

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING
MAY 12TH, 2020
TIME: 6:00P.M.**

**LOCATION: POWELL COUNTY EMERGENCY OPERATIONS CENTER
33 COMMERCE DRIVE STANTON, KY. 40380**

**Join Zoom Meeting:
<https://us02web.zoom.us/j/85878235771>
Meeting ID: 858 7823 5771**

AGENDA

- I. Call Meeting to Order
- II. Roll Call
- III. Public Comments
- IV. Clerk's Report of Last Meeting
- V. Bills Submitted For Payment
- VI. Approval Treasurer's Financial Statement
- VII. Approval Treasurer's Transfers
- VIII. Budget Amendment
- IX. Old Business:
- X. New Business:
- XI. Updates:

Items to be discussed:

- 2nd Reading of Budget Amendment #6
- 1st Reading of Budget Amendment #7
- Pre-Approve Recurring Expense List 2020/20201
- 1st Reading 2020/2021 Proposed County Budget
- Industrial Board Appointment
- Updates
- Magistrate Updates
- Workshop
- CSEPP

VII: Other

**Powell County Fiscal Court
Regular Called Meeting
May 12th, 2020
6:00 p.m.
ZOOM AUDIO/ MEETING
<http://us02web.zoom.us/j/1858782357771>**

This regular called meeting was held on May 12th, 2020 at 6:00 p.m. The meeting was held using the ZOOM audio/video conference calling. Judge Executive James Anderson was the administrator/host of the ZOOM meeting. Those joining in the meeting was Dispatch Director Cory Graham, Fiscal Court Clerk Connie Crabtree, Magistrate Donna Gabbard, Magistrate Mike Lockard, Magistrate Chad Patton, Magistrate Timmy Tipton and County Attorney Robert King.

Judge Anderson called the ZOOM meeting to order at 6:00 p.m.

Judge Anderson ask the Clerk to call roll for Magistrates that was joining in the meeting.

**Magistrate Dennis Combs – Absent due to illness
Magistrate Donna Gabbard – Present ZOOM audio/video
Magistrate Mike Lockard – Present ZOOM audio/video
Magistrate Chad Patton – Absent due to Kindergarten graduation
Magistrate Timmy Tipton – Present ZOOM audio/video**

Old Business:

Census:

Judge Executive James Anderson made the court aware that currently the states response rate is 62.3 and Powell County is 52.5. As a small county we think we get left out but part of that is our doing if we don't do our part with this census. We are currently 10 % behind the response rate of the state as a whole. Judge Anderson stressed the importance of getting these filled out whether it be mailing them in or doing them on line. Let's encourage everyone to take part in the census. This is also stop people from coming to your front door asking about it. With this epidemic going on at this time the census may play a big part of what monies that could be available.

LGEA Public Hearing:

Budget Hearing Regarding Proposed Use of County Road Aid and Local Government Economic Assistance (LGEA) Funds public hearing was held at 4:00 p.m.

There were no citizens that showed up for this public hearing.

This was posted in the Clay City Times for May 12th, 2020.

Clerk's Report for the April 2020 Meetings:

Judge Executive James Anderson ask if any members of the court would like the Fiscal Court Clerk to make any changes to the minutes dated April 10th, 2020. There were no requests to make any changes therefore the minutes dated April 2020 is accepted.

Judge Executive James Anderson ask if any members of the court would like the Fiscal Court Clerk to make any changes to the minutes dated April 30th, 2020. There were no requests to make any changes therefore the minutes dated April 30th, 2020 is accepted.

Bills Submitted for Payment:

All bills were submitted to fiscal court for payment. There were no objections in paying any of the bills submitted therefore all bills will be paid.

Treasurer's Transfers:

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to approve all of the Treasurers transfers to include interfund transfers, cash transfers and budget transfers.

Budget Transfer:

01-9200-999 Transfer to Emergency Services (Covid) - \$5,000.00

01-5135-515 Transfer from Reserve for Transfers - \$5,000.00

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

Motion passes unanimously

Financials:

Treasurer presented all of the financials for court's review. To include the Financial Statement, Interfund Transfers and cash balances.

3rd Quarter Report:

Treasurer presented Fiscal Court members with a copy of the 3rd Quarterly Report that was submitted to the Department of Local Government.

Budget Amendments:

A motion was made by Magistrate Donna Gabbard seconded by Magistrate Mike Lockard to approve the 2nd Reading of Budget Amendment # 6 increasing the General Fund by \$1,125,527.00 for the Energy Savings Project.

