

**POWELL COUNTY FISCAL COURT**

**REGULAR CALLED MEETING**

**AUGUST ~~10<sup>th</sup>~~ 2016**

**6:00 P.M.**

**LOCATION – COURTHOUSE**

**A G E N D A**

- I. Call Meeting To Order
- II. Roll Call
- III. Clerk's Report of Last Meeting
- IV. Bills Submitted for Payment
- V. Financial Statement presented for Court's review
- VI. Approval Treasurer's Transfers/Amendments
- VII. New Business

Items to address:

- **ZONING**
- **JAILER TRAVIS CRABTREE UPDATES**
- **POLICY AND PROCEDURES**

**POWELL COUNTY FISCAL COURT  
REGULAR CALLED MEETING  
AUGUST 16<sup>TH</sup>, 2016  
6:00 p.m.**

Present: James Anderson, County Judge Executive  
Connie Crabtree, Fiscal Court Clerk  
Robert King, County Attorney  
Danny McCormick, CSEPP Director  
Arlene Rogers, Assistant Ambulance Director

Judge Anderson called meeting to order at 6:00 p.m.

Judge Anderson asked the clerk to call roll:

Magistrate Donna Gabbard- Present

Magistrate Keith Hall – Present

Magistrate Mike Lockard – Present

Magistrate Kenneth Rice – Present

Magistrate Timmy Tipton – Present

Dickie Rice addressed the court with concern about the property next to his. He told the county that the yard had grown up. Mr. Rice has property on both sides of this house. He was there to ask the county if they could anything to help clean the property. Judge Anderson said this is the reason the county needs to be zoned because the county has no means to do anything about these situations. The court told Mr. Rice that they are looking into enforcing an Ordinance for such cases.

**No action taken**

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to **approve the Clerk's report for the July 19<sup>th</sup>, 2016 regular called meeting.**

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

A motion was made by Magistrate Hall seconded by Magistrate Tipton to **approve Clerk's report for the July 22<sup>nd</sup>, 2016 special called meeting.**

**Magistrate Gabbard – Aye**  
**Magistrate Hall – Aye**  
**Magistrate Lockard – Aye**  
**Magistrate Rice – Aye**  
**Magistrate Tipton – Aye**  
**Judge Anderson – Aye**

A motion was made by Magistrate Rice seconded by Magistrate Hall to approve Clerk's report for the August 4<sup>th</sup>, 2016 special called meeting.

**Magistrate Gabbard – Aye**  
**Magistrate Hall – Aye**  
**Magistrate Lockard – Aye**  
**Magistrate Rice – Aye**  
**Magistrate Tipton – Aye**  
**Judge Anderson - Aye**

Magistrate Tipton asked if the Judge had heard anything about the case involving Ralph Combs horses. County Attorney Robert King said that Mr. Combs is questioning his attorney about getting his horses back. The Judge told Mr. Combs that the horses would be used for evidence. Mr. King said he agrees with the Judge if the case goes on any longer that they will probably need to litigate the cost.

Treasurer presented court members with the 4<sup>th</sup> quarter report and a copy of the budget transfers that were made to balance lines in each fund.

A motion was made by Magistrate Gabbard and then seconded by Magistrate Lockard to approve Treasurers transfers as presented.

**Magistrate Gabbard – Aye**  
**Magistrate Hall – Aye**  
**Magistrate Lockard – Aye**  
**Magistrate Rice – Aye**  
**Magistrate Tipton – Aye**  
**Judge Anderson – Aye**

The Treasurer presented the financial report for court's review.

1<sup>st</sup> reading of Budget Amendment #1 for the extra receipts received for the road fund truck license.

#### Updates:

Judge Anderson told court members that a majority of his time the past weeks have to been dealing with the issue at Tennessee Gas Pipeline. The Judge said he now has all the soil test's that had been taken up to sample #39. He has the copies of the results if anyone ask to see them. They are welcome to come to the office or we can get a copy of them. Mr. Anderson told members that they were going to meet with individuals that were effected to go over results and answer any questions they may have. The Judge also said he plans to follow up with individuals to make sure they are content with what they are told.

