

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
MAY 17, 2011**

The Henry County Fiscal Court met in a Regular Session on May 17, 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. Brown and seconded by Esq. Beasley, it is ordered by the Court to approve the minutes from the April 19, 2011 Regular Meeting.

Motion carried unanimously

Upon motion by Esq. Hawkins and seconded by Esq. Bates, it is ordered by the Court to approve the minutes from the April 28, 2011 Special Budget Meeting.

Motion carried unanimously

RE: OLD BUSINESS

RE: 2ND READING OF 2010/2011 BUDGET AMENDMENT

Upon motion by Esq. Brown and seconded by Esq. Hawkins, it is ordered by the Court to approve the second reading and adoption of an Ordinance amending the Henry County Fiscal Court Budget for Fiscal Year 2010/2011, to include unanticipated receipts and expenditures from the following accounts:

Receipts from:

01-4504C	Cops Grant	\$14,537.99
01-4504E	Sheriff Technology Grant	\$82,000.00
01-4512	Homeland Security	\$14,320.00

Expenditures from:

01-5015-594	Cops Grant-Video Equipment	\$14,537.99
01-5015-446	Law Enforcement Technology	\$82,000.00
01-5135-594	Des Homeland Security-Siren	\$14,320.00

Motion carried unanimously

**RE: 2ND READING-AMENDMENT TO FIRE DEPARTMENTS
DEED FEES ORDINANCE**

Upon motion by Esq. Beasley and seconded by Esq. Fisher, it is ordered by the Court to approve the second reading and adoption of an amendment to Ordinance #310-01-11-01, relating to the Henry County Fire Departments Deed Fees, **excluding properties which are located within the city limits of the incorporated cities.**

Motion carried unanimously

RE: NEW BUSINESS

RE: ROADS

1. Supervisor's Report

Henry County Road Supervisor, Glenn Baxter, reported his department has been busy installing culverts to prepare for blacktopping. Glenn noted the gravel roads are in decent shape and they have started mowing the right-of-ways.

Esq. Fisher noted problems with culverts being stopped up on Chilton Lane and Bolin Branch Road. Glenn asked him to make a list of all roads needing attention, and he will check into it.

Judge Brent noted that today he received an Agreement from the Kentucky Transportation Cabinet. The Agreement will reimburse the County up to \$200,000.00 (two hundred thousand dollars) for resurfacing on Wooded Hill Road, Mill Creek Road,

Mount Gilead Road, and Bullitt Hill Road. Judge Brent asked the Court to pass a Resolution authorizing him to sign this Agreement on behalf of the County.

Upon motion by Esq. Beasley and seconded by Esq. Fisher, it is ordered by the Court to approve the Resolution authorizing Judge Brent to sign the Agreement with the Kentucky Transportation Cabinet, pertaining to FD39 resurfacing funds.

Motion carried unanimously

2. Discussion of Slips on Union Church Road, New Cut, Flat Rock and Gullion's Branch

Judge Brent informed the Court that FEMA is looking at the road slips. If the County has damage of at least \$50,000.00 (fifty thousand dollars), FEMA may help with repairing the roads. Judge Brent asked for direction from the Court. Following discussion, the Court was in consensus to wait until FEMA makes a decision on the roads. All roads are currently passable, except the Union Church Road.

3. Authorization to let bids on Rock & Asphalt for FY 2011/2012

Upon motion by Esq. Brown and seconded by Esq. Bates, it is ordered by the Court to authorize Judge Brent to advertise bids for rock and asphalt for Fiscal Year 2011/2012.

Motion carried unanimously

4. Gullion's Branch Road Concerns- Kent & Anita Wilson to Address the Court

Anita Wilson came before the Court to express her concerns regarding Gullion's Branch Road. She noted the school bus will not travel the road to pickup her child. She stated there are several places that need to be fixed and she questioned if money from the State or FEMA would be available. Judge Brent read a letter he received from Bruce Gentry, Director of Transportation, with the Henry County Schools. The letter stated the road is too dangerous for the school bus to travel, and there is not a quick fix or inexpensive way to get the road in condition for the school bus. Judge Brent noted he was not sure about a bus turn around, and the bus might have to travel close to three miles to come out on the other end. Kent Wilson noted the road needs more maintenance. Judge Brent agreed the road was in need of more rock, due to the recent rains. Esq. Brown noted part of the problem was the creek bank has slipped. Esq. Brown volunteered to go with Mrs. Wilson to the school board to see what if anything could be done for the bus to travel the road.

