

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
SEPTEMBER 16, 2008**

The Henry County Fiscal Court met in a regular session on September 16, 2008 at the Henry County Courthouse in New Castle, Kentucky with the following in attendance:

Honorable John L. Brent, Judge Executive
Honorable Peggy V. Bryant, Deputy Judge Executive
Honorable Virginia Harrod, County Attorney
Esquire Jerry Beasley
Esquire Guy Coombs
Esquire Mike Fisher
Esquire Wayne Gunnell
Esquire Nick Hawkins

Esquire David Brown-Tardy

RE: PLEDGE OF ALLEGIANCE

Judge Executive John L. Brent led the Court in the Pledge of Allegiance to the Flag.

RE: PRAYER AND PREPARATION

Silent prayer was observed in preparation for the meeting.

RE: CALL TO ORDER

Judge Brent called the meeting to order and called roll noting Esq. Brown was absent.

RE: APPROVAL OF MINUTES

Upon motion by Esq. Beasley and seconded by Esq. Hawkins, it is ordered by the Court to approve the minutes from the August 19, 2008 regular meeting.

Motion carried unanimously

RE: OLD BUSINESS

RE: PUBLIC HEARING AND 2ND READING OF 2008/2009 TAX RATES

Judge Brent opened the meeting to the public for comments on the 2008/2009 tax rates. There being no comments Judge Brent called for a vote.

Upon motion by Esq. Fisher and seconded by Esq. Beasley, it is ordered by the Court that the County **tax levy remain the same** as last year at 11.7 cents per hundred dollars on all real property in Henry County, 15.9 cents per hundred dollars on all personal property in Henry County, and 11.9 cents per hundred dollars on all vehicles and watercraft for 2008.

Motion carried unanimously

RE: 2ND READING OF AMENDED MANDATORY GARBAGE ORDINANCE

Judge Brent gave a summary of the ordinance noting the significant changes are to require the landowner and not the tenant be responsible for the service and residential customers with incomes less than eight hundred dollars (\$800.00) per month will be eligible for free service.

Upon motion by Esq. Hawkins and seconded by Judge Brent, it is ordered by the Court to approve the second reading and adoption of the Amended Mandatory Garbage Ordinance.

Yes – Coombs, Gunnell, Hawkins

No - Beasley, Fisher

Motion carried

RE: NEW BUSINESS

RE: ROADS

1. Supervisor Update

Glenn Baxter Henry County Road Supervisor was absent due to the death of his father-in-law. Judge Brent gave a brief update noting the road department had worked Sunday afternoon and evening clearing the roads following the wind storm. He also noted with the increase in the price of salt the County may use more cinders this winter. The paver broke down and the parts are expected in tomorrow.

2. Marshalls Bottom Road – Intent to Close a Portion

Judge Brent reviewed the KRS steps needed in closing Marshalls Bottom Road. He noted the Court must first vote to direct the portion of the road to be closed. Then notice must be published and notices placed at three public places in the vicinity of the road. The Court will then appoint two viewers who together with the county road supervisor shall review the road and report in writing at the hearing what inconvenience would result from the closing of the road. Following the report the Court may close the road.

Upon motion by Esq. Fisher and seconded by Esq. Gunnell, it is ordered by the Court to proceed with the intent to close a portion of Marshalls Bottom Road.

Motion carried unanimously

RE: EMS/PARAMEDICS

1. Supervisor Update

Henry County EMS Supervisor Scott McClamroch informed the Court that the State EMS Director had requested personnel to assist in Louisiana following Hurricane Ike. Scott noted two employees had been sent. There is no cost to the County as the EMT's will be paid by FEMA and they did not take a truck. Scott noted they were released to come home today.

2. Paramedic Supervisor-Hiring Recommendation

Scott reminded the Court that ALS Coordinator Rich Calvert will become part-time October 1. Scott recommended Jim Cox be hired as the new ALS Coordinator noting he presently works for the County as a paramedic and serves as an instructor of paramedics. Scott also recommended moving John Feris from a part-time to a full-time paramedic status beginning October 1 and hiring Candace Christine Hammond as a part-time EMT.

Upon motion by Esq. Brown and seconded by Esq. Gunnell, it is ordered by the Court to hire Jim Cox as the ALS Coordinator.

Motion carried unanimously

Upon motion by Esq. Hawkins and seconded by Esq. Brown, it is ordered by the Court to move John Feris from a part-time to a full-time paramedic position effective October 1, 2008.

Motion carried unanimously

Upon motion by Esq. Hawkins and seconded by Esq. Combs, it is ordered by the Court to hire Candace Christine Hammond as a part-time EMT.

Motion carried unanimously

3. Updating of Billing Rates as per Medicare/Medicaid Allowables

Judge Brent noted the billing in the past for the EMS has been based on the Medicare/Medicaid allowables. The rate increase for 2008 is 5.00%. Scott recommended the County approve the proposed rate adjustment.

Upon motion by Esq. Gunnell and seconded by Esq. Brown, it is ordered by the Court to approve the current Medicare/Medicaid allowable rates.

Motion carried unanimously

RE: PLANNING AND ZONING – ZONE CHANGE

Judge Brent presented the Planning Commission's recommendation to deny a zone change from A-1 to A-2 at 5479 Lake Jericho Road. Judge Brent read the findings and noted it was a unanimous decision by the Planning Commission to deny the zone change. Judge Brent called for a vote.

