

**POWELL COUNTY FISCAL COURT
SPECIAL CALLED MEETING**

August 14th, 2020

Time: 4:00 p.m.

Location: Powell County Courthouse

Powell County Judge Executive's Office

Room 102

Join Zoom Meeting:

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

Meeting ID: 838 6849 7618

AGENDA

- I. Call Meeting to Order
- II. Roll Call

Items to be discussed:

- 2nd Reading of Ordinance # 20-06-09 (Hollerwood Off Road Park)
- Pay Request #3 & #4 for Perfection Group (Energy Savings Project)
- Bills
- Bid Openings for Boom Mower & Roads
- Podium from Lowell Briscoe
- Hwy 213 South Project
- Resolution on Roads
- Board of Assessments

Powell County Fiscal Court
Special Called Meeting
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4:00 p.m.

Powell County Courthouse
Powell County Judge Executive Office
Room 102

Zoom Meeting
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Meeting ID: 838 6849 7618

The Powell County Fiscal Court held a special called meeting through ZOOM.
<http://us02web.zoom.us/j/83868497618>
Meeting ID: 838 6849 7618

Those present for the Zoom meeting were Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, Magistrate Dennis Combs, Magistrate Donna Gabbard, Magistrate Mike Lockard, Magistrate Chad Patton and Magistrate Timmy Tipton

Judge Executive James Anderson host/administrator called the Zoom meeting to order at 4:00 p.m.

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll:

Magistrate Dennis Combs – Present through Zoom
Magistrate Donna Gabbard – Present through ZOOM
Magistrate Mike Lockard – Present County Judge Executive Office
Magistrate Chad Patton – Present through ZOOM
Magistrate Timmy Tipton – Present through ZOOM
Judge Executive James Anderson – Present County Judge Executive Office

2nd Reading of Ordinance # 20-06-09 Bond Sale for Hollerwood Park

Previously there was a mistake on putting the wrong date on the 2nd Reading. It was advertised other places but just in an effort for full transparently we want to go ahead and do it again. This is the same Ordinance that we had the 2nd Reading on July 16th, 2020. It was also advertised again this week in the Clay City Times.

Judge Executive James Anderson entertained a motion to approve the 2nd Reading of Ordinance No. 20-06-09 for Bond Sale of Hollerwood Park).

A motion was made by Magistrate Dennis Combs seconded by Magistrate Chad Patton to approve the 2nd Reading of Ordinance No. 20-06-09 for the Bond Sale of Hollerwood Park.

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll

Magistrate Dennis Combs – Yes
Magistrate Donna Gabbard – Yes
Magistrate Mike Lockard – Yes
Magistrate Chad Patton – Yes
Magistrate Timmy Tipton – Yes

Judge Executive James Anderson - Yes

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

Pay Request #3 and #4 for Perfection Group (Energy Saving Project)

Pay Request #3

Judge Executive James Anderson entertained a motion to approve Pay Request #3 in the amount of \$259,966.90 for the Perfection Group (Energy Savings Project).

A motion was made by Magistrate Donna Gabbard seconded by Magistrate Mike Lockard to approve payment for Pay Request #3 in the amount of \$259,966.90 for Perfection Group (Energy Savings Project).

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll for approval.

Magistrate Dennis Combs – Yes

Magistrate Donna Gabbard – Yes

Magistrate Mike Lockard – Yes

Magistrate Chad Patton – Yes

Magistrate Timmy Tipton – Yes

Judge Executive James Anderson – Yes

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

Pay Request #4

Judge Executive James Anderson entertained a motion to approve Pay Request #4 in the amount of \$102,720.39 for the Perfection Group (Energy Savings Project).

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs to approve payment for Pay Request #4 in the amount of \$102,720.39 for The Perfection Group (Energy Savings Project).

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll for Magistrates approval.

Magistrate Dennis Combs – Yes

Magistrate Donna Gabbard – Yes

Magistrate Mike Lockard – Yes

Magistrate Chad Patton – Yes

Magistrate Timmy Tipton – Yes

Judge Executive James Anderson – Yes

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

Bills:

Quad Med for medical supplies for the Ambulance Service

Judge Executive James Anderson made court members aware that Quad Med had stopped mailing their invoices and they were getting emailed to Amy at the Ambulance Service therefore we did not have the invoices to submit payment. All invoices total \$ 7205.14.

