

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
APRIL 21, 2009**

The Henry County Fiscal Court met in a regular session on April 21, 2009 at the Henry County Courthouse located 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 David Brown
Esquire Guy Coombs
Esquire Mike Fisher
Esquire Nick Hawkins
Esquire Adam West

RE: PLEDGE OF ALLEGIANCE

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

RE: PRAYER & PREPARATION

Silent prayer was observed in preparation for the meeting.

RE: CALL TO ORDER

Judge Executive John L. Brent called the meeting to order and noted everyone was present.

RE: APPROVAL OF MINUTES

County Attorney Virginia Harrod informed the Court that at last month's meeting she addressed the Court regarding the road sign-off on permits. She thought the document was an ordinance and advised the Court that a 1st and 2nd reading was required for an amendment. After research she realized it was an order not an ordinance and a 1st and 2nd reading was not required. She suggested the Court may want to correct the minutes.

Upon motion by Esq. Beasley and seconded by Esq. Coombs, it is ordered by the Court to approve the minutes from the March 17, 2009 regular meeting with the one correction that the road sign-off on permits was not an ordinance but an order. An order does not require a 1st and 2nd reading to amend.

Motion carried unanimously

RE: OLD BUSINESS

RE: BUDGET AMENDMENT SECOND READING

Upon motion by Esq. Fisher and seconded by Esq. Hawkins, it is ordered by the Court to approve the second reading and adoption of the ordinance amending the Henry County Budget for Fiscal Year 2008-2009, to include unanticipated receipts and expenditures from the following accounts:

Receipts from:

01-4727C	Insurance Reimbursement/Roof Claim	\$19,360.17
01-4799	Other Receipts/Sale Park Property	\$89,000.00
77-4504A	CDBG Grant/Senior Project	\$ 500.00

Expenditures from:

01-5080-571	Renewal & Repairs/Annex Roof	\$19,360.17
01-8011-718	Park Improvements/New Park	\$89,000.00
77-5305-742	CDBG Grant/Senior Project/Adm. Fee	\$ 500.00

Motion carried unanimously

RE: ROAD SIGN-OFFS ON COUNTY ROADS-COUNTY ATTORNEY VIRGINIA HARROD

Judge Brent reminded the Court that last month they voted to strike paragraph 3 in the ordinance to eliminate the written permits for entrances to county roads. He suggested the Court may want to repeal section 3 of the order.

Upon motion by Esq. Beasley and seconded by Esq. West, it is ordered by the Court to delete section 3 of the order which deals with the issuance of written permits for entrances to county roads.

Motion carried unanimously

RE: ROADS

1. Roads Update

Judge Brent noted Henry County Road Supervisor Glenn Baxter has not returned full-time to work due to surgery. He comes in each morning for a short time but is available by phone if needed. Judge Brent stated each Magistrate's road requests have been included in next year's budget.

2. Inter-local Agreement with Lake Jericho Watershed Board

Esq. Coombs brought a request from the Lake Jericho Watershed Board asking the Court and the Henry County Road Department to enter into an inter-local agreement with them to do maintenance on the access road to the Lake Jericho Recreation Park. The Little KY Watershed

District agrees to reimburse the County for the cost of all materials used to patch the pot holes. They requested the work be completed before Memorial Day. Esq. Coombs noted he had been told that the County may be responsible for maintaining a portion of this road but he will research the issue.

Upon motion by Esq. Coombs and seconded by Esq. Beasley, it is ordered by the Court to enter into an inter-local agreement with the Little Kentucky Watershed with them purchasing the blacktop and the County will patch the pot holes. The County will be reimbursed for the cost of all materials and the work should be completed before Memorial Day.

Motion carried unanimously

RE: EMS/PARAMEDICS

1. Supervisor's Update

Henry County EMS Director Scott McClamroch asked the Court to hire Jeanette Marowelli as a part-time EMT.

2. EMT Part-Time Recommendation-Jeanette M. Marowelli

Upon motion by Esq. Brown and seconded by Esq. West, it is ordered by the Court to hire Jeanette M. Marowelli as a part-time EMT.

Motion carried unanimously

RE: 911 REQUEST FOR A DEPUTY CORONER RADIO

Upon motion by Esq. Brown and seconded by Esq. Fisher, it is ordered by the Court to approve the purchase of a portable radio with charger for the Deputy Coroner in the amount of \$674.00.

Motion carried unanimously

RE: PLANNING & ZONING

1. Planning & Zoning Audit Committee Report on Russell Loaring's Concerns

Judge Brent reminded the Court at last month's meeting they voted for a committee to look into the concerns of Russell Loaring regarding planning and zoning. Planning and Zoning Attorney Josh Clubb gave a report to the Court. He noted the committee of Esq. Beasley, Esq. Brown, Esq. West, Dennis Yeary and Mike Ray met with him and Planning and Zoning Supervisor Greg Derossett. The committee reviewed the six files that were in question. They found all required documentation was in the file except the road encroachment permit. Mr. Clubb noted these permits have never been done and action was taken last month to repeal the order. He also commented on one permit in question where Mr. Derossett had followed correct protocol by contacting the County attorney who sent a 10 day letter to seek compliance before starting criminal proceedings. Mr. Clubb noted minor mistakes had been made but were corrected and the files were in compliance. Future complaints should be filed with the Board of Adjustments.

