

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
JULY 20, 2010**

The Henry County Fiscal Court met in a regular session on July 20, 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: 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 Brent called the meeting to order and noted everyone was present.

RE: APPROVAL OF MINUTES

Upon motion by Esq. Brown and seconded by Esq. Fisher, it is ordered by the Court to approve the minutes from the June 15, 2010 Regular Meeting.

Motion carried unanimously

RE: OLD BUSINESS

**RE: REQUEST TO REMOVE ROGER HARTLAGE FROM THE
PLANNING COMMISSION**

1. Court Discussion

Judge Brent reminded the Court that at last month's meeting they discussed the removal of Roger Hartlage from the planning commission based on his violation of a planning and

zoning ordinance pertaining to illegal landfills. The Court's motion was to have a letter sent to Mr. Hartlage asking for his resignation within 30 days. To date, Mr. Hartlage has not responded to the letter other than asking to address the Court tonight. Judge Brent asked Planning and Zoning Attorney Josh Clubb to outline the issue at hand. Mr. Clubb noted the issue is regarding a construction demolition landfill operating in Pendleton. This is a solid waste and planning and zoning issue as these landfills are only permitted in certain areas. The area must be A-1 or I-2 and then apply for a conditional use permit from the Board of Adjustments. In the issue of Mr. Hartlage the area is not zoned for the landfill and he did not apply for a conditional use permit. Esq. West reminded the Court that Mr. Hartlage took the same oath as the members of the Court. That oath is to uphold the constitution laws of the State of Kentucky and in his opinion Mr. Hartlage has violated those laws as sighted by the State by operating this construction debris landfill. Esq. West further stated that it harms the integrity of the Planning Commission to have someone on the Commission who does not uphold the rules sworn to duly uphold. Esq. Brown asked for clarification of a construction debris landfill and Esq. Coombs questioned if any member has ever been asked to resign from the zoning commission.

2. Roger Hartlage Request to Address the Court

Planning Commissioner Roger Hartlage stressed to the Court that he was not running a construction debris landfill. He stated he was filling land and debris got in there. He noted SBH Properties which he is the Registered Agent was cited by the State for having improper fill but he was not operating an illegal landfill. He also noted he has been a member of the Planning and Zoning Commission for 9 years and the Court should get the facts. He stated the action to remove him is based on unfair and false statements made by Fiscal Court and he felt he was improperly ambushed and politically cited.

3. Ricky Doyle Request to Address the Court

Ricky Doyle came before the Court to express his displeasure with the Court's handling of the Roger Hartlage issue. He expressed concerns that Mr. Hartlage be given due process. He also questioned the process used by Judge Brent in allowing citizens to speak to the Court. He noted the Court needed to show fairness to everyone.

Esq. West noted he has a copy of both citations and he disagrees with Mr. Hartlage. His understanding under violation people are cited if they are the owner, leasee or agent of the property. Mr. Hartlage was the agent and Esq. West felt proper procedures have been followed. Esq. West noted KRS 100.157 states the Court has the authority to remove Roger Hartlage for reason of malfeasance misconduct. Esq. Hawkins noted he has reviewed the letter from the State that issues notice of violations to Mr. Hartlage as agent on the property. He also has a copy of the letter from Henry County Planning and Zoning which stated you have allowed a landfill to be located on the property. Esq. Hawkins had pictures showing many loads of construction debris landfill on the property in question. Esq. Hawkins noted based on these finding he would make a motion to remove Roger Hartlage from the planning and zoning commission for reason of malfeasance misconduct.

Upon motion by Esq. Hawkins and seconded by Esq. West, it is ordered by the Court that Roger Hartlage should be removed from the Planning and Zoning Commission per KRS 100.157 for reason of malfeasance misconduct.

Yes-Hawkins, West
No-Beasley,Brown,Fisher
Abstain-Coombs
Motion failed

RE: NEW BUSINESS

RE: ROADS

1. Supervisor's Update

Henry County Road Supervisor Glenn Baxter reported it has been hectic at the road department. They have started blacktopping and will start the bridge on Hieatt Lane tomorrow. He noted the bridge will take a month to complete. Esq. Fisher requested a Slow Children Sign be posted at 1690 Carter Lane. Esq. Beasley asked for the specs on taking over a County road. Esq. Brown asked the road department to remove a couple of trees at the end of Carman Road as they are blinding traffic. Glenn made note of the requests.

2. Rural Secondary Flex Funds Amendment

Judge Brent noted an amendment is needed to shift the previously approved funding for Fallis- Gest Road to Lockport -Fallis Road.

Upon motion by Esq. Fisher and seconded by Esq. Brown, it is ordered by the Court to amend the contract with the Rural Secondary Flex Funds to replace Fallis-Gest Road with Lockport-Fallis Road.

