

**HENRY COUNTY FISCAL COURT  
REGULAR MEETING  
MARCH 17, 2009**

The Henry County Fiscal Court met in a regular session on March 17, 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 Adam West

Esquire Nick Hawkins-Absent

**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 Esq. Hawkins was still out of town with his work negotiating a contract for AT&T.

**RE: APPROVAL OF MINUTES**

Upon motion by Esq. Beasley and seconded by Esq. Fisher, it is ordered by the Court to approve the minutes from the February 17, 2009 regular meeting.

Motion carried unanimously

**RE: OLD BUSINESS**

There being no old business, the meeting proceeded with new business.

**RE: NEW BUSINESS**

**RE: ROADS**

**1. Supervisor Update**

Judge Brent gave an update due to the illness and absence of Henry County Road Supervisor Glenn Baxter. Judge Brent noted the road department has been busy grading roads and hauling rock and have recently finished Turkey Run and Galbraith Road.

**2. Rural Secondary Program 2009/2010 Recommendations-5<sup>th</sup> District to Present**

Judge Brent welcomed supervisor Chris Sloane and chief engineer Matt Bullock from the Ky. Transportation Department, District #5. Matt gave the Court a brief summary of the Rural Secondary Program. This program is based on the gas tax and a formula then decides how much funding is allocated to each of the 120 Counties. Henry County's allotment for 2009/2010 is \$779,821.00 (seven hundred seventy nine thousand eight hundred twenty one dollars). Chris Sloane reviewed the recommendations with the Court which included resurfacing on Hillspring Road and patching on Sulphur Road. Chris noted they want to have Hillspring resurfaced before the end of this year and plan to let a six year road plan bridge project on Highway 421 in July. Chris took questions from the Court.

Upon motion by Esq. Beasley and seconded by Esq. Brown, it is ordered by the Court to accept the projects recommended for the rural secondary program.

Motion carried unanimously

**RE: EMS/PARAMEDICS**

Henry County EMS Supervisor Scott McClamroch informed the Court that the new ambulance is in service. Scott asked Henry County Sheriff Danny Cravens to bring a proposal to the Court on behalf of the sheriff's department and the EMS service. Danny reported the Eminence Police Department has applied for a Grant through Homeland Security. The Eminence Police asked the Henry County Sheriff and the Henry County EMS if they would be interested in partnering with them as the more agencies involved the better chance they have to receive the grant. The grant is for mobile data terminals which are computers for the cars. The benefit for law enforcement is in writing citations, checking criminal history and running driver's license checks. The terminals come with a scanner where all the information comes up on the computer screen. It would benefit the EMS service as Post #5 could communicate directly to them. Sheriff Cravens and Supervisor McClamroch signed the paperwork to participate in the grant. The grant was approved for one terminal for the sheriff's department and one for the EMS service. The cost is \$8550.00 per terminal. The invoice for all the terminals will be paid by the Eminence Police Department. The County will be responsible to pay the Eminence Police Department who after receiving the grant funding will reimburse the County 100 percent of the cost. Sheriff Cravens noted the turn around time to get our money back is 10 to 15 days. Sheriff Cravens stated he can pay for his terminal out of his budget. The Court was in consensus to pay for the EMS terminal

either by transfer from the reserve account or out of the 2009-2010 Budget. Judge Brent thanked Sheriff Cravens and the Eminence Police Chief for their work on this project.

## **RE: FEMA UPDATE**

Judge Brent reported Deputy Judge Bryant, Henry County Road Supervisor Glenn Baxter, and DES Coordinator Bruce Owens have been meeting with FEMA representatives. The paperwork has been started and we hope to recoup a portion of our expenses from the ice storm.

## **RE: MEDICALLY FRAGILE CITIZEN INVENTORY STATUS UPDATE**

Judge Brent noted this program came as a recommendation following the ice storm. The Local did a story to help get the word out. An ad was placed in the paper informing those who might be confined to their homes due to medical conditions to contact the DES office so that we could register them. Flyers were also placed in every city hall and stores in each geographical location of the County. So far we have received half a dozen responses.