RE: EMS/PARAMEDICS-SUPERVISOR'S UPDATE

Henry County EMS Director, Scott McClamroch, invited the Court to come to the EMS building on Thursday, May 19, 2011 from 5:00 pm-8:00 pm. This is in Celebration of National EMS Week. They will have an Open House with station and ambulance tours. They will also have refreshments and door prizes.

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

Judge Brent gave an update in the absence of Planning and Zoning Administrator, Jody Rucker, who is ill. Judge Brent noted Jody is still working on the sound system for the Courtroom. Jody has been re-doing maps, and helping put together information for economic development.

RE: PARKS

1. Director's Update

Henry County Parks Director, Travis Buchanan, noted his department has been mowing between rain showers. They have also been painting the bathrooms at Harry Hill Park.

2. Acknowledgement of Award from Cedar Lake

Judge Brent announced that he had attended the Cedar Lake Foundation Awards Night. He felt honored as Fiscal Court was awarded the **2011 Public Partner Award**. Judge Brent noted everyone was complimentary of the new Cedar Lake Lodge Residential Facility.

RE: JAILER'S CAR DISCUSSION

Judge Brent informed the Court that one of the jailer's cars caught on fire. The car is a 1998 Crown Vic with 200,000 miles. Judge Brent noted the estimate to repair the burnt wiring would be \$1,500.00-\$2,000.00. Judge Brent suggested replacing it with a slightly used vehicle. Judge Brent asked the Court for their opinions and direction.

Upon motion by Esq. Brown and seconded by Esq. Hawkins, it is ordered by the Court to spend up to \$8,000.00 (eight thousand dollars) for the purchase of a slightly used vehicle for the jailer.

Motion carried unanimously

RE: APPOINTMENT OF COMMISSIONERS FOR REAPPORTIONMENT

Judge Brent noted he and County Clerk, Juanita Lashley, have been working on reapportionment for the County. This is necessary due to the population increase. Juanita has asked Rhonda Carpenter to assist her with the process. Judge Brent noted the Commissioners can not be from the same district, and he recommended Carla Gerding, Ed (Happy Jack) Pollard, and Dennis Yeary to serve as Commissioners. He also recommended a compensation of \$100.00 per meeting, with total compensation not to exceed \$300.00.

Upon motion by Esq. Hawkins and seconded by Esq. Fisher, it is ordered by Court to appoint Carla Gerding, Ed Pollard and Dennis Yeary, to serve as Commissioners for reapportionment, with a compensation of \$100.00 (one hundred dollars), and total compensation not to exceed \$300.00 (three hundred dollars).

Motion carried unanimously

RE: LGEA PUBLIC HEARING

Judge Brent held the public hearing for the use of the LGEA Funds. There were no comments from the public.

RE: COUNTY ROAD AID PUBLIC HEARING

Judge Brent held the public hearing for the use of County Road Aid Funds. There were no comments from the public.

RE: ANIMAL SERVICE COMMITTEE UPDATE- ROGER HARTLAGE

1. Standard Operating Procedures

Esq. Hartlage stated he hopes to have the deed to the landfill property in a week to ten days. He asked the Court to approve the Standard Operating Procedures for the Grant Application. He noted the Committee has already reviewed and approved the procedures.

Upon motion by Esq. Hartlage and seconded by Esq. Hawkins, it is ordered by the Court to adopt the Standard Operating Procedures, pending approval from Council.

Motion carried unanimously

2. Agreement for Enforcing Animal Ordinances & Sheltering Services

Esq. Hartlage noted the Agreement for Enforcing Animal Ordinances and Sheltering Services is modeled after the one the County is currently using with the KY Humane Society.

Upon motion by Esq. Hartlage and seconded by Esq. Brown, it is ordered by the Court to enter into an Agreement with Trimble County for Enforcing Animal Ordinances and Sheltering Services.

Motion carried unanimously

3. Part-Time Recommendations

Esq. Hartlage brought recommendation from the Committee to hire Chad Zimmerman and Catherine A. Hickerson as part-time animal control officers.

Upon motion by Esq. Hartlage and seconded by Esq. Hawkins, it is ordered by the Court to approve Chad Zimmerman and Catherine A. Hickerson as part-time animal control officers, pending background checks.