#### New Business:

##### Discussion of Zoning.

Judge Anderson said he is an advocate of moving towards some kind of merged government. He said he had spoken with Mayor Allen and KACO and plans on having some people come down in October and have a meeting to answer any questions one may have. The Judge said it may is a good idea to wait and see if this is the path they choose to take it would be pointless to do it twice. If there is not enough interest then the court can go back and revisit it.

Jailer Travis Crabtree will be present for the meeting in September to give the court updates on the jail expansion project as well as the incarceration program.

Next was the discussion of the Policy and Procedure manual. Judge Anderson said the court needs to have a meeting concerning the sick time. It needs to be re-visited to make sure that's it reads correct and that the employees understand it. The Judge asked the court members to read it (page 27) before the next meeting and give their thoughts on it. Magistrate Tipton said he is concerned that there are multiply copies floating around and asked if a copy of the updated one could be scanned and emailed to each Magistrate. Mr. Tipton said they need to make sure the most current is what they are reviewing. Judge Anderson said we do have the original file and he thinks the newest on is in 2013.

#### Other business:

Judge Anderson said he had two request on right of ways. The first one was on Hurley Road off of Frames Branch. The county just put blacktop and a new bridge in the last two years. Judge Anderson said it's kind of like one if those situations that we inherited a road that had a water line in the center of it. One of the property owners has had numerous water leaks. The Judge said it seems like every month we get a call about a water leak and it's not our job to dig it out of the road but at the same time we don't want someone tearing the road all to pieces. He said

the road department has actually went and tried to minimize the amount of cutting in an orderly way. The amount of leaks has accelerated over the past few months. Judge Anderson said he had spoken with Road Foreman Gary West and they both agreed that they cannot continue to do this. Judge Anderson said when the property owner called he told him he needed to consider relocating the water line. The property owner has agreed to get someone to come and run it along side of the road but needs court approval to put the water line in the county right of way. Judge Anderson said we have always granted the approval with the stipulations that if any damage is done to the road the property owner will be responsible. Magistrate Tipton made a motion seconded by Magistrate that if the land owner runs the water line to Road Foreman Gary West specifications and that if any damages is done to the road in the process of locating the right of way the landowner would be responsible for any damages done to the road. Mr. West will be responsible for taking inventory and pictures of the conditions of the road for the entirety of the project. After completion if there are any damages the home owner will be responsible for any damages.

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

The second request was from Mr. Jim and Mrs. Virginia Carpenter, 2309 Upper Cane Creek Road. He presented a letter of petition to install steel casing for the installation of gas line. He is basically wanting to locate a gas line on his property. Mr. Carpenter plans to get someone to install steel casing beneath the current county roadway. Steel casing to provide casement for well gas line to be installed for new home site. Steel casing is to be installed upon notification to 811 Call Before You Dig to insure no interference with any other lines or utilities. Steel casing will be staked and identified at both ends to provide visual notification. Installers for this project will be R.J. Utter back and Mr. Carpenter.

A motion by Magistrate Rice seconded by Magistrate Hall to grant Mr. Carpenter's request to install steel casing for the installation of gas line. (The letter of request will follow minutes)

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Judge Anderson gave courts members a copy of the County Clerk's Audit for the review

The Powell County Extension Office was the next topic on the agenda. The Judge told members that he is on the extension board due to him holding the office of County Judge Executive. The Extension office is in the process of adding a storage on to their building. The judge told court members that it is county property and naturally they would have to get court approval to do this addition. The property makes an L shape out in front of Joann Crowe's property where the cut through is on Maple Street. They are proposing coming off there and extending it. The Judge said he had spoken with Valarie Stewart and she ask him to look into it. The Judge said they knew it was leased to the Extension Board but didn't know the terms or if there were a plat with it. He said the only thing he has been able to find up to this point was a lease that was filed in the Clerk's office on October 9<sup>th</sup>, 1991 that basically states that they have a 99 year lease with the dollar a year deal but does not specify any acreage or any plat it just speaks of the lot. Judge Anderson asked the court if they had any thoughts. Magistrate Tipton asked if that would interfere with anyone going from the parking lot onto the street. Judge Anderson said he was told at the last extension board meeting that it would be 8 ft. off the building and would come into the road that you drive through to cut out on to Maple Street and they were further thinking that down the road that they would like to have some kind of enclosure probably in the form of a chain link fence to put their grills and stuff. Judge Anderson said he expressed his concerns that he thinks that county should always maintain county access for future reasons.

