

**HENRY COUNTY FISCAL COURT  
REGULAR MEETING  
JUNE 19, 2012**

The Henry County Fiscal Court met in a Regular Session on June 19, 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. Beasley, it is ordered by the Court to approve the minutes from the May 15, 2012 Regular Meeting.

Motion carried unanimously

**RE: OLD BUSINESS**

**RE: 2<sup>ND</sup> READING OF 2012-2013 BUDGET**

Upon motion by Esq. Brown and seconded by Esq. Bates, it is ordered by the Court to approve the second reading and adoption of the 2012-2013 Budget Ordinance, which includes the budget attachment, the blacktop projects, and with the adjustments on the expense and receipt side, to increase the following line items:

Expenditures

- 01-5015-1030 Sheriff, Deputies Salaries, to \$320,000.00
- 01-5015-3310 AOC, Transfer for Lease to Sheriff (new line item) \$25,000.00
- 01-5140-1070 EMT, Supervisor, to \$35,000.00
- 02-6105-3640 Rental, Track Loader to \$11,610.00
- 80-5401-5480 Special Projects/Improvements to \$5,000.00

Receipts

- 01-4304 Excess Sheriff, to \$9,000.00
- 01-4532 AOC Rental, to \$90,000.00
- 01-4798B Grant/Dead Animal Removal, to \$7,500.00
- 01-47992 Salary Reimbursement/Sheriff to \$355,000.00

Motion carried unanimously

**RE: HOMELAND SECURITY GENERATOR GRANTS-2<sup>ND</sup> READING**

Upon motion by Esq. Fisher 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 2011-2012, to include the following receipts and expenditures from the following accounts:

Receipts from:

01-4512	Homeland Security-Generator, Eminence	\$12,177.39
01-4512	Homeland Security-Generator, KY River	\$11,134.26

Expenditures from:

01-5135-594	DES/Homeland Security	\$23,311.65
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Motion carried unanimously

**RE: NEW BUSINESS**

**RE: ROADS**

**1. Supervisor’s Report**

Henry County Road Supervisor, Glenn Baxter, reported his department has been busy grading and rocking roads following the six inches of rain that fell in the western part of the County. The road department started work today on the McCarty Lane project. They plan to start the project on Jackson Road on Thursday. Esq. Hartlage complimented and thanked Glenn for their work following the heavy rains. Esq. Hawkins expressed the need to lower the speed limit on Broko Lane.

Upon motion by Esq. Hawkins and seconded by Esq. Brown, it is ordered by the Court to lower the speed limit to 25 mph on Broko Lane.

Motion carried unanimously

## 2. Committee Report-Esq. Beasley

Esq. Beasley reported he met with Glenn Baxter and the road committee. They discussed an issue with a culvert on Sweeney Lane that has some issues. The County put in the original culvert and sometime later one of the property owners added an old rusty pipe. The culvert and pipe was not banded together, causing a gap and allowing rocks to fall through. This drive is used by the new property owner and also as a turn-around for the mail carrier. The County's policy has been to install the culvert at no charge after the property owner buys it. After this the County will maintain and replace the culvert as needed. The current property owner is requesting the drive be fixed, but is not willing to buy the extension. Glenn Baxter noted the County did not put in the extension pipe. The pipe wasn't installed right and he didn't think the County should be out the expense to replace it. Esq. Beasley recommended the County put in an extension or replace the piece the County did put in and move the new part up the hill. Judge Brent noted it was up to the Court, but we needed the policy to treat everybody the same. Esq. Hawkins agreed and noted other property owners have been buying their culverts.

Upon motion by Esq. Beasley and seconded by Esq. Fisher, it is ordered by the Court to put an extension on the culvert or replace the culvert and move it up the hill.

Yes- Beasley, Fisher

No- Bates, Brown, Hartlage, Hawkins

Motion Failed

Esq. Beasley noted when blacktopping the road department needs to use rakes and feather the drive ways out. Glenn noted he only has enough guys to run the paver and haul the blacktop.

