

**POWELL COUNTY FISCAL COURT  
REGULAR CALLED MEETING  
JULY 18<sup>TH</sup>, 2017  
6:00 p.m.**

The Powell County Fiscal Court met at the Office of the Powell County Judge Executive on July 18<sup>th</sup>, 2017 For a regular called meeting.

Present: James Anderson, County Judge Executive  
Connie Crabtree, Fiscal Court Clerk  
Robert King, County Attorney  
Arlene Rogers, Asst. Ambulance Director  
Steve Asbury, EMA Director  
Gary West, Road Foreman

The meeting was called to order at 6:00 p.m. by Judge Anderson  
Judge Anderson ask the Clerk to call roll for Magistrates in attendance:

**Magistrate Donna Gabbard – Present  
Magistrate Keith Hall – Absent (work)  
Magistrate Mike Lockard – Present  
Magistrate Kenneth Rice – Absent (vacation)  
Magistrate Timmy Tipton – Present**

Clerk noted that she had received the Powell County Detention Center Swanson System 7/1/16-3/1/17 VendEngine System 3/1/17 – 6/30/17 Report from Susie Combs. Inmate Wellness and Commissary Report. (7/1/-16 thru 6/30/17(copy will follow minutes)

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

A motion was made by Magistrate Gabbard seconded by Magistrate Lockard to approve the regular called meeting dated June 13<sup>th</sup>, 2017.

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

A motion was made by Magistrate Tipton seconded by Magistrate Gabbard to approve the special called meeting dated June 28<sup>th</sup>, 2017.

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

There were no objections in paying all bills summited for payment.

A motion was made by Magistrate Lockard seconded by Magistrate Rice to pay all the bills submitted for payment.

**Magistrate Gabbard – Aye**

Magistrate Lockard – Aye  
Magistrate Tipton – Aye  
Judge Anderson – Aye

There were no objection in paying Codell Pay, Request Estimate #15(draw request #14) for the Powel County Detention Center Construction project in the amount of \$667,451.94  
There were no objection in allowing County Treasurer to refund MSE in the amount of \$912.00 for the Senior Citizens Building Project.  
Magistrate Tipton ask Judge Anderson if we were on line and budget with the Jail Construction Project.  
Judge Anderson told him it was tight but they were still on schedule.  
Judge Anderson also told court members that the parking lot at the new Senior Citizens Center was being done this week.

Treasurer presented the court with the financial statement for them to review.  
A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to approve all of the Treasurers Transfers as presented to court.

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

A motion was made by Magistrate Gabbard seconded by Magistrate Tipton to allow Treasurer to disburse the 2017/2018 county contributions as budgeted. Treasurer will not disburse any Fire Department contributions unless they provide their financials for the year.

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

Jesse Miles was present for the meeting to ask the court members if they had any updates on the sewer project. Judge Anderson said he had spoken with County Attorney Robert King and are in agreement that it would take an Ordinance from the County to proceed with this project.  
Judge Anderson also he had spoken with a representatives with one of the engineers firms assisting with the project and he said there may be some financial assistant to help with the residents hooking on to the sewer system.

Magistrate Tipton ask if some guide lines could be in included in the ordinance. For instance X Y and Z had to be complete prior to running the lines. County Attorney Robert King said he cannot image there being any restrictions in the ordinance. Mr. King said he's believes it will cause problems when they find out that they don't have an ordinance to proceed with the project and also he doesn't think the city could get any funding for it and cannot move forward until the Fiscal Court body has one.

Mr. Miles ask if the county had to have a deed to the roads to maintain it. Judge Anderson told him that It's a requirement for the county to have the deed to the road and it is spelled out in the Road Policy.

**No Action taken**

**Public Comments:**

Ambulance employee David Fifer was present for the meeting. He told court members that last time he was here was to discuss Red Star. About two years ago an Executive from the Red Bull Company was injured in the gorge and there were a couple of snags in the response because at that point and still today the Ambulance Service is not well equipped to respond to wilderness calls. The Search and Rescue Team are a non EMS agency so their ability to provide medical care is limited. One of the biggest issues facing the Ambulance Service is that we don't always have the resources to dedicate to the ambulance for the duration of the call that happens in the gorge. Around that time Mr. Fifer said they came up with the Red Star Unit. (Red River Gorge Special Treatment and Rescue.)

The idea was to form a wilderness capable EMS unit. In the past couple of years he said they have had a lot of meetings and conversations with Judge Anderson, SOAR Team, Steve Asbury and the ambulance service. They were taking a look at legalities, red tape and insurance coverage. It appears that the easiest cleanest way to do this is to create a unit at the ambulance service dedicated for this purpose. Over the past couple of years we formed Red Star Incorporated which is an independent and non-profit. Red Star raised around \$5,000.00 from private donations to get this off the ground.