Judge Anderson told court members that they are a lot of factors and he has some concerns about the past financial situation. Magistrate Tipton asked about their funding. He said he knew that the Governor had made some cuts to several programs. Mr. Tipton asked the Judge if thought this would put a financial burden on the board with any of their programs. The Judge told Mr. Tipton he knew by sitting on the board that like everywhere else money was drying up and that it would one of those situations when Rita Shepherd took over she worked very hard to try and get things back in order.

Judge Anderson told members that he thought two from the grounds committee should go and take a better look at what they are wanting to do. He recommended getting the plat to review and get a better idea. The court will re- visit this again in the September court meeting.

**No Action taken**

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

Brinton Epperson was present for the court members to give his updates on the occupational tax collection. He said he had a couple of new tax papers to sign up. Mr. Epperson is going to

meet with someone from Branson and see where their vendors are on the timeline to see which ones are working and which ones are not.

Judge Anderson they are aware of a couple at Hart's Orchard. The companies are Conn Logging and Smith Lumber. Magistrate Lockard asked about the company that came in here from the Tennessee Gas clean up. Judge Anderson said he had spoken with one of the project managers at the meeting they had to discuss the cleanup. He expressed how difficulty we had with their sub-contractors they had on site working at the plant in Clay City a few months back and it would be very much appreciated if they would not permit them to start the clean up until they have come in the office and filled out the necessary paper work. Judge Anderson said there was also what he thought was going to be a logging operation on Pilot Road and him and Mr. Epperson had left a note to contact the office.

Road Foreman Gary West also was present for the court meeting and presented three quotes for snow equipment for the new Dodge that was purchased a few months back. The quotes were for a snow plow and spreader. Magistrate Tipton asked if Mr. West if the quotes could be negotiated due to them not being a sealed bid. Judge Anderson said he told Mr. West to get quotes as long as it was under 20,000.00. After court reviewed the quotes Judge Anderson said he would make the motion to go with DANCO (Danny's Welding, Inc. if he would match the quote submitted from Central Kentucky Truck & Trailer Sales the motion was then seconded by Magistrate Tipton. (The three bids will follow minutes).

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Mr. West told members that the equipment should be delivered in a couple of weeks. He also told members that the Road crew had just finished their third round of mowing. Magistrate Tipton asked Mr. West of all of their tractors were in good working order. He told him that one of their tractors had to be looked at due to the speedometer and the fuel gage not working correctly. Magistrate Tipton asked if these things would be covered under warranty. Mr. West said they were trying to get these them to be covered under warranty. Mr. West also told court that they will have 7 trucks this winter for snow routes. Judge Anderson said they were going to order 300 tons of salt.

Mr. West asked the Judge what was the status on the Fleet one cards. Magistrate Tipton ask Mr. West if he knew what the saving would be once they had their cards. Mr. West told him that they spent \$9,315.22 and if they had the Fleet One they would be spend around \$6,893.00.

Job descriptions and pay scale was the last item discussed concerning the road department. Judge Anderson said they would go through the classifications and see if they needed to make any changes and then set the salary ranges.

Judge Anderson told court he had not heard back from the bid that Shane Bowen had submitted.

Assistant Ambulance director Arlene Rogers was present for the meeting. She asked Judge Anderson about the status of the contract from Medical Transport Systems with the ambulance service for the ambulance billing. He told her he thought the court had reviewed it at the last meeting. Magistrate Tipton had a copy of the contract and read the part that states that there is an amendment to the contract from Medical Transport Systems Consulting and the Powell County Ambulance Service extending the filing period to June 30<sup>th</sup>, 2017. Judge Anderson said he would have the County Attorney review it and discuss it at the next regular meeting.

