

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING**

Date: August 11th, 2020

Time: 6:00 p.m.

Location: Powell County Emergency Operations Center

33 Commerce Drive

Stanton, Kentucky 40380

Join Zoom Meeting

<https://us02web.zoom.us/j/82933268740>

Meeting ID: 829 3326 8740

A G E N D A

- I. Call Meeting To Order
- II. Roll Call
- III. Public Comments
- IV. Clerk's Report of Last Meeting
- V. Bills Submitted for Payment
- VI. Approval Treasurer's Financial Statement
- VII. Approval Treasurer's Transfers
- VIII. Old Business:
- IX. New Business:
- X. Department Head Updates:
- XI. District Updates:

Items to be discussed:

- Sherry Skidmore – Sheriff's Tax Settlement
- Hannah Jones
- Kevin Babcock – Applicant Agent
- Detroit Salt Quote
- Road Resolution for Flex Funds
- Bluegrass Area Development Resolution
- Road Tier System & Staff
- Industrial Project
- FEMA Projects
- Tourism Ordinance

VII. Other:

**Powell County Fiscal Court
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The Powell County Fiscal Court met at the Powell County Emergency Operations Center on August 11th, 2020 at 6:00 p.m. for a regular called meeting. Everyone present at the meeting was practicing social distancing. Judge Executive James Anderson was the host/administrator of the ZOOM meeting.

Those present for the meeting were Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, CSEPP Director Kevin Babcock, County Attorney Robert King, Jailer Travis Crabtree, Road Forman Patrick McCoy, Solid Waste Coordinator Tim Snowden, Sherry Skidmore, Tourism Director Miranda Fallen, Tourism Board member Debbie Tipton, Mrs. Cretia Mainous, Ms. Hannah Jones, Magistrate Dennis Combs, Magistrate Donna Gabbard, Magistrate Mike Lockard, Magistrate Chad Patton, Magistrate Timmy Tipton, Republican Brandon Storm, Coach Jones and Police Officer Hunter Martin.

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

Ms. Hannah Jones accomplishment – 1st Vice President of FCCLA:

Mrs. Cretia Mainous approached the court and told members of the court that they were looking at the National 1st Vice President for the organization of Family, Career and Community Leaders of America Ms. Hannah Jones. This is the 75th anniversary of FCCLA formally known as FHA. This is a major accomplishment for Ms. Hannah Jones for our school and state. There are over 180,000 FCCLA's members across the entire nation and Ms. Jones is the 2nd in command. It has been over 10 years since there has been a national officer from the State of Kentucky and have never had one from Powell County High School. Ms. Mainous said this couldn't have happened without the support of people in our community.

Ms. Jones also approached the court. She told members of the court that she was still on cloud nine about the accomplishment. Three years ago she competed in an event in FCCLA. Ms. Jones went to her first National Conference and three years later she is the 1st Vice President which is a dream come true. She went on to say she couldn't have done this without the support of the community which gave her words of encouragement. Ms. Jones said that Mrs. Mainous and Mrs. Winburn also have been angels to her during this accomplishment. Her family, church and Mr. Kevin Babcock also have been there for her.

In closing she said she said he looking forward to see what this journey has in store for her. She will be flying out on Thursday to her first council meeting.

Judge Executive James Anderson read a Resolution to members of the court honoring Ms. Hannah Jones. (A copy of the Resolution will follow minutes).

Members of the court congratulated Ms. Jones on her great accomplishment and told her she would be receiving a plaque for this accomplishment after the Covid pandemic settled down.

Sherry Skidmore – Powell County Sheriff’s 2019 Property Tax Settlement

Ms. Sherry Skidmore approached members of the court to present the 2019 Property Tax Settlement. She also presented them with a breakdown showing what she had disbursed out for the 2019 Franchises. Ms. Skidmore said they had collected around 96 percent property taxes for 2019. The Sheriff’s office turned over 887 delinquent bills to the County Clerk. The total overall collected was around 3 million dollars. Judge Anderson questioned why the total amount of franchise that the county received was a lot less than last years. Ms. Skidmore told him that this they have no idea when they are going to receive them or how much.

Judge Executive James Anderson entertained a motion to approve the Powell County Sheriff’s 2019 Property Tax Settlement as presented.

A motion was made Magistrate Donna Gabbard seconded by Magistrate Dennis Combs to **approve the Powell County Sheriff’s 2019 Property Tax Settlement as presented.**

With no further discussion, questions or comments the motion passed unanimously.

- Magistrate Dennis Combs – Aye**
- Magistrate Donna Gabbard – Aye**
- Magistrate Mike Lockard – Aye**
- Magistrate Chad Patton – Aye**
- Magistrate Timmy Tipton - Aye**
- Judge Executive James Anderson – Aye**

Sherry Skidmore – Preparation of the Sheriff’s 2019 Property Tax Settlement:

Ms. Skidmore presented members of the court with a bill in the amount of \$500.00 for the preparation of the Powell County Sheriff’s 2019 tax Settlement. Ms. Skidmore ask members of the court to approve this bill.

Judge Executive James Anderson entertained a motion to approve payment submitted for Ms. Sherry Skidmore in the amount of \$500.00 for the preparation of the Powell County Sheriff’s 2019 Tax Settlement.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis **Combs to approve payment to Sherry Skidmore in the amount of \$500.00 for the preparation of the Powell County Sheriff’s 2019 Property Tax Settlement.**

With no further discussion, questions or comments the motion passed unanimously.

- Magistrate Dennis Combs – Aye**
- Magistrate Donna Gabbard – Aye**
- Magistrate Mike Lockard – Aye**
- Magistrate Chad Patton – Aye**
- Magistrate Timmy Tipton – Aye**
- Judge Executive James Anderson – Aye**

Republican Brandon Storm:

Mr. Storm approached members of the court to let them know that he was the Republican candidate for State Senator for Powell County. He wanted to attend the meeting to introduce himself and let them know that he wanted to be a listener for Powell County. He also made them aware of his website and that he would be happy to answer any questions they may have. Members of the court thanked Mr. Storm for attending the meeting.