Mr. Fifer said he was present at the meeting to seek approval to create this unit at the ambulance service under the following conditions that are for the best interest of the county.

The first thing is Dr. Lubbard has pledged to cover the hourly wages for the employees to do this specialized assignment for a period of a year or so. He said they are actually proposing that we hire paid on call employees. There are a group of people that are interested in this that has special qualifications. They would be hired as paid on call employees, they would cover during a trial period for about a year which would cover weekends since that's when most calls come in. They would be down here waiting for a call to come in. When they respond then they would be paid for that response. They would be operating as full fledged employees at the ambulance service. The estimated cost of wages would be around \$3,000.00 for the year which would be covered from Dr. Lubbard for the first year or so. Red Star, Inc. would pay for any expenses that aren't already paid by the ambulance service. A lot of the supplies that Red Star uses are supplies that the ambulance service supplies anyways. Any specialized wilderness equipment that we would want or need Red Star Inc. would be responsible for funding and would come back in a year with a process report.

He went on to say that they had a call this past weekend that someone was having a seizure at Natural Bridge State Park and did not have the right kind of ambulance resources to respond to this call. Magistrate Lockard ask him what he meant by that? Mr. Fifer said his understanding was that the crew that was dispatched to this call was a basic life support crew which has very limited abilities to treat a seizure. Ambulance Asst. Director Arlene Rogers told the court that it was a BLS truck instead of an ALS truck that responded to the call. Mr. Fifer said they can treat the seizure patient but do not have the correct medication on the truck to administer to the patient. The Red Star unit would be a ALS unit and would always have a paramedic on duty and have a full range of treatment to be able to handle whatever calls that may come in from the gorge.

Judge Anderson said that they have talked about using that model before and knows they would be on call but would they respond to any other calls or only respond to gorge related and search and rescue calls? Mr. Fifer said that is a question that he couldn't fully answer. He said that only seemed logical that they would respond is they was available. Magistrate Tipton asked if it would be alright for a paramedic that responded there for a BLS to be sent to that call because they are a paramedic on the scene?

Judge Anderson said you cannot pass off a paramedic to a BLS if it's an ALS call. Mr. Fifer said a paramedic can down grade a call to BLS which is policy of their organization. He said legally can be done but the Dr. Lubbard and Ambulance Director Nathan Hall have stipulation that they cannot do this. After a lot of discussion Judge Anderson said if Mr. Fifer can get a MOU to County Attorney Robert King and if he is good with it he would agree to try this for a trial period so long as it's no additional out lay and didn't have staff choosing to do the Red Star deal and calling in sick for their regular shift.

**Old Business:**

Darrell Maynard with Eastern Kentucky Telephone and Technologies was present for the court to discuss the counties telephone services. He said he had been looking at our telephone service for some time now and recently they have gone up. Mr. Maynard said they could increase the broad band speed ability in the courthouse as well as the ambulance and jail by replacing the DSL with a fiber feed circuit. Both the jail and the ambulance would feed off the courthouse broadband connection. There would be no instalation cost and would ask for a 12 month contract. The current bill is \$2,891.00 a month and they are proposing \$2,483.00 a month. Magistrate Tipton asked about a couple of concerns he had. One being if we had problems with any of the lines would they come out to check for problems or would it be AT &T? Mr. Maynard told him that they would be the ones to come out and check for any problems. The other concern was would they be an overlap on the bills? He was told that the day the billing stops they will start their billing cycle.

A motion was made by Judge Anderson seconded by Magistrate Tipton to allow the contract to be reviewed by the county attorney and if meets all the criteria that we enter into a 12 month agreement with Eastern Kentucky Telephone and Technologies with a 30 day opt out option if they are not pleased with the service.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Judge Anderson presented court with a change in terms agreement from Whitaker Bank for a promissory note in the original amount of \$73,960.00 and change in terms agreement dated 06/23/2016 maturing on 06/30/2017. The balanced still owed is 44,415.99. This agreement is for 3 dodge chargers at the Powell County Sheriff's Office.

Description of change in terms. Extending the maturity date to 06/30/2018.

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to authorize Judge Anderson to sign all necessary papers concerning this agreement.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Judge Anderson presented court with a County Road Aid Resolution. Back a few months ago Mr. Craig Lindon made a presentation to the court and said the county had been awarded a little over \$103,000.00 of flex money to repave roads. In effort to use this money Magistrate Tipton and Magistrate Gabbard turned in a list of their priority roads that needed repaving.

Magistrate Tipton list included a section of Apple Drive and Ashley Lease Road and Magistrate Gabbard had Chaneyville Road, Dog Wood Circle Road and Transfer Station Road.