Motion carried unanimously

RE: EMS/PARAMEDICS UPDATE

Henry County EMS Supervisor Scott McClamroch asked to withdraw the application for a part-time paramedic position for Alice Diana Hopkins. She has taken a full time position elsewhere. Scott noted the work on the remount will start next week and it will be 90 days before we get it back. He also stated the Company that is doing the remount is going to provide a loaner ambulance until we get the remount back. Esq. Hawkins reported the EMS Committee met twice with the volunteers and paid ambulance service to address the backup ambulance situation. He stated they aired their differences and after the second meeting worked thing out. They were able to reach a consensus and did not have to call a Special Meeting. Scott noted they do have access to all the ambulances now and he appreciates the EMS Committee for bringing them together. Esq. Brown agreed to mow the grass at the Campbellsburg EMS Building for the remainder to the year.

RE: LIBRARY BOARD APPOINTMENT

Judge Brent noted Ellie Brammell is the Board's recommendation to serve on the Library Board.

Upon motion by Esq. Fisher and seconded by Esq. Coombs, it is ordered by the Court to appoint Ellie Brammell to serve on the Henry County Library Board.

Motion carried unanimously

RE: CAMPBELLSBURG INDUSTRIAL PARK CONSTRUCTION UPDATE

Judge Brent reminded the Court that the County had received \$294,000.00 through a federal appropriation for infrastructure in the new Commerce Park. Some funding has been spent on the environmental work and engineer's design. This Friday the bids will be accepted for the road, sewer and water portion of the project. Judge Brent hopes the bids are at \$250,000.00. If we get an acceptable bid work should begin by September.

RE: MICHAEL BRENT MEMORIAL PLAYGROUND UPDATE

Judge Brent noted **Friends for Michael** have raised \$60,000.00 towards the \$100,000.00 needed to complete the playground project. They plan to have a piece of the playground equipment installed by the first of September. The Court was in consensus to allow Judge Brent to draft a letter that the County will maintain the playground from time of completion and will hold **Friends for Michael** harmless of any liability.

RE: AG DISTRICT RECOMMENDATIONS

1. Bobby True Farm-400 acres on Orem Lane and 200 acres on Point Pleasant Rd

Upon motion by Esq. Brown and seconded by Esq. Fisher, it is ordered by the Court to accept the Henry County Conservation District Board's recommendation to establish the Bobby K. True properties of 400 acres on Orem Lane and 200 acres on Point Pleasant Road as Ag Districts.

Motion carried unanimously

2. John R. Yount Farm-285 acres on South Property Road

Upon motion by Esq. Fisher and seconded by Esq. Beasley, it is ordered by the Court to accept the Henry County Conservation District Board's recommendation to establish the John R. Yount farm located at 6005 South Property Road, Pleasureville, KY a total of 285 acres as an Ag District.

Motion carried unanimously

RE: CLAIMS & TRANSFERS

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

| | |
|--------------------|-----------------|
| General Fund | \$387,374.25 |
| Road & Bridge | 240,541.38 |
| Jail Fund | 36,165.75 |
| LGEA Fund | 2,484.56 |
| Federal Grant | 20.00 |
| Litter Grant Fund | 237.66 |
| 911-EMS Fund | 23,408.90 |
| Fair Fund | <u>6,338.76</u> |
| Total Expenditures | \$696,571.26 |

Transfers (Nunc Pro Tunc) for 2009-2010 Budget/June 30, 2010

General Fund

| | | |
|------------------|-----------------------------|----------|
| From: 0192009990 | (Reserve for Transfers) | |
| To: 0150011030 | (Deputy Judge/Ex Salary) | \$268.00 |
| To: 0150151030 | (Sheriff/Deputies Salaries) | \$673.00 |
| To: 0150201010 | (Coroner/Salary) | \$203.00 |
| To: 0150201030 | (Coroner/Deputy Salary) | \$ 74.00 |
| To: 0150701070 | (Enforcement Officer/ P&Z) | \$261.00 |
| To: 0150701250 | (Secretary/P&Z Salary) | \$473.00 |
| To: 0150801070 | (Courthouse Superintendent) | \$269.00 |
| To: 0151355070 | (DES/Contribution) | \$ 46.00 |
| To: 0151355760 | (DES/Travel) | \$ 29.00 |
| To: 0151401070 | (EMT, Supervisor) | \$260.00 |
| To: 0194002010 | (Social Security) | \$367.00 |

Road Fund

| | | |
|------------------|------------------------------|-----------|
| From: 0261057230 | (Motor Vehicles & Equipment) | |
| To: 0292009990 | (Reserve for Transfers) | \$5217.00 |
| From: 0292009990 | (Reserve for Transfers) | |
| To: 0261031020 | (Road Supervisor's Salary) | \$ 246.00 |
| To: 0261051430 | (Road Workers Salary) | \$4971.00 |

Motion carried unanimously

RE: COURT COMMENTS

Henry County Parks Director Travis Buchanan gave an update on the park. He noted the walking trail is getting a lot of use and soccer will start in August. Judge Brent invited everyone to come to Harvest Showcase on July 31.

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