

**POWELL COUNTY FISCAL COURT  
REGULAR CALLED MEETING**

Date: October 10<sup>th</sup>, 2023

Time: 6:00 p.m.

Location: Powell County Emergency Operations Center  
33 Commerce Drive  
Stanton, Kentucky 40380

**A G E N D A**

- I. Call Meeting to Order
- II. Roll Call
- III. Public Comments
- IV. Clerk's Report (Meeting Minutes) of Last Meeting
- V. Bills Submitted for Payment
- VI. Approval Treasurer's Financial Statement
- VII. Approval Treasurer's Transfers/Amendments  
*Amendment #2 – Mack Truck*
- VIII. Old Business:
- IX. New Business:
- X. Department Head Updates
- XI. District Updates:  
  
*Items to be discussed:*
  - Drug Dog
  - Sheriff Danny Rogers 2023 Incentive
  - Dispatch Salaries
  - EMS Building
  - Front End Loader for Solid Waste
  - Assistant Tax Administrator
  - Closed Session 61.810 Subsection 10
- XII. Adjournment

**Powell County Fiscal Court**

**Regular Called Meeting**

**Date: October 10<sup>th</sup>, 2023**

**Time: 6:00 p.m.**

**Location: Powell County Emergency Operations Center (EOC)**

**33 Commerce Drive**

**Stanton, Kentucky 40380**

Present: Judge Executive Eddie Barnes, Fiscal Court Clerk/Treasurer Connie Crabtree, County Attorney Robert King, Deputy Judge Dale Allen, CSEPP/EMA Director Kevin Babcock, Dispatch Director Larry Hall, Assistant Director Justin Rice, Magistrate J.L. Bowen, Magistrate Mike Lockard, Magistrate Brian McKinney, Magistrate Chad Patton, Magistrate Dennis Combs, Ambulance Director Nathan Hall, Solid Waste Coordinator Tim Snowden Road Supervisor Patrick McCoy, Brandon Farmer (Powell Patriot) and Jason Randall

County Judge Executive Eddie Barnes called the meeting to order.

Deputy Judge Dale Allen offered the prayer.

County Judge Executive led the Pledge of Allegiance

The roll was called for the following members:

- Judge Executive Eddie Barnes – Present**
- Magistrate J.L. Bowen – Present**
- Magistrate Dennis Combs – Present**
- Magistrate Mike Lockard – Present**
- Magistrate Brian McKinney – Present**
- Magistrate Chad Patton – Present**

**Public Comments:**

No Public Comments currently

**Meeting Minutes for the September 19<sup>th</sup>, 2023, regular meeting:**

A motion was made by Magistrate Chad Patton and seconded by Magistrate Brian McKinney with all members voting in favor to approve the meeting minutes of the September 19<sup>th</sup>, 2023, regular meeting. Motion passed.

**Meeting Minutes for the September 25<sup>th</sup>, 2023, special meeting:**

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Chad Patton with all members voting in favor to approve the meeting minutes of the September 25<sup>th</sup> special meeting. Motion passed.

**Bills Submitted for Payment:**

Bills submitted to members of the court for payment approval.

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Dennis Combs with all members voting in favor of approving all bills submitted for payment. Motion passed.

**Treasurer's Transfers:**

The Treasurer presented the transfers for court approval. Transfers to include interfund transfers, cash transfers and budget transfers.

Created line for Road Employee Travel:

02-9200-999 Reserve for Transfers - \$1,000.00

02-6105-576 Road Employee Travel - \$1,000.00

A motion was made by Magistrate Mike Lockard and seconded by Magistrate Dennis Combs with all members voting in favor of approving all transfers to include interfund, cash and budget transfers.

Motion passed.

**Financial Statements:**

The Treasurer presented the 9/1/23 – 9/30/23 financial Statement, cash balance statements for court approval.

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Chad Patton with all members voting in favor of approving the financial statement and cash balance statements. Motion passed.

**1<sup>st</sup> Reading of Budget Amendment # 00000002:**

The Treasurer presented amendment # 00000002 for the 1<sup>st</sup> reading.

