

POWELL COUNTY FISCAL COURT  
REGULAR CALLED MEETING

Date: August 13<sup>th</sup>, 2019

Time: 6:00 p.m.

Location: Powell County Courthouse  
Judge Executive's Office  
Room 102

## AGENDA

- I. Call Meeting To Order
- II. Roll Call
- III. Clerk's Report of Last Meeting
- IV. Bills Submitted for Payment
- V. Approval Treasurer's Financial Statement/*Amendments*  
**Treasurer presented Treasurer's Settlement for Year End 6/30/19 and 4<sup>th</sup> Quarter Report**
- VI. Approval Treasurer's Transfers
  - Tax Rates
  - Airport Update
  - Alcohol Ordinance Amendment
  - Phone Proposal
  
- VII. Other

**Powell County Fiscal Court  
 Regular Called Meeting  
 Date: August 13<sup>th</sup>, 2019  
 Time: 6:00 p.m.  
 Location: Powell County Courthouse  
 Office of the Judge Executive  
 Room 102**

The Powell County Fiscal Court met at the Office of the County Judge Executive for a regular called meeting on August 13<sup>th</sup>, 2019 at 6:00 p.m.

Clerk noted those present for the meeting.

James Anderson, County Judge Executive, Connie Crabtree, Fiscal Court Clerk, CSEPP Director Kevin Babcock, County Attorney Robert King, Ambulance Director Nathan Hall, Asst. Ambulance Director Arlene Rogers, Road Supervisor Aaron Marcee, owner of The Barn at the Gorge Jennifer Drake, Bill Harrison, Kevin Davis and Tim Hassel, representing the Powell County Airport Board.

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

Judge Anderson ask the Clerk to call roll for Magistrates in attendance for the meeting.

- Magistrate Dennis Combs – Present**
- Magistrate Donna Gabbard – Present**
- Magistrate Mike Lockard – Present**
- Magistrate Chad Patton – Present**
- Magistrate Timmy Tipton – Present**

The meeting began with the Magistrates approving the Clerk’s report for the July 9<sup>th</sup>, 2019 meeting. A motion was made by Judge Anderson seconded by Magistrate Patton **to approve the Clerk’s report for the regular called meeting dated July 9<sup>th</sup>, 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 Lockard seconded by Magistrate Gabbard **to approve all of the Treasurer’s transfers.**

**Motion passes**

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

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Treasurer presented court members with all the financials for their review.

Treasurer presented court members with a copy of the 4<sup>th</sup> quarter report period ending 6/30/2019.

Treasurer presented court members with a copy of the Treasurer's Settlement period ending 6/30/19.

Treasurer presented court members with Budget Amendment #1 increasing the General Fund by \$26,436.16 for the 1<sup>st</sup> Reading.

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

Judge Anderson submitted two additional bills for payment.

Holbrook Equipment for a Kubota tractor in the amount of \$ 58,550.00 and CIS for CAD System Training in the amount of \$5,400.00.

Court members also agreed to pay these bills.

The court moved on to the Public speaking.

The first one to speak to the court was David Fifer which is a part-time employee at the Powell County Ambulance Service and also coordinates the RedStar unit. RedStar is a wilderness medical unit of the Powell County Ambulance Service and is non-profit cooperation. RedStar providers are employees of the ambulance service. They get hired on as volunteer's employees.

He came to the meeting to present court members with a Memorandum of Understanding between Wolfe County Fiscal Court and Powell County Ambulance Service regarding Wilderness Medical Mutual Aid. EMS regulations in Kentucky require that every ambulance service has to have a mutual aid agreement for all surrounding counties. Mr. Fifer told members that this MOU does not obligate the county to anything and there will be no money changing hands it just really establishes their authority for them to cross the county line to Wolfe County and still provide medical services under Dr. Lubbards. This Memorandum of Understanding is hereby made and entered into by and between Wolfe County and Fiscal Court, hereinafter referred to as Wolfe County, and Powell County Ambulance Service, hereinafter referred to as PCAS.

The purpose of the MOU is to establish permission for PCAS's RedSTAR Wilderness Medical Unit (hereinafter referred to as RedSTAR) to operate within Wolfe County, when specifically requested, for the purposes of ALS medical care of Wolfe County SAR rescues.

Wolfe County Fiscal Court holds the Certificate of Need for ambulance services in Wolfe County, and PCAS operates the RedSTAR Wilderness Response Unit consisting of specialist in advanced wilderness life support medical care.

