POWELL COUNTY FISCAL COURT REGULAR CALLED MEETING

Date: January 14^{th,} 2020

Time: 6:00 p.m.

Location: Powell County Courthouse
Judge Executive's Office
Room 102

AGENDA

1.	Call Meeting 10 Order
11.	Roll Call
4II.	Approval of Agenda
IV.	Public Comments
V.	Second Amendment/Ordinance Discussion
VI.	Clerk's Report of Last Meeting
VII.	Bills Submitted for Payment
VIII.	Approval Treasurer's Financial Statement
IX.	Approval Treasurer's Transfers
Χ.	Budget Amendment #4 (2nd Reading) #5 (1st Reading
XI.	Old Business: Echo Hollow
XII.	New Business:
XIII.	Updates:

Items to be discussed:

- Lions Club Proclamation
- Sherry Skidmore Powell County Sheriff's 2020 Budget
- Powell County Clerk Jackie Everman Powell County Clerk's 2020
 Budget
- Forest Service Agreement
- EMS Proposal
- Hollerwood
- 2020 Holiday Schedule
- Closed Session
- CSEPP lawn service and travel expense

VII. Other:



POWELL COUNTY FISCAL COURT REGULAR CALLED MEETING

Date: JANUARY 14TH, 2020

Time: 6:00 p.m.

Location: Powell County Courthouse (MEETING HELD IN COURT ROOM)

Present: County Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, County Attorney Robert King, Eddie Barnes (law enforcement) Rob Williams (law enforcement), Clay City Times Reporter Chris Chaney, Road Foreman Aaron Marsee, Solid Waste Coordinator Tim Snowden, Ambulance Director Nathan Hall, Asst. Ambulance Director Arlene Rogers, and CSEPP Director Kevin Babcock.

Magistrates Present: Magistrate Dennis Combs, Magistrate Donna Gabbard, Magistrate Mike Lockard, Magistrate Chad Patton and Magistrate Timmy Tipton.

County Judge Executive James Anderson called the meeting to order at 6:00 p.m.

County Judge Executive James Anderson said he would like to thank everyone for coming out to the meeting. He said he figured that most people was present for the meeting to speak about the Second Amendment Sanctuary and Protection of Rights and if they did wish to speak they would need to sign the sign in sheet. County Judge Executive James Anderson ask the Fiscal Court Clerk to call roll and ask court members if they wished to speak about the Second Amendment at this time.

Court Members present for the meeting:

County Attorney Robert King – No comment on the second amendment at this time

Magistrate Dennis Combs – No comment on the second amendment at this time

Magistrate Donna Gabbard – No comment on the second amendment at this time

Magistrate Mike Lockard – No comment on the second amendment at this time

Magistrate Chad Patton – No comment on the second amendment at this time

Magistrate Timmy Tipton – No comment on the second amendment at this time

County Judge Executive James Anderson – No comment on the second amendment at this time

Judge Executive James Anderson thanked everyone again for attending the meeting. It has been a rewarding experience with the interaction with the public and government. He said he appreciates the ability to work together to pass something that we all are comfortable with which is legal and shows our stamp and is a voice to our state legislator on how we feel and hopefully adhere to it. He said he feels the whole court and body seems to be much in line with this Resolution.

Judge Executive James Anderson then ask the Clerk to call the first name on the list that wished to speak about the Second Amendment.

Fiscal Court Clerk called Elihue Shepherd to the podium.

