

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING**

Date: December 13th, 2022

Time: 6:00 p.m.

**Location: Powell County Courthouse
Powell County Judge Executive's Office
Room 102
Stanton, Kentucky 40380**

Present: County Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, Magistrate Dennis Combs, Magistrate Donna Gabbard, Magistrate Mike Lockard, Magistrate Chad Patton, Magistrate Timmy Tipton, CSEPP/EMA Director Kevin Babcock, County Attorney Robert King, Solid Waste Coordinator Tim Snowden, J. L. Bowen, Brian McKinney, Marty Tipton, Michael Frazier and Eddie Barnes.

Judge Anderson called the meeting to order:

Judge Anderson ask the Fiscal Court Clerk to call roll:

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

Public Comments:

No one wished to speak under public comments.

Clerk's Report for the November 8th, 2022 (regular) and December 2nd, 2022 (special)

Meetings:

The meeting minutes for the November 8th, 2022 regular called meeting were presented to members of the court. Judge Anderson ask members of the court if they would like any changes to be made to these meeting minutes. There were no requests to be made therefore the regular meeting minutes dated November 8th, 2022 are accepted as presented.

The meeting minutes for the December 2nd, 2022 special called meeting were presented to members of the court. Judge Anderson ask members of the court if they would like any changes to be made to these meeting minutes. There were no requests for any changes therefore the special meeting minutes dated December 2nd, 2022 are accepted as presented.

Bills Submitted for Payment:

All bills were presented to members of the court for payment. Judge Anderson ask members of the court if they has any objections in paying any of the bills. There were no objections in paying all the bills submitted therefore all bills will be paid at this time. Judge Anderson requested that the Tractor Supply invoice be split between the road and general funds.

Financials:

Treasurer presented the financials to members of the court for their review. Financials to include the 11/1/22 – 11/30/22 financial statement, interfund transfers, cash and budget transfers and cash statements.

Treasurer Transfers:

Treasurer presented the transfers to members of the court for their approval. Transfers to include 11/1/22 – 11/30/22 interfund transfers, cash and budget transfers.

Judge Anderson entertained a motion to approve all of the Treasurers transfers.

A motion was made by Magistrate Dennis Combs seconded by Magistrate Chad Patton **to approve all of the Treasurer. To include interfund transfers, cash and budget transfers.**

Judge Anderson ask those in favor by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Mike Lockard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson –

6-0

2nd reading of Budget Amendment #2:

Treasurer presented members of the court with Budget Amendment #2 for the 2nd reading.

This budget was increasing the General Fund for the Powell CFC Stanton Rd SW in the amount of \$201,158.24.

This amendment was signed by State Local Finance Officer Robert Brown on November 14th, 2022.

01-4514 Powell CFC Stanton Furnace Rd SW - \$201,158.24

01-5092-548 Powell CFC Stanton Furnace Rd SW - \$201,158.24

Judge Anderson entertained a motion by Magistrate Mike Lockard seconded by Magistrate Chad Patton **to approve the 2nd reading of Budget Amendment #2 increasing the General Fund in the amount of \$201,158.24.**

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Mike Lockard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

6-0

Old Business:

Broadband discussion

During our last fiscal court meeting members of the court discussed having a special meeting to allow vendors to come and make a presentation on the upcoming broadband project. The special meeting never got scheduled so members of the court agreed to let the new administration coming in at the first of the year move forward with scheduling a meeting. Judge Anderson said that he would get a list of vendors that would like to come and give a presentation.

Amendment to the October 7th, 2022 Meeting Minutes: (Agreement and Resolution to receive Flex Funds).

Members of the court discussed paving during this meeting and made motions to move forward with paving projects however the agreement and resolution was not discussed to receive funding. Judge Anderson entertained a motion to amend the meeting minutes dated October 10th, 2022 to reflect this said resolution and agreement. Powell County BIT resurfacing on various county roads in the amount of \$513,446.00 – CB06 Flex Funds.

A motion was made by Magistrate Dennis Combs seconded by Magistrate Donna Gabbard **to approve the agreement and said resolution for CB06 Flex Funds in the amount of \$513,446.00. This motion also authorizes Judge Executive James Anderson to sign any and all paperwork concerning the agreement and resolution.**

Judge Anderson ask those in favor by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Mike Lockard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

6-0

Department Head/District Updates:

CSEPP/EMA Director – Nothing at this time

Solid Waste Coordinator Tim Snowden: Tim told members of the court that found out that we were only getting \$25.00 per ton for cardboard so he wants to hold off on taking any at this time. John Brewer is allowing him to store the cardboard at the old Burke Parson Bowlby building for now.

