated July 13th, 2010.

A motion was made by Magistrate Snowden seconded by Magistrate Gabbard to authorize Judge Anderson to sign all necessary papers concerning this amended resolution.

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton - Aye

Judge Anderson – Aye

Judge Anderson made court members aware that there would be an open house for the new Senior Citizens Center this Friday August 11th, 2017 at 2:00 p.m.

Court members also set a date of Friday August 18th, 2017 at 9:00 a.m. to have a workshop to discuss the Powell County Ambulance Service along with a few more items.

A motion by Magistrate Lockard seconded by Magistrate Hall to honor pay rates for the new fiscal year 7/1/17.

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

Jeff Gaddy was next on the agenda to speak to the court members. Mr. Gaddy is with a law firm out of Pensacola Florida. In general terms he was there to give a presentation on proposed litigation that he along with other firms that are pursuing related to the opiate epidemic. They file lawsuits on behalf of seven counties in southern West Virginia. They represent about 15 counties in southern Ohio and filed lawsuits on about 6 of them so far. They have signed contract with 11 counties here in Kentucky and are talking to an additional 10 counties fiscal courts. The lawsuits that they filing are public nuisance lawsuits. The latest criticsists showed Powell County was number 3 in per capital in overdoses. What they are doing by way of litigation are filing lawsuits under the public nuisance law and the Fiscal Court is authorized by statue to do. They are asking that the benefits of this lawsuit to fund abatement funds which would then be used by the Fiscal Court to abate the public nuisance to make an effort to put Powell County back into a position that it was in before this epidemic started.

He told Magistrates that they sue 3 pharmaceutical companies on behalf of the county. Magistrate Tipton asked what the turnaround would be. Do you see it being a 1 year or 5 year deal? Mr. Gaddy told him he honestly couldn't answer that question. After a lot of discussion the court decided they would go over the contract with the County Attorney in closed session.

Next Sherry Skidmore came to the meeting to present the Sheriff's 2016 Franchise Tax Settlement. She also provided them with a list showing what they had paid out:

Powell County Treasurer - \$95,337.45
Powell County Health Board - \$51,014.48
Powell County Library Board - \$44,412.61
Powell County Board of Education - \$348,416.38
Powell County Extension Board - \$30,699.07
Powell County Sheriff - \$27,168.44
Total: \$597,048.43

A motion was made by Magistrate Tipton seconded by Magistrate Gabbard to accept the 2016 Sheriff's Franchise Tax Settlement as presented.

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

Ms. Skidmore also presented an invoice in the amount of \$500.00 to be paid to her for the preparation of the 2016 Franchise Tax Settlement.

A motion was made by Magistrate Gabbard seconded by Magistrate Tipton to authorize the payment to Ms. Skidmore in the amount of \$500.00

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

Judge Anderson presented the court with a Resolution concerning HB 156, an amendment to the KRS Chapter 148, during the 2017 Regular Session.

Whereas, the bill creates the Kentucky Mountain Regional Recreation Authority as a municipal corporation and political subdivision of the Commonwealth governed by at least 16 participating counties.

And, Whereas Powell County is a county included in the Kentucky Mountain Regional Recreation Authority as a target county.

Therefore, be it hereby resolved that Powell County Fiscal Court does agree to participate in the formation and governance of the Kentucky Mountain Regional Recreation represent the County on the Board of Directors.

A motion was made by Magistrate Hall seconded by Magistrate Gabbard to enter into this said Resolution and authorize Judge Anderson to sign all necessary papers concerning this Resolution.

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

Next on the agenda was the appointment to the Airport Board.

Judge Anderson said himself along with the Mayor can appoint a person to sit on the board.

The letter that Judge Anderson received had J.J. Brewer for the county appointment and Margareta Arnett for the city appointment. This appointment would be for a two year term.

Judge Anderson reappointed J.J Brewer to this position for the county appointment.

Next was the discussion of the dump truck lease we have with Worldwide Equipment. The lease will be expiring and the truck will auctioned off. The county should receive 85% of the amount that truck brings. Two of the Road employees will take the truck to Montgomery Alabama to be auctioned. The court authorized the amount of \$500.00 for the expense of the trip.

A motion was made by Magistrate Hall seconded by Magistrate Lockard to authorize the amount of \$500.00 for the expense of this trip.

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

Moving on to the discussion of the Board of Adjustments.

The statute 133.020 states that the board is made of three people. The Fiscal Court has an appointment, the Mayor has an appointment and the Judge has an appointment. The three people that was serving were Frank Carter, John Brewer and Ovie Hollon.