Mr. Shepherd said he would like to thank everyone for giving him the opportunity to speak this evening. He said he had been hearing a lot of comments these past few weeks that no citizen in the United States

deserves the right to carry an AR 15 Semi-Automatic gun that shoots more than 4 or 5 bullets at a time. He said it may be true in today's society but he comes from Eastern Kentucky and he remembers and he has read stories about how the Pinkerton's came to Eastern Kentucky and soldered coal miners because they refused to work for what was considered less than minimum wage. There is a good chance and a possibility that our government that they would never send our local sheriff and deputies to confiscate our weapons. There is governors and communities in this country that would like to do this right now. As a deputy he said he would never go to his friend's and neighbor's house to confiscate your weapons and he feels that most people in this community feels the same way. Mr. Shepherd said if we can afford

Fiscal Court Clerk called the second name on the list that wished to speak about the Second Amendment Fiscal Court Clerk called Christina Smith to the podium

us as a country. We as individual citizens need to be able to protect ourselves in case this kind of

situation ever arises against is as individuals.

an AR 15, a 50 caliber machine gun and a 50 caliber cannon we should have it to protect yourselves just like the United State Government can afford a nuclear arsenal. There is a 99 percent chance that it will never be used but we have it there as a deterrent so the other countries will not force their selves upon

Ms. Smith said she is one of the co-founders of the Powell County United Group. She said this has made her so proud to see everyone showing up tonight to be a voice for Powell County and their beliefs in their rights to have guns, as many as they want and whatever kind they chose to have. She said she prays this all turns out to Powell County's favor.

Fiscal Court Clerk called the third name on the list that wished to speak about the Second Amendment Fiscal Court Clerk called Michael Faulkner to the podium

Mr. Faulkner said he has lived in Powell County his whole life. He said that he is a concealed gun carrying instructor and he teaches people to be confident and more knowledgeable with their firearms. Mr. Faulkner said he was very proud of his community for coming out to support this cause.

Fiscal Court Clerk called the final name on the list that wished to speak about the Second Amendment Fiscal Court Clerk called Michael Frazier to the podium

Mr. Frazier said he is the other co-founder of the Kentucky United Powell County Group. He said he from the head of Hardwick's Creek. He spoke of his grandfather that fought in War and thanked all the Veterans. Mr. Frazier said today when we find rights of the civil liberty threatened it not only becomes an obligation it becomes a civic moral duty for the citizens of Powell County and also the State to rise up and speak out and use their own first amendment right to say no more. This Resolution is a powerful symbolic reference to the souls and spirit of Powell County for the people to come together and say no more of the out worn slogans and the fear tactics. Mr. Faulkner said this Resolution says us the people of Powell County will have no more and this sends a clear message to Frankfort to respect our Second Amendment Rights and hopes this Resolution passes.

Judge Executive James Anderson ask for a motion to approve **Resolution No. 20-0114** declaring Powell County Kentucky a Second Amendment Sanctuary and Protection of Rights.

A motion was made by Magistrate Chad Patton seconded by Magistrate Dennis Combs to approve and Resolution No. 20-0114 declaring Powell County Kentucky a Second Amendment Sanctuary and Protection of Rights. The Powell County Fiscal Court hereby declares its intent to uphold the Second Amendment rights of the citizens of Powell County, Kentucky, and, furthermore, that the Powell

County Fiscal Court hereby expresses its opposition to BR 187, BR 354, BR 342, BR 282, BR 835, and the proposed Red Flag Gun Laws or Extreme Risk Protection Orders, as part of the Court's commitment to uphold the rights of law abiding citizens to keep and bear arms.

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll for those in favor of Resolution No. 20-0114 declaring Powell County Kentucky a Second Amendment Sanctuary and Protection of Rights.

Judge Executive James Anderson - YES

Magistrate Dennis Combs – YES

Magistrate Donna Gabbard - YES

Magistrate Mike Lockard - YES

Magistrate Chad Patton – YES

Magistrate Timmy Tipton – YES

This motion passes unanimously with all court members in favor of Resolution No. 20-0114 Declaring Powell County Kentucky a Second Amendment Sanctuary and Protection of Rights.

6-0 All in FAVOR

Magistrate Timmy Tipton said he hopes this sends a strong message to our politicians in Frankfort and Washington that people will not let our rights be taken away and he thinks this is an important resolution to pass. Judge Executive James Anderson said he would like to thank everyone and that this has been a group effort.