The budget for the current fiscal year is amended to increase the receipts of the Road Fund totaling \$220,875.00.

Road Fund – 02-4912 – Governmental Leasing Act Receipts - \$220,875.00

Road Fund – 02-7700-602 Mack Truck Lease Payment - \$220,875.00

**Old Business:**

During the last meeting last month, the discussion of purchasing the drug dog from the City of Clay City was discussed. Judge Barnes told members of the court that he would call Brain Hubbard which is over the Opioid Funds and ask him if the purchase of this drug dog would be an allowable expense from those funds.

Judge Barnes let members of the court know that Mr. Hubbard said it would not be an allowable expense.

Magistrate Chad Patton ask if we had heard anything from Walker Construction about them finishing up the road projects, they started last year. Judge Barnes told him that he had contacted them, and they are supposed to finish them this week.

There is still no news on the courthouse doors. We need to contact them and let them know if we do not receive the doors by a certain date then we want a full refund.

Judge Barnes has been trying to call about the Mercedes ambulance but cannot get ahold of anyone.

Magistrate Brian McKinney told the members of the court the broadband committee selected two companies to do interviews with in the next two weeks. The board will then pick a winner from the two companies which will then be presented to the fiscal court for their approval. This is providing internet to the rest of Powell County.

Bat matching season is over, so Mountain Telephone has started construction currently. Hopefully will be completed by next summer so that they can start selling internet to 1000 houses in the Eastern part of Kentucky.

### ***New Business:***

Magistrate Bowen said he was not sure what roads are on his end of the county to be repaired. Judge Barnes told members of the court to make a list of any roads that needed to be repaired in their district so they can be sent to the state.

Magistrate Bowen said he gets a lot of calls about the failed culvert on Derickson Lane. Road Supervisor Patrick said that it is a new construction that was installed a couple of years ago.

He also said that he got no complaints this past weekend on any roads.

Tunnel Ridge Road has been fixed at this time.

Magistrate Combs said he did know anything about a public meeting to be held on October 20<sup>th</sup> at 9:00 a.m. for fire truck replacements. Judge Barnes told him we had to have this meeting to get this grant for the fire trucks.

Magistrate Combs said if we needed public input, it should not be scheduled for a Saturday.

Magistrate Patton said he thinks we need to work on our communications a little more.

Judge Barnes told them they needed to come around more or call him. Magistrate Patton asked about sending a group message about things. County Attorney Robert King said he has always said if there is a group text among officials talking about public business it would be a meeting.

Magistrate Combs said he did not see a problem with it if there was no vote, and you are just letting them know about a meeting.

Judge Barnes told them the public meeting must be held so that any questions could be addressed about the funding for the fire trucks.

### ***Department Head Updates:***

#### ***Ambulance Director Nathan Hall:***

Nathan let members of the court know he had a meeting this morning about the new ambulance. He was told that it would be January before we received the new ambulance. He told them they promised we would have it by November. They told him they would try and get it to us by December. With the money we are saving with this company Nathan feels we can wait that long.

#### ***Dog Warden Justin Wright:***

Justin gave each member of the court a printout of a study that was done by the University of Kentucky College of Agriculture Food and Environment of current conditions of Kentucky county animal shelter and degree of compliance with Kentucky animal shelter laws.

and degree of compliance with Kentucky animal shelter laws. Justin broke down a sixty-page report down to three or four pages so that the court could better understand the Humane Shelter Act laws. Our shelter was in violation back when the shelter was first built. He gave them a checklist of things that are looked at and scored upon. One of the main things at our shelter that is needed is impervious floors. The floors that the shelter has now you cannot properly sanitize or clean properly. The issue with the floors now is the spread of diseases and the contamination of worms, etc. Healthy animals can come into the shelter and leave with some kind of contamination. These diseases can also be passed onto family members.

Justin presented a quote from TaylorMade Decorative Concrete & Epoxy in the amount of \$15,117.50 for epoxy floors with a one-year warranty. They are willing to donate \$3,801.00 of the cost for materials and

labor. Friends of Powell County Pets are offering \$3000.00 to help which would leave a balance of \$12,510.00 for the counties part.