Search and Rescue Brain McKinney – Ask Judge Anderson about a grant. Judge Anderson told him he hadn't received the second paper at this time.

Magistrate Donna Gabbard – Nothing at this time

Magistrate Mike Lockard – Nothing at this time

Magistrate Chad Patton – Nothing at this time

Magistrate Timmy Tipton – Ask about Manning Road. Judge Anderson told him that he planned on discussing it during this meeting.

Magistrate Dennis Combs – Nothing at this time



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Electrical Inspector Discussion:

Judge Anderson told members of the court that Mr. Gibbs came to a fiscal court meeting several years ago asking about being the electrical inspector for Powell County. At that time members of the court took no action. Judge Anderson told members of the court that he had no intention to take action now unless they see a need too.
No action was taken.

State of Emergency on Manning Road:

Judge Executive James Anderson declared a State of Emergency on Manning Road. He ask for court approval to move forward in awarding the contract for this project. King Crete Drilling and Blue Rock were the two vendors that submitted quotes for the Manning Road Project awhile back. The county was awarded \$80,000.00 from the state to do this project.

After discussion a motion was made by Magistrate Chad Patton seconded by Magistrate Dennis Combs **to award Blue Rock contingent that they still honor their pricing and can finish job in a timely manner.**
Judge Anderson ask those in favor by signifying I.

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

6-0

Opioid Settlement: (approval to open checking account to receive Opioid Settlement funds)

The Department for Local Government is requesting that each county set up a separate checking account to receive these funds.

Judge Anderson entertained a motion to allow Treasurer Connie Crabtree to set up a bank account to receive these funds for the Opiate Settlement.

A motion was made by Magistrate Donna Gabbard seconded by Magistrate Mike Lockard **to allow Treasurer Connie Crabtree to open up a checking account to receive the Opioid Settlement funds.**
Judge Anderson ask those in favor by signifying I.

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

6-0

CSEPP STORAGE: (awarding Kevin Tipton pole building for equipment storage)

The CSEPP shelter was discussed at the last fiscal court meeting but we still needed to finalize it. Kevin Tipton submitted a quote for pole building for equipment storage in the amount of \$20,000.00. The proposed building shall be 20' wide and 120' in length. The contractor shall remove the metal siding from the existing building on the site to repurpose for the new storage facility. The county will be responsible for securing and purchasing all building materials to be used. The storage facility is priced per 20' by 20' section to be a total of six, twenty feet by twenty-foot sections. County to assist with the excavation of any postholes on site, and provision of a lift for the contractor to use throughout the project.

Labor for New Construction: \$2,500 per 20' by 20' section
Total Labor for New Construction: \$15,000.00
Labor for removing metal siding from existing building: \$5,000.00
Grand Total: \$20,000.00

Contractor will require 50% of total cost up front.

Judge Anderson entertained a motion to award Kevin Tipton's quote for the CSEPP Shelter project. A motion was made by Magistrate Chad Patton seconded by Magistrate Dennis Combs **to award the quote submitted from Kevin Tipton for the pole building for equipment storage in the amount of \$20,000.00. This motion also authorizes for Kevin Tipton to received 50 % of the quote upfront to begin project.**

Judge Anderson ask those in favor by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Mike Lockard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

6-0

Paving List:

Judge Anderson gave members of the court paving lists. The first paving list was roads included in the flex agreement funds and then the second was the entire list that was voted on. The majority of these roads are included in the flex agreement but there are a few additional ones. Magistrate Timmy Tipton ask that these roads list be a part of the meeting minutes. Judge Anderson said they still debating on the two contractors price. They voted to do the complete list which a majority is captured in the flex agreement funds. A copy of the road list will follow minutes.

Pine View Heights: Marty Tipton

Marty Tipton approached members of the court to ask for permission to use county right of way. He told members of the court that he had purchased several lots on Pine View Heights. This summer Mayor Allen told Marty that his lots were within reach of city sewer contingent upon getting permission to use the county right of way to tie his lots to the sewer.

Marty ask for courts permission to install 2 inch sewer lines of county right of way estimating around 200 to 300 feet from where the original sewer line ends up to his property on the same side of the road. He's already 811 the area. There is a gas line in the area but he seems to think the sewer line ends on the opposite side. Marty said he is a contractor and is insured.

