

**HENRY COUNTY FISCAL COURT  
REGULAR MEETING  
JUNE 21, 2011**

The Henry County Fiscal Court met in a Regular Session on June 21, 2011 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 Scott Bates  
Esquire Jerry Beasley  
Esquire David Brown  
Esquire Mike Fisher  
Esquire Roger Hartlage  
Esquire Nick Hawkins

**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. Hawkins and seconded by Esq. Beasley, it is ordered by the Court to approve the minutes from the May 17, 2011 Regular Meeting.

Motion carried unanimously

**RE: OLD BUSINESS**

**RE: 2<sup>ND</sup> READING OF 2011/2012 BUDGET**

Upon motion by Esq. Brown and seconded by Esq. Fisher, it is ordered by the Court to approve the 2<sup>nd</sup> reading and adoption of the 2011/2012 Budget Ordinance, which includes the budget attachment, the blacktop projects, and with the adjustments on the expense and receipt side, to the following line items:

01-5015-5940 Cops Grants, to \$18,545.00  
01-5140-3980 EMS/Paramedic Advisor, to \$12,000.00  
01-5205-3980 Trimble/Henry Animal Services, to \$27,500.00  
80-5401-4990 Fairground Improvements, (new line item) to \$5,000.00

Motion carried unanimously

**RE: NEW BUSINESS**

**RE: ROADS**

**1. Supervisor's Update**

Henry County Road Supervisor, Glenn Baxter, stated he has been busy working on the road projects with FEMA. The road department has been grading roads to prepare for paving. Glenn noted New Cut Road is still closed and he can't put a backhoe on it for safety reasons. Union Church Road is now open. Esq. Hawkins expressed concerns with problems on Scobie Lane and Eddie Road. Glenn noted he felt the problems had been corrected but he will check. Esq. Fisher requested Glenn meet with him to review problems on Chilton Lane.

**2. FEMA/NRCS Update**

Judge Brent complimented Glenn for the amount of time he has spent working with FEMA. Judge Brent reviewed the list of road projects and asked for Court approval to work with FEMA on three of the projects and with the NRCS (National Resources Conservation Service) on another project. The projects total \$378,493.00 (three hundred seventy eight thousand four hundred ninety three dollars). The in-kind and cash match from the County is \$50,566.00 (fifty thousand five hundred sixty six dollars).

Upon motion by Esq. Brown and seconded by Esq. Fisher, it is ordered by the Court to approve the in-kind and cash match of \$50,566.00 (fifty thousand five hundred sixty six dollars), and to move forward with the road projects on Union Church Road, New Cut Road, Mill Creek Road, and Flat Rock Road.

Motion carried unanimously

**3. Opening of Rock and Asphalt Bids for Fiscal Year 2011/2012**

The following bids were received for asphalt and rock:

**OHIO VALLEY ASPHALT**

**Picked-Up Asphalt Products**

<b><u>Hot-Mixed Asphalt Product</u></b>	<b><u>Brownsboro Asphalt Plant Unit Bid Price</u></b>	<b><u>Carrollton Asphalt Plant Unit Bid Price</u></b>
Base	\$55.00 Per Ton	\$55.00 Per Ton
Binder	\$56.00 Per Ton	\$56.00 Per Ton
Surface	\$57.00 Per Ton	\$57.00 Per Ton

**In Place Asphalt Products**

<b><u>Hot-Mixed Asphalt Product</u></b>	<b><u>Price Per Ton, Placed and Compacted</u></b>
Base	\$61.09
Binder	\$62.18
Surface	\$63.27

**MAGO CONSTRUCTION COMPANY**

Bituminous Concrete Surface F.O.B. Plant at Lockport, KY	\$53.28 per ton
Bituminous Concrete Binder F.O.B. Plant at Lockport, KY	\$52.28 per ton
Bituminous Concrete Base F.O.B. Plant at Lockport, KY	\$51.28 per ton
Bituminous Cold-Mix thru Plant F.O.B. Lockport, KY	\$110.00 per ton

**Asphalt laid per ton in Henry County**

Labor and equipment per ton to apply bituminous surface (including all incidental preparation, rolling and sweeping.)	\$6.00 per ton
Haul bituminous surface to roads as specified, By Henry County Fiscal Court.	\$3.00 per ton
SS-1H Tack Coat	\$2.50 per gallon