Quad Med was contacted and the invoices will now be mailed to the Fiscal Court P.O. Box 506

The Fiscal Court Clerk noted that there were no objections in paying all of the invoices totaling \$7,205.14 to Quad Med.

Lease One Magnolia Bank: Lease Payment for Backhoe:

Fiscal Court Clerk noted that there were no objections in paying the payment to Lease One Magnolia Bank for the lease payment on the backhoe in the amount of \$1682.90.

H&R Power Parts – Parts for Ditching Machine:

Currently the Powell County Fiscal Court does not have an account to H&R Power Parts. We are needing to set up an account there so we can get parts for the ditching machine

Judge Executive James Anderson entertained a motion to allow authorization for Finance Officer Kacey Davidson and Treasurer Connie Crabtree to fill out any and all necessary paperwork to set up an account with H&R Power Parts to be able to purchase parts for the ditching machine and also to give authority for Road Foreman Patrick McCoy and Road Mechanic Ryland Ledford to be our two points of contact for ordering the needed supplies/parts for the ditching machine and other equipment if needed.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs **to allow authorization for Finance Officer Kacey Davidson and Treasurer Connie Crabtree to fill out any and all necessary paperwork to set up an account with H&R Power Part to be able to purchase parts of the ditching machine or any other equipment if needed and also to give authority for Road Foreman Patrick McCoy and Road Mechanic Ryland Ledford to be our two points of contact for ordering the needed supplies/parts for the ditching machine and other equipment if needed.**

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll for Magistrates approval.

Magistrate Dennis Combs – Yes

Magistrate Donna Gabbard – Yes

Magistrate Mike Lockard – Yes

Magistrate Chad Patton – Yes

Magistrate Timmy Tipton – Yes

Judge Executive James Anderson - Yes

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

Advertised in Clay City Times for a Boom Mower for the Road Department:

To the Fiscal Court's knowledge there were no one that submitted any bids for the Boom Mower.

Judge Executive James Anderson pulled up a picture on the computer to show members of the court.

This Boom Mower Tractor is located at Division of Surplus Property. This is the Boom Mower Tractor that Road Foreman Patrick McCoy and Road Mechanic Ryland Ledford has look at and the court has previously discussed. The purchase amount of the 2010 JD 6330 4x4 Tractor/Slope Mower with a Hypertherm Plasma Cutter in the amount of is \$32,500.00 and has a little over 1800 hours on it.

Judge Executive entertained a motion to purchase the 2010 JD 6330 4x4 Tractor/Slope Mower and a Hypertherm Plasma Cutter in the amount of \$32,500.00.

A motion was made by Chad Patton seconded by Magistrate Dennis Combs **to authorize purchase of a 2010 JD 633 4x4 Tractor/Slope Mower and a Hypertherm Plasma Cutter in the amount of \$32,500.00 from the Division of Surplus Property.**

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll for Magistrates approval.

Magistrate Dennis Combs – Yes

Magistrate Donna Gabbard – Yes

Magistrate Mike Lockard – Yes

Magistrate Chad Patton – Yes

Magistrate Timmy Tipton – Yes

Judge Executive James Anderson – Yes

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

Bid or Proposals for resurfacing roads was advertised in the Clay City Times to utilize Flex Funds:

The roads to be considered and will have to meet state criteria are:

Halls Hill Road

Hatton Creek Road

Frames Branch Road

Cane Creek Road

Lower Hatcher's Creek Road

Caudill Road

Morton Hollow Road

Judge Executive James Anderson made members of the court aware that he had gotten a called and per the Governor our Flex Funds are currently on hold. He said he does not know if this is 100 percent factual because he has not seen any official documentation saying this.

The best course of taken at this time would be to publically open the two bids submitted for these roads. We will document what the prices are and will hold on to these bids until we get word about the Flex Funds being freed up and start getting MOA's again. At that time we could look at these two bidders to be eligible for the projects.

The first bid received was at 9:28 a.m. on 8/14/20 submitted from Hinkle Contracting Company LLC
Judge Executive James Anderson opened the first bid submitted from Hinkle Contracting Company LLC.

