

## MEETING AGENDA

### *Powell County Fiscal Court Special Called Meeting*

*Date: August 30<sup>th</sup>, 2019*

*Time: 4:00 p.m.*

*Location: Powell County Judge Executive's Office  
Room # 102*

- I. Judge Calls Meeting to Order
- II. Roll Call

#### Items on Agenda

- 2<sup>nd</sup> Reading of Alcohol Ordinance # 18-2906
- Asphalt Consideration
- Bills
- 2<sup>ND</sup> Reading of Budget Amendment # 1
- Salt Truck

POWELL COUNTY FISCAL COURT  
SPECIAL CALLED MEETING  
AUGUST 30<sup>TH</sup>, 2019  
4:00 p.m.

The Powell County Fiscal Court met at the Office of the County Judge Executive on August 30<sup>th</sup>, 2019 for a special called meeting held at 4:00 p.m.

Those present were: James Anderson, County Judge Executive, and Connie Crabtree, Fiscal Court Clerk  
Judge Anderson called the meeting to order at 4:00 p.m.

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

- Magistrate Dennis Combs – Present**
- Magistrate Donna Gabbard – Absent (sick)**
- Magistrate Mike Lockard – Present**
- Magistrate Chad Patton – Present**
- Magistrate Timmy Tipton – Present**

The first topic discussed for this special meeting was the **2<sup>nd</sup> Reading of the Alcohol Ordinance # 18-2906. (Copies of the changes will follow minutes).**

Judge Anderson read the changes to the court members that County Attorney Robert King had made to this said Ordinance.

One of the changes that will be added is if the State fines the licensee for any violation the County ABC board can automatically charge the licensee up to 50% of what the state fine is.

**Section 4-Alcoholic Beverages Licenses Authorized**

The proposed amended ordinance sets for the following amendments:

All language in the original ordinance shall remain expect that an additional authorized license shall be adopted into the Alcoholic Beverage Ordinance which is designated as a Quota Retail Drink license. The added language shall read "11. Quota retail drink license \$900.00.

**Section 5 – License period: time of payment: delinquency**

The proposed amended ordinance sets forth the following amendments:

Paragraph A shall be amended as follows:

"The license period for all forms of alcoholic beverage licenses other than the Quota Retail Drink License, Shall conform to the period covered by kindred licenses issued be the state: and such licenses, other than special temporary licenses and the Quota Retail License, when issued, shall be valid for a period of no more than (1) year. All licenses other than a Quota Retail Drink license shall expire on the 30<sup>th</sup> day of April each year. Two (2) Quota Retail Drink licenses are authorized in Powell County and may be granted be the Powell County ABC board and may be used in conjunction with special events approved be the Powell County ABC board when submitted to the board two months prior to the need for such license. The license period for a Quota Retail Drink license shall be valid for 100 days of the license period, and may not use the license for more than 3 consecutive days. The holder of a Quota Retail Drink license may only serve patrons who hold tickets or an invitation issued for the event, or those patrons who are attending an event that collects a cover charge after having duly paid cover charge. Only venues that derive at least fifty percent (50%) of sales from food at the event shall be eligible to hold a Quota Retail Drink License with each event being individually reconciled as to applicable payments to the County of Powell. Any violations of the license requirements shall result in a \$2500.00 fine or (50) suspension of the license."

165

**Section 9 hours of Sale and Delivery of Alcohol**

The proposed amending ordinance sets forth the following amendments:

“C. Distilled spirits, wine and malt beverages may be sold by the drink or by the package between the hours of 6:00 a.m. until 12:00 a.m. Monday through Saturday and from 1:00 p.m. until 10:00 p.m. on Sunday, provided that no sales of alcohol are permitted on Easter Sunday or on Christmas Day if wither should fall on a Sunday. Further, holders of a Quota Retail Drink license shall be permitted to sell alcoholic beverages from 4:00 p.m. until 10:00 p.m. Monday through Saturday and from 1:00 p.m. until 10:00 p.m. on Sunday, provided that, no sales of alcoholic beverages are permitted on Easter Sunday or on Christmas Day if with should fall on a Sunday.”

