

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING
APRIL 10TH, 2018
6:00 p.m.**

Present: James Anderson, County Judge Executive
Connie Crabtree, Fiscal Court Clerk
Tim Snowden, Solid Waste Coordinator
Arlene Rogers, Asst. Ambulance Director
Robert King, County Attorney
Kevin Babcock, CSEPP Director
Nathan Hall- Ambulance Director

Judge Anderson called the meeting to order
Judge Anderson ask 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

Holly Hopkins with the Kentucky Wired Project was present for the court meeting to give a presentation. She represents the construction side of the Kentucky Wired Project. This project was first announced in the fall of 2015 and then was announced again in the fall of 2016. During this time they were doing the engineering work and laying lines out across the state. 90% of the project is going on existing poles. Ms. Hopkins said that the Commonwealth is not in the pole business they are a client so the portions that have the pole attachment agreements which has caused some of the delays in the project from where is was then until where it is now.

They have signed a new contract with them and have new completion date. She explained how the backbone of the projects is laid out. The completion date for us to have the backbone and the laterals done is July 20, 2020 which is also the deadline for the project. 1A and 1B are the first ones to receive it. They are going to have 150 crews out across the state by the end of summer.

She told court members that they have probably seen a lot in the newspaper. The project in terms of legislation had a 30 million dollar annual payment that goes to the bond holders. This is the P3 Project which is the largest P3 telecom project in the United States. It passed on the House side and the Senate took it out of as an appropriation and re-wrote the language for it and put it into the Governor's budget. The Governor vetoed everything so we will have to wait and see what happens until they meet again. It is re-written as the Governor's surplus in the budget.

468

This originally had 270 million in bonds and Eastern Kentucky is a unique area and this project actually originated out of the center of Rural Development so Congressman Rogers wanted Eastern Kentucky to have an equal playing field with the rest of the state. He didn't get the funding for it so he took it Governor Brashear and he decided to make it a state wide project. We actually have some ARC money that's going right here and Southern Eastern Kentucky is getting some USDA money for their portion. The bonds have already been written and the contracts have been signed. The Commonwealth of Kentucky put in 20 million dollars out of the General Fund for this project. All these amounts combined make up the total amount of the project.

The Court thank Ms. Hopkins for her presentation.

After the presentation court move on to the approval of the Clerk's report for the prior meetings.

A motion was made by Magistrate Lockard seconded by Magistrate Rice to approve the clerk's report for the meeting dated March 13th, 2018.

Motion Passes

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 Rice to approve the Clerk's report for the special meeting date March 29th, 2018.

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton- Aye

Judge Anderson – Aye

Treasurer presented the financial statements for courts review.

A motion was made by Magistrate Gabbard seconded by Magistrate Tipton to approve all the Treasurer's transfers including the interfund and Treasurer's request for transfers.

Motion Passes

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

There were no objections in paying all the bills submitted for payment.
There were no objections in paying Pay Estimate #22(draw request #21) for the Jail Construction Project in the amount of \$333,431.85.

Old Business Updates:

Judge Anderson along with the Industrial Board applied last month in relation to one of the President's economic packages that created some opportunities zones. You could apply for additional tax credits for an incoming industry. It was based on certain rates of poverty and population and there were a couple of places in Powell County that met that criteria. Judge Anderson said we were fortunate to get our Clay City Business Park declared one of those opportunity zones. Judge Anderson said we have ARC grant monies secure for the utilities, water and sewer. The park will be located off the Clay City exit almost immediately to your right there is double gates that go up a hill. There is roughly 30 acres there.

Judge Anderson made the court aware that the Attorney General had been to Powell County. He has a program going on to try and eradicate opioids from medicine cabinets. He left around 200 packages for Powell County. One package will destroy around 45 pills. These will be left at the Law Enforcement Agencies the Ambulance Service and some will also be available here in our office.

A couple of months ago Jodie Brandenburg with the Kentucky River Foothills attended one of the meetings and gave a presentation on A Healthy Community Healthy Places. Some of this grant funding allowed a small business consultant to come in and talk to people with a small business. A consultant came to the Extension Office and gave a presentation on what people are doing wrong in small businesses and what they need to do to help with their business. He also visited around 4 small businesses here in town. This is just one of the positive things that has come from the grant funding.

Last on the updates Judge Anderson make the court aware that this week was 911 Telecommunications Week. He ask if anyone saw one of our dispatchers please thank them to what they do for our community.

Old Business:

Over the last couple of years our Franchise tax has been significant concern not only for our Fiscal Court but as well for other taxing districts. Judge Anderson said he had talked to Kathy Thompson at the Department of Revenue. She forwarded our assessments from 2011 up to 2017. This will give us an idea of what we should have collected along with any other taxing district.

470
New Business:

CSEPP Director Kevin Babcock made the court aware that he had attended an IPAWS training. This is basically a new awareness alert system for the nation. It is something that each individual in the community can use. It can be sent out using wireless technology and can target a certain geography location. For instance it can alert people about a boil water advisory or a tornado alert in a certain area. AT&T or Verizon or any one that has towers can look at the grid that we give them and they will tell their towers to send it to the phones that are in that particular grid. Mr. Babcock said he had ask for funding in the amount of \$10,000.00 to get the equipment that is necessary to operate this system and had also ask for \$2500.00 for training dispatchers on how to utilize it. This is something that we will talk about once we get the training which could take up to 2 years. If we become an IPAWS operator we can work closely with Estill, Wolfe and surrounding counties and possibly charge a small fee to offer services. This will be paid for from our CSEPP grant/FEMA.