Upon motion by Esq. Beasley and seconded by Esq. Hawkins, it is ordered by the Court to hire as needed, one or two part-time employees during blacktopping, to use rakes to feather the drive ways out.

Motion carried unanimously

## 3. Opening of Asphalt and Rock Bids

Judge Brent noted bids were received from Mago, Shelbyville Asphalt, Ohio Valley Asphalt, Rogers Group and Liters. The following bids were received for asphalt and rock:

### Asphalt Bids

#### OHIO VALLEY ASPHALT

#### Picked-Up Asphalt Products

<u>Hot-Mixed Asphalt Product</u>	<u>Brownsboro Asphalt Plant Unit Bid Price</u>	<u>Carrollton Asphalt Plant Unit Bid Price</u>
Base	\$60.00 Per Ton	\$60.00 Per Ton
Binder	\$61.00 Per Ton	\$61.00 Per Ton
Surface	\$62.00 Per Ton	\$62.00 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	\$67.75
Binder	\$68.75
Surface	\$69.75

**MAGO CONSTRUCTION COMPANY**

Bituminous Concrete Surface F.O.B. Plant at Lockport, KY	\$60.00 per ton
Bituminous Concrete Binder F.O.B. Plant at Lockport, KY	\$58.00 per ton
Bituminous Concrete Base F.O.B. Plant at Lockport, KY	\$57.00 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.)	\$7.50 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	\$60.00 per ton
Bituminous Concrete Binder F.O.B. Plant at Shelbyville, KY	\$58.00 per ton
Bituminous Concrete Base F.O.B. Plant at Shelbyville, KY	\$57.00 per ton
Bituminous Cold-Mix thru Plant F.O.B. at Shelbyville, KY	\$110.00 per ton

**ROCK BIDS:**

**LITER'S INC. LOCKPORT PLANT**

#2,# 3, &# 4	\$8.10 per ton
DGA & 610	\$8.10 per ton
#57	\$9.10 per ton
#8	\$9.35 per ton
Class II Rip Rap	\$10.20 per ton
Class III Rip Rap	\$13.50 per ton
Ag Lime	\$2.00 per ton

**ROGERS GROUP/OLDHAM COUNTY STONE**

#3 Stone	\$9.60 per ton
Crusher Run	\$9.60 per ton
DGA Aggregate	\$9.60 per ton
#57	\$11.05 per ton
#8	\$11.35 per ton
Class II Channel Lining	\$12.25 per ton
Class III Channel Lining	\$16.10 per ton
Manufactured Sand	\$8.55 per ton
AGLime	\$9.35 per ton
Mortar Sand	\$16.50 per ton
Shot Rock	\$7.15 per ton
3/8 X O Limedust	\$8.00 per ton

Upon motion by Esq. Bates and seconded by Esq. Fisher, it is ordered by the Court to accept all rock and all asphalt bids for Fiscal Year 2012-2013.

Motion carried unanimously

**RE: LONG BRANCH BRIDGE REPLACEMENT BIDS**

Judge Brent noted he was disappointed on the bid received for the replacement of the Long Branch Bridge. The first bid received was for a steel bridge at more than \$100,000.00. The bid was too high so was rebid. The second bid was for \$93,592.00 for a concrete bridge. Judge Brent noted this is \$13,592.00 over budget. The state will pay 80% of this, so that leaves us paying \$2,718.00 more than we planned. Judge Brent asked the Court for their input.

Upon motion by Esq. Brown and seconded by Esq. Fisher, it is ordered by the Court to accept the concrete bridge bid from Karsner Construction Co., Inc., in the amount of \$93,592.00 (ninety three thousand five hundred ninety two dollars).

