

**POWELL COUNTY FISCAL COURT**

**SPECIAL CALLED MEETING**

**April 30<sup>th</sup>, 2021**

**Time: 2:00 p.m.**

**Location: Powell County Courthouse**

**Powell County Judge Executive's Office**

**Room 102**

**Join Zoom Meeting:**

**<https://us02web.zoom.us/j/89143875736>**

**Meeting ID: 891 4387 5736**

**AGENDA**

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

**Items to be discussed:**

- 2021-2022 Proposed Budget
- Approval for Treasurer to open new account at bank for the  
**American Rescue Plan Act Funds**
- 2<sup>nd</sup> Reading Budget Amendments #12 & #13
- Bills
- Resolution/Paperwork FC39 Funds
- Covid Policy
- Gutters at Jail
- Industrial Park Lease
- Flood damage – trash reimbursement

**POWELL COUNTY FISCAL COURT  
SPECIAL CALLED MEETING  
APRIL 30<sup>TH</sup>, 2021  
2:00 p.m.**

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The Powell County Fiscal Court held a special called meeting in the Powell County Judge Executive's Office. There were also a ZOOM link available.

Those present for the meeting were Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, County Attorney Robert King, Clay City Times Reporter Madison

Judge Executive James Anderson called the special meeting to order at 2:00 p.m.  
Judge Executive James Anderson ask the Fiscal Court Clerk to call roll:

- Magistrate Dennis Combs – Present (ZOOM)***
- Magistrate Donna Gabbard – Present***
- Magistrate Mike Lockard – Present***
- Magistrate Chad Patton – Absent***
- Magistrate Timmy Tipton – Present***

**2021-2022 Proposed Budget:**

Per The Department for Local Government an entire proposed county budget has to be submitted to the Fiscal Court by May 1.

The 2021-2022 proposed county budget was submitted to members of the Fiscal Court for their review. Members of the court were given a 5 year comparison report for them to look over.

Judge Anderson made members of the court aware that there were several places within the budget that the revenue has taken hits in line with what the previous budgets have been. The budget is still around the 12 million dollar amount. This year the retirement increased 2.85 percent from what it had been. Confirmation on our health insurance rates should be coming in the next few days.

Members of the court were made aware that a 2 percent raise increase had been budgeted for Employee's in their main positions with a few exceptions like the people that had gotten position changes and some of the sub job positions.

Judge Anderson told members of the court if they had any questions or concerns with the budget to feel free to call or email him.

There was also discussion about the contributions to the fire departments. Judge Anderson said that we are spending more than we are receiving in our LGEA Fund. Beyond on what the county pays in contributions to the fire departments we also pay the insurance on their vehicles.

One of the things that the court had ask in the past was they be included in our drug testing policy and at this time they do not. Judge Anderson told members of the court that he had increased the contribution lines for the fire departments but he thought it would be better going forward that the County line contributions be increased to cover the cost of their vehicles for Clay City and Stanton Fire Department with the expectation of Middlefork. Per KACO we are paying insurance for 5 vehicles for

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the Clay City Fire Departments totaling \$5426.00 and paying insurance for 4 vehicles for Stanton Fire Department totaling \$5785.00. Judge Anderson proposed that we increase their county contribution lines for Clay City and Stanton Fire Department by the amount we are paying for their insurance. If the court decides to do this the fire departments would be contacted to let them know that by a certain date they would be removed from the counties insurance policy.

We all know that the fire departments need more money but the county never gets full credit for what we do.

Magistrate Timmy Tipton ask if the county gets a budget from the fire departments showing how their contribution is spent. Judge Anderson told him that we have not had the best compliance on this with the exception of Middle Fork. Magistrate Tipton said he did not feel like it was to much to ask for.

With the recent indictments if funds are missing it's not from the Powell County Search Rescue it would be from the Friends of Powell County Search and Rescue. The same things goes with the Clay City Fire Department it would not be the county's contribution we give to them because we have oversight on the contributions that we give the fire departments.

Magistrate Tipton said he appreciates all of the fire departments and the fire fighters are amazing in doing what they do but he does not want the county to hand out a blank check.

Magistrate Mike Lockard suggested that we get the fire department chiefs here when we discuss this.

