

**HENRY COUNTY FISCAL COURT  
SPECIAL MEETING  
AUGUST 3, 2010**

The Henry County Fiscal Court met in a special session on August 3, 2010 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 David Brown  
Esquire Guy Coombs  
Esquire Mike Fisher  
Esquire Nick Hawkins  
Esquire Adam West

**RE: CALL TO ORDER**

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

**RE: SUSPEND WITH THE JULY 20, 2010 MINUTES**

Upon motion by Esq. Brown and seconded by Esq. Hawkins, it is ordered by the Court to suspend with the reading and approval of the July 20, 2010 regular meeting minutes.

Motion carried unanimously

**RE: PLANNING AND ZONING CONCERNS**

Judge Brent noted that the Henry County Board of Adjustments had requested a special meeting with Fiscal Court to discuss planning and zoning concerns. Judge Brent asked for comments from the Board of Adjustments.

**1. Planning and Zoning Board of Adjustments to Address the Court**

Dennis Yeary asked Planning and Zoning Administrator Greg Derossett about the amount of materials removed from the property in question. Mr. Derossett stated 678 tons of materials were removed at a cost to Mr. Roger Hartlage of more than \$45,000.00. Mr. Yeary told the Court that the Board of Adjustments had serious concerns following the Court's vote at last month's meeting. The Court had voted to allow Roger Hartlage to remain on the Planning Commission following the citation issued by the State for allowing construction debris to be dumped on SBH Properties where Mr. Hartlage is the registered agent. Mr. Yeary also stated he felt that Planning and Zoning was not taken seriously and their integrity had been damaged by SBH Properties and by Fiscal Court. He stated Fiscal Court had met the issue

head on in their first meeting and he questioned why they did an about face at their second meeting.

Doug Kalbfleisch, who also serves as a volunteer on the Board of Adjustments, expressed his concerns by the lack of support from Fiscal Court. He stated he felt Planning and Zoning had been compromised by the Court voting in favor of Roger Hartlage. He also noted this was not the first time Mr. Hartlage had not followed the rules as he started a building without getting the proper permit.

William Frank Pollard, Board of Adjustments, stressed his concern with the logic the Court members gave for voting the way they did as stated in last week's Local. He stated the Court based its decisions on reasons such as it has never removed any member from the Commission before or the County has buried debris on its own property so the Court could not vote to remove Mr. Hartlage. He noted these were not valid reasons. Mr. Pollard stated Mr. Hartlage receiving a Notice of Violation from the State is the issue. Mr. Pollard asked the Court members to explain their reasons for the way they voted.

## **2. Planning and Zoning Commission Members to Address the Court**

Mike Ray noted he has served on the Planning and Zoning Commission since 1980. He gave a brief history on Planning and Zoning, noting how the appointments were made. He stressed the public needs members they can trust and he felt that trust had been compromised. He invited the public to attend the meetings held by the Planning and Zoning Commission and the Board of Adjustments.

Barry Taylor who is also on the Planning and Zoning Commission stated he did not know what this meeting was for as a decision had already been made. He was complimentary of Mr. Hartlage.

Howard Roberts noted he would like more information before he could voice his opinion.

Terry Rowlett stated the Planning and Zoning Commission takes a lot of heat. They do their best and research when making a zoning change. He also noted the Court and Cities can vote their recommendations down. He stated they are volunteers who are required to attend day training. He questioned if Fiscal Court understood what Planning and Zoning sends to them.

Several citizens spoke in support of Mr. Hartlage.

## **3. Comments from Fiscal Court Members**

Esq. Fisher noted he understood that it was up to the County Judge to remove someone from the Commission and not the Fiscal Court. County Attorney Virginia Harrod researched the issue and her findings were the Judge and Magistrates could recommend an appointment but the body of Fiscal Court is the appointing authority and therefore they have to vote to approve or disapprove the appointment. Fiscal Court would also be the body to remove someone.

The Court asked questions of Mr. Hartlage. Mr. Hartlage stated he had been on the Commission for 9 years and that he told Hedges he could only accept clean fill. He also said Hedges had been bringing the fill to the property for approximately 2 months but he traveled a lot and did not check to see what they were dumping. Mr. Hartlage stated that he did not research to see if he needed to get any special permits or research the ordinances to see if this was allowed or what conditions were needed. Mr. Hartlage said he did fail to get a State permit when he started his commercial building because he did not know he needed one.

Esq. Coombs noted he abstained from voting on the issue as Mr. Hartlage is his opponent in the November election. He had heard members of Planning and Zoning are threatening to resign and Esq. Coombs stated he may be willing to revisit the issue after the election. He also suggested Fiscal Court members attend the Planning and Zoning Commission and Board of Adjustment meetings to see what they advise. He stressed he did not want members to resign. Esq. Coombs suggested forming a Fiscal Court Committee to work with Planning and Zoning.

Esq. Brown stated he could not vote to remove Mr. Hartlage as he felt the vote was politically motivated and the County illegally buried materials such as the 421 Bridge in Campbellsburg on its own property. Judge Brent asked Henry County Attorney Virginia Harrod to read to the Court the contract she drafted, and he signed, with Team Contracting. This contract states how the debris from the 421 Bridge was to be properly buried and disposed upon environmental clearance from the State of Kentucky.

Esq. Fisher noted he could not vote to remove Mr. Hartlage as he too felt the motion to remove Mr. Hartlage was politically motivated.

Esq. Beasley noted he runs a garage and has been written up by the EPA several times for oil spills and tires and he could not vote against Mr. Hartlage.

Esq. Hawkins questioned why Esq. Brown and Esq. Fisher felt this was politically motivated noting this has nothing to do with politics, period. Esq. Hawkins and Esq. West voted to remove Mr. Hartlage as per KRS 100.157 for reason of malfeasance misconduct.

Esq. West noted he had been a volunteer member of the Planning Commission and is now a paid member of Fiscal Court. He stated he spent more time preparing for the Planning Commission meetings than for Fiscal Court meetings, and he has nothing to gain or nothing to lose as he goes off the Court at the end of the year. Esq. West noted Fiscal Court can reconsider any motion or rescind last month's vote. Esq. West also noted citizens come before the Commission, and it is the Planning Commission's responsibility to know the Ordinance, have respect to research and investigate the process; otherwise the integrity and respect of the Commission is compromised.

Judge Brent asked for a motion to form a committee of Fiscal Court members to attend some of the Planning and Zoning meetings to better understand and work with the Planning and Zoning Commission and the Board of Adjustments.

Upon motion by Esq. Coombs and seconded by Esq. Fisher, it is ordered by the Court to form a committee to work with Planning and Zoning and the Board of Adjustments.

Yes- Beasley, Coombs, Fisher, Hawkins

No- Brown, West

Motion carried

The committee will be Esq. Coombs, Esq. Fisher and Esq. West.  
Esq. Coombs will chair the committee.

**RE: ADJOURN**

Upon motion by Esq. Hawkins 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:**

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

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

Date Approved: August 17, 2010