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll

Magistrate Timmy Tipton – Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Judge Executive James Anderson – Aye

Motion passes unanimously

1st Reading of Budget Amendment # 7 increasing the General, Road, Jail, LGEA, CSEPP and the Alcohol Beverage Funds in the amount of \$849,363.00.

2020/2021 Annual Standing Order to Pre-Approve Recurring Expenses:

A motion was made by Magistrate Timmy Tipton seconded by Magistrate Mike Lockard to approve the 2020/2021 Annual Standing Order to Pre-Approve Recurring Expenses.

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll

Magistrate Timmy Tipton –Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Judge Executive James Anderson – Aye

Motion passes unanimously

1st Reading of the 2020/2021 Entire Proposed County Budget:

The Department of Local Government requires that the entire proposed county budget be submitted to the fiscal court by May 1.

Magistrate Mike Lockard and Magistrate Donna Gabbard said they would like to have a budget workshop before the final vote is made.

1ST Reading of the 2020/2021 Entire Proposed County Budget May 12th, 2020.

Powell County Industrial Board Appointment:

Judge Anderson shared a letter to court members that was submitted from Ms. Jerlene Rose. (Letter will follow minutes.) Ms. Rose will be resigning from the Powell County Industrial Board. On May 18th will be the last official meeting.

Judge Anderson said he would like to thank not only Ms. Rose but her husband Bill. They have both been good servants to Powell County and has done very good things. He said that he wishes her the best of luck with her new endeavors.

Judge Anderson said he would like to make the recommendation to appoint Rick Stamper to the Powell County Industrial Authority as Ms. Jerlene Rose's replacement. Mr. Stamper has been an advisory member even prior to Judge Anderson's being in office. The Judge said Mr. Stamper regliously attends all of the board meetings. Judge Anderson said he thinks with Mr. Stamper's knowledge of banking will be an asset to him serving on this board and will also be an excellent member and his willing to serve.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Timmy Tipton to honor Judge Executive James Anderson's request to appoint Rick Stamper to the Powell County Industrial Board to fulfill the remaining seat of Ms. Jerlene Rose's term.

Judge Anderson ask the Fiscal Court Clerk to call roll:

Magistrate Mike Lockard – Aye

Magistrate Donna Gabbard – Aye

Judge Executive James Anderson – Aye

Magistrate Timmy Tipton - Aye

Motion passes unanimously

Updates:**Energy Savings Project:**

Judge Executive James Anderson made the court aware that on May 25th they should start sitting the heating and air units. They said currently we have two units at the courthouse that the air is not working. The lighting will be the next components along with roof repairs at the courthouse and the older portion of the jail. Judge Anderson said he feels that our work environment will be more pleasant as well as efficiently.

Red River Economic Development:

This group had an advisory committee in relation to the Resort.

Judge Executive James Anderson made court members aware that they had a zoom meeting this week. This scope of work has been altered in relation to the Covid. They was supposed to have some public forums so our people could have some input and meet with them. This had not happened because of not being able to meet in person. They have talked like they would try to do some work in small groups and maybe explore the possibility of doing some online forums. Currently they are completing surveys of the area and inventory and what it is. They have also done some site evaluations and scored them based on some of the criteria such as the distance from Slade and distance to water and sewer. The flood plain was other issue. They have identified the premiums sites and used topo maps to get the terrain in the area that would accommodate acres for that kind of resort. Some of these sites that were identified and scored were not feasible properties and the property owner may not be willing to sell. They are trying to decide where the most feasible properties would be.

Kinder Morgan Emergency Shut Down:

Judge Executive James Anderson made the court aware that Kinder Morgan had another emergency shut down but wasn't at the level as the last one back in 2016. The shutdown back then was due to the spraying of oils on part of our county. He said the actual shut down happened somewhere around 11:00 a.m. yesterday morning. Judge Anderson said he was not personally notified until Magistrate Chad Patton called him about this incident. He said when he talked to Kinder Morgan today he expressed his concerns on why himself or our EMS Service was not contacted when this first happened. There rebuttal to this was that they did notified him between 5:00 or 6:00 range yesterday. Plant Manager Dean Huntly had called as well as Emergency Director Steve Asbury. They said they had notified us as soon as they had the problem. Judge Anderson said his understanding of the actual emergency shutdown happened somewhere in the neighborhood of 11:00 yesterday morning and they were unaware of it actually effecting any outside properties. Magistrate Chad Patton notified them that he had saw some residue on some things at his residence. Judge Anderson said this is unacceptable and you would think that the history of the release back in 2016 that it would be their protocol that they would go ahead and do an evaluation without the public having to call in. He said he had also talked to their environmentalist about some things he would like to see. The theory that they can go out and drain a pool, put new water in and wash a house but he said he still has some concerns that whatever they are washing off is going into our environment and into our soils. They try and say these are very assessable to the light and environment and that they break down very quickly but the Judge Anderson said he wants to have more proof of this. He said he has suggested that on their dime that they allow us the ability to hire an outside environmental contractor to come in and do the work. Mr. Asbury had the