Magistrate Tipton said he had no problem with this and it would probably be best to have the discussion during a budget workshop. He said he feels they need to show us on paper what they are spending the money on.

Judge Anderson said that we could schedule a budget workshop sometime prior to our May meeting so that we could have the 1<sup>st</sup> reading of our budget.

***Approval for Treasurer to open new account at Whitaker Bank for the American Rescue Plan Act Funds.***

The Department for Local Government recommended a new account be opened to receive the American Rescue Plan Act funds.

Treasurer Connie Crabtree ask for approval from the Fiscal Court to open a new account at Whitaker Bank to receive the ***American Rescue Plan Act funds.***

Judge Executive James Anderson entertained a motion to allow Treasurer Connie Crabtree to open this new account at Whitaker Bank.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs ***to allow Treasurer Connie Crabtree to open a new bank account # 46789107 with Whitaker Bank in anticipation of receipt of Coronavirus American Relief Plan Act Federal Funds.***

***Judge Executive James Anderson ask the Fiscal Court Clerk Court to call roll for those in favor.***

***Magistrate Dennis Combs – Aye***

***Magistrate Donna Gabbard – Aye***

***Magistrate Mike Lockard – Aye***

***Magistrate Timmy Tipton – Aye***

***Judge Executive James Anderson – Aye***

***Motion passes unanimously***

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**Signers on new account #46789107 (American Rescue Plan Act)**

Approval to list James Anderson, Jr. and Connie Crabtree as signers on the ARPA account or any other documents associated with this new account #46789107 (American Rescue Plan Act Funds).

Judge Executive James Anderson entertained a motion to approve James Anderson, Jr. and Connie Crabtree to be signers on this new account #46789107.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Donna Gabbard **to approve James Anderson, Jr. and Connie Crabtree as signers on this new account or any other documents associated this new account # 46789107 at Whitaker Bank. This motion is also to include to allow Treasurer to add the new Account code 84 – American Rescue Plan Act (ARPA) to the 2020/2021 budget and the 2021/2022 budget with anticipation of receipt of Coronavirus American Rescue Plan Act Federal Funds.**

**Revenue Lines 84-4504 – ARPA - Receipts**

- 84-4901 – ARPA - Surplus Prior Year**
- 84-4903 – ARPA – Adjustment Prior YR Surplus**
- 84 -4909 – ARPA – Transfer to Other Funds**
- 84-4910 – ARPA - Transfer from Other Funds**

**Appropriation line:**

- 84-9200-999 – Reserve for Transfers**

**This new account code 84 – American Rescue Plan Act Fund (ARPA) will be added to the 2020-2021 and the 2021/2022 budget in anticipation of receipt of Coronavirus American Rescue Plan Act Federal funds.**

**Judge Executive James Anderson ask members of court in favor by signifying I.**

**Magistrate Dennis Combs – I**

**Magistrate Donna Gabbard – I**

**Magistrate Mike Lockard – I**

**Magistrate Timmy Tipton – I**

**Judge Executive James Anderson – I**

**Motion passes unanimously**

**5-0**

**2<sup>nd</sup> Reading of Budget Amendment #12 and #13:**

Treasurer presented Budget Amendments #12 and #13 to members of the court for the 2<sup>nd</sup> reading. The Department for Local Government signed these amendments on April 21<sup>st</sup>, 2021.

**Budget Amendment #12**

Increasing the LGEA Funds by \$5,000.00 for insurance proceeds to repair the heating and air unit at Middlefork Fire Department.

Judge Executive James Anderson entertained a motion to approve the 2<sup>nd</sup> reading of Budget Amendment #12 increasing the LGEA fund.

A motion was made by Magistrate Donna Gabbard seconded by Magistrate Mike Lockard **to approve the 2<sup>nd</sup> reading of Budget Amendment #12 increasing the LGEA fund by \$5,000.00 for insurance proceeds to repair heating and air unit at Middlefork Fire Department.**

**Judge Executive ask members of court in favor by signifying I.**

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*Magistrate Dennis Combs – I*  
*Magistrate Donna Gabbard – I*  
*Magistrate Mike Lockard – I*  
*Magistrate Timmy Tipton – I*  
*Judge Executive James Anderson – I*  
*Motion passes unanimously*  
*5-0*

**Budget Amendment #13**

Treasurer presented Budget Amendment # 13 increasing the General Fund by \$25,000.00 for a grant received for the March 2021 flood for the 2<sup>nd</sup> reading.