No Public Comments at this time:**Clerk's Reports:**

The Fiscal Court Clerk presented three (3) meeting minutes to members of the court.

The meetings were dated July 14th, 2020 (regular) and July 16th, 2020 at 8:00 a.m. and 8:10 a.m. (special).

Judge Executive James Anderson ask members of the court if they would like the Fiscal Court Clerk to make any kind of modifications to meeting minutes dated July 14th, 2020 held at 6:00 p.m. There were no request to make any changes therefore the **meeting minutes dated July 14th, 2020 is accepted as presented.**

Judge Executive James Anderson ask members of the court if they would like the Fiscal Court Clerk to made any modifications to the meeting minutes dated July 16th,2020 held at 8:00 a.m. There were no request to make any changes therefore the **meeting minutes dated July 16th, 2020 held at 8:00 a.m. is accepted as presented.**

Judge Executive James Anderson ask members of the court if they would like the Fiscal Court Clerk to make any modifications to the meeting minutes dated July 16th, 2020 held at 8:10 a.m. There were no request to make any changes therefore the **meeting minutes dated July 16th, 2020 held at 8:10 a.m. is accepted as presented.**

Judge Executive James Anderson ask that the records reflect that the July 14th, 2020 meeting minutes stated about the special meetings scheduled for July 16th at 8:00 and 8:10 regarding Ordinance No 20-06-09 (Hollerwood Park Project). All of these meeting minutes is another public setting discussing this Ordinance.

Bills Submitted for payment:

All bills were submitted to members of the court. There was no objections in paying any of the bills therefore all bills will be paid.

Financial Statements:

The Treasurer presented members of the court with the Financial Statement, cash transfers, budget transfers and interfund transfers for their review.

Treasurers Transfers:

The Treasurer presented members of the court with a list of interfund transfers and cash transfers for approval.

Judge Executive James Anderson entertained a motion to approve the Treasurers transfers.

A motion was made by Magistrate Lockard seconded by Magistrate Chad Patton **to approve all of the Treasurers transfers to include interfund transfers and cash transfers.**

With no further discussion, questions or comments the motion passed unanimously.

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

4th Quarterly Report: (4/1/20 – 6/30/20)

Treasurer presented members of the court with a copy of the 4th Quarterly Report that was submitted to the Department for Local Government.

Treasurers Settlement (Annual Financial Statements for FY ending 6/30/20):

Treasurer presented members of the court with the Annual Financial Statements for Fiscal Year ending 6/30/20 for their review.

Old Business:**Independent Consulting Agreement with Craig Lindon**

Members of the court was given a copy of an Independent Consulting Agreement.

This Independent Consulting Agreement is between Powell County Fiscal Court and LT Excavating, Project Development and Consulting Services, LLC.

Mr. Craig Lindon has worked with the Powell County Road Department this past year as a road consultant. He has helped with some of the flex emergency funding and road measurements. Magistrate Mike Lockard ask if he gets a salary. Judge Anderson told him that he has worked in some capacity. He filled in until the new Road Foreman Patrick McCoy took over. Mr. Lindon also helped Mr. McCoy for a couple of weeks to get him use to the new job. This consultant agreement is separate from that.

Magistrate Timmy Tipton told members of the court that when we did the surveying of the roads Mr. Lindon prioritized the needs which is a good thing. There is a lot of value to what he has done if we keep it up. Mr. Timmy Tipton said he has faith that we are on the right track.

The contract that we agreed to last year expired on 6/30/20. Mr. Lindon is asking that we approve this new agreement to begin on the date of this signed agreement and will remain in full force and effect until July 31st, 2021. The terms and compensation reads as follows:

Terms of Agreement:

The term of this agreement (the "Term") will begin on the date of this Agreement and will remain in full force and effect until July 31st, 2021, subject to earlier termination as provided in this Agreement. The Tern of this Agreement may be extended by mutual written agreement of the Parties.

In the event that the Party wishes to terminate this Agreement prior to July 31st, 2021 that Party will be required to provide at least 30 days' notice to the other Party.

Compensation:

The services rendered by the Consultant as required by this Agreement, the Client will provide compensation to the Consultant as follows:

- A. \$750.00 per month Retainer Fee
- B. \$300.00 per Site Evaluation
- C. \$1,000.00 per Presentation

Judge Executive James Anderson entertained a motion to approve this Consulting Agreement from Craig Lindon.

A motion was made by Judge Executive James Anderson seconded by Magistrate Mike Lockard to approve the Independent Consulting Agreement with Craig Lindon to begin on the day of this new signed agreement and will remain in full effect until July 31, 2021.

With no further discussion, questions or comments the motion passes unanimously.

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

Nathan Hall – Reimbursement for the KEMSIS 2021 LICENSE RENEWAL:

Judge Executive James Anderson made members of the court that the Department for Local Government will not approve this license renewal on our recurring expense list. The payment is due upon receipt of the invoice.

Members of the court all agreed to allow reimbursement to Nathan Hall in the amount of \$500.00 for the KEMSIS License renewal granted his shows proof that it was paid.

Hollerwood Park Project Discussion:

Judge Executive James Anderson made members aware that there was a virtual Public Hearing on 7/28/20 for the Hollerwood Park Project. Judge Executive James Anderson and R.J. Palmer who was represented the financial portion. Judge Executive James Anderson said there were two folks from outside of our community that had objections for this project. Not only have they expressed their objections but under oath they had no problem telling the less of the truth. One of them is a neighbor to the property and not for sure of the other ones. They was accused of a number of things such as saying that the Sheriff's was refusing to let anyone into our meetings. We didn't try to rebut it because these people were saying these things under oath.

We can appreciate her opposition will no longer respect her in the matter she tries to keep it from happening. We don't think this will have any bearing from on the public here in Powell County. There has been mostly positive in all aspects.

