

**POWELL COUNTY FISCAL COURT**

**REGULAR CALLED MEETING**

Date: **November 14<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. Invocation
- II. Pledge of Allegiance
- III. Roll Call
- IV. Public Comments
- V. Clerk's Report (Meeting Minutes) of Last Meeting
- VI. Bills Submitted for Payment
- VII. Approval Treasurer's Financial Statement
- VIII. Approval Treasurer's Transfers/Amendments
- IX. Old Business
- X. New Business
- XI. Department Head Updates
- XII. District updates

***Items to be discussed:***

- ***Nick Rose***
- ***Rita Tolson – Tourism Update***
- ***Broadband Committee***
- ***Opioid Abatement Committee***
- ***Solid Waste Coordinator Tim Snowden – Take Roll off Truck to Auction***
- ***Drug dog***
- ***Motion to approve ARC Resolution***
- ***Motion to approve KDPI Resolution***
- ***Powell County Extension Board Appointments***
- ***Powell County Library Board Appointments***
- ***Magisterial Redistricting***
- ***Second Reading Budget Amendment #2 FY Budget 2023-2024***
- ***Motion to approve to go into Closed Session, per KRS 61.810 (1),(F)***
- ***Motion to approve to return to open session.***

- XIII. Motion to Adjourn
- XIV. Next Meeting December 12<sup>th</sup>, 2023

**Powell County Fiscal Court**

**Regular Called Meeting**

**November 14<sup>th</sup>, 2023**

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

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

**33 Commerce Drive**

**Stanton, Kentucky 40380**

Present: Powell County Judge Executive Eddie Barnes, Fiscal Court Clerk/Treasurer Connie Crabtree, County Attorney Robert King, Magistrate Brian McKinney, Magistrate Chad Patton, Magistrate J.L. Bowen, Solid Waste Coordinator Tim Snowden, Ambulance Director Nathan Hall, CSEPP/EMA Director Kevin Babcock, Dog Warden Justin Rice, Rita Tolson and Pete Fingerson with Powell County Tourism, Brandon Farmer Powell Patriot, Dispatch Director Larry Hall, County Clerk Jackie Everman and LeAndre Knox.

County Judge Executive Eddie Barnes called the meeting to order.

Kevin Babcock offered the prayer.

County Judge Executive Eddie Barnes 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- Absent**

**Magistrate Brian McKinney – Present**

**Magistrate Mike Lockard - Absent**

**Magistrate Chad Patton – Present**

**Powell County Tourism Director Rita Shepherd Tolson & Powell County Tourism Assistant Director Pete Fingerson.**

Powell County Tourism Director Rita Shepherd Tolson advised the court of any ongoing lawsuit against Airbnb regarding the company's failure to present the transient tax to the respective tourism commission. The commission must notify and seek compensation from renters directly.

Powell County Tourism Assistant Director Pete Fingerson went to represent Powell County at one of the meetings and Louisville was number one in short term rentals, Lexington is number two, Summerset is number three and Powell County is number four.

Rita also advised members of the court that she would be retiring in a couple of months and Assistant Director Pete Fingerson is set to replace her as Director. He has been training through the state to prepare him for this position. Rita said she has enjoyed serving the county and felt like she has done a good job.

Rita turned some names in to the County Attorney that has not been paying with the understanding that he has permission to do what he needs to do. County Attorney Robert King said he wanted to make sure about the law. It is his belief that Airbnb and BRBO's are supposed to be paying. He asks if the list of names she gave him were people the cabin owners that were renting through Airbnb and BRBO's. She told him that some of names are. Our county ordinance reads that they are to pay 3% transient tax.

Magistrate Brian McKinney told Robert to verify if they were collecting and if they were not then move forward with pursuing this. Robert told Rita that a complaint would have to be signed and then they would have to come to court. Rita said that she would sign the complaint.

The last thing Rita said she wanted to discuss what cleaning up Slade Hill. She asks if some of the inmates could help with this. Solid Waste Coordinator Tim Snowden told her that he would put this on the list to be done.