Hinkle Contracting Company, LLC

Halls Hill Road

2.203 x 14 x 1.5"

ASPH SURF 0.38D 1,500.00 TNS @ 78.85 per ton - \$118,275.00

Hatton Creek Road

1.000 x 18 x 1.5"

ASPH SURF 0.38D 900.00 TNS @ \$78.85 per ton - \$70,965.00

Morton Hollow Road

.775 x 14 x 1.5"

ASPH SURF 0.38D 500.00 TNS @ \$78.85 per ton - \$43,367.50

Frames Branch Road

2.900 x 16 x 1.5"

ASPH SURF 0.38D 2,250.00 TNS @ \$78.85 per ton - \$177,412.50

Lower Hatcher's Creek Road

1.073 x 14 x 1.5"

ASPH SURF 0.38D 765.00 TNS @ \$78.85 per ton - \$60,320.25

Lower Cane Creek Road (upper portion road)

1.803 x 12 x 1.5" 1,100.00 TNS @ \$78.85 per ton - \$86,735.00

We had actually put Caudill Road but it is not in need. The only portion that is needed is the portion that is in the city limits.

The second bid received was at 9:45 a.m. on 8/14/20 submitted from Walker Construction

Walker Construction

Walker Construction is pleased to quote the following per ton In-Place Hot Mix Asphalt Prices:

Source:

Either

Description:

Asphalt Surface PC64-22

Location:

In-Place, County Wide

Total

\$84.70 per ton

These prices are based on the current Kentucky Average Price Index for liquid asphalt and are subject to adjustments based on changes in this index.

The Haul rate will be adjusted each quarter 1% for every \$0.10 increase/decrease in diesel fuel prices above \$3.00/gal based on the Diesel Fuel Price Index (Midwest). Adjustments will be made on the first Monday following the first day of the month.

Walker Construction releases the responsibility of quality control to the customer once they handle the materials.

Any dispute over material quality must be addressed in writing to Walker Construction with twenty – four hours of receipt of material.

In response to your invitation to bid, we are pleased to quote the following per ton prices to resurface with 1.5 inches of compacted asphalt surface on the following roads:

- Halls Hill
- Hatton Creek
- Frames Branch
- Cane Creek
- Little Hatcher's Creek
- Caudill Road (Do not Need)
- Morton Hollow

All members of the court recommend that since these Flex Funds are on hold at this time that we retain these quotes from Hinkle Contracting Company LLC and Walker Construction until we are able to move forward with these projects.

Podium from Lowell Briscoe:

Judge Executive James Anderson made members of the court aware that Mr. Lowell Briscoe had approach himself along with Magistrate Mike Lockard and ask if the county would have a need for a podium. This podium has an internal speaker as well as two outward speakers. It could be used if we

had any ceremonies here at the courthouse or it could also be used during a Fiscal Court Meeting. Mr. Briscoe is asking \$300.00 for the podium.

Judge Anderson ask what the pleasure of the court was

A motion was made by Magistrate Mike Lockard seconded by Magistrate Donna Gabbard **to purchase the podium from Mr. Lowell Briscoe in the amount not to exceed \$300.00 and potentially try to negotiate a lower purchase price than \$300.00**

Judge Executive ask the Fiscal Court Clerk to call roll for Magistrates approval.

Magistrate Dennis Combs – Yes

Magistrate Donna Gabbard – Yes

Magistrate Mike Lockard – Yes

Magistrate Chad Patton – Yes

Magistrate Timmy Tipton – Yes

Judge Executive James Anderson – Yes

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

Hwy 213 South Project:

This is a project that the District 10 Office was able to get through utilizing some Federal Funds.

The Fiscal Court had already approve Judge Executive James Anderson to sign an agreement a few months ago on this project. The work of this project is no cost to the county and is through District 10. Judge Anderson said that he got a call yesterday and the Original Agreement had the District paying the Contractor such as the Engineers. Powell County will need to be the payee for the Project and be responsible to pay the invoices then the District would reimburse the County.

Judge Anderson ask for court approval to sign a new agreement saying that County would be the payee of the Hwy 213 South Project and be responsible for paying the invoices for this said project and then District 10 would reimburse the county for these payments.