Judge Executive James Anderson called a 25 minute recess Court Resumes

Clerk's Report for the regular called meeting dated December 17^{th} , 2019 and the special meeting dated January 9^{th} , 2020.

Judge Anderson ask if any members of the court would like to make any changes, additions or deletions to the meeting minutes dated December 17^{th} , 2019.

Clerk noted no changes to be made to these meeting minutes dated December 17th, 2019.

Judge Executive James Anderson ask if any members of the court would like to make any changes, additions or deletions to the special meeting minutes dated January 9th, 2020.

Clerk noted no changes to be made to these meeting minutes dated January 9th, 2020.

There were no objections in paying all of the bills submitted for payment. Judge Anderson presented some additional invoices to be paid for the Airport project which is reimbursable. Magistrate Tipton said it's good that is reimbursable but if they had a total budget that they knew was going to be a certain amount they could maybe borrow the money to pay for these things. Judge Anderson said that was a valid point and we need to know when we do the county budget to allow for these expenses. He said he knows that we have to address these invoices but going forward we need to do something different.

Hanson Professional Services Inc.

Professional Services thru August 10th, 2019 - \$10,110.58 Land Acquisition thru Sept 7th, 2019 - \$4,001.25 150 RSA Land Acquisition thru Nov 30th, 2019 - \$4,561.25 Totaling - \$18,673.08. 5

SPX: Flash Technology

PC410 -4 PWR Conv 230-240V 60HZ Standard Light - \$3,212.12

Totaling - \$3,212.12

There were no objections in paying all invoices as submitted for the Airport Project.

Financial Statements:

Treasurer presented the Financial Statements and Cash Balances for the court's review. Treasurer presented a copy of the 2nd Quarter Report to all members of the court.

Budget Transfers:

A motion was made by Magistrate Chad Patton seconded by Magistrate Dennis Combs to approve the Treasurers transfers as presented including all of the interfund transfers and the budget transfers made to balance the 2nd Quarter Report.

Motion passes unanimously

Magistrate Dennis Combs - Aye

Magistrate Donna Gabbard - Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

Budget Amendments:

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs to approve the 2nd Reading of Budget Amendment # 4 increasing the Road Fund by \$144,922.00 (2020 Mack Truck – Machinery & Equipment).

Motion passes unanimously

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard - Aye

Magistrate Mike Lockard - Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton - Aye

Judge Executive James Anderson – Aye

1st Reading of Budget Amendment #5 increasing Ambulance Fund by \$37,952.60 (ambulance vehicle and roof repair).

Old Business:

Judge Executive James Anderson ask County Attorney Robert King if he had a chance to research the issue in relation to Echo Hollow. Mr. King said he had talked to several people that lives on that road and they have never heard of anyone wanting to put up a gate. He said if the gentleman is saying that everyone was in agreement that he would have to present a petition signed by all the parties on that road asking the Fiscal Court to approve this.

Judge Anderson ask the County Attorney if we would have to take the same process since it's a public pass way and not a county road and he told him that we would. Mr. King said he made sure to tell these people that the Fiscal Court that was not requesting to put up the gate or close this road. Judge Anderson said he would contact the gentleman that was wanting to put up the gate.

Updates:

Judge Executive James Anderson said that some lady had made a derogatory comment in regards to our EPD at the Dispatch Center. He said that this lady had approached him sometime back and had a family member that could have been impacted by our dispatch center not being certified in Emergency Medical Dispatch (EMD). During the October meeting court members discussed that it be mandatory for all staff members to be certified in Emergency Medical Dispatch (EMD).

At that time the county chose the lower package through Power Phone and found out that we can get reimbursed. As of last week dispatcher's should have been trained for this.

New Business:

Judge Executive James Anderson read the Lions Club Proclamation to the court.