A motion by Magistrate Tipton seconded by Magistrate Gabbard to submit these said roads to the state for repaving using state contract pricing.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

**New Business:**

Judge Anderson presented court with a County Road Aid Cooperative Program Agreement. For the Fiscal Year beginning July 1, 2017 this amount is \$697,543.21. The Apportionment shall be distributed by the Department to the County in accordance with the terms of this Agreement.

First Distribution. The Department shall initially distribute to the County (60%) of the Apportionment, less three percent (3%) of the Apportionment set aside for emergency fund. This initial amount is \$405,970.00. Second Distribution. The Department shall distribute up to and including an additional thirty-five percent (35%) of the Apportionment to the County, less three percent (3%) of the Apportionment set aside for the emergency fund below. The amount of the second distribution will depend on how actual revenues compare to revenue estimates.

Final Distribution. The Department shall allocate and distribute the remaining balance of the Appropriate less three percent (3%) set aside for the emergency fund. The Final Distribution shall be based on actual revenues tabulated after the end of the fiscal year (June 30).

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to authorize Judge Anderson to sign all necessary papers concerning this Road Aid Cooperative Agreement.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

**Other Business:**

Judge Anderson told members that ever so often has ADF funds available. Last time the county used the money was to install handicap doors in the courthouse.

This year they are available and the court all agreed to let the City of Stanton take advantage of the funds in the amount of \$ 18,385.41 to reestablish a water filling station.

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to allow City of Stanton Mayor Allen to utilize the money to reestablish a water filling station.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton- Aye**

**Judge Anderson- Aye**

**Department Head Updates:**

Arlene Rogers was present for the meeting to ask for approval to change 3 employees from a part-time status to a full time status. The three names are:

Katherine Miller - EMT

Herbert Wilson Jr. – Advanced EMT

Dustin Holder - Paramedic

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to allow EMT Katherine Miller to be moved from a part-time status to a full time status.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

A motion was made by Judge Anderson seconded by Magistrate Tipton not to hire Herbert Wilson Jr.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

A motion was made by Judge Anderson seconded by Magistrate Gabbard to allow Paramedic Dustin Holder to be moved from a part-time status to a full-time status.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Judge made motion not to hire Herbert Wilson Jr. as a part-time employee at the Powell County Ambulance Service. County Attorney Robert King advised the court to talk about this in closed session.

Judge Anderson made court members aware that on Saturday July 29<sup>th</sup>, 2017 would be free dump day at the transfer station for the county.

Solid Waste Coordinator Tim Snowden made the court aware that the scales at the transfer station is 90% complete. He also has purchased 10 new trailers with the 2017-2018 grant money.

Judge Anderson told court members that the compactor is getting in very bad shape. He said they have discussed the possibly of replacing it for a couple years. He said we had 3 options. One to continue putting money in it, two buying a new one or three going with a trailer system.

Judge Anderson told members that they need to look at all options before making a decision.

No Action Taken at this time.

EMA Director Steve Asbury made members aware that all warning siren's batteries had been replaced but the one sitting at Kathy's Country Kitchen. He said they had got permission to raise it up due to it being torn off the pole. It will be raised 6 feet with a couple of concrete barriers around it to protect it and the siren at the Drive –Inn will have to be moved.

Mr. Asbury said the state is becoming stricter with their funding and he needs additional help. He ask the court for their approval to move Justin Rice and Cory Graham from a volunteer status to a paid volunteer status. He is requesting that each be paid \$2500.00 annually.

A motion was made by Magistrate Tipton seconded by Magistrate Lockard to table this discussion until all Magistrates are present to vote.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Judge Anderson said he wanted to commend Mr. Asbury and Mr. Mike Sparks for getting all the sirens working in the county. It is such a vital service to our community.

Judge Anderson told members that we are allotted around \$30,000 DES money. He said we need to make sure that we utilize that money so we don't have to send it back. He said if we continue to use that money they can typically raise the amount.

Mr. Asbury told members that they are trying to get LEPC off the ground and ask that they involved in the meetings.

Road Forman Gary West made court members aware that they had finished the 2<sup>nd</sup> round of mowing. They had ordered an additional salt box and are in need of a pick-up at the road department. Cane Creek Project is now complete.

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

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton- Aye**

**Judge Anderson – Aye**

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to come back into session.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

No Action Taken in closed session

A motion was made by Judge Anderson seconded by Magistrate Tipton not to allow Herbert Wilson Jr. to continue working at the Powell County Ambulance Service.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

With no other further business a motion was made by Judge Anderson seconded by Magistrate Lockard to adjourn.

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Tipton- Aye**

**Judge Anderson - Aye**

*James Anderson*

James Anderson<sup>th</sup>

*Donna Gabbard*

Donna Gabbard

*Mike Lockard*

Mike Lockard

*Timmy Tipton*

Timmy Tipton