***Meeting Minutes for the October 10<sup>th</sup>, 2023, regular meeting:***

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Chad Patton with all members present voting in favor to approve the meeting minutes of the October 10<sup>th</sup>, 2023, regular meeting.

Motion passed unanimously.

***Bills Submitted for Payment:***

Bills submitted to members of the court for payment approval.

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

***Treasurer's Transfers:***

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

A motion was made by Magistrate Brian McKinney and seconded by Magistrate Chad Patton with all members present voting in favor of approving all transfers to include interfund, cash transfers. Motion passed unanimously.

***Financial Statements:***

The Treasurer presented the 10/1/23-10/31/23 financial statement, cash statements for court approval.

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

***2<sup>nd</sup> Reading of Budget Amendment # 00000002:***

The treasurer presented budget amendment # 00000002 for the 2<sup>nd</sup> reading. The budget for the current fiscal year is amended to increase the receipts of the Road Fund totaling \$220,875.00.

State Local finance Officer Robert Brown signed the amendment on October 11<sup>th</sup>, 2023.

A motion was made by Magistrate Brian McKinney and seconded by Magistrate Chad Patton with all members present voting in favor to approve the 2<sup>nd</sup> reading of budget amendment # 00000002 in the total amount of \$220,875.00. Motion passed unanimously.

***Old Business:***

None currently

***Solid Waste Coordinator Tim Snowden:***

***Solid Waste Coordinator Tim Snowden*** made members of the court aware that Caleab Everman sent a quote in the amount of \$2,500.00 for doing a backhoe modification bucket. This would be cheaper than purchasing a new one.

A motion was made by Magistrate Chad Patton and seconded by Magistrate J.L. Bowen with all members present voting in favor to approve the quote in the amount of \$2,500.00 from Calaeb Everman for doing a backhoe modification bucket. Motion passed unanimously.

Tim invited members of the court to come and see the new loader that should arrive on Thursday morning.

He also let them know that the company he had been talking to about purchasing a new chipper does not have state contracting pricing. If Tim cannot find a company that has state contracting pricing, then we will have to put it out to bid.

Tim spoke of a press release that would be announced on November 15<sup>th</sup>, 2023.

The Kentucky Beverage Association announces that the association will be investing \$30,000.00 to bring recycling to 500 homes throughout Powell County. As part of Powell County's curbside recycling pilot program, the KBA is providing 500 homes with free, 95-gallon large, lidded rolling recycling carts, ensuring affordable and accessible recycling for residents. The recycling bins will be delivered to homes by early 2024 and the County will begin operating their first curbside recycling program.

Tim said that the court had agreed to buy the Kirby's if he could find the money to purchase them.

He talked to Rehrig Pacific Company about purchasing them. We are waiting for the check from Kentucky Beverage Association so that can happen.

The original invoice had taxes and fright charges on it. The company removed the taxes and since Tim is going to Kingsport so he will go on from there to pick up the rolling recycling carts to save on the fright charges. Tim said he would like to have a workshop with Eddie, Stephanie and Connie to discuss the recycling plan.

As of now we plan on picking up the recycling every two weeks.

***Hiring of Marlene Adams – Transfer Station Clerk:***

***Solid Waste Coordinator Tim Snowden*** asked for court to hire Marlene Adams at a part-time status as the Transfer Station clerk to be the call center for the curbside recycling. Tim said he has gotten permission to use \$3,000.00 of the monies to purchase I pads to be used for curbside recycling.

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Chad Patton with all members present voting in favor to hire Marlene Adams at a part-time status as Transfer Station Clerk to oversee the curbside recycling program. Marlene will work 20 to 30 hours per month at a rate of \$12.00 per hour. Motion passed unanimously.