This MOU agreement may be terminated without cause by either party with a written 30 day notice.

It is understood by all parties that when RedStar services are requested, they will fall under the liability and workers compensation policy of PCAS on not any agent of Wolfe County.

Judge Anderson said that currently our search and rescue people like RedStar cannot bill for any services they render. He said the legislators need to look into changing this to give them some model to re-coop some of their revenue.

After discussion court members told Mr. Fifer that they needed more time to look over Memorandum of Understanding before making any decision on it.

No Action was taken at this time.

Next speaker to approach the court was Mr. Tim Hassel representing the Powell County Airport. Mr. Hassel works for Hanson Professional Services. He said they were retained a number of years ago by the Powell County Airport Board to work as consultants on behalf of the airport and manage airport grants and improvement programs. He told members that the last time he was here they had the discussion about a land acquisition project.

He gave each member a handout that showed 4 projects that they have going at the airport this year. (Handout will follow minutes).

2019 Projects:

- Terminal Building Renovation  
Cost: \$96,000.00  
100% KDA Funding
- Clean Runway Markings  
Cost: \$45,000.00  
100% KDA Funding
- Relocate Fencing  
Cost: \$218,495.00  
FAA/KDA 97.5%  
Airport – 2.5% = \$5,463.00
- Land Acquisition  
Land Acquisition Project Cost (estimate): \$69,000.00  
FAA/KDA – 97.5%  
Airport – 2.5% = \$1,725.00

2018 Project

- Upgrading Hanger Taxilane  
Cost: \$412,950.00  
KDA – 100%

Notes:

*FAA= Federal Aviation Administration. FAA grants to Powell County cover 90% of project amount.*

*KDA= Kentucky Department of Aviation – a department of the Kentucky Transportation Cabinet. KDA typically pays 7.5% of projects with FAA funding and 100% of state only grants.*

The last time Mr. Hassel came to a meeting he talked about the land that is required to make mandatory runway safety area improvements at the Powell County Airport. They are acquiring some land so they can grade and fence that area inside the runway safety area. This projects requires the relocation of Lisa Lane. They have initiated the acquisition process. In the federal acquisition process there is a mandatory schedule. They are ready for the fourth step and have negotiated and communicated with the resident with the appraiser. Now they are ready to notify the landowner of the actual appraisal and the value that has been placed on the land by the appraiser. Mr. Hassel said he wanted to come before the Fiscal Court to let them know of where they are at on this project. This week the landowner will receive the offer sheet in their proposal and that may generate some communication with members of the court. He said he would be happy to answer any questions that they court or landowner may have. Magistrate Lockard ask him if they still planned on putting in a walk way. Mr. Hassel told him that the plan was to put the fence up and then put up a walk way around so the people that currently walk on Lisa Lane will have a connection between the two.

The projects that he has listed has a total value using a combination of federal aviation administration and state funds in the amount of \$841,445.00 with a total local output of \$7,188.00.

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Judge Anderson said that last time Mr. Hassel came before the court they voted to take whatever action that was necessary to allow the court to go through the process of condemnation if necessary. Judge Anderson ask the court to take vote again to give him authority to sign any necessary papers in reference to the land acquisition concerning the Stanton – Powell County Airport projects.

A motion was made by Magistrate Tipton seconded by Magistrate Lockard **to authorize Judge Anderson to sign any and all necessary papers concerning this project including the Real Estate Purchase agreement.**

**Motion passes**

**Magistrate Combs – Aye**

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Patton- Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

**2019 Tax Rates for the Powell County Board of Health and the Powell County Extension Service.**

Court members were given a copy of the 2019 tax rates for the Powell County Board of Health and the Powell County Extension Service.

The **Powell County Extension District Board** set the following tax rates for 2019

**Real Property: 3.557 (compensating)**

**Personal Property: 3.557 (compensating)**

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

**Motor Vehicle/Watercraft: 4.500 cents per \$100 of assessed value of 2019 calendar year.**

The **Powell County Board of Health** set the following tax rates for 2019

**Real Property: 8.0 cents per \$100**

**Personal Property 8.0 cents per \$100**

**Motor Vehicles 8.0 center per \$100**

**2019 Tax Rates for Powell County**

The court discussed the tax rates for the county.