If you look at anything in the last couple of decades what the county government and the Industrial Board has done you would be hard pressed to find a project that has had a more positive impact on our economy. The beauty of this project and the diverseness of where it touches. The riders come in and stay all weekend and all the restaurants and gas station are full. This project has really helped us

diversify our tourism and has brought a group in that had not been welcome since the Forest Service took anyways some of their options.

We have offered a place for the motorized recreation. It fits this perfect with this corridor and have just scratched the surface on what this project can do. We have seen how and why it came about and how it has grown. We can appreciate the opposition but it's hurtful to have someone to tell false lies about it and misrepresent what it is and what it means to our businesses.

Judge Anderson said he is very excited and feels it's on track to move forward and have ownership.

Magisterial Updates:

Magistrate Chad Patton mentioned that the paving had started that was approved last year and the blacktopping in his district is complete.

Magistrate Timmy Tipton ask if they started mowing again. Judge Executive James Anderson told him that they had started mowing on the lower end of the county.

Magistrate Timmy Tipton and Judge Executive Anderson has been working on the tier system which will be similar to the States system. This is something that we need to move forward on.

Magistrate Tipton also said that he is pleased to see the ditcher working.

Magistrate Dennis Combs said that the blacktopping in his district is complete and have noticed that they was doing some tree trimming.

Magistrate Donna Gabbard prepared a list for members of the court and also Road Foreman Patrick McCoy to look over (A copy will follow minutes.)

Magistrate Donna Gabbard ask Judge Executive James Anderson what the status was on the Census. Judge Anderson told her that they had started going door to door. He said he does not understand why people want take the opportunity to fill the census out especially in light of where we are now and the potential funding that the county could receive.

Road Salt Quotation – Detroit Salt Company

Judge Executive James Anderson presented members of the court with a Rock Salt Quotation from Detroit Salt Company.

He made them aware that the price of the salt had went down this year to \$94.86 per ton. Last year's price was \$113.51.

Delivered Price: \$94.86/ton (\$18,972.00). This price includes all delivery costs to the designated Delivery location as listed.

We usually book the 200 tons but not required to take it but it's at our discretion.

Judge Executive James Anderson entertained a motion to accept this Quote/Contract from Detroit Salt Company.

A motion was made by Magistrate Timmy Tipton seconded by Magistrate Chad Patton to accept the **Road Salt Quotation/Contract from Detroit Salt Company in the amount of \$94.86 for 200 tons. This motion also authorizes Judge Executive James Anderson to sign any and all documents concerning this quotation/Contract for Detroit Salt Company.**

With no discussion, questions or comments the motion passed unanimously.

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard – Aye
Magistrate Mike Lockard – Aye
Magistrate Chad Patton – Aye
Magistrate Timmy Tipton – Aye
Judge Executive James Anderson – Aye

Discussion of Paving from last year:

This week the paving started that was approved last fall. There were numerous reasons that they are just now starting it. One being that the paving contractors are facing the same strains that we are. The amount of work they have plus having to rotate their crews. We are trying to get things in place for our flex road agreement and get MOA's back so we can get the work completed. Judge Anderson said he was told today from his inquiry from the State that all of those funds had been frozen for the time being. We had carried money from last year but it's bad if they are going to freeze this year's allotment that came available in July but the other \$200,000.00 that we had is a problem. Judge Anderson said he would express his displeasure with it and try to get an answer as of how long they perceive this to be the case. It's very unfortunate because we have a small window to get our work done.

For the last six or seven years we as a court beyond going to visit with our legislator passed a resolution asking for them to address the fuel usage fee and it's been a failure on our state legislators part. They have refused and have tried to pass it off to the Governor. The House will pass it the Senate which has killed movement on it twice. Our local state highway departments are getting a lot of grief. If you drive the roads you can see Johnson grass growing because they didn't award mowing contracts this year. The normal maintenance is not being taken care of and it's going to get worse.

Magistrate Timmy Tipton said it's completely lack of leadership and they will try and blame the Corona virus for this.

Funding was desperate and has been for a while and in this case it has had an effect and it's not totally the pandemic fault.

Over the last couple of session's counties especially rural counties such as ours are going to have to submit ourselves to the will of urban areas and municipal government to get anything back. If you look most of any bill that has got anywhere had to get the league of cities blessings which will take us up to our 2016 funding and anything on top of that will go to the urban areas. If you look at the last governor's race urban areas pretty much determined the winner. With this model you can see where politicians would naturally want to direct money to these populations' centers. It's time to wake up and look at Charter Government because we are going to continue to get worse.

Road Corrections from Bluegrass Area Development:

Judge Executive James Anderson ask members of the court to look over the list of road corrections sent from Bluegrass Area Development. They need to make sure they agree with the list and also make sure that all these roads are ours. Once this is complete we can sign the Resolution and get it submitted to the Department of Transportation.

Road Department Tier System:

Three or four years ago we discussed our deficiencies and what we could do better within our departments. We looked at the States tier system model to see how it would apply to us.

Judge Executive James Anderson along with Magistrate Timmy Tipton met last week and revisited these.

Judge Anderson ask the members of the court to accept these rates as presented if they were comfortable with the starting salaries.

Operator 1 - \$10.00

Operator 2 - \$11.50

Operator 3 - \$13.00

Operator 4 - \$15.50

This will give our employees a lot better of an idea if they want to progress and move up to approve their situation. This gives them a clear set of standards to what they need to do.

Just because you are a new hire does not mean that you will start at \$10.00 an hour. If you meet the criteria if you can be bumped up to a higher rate.

Magistrate Timmy Tipton said he does not think it's perfect but it can be modified as needed.

Road Foreman Patrick McCoy said he is think's it's a fairly and don't want to say generic but it has a lot of merit as far as setting standards. It has minimum requirements, physical requirements and would be a good working document and also help to be a motivator for the employees to have something to look forward to so they are not stuck in one spot.