opportunity to go down and meet with them so he should get more of an update from him to what actually happened.

Pandemic Update:

Judge Anderson said he would try and answer any questions anyone has in relation to the pandemic at the county level. One thing he said he would like to touch on is the restlessness and wanting to go ahead and open. The Judge ask any of the Magistrates if they had any questions or concerns.

Magistrate Timmy Tipton said he has concerns when things start to open up. The social distancing is a real deal and he has to educate and remind himself when he is out in the public. People need to be more on guard as things start to open up. Judge Anderson said that he totally agrees with this. We are in a unique position. He said they had a zoom meeting with a number of our businesses this week and they have had some outreach in trying to figure out when to open. Judge Anderson said he sympathizes with our small businesses. He can relate to this because of his six years of being in this seat he was self-employed so he totally understands the struggle and especially when it's out of your control. Our occupational and net profits is the counties biggest revenue lines in our budget. These businesses has felt the impact immediately and the county will feel it these next quarters. We have a population of 12,613 people that we have to watch out of their well-being. In the same time we have to be very initiative of the economy for our business folks. Judge Anderson said himself or the court hasn't done anything beyond what the white house and the governor has put out. Even at the state level there is a whole lot of resentment of some of things in place but if you look and dive into it actually at the state level we are for the most part following white house direction. With this being said we directly do not have the ability to say we are going to open the gorge or the state park. Judge Anderson said he had been in contact with the state and federal in relation to this. If you start to look for things coming back on line there are starting to be some things that are confusing to him and not that is he attacking the restaurant industry but his personal opinion in looking at the challenges with the virus was potentially in person dining might be one of the last things that come on line. When you see that we are going to allow in person dining by May 22nd and yet we are not opening our trails it's kind of hard to radicalize this. With this being said on Labor Day there is a big push of a lot of our local businesses especially in the Eastern part of the county to be open before then. He said he has also talked to the Lee County Judge Executive about this. The gorge impacts all surrounding counties. Lee and Wolfe Counties is the ones that directly impact us and we impact them. Judge Caudill had taken a lot of action in conjunction with the Climbers Coalition. They had voluntarily shut down those properties. Judge Anderson said they are pushing for the May 22nd date to reopen trails. The U.S. Forestry Service said they would follow the states lead in re-opening the trails. He said he wishes they had taken that mentality in the beginning. Judge Anderson said he does worry when we start to open what it will look like in 6 to 8 weeks. He said we are doing our parts and the local businesses have done their part also. As we start to get this traffic we will be getting people from other areas that has not been as proactive and not as in tune with social distinctly.

Judge Anderson said our drag strip has been closed but he thinks it's only fair that if we are going to open horse racing then we should be allowed to open the drag strip. They have adopted protocols so it's fair that they be open also.

Judge Anderson said he had seen a draft that the Governor had sent in relation to government centers re-opening. There is supposed to be some form of this happening on the 18th. He said he has not seen a final version at this time. It looks very similar to the way we are operating now.

One of the biggest challenges is the County Clerk's Office. They are the ones that have the biggest obstacle to overcome. As soon as the door is open there will be a lot of people coming in.

Also this year the election is going to be unique and there will be a lot of traffic in relation this this.

Judge Anderson said he has been talking about to the county and circuit clerk about trying to eliminate the in person contact. Mrs. Everman has been doing most of her services through her window. He said we may need to look into putting a small awning with plexiglass over her window and build a temporary platform for them to stand on instead of using a step stool.

This shouldn't cost a lot of money to do but would fall under a Covid expense that we would hopefully get reimbursed for.

