

**POWELL COUNTY FISCAL COURT  
REGULAR CALLED MEETING  
JUNE 13<sup>TH</sup>, 2017  
6:00 p.m.**

The Powell County Fiscal Court met at the Office of the Powell County Judge Executive on June 13<sup>th</sup>, 2017 for a regular called meeting.

Present: James Anderson, County Judge Executive  
Connie Crabtree, Fiscal Court Clerk  
Robert King, County Attorney  
Dale Allen, Stanton Mayor  
Steve Asbury, EMA  
Gary West, Road Foreman  
Kevin Babcock, Deputy Sheriff  
Tim Snowden, Solid Waste Coordinator  
Arlene Rogers, Asst. Ambulance Director  
Cory Graham, 911 Coordinator  
Amy Patrick, Ambulance Employee  
Amy Tharpe Holder, Ambulance Employee

The meeting was called to order at 6:00 p.m. by Judge Anderson  
Judge Anderson ask for a moment of silence for the passing of two individuals. Danny "Pete" Barnes passed away this past week. Mr. Barnes had worked with the Powell County Road Department on a part-time bases for the last several years assisting with mowing and snow removal. Also, this week was the tenth anniversary of the death of Randy Lacy. Judge Anderson ask to please remember these families in your thoughts and prayers.

Judge Anderson ask the Clerk to call roll for Magistrates in attendance:

**Magistrate Donna Gabbard – Present  
Magistrate Keith Hall – Present  
Magistrate Mike Lockard – Present  
Magistrate Kenneth Rice – Present  
Magistrate Timmy Tipton – Present**

The regular meeting began with approving the Clerk's report for the prior meetings.

A motion was made by Magistrate Rice seconded by Lockard to approve the Clerk's report for the May 9<sup>th</sup>, 2017 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 Gabbard seconded by Magistrate Rice to approve the Clerk's report for the May 8<sup>th</sup>, 2017 budget workshop meeting.

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

Judge Anderson made the court aware that on June 7<sup>th</sup>, 2017 two representatives came to discuss insurance renewal proposals for the new fiscal year beginning 7/1/17 with Judge Anderson and Magistrate Tipton.

Josie Hollon with Elkins Insurance and Duran Sparkman with KACO were the only two insurance representatives that came forth this year interested in giving quotes for the new insurance renewal. Mr. Sparkman with KACO told the court he recommended we stay with our current company.

Next Mrs. Hollon with Elkins Insurance was next to speak with the court. She suggested the county go with Anthem for the health insurance and stay with Humana for the dental, life and vision. They discussed offering the employees two different plans. One being the plan that the county pays 100% of the premium and the second one being a buy-up plan that the employee would be responsible for the difference in the premium. Judge Anderson made her aware that they would have to wait until the court meets on June 13<sup>th</sup>, 2017 for the regular called meeting to make a final decision.

There were no objection in paying all bills submitted for payment.

Magistrate Tipton questioned the bill for Ralph Combs horses. County Attorney Robert King told him that the trail was scheduled for Friday June 15<sup>th</sup>, 2017. He said they challenged the constitutionality of the Ordinance which took Judge Profit awhile to make a decision on it. Mr. Comb's attorney withdrew and the Judge gave Mr. Combs time to hire another one. Mr. King said the county is the victim in this case and he plans on trying to get the counties money back.

There were no objection in paying the bills submitted for the Jail Construction Project #14 (Draw Request #13) in the amount of \$ 347,434.16.

There were no objection in paying the bills submitted for payment for the new Senior Citizens Project in the amount of \$ 40,392.00. There also is a change Order #1 to be signed by Judge Anderson for a credit of \$16,098.38.

Special Inspections: Budget - \$15,000, spent \$858.50 = \$(14,141.50)

New Stone Sign - \$1500.00

Washer/Dryer Plumbing and Electrical - \$1500.00

Roll-up Door in Kitchen - \$471.26

Dogging and Pulls on Entry Doors - \$571.86

County doing Painting – \$(6000.00)

Total Change Order - \$(16,098.38)

Judge Anderson made the court aware that the center was getting close to opening. There still is a couple more list items one including the paving. Mr. Bob Casher will get with the Judge and let him know if a change order needs to be done or if we needs to take bids. It also has to meet all handicap codes.

The Treasurer presented the Financial Statement for the court to review.