***Approval for Expenses for Solid Waste Coordinator Tim Snowden to go to Georgia to pick up rolling recycling carts.***

A motion was made by Magistrate Chad Patton and seconded by Magistrate Brian McKinney with all members present voting in favor of paying all expenses endured for Solid Waste Coordinator Tim Snowden to go to Georgia to pick up the rolling recycling carts. Motion passed unanimously.

**Approval for Expenses for Solid Waste Coordinator Tim Snowden to go to Alabama to take the Mack Roll Off truck to be sold at auction:**

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Brian McKinney with all members present voting in favor of paying all expenses endured for Solid Waste Coordinator Tim Snowden to go to Alabama to take the Mack Roll Off truck to be sold at auction. Motion passed unanimously.

**Dog Warden Justin Wright:**

**Dog Warden Justin Wright** made members of the court aware that he had been having some medical issues recently.

During the last meeting Justin turned in an invoice from Taylormade Decorative Concrete & Epoxy in the amount of \$15,510.00 to epoxy the floors at the animal shelter. Justin has talked with Bluegrass Area Development about grants that may be available to help with improving the animal shelter.

Unfortunately, currently there is unavailable.

Justin told members that if they approved this invoice submitted by Taylormade Decorative Concrete & Epoxy they could incremental payments of three.

1/3 Deposit

1/3 Day of Work

1/3 Completion

Taylormade will take off \$3,801.38 of the quote.

Friends of Powell County Pets is donating \$3,000.00.

County Portion to pay would be \$12,510.00.

There would be a one (1) year warranty on the floors.

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Brian McKinney with all members present voting in favor to approve the invoice from TaylorMade Decorative Concrete & Epoxy in the amount of \$15,510.00 to epoxy the floors at the Powell County Animal Shelter. The court agreed to make three (3) incremental payments. Motion passed unanimously.

There was a brief discussion on purchasing new gates at the animal shelter. Members of the court decided to discuss this later.

No Action was taken at this time.

**District Updates:**

**Magistrate Chad Patton** – Walker has completed the road projects. Treasurer Connie Crabtree let members of the court know that Walker submitted their invoice in the amount of \$149,313.09 for payment. It will be on the vendor claims list for payment approval.

**Magistrate Brian McKinney** – No discussion currently

**Magistrate J.L. Bowen** – No discussion currently

**Judge Executive Eddie Barnes** – ARC and KDPI grants have been in totaling \$900,000.00 to be used for the Clay City Industrial Park.

Talking to people on the state and government level about funding for a new health department.

Talking to John Brewer about the deed for Homestead Subdivision.

New hire Kevin Noel has collected \$28,300.00 in business licenses to date.

***Powell County Clerk Jackie Everman – Magisterial Redistricting:***

Powell County Clerk Jackie Everman passed out documents showing the new mapping and the Magisterial District boundaries for District 1,2,3,4 and 5. She explained that the modifications were meant to condense and consolidate areas more accurately reflecting district representation. She also said that she was almost positive that the school board was willing to accept the proposed changes. A few months ago, James Whisenhunt with Bluegrass Area Development attended a meeting to discuss changes in the Magisterial Districts.

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Chad Patton with all members present voting in favor to approve the redistricting changes in Magisterial Districts 1,2,3,4 and 5. Motion passed unanimously.

***First Reading Ordinance NO: 2023-05: An Ordinance Establishing the updated Geographical Boundaries for Magisterial District in Powell County.***

Whereas KRS 67.045 sets out the legal process requiring that county magisterial boundaries be redrawn based upon population figures resulting from each decennial census.

Now Therefore, Be It Ordained that the report of the Magisterial Reapportionment Commission is hereby adopted in full be reference and the changes in the geographic boundaries as recommended by the Commission to magisterial districts 1,2,3,4 and 5 are hereby approved to become effective on December 12, 2023.

This ordinance will be published in the paper. The second reading will be held on our next regular meeting dated December 12<sup>th</sup>, 2023.

***New Business:***

Nick Rose – Mr. Rose was on the agenda to speak but he was not present for the meeting.