## **RE: PLANNING & ZONING**

### **1. Road Committee Report on Signoff Amendment**

Judge Brent noted the road committee met to look at the sign off issue that was brought to the Court's attention. He asked County Attorney Virginia Harrod to report the committee's recommendation. Ms. Harrod reported committee member Esq. Hawkins was unable to meet with the committee but she spoke with him by phone and he ratified the committee's decision. The committee felt the County should not have to take any steps greater than the steps taken by the State or Feds. Ms. Harrod was informed by higher ups that the State does not have written permits but they have sign off's on their plats. Ms. Harrod recommended paragraph 3 (three) of the ordinance that requires the written permit be stricken and amended out.

Upon motion by Esq. Beasley and seconded by Esq. West, it is ordered by the Court to approve the first reading to strike paragraph 3 (three) in the ordinance to eliminate the written permit. The ordinance is recorded on page 584 in the Henry County Fiscal Court Order Book.

Motion carried unanimously

### **2. P&Z Concerns-Russell Loaring to Address the Court**

Judge Brent recognized Russell Loaring who asked to speak to the Court to follow up with his issues of Planning and Zoning. Mr. Loaring had some concerns from the January 20, 2009 meeting. His comments included planning and zoning issuing building permits without the proper documentation and information in the folders, not having site approval from the health department, and the requirements for issuing building permits are still the same whether or not plumbing and electricity are to be installed in the building. Planning and Zoning Administrator Greg Derossett reported that construction plans were not in the files as they are protected by KRS 61.878 which states public records are exempted from inspection except on order of the

Court. Mr. Loaring concluded that he only wants to see all permits done the same. He suggested the Court hire an independent investigator to review planning and zoning. Judge Brent noted Mr. Loaring may have some legitimate concerns but planning and zoning has been in existence for 18 years and he is the first to bring these types of concerns up. Judge Brent felt it was not good use of funds to hire an investigator but he would leave the decision up to the Court. Following discussion Esq. Beasley suggested a committee be appointed to meet with Mr. Derossett and Planning and Zoning Attorney Josh Clubb to review the concerns Mr. Loaring brought fourth. Members serving on the committee are Esq. Beasley, Esq. Brown, Esq. West, Board of Adjustments Chairman Robert Reed Bush, and Planning and Zoning Chairman, Mike Ray. The committee will report back at next month's meeting.

## **RE: PARK UPDATE**

### **1. Work Progress Update**

Judge Brent gave an update on the new park. He noted the City of New Castle will be accepting bids on the sewer line extension and hopes to have sewer access by summer. Greg Derossett is lining up contractors to bid different areas of the concession/restroom project. Several roofs were damaged by high winds at Harry Hill Park. An adjuster with KACO will come out to access the damage to see if we have a claim.

### **2. Cedar Lake Lodge Site has been Finalized**

Judge Brent was pleased to announce the County has closed with Cedar Lake Lodge. The \$89,000.00 (eighty nine thousand dollars) received for the purchase of the property is on the budget amendment. County Attorney Virginia Harrod noted there needs to be a minor deed amendment for this tract of property. This is just a technicality due to a survey mistake.

Upon motion by Esq. West and seconded by Esq. Coombs, it is ordered by the Court to authorize Judge Brent to sign a deed of correction for the tract one description.

Motion carried unanimously

### **3. Health Department to apply for CDBG Funds**

Judge Brent noted in anticipation of the stimulus funds coming to the State the Henry County Health Department will be applying for \$500,000.00 (five hundred thousand dollars) in CDBG funds to help with building of a new health department. The building will be on the two acre site at the new park previously purchased by the health board. KIPDA will take the lead on this project.

## **RE: RECREATIONAL COMPLEX PROPOSAL BY DOUG BATES**

Former Eminence Mayor Doug Bates came before the Court to share his ideas for a recreational complex. He suggested the recreational complex could be built at the County's new park site. The facility could have an indoor swimming pool, exercise rooms, gym, meeting rooms, teen center, and concession stands. He presented a plan for a source of fund raising for the project.

The plan called for a \$540,000.00 contribution from Fiscal Court and the five incorporated cities, \$250,000.00 from corporations and businesses, \$10,000.00 from the school districts, and the rest from individual donations. The contributions would be given over a period of five years.