Let it be known that this special club, named herein, are now honored. May the beauty of their service to Powell County Citizens abide among us as an eternal flame and as living benediction to the good of all Powell County Citizens. Let it be known to all the February is declared "Powell County Lions Club month. After reading the Proclamation Judge Anderson declared February 2020 as "Powell County Lions Club Month".

Red River Canoe Race:

Magistrate Timmy Tipton said that we are hoping to bring back the Red River Canoe Race. There will be a partnership with the Lions Club, the Powell County Tourism and hopefully several other entities. He said he sees it as a full blown community deal and thinks we have a wonderful footprint of property at the Lion's Club Park and is probably underutilized so we are looking for ways to see it grow and have better utilization of the park.

Judge Executive James Anderson said he feels this will be a big boost in our tourism and encourages some of our younger participates to get involved and be a part of something pretty exciting. He said they have had several meetings and are getting closer to setting a date.

Magistrate Timmy Tipton said they would like to have a full blown festival and thoughts of involving the Clay City Tourism and Clay City itself. There is talk of expanding the race beyond and having a 2 day event.

Powell County Clerk 2020 Budget:

Judge Executive James Anderson told court members that Powell County Clerk Jackie Everman had called and said that she would be unable to attend the meeting due to her having the flu. She ask Judge Anderson if he could present the Powell County Clerk's 2020 budget.

She included a copy of the 2019 budget along with her 2020 budget to present to Magistrates. Judge Anderson said some of the Legislation actually changed last year and a lot of her fees went up so this new budget had increased. There is around \$200,000.00 increase. After looking Ms. Everman did not include her 2020 Salary Cap Schedule so for the time being the court will approve her salary cap as of last years and if it changes she can come before the court to amend the amount at a later date.

After reviewing the County Court Clerk's 2020 Budget a motion was made by Magistrate Tipton seconded by Magistrate Gabbard to approve the Powell County Court Clerk's 2020 budget as a whole as presented to court.

Motion passes unanimously
Magistrate Dennis Combs – Aye
Magistrate Donna Gabbard – Aye
Magistrate Mike Lockard – Aye
Magistrate Chad Patton – Aye
Magistrate Timmy Tipton – Aye
Judge Executive James Anderson – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson - Aye

A motion was made by Judge Executive James Anderson seconded by Magistrate Chad Patton to approve the Powell County Court Clerk's salary cap (Annual Order Setting Maximum Amount for Deputies and Assistants) to include Full-time salaries and wages, Overtime wages, Part-time Salaries and wages and Vacation and sick leave as the same as last years in the amount of \$233,000.00. Motion passes unanimously

Magistrate Dennis Combs — Aye

Magistrate Donna Gabbard— Aye

Magistrate Mike Lockard — Aye

Magistrate Chad Patton — Aye

Tourism

Judge Executive James Anderson said he had been approached by the Powell County Tourism. One of their concerns this time of the year was having to close several of their roads down. They felt that NFSR 39 Tunnel Ridge Road is a big impediment to our tourism when it was closed. The Powell County Tourism wanted to know what it would take to keep it open and agreed to purchase gravel for it. Road Supervisor Aaron Marsee told court members that the specifications were elaborate in what they wanted but thinks they can handle it weather permitting.

Judge Anderson said he wants the county attorney to thoroughly review the Agreement #20-CS-11080200-039 and to also make sure we are not legally bound to the financial ratifications.

A motion was made by Judge Anderson seconded by Magistrate Chad Patton to agree to the USFS Agreement # 20-CS-11080200-039 to maintain Tunnel Ridge Road in the Red River Gorge during the winter months 2019-2020 contingent that if Road Supervisor Aaron Marsee has any concerns that we can work them out and the County Attorney Robert King reviews the agreement to make sure it puts the county at no liability.