Judge Executive James Anderson entertained a motion to accept these as our protocol for the Road Department.

A motion was made by Magistrate Dennis Combs seconded by Magistrate Chad Patton to accept these as our protocol for the Road Department. Also in this motion anyone that is in our workforce now be grandfathered into the tier system and anyone new hires would have to adhere to those requirements.

With no further discussion, questions or comments the motion passed unanimously.

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

There are a couple of existing long term part time employees at the road department that has had opportunities to advance so now that this is established Road Forman Patrick McCoy can reintegrate if you want to be fulltime there is a place for you but in the future if you do not have your CDL's there is not be a place for you. No one will be punished that is currently working at the road department.

15 minute recess:

Court resumed at 7:50 p.m.

Industrial Project: (Hollywood Park Project)

Judge Executive James Anderson said so that the lady from Lee County knows we are making it known that we are discussing the Hollerwood Park. We are not being secret about it we have talked about it

in open contrary to the secret closed doors session they have been accused of. They have also talked about it publically in the Powell County Industrial Authority meetings.

We had the public hearing on July 28th, 2020. With some of the issues with Department for Local Government especially with the way they are doing things virtual makes things complicated.

We had some concern going through normal process for the bond sale date and the funding being available before the end of the term lease which is 8/30/20.

Judge Executive James Anderson said for the record that this Fiscal Court has never talked about raising taxes for this project nor if we thought we was going to have no members of the court would have been for it.

It's very close to self-sustaining itself with the current operation. If we already had ownership and the grants that we were eligible for it would have already been self-sufficient. The monies we are having to divert to rock or culverts could have come out of the rural trails grant program instead of coming out of our operating budget. In the limited operation that we have been in the last two years we have strong financials. We got an appraisal that showed it well worth more than what we are giving for it.

Judge Executive James Anderson made members of the court aware that they had a copy of the Resolution in their packet for their review.

This Resolution basically in the meantime says the county would require financially should we not be able to get the bond sale done prior to 8/30/20. We could get a local lending institution and basically be signing our taxes lien for payment which the bond will pay. They were given the three local lending institution here in the county so they had the ability to call of any and all of them. Only one of the lending institution got back with them concerning this.

Resolution 20-08-12

AN RESOLUTION AUTHORIZING THE ISSUANCE OF 2020 TAX AND REVENUE ANTICIPATION TAXABLE NOTES; APPROVING A FORM OF NOTE; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE NOTES; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE NOTES; APPOINTING A PAYING AGENT AND REGISTRAR; CREATING A SINKING FUND; AUTHORIZING THE JUDGE/EXECUTIVE TO ACCEPT A PROPOSAL FOR THE PURCHASE OF THE NOTES; AND REPEALING INCONSISTENT RESOLUTIONS AND ORDERS.

WHEREAS, the County of Powell, Kentucky, duly organized pursuant to the laws of the Commonwealth of Kentucky and subsisting as a political subdivision of the Commonwealth of Kentucky (the "County") anticipates the receipt of both current taxes and current revenues during the fiscal year ending June 30, 2021. (A copy of the Resolution will follow minutes).

Judge Executive James Anderson said with the court's approval we could pass this Resolution and if we do not have the bond sold in time we would acquire that funding for the bank and the bond sales would reimburse. We will have to check and make sure there is no early pay off penalties.

Tourism Director Miranda Fallen ask members of the court if there are plans to put in a new entrance from Powell County to where they would not be using the Lee County entrance since the county is purchasing it.

Judge Anderson told her there are several assess points but naturally the one that goes through the county is 1036. It would be costly to do this and it has been discussed in the past should something diversify especially beyond the current use as far as mountain bikes there may be different user groups approach from a different place. Lee County is actually right at the Junction of four counties. The whole regional is important as Powell County and it's not that we are trying to have anything over them in fact

this project up to this point as been these four counties. When we first started on this six or seven years ago this property came into question when we were looking for a place. The counties represented were Lee, Wolfe, Powell and Estill. There tourism groups have all been wonderful to work with. Judge Anderson and three others have been here through the entirety to when this started. Our Fiscal Court had an awareness of what's going on which is something that was lost in the other counties. Some of the other Counties has had some changes in the Judges and Court members. Some of the courts hadn't got up to speed on the project or feel as comfortable with it. We are all from Eastern Kentucky and it's not like money is floating around. They have failed to see the revenue side and the way they have had to fund theirs has been different than Powell County did. Thankfulness to our Tourism and Industrial Authority's it has not affected our General Fund. These two entities has gave us the opportunity to fund our portion of the lease payment.

Judge Anderson ask Ms. Fallen if he had left anything out. She told him that the entrance is not necessarily Powell County. Powell County is purchasing this so Powell County has the entrance it is also because of the grievance of the people that is living in that area. So she ask again if Powell County has plans to address these issues to try and stop the confrontation.

Judge Anderson said that we want to be good neighbors. This will not be a Powell County Fiscal Court project it will be an Industrial Authority project. We always want to be good stewards of what we manage as well as good neighbors and with this being said there are some people that you cannot be good neighbors to. One that he can refer to is that this project has been unfairly talked about. He had the opportunity to go out and visit those properties before they were in use. There may be a little more traffic and a little more noise but if he was living anywhere on that road now verses six years ago he would be much happier to deal with a little more noise from a side by side than where it was six years ago. Overall this has improved their property values and the security that they have.

Judge Anderson said he does have a problem with someone outside of our community that has no vested interest in our community wants to tell him what's best of our community. It's real easy to throw stones and we all want what's best for our children and the people in our community. This project is a prime example of that. The fact that someone said that we were trying to raise taxes misguided the public. We have been fortunate to work with this wonderful court. It is not our goal to increase taxes. This project will be a revenue generator and grow our economy.