Judge Executive entertained a motion for court approval to sign a new agreement for the Hwy 213 South Project upon County Attorney reviewing the Agreement.

A motion was made by Magistrate Dennis Combs seconded by Magistrate Chad Patton to authorize Judge Executive James Anderson to sign any and all papers concerning this Agreement for the Hwy 213 South Project upon County Attorney Robert King inspection and also authorize Judge Executive James Anderson to sign any and all paperwork to facility this Resolution.

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll for Magistrates approval.

Magistrate Dennis Combs – Yes

Magistrate Donna Gabbard – Yes

Magistrate Mike Lockard – Yes

Magistrate Chad Patton – Yes

Magistrate Timmy Tipton – Yes

Judge Executive James Anderson – Yes

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

Resolution in Relation to the Road Bids:

If Flex Funds open we would need a Resolution for get MOA's going

No Action Taken

Board of Assessments:

No clarification on this at this time

No Action Taken

The meeting was getting ready to adjourn a lady joined the Zoom meeting. Judge Executive James Anderson ask the lady who she was. She said she was a concerned tax payer. Judge Anderson told her that she would have to identify herself. She said he name was Sharon Sparks. She said that the court referred this today as a bond and the lease clearly says it's a lease. She ask the court if it was a bond or lease. Judge Anderson told her that it's both to answer her question. She said it's never been identified either or. Judge Anderson said if she would let him answer her question he would try and explain it. We are moving forward with is a bond sale for the purchase of which is termed lease in that agreement. She said she read his article in the newspaper concerning the interview and he said that it would not levy any taxes on the residents in Powell County but yet this Ordinance says that it will levy at tax. Judge Anderson said that he had read some of her comments and she had done told the public that it was for sure raising taxes and numerous other false statements about it. She said she was looking at the lease and it says that it will levy at tax. Judge Anderson told her that this is the same way we have done with the Jail project and other purchases we have made. If you would look back on the closest thing this court has done is to raise taxes is was to keep the same rate. We have been able to do this by becoming more efficient in what we do by cutting waste and as well as growing revenue which is what this project will do for our economy which has been proven over the two years that's it's been in operation. Ms. Sparks ask him if he could say that this will for sure not raise taxes. Judge Anderson told her himself or any other members of the court thought they would have to raise taxes to enter into this project we would have not been in favor of it. It's all next to self-sustainable and with very minor changes it would easy be self-sustainable with the current model if we had ownership and could have applied for grants it would already have been that way. Ms. Sparks said that she does not think it could be self-sustainable because the counties has had to put up the money and not paid any of it back. Judge Anderson ask her if she understood that the four years of the six year lease it was not even in operation. She said she understood that but the two years it has been in operation none of the money has been paid back. Judge Anderson said that is what he said it's near self-sustainable with a few minor twicks in the current model it would have been already. Judge Anderson ask her if they could get an address to where she resides. She told members of the court that she resides in Leeco, Kentucky. Judge Anderson said appreciate her concerns for Powell County neighbors. He ask her if she owned any property in Powell County, a business or have kids that go to school in Powell County. She said that she did not but she lives across the street from the Park and this is her concern. She is concern of what it is dosing to their neighborhood. Judge Anderson said it was clear to say that she had no vested interest in Powell County. She replied that she does not but she does have a vested interest in living across from the Park and along with her other neighbors that live along the road that has access to the Park. Judge Anderson said that we want to be good neighbors and anytime she has brought up a concern she tried to address these items. He can also say that in the time that he has been here he was able to walk that property and he would say that's it is a more lawfui use than what it used to be prior to them us taking it over ownership and he would also like to say to her point the property will be developed by someone whether it is the county or some other group and as she expressed in her several numerous open