There is a ditch that the county dug and he talked to Road Forman Patrick McCoy about this. Patrick told him that he could use the ditch line if he got court approval. Marty intend is to disturb as little as possible and use the existing ditch. He would dig deeper putting the line in and redress the area. If there is any damage he would take care of it.

Judge Anderson entertained a motion to grant Marty Tipton permission to access county right of way for the purpose of the sewer service installation. If there is any damage the court ask that the person that is granted permission to put it back as it existed or better state.

A motion was made by Magistrate Donna Gabbard seconded by Magistrate Chad Patton **to grant Marty Tipton's request to access county right of way for the purpose of the sewer service installation.**

Judge Anderson ask for those in favor by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Mike Lockard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – Abstained

Judge Executive James Anderson – I

Motion passes

5-0

Michael Frazier – Hugh M. Hefner First Amendment National Award:

Judge Anderson made members of the court aware that Michael Frazier had won the 2020 Hugh M. Hefner First Amendment National Award. Judge Anderson presented a resolution to honor Mr. Frazier. A road sign will be made with his name and national award title for his accomplishments that go beyond the norm to make history in Kentucky and United States.

The Hugh M. Hefner First Amendment Awards were established in 1979 to honor individuals who have made significant contributions ion the vital effort to protect and enhance First Amendment rights for all Americans. The first award winners were name in 1980. Nominees traditionally have come from the areas of journalism, education, publishing, law government, and arts and entertainment.

A copy of a resolution representing this award was given to members of the court for approval.

Whereas, Michael Frazier is a Powell Countian and prominent advocate working to advance the Constitutional rights of students, advocate for eastern Kentuckians, and members of the Kentucky LBTO community.

Now, Therefore, Let it be Resolved, The Powell County Fiscal Court hereby adopts this resolution to honor Mr. Michael C. Frazier, a proud son of Powell County and the Commonwealth, with a road sign to be made with his name and national award title for this accomplishments that go beyond the norm to make history in Kentucky and United States.

Judge Anderson entertained a motion to approve this said resolution to honor Michael C. Frazier.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Donna Gabbard **to adopt this resolution to honor Michael C. Frazier with a road sign to be made with his name and national award**

title for his accomplishments. The said resolution will now be sent to the Transportation Cabinet. The road sign will be placed on Hardwicks Creek Road.

Judge Anderson ask those in favor by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Mike Lockard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

6-0

Animal Ordinance:

No Action taken at this time.

2023/2024 Holiday Schedule:

Members of the court agreed to let the new administration approve the 2023/2024 holiday schedule. The current members of the court approved closing the Friday December 30th, 2022 and Monday January 1st, 2023.

A motion was made by Magistrate Timmy Tipton seconded by Magistrate Dennis Combs *to approve Christmas Eve on Friday December 30th, 2022 and New Year's Day Monday January 1, 2023.*

Judge Anderson ask those in favor by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Mike Lockard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

6-0

Closed Session: KRS 61.810 subsections B, C & G

Judge Anderson entertained a motion to go into closed session.

A motion was made by Magistrate Chad Patton seconded by Magistrate Dennis Combs *to go into closed session. KRS 61.810 Subsections B, C, & G.*

Judge Anderson ask those in favor by signifying.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Mike Lockard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

6-0

Court Resumes @ 6:53 p.m.

Judge Anderson made it aware that No Action was taken in closed session.

As a result of the discussion in closed session Judge Anderson entertained a motion to settle with Tony Hunt for the amount up to what was discussed in closed session.

A motion by made by Magistrate Chad Patton seconded by Magistrate Mike Lockard **to approve settling with Tony Hunt for the amount up to what was discussed in closed session.**

Judge Anderson ask those in favor by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Mike Lockard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

6-0

Adjourn: Meeting adjourned at 7:05 p.m.

Judge Anderson entertained a motion to adjourn.

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

Judge Anderson ask those in favor by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Mike Lockard – I


Magistrate Chad Patton – I

Magistrate Timmy Tipton – I


Judge Executive James Anderson – I

Motion passes unanimously


6-0



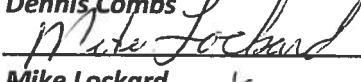
 Eddie Barnes



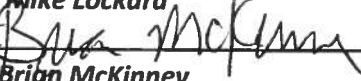
 J.L. Bowen



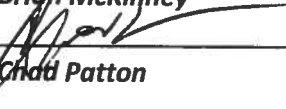
 Dennis Combs



 Mike Lockard



 Brian McKinney



 Chad Patton