Magistrate Tipton ask if our departments have been educated or have copies hanging in display in common areas. Judge Anderson said he thinks we have done a good job on educating everyone but cannot take for anything for granted. He said there was a recommendation by the state that we adopt a policy on keeping safe. Judge Anderson speaking from the Judges Association several of them had submitted comments and recommendations and at the point they come back with a final draft it will be up to the court to decide what fits our model and what works best. If we could get one then we could look at it and see if that's the protocol we would want to follow or make changes to it. At that time we will make sure that each department head has it to go over with their staff. Magistrate Tipton said that our department heads should lead by example.

Committee Updates:

Magistrate Timmy Tipton said he went to the Powell County Road Department and met with the County Road Mechanic Ryland Ledford. Magistrate Timmy Tipton submitted his notes to the court members. (A copy of this report will follow minutes.)

The report stated the he inspected the shop which was cleans and well organized. They did discuss the shop needing to be insulated and ventilated.

Ryland showed Magistrate Tipton how he creates a work order for each job he does and emails it to Kacey each day. Magistrate Tipton said that this will be a good way to keep up with savings by doing our own work and measuring cost/benefit.

They also talked about creating a walk around check list. Ryland is going to look at some templets.

- Would buying oil in bulk for the shop be a savings?
- Ryland mentioned a scan tool for autos would be a benefit.
- They have started work on cemetery roads and started mowing this week.

Judge Anderson ask Magistrate Mike Lockard if he knew what the cost of a scanner tool would be.

Magistrate Timmy Tipton ask if this would work for our vehicle Fleet and ambulances. Magistrate Mike Lockard told him that they would work for this. He also said it would depend on how in-depth you wanted to go on one but he was thinking the price would be around \$1, 700.00 to \$2,000.00. Judge James Anderson said this would be money well spent.

Judge Anderson said he had money in the budget under the tool line for this type of tool. He said he would tell Ryland to go ahead and be researching about purchasing this item. Magistrate Mike Lockard could also give advice to Ryland on what kind to purchase.

CSEPP Updates:

Judge Anderson said the CSEPP Director Kevin Babcock had contacted Infinity Foam about spraying foam insulation at the EOC building. The amount was somewhere in the neighborhood of \$7,500.00.

In discussion with the road department needing insulation the price would be cheaper than this. Maybe there would be some kind of discount if we done both.

Judge Anderson said he would be fine with going ahead and approving up to \$7,500.00 for the insulation at the road department. Judge Anderson also discussed the need of exhaust fan at the road department to pull out heat in the summer and cold in the winter. Magistrate Timmy Tipton said he agrees to go ahead and do the insulation but we should see what kind of ventilation options we have and what that cost it would be.

A motion was made by Judge Executive James Anderson seconded by Magistrate Donna Gabbard to **allow up to \$7,500.00 for insulation at the new shop building at the road department.**

Judge Anderson ask the Fiscal Court Clerk to call roll

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Timmy Tipton – Aye

Judge Executive James Anderson – Aye

Motion passes unanimously

Discussion of charges for gas and diesel:

Judge Anderson said we are getting several charges for gas and diesel. He said he is not discriminating against any of our gas stations or entity in Powell County but if you look at the savings by not having to pay the taxes on that it's crazy and there is enough options on our WEX cards that we should be paying .30 cent more a gallon for these products. It starts to add up and this is tax payer's money. Judge Anderson said he plans on sending out a memo encouraging each department to reframe from getting these products if you cannot use your WEX card unless it's an extreme emergency.

Judge Anderson said if he's put out a memo either a business owner or employee might say this in an inconvenience so he wanted to make them aware of the memo.

Judge Anderson said we have been having some issues and have actually refrained from paying some invoices because some of the departments we contribute to will list a unit that is potentially a diesel unit that has got gas attached to it. This is in relation to a fire truck. You could have some understanding if there were 2 gallons that was assigned to the vehicle to fill up a chain saw or concrete saw but when you are getting bigger amounts that looks like it's potentially going in a vehicle this is to be questioned. When we contribute these monies we have to insure that they being spent accordingly.

Judge Anderson said he would get with Magistrate Mike Lockard (building and grounds committee) to discuss the options for the County Clerk's office not only for the election but for the traffic.

Magistrate Update per District:

Magistrate Timmy Tipton ask when the primary election was going to be. Judge Anderson told him he thought it was June 22nd or 23rd. Magistrate Tipton ask if everyone would have the option to vote at home opposed to going to the polls.