records request at least where it has been a sub-government operation and you have had the ability to obtain records and information, whereas if an individual owner had it you would have had absolutely no say or access to records. Judge Anderson that's this may not be the use that she necessary desires for it but he can contend we have and will continue to prove how this Park affects you and anybody in proximity. She said she will see how that goes but she does not see that happening. Judge Anderson ask her if Lee County has any zoning that prevents anyone from doing anything. She told him not that she knows of. The same thing here in Powell County whether you or I agree to this fact or not there is nothing legally that we can do about that operation. She said that she understands that fully. She said they live there and this is their home and they moved there for a reason. It was for the quietness and solitude which has been stripped form them since the Park has opened. Judge Anderson said he would also like to point out that before it seems like that she also expressed some concerns with the Park up the road. She said it's the same problem there too. The Judge said it seem that Hollerwood gets all the blame for that. She said when they come down Hwy 1036 illegally 24 hours a day and one the weekends pull into Hollerwood Park it seems to be Hollerwood Parks problem. They can hear these vehicles and 90 percent does not have a muffler on them. Judge Anderson said that she contradicted herself because she said that she see them and then also she hears them. She said she can see Hollerwood Park on the edge of her property. The Judge said they have done nothing but what's legal but there is no way to defienate necessary any side by side or off road vehicle that you see coming up and down 1036 if it would be just a private person driving that road or someone from the other park or someone for Hollerwood Park would you be able to determine where they are going. Ms. Sparks said she is concerned that they are on the road period. She said she has a neighbor that lives across the road from the Park and she tells her how many vehicles are pulling in there. She went on to say that they have followed many down the road and they see where they are going. 1036 is narrow and the large trucks and trailers flying down the road have run them off the road so many times. They cannot get anybody to do anything about the ATV's that's on the road.

Magistrate Chad Patton ask her how long she has lived at her resident. She told him that she had been there for 16 years. He said he can tell him for a fact that there has been a lot more of activity than this before this Park even opened. They may would have had 5 or 6 ATV's to go by before the Park opened. Magistrate Patton said there was a lot more of illegal activity that went on their before and now that we have a sanctuary there it seems like there is a problem.

Judge Anderson said that he has been to numerous meeting that she has as well as Magistrate Dennis Combs and he thinks that she can attest that they have always encouraged the current management as well as our users to abide by any state and local laws. We have laws and ordinances. It's the law enforcement branch that has to enforce those. Some of her issues seem to be with branches other than the Fiscal Court so I guess that frustration has got to be relayed to them and not necessary the Fiscal Court. She said she has discussed with the police. She ask about all the fireworks that go off over there and the generators that run over at the Park 24/7. She ask how they would like to have a lawn mower running under their bedroom window 24/7. Judge Anderson ask her what that has to do with a lawnmower running her window. She told him that a lawnmower and generator shows the same. Judge Anderson said that these items that she is bringing up is the first that they have heard about this. Judge Anderson told her that she has already said that there is nothing that is prohibiting this stuff from happening and that we want to be good neighbors and address these issues for her but at the same time fireworks or a generator running neither one are illegal.

Ms. Sparks said that she could tell this was going nowhere and that they are going to have the same problems as they have had in the past. Judge Anderson said he can appreciate her opposition and that he lives in a rural area very much like her and he can say over the last few years that he gets much more traffic than he use to but when he moved there but the reality is he knew what could or couldn't go on. He said he would ask in further communications that she makes about the Fiscal Court that is would be factual and not spread slenderest things because that can get into legal issues as well.

Ms. Sparks said that she is reading on the first page of the lease that it clearly says that this will raise taxes. Judge Anderson said he can tell her that this group in a form of a Fiscal Court has looked at the finances enough and have no fear that taxes will have to be raised. We all know what this Park can bring to our community and not only taxes but if it had not been for this particular Park out tourism and many of our restaurants, gas stations would be in a lot more different financial situation than they currently are. They has been many of people that has been able to weather this pandemic for no other reason than this Park. Judge Anderson said he has two young kids and we need to broadband and numerous things and not to counter what she is trying to accuse us of and the record will show that we have look at ways to increase revenue that is not on our taxpayers back and this is exactly what this project is going to do.

Ms. Sparks said Okie Dokie thank you

Judge Anderson told her to have a nice day.

Judge Executive James Anderson entertained a motion to adjourn.

The meeting adjourn at 4.45 p.m.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Donna Gabbard to **adjourn**.

James Anderson

Dennis Combs

Donna Gabbard

Donna Gabbard

Mike Lockard

Mike Lockard

Chad Patton

Timmy Vipton