Next was the discussion of the ambulances. Judge Anderson said that we are in bad shape on ambulances at this time. The cheapest bid received was from Maple Street Auto to repair EC 3 was right under \$13,000.00 for a new motor, turbo and to be installed. Judge Anderson said that you hate to put this kind of money into an ambulance with so many miles but we are in a dilemma. This would be the quickest turn around to get an ambulance back in service. At this time we only have 2 ambulances functioning. He said the quickest thing now to do would be to fix EC 3. Magistrate Tipton said that we need to move quickly and purchase a new ambulance. Mr. West asked what the specifications were one who can do the work on ambulances. Judge Anderson said that they would have to be certified.

Judge Anderson said that we would be receiving the KBEAMS grant in the amount of \$10,000.00 and the RD money would be in the amount of \$50,000.00. We could go ahead and pay the Mercedes loan off and still have the money that we budgeted to make those payments for the fiscal year.

After a lengthy discussion a motion was made by Magistrate Lockard and then was seconded by Magistrate Rice to pay up to \$12,000.00 as long as it meets the criteria from KBEMS motion also to include to pay 1/2 of the money upfront to order parts.

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice - Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**



CSEPP Director Danny McCormick was present for the court meeting to give his updates. He said he had meet with FEMA and they said CSEPP would go out in 2021 instead of 2024 due to the construction being way ahead at the Army Depot to get rid of the chemicals.

Mr. McCormick said he was having a meeting with Murphy Gray about the equipment  
NEXTGEN

He told court that the bid for a Life PAK 15 V4 went around 3 weeks ago.

Physio Control sent in a bid in the amount of #30,093.35 for one LIFEPAK 15 V4. He told members that this would be pre-approved for payment so the county would not be out any money upfront.

A motion was made by Judge Anderson seconded by Magistrate Lockard to **approve purchase of the LIFEPAK in the amount of \$30,093.35 as long the bid is pre-approved by the state.**

All bills submitted for payment with no objections including one submitted from Tommy Napier for the Clay City Fire Department in the amount of \$642.00. This amount will be deducted from their county contribution.

Judge Anderson told members he had meet with the Fire Departments to go over how the contribution money is spent. Eddie Barnes and Harold Campbell attended the meeting. The chief from Clay City Fire Department did not attend. Judge Anderson told members that he thought they all understood how the money would be issued. They understood they would have to turn in an invoice for any repairs before payment could be made.

Judge Anderson told court members that Darrell Townsend from Protect Security had come to him about an unpaid invoice that the Stanton Fire Department had not paid. The invoices was for a monitoring system with access control dated back in 2003. The amount still owed was \$2,275.75. Judge Anderson said that the invoice needs to be paid. Magistrate Tipton questioned why the county would pay for 100% of the invoice out of their county contribution line when they also have funding from the City of Stanton.

After talking about the unpaid invoice a motion was made by Judge Anderson seconded by Magistrate Tipton **not to be for anything out of the \$15,000.00 contribution line for Stanton Fire Department until the invoice from Protect Security is resolved.**

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

The last was the conversation about the security cameras for the courthouse. The Judge had talked to Warren Meadows with AOC about the cameras. They had talked about the courthouse originally needing 8 camera but AOC said they needed more. The quote for the cameras came in under \$9,000.00 AOC would pay \$3,190.00 towards this amount.

A motion was made by Magistrate Lockard seconded by Magistrate Rice to **move forward with the installation of the cameras up to \$9,000.00.**

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

A motion was made by Magistrate Lockard seconded by Magistrate Lockard to **go into closed session.**

**Magistrate Gabbard \_ Yes**

**Magistrate Hall – Yate**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

A motion made by Magistrate Lockard seconded by Magistrate to **come back into session**

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton Aye**

**Judge Anderson – Aye**

A motion was made by Magistrate Rice seconded by Magistrate Hall to **adjourn**

**Magistrate Gabbard – Yes**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Ayer**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

*James Anderson Jr*

James Anderson

*Donna Gabbard*

Donna Gabbard

*Keith Hall*

Keith Hall

*Mike Lockard*

Mike Lockard

*Kenneth Rice*

Kenneth Rice

*Timmy Npton*

Timmy Npton