The rates for 2018 was: Real Property 10.10

Personal Property 11.33

The rates for 2019 were sent from the Department for Local Government were as follows:

Real Property: 0.099 (revenue \$416,950.00) 9.90

4% increase: 0.102 (revenue \$429,585.00) 10.20

Motor Vehicles: .133(revenue \$114,107.00) 13.30

Watercraft: .133(revenue \$2,255.00) 13.30

Magistrate Tipton said we are basically paying the health insurance with the revenue from these taxes.

Judge Anderson told him that we pay numerous things with what we generate from these property taxes. It is pretty much earmarked to where it goes.

After discussion Judge Anderson said he would be in the mind set to stay at the current tax rates we have now for 2018.

A motion was made by Judge Anderson seconded by Magistrate Patton **to leave the rate rates as is with no change.**

**Real Property: 10.10**

**Personal Property: 11.33**

**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 Judge Anderson seconded by Magistrate Patton **to leave the Motor Vehicle and Watercraft as is. with no charge.**

**Motor Vehicles: 13.30**

**Watercraft: 13.30**

**Motion passes**

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

Judge Anderson told court members that he would check and see what we need to do since we are voting to leave the tax rates the same as last year.

**1<sup>st</sup> Reading of the amended Alcohol Ordinance # 18-2906**

**New License – QUOTA RETAIL DRINK**

**Fee - \$900.00**

- Allow only with special events approved by our board should be submitted two (2) months prior to need.
- License can only be used 100 days.
- License can only be used 3 day consecutively.
- Only opened to public through ticket, cover charge or event invitation.
- Hours only from 4:00 until 10:00 P.M. Sunday sales Follows ordinance.
- Meet food requirement of 50% food and 50% alcohol.
- Each event reconciled individually.
- Only two (2) licenses be available.
- Any violations regarding this license is automatic \$2500.00 or 50 days suspension.
- Restrictions on signage and advertising of alcohol available at and event.

- Put in correct hours of sale 6:00A.M. Until 12:00 A.M. Monday – Saturday 1:00 P.M. – 10:00 P.M.
- Any false reporting of regulatory fees shall incur a minimum \$1,000.00 first offense up to revocation.
- \$250.00 fine for late regulatory fees paid 5 business days past due date. Then 450.00 per day every day after until paid. If late more than 3 times in a calendar year, subject to revocation of license.
- Any violation of KRS, KAR or County Ordinance may result in 50 day suspension or \$50.00 per day in lieu of suspension for first offense.
- If building has no windows, 1 sign that meets ordinance guidelines can be outside of building.
- If caught by the state we can automatically fine business.
- Establish our board can issue judgements.

Judge Anderson ask Mrs. Drake if this license would work for her and if she had any questions. She had a couple of questions that Judge Anderson answered for her.

The court discussed the phone proposal from Eastern Telephone & Technologies. Some time ago the county approved for this company to come in and switch some of the phone lines. Judge Anderson told court members that Frank Dahare with Eastern Telephone & Technologies had come and looked over what phone lines that the county didn't currently have with them. If the court would agree to let them switch the lines it could save the county around \$15,597.00 annually. He said the county could also save \$4,778.00 on internet. This would be a total savings for the county in the amount of \$20,376.00 with no contract involved.

After discussion a motion was made by Magistrate Combs seconded by Magistrate Patton **to allow them to switch the rest of the phone lines contingent that it does not cost the county any money if breaking a contract is involved with the other current company/companies that the county has.**

**Motion passes**

**Magistrate Combs – Aye**

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Patton – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Bill Harrison told Judge Anderson that he was paying too much money for phone service at the Powell County Airport. He told him that he would get Mr. Dahare to come out and look to see if they could also save them some money.

Beech Fork Water Board member John Barker came to the meeting to ask them if Beech Fork Water Board brought the rock would the county haul and grade the road over to the reservoir. All court members said they were comfortable in allowing this request. Mr. Barker also brought the financial statement along with their minutes from their court meeting for the courts review.

**Department Head Updates**

Ambulance Director Nathan Hall requested that the Active 911 app for the EMS employee's cell phone be paid. This is the app that allows the Dispatch to tell them where the location is that they need to respond too. He said the other departments did not sign up for it this year. Judge Anderson said if he remembers correctly that the court agreed to pay for this for all the emergency departments last year. CSEPP Director Kevin Babcock ask if the county has always paid for this service. He ask Mr. Hall to get him an invoice and he would see if CSEPP would be willing to pay for this.