***Powell County Broadband Commission: Approval for Mountain Telephone to perform technical assistance for high-speed internet services in Powell County:***

Magistrate Brian McKinney spoke on behalf of the Broadband Commission. He made members of the aware of the Broadband Commission conducted Oral presentations/Interviews with AT&T and Mountain Telephone. They were the two highest scoring respondents to the request for proposals regarding Technical Assistance for high-speed internet services for Powell County, Kentucky.

After thorough evaluation of all respondents the Powell County Broadband Commission recommended that the Powell County Fiscal Court proceed into negotiations and subsequent agreement, with Mountain Telephone to preform Technical Assistance for high-speed internet services for Powell County. The Commission believes that the proposal submitted by Mountain Telephone provides the best overall value for Powell County from both cost and technical standpoint.

The state has 1.1 million dollars to put towards broadband services. They are estimating 12 to 16 million to finish Powell County. If we partner with Mountain Telephone it will be a private public partnership. The county will have to put up some funds to get this done. They are estimating the funds to be between \$200,000.00 to \$250,000.00. They would supply the rest of the funding through grants. As the grant is written the county must put funds toward it. The other company wanted three million dollars to do the project. Mountain Telephone has been great to deal with. They are in the Morgan, Magoffin, Menifee and Wolfe counties. These counties have 100 percent high speed internet fiber lines.

Crystal Broadband got a grant for Powell County. They will be doing Hardwicks Creek, Little Hardwicks Creek, Frames Branch and part of Furnace Mountain.

Mountain Telephone should start working in the Eastern part of the county and should start selling internet service by next July. Magistrate McKinney asked that the court approve the request and go with Mountain Telephone. Negotiations will take place to see what their price will be.

Judge Barnes said we could talk to the state about getting some funding to help Powell County.

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Chad Patton with all members present voting in favor to approve the Powell County Broadband Commission recommendation to go with Mountain Telephone to perform technical assistance for high-speed internet service in Powell County adding that details must be discussed, and negotiations be pursued. Motion passed unanimously.

***Opioid Abatement Committee:***

LeAndre Knox, Rural Health was present for the meeting to discuss the Opioid funds. Powell County will receive \$1,243,993.00 from the Opioid Settlement that will be paid out in yearly installments until 2038. The distribution of these funds is dictated by state guidelines and are dispersed based on the community needs. The funds can only be utilized for programs or projects that combat opioid abuse.

She made them aware of a round table discussion that had taken place. Those attending the meeting were Eddie Barnes, Judge Executive and Police Department, Brian McKinney, Magistrate, Neal Hamilton, Jail, Jenell Brewer, SPARK, Stacy Crase, along with herself, Rural Health.

Listed below are 7-line items that the group would like to recommend.

\$85,000.00 Jail – Contribution towards a body scanner (\$212,000.00 total cost)

\$22,000.00 Jail – Incinerator to destroy drugs

\$50,000.00 Health Department – Harm Reduction Coordinator

\$50,000.00 Health Department – Peer Support/Advertising

\$12,000.00 Health Department – Advertising/Promotions

\$3,649.00 Health Department – Transportation

\$38,000.00 TBD – Prevention program for the schools

LeAndre said they have been trying to get ahold of Brian Hubbard with the Attorney General's office to discuss spending funds on these items.

Judge Barnes suggested this information be discussed with the Attorney General office to ensure that the money is spent properly to avoid and liability and issues.

No Action Taken

***Drug Dog: Approval to purchase dog from the City of Clay City***

Judge Barnes said he feels we need to purchase the dog from the City of Clay City. The dog currently is at Jakes' house. It is not being used for what it was trained for. The City of Clay City is asking \$12,000.00 for the purchase of the dog. Judge Barnes said that \$6,000.00 could be taken out of the Alcohol Beverage Account. Judge Barnes said that he would talk to Mayor Bobby Carmicheal to see if they would be willing to take less for the dog.