Ms. Fallen said that the people were asking about a new entrance because properties that are purchased around this is that someone could potentially put new businesses because the majority of the businesses are in the tourism district or until we get that year round attraction that's going to continue to bring people in here outside of just off – roading or most businesses are not going to be able to sustainable staying open all winter in the Slade area. If you were to create a new entrance in the Powell County area then you could have more small businesses pop up pertaining to that crowd. You could have new restaurants and have new things that could create a revenue stream in our own community if we are the ones putting up the money.

Judge Anderson said since he's been in office he has always been for planning and zoning. As you start to see our growth here it's more apparent now more than ever. Not that we don't want to do anything but it's the reality of it and back to the lady's point if she would really want to look at what potentially happen with this property. Having the county buy it means there is a lot more of accountability than if someone had went out and brought this piece of property and done whatever they wanted to do with it. There is no zoning to keep a person from doing what they wanted to do with the property.

Judge Anderson said it's almost been to the point of harassment in what this one individual has done in regards to open records. They will do the same open records request to Powell County, Tourism, Industrial Authority, KACo and the Department for Local Government. We want to provide anything legally that we can to anybody. This court's transparently has been second to none. We have put things for public information to try and more things out on the internet. We are more open than any county government has ever been and that's our goal to continue to improve this.

Ms. Fallen said that she would like to tell all of the members sitting on this court and the Industrial Authority that is not necessary the transparently but we need more numbers. There is a lot of positive numbers and this has brought a lot of things in. You need those numbers on paper and displayed to the people that can prosper from this.

In the last few months until this Covid Powell County was ranked top in the state of income growth. If you look at our growth as far as property sales we are in a very unique place especially for Eastern Kentucky. Our Industrial Board is probably one of the most appreciated boards with this county. Once we have ownership of the property and there is not a chance of someone buying it out from under us we will be able and want to show people the income growth.

Judge Anderson ask if any members of the court had any questions concerning this Resolution.

Judge Anderson said this is in no way to be misconstrued as Powell County levying taxes.

Judge Executive entertained a motion to approve Resolution No. 20-08-12 and any other documentation needed for Judge Executive James Anderson to get the funding in place prior to the expiration date.

A motion was made by Magistrate Dennis Combs seconded by Magistrate Chad Patton to approve Resolution # 20-08-12 and any other documentation needed for Judge Executive James Anderson to get the funding in place prior to the expiration date. This motion also will authorized Judge Executive James Anderson to sign any and all necessary documents/papers concerning this Resolution for the Hollerwood Park Project.

With no further discussion, questions or comments the motion passes unanimously.

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard– Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

Discussion of North Bend Rd:

A couple of winter ago there was a lot of damage done.

Judge Anderson made members of the court aware that we finally got the authorization to start on this project.

We got the scope of work and got the bids out for this project.

Two companies bid on this project and one bid on Rose Lane.

With the court's approval Judge Anderson got some quotes on the paving portion.

Thanks to CSEPP/EMA Director we got what was allotted for these projects.

There were two contractors that bid on 5 sites. Cow Creek was broken into 4 different projects and Mill Knob was a separate project.

HES (Hinkle Environmental Services) and King Crete Drilling were the two contractors that bid on these projects. Both contractors said that they would be able to address these projects soon.

Cow Creek Rd – Total FEMA funds awarded for this project - \$244,773.29.

COW CREEK SITE #1

HES (Hinkle Environmental Services)

Cow Creek Site #1 - \$127,362.80

King Crete Drilling

Cow Creek Site #1 - \$110,790.30

Adding the paving and the DGA makes the total - \$124,332.90

COW CREEK SITE #2

HES (Hinkle Environmental Services)

Cow Creek Site #2 - \$81,162.64 – Full Scope

King Crete Drilling

Cow Creek Site #2 - \$62,731.62

Adding the Paving and the DGA makes the total - \$79,689.20

COW CREEK SITE #3

HES (Hinkle Environmental Services)

Cow Creek Site #3 - \$41,879.39

King Crete Drilling

Cow Creek Site #3 - \$34,089.28

Adding the Paving and DGA makes the total - \$37,669.61

COW CREEK SITE #4

HES (Hinkle Environmental Services)

Cow Creek Site #4 - \$67,219.10

King Crete Drilling

Cow Creek Site #4 – 56,373.15

Adding the Paving and DGA makes the total - \$61,000.85

Mill Knob Road – Total FEMA funds awarded for this project - \$80,531.08

HES (Hinkle Environmental Services)

Mill Knob Road - \$102,682.19

King Crete Drilling

Mill Knob Road - \$94,076.22

Adding the Paving and DGA makes the total - \$102,206.42

COW CREEK TOTALS:

HES (Hinkle Environmental Services)

\$420,306.12

King Crete Drilling

\$404,898.98

FEMA Funds for Cow Creek Road - \$244,773.29

FEMA Funds for Mill Knob Road - \$80,531.08

Total - \$325,304.37

Difference in amount FEMA Funds:

HES (Hinkle Environmental Services)

\$95,001.75

King Crete Drilling

\$79,594.61

Once the Contractor does the work the county writes a check for the amount of the project and then it is turned in for reimbursement. Magistrate Timmy Tipton said in his mind from the cash flow standpoint regardless of what we do we will probably need to get a note and borrow the money to pay for projects then once we receive the money we can pay back the note. Judge Anderson told Magistrate Tipton that he agreed with him.

Judge Anderson ask members of the court what they suggested he do.

The fairest thing would be to go to the lower bidder and see if they would be willing to come down to the amount that FEMA awarded us on these projects. Should they not be willing to then the The Fiscal Court give Judge Executive James Anderson the same authority to go to the other bidder and see if they would be willing to come down? We could give those 3 days to respond to us and let us know their decision. We would have to go back to square one if neither is willing to negotiate a lower price. County Attorney Robert King suggested to award it to the lower bidder assuming they will come down to the price that FEMA awarded.

Judge Executive James entertained a motion for The Fiscal Court to give him the authority to contact these bidders.

