

**HENRY COUNTY FISCAL COURT  
REGULAR MEETING  
DECEMBER 18, 2012**

The Henry County Fiscal Court met in a Regular Session on December 18, 2012 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 Executive, John L. Brent, called the meeting to order and noted everyone was present.

**RE: APPROVAL OF MINUTES**

Upon motion by Esq. Brown and seconded by Esq. Bates, it is ordered by the Court to approve the minutes from the November 20, 2012 Regular Meeting.

Motion carried unanimously

**RE: OLD BUSINESS**

**RE: BUDGET COMMITTEE REPORT –SHERIFF & CLERK’S BUDGET**

Esq. Hawkins reported the budget committee met with both the Sheriff and Clerk to review their budgets. Esq. Hawkins recommended the Court approve the Clerk’s Budget as presented. Esq. Hawkins reported the committee recommended some changes in the Sheriff’s Budget. Sheriff Cravens stated he thought the recommendations were reasonable and he agreed to them. He also stated he is willing to help the budget and Court as much as possible. Sheriff Cravens presented

the salary cap for his deputies, assistants and other employees. Esq. Hawkins commended Sheriff Cravens for going through his entire budget one line item at a time. Sheriff Cravens was able to increase his revenues in receipts and decrease some of his expenditures. These adjustments brought his budget plan to what the committee recommended a few months ago, and will meet the committee's expectations. The biggest part was the reduction in over-time. Esq. Hawkins thanked Sheriff Cravens for working with the committee.

**RE: HENRY COUNTY CLERK'S BUDGET-2<sup>ND</sup> READING**

Upon motion by Esq. Hawkins and seconded by Esq. Fisher it is ordered by the Court to approve the second reading of the 2013 Clerk's Budget, as presented.

Motion carried unanimously

**RE: HENRY COUNTY SHERIFF'S BUDGET-2<sup>ND</sup> READING**

Upon motion by Esq. Hawkins and seconded by Esq. Bates, it is ordered by the Court to approve the second reading of the 2013 Sheriff's Budget as amended, including the salary cap of \$275,507.20 (two hundred seventy five thousand five hundred seven dollars and twenty cents) .

Motion carried unanimously

**RE: NUISANCE ORDINANCE-TABLED FROM PREVIOUS MEETING**

Judge Brent noted last month following a lot of discussion the Nuisance Ordinance was tabled so Esq. Hartlage and the committee could review it. Judge Brent asked if the Court wanted to take the Ordinance off the table for discussion.

Upon motion by Esq. Hartlage and seconded by Esq. Hawkins, it is ordered by the Court to take off the table the Nuisance Ordinance for discussion.

Motion carried unanimously

Esq. Hartlage noted following last month's meeting the committee met to revise the proposed ordinance. Esq. Hartlage brought the following 4 changes from the committee:

- Page 2-Section D-district zoned residential or commercial (remove **or commercial**)
- Page 2-Section I-instead of just dwelling (add **unoccupied** dwelling)
- Page 2-Section III-abandoned mobile homes- more than 30 days (changed to **90** days)
- Page 3-Section 3- giving owner 30 days to correct (changed to **90** days)

Esq. Hartlage felt this was a good ordinance especially for his district, and made the motion to approve.

Upon motion by Esq. Hartlage and seconded by Esq. Hawkins, it is ordered by the Court to approve the 1<sup>st</sup> reading of an Ordinance Related to the Abatement of Nuisances.

Planning and Zoning Administrator, Jody Rucker, raised concerns of removing or commercial, in Section D. Following Court discussion and input from County Attorney Harrod, Esq. Hartlage suggested or commercial be put back in the ordinance and amended his motion to do so.

### **Amendment to the Original Motion**

Upon motion by Esq. Hartlage and seconded by Esq. Hawkins, it is ordered by the Court to approve the 1<sup>st</sup> reading on an Ordinance Related to the Abatement of Nuisances and to include **or commercial** on Page 2, Section D.

Yes-Brent, Brown, Hawkins, Hartlage

No- Bates, Beasley, Fisher

Motion carried

### **RE: NEW BUSINESS**

### **RE: ROADS**

#### **1. Supervisor's Report**

Henry County Road Supervisor, Glenn Baxter, reported road department employee, Mark Terry, had resigned. The road department has completed all of their big projects and is currently catching up on their little jobs.

#### **2. Committee Update-Esq. Beasley**

Esq. Beasley reported the committee had received several job applications to replace the lost driver at the road department. After reviewing the applications the committee brought recommendation to hire Harold Aldridge. Esq. Beasley noted he has his CDL, his physical and his GED. Mr. Aldridge's background check had come back okay and he will be on six months probation.