Motion carried unanimously

4. Full-Time Recommendation

Esq. Hawkins noted the Committee could not reach a consensus for the full-time position. Two of the applicants, Daniel Flinkflet and Jim Nichter, are both experienced and are working as animal control officers.

Upon motion by Esq. Hartlage and seconded by Esq. Bates, it is ordered by the Court to approve Jim Nichter as the full-time animal control officer, at a salary of \$30,000.00 (thirty thousand dollars).

Yes-Bates, Hartlage, Brown

No- Beasley, Brent, Fisher, Hawkins

Motion failed

Upon motion by Esq. Hawkins and seconded by Esq. Fisher, it is ordered by the Court to approve Daniel Flinkflet as the full-time animal control officer, at a salary of \$28,000.00 (twenty eight thousand dollars).

Yes-Beasley, Brown, Fisher, Hawkins

No- Bates, Hartlage

Motion carried

5. Vehicle Purchase Request

Esq. Hawkins presented prices on two vehicles from Browning Chevrolet. A 2006 Ford extended cab pickup with 114,000 miles at a price of \$9,950 (nine thousand nine hundred fifty dollars), and a 2005 Chevy 4 wheel drive pickup, with 64,000 miles at a price of \$12,000.00 (twelve thousand dollars).

Upon motion by Esq. Hawkins and seconded by Esq. Brown, it is ordered by the Court to purchase from Browning Chevrolet, the 2005 Chevrolet Pickup Truck at a cost of \$12,000.00 (twelve thousand dollars).

Motion carried unanimously

RE: ECONOMIC DEVELOPMENT COMMITTEE UPDATE

Judge Brent noted he along with committee members, Esq. Brown and Esq. Hartlage, have been meeting, and the Economic Council has been reformed. The committee has reached a consensus to hire Kristin Williams with KRW Consulting in Paducah. She will be contacting each member of the Economic Committee to get their input for developing the strategic plan.

RE: “THERAPEUTIC COMMUNITY” MEETING DISCUSSION

Judge Brent and Esq. Brown have been meeting with several of the local pastors who are developing a program to address drug and alcohol addictions in the County. The pastors feel the “Therapeutic Community” is the best plan, and they are asking the Community to be involved . A meeting will be held June 6 at the new senior’s center. Esq. Brown noted he volunteers with a program at Roederer Correctional Complex. Judge Brent noted County Attorney, Virginia Harrod, and Circuit Judge Karen Conrad, may be asked for their assistance and advice in moving the program forward.

RE: 2011/2012 INSURANCE BID OPENING AND RECOMMENDATIONS

Esq. Hawkins presented the following bids for the 2011/2012 Liability and Workers Comp Insurance:

Nelson/Liability	\$80,011.75	KACO/Liability	\$83,691.00
Nelson/WC	<u>\$56,796.45</u>	KACO/WC	<u>\$58,028.00</u>
Total Premium	\$136,808.20	Total Premium	\$141,719.00

KACO/Liability	\$80,788.00
KACO/WC	<u>\$58,028.00</u>
Total Premium	\$138,816.00 (limit decrease in policy)

Nelson Agent, Brad Stewart, and KACO Agent, Sue Porter, gave a brief review of there policies and noted the differences in coverage.

Upon motion by Esq. Hawkins and seconded by Esq. Beasley, it is ordered by the Court to accept the lowest bid for the 2011/2012 Liability and Workers Comp Insurance, from Nelson Insurance in the amount of \$136,808.20 (one hundred thirty six thousand eight hundred eight dollars and twenty cents).

- Yes-Beasley, Hawkins
- No-Bates, Fisher, Hartlage
- Abstain-Brown (KACO Board Member)
- Motion failed

Esq. Hartlage noted he liked the fact that KACO provides coverage on your personal vehicle, if you are driving it while on County business.

Upon motion by Esq. Hartlage and seconded by Esq. Bates, it is ordered by the Court to accept the lowest KACO bid, in the amount of \$138,816.00 (one hundred thirty eight thousand eight hundred sixteen dollars), for the 2011/2012 Liability and Workers Comp Insurance.