Motion carried unanimously

**RE: EMS/PARAMEDICS**

**1. Supervisor's Report**

Henry County EMS Supervisor, Josh Jamiel, reported the paramedic vehicle is in need of a lot of repairs. He asked the Court for permission to use the \$20,000.00 from the Senate Bill 66 funds for purchase of a vehicle. Josh suggested an F-150 vehicle so the paramedic can carry back boards and chain saws when needed. Josh also asked the Court to approve hiring Jennifer L. Dickow as a part-time paramedic.

Upon motion by Esq. Hawkins and seconded by Esq. Hartlage, it is ordered by the Court to allow the EMS Committee to spend up to \$20,000.00 (twenty thousand dollars) for the purchase of a paramedic vehicle.

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

Upon motion by Esq. Brown and seconded by Esq. Bates, it is ordered by the Court to hire Jennifer L. Dickow, as a part-time paramedic.

Motion carried unanimously

**2. EMS Committee Report-Esq. Bates**

Esq. Bates informed the Court that the narrow band update will be done during the month of July. He was pleased that we are ahead of the deadline..

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

Planning and Zoning Administrator, Jody Rucker, noted things are picking up. During the month of May they issued a record 21 permits. He is working on re-doing the 5 Year Solid Waste Plan.

**RE: PARK DIRECTOR'S REPORT**

Henry County Parks Director, Travis Buchanan, reported soccer and baseball are winding down. He has ordered the irrigation system for the soccer field. Travis noted after buying the products and paying a part-time person to run the new park concession stand the County cleared \$613.60. Esq. Brown noted he continues to get compliments on the walking trail. Esq. Hawkins complimented Travis and Judge Brent for sending letters out to the school children to let them know of activities at the park. He suggested they continue the letters when school starts back.

## **RE: ANIMAL SERVICES**

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

Henry County Animal Services Director, Dan Flinkfelt, reported he attended the Trimble County Fiscal Court Meeting this week. Trimble County has not hired an animal control officer for their county or purchased a vehicle. Dan noted the new shelter is coming along. They will install the new phone lines next week. Affordable Signs from Eminence are donating all the inside signs. Dan noted this year we have taken in more than 810 animals. Most of the animals have been placed or adopted.

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

Esq. Hartlage reported the committee met and toured the new shelter. They were pleased with the way it was looking. He stressed we need to be out of the Eminence Shelter by July 1. Esq. Hartlage noted he was told about a Grant with the Cattleman's Association. He filled out the application and requested \$11,000.00 (eleven thousand dollars) for cages and tables. Esq. Hartlage stressed if the County receives the grant they would be responsible for 20% (twenty percent) of the grant.

Esq. Hartlage reminded the Court that the Inter-Local Agreement with Trimble County states the County will provide 1 full-time and 1 part-time employee when we move into the new shelter July 1. Currently we have 2 part-time employees, Candace Abner and Chad Zimmerman. Esq. Hartlage brought recommendation from the Animal Services Committee that Chad Zimmerman remains as the part-time animal control officer. Esq. Hartlage noted the decision was unanimous. It was noted that Candace Abner has applied for the part-time position in Trimble County.

### **3. Amendment to "Penalties Section" of Dog Ordinance-1<sup>st</sup> Reading**

Judge Brent noted Esq. Hartlage brought recommendation that HB273 be amended into the penalties section of the County's Dog Ordinance. Judge Brent read **Section XII-Penalties of Henry County Ordinance#94-8-1**, and included the following amendment:

Any person who has been convicted of, entered an Alford Plea to, or pleaded guilty to cruelty to animals in any degree (First or Second) shall forfeit ownership of the animal or animals and shall be prohibited from owning or possessing any animals for a period to Two (2) years from the date of conviction or plea.

Upon motion by Esq. Hartlage and seconded by Esq. Brown, it is ordered by the Court to approve the 1<sup>st</sup> reading of an amendment to Section XII-Penalties of Henry County Ordinance #94-8-1, to include HB273.