**Section 13 –License Revocation or Suspension**

The proposed amending ordinance sets forth the following ordinance:

The following language shall be inserted into the existing ordinance:

“I. Any license found committing an infraction in Powell County by the state alcoholic beverage control board and determined to be in violation of the provisions of KRS Chapter 241 to 144, or any rule or regulation of the state alcoholic beverage control board, or of the Kentucky Department of Revenue, relating to the regulation of the manufacture, sale and transportation, or taxation of alcoholic beverages, shall automatically be subject and liable to pay to the Powell County ABC board any such fines determined appropriate by the state alcoholic Beverage control board to resolve the infraction.”

**Section14 – Regulatory License Fee**

The proposed amending ordinance sets for the following amendments:

Paragraph D. shall be stricken and the following language shall be inserted

“D. Failure to pay such remittance within five (5) days of the due date constitutes a violation and shall subject a licensee to a fine of \$250.00 for regulatory fees paid within 5 days past the due date and \$50.00 per day for each day thereafter until paid. If a licensee is late in the regulatory license fee remittance more than 3 times in a calendar year said licensee shall be subject to having the license revoked”.

A motion was made Magistrate Patton seconded by Magistrate Dennis Combs to **approve the 2<sup>nd</sup>**

**Reading of the Alcohol Ordinance # 18-2906.**

**Motion passes**

**Magistrate Dennis Combs - Aye**

**Magistrate Mike Lockard - Aye**

**Magistrate Chad Patton - Aye**

**Magistrate Timmy Tipton –Aye**

**Judge Anderson – Aye**

Asphalt consideration was the next item for discussion on the agenda.

Judge Anderson said he had checked with Hinkle Contracting and they do have the state contract price at \$88.00 a ton.

He ask court members if they would rather come up with a list and see how much they want to spend on their roads or would they rather be assigned a certain amount to spend per district.

Currently the Road Fund has around \$836,000.00.

Magistrate Tipton said there should be a gas tax increase in the future which should be some additional funds for the county.

Court members decided to get their list together for their roads they want repaired. They will need to get the width and length of each of them.

**No Action taken at this time. This will be discussed at the next fiscal court meeting.**

There was no objection in paying all the bills submitted for payment. Therefore all bills will be paid. Judge Anderson told court members that if the regular scheduled fiscal court meeting in September is changed to the following week due to it being fair week the WEX fuel card bill will need to be authorized for payment so it won't be late. Court members also had no objection in paying all the WEX fuel card invoices for the billing cycle.

Treasurer presented court members with Budget Amendment #1 increasing the General Fund by \$26,436.16 for the 2<sup>nd</sup> Reading.

Treasurer told members that the Department of Local Government approved and signed this amendment on the 26<sup>th</sup> day of August 2019.

A motion was made by Magistrate Chad Patton and seconded by Magistrate Mike Lockard **to approve the 2<sup>nd</sup> Reading of Budget Amendment #1 increasing the General Fund by \$26,436.12.**

**Motion passes**

**Magistrate Dennis Combs – Aye**

**Magistrate Mike Lockard – Aye**

**Magistrate Chad Patton – Aye**

**Magistrate Timmy Tipton – Aye**

**Judge Anderson – Aye**

Road Supervisor Aaron Marcee was present for the meeting to make court members aware that he had went and looked at a 2011 single axle Chevrolet pickup truck at CRS Auto Sales. The asking price as of now is \$12,800.00. Court members seem to think that was a little high for this truck. They ask Mr. Marcee if he would be willing to go back and ask if they if the price could be lowered. Mr. Marcee agreed to go back and negotiate the asking price.

A motion was made by Judge Anderson seconded by Magistrate Chad Patton **to table this discussion until the truck can be looked at again and the asking price can be discussed.**

**Motion passes**

**Magistrate Dennis Combs – Aye**

**Magistrate Mike Lockard – Aye**

**Magistrate Chad Patton – Aye**

**Magistrate Timmy Tipton – Aye**

**Judge Anderson – Aye**

With no further discussion a motion was made by Magistrate Combs seconded by Magistrate Tipton to adjourn.

**Motion passes**

**Magistrate Dennis Combs – Aye**


**Magistrate Mike Lockard – Aye**



**Magistrate Chad Patton – Aye**



**Magistrate Timmy Tipton – Aye**

**Judge Anderson - Aye**

167

  
James Anderson

  
Dennis Combs  
  
Mike Lockard

  
Chad Patton  
  
Timmy Tipton