A motion was made by Magistrate Gabbard seconded by Magistrate Hall to approve all of the Treasurers transfers including Treasurer's request transfers as presented.

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

1<sup>st</sup> reading on Budget Amendment #5 in the amount of \$318,000.00 increasing General, Road & LGEA funds.

**Public Comments:**

Mr. Johnson from Floyd County told members that he had purchased a farm on Hardwicks Creek to open a 4-wheeler trail ride that will be open to the public. He wanted to make the court aware of what he was doing and see what he needed to do as far as the county requirements. Judge Anderson advised him he would need to comply with the net profit and occupational tax ordinance.

**Old Business:**

Mrs. Josie Hollon with Elkins Insurance was present for the meeting to go over the insurance renewal options for the 2017-2018 fiscal year. She thanked the court for letting her quote the insurance for the 10<sup>th</sup> year.

After discussion the court decided to stay with Anthem for the health insurance and go with Humana for the Life, Dental and Vision.

The employee will be offered a basic plan which will be covered by the county. They will also be offered a buy up plan which the employee will be responsible for the difference in the cost of the plan.

They also discuss offering a cafeteria and a flex spending card plan. The cafeteria plan would help the employee that chose the buy up plan to have pre-taxed dollars. The flex spending card plan would allow the employee to deduct a certain amount from their pay check to be applied to this card to use for medical expenses.

After court discussion a motion was made by Judge Anderson seconded by Magistrate Hall to offer the following two insurance plans. (The insurance information sheet will follow minutes)

Anthem –Rx E-11 line 38 – \$ 432.57 (100% paid by county for employee)

Anthem - Rx E-11 line 10 - \$ 505.88 – Buy up option (difference paid by employee \$36.66 per check)

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson - Aye**

A motion was made by Judge Anderson seconded by Gabbard for the county to pay 100% of the premium per employee for the basic insurance plan for the new fiscal year beginning 7/1/17.

**Magistrate Gabbard –Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson - Aye**

The dental, life and vision insurance will remain with Humana for this fiscal year.

Old Business:

Following the insurance discussion was the Law Enforcement Protection Program grants through Kentucky Homeland Security.

Judge Anderson said he wanted to clarify that the body armor grant is the same grant that the court had passed a resolution last month allowing us to apply for but the Sheriff declined that offer stating that they wanted to do it on their own as well as change some of the numbers for the request. Judge Anderson made a point at last meeting that they would have to come through the fiscal court as we are required as the fiscal agent so this month the sheriff's office sent School Resource Officer Kevin Babcock to the meeting to present the two grant resolutions for court approval. The first grant they are applying for was 15 Point Blank Alpha Elite AXII Ballistic Vests in the amount of \$9750.00 to be purchased through Gall's.

The second grant was for 15 Sig Sauer Model P320 full size hand guns (7 full time and 8 part-time officers) in the amount of \$5,940.00 to be purchased through Vance's Law Enforcement. 9MM practice rounds in the amount of \$909.00 and 9MM duty rounds in the amount of \$888.00 to be purchased through Vance's Law Enforcement. Total of \$7,737.00

Mr. Babcock ask the court if they approve these two grant resolutions if they would also approve the officers to retain the 6 used handguns as backup or allow the officer to purchase their weapon at market/estimated value.

Judge Anderson said he had several questions that he felt may place these grants in jeopardy as well as he had a few concerns with some other items on them. In relation to the weapons grant there was a couple of things that were specifically ask for that weren't included. In the required documentation it states the grant application must include: "All applicants requesting replacement weapons much attach a written statement form the applicant's armorer with information citing the reason each weapon being replaced, and name of officer assigned each weapon. Armorer's statement must include signature and date." There was so statement or signature from the armorer. There was a list of eight weapons that only included names and serial numbers. Two other things Judge Anderson questioned was in relation to this one were if they would award weapons to uncertified officers and that some of the quotes were in excess of the 30 days. While an armorer's statement wasn't included as required there was a statement from the Sheriff saying he doesn't have an armorer.

Mr. Babcock said he had spoken with Homeland Security in Frankfort and they said if there was some reason in question about an officer being certified or uncertified officer not being allowed to have a handgun. There are two passes you could take, the first one is they can say the Sheriff's office with pretense can utilize 15 weapons over the 7 to 10 years life span but could go ahead and let them do the whole 15 so they could have backups. The next one is they could say you don't need 10 you need 15. One of the specifications in this particular grant was that you had to list all of the weapons with their serial numbers as well as their dates of service and only 8 was listed and no dates of services.