Motion carried unanimously

**RE: CARROLL COUNTY JAIL CONTRACT**

Judge Brent reviewed the contract with the Carroll County Jail, noting a daily three percent increase beginning July 1, 2012, from \$32.89 to \$33.88. Judge Brent complimented Carroll County for holding down medical costs and collecting per diems for the County. Judge Brent noted the County also houses inmates in Oldham and Shelby Counties. He also complimented Henry County Jailer, Scott Southworth, on doing a good job.

Upon motion by Esq. Brown and seconded by Esq. Beasley, it is ordered by the Court to approve the contract with the Carroll County Jail.

Motion carried unanimously

**RE: SHERIFF'S BUDGET AMENDMENT-PERTAINING TO CITY OF PLEASUREVILLE CONTRACT**

Henry County Sheriff, Danny Cravens, explained the need to amend his budget is pertaining to the Pleasureville Contract. Sheriff Cravens noted he needs to amend the budget by \$10,000.00 (ten thousand dollars) in receipts and expenditures, with a salary cap of \$7,500.00 (seven thousand five hundred dollars). Sheriff Cravens noted the breakdown of \$7,500.00 for part-time salaries, \$1,200.00 for benefits, and \$1,300.00 for fuel.

Upon motion by Esq. Brown and seconded by Esq. Hawkins, it is ordered by the Court to amend the 2012 Sheriff's Budget by \$10,000.00 (ten thousand dollars) in receipts and expenditures, and with a salary cap of \$7,500.00 (seven thousand five hundred dollars).

Motion carried unanimously

**RE: DISCUSSION OF RECORDING FEES CLASS ACTION LAWSUIT**

Henry County Attorney, Virginia Harrod, informed the Court that she had received information asking if the County is interested in joining a class action lawsuit against Mortgage Electronic Registration, Inc. (MERS). The lawsuit is for their failure to record and pay associated recording fees to the County Clerks in Kentucky. Ms. Harrod noted there is no fee for the County to join the lawsuit. Ms. Harrod also noted she talked with Henry County Clerk, Juanita Lashley. Juanita felt her staff could do the research and it would benefit the County, as the County has many MERS documents.

Upon motion by Esq. Hawkins and seconded by Esq. Bates, it is ordered by the Court to enter into the class action lawsuit against the Mortgage Electronic Registration, Inc. (MERS).

Motion carried unanimously

**RE: CLOSED SESSION-REGARDING GIFT/PURCHASE OF PROPERTY**

Judge Brent noted the Court needed to go into a closed session to discussion a gift/purchase of property to the County.

Upon motion by Esq. Brown and seconded by Esq. Bates, it is ordered by the Court to go into closed session.

Motion carried unanimously

Upon motion by Esq. Bates and seconded by Esq. Fisher, it is ordered by the Court to go out of closed session.

Motion carried unanimously

Upon motion by Esq. Fisher and second by Esq. Bates, it is ordered by the Court to go back into regular session.

Motion carried unanimously

Judge Brent noted the County has been offered the Loudon property located at 739 South Property Road, Eminence, KY. The terms of the offer asks the County to pay \$5,000.00 (five thousand dollars), and a letter stating the PVA value of the property which is \$43,000.00 (forty three thousand dollars). County Attorney, Virginia Harrod, stated the letter should state the \$5,000.00 (five thousand dollars) cash, and \$38,000.00 (thirty eight thousand dollars) donated PVA value.

Upon motion by Esq. Brown and seconded by Esq. Fisher, it is ordered by the Court to purchase the Loudon property located at 739 South Property Road, Eminence, KY, for \$5,000.00 (five thousand dollars) and provide a letter stating donated PVA value is \$38,000.00 (thirty eight thousand dollars).