Motion passes unanimously Magistrate Dennis Combs – Aye Magistrate Donna Gabbbard – Aye Magistrate Mike Lockard – Aye Magistrate Chad Patton – Aye Magistrate Timmy Tipton - Aye Judge Executive James Anderson – Aye

Powell County Sheriff's 2020 Budget

Sherry Skidmore was present for the meeting to present the Powell County Sheriff's 2020 Budget. After reviewing the Sheriff's 2020 budget a motion was made by Magistrate Tipton seconded by Magistrate Combs to approve the Powell County Sheriff's 2020 budget as a whole as presented to court.

Motion passes unanimously Magistrate Dennis Combs - Aye Magistrate Donna Gabbard – Aye Magistrate Mike Lockard – Aye Magistrate Chad Patton – Aye Magistrate Timmy Tipton - Aye Judge Executive James Anderson – Aye

A motion as made by Magistrate Donna Gabbard seconded by Magistrate Chad Patton to approve the Powell County Sheriff's 2020 Salary Cap (Annual Order Setting Maximum Amount for Deputies and Assistants) to include Full time salaries and wages, Overtime wages, Part time Salaries and wages and Vacation and sick leave in the amount of \$145,500.00.

Motion passes unanimously Magistrate Dennis Combs – Aye Magistrate Donna Gabbard - Aye Magistrate Mike Lockard - Aye

Magistrate Chad Patton -Aye

Magistrate Timmy Tipton - Aye

Judge Executive James Anderson - Aye

Ms. Skidmore also presented the special Bond of Powell County Sheriff for Repayment of Advancement for Judge Anderson James Anderson to sign.

Hollerwood Park

Judge Executive James Anderson gave each member a copy of Sales and Expenses Report Summary for September 15th, 2019 – November 30th, 2019. The date should be September 15, 2018.

The Hollerwood Park has been governed by a board made up of 3 appointees from each County Judge in the four counties.

The park first opened back in September 2018 and there has been a lot of legal ranging as far as property boundaries. This is a lease agreement which includes lease to purchase and any principal that has been paid will go towards the purchase price.

Judge Anderson said that this Fiscal Court needs to decide how the county will proceed in the future with financial support for this park. The court along with Judge Anderson all agreed to continue on with this process.

The Hollerwood board of directors meets on the third Wednesday of every month at 6:30 p.m. typically at the EOC in Stanton however, the meeting do sometimes take place in other bordering counties.

2020 Holiday Schedule

Court members discussed the 2020 holiday schedule for county employees. As is has been in the past there was discussion about Fair Day being considered a holiday.

A motion was made by Magistrate Chad Patton seconded by Magistrate Dennis Combs to approve the 2020 holiday schedule for county employees through the Fourth of July holiday with the court intending to further explore the feasibility of implementing a paid time off (PTO) policy before approving the remainder of the 2020 holiday schedule.

Motion passes unanimously

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard - Aye

Magistrate Mike Lockard - Aye

Magistrate Chad Patton - Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

Department Head Updates

CSEPP Director Kevin Babcock presented court members with 2 sealed bids for the Lawn Care and Maintenance for the EOC Center. Mr. Babcock said they have had a lawn care service taking care of this for a couple of years but now have someone else taking interest in this service.

The first sealed bid opened was submitted from Lawn En4cement.

The bid stated April - October 2020

Total estimate is for 31 visits (\$85.00 per visit)

The second bid opened was submitted from Jessie's Lawn Care (currently doing the service).

This bid submitted stated estimate for the 2020 mowing season

Total per mowing \$80.00

Magistrate Timmy Tipton ask Mr. Babcock who was doing the service now. Mr. Babcock told Magistrate Tipton that Jesse's Lawn Care has been doing it for the past few years. He told court members that he would be satisfied with either one that they both had insurance and are local but he would prefer to keep his personal opinion to himself and let the court make the decision. He also told them that his experience with the past service has done a fine job. He has done a lot of landscaping and is in better shape than it was and has never complained about doing anything that he has been ask to do. Magistrate Timmy Tipton said he feels the right thing to do and has no disregard for either of them but if the low bidder is presently doing it and doing a good job then he thinks he deserves to continue the service.