A motion as made by Magistrate Timmy Tipton seconded by Magistrate Chad Patton to allow Judge Executive James Anderson to contact the lowest bidder (King Crete Drilling) to see if they would be willing to come down to the amount that FEMA has awarded the county for these projects. This Contractor will have three (3) days to give an answer. After the three days and they are not willing to do this then the Fiscal court has authorize Judge Executive James Anderson to go to the second bidder HES (Hinkle Environmental Services) and see if they would be willing to come down to the amount that FEMA has awarded the county for the projects. If neither one of the Contractors are willing to do this then the Fiscal court will have to revisit.

With no further discussion, comments or comments the motion passes unanimously.

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

Judge Executive will contact Mr. Craig Lindon to oversee these projects.

Rose Lane:

The bid submitted from Midnight Oil Company has not been opened at this time. They will have to be contacted to let them know that they need to resubmit a bid for this project because the bid they submitted before was based on the project having to have gabion baskets.

Judge Executive James Anderson entertained a motion to accept the bid from this Midnight Oil Company granted it comes in for the amount that FEMA has awarded for this project however if it does not the Fiscal Court authorizes Judge Executive James Anderson to negotiate a lower amount for this project.

A motion was made by Magistrate Dennis Combs seconded by Magistrate Chad Patton **to accept the bid submitted from Midnight Oil Company granted the amount of the bid comes within the threshold covered by the amount awarded from FEMA. If the bid is submitted higher than the Fiscal Court authorizes Judge Executive James Anderson to negotiate with Midnight Oil Company to see if they would be willing to come down to the amount awarded from FEMA.**

With no discussion, questions or comments the motion passes unanimously

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Powell County Tourism Ordinance:

Tourism Director Miranda Fallen presented members of the court with a Tourism Ordinance.

She told court members that the current Tourism Ordinance that is in effect is the original Ordinance from 1994. It's a joint City, City, and County Ordinance which has been amended however with the legal consult between County Attorney Robert King, Judge Executive James Anderson, Miranda Fallen, Debbie Tipton and various entities within the Tourism Commission.

It has been suggested that the Tourism either completely amend the old Ordinance to where we are basically reconstructing a new Ordinance or reconstruct a new Ordinance all together to create a new Commission which would be the same one. We would have the same board members, employees expect the appointments that are in this Ordinance. Pertaining to the KRS it tells you about the seven appointments. Currently you have the two from the local city Hotel/Motel Association, one from the County local Hotel/Motel Association, one from the Restaurant Association, one from the Chamber of Commerce, one from the County Judge Executive and one from the Mayor of the bigger city. However the two cities split from the County which means there is three Tourism Commissions which means that the Mayor has his own board with two appointments on that so this will give the Judge Executive whoever that is at the time would give them two appointments to the board and then those two appointments would serve the three years and at the end of the three years they would submit a list of three and then it would come through the Fiscal Court again to be approve to be on the Commission. The other thing that this Ordinance will do that the old one did not is give the Tourism a little bit of teeth to the Ordinance so if there is non-payment they could have some enforcement policy. There is a step by step to enforce that. Right now with the current Ordinance if someone goes delinquent by a year there is very minimum that can be done. This will give the Tourism a percentage of the delinquency each day pass the certain number of delinquencies 30 days they will have to pay a portion of that and if not everything is under the enforcement. This will still have the Tourism using the

Transient room tax that was formed with the original Ordinance which is how they operate now. The only money that tourism gets outside of a matching funds grant is the Transient Room Tax which is a lodging tax that is a 3 percent tax which comes from cabins, hotels and motels. They do not get taxes from campgrounds or restaurants. If the tourism economy had the ability to get a restaurant tax county wide would be huge.

Ms. Fallen made the members of the court aware that the Powell County Tourism with the Transient Tax operate on a budget of \$820,000.00 annually and with the recommended 30 to 40 percent cut for the Covid 19 pandemic they have cut down to 95,000.00 for their annual budget. However when all three work together they would operate between 400,000.00 to 500,000.00 annually. Currently the tourism commission has a Director and 2 part-time employees that work as greeters at the Welcome Center. The Welcome Center is seeing about 8000 people per month. They are seeing anywhere from 150 to 200 people a day. They are coming into the rest area traveling through the Mountain Parkway or they are here to visit the area. The tourism is our economy here. Mrs. Debbie Tipton said that they are operating on a 1/3 of a budget. They are running a Welcome Center with it and when people come in we do not fail to mention Stanton and Clay City. We promote the whole county. We are doing this with no funding from neither one of these entities. The City of Stanton probably gets more benefits from the Tourism. The League of Cities has been after the restaurant tax money for the cities forever and they will eventually get their way because they have more lobbying effort than we do. Once the city can get all the money you can be guaranteed that they are not going to fund the Tourism.

Judge Anderson ask Mrs. Tipton if those funds are restricted on what they can get spent for. She told him that every fund no matter how they are split has to be spent for tourism. The board members are liable to the public if that money is spent for something else.

Judge Anderson ask her if she could get an idea of what some of the allowable expenses would be. It can be used for promotions or anything that is tourism related but you cannot go and spend it because you want to buy something for your City.

You cannot comingle those monies in the General Fund. You should have a separate account.

Years ago it use to be a parks and recreation board fund and Mr. Mendall Tipton tried when he was in little league to get that started because at that time you could use that money to develop your parks and recreation but somewhere it changed and is now all Tourism money. They could never get the cities to pass that restaurant tax because there was nothing in it for them.

Mrs. Tipton told members of the court that Ms. Miranda Fallen is an awesome Director.

Ms. Fallen said she hopes to start attending more of the Fiscal Court Meetings.

