

**POWELL COUNTY FISCAL COURT
 REGULAR CALLED MEETING
 Date: JULY 9TH, 2019
 Time: 6:00 p.m.
 Location: Powell County Courthouse
 Office of the County Judge Executive
 Room 102**

The Powell County Fiscal Court met at the Office of the County Judge Executive for a regular called meeting on July 9th, 2019 at 6:00 p.m.

Clerk noted those present for the meeting. They were County Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, County Attorney Robert King, CSEPP Director Kevin Babcock, Solid Waste Coordinator Tim Snowden, Ambulance Director Nathan Hall, Road Supervisor Aaron Marcee, Jailer Travis Crabtree, Michael Kelso, Jesse Miles and owner of The Barn at the Gorge Jennifer Drake.

Judge Anderson called the meeting to order at 6:00 p.m.

- Judge Anderson ask the Fiscal Court Clerk to call roll:
- Magistrate Dennis Combs – Present**
 - Magistrate Donna Gabbard – Present**
 - Magistrate Mike Lockard – Present**
 - Magistrate Chad Patton – Present**
 - Magistrate Timmy Tipton – Present**

The meeting began with Public Comments:
 The first one signed in to speak was Electrical Inspector Justin Gibbs. His company is called Eastern Kentucky Electrical Inspections. He told court members that he contacted each county to see if he could perform his electrical inspections there.
 Powell County currently has one inspector that comes once a week. Mr. Gibbs ask the court to consider allowing him to perform his services in Powell County.
 Judge Anderson told him that the court would put his request before the Fiscal Court committee and try and to have him an answer within the next month.

Next speaker to approach the court was the owner of The Barn at the Gorge, Jennifer Drake. She told members that The Barn at the Gorge is losing business from potential "out of town" weddings because of the inability to serve wine and spirits. We want "out of town" weddings to increase our overall revenue.
 Mrs. Drake said the reason she is here because she is an event venue and not a restaurant and she does not produce food so therefore only qualifies for the malt beverage license. She said she has a lot of couples coming from Louisville and Lexington that want to have wine or a signature cocktail that represents their relationship. She has to tell them she cannot offer them those things therefore she loses that business and feels that the county as a whole also loses revenue because of this.
 Mrs. Drake presented court members with a breakdown of what her wedding barn produces. Magistrate Tipton ask the court if our Alcohol Ordinance would have to be adjusted to allow this request. She told him that she is currently limited to what she can do with the local ordinance.

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Judge Anderson told him that the Ordinance would have to be amended. He went on to say that the NQ3 license is what enables you to have what she is needing to do. The restaurants that have it we put stipulations on it so they cannot have an open bar. The big problem is the Legislators need to go back and put something for event licenses so this would help her out. Some of the things that Mrs. Drake talked about that we need to see if there would be enough criteria that the county could associate with them to safeguard what we was trying to do when we created the Ordinance but yet give her space to do it.

Mrs. Drake has talked to the local ABC board about this also. This would require the county to amend the local Ordinance to enable her the ability to do what she's asking.

She went on to tell the court of some upcoming events that she has planned in the future.

Judge Anderson told her that he feels the best thing to do is for himself along with a couple of other court members to go to the ABC local board and talk to them to see what they feel comfortable with.

Mrs. Drake thanked the court members for listening to her.

No Action taken

Jailer Travis Crabtree was present for the meeting. He told court members that every year they have to get the jail's Policy and Procedure's manual updated and put in the minutes. He brought a copy of it with him and also gave the Fiscal Court Clerk a copy of it on a flash drive. He told members that there were a couple of changes that didn't have anything to do with the Fiscal Court. Mr. Crabtree said it was the same other than a couple of amendments made to it.

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard **to approve the Powell County Jail's Policy and Procedure Manual with the amended changes.**

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton- Aye

Magistrate Tipton – Aye

Jailer Travis Crabtree also brought up the subject of the incentive checks for hours of training for elected officials. Once the letter is received from the Department of Local Government for proof of training hours it then has to be approved by the Fiscal Court before payment can be issued to the officials.