**SHELBYVILLE ASPHALT COMPANY (MAGO OWNED)**

Bituminous Concrete Surface F.O.B. Plant at Shelbyville, KY	\$53.28 per ton
Bituminous Concrete Binder F.O.B. Plant at Shelbyville, KY	\$52.28 per ton
Bituminous Concrete Base F.O.B. Plant at Shelbyville, KY	\$51.28 per ton
Bituminous Cold-Mix thru Plant F.O.B. at Shelbyville, KY	\$110.00 per ton

**ROCK BIDS:**

**LITER'S INC. LOCKPORT PLANT**

<b>2'S, 3'S, &amp; 4'S</b>	<b>\$8.10 per ton</b>
<b>DGA &amp; 610</b>	<b>\$8.10 per ton</b>
<b>57'S</b>	<b>\$9.10 per ton</b>
<b>8'S</b>	<b>\$9.35 per ton</b>
<b>Class II Rip Rap</b>	<b>\$10.20 per ton</b>
<b>Ag Lime</b>	<b>\$2.00 per ton</b>

Henry County Road Supervisor, Glenn Baxter, opened and reviewed all bids. Glenn recommended the Court accept all rock and all asphalt bids.

Upon motion by Esq. Beasley and seconded by Esq. Fisher, it is ordered by the Court to accept all rock and all asphalt bids for Fiscal Year 2011/2012.

Motion carried unanimously

**4. Bridge Program Resolution**

Judge Brent read the Bridge Program Resolution which has an 80/20 match. He noted the two replacement bridges which have been selected, are on the budget attachment page. The bridges are on Ransdell and Long Branch Roads. Judge Brent asked the Court for a motion to adopt the resolution.

Upon motion by Esq. Brown and seconded by Esq. Beasley, it is ordered by the Court to adopt the Bridge Program Resolution.

Motion carried unanimously

**RE: EMS/PARAMEDICS-SUPERVISOR'S UPDATE**

Henry County EMS Supervisor, Scott McClamroch, reported a decline in revenue due to non-emergency transports being down. Scott noted they have been helping to transport non-emergencies for Shelby and Oldham Counties. Scott is hopeful they will see an increase in revenues the first quarter of next year, with potential for a turn around.

**RE: P&Z/SOLID WASTE-ADMINISTRATOR'S UPDATE**

Henry County Planning and Zoning Administrator, Jody Rucker, stated the sound system should be completed for the Court's meeting next month. Jody noted October 20-22 will be Tire Amnesty Day and will be held at the State Highway Barn.

**RE: PARKS/FAIRGROUNDS –DIRECTOR’S UPDATE**

Henry County Park’s Director, Travis Buchanan, noted his department has been busy getting the fairgrounds ready for the fair. They have also been painting inside the bathrooms at the arena and trying to keep the mowing caught up. Travis reported a break-in had occurred at the storage shed at Harry Hill Park. Several tools, chain saws and blowers were taken.

**RE: DEAD ANIMAL REMOVAL CONTRACT**

Judge Brent noted he received the contract from Harmon Brothers for the dead animal removal. The contract is at a rate of \$65.00 (sixty five dollars) for each animal picked up. This is a \$10.00 (ten dollar) increase from last year. Judge Brent noted we have been able to get state money and funds from Farm Bureau and Soil Conservation to help offset the cost. Judge Brent stated we are still within our budget for providing the service.

Upon motion by Esq. Beasley and seconded by Esq. Brown, it is ordered by the Court to approve the Harmon Brother’s Dead Animal Removal Contract.

Motion carried unanimously

**RE: ANIMAL SERVICE COMMITTEE UPDATE-  
ROGER HARTLAGE**

Esq. Hartlage reported the committee has met with the architect. The committee is waiting for the deed to be signed and the plat to be presented. Esq. Hartlage expressed concerns that the deadline for the grant is July 15<sup>th</sup>. Esq. Hartlage introduced Dan Flinkfelt, the newly hired animal control officer. Dan gave a brief update to the Court. He noted everything is going good. They will soon be getting into the leased building in Eminence. The staff is getting their training, and is working with Oldham County on a spay and neuter program.

Dan thanked Norms, Southern States and Perry’s Hardware for donations.