A motion was made by Magistrate Timmy Tipton seconded by Magistrate Donna Gabbard to stay with the current provider Jesse's Lawn Care for lawn care at the EOC building.



Motion passes

Magistrate Dennis Combs – opposed

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

A motion was then made by Magistrate Mike Lockard seconded by Magistrate Chad Patton that if something happens that Jesse's Lawn Care does not perform the duties or quits than the service would automatically go to Lawn En4cment.

Motion passes unanimously
Magistrate Dennis Combs – Aye
Magistrate Donna Gabbard – Aye
Magistrate Mike Lockard – Aye
Magistrate Chad Patton – Aye
Magistrate Timmy Tipton – Aye
Judge Executive James Anderson – Aye

Mr. Babcock told court members that in the past he has been using his own personal credit card for traveling expenses and is out that money on his credit card until he can get reimbursed. He is requesting that the court approve him to go ahead and get reimbursed for this expense as soon as he gets back provided that he turns in any and all of the travel vouchers for the particular travel expense and it is in his CSEPP budget travel line.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Donna Gabbard to approve Mr. Babcock's request to let him get reimbursed for this travel expense as soon as he returns provided that he turns in any and all travel expense vouchers and it is within his CSEPP budget line for expenses.

Motion passes unanimously
Magistrate Dennis Combs – Aye
Magistrate Donna Gabbard – Aye
Magistrate Mike Lockard – Aye
Magistrate Chad Patton – Aye
Magistrate Timmy Tipton – Aye
Judge Executive James Anderson – Aye

Mr. Babcock made court members aware that the close out for CSEPP will be around December 2022 and December 2023.

He said that anytime there is a meeting held that any of the Magistrate are welcome to attend. He also said that he could budget for 1 or 2 Magistrates to go to Washington for training next January. He also made them aware that the Hinkle tower got struck by lightning which took out the transformer. The insurance adjuster came out and said that there were five (5) lighting strikes within 15 minutes. The insurance will cover the transformer and the marker lights. He is going to put in an emergency request for a surge protector between the main power and our transformer in order to keep this from happening in the future and hopefully extend the life of the tower well into the future.

Powell County Health Board Appointment

Judge Executive James Anderson made court members aware that Jim Dennis does not want to be reappointed to the board due to health issues so he would like to appoint Sarah Holcomb to the Powell County Health Board.

A motion was made by Judge Executive James Anderson seconded by Magistrate Chad Patton to honor Judge Anderson's request to appoint Sarah Holcomb to the Powell County Health Board.

Motion passes unanimously

Magistrate Dennis Combs - Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

Ambulance Director Nathan Hall made court members aware that the new ambulance is broke down. Dan Cummins look at it and said it had high alcohol content in the gas.

Road Foreman provided court members with the December 2019 road report. This report shows date, location of work, district, scope of work.

Recycling Coordinator Chris Chaney told court members that he only had two inmates helping him and he is trying to keep up with the recycling trailers.

Closed Session 61.810 Subsection F

A motion was made by Magistrate Chad Patton seconded by Magistrate Dennis Combs to go into closed session KRS 61.810 Subsection F.

Motion passes unanimously

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard - Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton -Aye

Judge Executive James Anderson - Aye

Court resumes at 8:40 p.m.

Judge Executive James Anderson announced that there was no action taken in closed session.

There was discussion to come up with a proposal to hire a mechanic at the Powell County Road Department and if anything comes of this then the court will take a formal action.

Court adjourns at 8:48 p.m.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs to adjourn. The meeting adjourned at 8:48 p.m.

Motion passes unanimously

Magistrate Dennis Combs – Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Chad Patton – Aye

Magistrate Timmy Tipton - Aye

Judge Executive James Anderson - Aye

James Anderson Gallvard
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Mike Lockard
Chad Patton
Timmy Tipten