- Yes-Bates, Fisher, Hartlage
- No-Beasley, Hawkins
- Abstain-Brown (KACO Board Member)
- Motion carried

RE: PROPOSED COURTHOUSE/JUSTICE CENTER-DISCUSSION

1. Facilities Committee Report-Nick Hawkins

Esq. Hawkins reported he and Committee members, Esq. Bates and Esq. Beasley, met with Carole Henderson and Vance Mitchell from the AOC (Administrative Office of the Courts). They discussed the variables and factors involved in building a new justice center. Esq. Hawkins noted if the County builds a justice center it will only be for the court offices. The Committee did have concerns about the loss of revenue that AOC returns to the County, for rental space and expenses in maintaining the Courthouse. Esq. Hawkins reviewed with the Court a budget proposal to help recover some of the loss revenues. Esq. Hawkins noted it will be a four to five year process to build the justice center. He stated the Committee was in consensus that it was a positive investment to the community and they support the project.

2. Carole Henderson-AOC

Carole Henderson and Vance Mitchell with AOC came before the Court to answer questions and explain the process in building a new justice center. Ms. Henderson stated they reviewed courthouses in 48 counties, looking at adequate space, etc. and Henry County is number two on their list to be replaced. If the County signs the MOU (Memorandum of Understanding) with the State, the project will go before the General Assembly, for funding to be allocated in the budget. Ms. Henderson noted it is a couple years in the planning process. Mr. Vance explained there will be a Board assigned to oversee the project. The Board will hire bond council to draw up and sell the 12.5 million dollars in bonds. AOC will make the bond payments for 20 years. AOC will pay 100% of the building expenses. The County will pay all expenses for the building and then request reimbursement from AOC. Mr. Vance noted up to two acres of property will be needed for the center, and Fiscal Court may be required to condemn the needed property. The County would also be responsible to hire a building superintendent and several more sheriff bailiffs.

3. Circuit Clerk, District & Circuit Judges-Discussion with the Court

Circuit Court Judge, Karen Conrad, was complimentary of the well maintained Courthouse, but expressed her concerns that the Courthouse is not an adequate facility. Judge Conrad noted with the increase in cases, and not enough functioning courtrooms, the judges are having to juggle their schedules. She also felt the building was not handicap compliant. Family Court Judge, Tim Feeley, noted the judges have not complained about the Courthouse but stated the building was old and not useful. He also felt is had insufficient space and he asked the Court to consider the option of building a new justice center. District Court Judges, Diane Wheeler and Jerry Crosby, were also present in support of the justice center. All of the Judges expressed concerns with security issues. Henry County Sheriff, Danny Cravens, noted the Courtroom is a security nightmare and he was in support of the new center. Circuit Court Clerk, Mary Lou

Roberts, and her staff came to express support of the project. Circuit Court Clerk, Mary Lou Roberts, stated she is totally committed, to whatever it takes, to get the new center.

Judge Brent questioned the need for such a large building. He noted this is a very big decision and the Court will have to decide if the public wants to spend money on parks and roads or on a new judicial center. The Court will vote on the issue at the next Fiscal Court Meeting.

RE: CLAIMS AND TRANSFERS

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

General Fund	\$252,136.38
Road & Bridge	37,116.17
Jail Fund	44,042.63
Litter Fund	1,134.72
911-EMS Fund	<u>1,797.90</u>
Total Expenditures	\$336,227.80

Transfers:

General Fund

From: 0192009990 (Reserve for Transfers)	\$6,130.00
To: 0150012120 (JDG/Fringe Benefits)	\$ 30.00
To: 0150253320 (Legal Fees)	\$ 500.00
To: 0150404450 (Treasurer, Office Supply)	\$ 500.00
To: 0151404810 (EMS, Uniforms)	\$ 100.00
To: 0180117180 (Park Improvements)	\$5,000.00
From: 0151355760 (DES, Travel)	\$1,400.00
To: 0151355070 (DES, Contribution)	\$1,400.00

Motion carried unanimously

RE: PUBLIC COMMENTS

Robbie Smither questioned if the Court should advertise and inform the public via the website of committee meetings. Esq. Hawkins thanked Mr. Smither for his concern and asked County Attorney, Virginia Harrod, to research the issue for the Court.

RE: COURT COMMENTS

Deputy Judge Bryant asked the Court members to let her know if they were interested in attending the County Judge Executives and Magistrates Convention, July 13-16.

RE: ADJOURN

Upon motion by Esq. Hawkins 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: June 21, 2011