

**POWELL COUNTY FISCAL COURT
SPECIAL CALLED MEETING**

July 27TH, 2018

4:00 p.m.

The Powell County Fiscal Court met at the Office of the Powell County Judge Executive for a special meeting held at 4:00 p.m.

Present: James Anderson, County Judge Executive
Connie Crabtree, Fiscal Court Clerk
Robert King, County Attorney
Cecil Pergram, Clay City Times Reporter

Judge Anderson called the meeting to order at 4:00 p.m.

Judge Anderson ask the Clerk to call roll:

Magistrate Donna Gabbard – Present
Magistrate Keith Hall – Absent for roll call
Magistrate Mike Lockard – Absent for roll call
Magistrate Kenneth Rice – Present
Magistrate Timmy Tipton – Absent for roll call

Certified Septic Installer Aaron Durson approach the court to talk about one of clients Jim Turner which owns 50 acres of property on Nada Tunnel Road. The address at this location is 111 Nada Tunnel Road. He said this individual was interested in building a vacation cabin up a steep hill but more importantly it's on the other side of the creek and the other side of the road where the city has run sewer lines run. They have had a couple of estimates done to see how much it would cost Mr. Tuner to run the city sewer up to where he would like to build his cabin. One of the estimate was in the 20,000.00 range and the other estimate would even be more. In this particular case Mr. Tuner would like to build a single residency for himself to use as a vacation retirement home so at this point he is not thinking about building any big development. Mr. Durson said he had surveyed the property and he said they could easily install a septic system. At this point Mr. Tuner would probably either use well water or rain water for his septic system because of the expense of running city water to this location. He said they would like to petition the court that they be given a varices connecting to the city sewer because of the cost be prohibitory expensive. They thought it was reasonable because of him having such a large track of land and there would be no risk for contaminating any of the local water sources where as if they did actually trench to come down the hill they would have to burrow underneath the stream bed there would actually be a chance of contaminating the stream with sewage at that point. Mr. Durson told court members that they thought this would be the safest for the quality of the stream and then also it turns out to be a much lower economic cost to Mr. Turner.

Judge Anderson told Mr. Durson that he did do a follow up after he had spoken with him and he had located an Ordinance that Powell's Valley had when sewer lines were run. Mr. Anderson said he would have to talk with the County Attorney to see if the court has the ability to consider a variance. He is not for sure where all the funds come from and there may have been one variance granted at one time and he thought they probably identified what they had done after the fact and actually came back and had to revisit it and got a better definition of what they are calling the Nada Water Shed. Judge Anderson told him that he would get with the County Attorney to see what the court has the ability to do and try and have an answer by the next court meeting.
No Action was taken at this time.

Treasurer presented a copy of the 4th quarter report to all members of the court 4/1/18 – 6/30/18.

Treasurer presented a copy of the Jail's Commissary Account – Year End Financial Statement Report 7/1/17 – 6/30/18 to all members of the court.

Treasurer presented a copy of the Jail's Inmate Wellness Account – Year End Financial Statement Report 7/1/17 – 6/30/18 to all members of the court.

Judge Anderson called a 15 minute recess.
Meeting resumes at 4:25 p.m.

Magistrate Hall, Magistrate Lockard and Magistrate Tipton enter meeting
Judge Anderson ask 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

Treasurer's Request for Transfers:

Treasurer ask for approval to do transfers to pay the KACO insurance premiums for the new Fiscal Year. 7/1/18-6/30/19.

KACO Worker Compensation

Ambulance Fund - \$ 76,485.00

Dispatch Fund - \$ 1,500.00

Jail Fund - \$ 30,000.00 (only if needed)

KACO All Lines Fund

Ambulance Fund – 4 6,500.00

Jail Fund - \$ 16,000.00 (only if needed)

Total Transfers:

General Fund to Ambulance Fund - \$ 82,985.00

General Fund to Dispatch Fund - \$ 1,500.00

General Fund to Jail Fund - \$ 46,000.00 (only if needed)

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to allow Treasurer's Request to do the transfers as needed.

Motion Passes

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Hall – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Discussion of the 2nd Reading of the Alcohol Ordinance # 18-27-06

Changes were made on pages 8 and 9.

The County's Regulatory License Fee shall be **six percent (6%)** of the gross sales of all alcoholic beverages sold by the drink. In the case of retail sales of package distilled spirits and wine, the Regulatory License Fee shall be six percent **(6%) of gross sales**. The Regulatory License shall be six percent **(6%) on gross retail sales** of package malt beverages.

A motion was made by Magistrate Hall seconded by Magistrate Lockard to approve the 2nd Reading and Adoption of the Alcohol Ordinance # 18-29-06.

Judge Anderson ask the Clerk to call roll

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Hall – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Motion Passes in all in favor

Judge Anderson said he will notify the state on Monday to make them aware of the 2nd reading and adoption.

County Attorney Robert King told members that we are now active but not effective until publication.

Discussion of Site Ordinance # 18-27-07

1st Reading of Site Ordinance # 18-27-07

An Ordinance Regulating the Siting of Solid Waste Management Facilities in Powell County. An Ordinance pertaining to the public health and safety of the environment by regulating the siting of solid waste management facilities in Powell County.

Appointments:

Judge Anderson ask for court approval to appoint Lynn Stidham to the Hotel Motel Association. A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to approve Judge Anderson's request to appoint Lynn Stidham to the Hotel/Motel Association.

Motion Passes

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

Due to the resignation of Jarrod Rose, Judge Anderson ask for court approval to appoint Hondo Hearne to the Powell County Airport Board. A motion was made by Magistrate Hall seconded by Magistrate Gabbard to approve Judge Anderson's request to appoint Hondo Hearne to the Powell County Airport Board.

Motion Passes

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

Budget Amendments:

Treasurer presented court members with Budget Amendment #1 and #2 for the 1st reading.

The Treasurer requested that the court void the 1st reading of Budget Amendment #1 in the amount of \$158,565.00 for the Red River Waste Water Authority that was discussed during the July 10th, 2018 meeting because of the amount needing to be increased. Treasurer presented the revised Budget Amendment #1 in the amount of \$167,850.00 for the 1st reading.

1st reading of Budget Amendment # 1 increasing the General Fund \$167,850.00 for the Red River Waste Water Authority payroll.

1st reading of Budget Amendment # 2 for the Alcohol Beverage Sales in the amount of \$47,000.00.

With no further discussion a motion was made by Magistrate Rice seconded by Magistrate Lockard to adjourn.

Motion passes

- 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