A motion was made by Judge Anderson seconded by Magistrate Combs **to pay for the Active 911 app for the EMS employees up to 49 people and then CSEPP to pay for the rest of the emergency agencies if CSEPP authorizes payment.**

Motion passes

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

Ambulance Director Nathan Hall requested that the court approve to move paramedic Nathan Zachary from a full time paramedic position to a part-time paramedic position due to him going back to school. A motion was made by Judge Anderson seconded by Magistrate Tipton **to move paramedic Nathan Zachary from a full time paramedic position to a part time paramedic position at the Powell County Ambulance Service.**

Motion passes

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

Ambulance Director Nathan Hall also requested that the court move Advanced EMT Omer Caldwell from a part time EMT position to a full time EMT position at the Powell County Ambulance Service.

A motion was made by Magistrate Patton seconded by Magistrate Lockard **to move Advanced EMT Omer Caldwell from a part time EMT position to a full time EMT position at the Powell County Ambulance Service.**

Motion passes

Magistrate Combs – Aye  
 Magistrate Gabbard – Aye  
 Magistrate Lockard – Aye  
 Magistrate Patton \_Aye  
 Magistrate Tipton – Aye  
 Judge Anderson – Aye

Mr. Hall made the court aware that the Ambulance inspection would be August 29<sup>th</sup>, 2019.



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The new ambulance has less storage. He will call and see if 2 more cabinets can be installed. Everything over 3lbs has to be secured.

Road Supervisor Aaron Marcee presented court members with a copy of the July 2019 work report for the Powell County Road Department. The report has the location of work, district and the scope of work that was done for that particular month.

Judge Anderson said that fall is getting here quickly and cooler weather is coming. He said there are a few things that need to be addressed. He ask the Magistrates if they knew roughly what roads would need paving in their district. He said he didn't want to run out of time before addressing them. and the county would be going with the state contract pricing.

Magistrate Tipton ask what the status was on the ditcher. Mr. Marcee told him that it should be delivered the next 4 weeks.

Judge Anderson also made the court aware that the 2019 surplus property was held this past Saturday and the county made around \$20,000.00

CSEPP Director Kevin made the court aware that CSEPP approved for the reallocation of funds to purchase a portable Cascade system.

- SCBA'S are on order
- Reallocated of funds for a 4 WD lift to use in the community. He will be putting an advertisement in the local paper to accept bids for this lift.
- Going to get proposals to resealing and stripping the blacktop at the EOC.
- We are near the end of the CSEPP cycle. We start to spend what monies are left over and needs to be spent as quickly as possible.

A motion was made by Judge Anderson seconded by Magistrate Combs to approve CSEPP Director Kevin Babcock to expend up to \$8,500.00 for the resealing and stripping the blacktop parking lot at EOC and also authorized Mr. Babcock to move forward with any and all projects contingent that these project or projects are approved through CSEPP and are within the CSEPP budgeted lines. Due to the money having to be spent quickly the court authorizes payments to be made to vendors as soon as possible.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Judge Anderson called for a 10 minute recess

Court resumes

- Judge Anderson made the court aware that Magistrate Donna Gabbard had met with the census lady.
- Jesse Miles had bragged on the Road Department for what they had done to Jerrica Leigh Lane.

- Magistrate Patton and Magistrate Combs had gone to Frankfort for the hearing concerning the landfill issue.

Court discussed having a special meeting on or before August 29<sup>th</sup>.

A motion was made by Magistrate Patton seconded by Magistrate Gabbard **to go into closed session 61.810 paragraphs B, C and F.**

- Motion passes
- Magistrate Combs – Aye
  - Magistrate Gabbard – Aye
  - Magistrate Lockard – Aye
  - Magistrate Tipton – Aye
  - Judge Anderson – Aye

A motion was made by Magistrate Lockard 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

Per the conversation in closed session the court wants to review minutes about the discussion of any department that's over their budgeted salary lines does not have the discretionary without court approval to give any raises or make any salary changes. The Fiscal Court Clerk told them that she could recall of them discussing this several time but it was never put into a form of a motion.

With no further discussion a motion was made by Magistrate Gabbard seconded by Magistrate Lockard to adjourn *at 8:28 p.m.*

- 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*

James Anderson

*Dennis Combs*

Dennis Combs

*Donna Gabbard*

Donna Gabbard

*Mike Lockard*

Mike Lockard

Chad Patton

*Timmy Tipton*

Timmy Tipton