Ms. Miranda Fallen made members aware that the Powell County Tourism will be closing on 228 acres on Hatton Creek that lies in between Stanton and Clay City. The possibilities are endless there because it does not flood and is right next to the Parkway. Potentially they could work with the court on getting a bigger area for the recycling or create a new road instead of using Turley Knob or even work with the landfill situation. From the Tourism perspective it is an idea place for an hoteliers coming in. It was be an idea place between both cities. Either access point they will have to come through Clay City or Stanton. Regardless that we are split we are still a county and both cities are within the county and the tourism is still going to support them regardless of the funds that are coming in or where they are coming from.

1st 1st Reading of Ordinance No. 20-08-11 (Powell County Tourism)

AN ORDINANCE OF POWELL COUNTY, KENTUCKY, CREATING THE POWELL COUNTY TOURISM COMMISSION; DEFINING THE DUTIES AND RESPONSIBILITIES OF SAID COMMISSION; PROVIDING FOR THE

APPOINTMENT TENURE, AND QUALIFICATIONS FOR THE MEMBERS THEREOF; AND IMPOSING A 3% TRANSIENT ROOM TAX FOR FUNDING THE OPERATION OF SAID COMMISSION.

Judge Anderson along with County Attorney Robert King, Tourism Director Miranda Fallen and Tourism Board member Debbie Tipton will review this Ordinance to see what if any changes need to be made. Members of the court will have to determine a date for a Second Reading.

ZOOM Meeting scheduled to be held on August 14th, 2020 for the 2nd Reading of Ordinance No. 20-06-09 (Hollerwood Park Project) at 4:00 p.m. This was advertised in the Clay City Times this week.

<http://us02web.zoom.us/j/83868497618>

Meeting ID: 838 6849 7618

There was a mistake in the date when it was posted in the Clay City Times for the 2nd Reading of Ordinance No. 20-06-09 which was the bond sale Ordinance. It was published June 16th instead of July 16th which was expired and done passed. The correction didn't publish until the day of the sale just so everyone is content and we are transparent we are having the 2nd Reading again on Ordinance No. 20-06-09 on August 14th, 2020 at 4:00 p.m.

Bill submitted from Gary Bowen:

There was a situation on Hatton Creek Road where we had to purchase 7 loads top soil at \$40.00 a load. Mr. Bowen said that he would give us the 8th load at no charge.

The total bill is in the amount of \$280.00

Mr. Bowen is asking that we trade him the old tire changer located at the road department for the 7 loads of top soil.

Mr. Gary Bowen will be given the tire changer located at the Powell County Road Department to cover the \$280.00 for 7 loads of top soil.

No court members had any objection to this arrangement.

Department Head Updates:

Solid Waste Coordinator Tim Snowden:

Solid Waste Coordinator Tim Snowden made members of the court aware that they had starting using the scale at the landfill. He said he had some people was a little upset over the prices.

We will have to have another staff member at the transfer station. Judge Anderson ask members of the court if they knew of anyone. Whoever it is will have to be trustworthy.

We have had the scales for some time now and has been a good time to put it in production.

Most people have adjusted to it. We have been pushing for people to adopt the curb side service that's available through Rumpke.

We went from 1250 to 1461 residents that now has curb side.

Mr. Snowden has had a few people that has been ugly over the prices.

We have not been charging enough to cover our expenses so our goal is to have every department self-sustainable. In looking at the 4th quarter report it cost the county around \$268,000.00 to run the transfer station. The reality is that's its costing the county around 100 per ton to collect a ton of garbage and then disposing of it. It's not our goal to make money we just want to cover the cost.

Road Foreman Patrick McCoy

Mr. McCoy made members of the court aware that the Boom Mower has been down for about 2 ½ weeks and they are struggling to find parts for it due to the Covid 19 pandemic.

He said himself along with Road mechanic Ryland Ledford and Craig Lindon went and look at a mower that the Surplus Property currently has. They all agreed that it was a good piece of machinery. He has the quote at his office for this piece of machinery.

He also let members of the court know that they had worked in about all of the districts since his first day on the job July 13th, 2020 expect for District #3. He has prepared daily work sheets to show where they have been working and what they have been doing.

They have started their 3rd round of mowing on August 3rd. He said he would like to have a part-time person to help with mowing.

Magistrate Timmy Tipton said it was good to see all of the ditching going on. Mr. Patrick said that they implemented the new hurricane ditch angel machine with the mini excavator. They are looking at doing a mile a day. It works great in the extreme rural areas.

Judge Anderson said he would like to thank Mr. Patrick for a good job that he has done. It seems like the moral at the Road Department has been better based on the previous changes.

Mr. Patrick gave members of the court his work reports for the month of July and August.

Judge Anderson made members of the court aware that Randall Martin has agreed to come back as a part-time employee at the Road Department. Mr. Martin knows all the roads and previous worked on equipment.

CSEPP Director Kevin Babcock:

Mr. Babcock made members of the court aware that it was that time of year that he will be spending out the line items in the FY 2019 FEMA budget for CSEPP. He will be spending the money that they have at the end of the year.

We are starting to talk out closeout. Close out is when CSEPP goes away. It is very harsh numbers when we talk about how much it is going to cost to maintain what CSEPP has been paying. For instance, our basic operating cost for CSEPP is around \$300,000.00 yearly. Obviously we could cut that down to \$200,000.00 just by doing some minor twicks. When you are talking about maintaining the CSEPP building as it is right now the monthly bills has went up because everything else is going up so you are talking an annual cost of just utilities at the EOC to be around the \$30,000.00 to \$50,000.00 range.

We have the 4 tower sites not counting the tower site here. We need to try and remember if we want to keep the equipment, microwave system or the things that we have relied upon to this point.

Mr. Babcock said he will be working on a budget proposal for the cities in the near future so that they can be looking at the 2022 budget. Past the year 2022 we are not guaranteed we need to ask the cities to pay their fair share because they have the largest police force in the county. They need to pay a fair percentage of the radio systems. We are going in our last upgrade of the communication system. He said CSEPP has purchased 150 hand helds and purchased over 50 mobiles. Everyone will have brand new equipment going into next year and should be good for 6 or 7 years without any major maintenance.