Motion carried unanimously

**RE: CLAIMS & TRANSFERS**

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

General Fund	\$295,186.91
Road & Bridge	43,066.13
Jail Fund	29,279.96
LGEA Fund	132.06
Federal Grant Fund	22.00
911-EMS	5,803.70
Fair Fund	<u>3,262.22</u>
Total Expenditures	\$376,752.98

Transfers:		
From:	0150751070 (Economic Development)	\$49,012.00
To:	0192009990 (Reserve for Transfers)	\$49,012.00
From:	0192009990 (Reserve for Transfers)	\$112,025.00
To:	0150011030 (Deputy Judge/Ex)	\$213.00
To:	0150201010 (Coroner, Salary)	\$169.00
To:	0150201030 (Deputy Coroner, Salary)	\$543.00
To:	0150701250 (Secretary, P&Z)	\$429.00
To:	0150801070 (Courthouse Superintendent)	\$205.00
To:	0151401070 (EMT, Supervisor)	\$5,491.00
To:	0152121790 (Solid Waste, Part-Time)	\$190.00
To:	0154011020 (Parks Coordinator)	\$36.00
To:	0150252120 (Magistrates, Fringe Benefits)	\$1,387.00
To:	0150651920 (Election Officers)	\$8,445.00
To:	0150653470 (Rental-Polling)	\$400.00
To:	0151355940 (DES-Homeland Security)	\$25,259.00
To:	0151404810 (EMS, Uniforms)	\$150.00
To:	0152053980 (Trimble/Henry Animal Services)	\$13,812.00
To:	0152053990 (Animal Services)	\$2,191.00
To:	0194002050 (Health Insurance)	\$53,105.00
From:	0150151030 (Sheriff, Deputies Salaries)	\$6,127.00
To:	0150151790 (Sheriff, Part-Time)	\$6,127.00
From:	0154013360 (Parks/Maintenance/Cell)	\$3,170.00
To:	0154015710 (Parks/Repairs)	\$3,170.00
From:	0292009990 (Reserve for Transfers)	\$11,692.00
To:	0261031020 (Road Supervisors Salary)	\$192.00
To:	0261054470 (Materials)	\$11,000.00
To:	0261054810 (Uniforms)	\$500.00
From:	8092009990 (Reserve for Transfers)	\$1,000.00
To:	8054014310 (Fairgrounds, Repairs)	\$1,000.00

Motion carried unanimously

## **RE: PUBLIC COMMENTS**

Henry County Attorney, Virginia Harrod, spoke to the Court on behalf of Family Court Judge, Timothy Feeley. Judge Feeley reported he found dead pigeons and bird droppings at the foot of the door of the bell tower. This has drawn flies to the area and he felt it was not a safe and clean working environment. Judge Feeley wanted the Court to be aware of the need for additional cleaning. Ms. Harrod stressed the pigeons were not in the Courtroom, but behind the closed door.

**RE: COURT COMMENTS**

Esq. Bates reported Eminence Mayor, Drane Stephens, told him if the County removes the ambulance from the Eminence EMS Building, the building will go back to the City. Judge Brent noted he also understood the contract states the building will go back to the City, but he felt the County would not want to pay the utilities on a vacant building. The County would only use the building when needed to store the voting machines. Judge Brent asked the Court to be considering what they want to do.

Judge Brent reported Jimmy Simpson with Henry County Water District #2 is looking to replace deceased board member, Merle Brewer. Several individuals have shown interest in the position so the Board is taking applications and will do interviews to make the final selection. Judge Brent asked Esq. Brown to serve on the Board to do the interviews.

Upon motion by Esq. Brown and seconded by Esq. Fisher, it is ordered by the Court to rescind the motion from the June 16, 2009 meeting. The motion states if any member of Fiscal Court were to miss a full session Fiscal Court Meeting they would refund their bi-weekly pay check for the 2 weeks consisting of the meeting back to the Court.

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

Esq. Hawkins noted a constituent expressed concerns of his neighbor shooting fireworks over his house and the constituent wanted to know what can be done. Esq. Hawkins noted the County does not have a noise ordinance. Sheriff Cravens commented if the neighbor does property damage the constituent could seek legal damages. The Court discussed problems with a noise ordinance, since Henry County is a farming community. The Court was in consensus not to take any action at this time.

**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: July 17, 2012