Justin has been talking to Shane New with Bluegrass Area Development and Bill Welsey to see if they could find some grants through Bluegrass Area Development to help with this cost.

With us being out of compliance we could be sued by any private citizen.

Every day the shelter is cleaned and sanitized but there are still issues. The urine has destroyed the metal on the gates.

Justin asked the court's opinion on the estimate for epoxy floors. Magistrate Lockard asked if this could be tabled until next month to see if we could hear anything from Bill Welsey regarding any grants.

Magistrate McKinney said he tried to call Shane New but did not hear back from him but there is grant monies for animal shelters we just must find them. He is going to a grant meeting in Morehead next Tuesday. He can ask about grant funding then.

A motion was made by Magistrate Mike Lockard and seconded by Magistrate Brian McKinney with all members voting in favor of tabling this discussion until the next meeting.

***Road Supervisor Patrick McCoy: (Approval for Patrick McCoy and Steven Haddix to attend CDL Training School)***

Patrick let members of the court do business usual. The road department will be even more short-handed after this week. One employee quit last week and another one gave his two-week notice. They are looking to hire operators, CDL drivers and truck drivers. Patrick also let them know the Mack truck sold at auction with a profit.

The discussion of putting together funding for CDL professional development. Patrick contacted a CDL school in Mt. Sterling. You must have a licensed instructor to do the CDL classes.

The cost of the CDL course would be \$4,000.00 per student. The class would take three (3) weeks to complete and would be Monday through Thursday. They have a 98% approval rate out of 6000 students. Patrick asks for court approval for himself and with Steven Haddix to attend the academy to receive their Class A CDL's.

The class is scheduled for October 23<sup>rd</sup> through November 9<sup>th</sup>, 2023.

A motion was made by Magistrate Chad Patton and seconded by Magistrate Dennis Combs with all members voting in favor for Patrick McCoy and Steven Haddix to attend the CDL Training School to receive their Class A CDL's. The cost of the tuition for the Class A CDL course along with any other expenses including physicals, testing, application fees and permits will be covered by the county for each person. Motion passed.

During the weeks that Patrick and Steven are gone other employees at the road department will be working on getting the salt trucks ready for winter.

Tim offered his help if something comes up while they are gone.

Patrick let members of the court know they had completed their 3<sup>rd</sup> round of mowing. They will be focusing on ditching and culvert replacement this spring. Patrick will be working on a paving to flex our funds. Magistrates need to turn in their list of roads to him.

***(Approval to Purchase a flatbed from Truck Beds of Ky LLC)***

Patrick presented a quote from Truck Beds of Ky LLC in the amount of \$3,130.00 for a flatbed. The flatbed is needed for the salt truck.

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Brian McKinney with all members voting in favor to allow the purchase of a flatbed in the amount of \$3,130.00 from Truck Beds of Ky. Motion passed.

***Solid Waste Coordinator Tim Snowden: (Discussion of curbside recycling)***

Tim let members of the court know the new addition is now under roof and the metal will be ordered too tomorrow.

The 2500 truck is needing repaired. It will be the end of November before Mann's in Mt. Sterling can look at it.

The compost site will be approved when paperwork is completed.

There is \$80,000.00 left in grant money. He wanted to know if members of the court were still interested in curb side recycling. He could purchase 500 Kirby's with the grant money. A change order would be needed to do this. We already have a truck that can be used for these Kirby's. He is interested in hiring someone to oversee the paperwork. There would be a monthly fee of \$10.00 per bin. If someone wants an additional one, it would be \$5.00.

Magistrate McKinney said Powell County is one of the lowest recycling counties in the United States.

Tim said he would have to talk to Stanton and Clay City Mayors to make sure they would be ok with them coming into the city limits because he wants it to be county wide.

A motion was Magistrate J.L. Bowen and seconded by Magistrate Dennis Combs with all members voting in favor to allow curbside recycling and grant Solid Waste Coordinator Tim Snowden to do a change order to do so. Motion passed.