A motion was made by Magistrate Gabbard seconded by Magistrate Patton to **approve payment to be made to each elected official including Judge, Magistrates, Jailer and Clerk once they received their letter from the Department of Local Government showing they have completed their training hours.**

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

After public comments the court moved on to approving the Clerk's reports for the month of June 2019. During the month of June the Fiscal Court had one regular meeting and three special ones. A motion was made by Magistrate Gabbard seconded by Magistrate Combs to **approve the Clerk's report for the regular meeting dated June 11th, 2019.**

Motion passes

**Magistrate Combs – Aye
Magistrate Gabbard – Aye
Magistrate Lockard – Aye
Magistrate Patton – Aye
Magistrate Tipton – Aye
Judge Anderson – Aye**

A motion was made by Magistrate Patton seconded by Magistrate Gabbard to **approve the Clerk's report for the special meeting dated June 17th, 2019.**

Motion passes

**Magistrate Combs – Aye
Magistrate Gabbard – Aye
Magistrate Lockard – Aye
Magistrate Patton – Aye
Magistrate Tipton – Aye
Judge Anderson - Aye**

A motion was made by Magistrate Gabbard seconded by Magistrate Lockard to **approve the Clerk's report for the special meeting dated June 21st, 2019**

**Magistrate Combs – Aye
Magistrate Gabbard – Aye
Magistrate Lockard – Aye
Magistrate Patton – Aye
Magistrate Tipton – Aye
Judge Anderson – Aye**

A motion was made by Magistrate Patton seconded by Magistrate Gabbard to **approve the Clerk's report for the special meeting date June 28th, 2019.**

Motion passes

**Magistrate Combs – Aye
Magistrate Gabbard – Aye
Magistrate Lockard – Aye
Magistrate Patton – Aye
Magistrate Tipton – Aye
Judge Anderson – Aye**

There were no objections in paying all the bills submitted for payment.

Treasurer presented court members with all of the Financials for their review.

A motion was made by Magistrate Gabbard seconded by Magistrate Lockard to approve the all of the Treasurer's transfers including the budget transfers to balance the 4th quarter report year ending 6/30/19 and a request to transfer funds from the General Fund to the Ambulance Fund to pay KACO insurance for the new fiscal year. Treasurer also presented each court member with copies of these transfers.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Treasurer presented court members with a copy of a check that former Powell County Clerk Karen Graham submitted to the county on July 9th, 2019 in the amount of \$5,386.62 for 2016. She also presented one in the amount of \$30,000.00 back in January 2019.

Treasurer made court members aware that she had started issuing county contribution checks for the new fiscal year. All county contributions are on the pre-approval list.

Treasurer presented court members with a copy of the Powell County Jail's Commissary account report and the Inmate Wellness account report for Year end 7/1/18-6/30/19.

Old Business:

Judge Anderson made members aware that he along with Magistrate Gabbard and Magistrate Tipton attended the Judges/Magistrates convention last week and they spoke about 2020 Census.

The Judge said that they suggested that each county set up a Census committee for the purpose of educating people to get their Census in so they can get an accurate count.

Judge Anderson made members aware that 3 different companies had submitted energy savings proposals for the courthouse. Sometime in the next two to three weeks he would like to set up a committee meeting to review the three different proposals. He said that Mr. Copley that is over the program will also set in on the meeting to evaluate the ones that are deficient or if they are all good. Sometime before the selection they will ask the three entities to come and do a presentation for the court so if they are any questions or concerns they can be ask at this time.

Judge Anderson made court members aware that there still an ongoing deal with Blaze Enterprises in relation to the permit they were issued. He said he had ask for a grievance hearing but they are wanting more information as to how he is aggravated by them being issued a permit. He plans to submit them a letter.

New Business:

Judge Anderson made members aware that new Powell County Tourism Director Miranda Fallen has contacted him and the County Attorney about wanting to amend some of the things on the County

Tourism Ordinance. Basically where Clay City and Stanton left they need to amend the Ordinance. He has started this process of amending it rather than doing a new one. Mr. King said he has a good start on it and is requesting that the court have the **1st Reading of the County Tourism Ordinance at this meeting.**

2nd Reading of Site Ordinance # 19-0611

This Ordinance is a repeat of the Site Ordinance that was passed previously.

A motion was made by Magistrate Patton seconded by Magistrate Lockard to **approve the 2nd Reading of Site Ordinance # 19-0611.**

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

2nd Reading of Broadband Fiber Board Ordinance # 19-0612

A motion was made by Magistrate Gabbard seconded by Magistrate Combs to **approve the 2nd Reading of the Broadband Fiber Board Ordinance # 19-0612.**

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Bids submitted for Sealcoating and Striping the Senior Citizens Center Parking Lot

There were two bids received for this project.