A motion was made by Magistrate Rice seconded by Magistrate Gabbard to appoint John Brewer to the board for the Fiscal Court's appointment.

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 appoint Ovie Hollon to the board for the Judges appointment.

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

Next item on the agenda was the discussion of school bus transportation. Road Foreman Gary West said that they had contacted him about putting gravel on the bus turnarounds. He said he met with one of the bus drivers and the issue was they wanted the county to fix the parking lot off of West Lone Oak Road where vehicles could come and meet the bus. He said after he looked at it the county would have to cover the ditch up and put tile in.

Judge Anderson suggested that two of the transportation members from the court along with himself meet with someone with the school board to get a clarification policy first.

No Action Taken

The next discussion was the 2017 county tax rates.

The Powell County Health Board submitted for the courts review

The 2017 tax rates are as follows:

Real Property – 6.0 cents per \$100

Personal Property – 6.0 cents per \$100

Motor Vehicle – 6.0 cents per \$100

The Powell County 2017 tax rates were the next discussion.

A motion was made by Judge Anderson seconded by Magistrate Rice to take the compensating rate of 10.00 for Real Property and 11.33 for Personal Property.

Real Property – 10.00

Personal Property 11.33

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

A motion was made by Magistrate Tipton seconded by Magistrate Hall to approve the 2017 County taxes rates for Motor Vehicle and Watercraft as follows:

Motor Vehicles – 13.30

Watercraft – 13.30

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Judge Anderson made the court aware that Library Board member Christina Cook had resigned and he would like to appoint Delinda Powell to this position.

A motion was made by Magistrate Lockard and seconded by Magistrate Gabbard to approve Delinda Powell to this position.

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Judge Anderson made court members aware that Jailer Travis Crabtree long with himself had been negotiating with Estill County in regards to them closing their jail. They are currently lodging their inmates in several different places. They want to get it down to them housing their inmates to one facility. Judge Taylor came over and talked to Judge Anderson and Jailer Crabtree about housing their inmates in the Powell County Detention Center. Estill County agreed to pay \$37.50 per inmate per day. They would also be responsible for their medical and transports. They also agreed to pay for fifty bed up front.

County Attorney Robert King will draft a contract for them to sign.

Judge Anderson made court members aware that the new addition at the Jail should be completed by the 1st of September. He also said that we should be getting 50 additional beds through the SAP Program which would make a total of 100 beds.

A motion by Magistrate Hall seconded by Magistrate Gabbard to go into closed session. KRS 61.810

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

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

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to approve the said Resolution of the Powell County, Kentucky Authorizing Approval and Directing the Employment of Certain Law Firms to Represent the County in Potential Litigation against Contributors of Opioid Addiction Crisis subject to the changes in the Contract made by County Attorney Robert King. This motion also authorizes Judge Anderson to sign the said Resolution and Contract.

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

Department Head Updates:

Road Foreman Gary West made the court aware that the Road Department has started their third round of mowing.

Ambulance Director Nathan Hall made the court aware that Jason Randall had applied for a part-time EMT at the Ambulance Service.

A motion was made by Magistrate Tipton seconded by Magistrate Lockard to approve this hire of Jason Randall subject to all protocols.

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

Ambulance Director Nathan Hall also had a couple personnel issue and requested that the court go into closed session.

Solid Waste Coordinator Tim Snowden made the court aware that on free dump day that did a little over 67.2 tons. He also mention the compactor at the Transfer Station. Judge Anderson said they could discuss this at the special meeting they had scheduled next week.

A motion was made by Magistrate Lockard seconded by Magistrate Hall to go into closed session 61.810 sub section 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 Lockard seconded by Magistrate Gabbard to come out of closed 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

A motion was made by Magistrate Hall seconded by Lockard to approve Natasha Holder as a part-time EMT at the Powell County Ambulance Service.

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 hire Herbert Wilson Jr. as an advanced EMT at the Powell County Ambulance Service.

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Judge Anderson made the court aware that Darrell Fraley wants to be moved to a part status at the Powell County Transfer Station.

A motion was made by Judge Anderson seconded by Magistrate Lockard to hire Doug Adams as a part-time employee at the Powell County Transfer Station.

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

With no other further business to discuss a motion was made by Magistrate Rice seconded by Magistrate Tipton to adjourn the 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

Keith Hall

Mike Lockard

Mike Lockard

Kenneth Rice

Kenneth Rice

Timmy Tipton

Timmy Tipton