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Brian McKinney with all members present voting in favor to purchase the drug dog from the City of Clay City in the total amount of \$12,000.00. This amount also approves \$6,000.00 to be taken from The Alcohol Beverage Control Account to go towards the purchase amount. Motion passed unanimously.

***Approval of Resolution 2023-0005: ARC Resolution***

***Supporting Submittal of an Economic Development Fund application to the Kentucky Economic Development Cabinet by Powell County. For Improvements to the Clay City Business Park Located within Powell County, Kentucky***

A motion was made by Magistrate Brian McKinney and seconded by Magistrate Chad Patton with all members present voting in favor of approving ARC Resolution 2023-0005. Supporting submittal of an economic Development fund application to the Kentucky Economic Development Cabinet by Powell County for Improvements to the Clay City Business Park located with Powell County, Kentucky. Motion passed unanimously.

***Powell County Extension Board Appointments: Appointments of Linda Swango & LeAndre Knox:***

Judge Barnes made members of the court aware that two appointments needed to be made to fill the vacant positions of Christina Randall and Larry Young which will expire on 12/31/23.

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Chad Patton with all members present voting in favor to approve the appointment of Linda Swango to the Powell County Extension Board for a three-year term. Ms. Swango will take the position formerly held by Larry Young. Motion passed unanimously.

A motion was made by Magistrate Brian McKinney and seconded by Magistrate Chad Patton with all members present voting in favor to approve the appointment of LeAndre Knox to the Powell County Extension Board for a three-year term. Ms. Knox will take the position formerly held by Christina Randall. Motion passed unanimously.

***Powell County Library Board Appointments: Reappointment of William Billy Rice***

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Brian McKinney with all members present voting in favor to approve the re-appointment of William Billy Rice to the Powell County Library Board. Motion passed unanimously.

***Ambulance Director Nathan Hall: Discussion of Employees attending an Advance Class:***

Ambulance Director Nathan Hall made members of the court aware that he had five (5) employees interested in going to an Advanced Class. It's the same class that some employees attended last year. The cost of the class would be \$1,200.00 per person. Nathan said they could sign an 18-month contract if the court approved for them to attend the class.

Judge Barnes said his opinion would be for the employees to sign a two (2) to three (3) year contract versus the 18 month one. Nathan said if they must sign a two (2) year contract they will not sign up for it. Nathan said they have been talking about doing their own Advance Class.

If these five employees did take the class that would allow our ambulance service to run ALS all the time. They all would be advanced paramedics.

Magistrate Chad Patton and Magistrate Brian McKinney both agreed to an 18-month contract.

Magistrate J.L. Bowen and Judge Barnes agreed to a 2-year contract. Judge Barnes asked if he was allowed to break a tie in the instance. The County Attorney said that he could get an extra vote in some circumstances but in some of these circumstances the tie must exist for so many days. The County Attorney will have to check on this.

This discussion is Tabled Until the Next Meeting.

***Closed Session KRS 61.810 (1) (F): A discussion which might lead to the appointment, discipline or dismissal of an individual.***

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Brian McKinney with all members present voting in favor to go into closed session. Motion passed unanimously.

***Meeting Resumes: Terminated of Justin Watkins***

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Chad Patton with all members present voting in favor to come out of closed session and resume meeting. Motion passes.

Discussion in closed session resulted in termination of Part-time Dispatcher Justin Watkins.

A motion was made by Magistrate Chad Patton and seconded by Magistrate J.L. Bowen with all members present voting in favor to terminate Justin Watkins as an employee with the Powell County Fiscal Court effective immediately. Motion passed unanimously.

***Adjournment:***

A motion was made by Magistrate J.L. Bowen and seconded by Magistrate Chad Patton with all members present voting in favor to adjourn the meeting.

***Next Meeting Date: December 12<sup>th</sup>, 2023.***

E O B S

**Eddie Barnes**

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**J.L. Bowen**

J.L. Bowen

**Brign McKinney**

Brign McKinney

**Chad Patton**

Chad Patton