**RE: CORONER’S REQUEST-APPROVAL OF BLUE LIGHTS**

Judge Brent noted the State passed a law that allows coroners and deputy coroners to use a combination of red and blue lights with sirens. Henry County Coroner, Jimmy Pollard, has requested the Court grant him and the deputy coroner authority to use this safety equipment for active death investigations only. Judge Brent noted it is especially needed on the interstate in order for traffic to get over for them if there has been a wreck.

Upon motion by Esq. Brown and seconded by Esq. Hawkins, it is ordered by the Court to approve the Coroner and Deputy Coroner to use a combination of red and blue lights with sirens, amended KRS 189.

Motion carried unanimously

## **RE: KIPDA HAZARDOUS MITIGATION RESOLUTION**

Judge Brent read the KIPDA Hazardous Mitigation Resolution and asked the Court for approval.

Upon motion by Esq. Hawkins and seconded by Esq. Bates, it is ordered by the Court to approve the KIPDA Hazardous Mitigation Resolution.

Motion carried unanimously

## **RE: JUSTICE CENTER**

### **1. Shelby County Judge/Executive Rob Rothenburger**

Judge Brent welcomed Shelby County Judge/Executive Rob Rothenburger as he came to share his experience in building the Shelby County Justice Center. Judge Rothenburger stated he did not come to the meeting to try to persuade the Court one way or the other, but to provide information so the Court can make an informed decision. Judge Rothenburger noted he missed out on the first process as the MOU (Memorandum of Understanding) had already been signed when he took office. He noted he was surprised the Court did not have more input on the project. Once the Court signs the MOU the Court loses control of the project and the project development board will make all decisions. This commitment may also affect the County's bonding capacity for future projects. He noted the Sheriff's department will be affected as their budget will need adjustments for more bailiff's, and the AOC will only reimburse up to \$8.00 (eight dollars) an hour for their salaries. There will be loss revenues in the old courthouse as the AOC will not be renting space. The County will pay everything and then request reimbursement from AOC. The County may face condemning property for eminent domain. Judge Rothenburger noted there are some positives, as the County will have a beautiful facility. It will enhance economic development and property values will increase around the facility. The new facility will free up space in the existing courthouse to allow other County offices room to expand. Judge Brent and the Court thanked Judge Rothenburger for his input.

### **2. Public Comments**

Judge Brent opened the floor for public comments concerning the justice center. Chief Deputy Clerk, Gina Lyle, spoke in favor of the justice center. She noted the need for more space for working and storage and stated the old courthouse is not suitable for their technology needs. Ms. Lyle stressed the most important issue is the need for better security. Attorney, Joe Yates, also spoke in favor of the project noting it will spur economic growth and this is the first significant opportunity the County has had in decades. Mr. Yates hopes the financial problems can be handled. Ricky Doyle questioned if the County turns the project down, will Henry County ever have this opportunity again? Laurie Dudgeon, Director of AOC, noted it would be several years in the cycle before it comes back to Henry County. Justin Atchison was also in favor of the project

moving forward. New Castle Mayor, Denny Benham, felt it was a win-win situation for the City of New Castle and for the County. Tim Benham was also in favor of the project. Hugh McBurney stated these are hard economic times and he felt a remodel of the old courthouse would accomplish the same thing. Mr. McBurney questioned the need for such a large facility.

### **3. Court Facilities Committee Recommendation on the MOU**

Laurie Dudgeon, Director of AOC, thanked everyone for their comments. She noted the project development board will do a feasibility study to look at the options of building a new center or remodeling the old courthouse. She stated she did not want to put the County in a financial bind, but she wanted the Court and County on board for the project. She also noted this project depends on the legislature appropriating the funding during their 2012 session. Judge Brent commented lots of folks are interested in a remodel and he asked what types of remodels AOC has done in the last 10 years. Ms. Dudgeon noted Campbell and Gallatin Counties have both had remodels. AOC honored the historical building when they remodeled the Campbell County Courthouse. Esq. Brown questioned where the funding comes from for these justice center projects? Ms. Dudgeon replied it is tax payer's money taken from the general fund. Esq. Hartlage questioned why each County has to have a justice center and why several counties couldn't have a regional center? Ms. Dudgeon noted that was a good question which has been asked before, but there are clear constitutional guidelines that must be followed. Esq. Brown noted he talked with several county judge/executives who were negative and opposed building the justice centers. Judge Brent expressed concerns that the Justice Center Budget Proposal presented by Esq. Hawkins may not be a true budget. Esq. Hawkins reassured Judge Brent that it was and the only issue in question would be receipt for the Judge Executive's office rental space. Judge Brent thanked everyone for their interest and comments. Judge Brent asked for a roll call vote on the MOU.