We need to check into making everyone pay their fair share especially the ones that uses radios. These are the ones that need to look into budgeting for this cost in anticipation that CSEPP is not going to be here. We have spent over a million dollars on equipment for the ambulance service.

Mr. Babcock said that we have a lot of money for the next year or two to complete our microwave update. We will have equipment to maintain and whoever takes his position after he retires should have equipment for the next 8 to 10 years with no major issues.

We will have to pay for the maintenance which will be around \$20,000.00 yearly. A company out of Cincinnati has gave us the best price and the best response.

We need to be looking forward and project what we are going to be keeping or not keeping.

Mr. Babcock said for the next 20 to 30 days he has to have all of his expenditures out and the checks back by 9/30/20 so the county can get reimbursed for this Fiscal Year.

Judge Executive James Anderson entertained a motion to give CSEPP Director Kevin Babcock authority to make any purchase/expenditures so as long as it is in the CSEPP budgeted lines and also authorize payment for these expenditures as soon as they are made.

A motion was made by Judge Executive James Anderson and seconded by Magistrate Dennis Combs to give CSEPP Director Kevin Babcock authority to make any expenditures so as long as they are in the CSEPP budgeted lines and also authorize for payment to be made as soon as the purchase/expenditures is made.

With no further discussion, questions or comments the motion passed unanimously

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson - Aye

Magistrate Timmy Tipton said that he appreciates the job that Mr. Babcock has done. We use to worry and sweat about the numbers coming out right and getting our funds back. This worry has went away since Kevin has come on board.

Mr. Babcock said it was a team effort. You couldn't do it without the Fiscal Court backing you and the office staff.

Judge Anderson said that he does not know of any other county adjacent to us or anywhere else that the calls centers is not supplemented by the entities that use it. Such as county city partnership. If you look at Powell County the CSEPP program has afforded us the opportunity to cover things but as it goes away the concept that we dispatch for every agency and provide them with equipment and radios is not a sustainable model under the current threshold.

The two ways to get Charter Government is by petition or by an Ordinance. We have got to start educating our community on charter government. It's not mandated that we have Charter Government it's mandated that we have a committee appointed and thoroughly research it and at that point it would come back as a ballot and us as taxpayers and voters to see if that model would work for us.

Magistrate Timmy Tipton said its equivalent somewhat to a feasibility study.

Judge Anderson said the easiest way to look at those items is to do it unified as a whole community not as individuals. It's almost as easy to explore that model as it is to what the three entities are going to contribute.

CSEPP Director Kevin Babcock said if they wanted a feasibility study done he may could budget for it in his 2020/2022 CSEPP budget in the amount of around \$10,000.00.

Update on COVID:

Judge Anderson along with CSEPP Director Kevin Babcock and Wireless 911 Coordinator Cory Graham get daily updates on the COVID situation. There is no names mentioned unless it is one of our

employees. We are starting to explore and within our staff it is starting to be an issue because this is unique in the HR Department and how we address these people. If you have someone that we have given the quarantined period how much time can we give them off regardless if we are paying for it. Judge Anderson said that he had sit in on a virtual session with KACo and has another one on the 26th. It talked about the legalities of what we have to do. It looks like a lot is going to have to follow under emergency work comp that has been issued. We have to figure out how to navigate that. It has created a problem with payroll not knowing how and what to do.

Today we got 5 new cases and one of met the criteria to recover. We have 20 active cases currently and 46 recovered. As of 4/10/20 we had one case, as of 5/10/20 we had one case, as of 6/10/20 we had 4 cases, as of 7/10/20 we had 10m cases, as of 8/10/20 we had 60 cases so you can see how the numbers is going up. In the next week we could see our first facility from it. Mr. Babcock said there was an increase in pediatric cases.

Designation of Applicant's Agent – Kevin Babcock:

Judge Executive James Anderson entertained a motion to approve a Resolution for the Designation of Applicant's Agent. This would authorize CSEPP/EMA Director Kevin Babcock for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288,93rd Congress) or otherwise available from the President's Disaster Relief Fund.

Judge Executive entertained a motion to approve a Resolution for the Designation of Applicant's Agent for CSEPP /EMA Director Kevin Babcock.

A motion was made by Magistrate Timmy Tipton seconded by Magistrate Donna Gabbard **to approve a Resolution for the Designation of Applicant's Agent. This would authorize CSEPP/EMA Director Kevin Babcock for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288,93rd Congress) or otherwise available from the Presidents Disaster Relief Fund. This motion also authorizes CSEPP/EMA Director Kevin Babcock to sign any and all necessary documents/paperwork for receiving Federal assistance monies.**

With no further discussion, questions or comments the motion passes unanimously

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

Adjourn:

Judge Executive James Anderson entertained a motion to adjourn. The meeting adjourned at 8:40 p.m.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs to adjourn. **The meeting adjourned at 8:40 p.m. With no further discussion, questions or comments the motion passes unanimously.**

Magistrate Dennis Combs – Aye

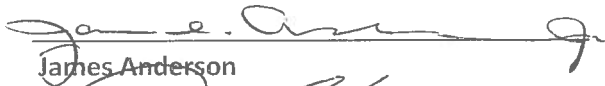
Magistrate Donna Gabbard – aye

Magistrate Mike Lockard – Aye

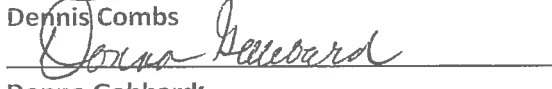
Magistrate Chad Patton – Aye

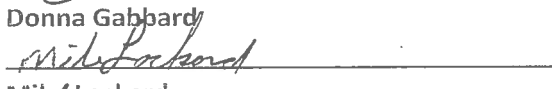
Magistrate Timmy Tipton – Aye

Judge Executive James Anderson - Aye


James Anderson


Dennis Combs


Donna Gabbard


Mike Lockard


Chad Patton


Timmy Tipton