2. Planning & Zoning Concerns-Russell Loaring

Mr. Loaring addressed the Court noting his concerns were the six permits issued without the requirements being met and the committee found this to be true. He stated he was glad the folks were now in compliance. He also stressed his concerns by removing the penalty in section 3 of the order there will be no official written record to show a road encroachment. County Attorney Virginia Harrod addressed Mr. Loaring's concerns regarding a penalty. She stated a declaratory rights action can be filed in Henry Circuit Court asking Judge Conrad to declare that the road is improper and require removal. Mr. Loaring inquired about the speed limit on Mill Creek Road. He also asked the Court if there had been a change in the practice of posting the minutes on-line of the meeting. Judge Brent stated there had been an issue as we had been posting the unofficial minutes before they were officially approved. Deputy Judge Bryant also noted there had been a problem and felt it was better to send the permanent file to the webmaster following approval.

Upon motion by Esq. Brown and seconded by Esq. Beasley, it is ordered by the Court to establish a 35 mph speed limit on Mill Creek Road.

Motion carried unanimously

Upon motion by Esq. Beasley and seconded by Esq. Brown, it is ordered by the Court to require the Henry County Road Supervisor to keep a written log from this point forward when doing a sight distance and measurement.

Motion carried unanimously

RE: INSURANCE COMMITTEE REPORT & RECOMMENDATIONS FOR 2009-2010

Esq. Hawkins reviewed the following liability and worker's comp insurance bids with the Court. He noted there was a savings of \$6216.51 from last year by bidding the insurance. Esq. Hawkins stated the committee reviewed the policies and recommended the Court accept the lowest bid from Insuramax which includes the 2 fire departments at a cost of \$147,332.49.

KACO

Kalf Premium	\$91,290
Workers Comp	\$56,723
Total Premium	\$148,013 * 2 fire department properties included

Kalf Premium	\$90,564
Workers Comp	\$56,723
Total Premium	\$147,287 * 2 fire department properties excluded

INSURAMAX

Insurance Premium \$77,095.34
Workers Comp \$70,237.15
Total Premium \$147,332.49 * 2 fire department properties included

Insurance Premium \$69,150.34
Workers Comp \$70,237.15
Total Premium \$139,387.49 * 2 fire department properties excluded

CURNEAL & HIGHNITE INSURANCE, INC. * Property/Liability/Equipment

Lake Jericho Fire Dept. \$7,098
KY River Fire Dept. \$6,183

Insurance Premium and Workers Comp paid to KACO in 2008 \$153,549

* 2 fire department properties included

KACO/2009-2010	Insuramax/2009-2010
\$153,549.00	\$153,549.00
<u>-148,013.00</u>	<u>- 147,332.49</u>
\$ 5,536.00 savings from last year	\$ 6,216.51 savings from last year

Upon motion by Esq. Hawkins and seconded by Esq. West, it is ordered by the Court to accept the lowest bid from Insuramax for liability and worker's comp insurance for 2009-2010 for a total premium of \$147,332.49.

Motion carried unanimously

RE: SPECIAL CALLED BUDGET MEETING

Judge Brent announced that a Special Called Budget Meeting will be held on Wednesday, April 29, 2009 at 4:00 p.m. in the Judge Executive's Office located in the Annex. The Court will hold the 1st reading of the Budget for Fiscal Year 2009-2010.

**RE: RECOMMENDATIONS OF AG DISTRICTS-
BUSH & MCGUIRE FARMS ON HWY 421**

Judge Brent brought recommendations from the Henry County Conservation District to establish Ag districts for David and Phyllis McGuire, 3102 Campbellsburg Road, Campbellsburg, KY and Robert R. Bush II, 72 Port Royal Road, New Castle, KY for a total of 1,015 acres.

Upon motion by Esq. Brown and seconded by Esq. Hawkins, it is ordered by the Court to accept the Ag District recommendations for the Bush and McGuire Farms.

Motion carried unanimously

RE: CLAIMS & TRANSFERS

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

General Fund	\$270,258.15
Road Fund	52,319.25
Jail Fund	47,646.04
LGEA Fund	1,663.30
Litter Grant Fund	1,638.57
911-EMS Fund	399.75
Fair Fund	<u>1,214.00</u>
Total Expenditures	\$375,139.06

Transfers

- From: 0192009990 (Reserve for Transfers)
- To: 0150404450 (Co. Treasurer, Office Supply) \$ 500.00
- To: 0151405780 (EMS, Utilities) \$1000.00
- To: 0154014290 (Park, Fuel & Maint. Vehicle) \$ 500.00
- From: 0492009990 (Reserve for Transfers)
- To: 0453015150 (Indigent Care) \$ 500.00
- From: 0453405070 (Social Services Contribution)
- To: 0453015150 (Indigent Care) \$ 500.00
- From: 8092009990 (Reserve for Transfers)
- To: 8054014310 (Park, Renovations, Repairs) \$ 500.00

Motion carried unanimously

RE: COURT COMMENTS

Esq. Hawkins noted he was glad to be back. Judge Brent was pleased to announce the request for a left turn lane on US Hwy 421 at the Henry County High School had been approved. He complimented Ernie Harris, Rick Rand and District 5 Transportation Department for making this happen. They plan to let the project this summer.

RE: ADJOURN

Upon motion by Esq. Beasley and seconded by Esq. Hawkins, 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:

S/Peggy V. Bryant
PEGGY V. BRYANT
FISCAL COURT CLERK

S/John L. Brent
JOHN L. BRENT
JUDGE EXECUTIVE

May 19, 2009
Date Approved