Upon motion by Esq. Coombs and seconded by Esq. Hawkins, it is ordered by the Court to accept the Planning Commission's recommendation to deny the zone change from A-1 to A-2 at 5479 Lake Jericho Road.

Motion carried unanimously

RE: RESOLUTION RELATING TO THE FRANCHISING OF GARBAGE COLLECTION

Judge Brent explained the resolution lets the bids for the franchising of residential and curbside collection for the County. The bids will be opened at the October 21, 2008 meeting as the current franchise ends December 31, 2008. Judge Brent reviewed some of the services included in the franchise such as recycling bins, dumpsters for the parks and courthouse and a large bin for the County wide clean up. He also noted each resident gets a waste wheeler. He noted the franchise fee is 25% but shall not exceed a total of \$3.00 per month. Residents eligible for free service will be taken directly out of the franchise fees.

Upon motion by Esq. Brown and seconded by Esq. Hawkins, it is ordered by the Court to adopt the Resolution providing for the sale of a franchise for the disposal of garbage, trash, and debris within Henry County.

Yes- Brown, Coombs, Gunnell, Hawkins

No- Beasley, Fisher

Motion carried

RE: PARKS

1. Park Update

Judge Brent thanked Barry Bowen and the Bowen crew. He noted they have been running several pieces of heavy equipment at the park at no cost to the County. He thanked our parks crew and the road department for their hard work in seeding the fields and rocking the roads. He encouraged everyone to go and see the job that is being done.

2. Singleton Pond Issue

Judge Brent noted the Court discussed the Singleton pond issue at last month's meeting. He stressed the County wants to do what is the right and fair and the County's insurance company is willing to pay some of the claim. Judge Brent asked the Court for their thoughts on the issue. Esq. Hawkins stated he was not very knowledgeable about silt filling ponds so he spoke with Greta Steverson with Soil Conservation and several farmers. He felt the County had some responsibility but other factors such as the age of the pond, cattle in the pond, and runoff from crops had to be taken into consideration.

Upon motion by Esq. Hawkins and seconded by Esq. Brown, it is ordered by the Court to support KACO in accepting liability for 20% of the presented claim or repair estimate of Mr. Singleton's pond, an amount not to exceed \$756.00. This amount should be paid directly to the said contractor only for compensation of work completed. This amount should be paid only after an agreement drafted by either KACO or the Henry County Attorney stating that this amount is 100% of Henry County Fiscal Court's liability or responsibility. The release must be signed by Mr. Singleton and the Henry County Judge Executive and mailed to each Magistrate.

Esq. Beasley questioned if the price of \$3780.00 was for cleaning out the whole pond when the mud ran only in one end. Mr. Singleton stated the price was only for the end where the mud had damaged his pond. He also stated he was not interested in the \$756.00 and would take his issue to the next step. Following further discussions Esq. Hawkins asked to withdraw his motion.

Upon motion by Esq. Beasley and seconded by Esq. Brown, it is ordered by the Court to ask KACO to spend up to \$1500.00 to clean out Mr. Singleton's pond and the County to sew grass seed on the dam to prevent further runoff.

Motion carried unanimously

Mr. Singleton was in consensus with this motion.

RE: FENCE POLICY FOR THE NEW PARK

Judge Brent noted the County needed to set a fence policy for the new park. He stated the Court had three estimates for different types of fencing. The Court was in consensus that they wanted to be a good neighbor to the adjoining property owners and they discussed the price of the different types of fence. Esq. Hawkins researched the various statues on fence laws. He also discussed the types of fence that are used at the Shelby and Trimble County Parks. There was discussion from the Court on liability issues. Adjoining property owners Ray Powell and Steven White came before the Court requesting the type of fence they preferred.

Upon motion by Esq. Gunnell and seconded by Esq. Brown, it is ordered by the Court to honor Mr. Powell and Mr. White's request to carry through on the boundary lines with the 60 inch no climb horse fence, this is to be a standard policy with the landowner paying 50% of the cost of a woven wire fence and the County paying the difference for the no climb horse fence.

Yes-Beasley, Brown, Coombs, Fisher, Gunnell

No- Hawkins

Motion carried

RE: CLAIMS AND TRANSFERS

Upon motion by Esq. Hawkins and seconded by Esq. Beasley, it is ordered by the Court to approve the following claims and transfers:

General Fund	\$204,820.61
Road & Bridge	241,805.53
Jail	41,393.47
LGEA Fund	2,607.65
Federal Grant Fund	117.50
Litter Grant Fund	55.33
911-EMS Fund	8,972.36
Fair Fund	<u>1,274.56</u>
Total Expenditures	\$501,047.01

Motion carried unanimously

RE: COURT COMMENTS

Henry County Attorney Virginia Harrod thanked the Court for the support shown to her during the loss of her father.

RE: ADJOURN

Upon motion by Esq. Brown and seconded by Esq. Beasley, it is ordered by the Court to adjourn and each Magistrate, the Judge Executive and the County Attorney shall receive a typed copy of these minutes prior to the next regularly scheduled meeting.

Motion carried unanimously

RESPECTFULLY SUBMITTED:

PEGGY V. BRYANT
FISCAL COURT CLERK

JOHN L. BRENT
JUDGE EXECUTIVE