Judge Anderson said he his understanding that it's designed to use mail in ballots and he knew a lot of people will not like this or be comfortable with it but he would encourage each person to utilize that. What people don't realize is they have to provide a polling place but the particularly is that all of us could go into the courthouse or that location and be able to vote safely would be very questionable. He would hope that this be mimimized as much as possible. This election is going to be very cumbersome for clerks in general and if we start adding other elements beyond the safety it will definitely overload them. They are going to be swamped with people wanting to get their registrations and also be busy with mailing ballots to everyone. Mrs. Everman had told Judge Anderson that the state was going to allow her to hire four additional people to help with this extra burden. As much as we can do to ease this burden would be good.

Magistrate Donna Gabbard said she thinks you can put in for an absentee ballot as early as May 22nd. Judge Anderson said she thinks Ms. Everman is going to try and set up the machine as early as June 1st. He said we may have to get Mrs. Everman meet with us to give us the details on what's going on.

Magistrate Gabbard said that people are very grateful for the work the road department has done on cemetery roads.

Magistrate Lockard said he hasn't heard anything else about the beaver dams.

Judge Anderson ask that everyone remember Magistrate Dennis Combs in their prayers and thoughts.

Discussion of the Budget Workshop:

Judge Anderson said that it has to be opened to the public and we could potentially adhere to the 10 person or less in the courtroom. We could broadcast it to the public. He said it would be handy to have it in the office so that the Treasurer or Finance Officer could print out any reports that may be needed. Another option would be to meet with Judge Anderson individually. Judge Anderson said he is open to any of the options.

Magistrate Lockard said that he would like to have the workshop in the courtroom.

Magistrate Tipton said he is ok with that option also but he thinks we should wait until after May 18th to have the workshop.

Judge Anderson said again that he thinks this budget is the most trying one since he's been in office due to us not knowing what our revenue cuts are going to be. He is trying to be conservative upfront with those revenue numbers so it want put us where we have overestimated the receipts.

We have given raises all but one or two years. Judge Anderson said if we get down the road and find we were not impacted as bad as we thought then we could re-visit giving raises. All of years that we have acutally given raises we have incurred the increase cost of our health insurance so the employee has always got some kind of compensation weather they see it or not.

All Magistrates agreed to have the workshop in the courtroom one after May 18th.

Judge Anderson ask the Magistrates to go ahead and make notes on their budget with the questions they may have.

CSEPP:

According to the state and federal guidelines anything under \$10,000.00 they are still trying to make them get three (3) quotes. Sometimes in the circumstances we are operating in it could definitely show down a project and cause a lot of trouble. A lot of times there are not three (3) vendors that provide what we are looking for. If CSEPP Director Kevin Babcock uses state contracting pricing he does not have to give any quotes under \$20,000.00.

CSEPP Director Kevin Babcock is requesting that the court approve him to be able to purchase up to \$10,000.00 without having to get the three (3) quotes if it's not possible to get them at that time.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Donna Gabbard **to honor CSEPP Director Kevin Babcock's request to allow him to purchase up to \$10,000.00 with not having to get three (3) quotes.**

Judge Executive James Anderson ask the Fiscal Court Clerk to call roll:

Judge Executive James Anderson - Aye

Magistrate Donna Gabbard – Aye

Magistrate Mike Lockard – Aye

Magistrate Timmy Tipton – Aye

Motion passes unanimously

No public comments at this time.

GIS Grant:

Dispatch Director Cory Graham made court members aware that they had opened up our grants for GIS. He said he has already started the process in applying for this grant. He said he feels confident that we would get it. This will be a huge win for the county. To be compatible with Next Gen 911 which is coming rapidly we have to have a complete re-survey of the entire county as far as the map goes for the 911 center. The state has been kind enough to offer us this grant process for this.

Judge Anderson said we have talked about some things to do on our Public Information Page to assist our small businesses as much as possible. One thing he had mentioned to Cory is to reach out to some of these businesses and doing a quick segment or profile on them to give them some additional exposure. Mr. Graham said he has had a couple of people notified him but they really haven't started on the process yet. He said he would like to get five to ten small businesses daily and do a daily update on them and put a schedule together to do a video and get it put out.

Judge Anderson told the Magistrates if they wanted to put anything on this Public Information Page about their districts to feel free to do so.

UPDATE ABC ORDINANCE:

County Attorney Robert King will get the ABC Ordinance ready to go in the paper.

With no further discussion Judge Executive James Anderson entertained a motion to adjourn.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Donna Gabbard to adjourn.

The meeting adjourned at 7:07 p.m.

James Anderson

Donna Gabbard

Mike Lockard

Timmy Tipton