Upon motion by Esq. Beasley and seconded by Esq. Hawkins, it is ordered by the Court to hire Harold Aldridge as a full time road employee.

Motion carried unanimously

#### **3. Road Entrance Concerns-Henry Mills**

Henry Mills who resides at 402 Lea View Avenue came before the Court to express his concerns regarding an entrance made off of his residential road to a local business. Mr. Mills noted he and the other residents fully support the business, but the business has full access from State Hwy 421. Mr. Mills noted Lea View is the only way in and out for the residents, and he is concerned about their safety, especially the kids in Lea View. He acknowledged that the road did meet the County's criteria for the road entrance, but suggested the criteria needed to be looked at when putting business traffic on a residential County road. He also noted parking issues should not fall on a County road. Henry County Road Supervisor, Glenn Baxter, stated he checked the sight distance and it met the requirement so he granted the entrance. The question arose if the County

should allow a commercial entrance on a County road when a State Hwy is in close proximity. Mr. Miles stated he is willing to go and talk with the business owner if a third would go with him. Ricky Doyle, who was present for the meeting, noted he did the excavating at the site and he volunteered to go with Mr. Miles to see the business owner. Mr. Doyle felt the business owner would work with them. Judge Brent asked the planning and zoning committee, with Esq. Hartlage heading it up, to talk about the issue before next month's meeting. Judge Brent noted the County has already granted the entrance and did not know if there was anything that they can do. Mr. Miles thanked the Court for their time.

## **RE: EMS/PARAMEDICS**

### **1. Supervisor's Update**

Henry County EMS Director, Josh Jamiel, reported currently they have four transports and things are running pretty good. He is rotating the volunteer ambulances used for the transports to keep the mileage down.

### **2. Committee Update-Esq. Bates**

Esq. Bates reported the committee met and suggested the County hold off on paying the \$7,200.00 for the Medicare audit. He noted only 7 or 8 counties in the State are currently doing these and Josh is still checking to see what is required.

### **3. MCP Discussion**

Esq. Bates reported the committee is going to meet with DES Director, Bruce Owens, and the fire chiefs after the first of the year to see what they want to do regarding the Mobile Command Post. The Sheriff has leased the New Castle building which is currently housing the MCP, so the committee will discuss whether to move it or what is the best option. Judge Brent noted Bruce Owens worked to get a \$16,500.00 grant from Homeland Security for the purchase of the Mobile Command Post. The County spent \$3,500.00 for batteries and radios, making a \$20,000.00 investment in the MCP. The committee will discuss the issue and bring a recommendation at next month's meeting.

## **RE: P&Z/SOLID WASTE**

### **1. Administrator's Report**

Henry County Planning and Zoning Administrator, Jody Rucker, reported his office is updating the 911 address books, which will take several months to complete. Mr. Rucker reported this has been a slow month as his department has only issued a couple permits.

## **2. Recommendation to Re-appoint Danny Shain to Planning and Zoning Commission**

Mr. Rucker brought recommendation to re-appoint Danny Shain to the Planning and Zoning Commission. Esq. Hartlage noted he only had one person express interest in the position and he was not from his district, so he also recommended Danny Shain.

Upon motion by Esq. Hartlage and seconded by Esq. Bates, it is ordered by the Court to re-appoint Danny Shain to the Planning and Zoning Commission.

Motion carried unanimously

## **RE: PARKS/FAIRGROUNDS-SUPERINTENDENT'S REPORT**

Henry County Parks Director, Travis Buchanan, reported they have been seeding the football and back soccer fields. They have also been planting trees on the property line at the fairgrounds. He also reported his department has been painting the concession bathrooms at the new park.

## **RE: ANIMAL SERVICES**

### **1. Director's Report**

Henry County Animal Control Officer, Dan Flinkfelt, reported this has been a busy month and a busy year. The shelter took in 698 animals this year and placed 700 animals which included animals left from the previous year. The shelter currently has 13 dogs and 4 cats.

### **2. Committee Report-Esq. Hartlage**

Esq. Hartlage reported the committee met twice because they needed to. The previous meeting the committee made some recommendations for the judges to implement. Esq. Hartlage felt the judges implementing the recommendations are the reason the number of dogs are down. The Inter-Local Agreement states Trimble County and Henry County will provide 1 full-time and 1 part-time employee for the animal shelter. Trimble County has terminated their full time employee so the shelter is not running full capacity on employment. The committee will have mandatory meetings on the second Wednesday of each month to identify problems and for better communication among the Counties.