Judge Executive James Anderson entertained a motion to approve the 2<sup>nd</sup> reading of Budget Amendment #13 increasing the General Fund.

A motion by Magistrate Timmy Tipton seconded by Magistrate Dennis Combs **to approve the 2<sup>nd</sup> reading of Budget Amendment #13 increasing the General Fund by \$25,000.00 for a grant received for the March 2021 flood.**

*Judge Executive James Anderson ask members of court in favor by signifying I.*

*Magistrate Dennis Combs – I*  
*Magistrate Donna Gabbard – I*  
*Magistrate Mike Lockard – I*  
*Magistrate Timmy Tipton – I*  
*Judge Executive James Anderson – I*  
*Motion passes unanimously*  
*5-0*

***Bills submitted for payment:***

Bills were submitted to members of the Fiscal Court. Judge Executive James Anderson ask members of the court if they had any objections in paying all the bills submitted for payment. There were no objections therefore all bills submitted for payment will be paid.

***Resolution/Agreement for the FD39 Funds: (discretionary funds)***

Judge Executive James Anderson presented members of the court with an agreement between Commonwealth of Kentucky Transportation Cabinet Department of Highways and Powell County.

Whereas, the parties hereto desire to resurface Woody Ware Road and Manning Road in Powell County. Whereas the Department agrees this a worthwhile Project and is willing to reimburse the LPA up to \$256,100 in state contingency funds (FD39) for the completion of this Project; and whereas any cost in excess of the reimbursement funding (\$256,100) for this Project will be the responsibility of the LPA.

The Department agrees to reimburse the LPA up to \$256,100 for completion of work by the LPA, or consultants, contractors, or subcontractors hired by the LPA, under the obligations of this Agreement for resurfacing the following:

- ***Woody Ware Road (CR 1212) from KY 2026 extending southerly to Mile point 1.740 for approximately 1.740 miles.***

- ***Manning Road (CR 1009) from Manning Spur Road extending easterly to the end of county maintenance for approximately 1.648 miles.***

Once we get the agreement and signed MOA from the Department of Transportation we can proceed once we get the bids. Judge Anderson made members of the court aware that this will be 100 percent reimbursable.

After discussion Judge Executive James Anderson entertained a motion to approve this said agreement. A motion was made by Magistrate Dennis Combs seconded by Magistrate Donna Gabbard ***to approve this said agreement between Commonwealth of Kentucky Transportation Cabinet Department of Highways and Powell County to resurface Woody Ware Road and Manning Road in the amount of \$256,100.00. This motion also authorizes Judge Executive James Anderson to sign any and all paperwork to include agreement, resolutions and MOA'S concerning the resurfacing of these two roads.***

***Judge Executive James Anderson ask members of the court in favor by signifying I.***

***Magistrate Dennis Combs – I***

***Magistrate Donna Gabbard – I***

***Magistrate Mike Lockard –***

***Magistrate Timmy Tipton – I***

***Judge Executive James Anderson – I***

***Motion passes unanimously***

***5-0***

#### ***Discussion of COVID Policy:***

As the federal monies have been exhausted in relation to COVID we are still faced about how to handle employees such as them being quarantined. At this time we have 2 employees out with COVID. One of these employees have already exhausted their previous 80 hours. Both of these employees had the opportunity to take the COVID vaccine but chose not to. The court is now faced with what to do. They will have to decide if they are going put a cap or if the employee will have to use their sick and vacation time.

Payroll Clerk Kacey Davidson said they allow the employee the first 80 hours if they test positive or have to been quarantined but after this it falls on their sick and vacation time.

Magistrate Mike Lockard ask if the numbers of days had changed when someone had to be quarantined. Judge Anderson told him it had to some degree. At the first you had to be quarantined fourteen days. Now depending on contact it usually is seven days. You would test out and then within 5 days if you showed no symptoms and a negative test you could come back to work. Magistrate Timmy Tipton ask about the people that has had the vaccine. Judge Anderson told him that in the past month there has been three or four instances despite the protocols we are following and had it not been for him and the 2 office staff being vaccinated his office would have had to closed down.