Another issue Judge Anderson had was them being in compliance with confiscated weapons. There has been a question in the Sheriff's audit that a forfeiture had not been properly done. Mr. Babcock said he had not seen the forfeiture himself but it was his understanding that they were in compliance with KRS and was in the process in turning all confiscated weapons and ammunition over at this time.

After discussing the duty weapons/fire arms grant resolution a motion was made by Judge Anderson to apply for this grant if we could address some of the concerns and change the project manager listed. The motion died for a lack of a second. There was then a motion made by Magistrate Tipton to accept the grant resolution as presented seconded by Magistrate Lockard.

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Not In Favor**

**Motion passes 5-1**

At the point Judge Anderson voted no he made sure the minutes reflected while he was in favor of the officer's getting the needed equipment he didn't feel like voting for that version with the issues on the grant presented.

The grant for the body amour grant was the next discussion. Judge Anderson made the court aware that this grant indeed mentioned the manufacturers five year recommendation and the ten year window pointed out at the last meeting. At that which time he was told by the Sheriff that he didn't know what he was talking about and that all of his officers had vest that were okay.

A motion was made by Judge Anderson to amend the grant application we had already passed to include the additional vest he was requesting and submit it that way. Motion died for lack of a second.

A motion was made by Magistrate Lockard seconded by Tipton to accept the grant resolution as presented to purchase the 15 point blank alpha elite ballistic vests.

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Not in Favor**

**Motion passes 5-1**

The motion's also give Judge Anderson the ability to sign both resolutions and make the purchases. This also allows him to do the disbursements of the vests, weapons and ammunition.

Here again Judge Anderson ask that the minutes to reflect that he was much in favor of obtaining body armor for our officers as we have been trying to do for the last several months but some concern with some items in this grant application and didn't feel comfortable using it as it was presented.

Mr. Babcock said he would go on record and say that all expenditures are done appropriately and all paperwork is done to the best of his ability and in a timely manner.

The court moved onto New Business:

Ms. Sherry Skidmore was not present for the meeting to present Sheriff's tax settlement.

Emergency Declaration for a land slide on Upper Cane Creek Rd past where Earl Moore lives. Judge Anderson said he had the state come out and look at it and appears that it has been a problem for some time and worsened. This cost will be \$29,050.00. The state will pay 80% and the county will be liable for the remaining 20%. No bids are needed and Judge Anderson will try and get three quotes.

Bridge on Little Hardwicks Creek. It was denied for emergency funding but was approved for the 80/20 bridge program which will allow us to fix it and get some funding back.

Following this Jenell Brewer came before the court to make them aware of what she had been working on and asking if there was any way the court would be able to assist her in work. Mrs. Brewer and the members of her SPAEK organization have been doing substantial work to dealing with the drug epidemic here in Powell County. Mrs. Brewer told about many of the functions they have been performing in this effort and how effective it has been. Because of the work of this group County Attorney Robert King and District Judge Kenny Profit Powell County Has received attention with how successful they have been in getting more people into treatment and at reduced cost compared to other counties in the state.

The court decided that the best way to try and see what the avenues the fiscal court could help is have a list of her needs. Mrs. Brewer is going to compile this list and get back with the court.

Ten minute recess

Court resumes

Road Utility Ordinance:

Sewer issues were once again the agenda. Last month we had a couple of citizens come with concerns over the proposed expansion of the City of Stanton's sewer into areas of the county. There has been a lot of questions in relation to this issue that to this point haven't been answered. The main topic of this conversation was how much it was going to cost the citizens and why are they responsible for it. The question of if it was even legal for the City of Stanton to do what their proposing with the sewer project. This led to another concern over potentially having an entity that they have now representation on setting prices and increases and them having no voice with that body. Judge Anderson stressed again the importance of why a charter form of government is needed. While most people see the importance of expanding our sewer system there needs to be information put out to educated decision can be made to proceed. Mayor Allen told the concerned citizens he would try and get some answers for them.

Mike Sparks was next on agenda. He was unable to attend this meeting  
Helicopter Lady is not attend meeting.