### **3. Henry/Trimble Shelter Management Discussion**

Esq. Hartlage noted the Inter-Local Agreement is a great tool. The committee doesn't need to get involved in the operations as the day to day responsibility is up to the judges. The judges met and are trying to identify problems and get them worked out. Esq. Hartlage noted since Trimble County terminated their full time employee they are relying on Henry County to make some of their calls. Henry County doesn't need to do that even with compensation from Trimble County. Esq. Hartlage stated Henry County needs to take care of Henry County. The committee met and felt they need to stay strong with the Inter-Local Agreement and let Trimble County hire a full-time employee and maintain their part-time employee as the agreement states. Judge Brent stated Fiscal Court needs to come up with a vision for the shelter. He noted we may need to

change hours of operation, designate someone to clean, someone on the roads and pay attention to the scheduling. Judge Brent stated we are putting \$100,000.00 in now and that is enough. It is a money issue and the County can only do so much.

**RE: EARTHQUAKE INSURANCE DISCUSSION**

Judge Brent informed the Court that KACO had contracted the County to ask if we were interested in purchasing earthquake insurance. The annual premium is \$2,946.00, with a deductible of \$25,000.00. Esq. Hawkins was in favor of purchasing the earthquake insurance. Following discussion, the Court was in consensus to wait and include the earthquake insurance when putting the bid specs together for next year's insurance.

**RE: NATIONAL GUARD MEMORIAL-ESQ. BROWN**

Esq. Brown informed the Court that at the convention they were asked about supporting a memorial to honor the National Guard of Kentucky who lost their lives in combat. Esq. Brown brought recommendation that \$500.00 (five hundred dollars) be given to the memorial from the citizens of Henry County to show our support.

Upon motion by Esq. Brown and seconded by Esq. Hawkins, it is ordered by the Court to give \$500.00 (five hundred dollars) to the Kentucky National Guard Memorial Fund.

Motion carried unanimously

**RE: TERRI SMITH LAWSUIT DISCUSSION**

Henry County Attorney, Virginia Harrod, informed the Court that Terri Smith has brought suit against Henry County Fiscal Court and Henry County Animal Control Officer, Dan Flinkfelt. Ms. Harrod noted KACO has retained a law firm to represent the County. Ms. Harrod stated she will keep the Court informed.

**RE: PROPERTY TRANSFER TAX LITIGATION DISCUSSION**

Henry County Clerk, Juanita Lashley, told the Court that under KY law County Clerks are required to collect transfer tax in connection with the transfer of an interest in real estate. Fannie Mae and Freddie Mac claim to be exempt from the KY transfer tax. Juanita told the Court that McBrayer, McGinnis, Leslie & Kirkland Law Firm are representing any County Clerks who want to join this litigation against Fannie Mae and Freddie Mac. County Attorney, Virginia Harrod, noted there is no down side as the attorneys will recover their fees from any award they win.

Upon motion by Esq. Hawkins and seconded by Esq. Brown, it is ordered by the Court to enter into the property tax litigation.

Motion carried unanimously

**RE: CLAIMS AND TRANSFERS**

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

General Fund	\$266,727.55
Road & Bridge	41,636.43
Jail Fund	28,597.84
LGEA Fund	3,272.06
Federal Grant	3,165.64
Litter Grant	421.40
911-EMS	15,304.98
Fair Fund	<u>581.72</u>
Total Expenditures	\$359,707.62

Transfers

General Fund

From: 0192009990 (Reserve for Transfers) \$268.00

To: 0150651920 (Election Officer) \$268.00

Litter Fund

From: 1392009990 (Reserve for Transfers) \$23.00

To: 1352121790 (Litter, Part-Time Salary) \$23.00

Motion carried unanimously

**RE: CITIZENS COMMENTS**

A citizen in attendance asked when was the last time the County had an earthquake and why the County would need earthquake insurance. Jessie B. Woods felt there was a problem on Sweeney Lane. There is a guy doing dozer work, stopping up the creek and possibly causing the road to wash out. County Attorney, Virginia Harrod, stated if the guy is doing work on his private property that causes damage to Mr. Woods property, Mr. Woods can bring a civil lawsuit against him.

**RE: COURT COMMENTS**

Judge Brent reported Rep. Rick Rand got an appointment for them to meet with the Environmental Cabinet regarding the need for permits when getting creek rock. This issue came about because some county road departments in southern Kentucky have been getting massive amounts of rock out of creeks and damaging the creeks. The good news is, if you get creek rock from your own farm you are okay. The bad news is, until we can get something worked out in Frankfort the County cannot use any creek rock. The County only uses creek rock when working on Six Mile and Joe's Branch.

**RE: ADJOURN**

Upon motion by Esq. Beasley and seconded by Esq. Brown, 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: January 15, 2013