We have seen some employees as much as three or four times been sick or quarantined. Payroll Clerk Kacey Davidson said this creates an issue because some of them work for jail, ambulance or another department which would mean that someone would have to cover their shifts which then causes overtime.

Judge Anderson told members of the court since we no longer have the CARES funding it's going to fall back on the citizens that we represent to cover the cost. We cannot mandate the vaccine but our policy is going to have to be revisited. Kacey said the 80 hours ended with the legislation so technically the employee should not get the 80 hours upfront anymore. Her thoughts is since the shots are available

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for the employee to take but they choose not to then they should own up to using their sick or vacation time or take no pay to be off.

Magistrate Tipton said he did not think we could continue to pay for time off for the corona virus if we are not getting reimbursed for it.

Magistrate Dennis Combs said that in his place of employment would cover if someone had covid but just for being quarantined they would not.

***After a long discussion a motion was made by Judge Executive James Anderson that starting now because we no longer get federal funds for Covid an employee that has exceeded the 80 hours is not eligible for it anymore. Starting July 1<sup>st</sup>, 2021 there is no provisions for it. At this time up to July 1<sup>st</sup>, 2021 we will still honor up to 80 hours for being quarantined and having Covid for the first round for each employee if they have not already used their 80 hours. The remaining 80 hours will be for employees that has not utilized their time. After July 1<sup>st</sup>, 2021 the employee would have to use sick or vacation time to cover this. The motion was then seconded by Magistrate Timmy Tipton.***

***Judge Executive James Anderson ask members in favor in signifying I.***

***Magistrate Dennis Combs – I***

***Magistrate Donna Gabbard – I***

***Magistrate Mike Lockard – I***

***Magistrate Timmy Tipton – I***

***Judge Executive James Anderson – I***

***Motion passes unanimously***

***5-0***

***Court continued on with Covid discussion:***

Judge Anderson ask what the court's pleasure was in relation to someone that actually has Covid. Do they want to leave as is or do they want to do any additional provisions to cover them? Meaning if someone tested positive for Covid there may be some interest in trying to afford them some coverage and if so how long would this coverage be especially if they are hospitalized. They then could be protected under the FMLA because of their job. Since hearing no suggestions from the court they will move forward with the prior motion. Magistrate Mike Lockard suggested putting out a memo to reflect this to all employees. Payroll Clerk Kacey said she could put the memo out in with their next check.

***Gutter repair at Powell County Jail:***

A few meeting ago bids were opened for the gutter repair at the Powell County Jail. The court received bids from Trent's Home Improvement and H.K. Goodwin. When the bids were opened neither bid listed the linear feet. The court decided at that time that we needed to reach out to both bidders and ask about the linear feet before making a final decision.

Trent' Home Improvement resubmitted the bid which now reads:

Cost of complete 6" gutter system \$3,000.00 432 ft.

Cost of replace face boards and soffit as needed, new face wrap \$3480.00 160ft face board/254 ft. Face wrap/168 ft. soffit

Cost of snow guard \$1450 290 ft.

Cost of leaf guard in all of gutter \$1160.00 290 ft. All projects done at one time \$490.00 discount.

Total bid price \$8600.00

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Judge Anderson reached out to H.K. Goodwin via text and told him that we had never followed up or awarded the jail gutter job. The Judge was ask to clarify a couple of items for members of the court. He ask him how many linear feet that his proposal included and how much more would to be to put ice guards on? Mr. Goodwin was working at the time so Judge Anderson sent him a screen shot of his prior bid.

Judge Anderson told him that we were having a special meeting at 2:00 this afternoon. He sent a text back to Judge Anderson and said that it would be roughly 280 feet of 6 inch gutter and 8 downspouts. Magistrate Lockard ask if he had done work for the county before. Judge Anderson told him that both them had done work for the county. Most of Trent's has been roofing and guttering and H.K.'s has been blacktop sealing for the county. The court pointed out that Trent's bid listed ice and gutter guards. Trent's Home Improvement overall bid totaled - \$8,600.00 and H.K. Goodwin's overall bid totaled - \$6,038.00. The difference in the bid totals between the two were \$2,562.00. On the major work the bids are basically the same but Trent's Home Improvement included the ice and gutter guard. Judge Anderson said he had no problem with either bidder. They both have done work for the county. After discussion a motion was made by Magistrate Dennis Combs seconded by Magistrate Donna Gabbard **to go with the bid submitted from Trent's Home Improvement in the amount of \$8,600.00.**  
**Judge Executive James Anderson ask members in favor by signifying I.**