Judge Anderson opened the sealed bids that were submitted.

The first sealed bid opened was submitted from HK Goodwin in the amount of \$1,892.98(a copy of this bid will follow minutes).

The second sealed bid opened was submitted from Bailey Asphalt Sealing in the amount of \$2,250.00(a copy of this bid will follow minutes).

A motion was made by Magistrate Lockard seconded by Magistrate Patton to **go with the lowest bidder HK Goodwin in the amount of \$1,892.98 contingent that the bid includes to seal all cracks and pave the whole areas of front and rear parking lot. Motion to include to pay Mr. Goodwin ½ of payment up front for any materials and supplies.**

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

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Red Star – On one was present for the meeting

Judge Anderson made court members aware that he has received a letter Kendell Knox, Superintendent Powell's Valley Water District recommended a term renewal for Mr. Gary Baker as the district's representative on the Beech Fork Water Commission. Mr. Baker's term is up for renewal in August 2019.

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to **re-appoint Mr. Gary Baker as the district's representative on the Beech Fork Water Commission.**

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Judge Anderson presented court members with a Resolution for FEMA-4428-DR-KY

A motion was made Magistrate Gabbard seconded by Magistrate Tipton to **authorize Judge Anderson to sign all and any necessary papers concerning this Resolution on the FEMA -4428-DR-KY project.**

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

Updates:

Tim Snowden made the court aware that during the month of July 2019 there were averaging 93 cars per day.

Magistrate Lockard ask why Powell County didn't take out of town garbage. Judge Anderson told him that there were several reasons. He said we are not making any money on the transfer station. If you look at the budget it is costing the county money. He went on to say he had talked to Mr. Snowden about people needing to be educated on how much it cost for monthly garbage pickup instead of them coming so many times a week to bring their trash. They would save money to sign up on the garbage pickup.

Nathan Hall is requested closed session

Road Supervisor Aaron Marcee gave each Magistrate a copy of the report he had prepared for the month of June 2019 of what the Road Department had done. It included dates, location of work, district and the scope of work. Mr. Marcee made the court aware that one tractor was in and the other one will

be in soon. He told court members that we brought both tractors doing the 24 month lease to purchase option which made the most sense. We traded the two old tractors so technically we are buying one.

In relation to the Road Department Judge Anderson said he had about 3 items to discuss.

Bow Hunters on Hatcher's Creek Rd, High Rock Rd and the building.

Judge Anderson said in the past the county has maintain beyond the county maintenance at the Bow Hunter's Club on Hatcher's Creek because of law enforcement using that facility as a shooting range for their training until recently they have been using Wes Young's Range. Judge Anderson said they have been approached by the club itself as well as some of the property owners that has got accustom to that. There is a wash out with the culvert at this time and since the law enforcement does not use that facility anymore we need some direction on what to do about maintaining the road. Mr. Marcee said that the drain tile is still there and takes a beating.

The issue on High Rock Road was where the Creek washed out and impacted all of those houses. Judge Anderson told members that he had ask Mr. Asbury with Emergency Management looking into the Division of Water to see what avenues would be open to help with this. Previously the way this was handle was it started with the Division of Water. We went to NCRS and back to the Division of Water. Naturally it would take a permit through the Division of Water to facilitate the work. It would probably be a situation to where it would be through a grant with NCRS. We have agreed to be the fiscal agent through that but the Judge wants to know the court's thought about this. There is around eight residents that was impacted. Mr. Asbury was still waiting last week to hear from the Division of Water to see what they will recommend. Judge Anderson said the homeowner many have to apply for the grant and the county furnish the operator. We do not know at this time what will need to be done we will have to wait and see what they will recommend.

The last thing to discuss with the road department was about moving the structure at the Road Department.

Judge Anderson said he had one person to turn in a proposal to disassemble and reassemble the structure.

The proposal was submitted from Kevin Tipton in the amount of \$6,000.00.

The proposal said he would propose to do the necessary labor to disassemble and reassemble a roughly 16x16 shed with the expectation of needing some new materials. The work will be performed after one third of the labor cost is paid up front, the remaining two-thirds will be paid at the completion of the project.