Tim asks members of the court if they were ok with him, calling Tanner Dodge to see if they could look at his truck. Magistrate Combs suggested checking with Mann's in Richmond and Magistrate McKinney suggested checking with Derek Townsend.

***Approval to Solid Waste Coordinator Tim Snowden to attend The SWACK Meeting.***

A motion was made by Magistrate Chad Patton and seconded by Magistrate Dennis Combs with all members voting in favor approving for Solid Waste Coordinator Tim Snowden to attend the SWACK meeting in Danville on December 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup>. Motion passed.

***CSEPP/EMA Director:***

Kevin let members of the court know The Great Shake Out is October 19<sup>th</sup>, 2023. October is Earthquake awareness month. We can participate by opening our EOC if needed. If there was a major earthquake in Western Kentucky, we could assist by providing equipment such as light towers, beds and tents.

The After-Action report from the CSEPP drill came in. There was a good write-up about our EOC. There were some technical issues, but they were resolved. Helping with Estill County went smoothly. Instead of integrating they did teams. Powell did the medical part. We had some people step in and do some things they were not comfortable with, but it was done professionally. This was next to the last drill.

Next June there will be another drill but this time not sure what kind it will be. It may be a point of distribution or POD because we have a lot of problems with tornadoes, flooding, etc. They have talked about setting up different plans so when they come to Powell County, they will know where to bring tractor trailers full of water and food.

Operation Overview talks about terrorist activities relating to national and world problems. It's an overview of what we can do here in Kentucky.

Kevin attended the EM conference in Louisville. Texas AM Engineering has an EOC training for elected officials. They are willing to come to Powell County and train elected officials. If members of the court would be interested in this Kevin can plan the 8-hour course. The course consists of learning how to utilize communication within an EOC environment.

Court members told him they would be interested in the course. Kevin will get it set up sometime after the 1<sup>st</sup> of the year. He will check with members to make sure when they can attend. It will have to be set up as a fiscal court meeting due to having a quorum.

Magistrate Chad Patton ask him if it would qualify for their incentive hours. We could contact the Department of Local Government to see if this class could go towards their incentive hours.

***District Updates:***

Magistrate Mike Lockard – Nothing currently.

Magistrate Chad Patton – Nothing currently.

Magistrate Brian McKinney – Nothing currently.

Magistrate J.L. Bowen

Magistrate Dennis Combs – Dennis said he was asked to mention Michael Kelso's ditch. County Attorney Robert King asks what the issue is concerning the ditch. The ditch is off the right-of-way. Magistrate Dennis had it fixed a couple of years ago. He said the original problem was the ditch was filled in and he had them dig it out but since then the ditch has been sprayed with pesticides which causes erosion.

Larry Hall said he owns the majority in front of the ditch and the rear section belongs to Michael. Some of the leach lines on own Larry's property. A few years ago, heavy rain washed it out. Larry signed a wavier on the front part and Micheal signed a waiver on the back portion. Larry said they could come to his property to fix it if it was dry days. Juge Barnes said he had no problem with fixing it just as long as it's legal. Road Supervisor said that he did have some InSite on it. There was a KRS in 1947 that states that a county road engineer or supervisor is forward the ability to go on private property in the event of flooding roadway or a flooded roadway. This may be helpful in deciding in fixing the problem. Patrick said he could personally be held liable for this if something was to come about. Magistrate Bowen asked them how it would benefit the county. Patick said he did not know that it would benefit the county. Larry said it would benefit aal of the runoff on Kings Road. Larry said he was told by the previous court that it would be fixed. Magistrate Combs has done his part in trying to help.

After discussion County Attorney Robert King said he would like to go look at the ditch before he could comment on it.

***Approval of Danny Rogers 2023 Incentive Hours: Pursuant to KRS 64.5275 (6)***

Sheriff Danny Rogers completed 40 hours of training for calendar 2023. The value of an incentive payment for 2023 is \$1,245.81. Sheriff Rogers successfully completed 4 units and is due 4 incentive payments totaling \$4,983.24.