He noted he was not asking for a vote at this time but encouraged the Court to have a vision for the future and to consider this as they prepare the next budget. Judge Brent thanked Mr. Bates. He noted the County has a park committee made up of individuals from all areas of the County. This committee has spent much time in planning the phases to develop the new park. Eminence Council members Shawn Bright and Polly Troxell were present. Mr. Bright suggested a grant was needed as the City of Eminence did not have the funding to contribute to help build this complex. Mrs. Troxell told Mr. Bates it was a great idea. She noted as a member of the new park committee they had spent 2 years in planning the process to develop the new park. They are working to complete Phase I that includes developing the soccer fields, football field, walking trail, concession/bathroom and Friends for Michael Playground. The Phase II plan does include a pool, but phase II would not start until phase I projects were completed.

**RE: 2008/2009 BUDGET AMENDMENTS**

Judge Brent reviewed the budget amendments with the Court noting they were necessary as we have received unanticipated receipts and expenditures.

Upon motion by Esq. Brown and seconded by Esq. Fisher, it is ordered by the Court to approve the 1<sup>st</sup> reading of the proposed 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: JAIL BUDGET**

Judge Brent noted the jail budget per KRS must be submitted to Fiscal Court in March. He stated there is only a \$500.00 (five hundred dollar) increase from last year's budget. He noted that the expense for medical and housing juveniles is down. Judge Brent asked for the Court's approval of the jail budget so it can be included in the overall budget.

Upon motion by Esq. Coombs and seconded by Esq. West, it is ordered by the Court to approve the 2009/2010 jail budget.

Motion carried unanimously

**RE: COMMERCE PARK UPDATE**

Judge Brent informed the Court that the County had received the reimbursement of \$11,500.00 (eleven thousand five hundred dollars) from HUD for the archeological study at the Commerce Park. Esq. West informed the Court that the traffic impact study was completed. He noted the study determined traffic generated would not hinder in anyway the intersection. It is a possibility that a turning lane may need to be added when the park gets close to being full.

**RE: ACCEPTANCE OF INSURANCE BIDS**

Judge Brent noted the Court received liability insurance bids from KACO and Insuramax. Curneal & Highnite sent a bid for the fire department insurance. The bids will be reviewed by the insurance committee and the committee will bring a recommendation to the Court at the April meeting.

**RE: DEAD ANIMAL REMOVAL PROGRAM UPDATE**

Judge Brent informed the Court that our vendor Nation Brothers, Inc. would no longer pickup dead animals. This is due to the change of rules from the FDA which requires the spinal column and brain to be removed from all animals over 30 months. Due to the increased cost associated with this new rule Nation Brother, Inc. has shut down. Judge Brent and Henry County Extension Agent Steve Moore met with Dave Harmon who currently has a contract with Gallatin County. We have an option of contracting with him to pickup our dead animals and to dispose of them at a landfill. Judge Brent asked the Court for authority to negotiate a contract with Mr. Harmon as long as there is not an increase of what the County is currently paying.

Upon motion by Esq. Brown and seconded by Esq. Fisher, it is ordered by the Court to authorize Judge Brent to negotiate a contract with Mr. Harmon for dead animal removal and the Court will contribute up to \$8,000.00 (eight thousand dollars).

Motion carried unanimously

**RE: CLAIMS & TRANSFERS**

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

General Fund	\$284,613.13
Road & Bridge	44,141.19
Jail Fund	48,814.51
LGEA Fund	107.65
Litter Fund	1,045.87
911-EMS Fund	19,485.00
Fair Fund	<u>1,353.14</u>
Total Expenditures	\$399,560.49

Transfers

From: 0192009990 (Reserve for Transfers)	
To: 0151404110 (EMS, Custodial)	\$ 1,000.00
To: 0151404450 (EMS, Office Supply)	\$ 1,000.00
From: 0261054470 (Materials)	
To: 0261055880 (Equipment Repairs)	\$10,000.00
From: 8092009990 (Reserve for Transfers)	
To: 8054017180 (Park/Project Ag Arena)	\$ 500.00

Motion carried unanimously

**RE: ADJOURN**

Upon motion by Esq. Fisher and seconded by Esq. West, 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 before 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**

**Date Approved: April 21, 2009 with the following correction:**

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 1<sup>st</sup> and 2<sup>nd</sup> reading to amend.

Motion carried unanimously