A motion was made by Magistrate Gabbard seconded by Magistrate Lockard to **approve the proposal from Kevin Tipton in the amount of \$6,000.00 to disassemble and reassemble the structure.**

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

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Jesse Mills was presented for the meeting to discuss Jerrica Leigh Lane. He ask if the road department could put up something up to block part of the road because of the danger of someone wrecking that is not aware of it.

Road Supervisor told Mr. Barnett that he had talked with the Powell County School System and they said are happy with where the bus turnaround is on Forge Mill Road but if Mr. Barnett wants it moved there is a turn into a field right below his house. Mr. Barnett said whatever is the best for the county is what he wants and whatever they need to use of his property is fine with him. Mr. Marcee said if they do this they need to get an agreement with the property owner. Judge Anderson said as soon as they get an answer from the school board then they will know what to do.

CSEPP Director Kevin Babcock made the court aware that his annual budget is around \$975,000.00. This will be the last big budget so he is asking for as many projects as he can.

They are going to finish up communication upgrades, redo the microwave system, and redo the E25 system.

He also made the court aware that he had received two different bids for 15 SCBA's (Self-Contained Breathing Apparatus). He said he ask for Scott Equipment.

Mr. Babcock opened up the first sealed **bid submitted from Finley Fire Equipment in the amount of \$116,331.00.**

Mr. Babcock opened up the second sealed **bid submitted from 911 Fleet & Fire Equipment in the amount of \$112,075.00.**

He said he was awarded \$109,000.00 from the state to purchase these. He told the court he would like to have time to go through each bid to make sure it's what is needed and the one that best fits the county. He said the state will also review each bid and he was going to ask for an advance payment so they will agree to go ahead and pay for these as soon as we get the invoice.

Judge Anderson made the **motion to go with the bid that Mr. Babcock choses but wants to add to this motion that if it's decided not to go with the lowest bidder that we have justification letter for doing so this motion was then seconded by Magistrate Combs.**

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton –Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Court took a 15 minute recess

Court resumes

Ambulance Director made the court aware that he would be going to Corbin, Kentucky to pick up the new ambulance next week and that EC 6 transmission is being checked out.

Magistrate Tipton spoke briefly about the safety of the court while in session. He said there needed to be law enforcement on duty while the court meeting are in session. Judge Anderson told him by statue that dictates' that if we do not have law enforcement he has the jurisdiction to appoint someone for court's security. Judge Anderson said that they can address this before the next meeting.

A motion was made by Magistrate Patton seconded by Magistrate Gabbard **to go into closed session KRS 61.810 section F.**

Motion passes

**Magistrate Combs – Aye
Magistrate Gabbard – Aye
Magistrate Lockard – Aye
Magistrate Patton- Aye
Magistrate Tipton – Aye
Judge Anderson – Aye**

A motion was made by Magistrate Combs seconded by Magistrate Gabbard **to come out of closed session.**

Motion passes

**Magistrate Combs- Aye
Magistrate Gabbard – Aye
Magistrate Lockard – Aye
Magistrate Patton – Aye
Magistrate Tipton - Aye
Judge Anderson – Aye
No Action was taken in closed session**

Judge Anderson made court members aware that we need a maintenance person for the courthouse. Danny Stewart only works on Mondays and is mainly at the Jail doing maintenance for them. Jailer Travis Crabtree agreed that he would hire Mr. Stewart for the jail one day a week. Judge Anderson said that David Trogott approach him wanting the maintenance job here at the courthouse.

A motion was made by Magistrate Lockard seconded by Magistrate Patton to **hire Mr. David Trogott as a full-time maintenance employee for the county.**

Motion passes


**Magistrate Combs –Aye
Magistrate Gabbard – Aye
Magistrate Lockard – Aye
Magistrate Patton – Aye
Magistrate Tipton – Aye
Judge Anderson – Aye**

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

Motion passes

**Magistrate Combs – Aye
Magistrate Gabbard – Aye
Magistrate Lockard – Aye
Magistrate Patton –Aye
Magistrate Tipton – Aye
Judge Anderson - Aye**

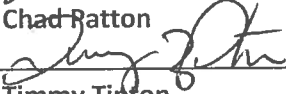
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James Anderson

Dennis Combs


Donna Gabbard


Mike Lockard


Chad Ratton

Timmy Tipton