He also made the court aware that he will be going to a Grant Management training in Washington D.C. and a training in Colorado.

Mr. Babcock said they are looking into doing a couple of projects at the EOC Center. He is looking for a 20 x 60 foot store front building (gazebo type with concrete pad) to park the FEMA trailers and put the equipment in that he can't get into the existing structure. Also in this new upcoming budget they will be giving him \$80,000.00 for 23 new vehicles.

Judge Anderson made the court aware that the Powell County Soil Conservation had sent their annual plan of work along with their proposed budget. They are requesting a contribution from the County in the amount of \$ 35,000.00. Judge Anderson said he thought we had an agreement to stay at a \$20,000.00 contribution. The county budget may be effective by the gas tax which was caused a decrease in receipts and also an increase in the retirement percentage which may cause an increase in expenditures making it hard to give an additional contribution. The Court will have to send them a letter in written form giving an answer concerning their request.

Judge Anderson made the court aware that we had received the Clerk's completed 2015 and 2016 completed audit.

Judge Anderson discussed the slip on Old Hatton Creek School Road. The creek bank is undermining the road. He said he had sought some emergency funding from the state. After about a week and a half a lady came from the District office and took pictures. Judge Anderson told her it was a significant deal and is causing life threatening issues and ask her when she thought we would get an answer back? She told him she didn't know when they would meet again. The policy changed to where we have to expend the money prior to getting reimbursed so during this meeting Judge Anderson is declaring this an Emergency Declaration because we cannot afford to have this road completely shut down. With this he going to seek the quickest means possible.

Judge Anderson told court members that we a meeting needed to be scheduled to present the 2018/2019 budget once it is completed. The completed proposed budget has to be presented to the court by May 1.

Judge Anderson ask court members to get a list of their roads prioritizing the ones that needs repairing the worse then we will see how many we can address during this Fiscal Year.

Judge Anderson and Craig Dawson with the Industrial Authority had met with CEBER which an economic development branch that's out of the University of Kentucky. Some of the things that are going on in the economic development is very exciting. There are going to be further analysis done and they are also getting us some numbers as to what we have accomplished in the last 6 or 7 years and also make sure we are doing things correct to move forward.

Department Head Updates:

Road Foreman Daniel Clair made the court aware that the Road Department had lost 2 employees due to them getting other jobs.

Solid Waste Coordinator Tim Snowden made the court aware that he had turned in the Recycling Grant to Frankfort.

Judge Anderson made the court aware that our contract will be Rumpke will end in September of this year.

Spark Rally hosted by Jenell Brewer will be held on May 5, 2018 from 2:00 to 5:00 p.m.

A motion was made by Magistrate Lockard seconded by Magistrate Hall to go into closed session. 61.810 paragraph F.

Motion Passes

- 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 come out of closed session.

Motion Passes

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

47

No Action was taken in closed session.

Judge Anderson made the court aware that a grant had been submitted for RD ambulance money but had not heard anything back about the grant at this time.

County Attorney Robert King made court aware that a gun group had contracted him along with Judges about the stickers on the courthouse doors prohibiting guns to be carried inside the building. This group brought to their attention that the Ordinance done back in the 1990's is invalid. Mr. King said when you look at the KRS statute basically says the county cannot do what the county did by the Ordinance. What the Ordinance does reads is that you cannot carry a gun in the courthouse. What the Ordinance can say is you cannot carry a concealed weapon in the courthouse which means you can walk inside on courthouse with it on your hip. The county cannot say you cannot carry a gun at all in the courthouse. The group is saying it may be better for the county not to even have an Ordinance because what it does is forces people when could legitimately carry a concealed weapon to pull it out in the open and walk around with it. This is something the court may want to consider or the flip side is the Judge issue a court order that you are not allowed to have a weapon in any of the AOC portions of the courthouse.

County Attorney suggested the court to either amend the existing Ordinance getting it in compliance of the KRS or abolish the Ordinance all together.

Judge Anderson said if the Judge did order this that the AOC pays a percentage of our utilities base on the square footage so can they claim some of the ownership of the hallways. Mr. King said he would have to check with AOC on this.

Judge Anderson said he would do whatever needed to be done to get in compliance. Mr. King said whatever is decided the stickers on the courthouse doors will have to come off regardless. If the court decides to amend or abolish the existing Ordinance they will have to follow the publication requirements to do this. The court said from there stand point that we undo the existing Ordinance and let the court system do whatever they need to do on the AOC spaces. Mr. King suggested that the court abolish the old Ordinance and let the Judges get an order together concerning the AOC space.

Judge Anderson retained this as a 1st reading on abolishing the Gun Policy Ordinance within the courthouse and do all the publications requirements.

A motion was made by Magistrate Rice seconded by Magistrate Hall to adjourn the meeting.

Motion Passes

Magistrate Gabbard – Aye

Magistrate Hall – Aye

Magistrate Lockard – Aye

Magistrate Rice – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

James Anderson

Donna Gabbard

Donna Gabbard

Keith Hall

Keith Hall

Mike Lockard

Mike Lockard

Kenneth Rice

Kenneth Rice

Timmy Tipton

Timmy Tipton