Upon motion by Esq. Hawkins and second by Esq. Beasley, it is ordered by the Court to enter into the MOU between AOC and Henry County Fiscal Court for a new judicial center.

Yes- Bates, Beasley, Hartlage, Hawkins  
No-Brown, Fisher  
Motion carried

## RE: CLAIMS & TRANSFERS

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

<b>General Fund</b>	<b>\$346,651.01</b>
<b>Road &amp; Bridge</b>	<b>37,061.57</b>
<b>Jail Fund</b>	<b>43,971.09</b>
<b>LGEA Fund</b>	<b>256.06</b>
<b>Federal Grant Fund</b>	<b>40.00</b>
<b>Litter Fund</b>	<b>1,139.71</b>
<b>911-EMS Fund</b>	<b>6,061.00</b>
<b>Fair Fund</b>	<b><u>200.00</u></b>
<b>Total Expenditures</b>	<b>\$435,380.44</b>
<b><u>General Fund</u></b>	
<b>From: 0192009990 (Reserve for Transfers)</b>	<b>\$84,279.00</b>
<b>To: 0150014450 (Judge Ex Office Supply)</b>	<b>300.00</b>
<b>To: 0150202100 (Coroner, Expense Acct)</b>	<b>300.00</b>
<b>To: 0150253320 (Legal Fees)</b>	<b>280.00</b>
<b>To: 0150255390 (Legal Ads)</b>	<b>590.00</b>
<b>To: 0150655650 (Election Printing &amp; Advertising)</b>	<b>14,018.00</b>
<b>To: 0150704450 (P&amp;Z, Office Supply)</b>	<b>200.00</b>
<b>To: 0151355070 (DES, Contribution)</b>	<b>480.00</b>
<b>To: 0151404290 (EMS, Gas &amp; Maintenance)</b>	<b>2,400.00</b>
<b>To: 0151405990 (EMS, Miscellaneous)</b>	<b>106.00</b>
<b>To: 0152053980 (Contract-Humane Society)</b>	<b>9,406.00</b>
<b>To: 0181007180 (Park Improvements)</b>	<b>7,314.00</b>
<b>To: 0191005310 (Officials Bonds)</b>	<b>302.00</b>
<b>To: 0191005990 (Miscellaneous)</b>	<b>1,000.00</b>
<b>To: 0194002050 (Health Insurance)</b>	<b>36,305.00</b>
<b>To: 0193009990 (Transfer to other Funds)</b>	<b>11,278.00</b>
<b><u>Road Fund</u></b>	
<b>From: 0193009990 (Transfer to other Funds)</b>	<b>\$11,278.00</b>
<b>To: 0292009990 (Reserve for Transfers)</b>	<b>11,278.00</b>
<b>From: 0292009990 (Reserve for Transfers)</b>	<b>\$11,278.00</b>
<b>To: 0261054470 (Materials)</b>	<b>10,076.00</b>
<b>To: 0261054810 (Uniforms)</b>	<b>422.00</b>
<b>To: 0261055490 (Medical)</b>	<b>100.00</b>
<b>To: 0261055880 (Equipment Repairs)</b>	<b>680.00</b>
<b><u>Jail Fund</u></b>	
<b>From: 0392009990 (Reserve for Transfers)</b>	<b>\$630.00</b>
<b>To: 0351015690 (Staff Training)</b>	<b>630.00</b>
<b><u>LGEA Fund</u></b>	
<b>From: 0492009990 (Reserve for Transfers)</b>	<b>\$100.00</b>
<b>To: 0454205050 (Chamber of Commerce)</b>	<b>100.00</b>

Motion carried unanimously



**RE: COURT COMMENTS**

Henry County Attorney, Virginia Harrod, reported she researched the question of advertising and informing the public of the Court's committee meetings. Ms. Harrod noted the chair of each committee should notify the Henry County Local 24 hours before the committee meeting. An agenda should be posted on the door where the meeting is taking place.

**ADJOURN:**

Upon motion by Esq. Fisher and seconded by Esq. Bates, 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: July 19, 2011