**Magistrate Dennis Combs – I**

**Magistrate Donna Gabbard – I**

**Magistrate Mike Lockard – I**

**Magistrate Timmy Tipton – Voted not in favor**

**Judge Executive James Anderson – I**

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**Industrial Park Lease:**

Judge Anderson told members of the court that when the county purchased Hollerwood Park the concept was that we didn't want to manage it. Or goal was that the Industrial Authority would manage the property and pay the debt service so the county is not out anything. This would be the best scenario for setting this up. County Attorney prepared a Lease agreement between the Powell County Fiscal Court and the Powell County industrial Development Authority, Inc. for this concept. (A copy of the lease will follow minutes). The term of lease: The premises shall be leased for a term of 20 years.

Judge Anderson said himself along with Magistrate Dennis Combs had reviewed it. The Industrial Authority has also reviewed it and is in agreeance with this lease.

Judge Executive entertained a motion to go ahead with leasing the Industrial property to the Powell County Industrial Development Authority, Inc. for the terms of this lease.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs **to move forward with leasing the Industrial property to the Powell County Industrial Development Authority, Inc. for the terms of this said lease.**

**Judge Executive James Anderson ask members in favor by signifying I.**

**Magistrate Dennis Combs – I**

**Magistrate Donna Gabbard – I**

**Magistrate Mike Lockard – I**

**Magistrate Timmy Tipton – I**

**Judge Executive James Anderson – I**

**Motion passes unanimously**



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**Discussion of the \$25,000 received for the March 2021 Flood:**

These monies will allow for the dumpster containers used to dispose of flood debris.

It also includes to reimburse businesses or homeowners for their personal cost for depositing of flood debris.

There were two different individuals that turned in proof for reimbursement that occurred cost associated with disposing of debris that happened during the flooding event. The two individuals were Pam Mattingly and Diana Caudill.

Pam Mattingly owns the day care in Clay City. She turned invoices for two dumpsters that she got from Blaze Enterprises in the amounts of \$437.00 and 377.00 totaling \$814.00.

Diana Caudill turned in a receipt showing where she disposed of debris at the Transfer Station in the amount of \$113.00.

Judge Executive James Anderson entertained a motion to approve payment to Blaze Enterprises and Diana Caudill.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Donna Gabbard **to allow payment to be made to Blaze Enterprises in the amount of \$814.00 and also allow payment to be made to Diana Caudill in the amount of \$113.50 contingent they have proof for their expense.**

**Judge Executive James Anderson ask members of the court in favor by signifying I.**

**Magistrate Dennis Combs – I**

**Magistrate Donna Gabbard – I**

**Magistrate Mike Lockard – I**

**Magistrate Timmy Tipton – I**

**Judge Executive James Anderson – I**

**Motion passes unanimously**

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We have spent around \$8,000 to \$9,000.00 of the \$25,000 that the county received. Judge Anderson ask members of the court that in the future if they wanted to give discretion to go ahead and reimburse up to a certain amount only if the person has invoices to show proof or do they prefer to bring the invoices to court each time for approval. Magistrate Mike Lockard said to bring invoices to the court each time for approval.

**Adjourn:**

With no further discussion the meeting adjourned at 2:58 p.m.

Judge Executive James Anderson entertained a motion to adjourn.

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

**Judge Executive ask members of the court in favor by signifying I.**

**Magistrate Dennis Combs – I**

**Magistrate Donna Gabbard – I**

**Magistrate Mike Lockard – I**

**Magistrate Timmy Tipton – I**

**Judge Executive James Anderson – I**

**Motion passes unanimously**

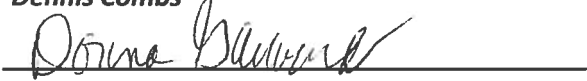
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**James Anderson**



**Dennis Combs**



**Donna Gabbard**



**Mike Lockard**



**Timmy Tipton**