Next discussion was the Judge's appointment to the Powell's Valley Water District. Judge Anderson appointed Steven Everman to the Powell's Valley Water District for a four year term. A motion by Magistrate Hall seconded by Magistrate Lockard to approve the Judge Anderson's appointment.

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

Next the Lacy family has approached Judge Anderson about the possibility of naming a road after him. Judge Anderson said he had contacted the Transportation Cabinet about this they said basically we have to sign a Resolution stating that we wanted it done. Judge Anderson presented an example of a resolution per Corbit Caudill. Judge Anderson can draft a letter for the family to sign about getting the road named. The two roads mentioned were Pompeii and Hardwick's Creek.

A motion was made by Magistrate Tipton seconded by Magistrate Hall to allow Judge Anderson to sign a resolution allowing this.

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

**Department Updates:**

EMA Director Steve Asbury made the court aware that they are going to replace all the batteries in the warning sirens. There are a total of 44 deep cycle marine batteries to replace. The estimated cost of the batteries will be \$2900.00. After the core charge the total cost should be around \$2200.00. Mr. Asbury said the state had agreed to pay for half of the cost so the county is no out all of the expense for the batteries. We should receive the money by the end of July in the amount of \$1100.00.

Solid Waste Coordinator Tim Snowden made the court aware the scales at the landfill is 90% complete.

Judge Anderson said there are some new hires at the ambulance service that need to be approved. Katherine Miller from part-time to full-time.

Judge Anderson ask for a complete list to be brought to court for approval.

Wireless 911 Coordinator Cory Graham ask for approval for the following hires.

The first was the approval of hiring 3 new part-time dispatchers:

Marty Tipton  
Clint Johnson  
Rob Hasley

Next was moving Dispatcher Jacob Rogers from a part-time status to a full-time status starting 7/1/2017?

He made the court aware that Brennon Meadows was no longer an employee at the dispatch. Mr. Graham also told the court that he could now have 2 3<sup>rd</sup> shift dispatchers.

A motion was made by Judge Anderson seconded by Magistrate Gabbard to hire the following people as a part-time dispatcher.

Marty Tipton

Clint Johnson

Rob Halsey

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice- Aye**

**Magistrate Tipton – Abstain due to kinship**

**Judge Anderson – Aye**

A motion made by Magistrate Rice seconded by Magistrate Gabbard to allow Jacob Rogers to be moved from a part-time status to a full-time status.

**Magistrate Gabbard – Aye**

**Magistrate Hall- Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Road Foreman Gary West made the court aware that the cemetery roads are now. He said they had spent \$6,936.00 on cemetery roads and he thinks the citizens should appreciate it because it's not the counties responsibility to keep them up.

A motion by Judge Anderson seconded by Magistrate Hall to go into closed session. KRS 61.810 paragraph B&C

**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 Hall to come out of closed session.

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

After coming out of closed session the court voted to have the county attorney take the legal action dictated by the 2014 State Audit against the Powell County Sheriff. In this motion it was explained that



action was taken as a result of finding that came from the Sheriff's annual audit and not anything this court had done. Further noted that the 90 days from receipt of audit had been May 22, 2017. It was also explained that it was required that we do so and the following excerpt from the audit is below.

**KRS 64.820 states that"(t)he fiscal court shall collect any amount due the county officials as determined by the audit of the official conducted pursuant to KRS 43.070 and KRS 64.810 if the amount can be collected without suit." In the event the fiscal court shall then direct the county attorney to institute suit for the collection of the amount reported by the Auditor or certified public accountant to be due the county within ninety (90) days from the date of receiving the Auditor's or certified accountant's report.**

A motion by Judge Anderson seconded by Magistrate Rice to start this process.

**Magistrate Gabbard – Aye**

**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton- Aye**

**Judge Anderson - Aye**

With no other further business Magistrate Rice moved to adjourn seconded by Magistrate Hall.

**Magistrate Gabbard – Aye**

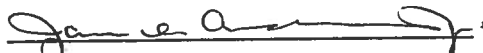
**Magistrate Hall – Aye**

**Magistrate Lockard – Aye**

**Magistrate Rice – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

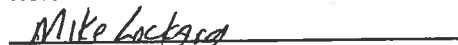


James Anderson



Donna Gabbard

Keith Hall



Mike Lockard

Kenneth Rice



Timmy Tipton