A motion was made by Magistrate Dennis Combs and seconded by Magistrate Brian McKinney with all members voting in favor approving an incentive payment in the amount of \$4,983.24 to Danny Rogers for the calendar year 2023. Motion passed.

**Dispatch Director Larry Hall:**

Larry told members of the court that every full-time dispatcher now is academy trained. They already had two full-time spots. Last week one of the full-time dispatchers went to a part-time status. Larry would like to move Crystal Houndshell to a full-time position. She will be on a one-year contract. She will take the place of full-time position that Danielle Rowland held. Danielle will now be in a part-time position. One of our part-time employees is going on military leave.

A motion was made by Magistrate Chad Patton and seconded by Magistrate Mike Lockard with all members voting in favor to move Crystal Houndshell from a part-time position to a full-time position. Motion passed.

Larry also made members of the court aware that we got the approval letter from the state approving grant money for updating the CAD system. The CSEPP and county has paid for their parts for our new phones. We are waiting on AT&T to do their part in upgrading the system.

Larry told members of the court that the starting rate for dispatchers was \$10.00 per hour, which has now been increased to \$12.00 per hour. This is for full and part-time employees.

The pay scale started at \$12.00 per hour, after academy they move to \$13.00 and full-time employees after the 6-month probation receive a .50 cent increase.

Larry would like to ask for the starting pay to be increased to \$13.00 and still add the \$1.00 an hour for academy trained employees with the one-year contract. They take a lot of applications, but we are not getting qualified people to apply.

The increase would move Crystal to \$13.00 per hour, after the academy she would go to \$14.00 per hour and after six months her rate would be \$14.50 per hour. Larry said that we should be receiving more money from the state because everything has been updated.

He would like approval to increase Stevie Townsend hourly rate from \$13.86 to \$14.50 per hour. Any future hires that's academy trained would start at \$14.00 per hour and after that six-month probation move to \$14.50.

Magistrate Chad Patton said he thinks we are going to need to do this for all departments, but the question is where the money will come from.

Larry said himself along with Justin and Tisha's got an invite to become part of the TERT team which dispatchers all over the United States can help in major disasters. They are going to send their paperwork in for this.

Magistrate Brian McKinney asks Larry if he ever checked with the cities to see if they could help with funding for our dispatch. Judge Barnes said the cities would not do it right now because it's not the beginning of their budget cycle. Magistrate J.L. Bowen asked how much money this would be to approve these increases.

Larry said he was not sure how much money it would be. The County Treasurer told them the shortage would have to come from the general fund.

Magistrate Brian McKinney ask Patick what the rates was at the road department for starting employees. Patrick told him it was \$12.00 starting out and then they would get the .50 cent increase after the probation period. CDL drivers would start out at \$13.00 per hour.

Tim told him that his employees start out at \$10.00 per hour and now they are making \$12.00 per hour. Judge Barnes said we are cleaning up the last administration's mess. There are a lot of things we are playing caught up on. We need to move these people's pay up so they can make a living. If it takes



raising taxes to move these people up to what they should be making, then we must do something. It's been going on way too long without being fixed.

Magistrate Brain McKinney said he thinks \$13.00 per hour should be the minimum rate starting out. Maybe we can split the difference now and next year if the cities help, we can increase rates, then.

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Brain McKinney with all members voting in favor to approve \$12.50 for the starting rate, after academy an increase of \$1.00 making the rate \$13.50 and an additional .50 cent after their 6-month probation making a total of \$14.00 per hour this motion also approve the request for Stevie Townsend rate of pay to moved \$14.00 per hour starting the on the pay period of October 13<sup>th</sup>, 2023. Motion passed.

**EMS Building Renovation: Quotes Submitted: Codell Construction & Modern Edge LLC Construction:**

Judge Executive Eddie Barnes gave each member of the court copies of diagrams and quotes submitted from the two companies that were interested in the renovation of the EMS building.

He let members of the court know that Modern Edge LLC Construction is his sons-in-law's company so he would not be abstaining from voting.

**The estimate for the Powell County EMS Project submitted from Codell Construction reads:**

**Based on the square footage of 5,600 and utilizing a wood framed structure with hardi board siding and shingled roof:**

**Construction Cost budget of \$1,624,000.00**

**Soft Cost Budget of \$362,000.00**

**Total Project Budget Cost - \$1,986,000.00**

**The estimate for the Powell County EMS Project submitted from Modern Edge LLC Construction reads as follows:**

**Engineered floor system.**

**Spray foam insulation**

**9ft ceiling height**

**Zone controlled HVAC.**

**Dimmable lighting**

**Drywall and ceiling**

**Metal roof**

**Metal wall concerning with 3ft stone wainscoting.**

**Demo and debris removal Extra budget for Ambulance Bay \$75,000.00**

**Total: \$1,585,000.00 Contingency budget to cover changes unforeseen, etc.-\$265,000.00**

After discussion members of the court figured that the quote submitted from Codell Construction would be \$354.64 per square foot and Modern Edge LLC Construction would be \$480.51 per square foot.

Magistrate Dennis Combs said his suggestion would be to go with Codell Construction.

A motion was made by Magistrate Dennis Combs and seconded by Magistrate Chad Patton to go with Codell Construction for the renovation of the EMS building. Motion passed.

Magistrate Mike Lockard – Opposed

Judge Executive Eddie Barnes – Abstained from voting.

Judge Barnes said he would contract Codell Construction to let them know about the decision that was made. Magistrate Brian McKinney said that he would like a few more details in the design.

**Bobcat L85 Compact Wheel Loader – Transfer Station:**

Solid Waste Coordinator Tim Snowden submitted a quote from Bobcat Enterprises for a Bobcat L85 Compact Wheel Loader in the amount of \$107,290.31.

Tim asks for approval to go to North Carolina to see this bobcat in person before the actual purchase. Tim told members of the court he would try to see if he could find this piece of equipment closer than North Carolina.

A motion was made by Magistrate Chad Patton and seconded by Dennis Combs with all voting in favor to approve all expenses for Tim to go and look at this piece of equipment and approve the purchase of a Bobcat L85 in the amount of \$107,290.31 from Bobcat Enterprises. Motion passed.

**Assistant Tax Administrator/Economic Development Hire:**

Judge Barnes let members of the court know that Brinton Epperson planned on resigning from his position of Assistant Tax Enforcer due to him having too much to do at this time.

Magistrate Mike Lockard asked if the salary for this position would be \$35,000.00. Judge Barnes told them that was correct.

The five applicants to apply for this position were Arlene Short, David Curtis, Anna Webb, Paula Elliott and Kevin Noel. Judge Barnes said in his opinion if this person is aggressive in doing the delinquent taxes and can help with economic development it will be a great program. In his opinion he thought Kevin Noel would be the best for this position. He is qualified to do the job plus being retired will save the county money on retirement and insurance. Judge Barnes said there were good people that applied which included Arlene Short and David Curtis.

A motion was made by Magistrate Chad Patton and seconded by Magistrate Mike Lockard with all members voting in favor to hire Kevin Noel for the position of Assistant Tax Administrator and Economic Development. Motion passed.

**Motion to go into Closed Session 61.810 (1) (F) (Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee)**

A motion was made by Magistrate Mike Lockard and seconded by Magistrate Chad Patton with all members voting in favor to go into closed session. Motion passes.

**Motion to resume session.**

A motion was made Magistrate Mike Lockard and seconded by Magistrate Chad Patton with all members voting yes to come back into session. Motion passed.

As a result of the discussion in closed session members of the court agreed to suspend an employee employed with the Powell County Fiscal Court **without pay** until all the legal issues are resolved.

A motion was made by Magistrate Mike Lockard and seconded by Magistrate J.L. Bowen with all members voting in favor to **suspend** an employee employed by the Powell County Fiscal Court **without pay** until all the legal issues are resolved. Motion passed.

**Motion to adjourn:**

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Mike Lockard with all members voting in favor to adjourn. The Meeting adjourned at 8:27 p.m. Motion passed.

ELOBS

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Eddie Barnes

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F.L. Bowen

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Dennis Combs

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Mike Lockard

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Brian McKinney

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Chad Patton