

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
APRIL 16, 2013**

The Henry County Fiscal Court met in a Regular Session on April 16, 2013 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

Judge Brent asked for silent prayer in preparation for the meeting, noting he was glad Esq. Beasley was present tonight following a health issue. Esq. Brown also asked the Court to remember the families involved in the Boston tragedy.

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 March 19, 2013 Regular Meeting.

Motion carried unanimously

RE: OLD BUSINESS

RE: 2ND READING OF BUDGET AMENDMENT PERTAINING TO COUNTY ROAD AID

Upon motion by Esq. Beasley and seconded by Esq. Fisher, it is ordered by the Court to approve the 2nd reading and adoption of an Ordinance amending the Henry County Budget for Fiscal Year 2012-2013, to include unanticipated receipts and expenditures in the following accounts:

Receipts from:		
02-4518	County Road Aid	\$80,091.00
Expenditures from:		
02-9200-999	Reserve for Transfers	\$80,091.00

Motion carried unanimously

RE: NEW BUSINESS

RE: ROADS

1. Supervisor's Report

Henry County Road Supervisor, Glenn Baxter, reported his department has been busy potholing. They have gone over all gravel roads except two in Esq. Fisher's district. They will get them when the weather permits. Glenn reported he went over the blacktop projects with the Magistrates and has given the list to Esq. Beasley. Glenn stressed the projects are way over budget. Esq. Hartlage expressed concern with Webbtown Road. He noted between the railroad track and the road the bank is giving out. Esq. Hartlage suggested we may need a retaining wall as the problem is not going away. The County has taken riprap and tried to fix it, but the road continues to fail. Judge Brent asked Esq. Hartlage to get a meeting with the railroad and he would go with him. Glenn noted the railroad had some people working on the road and he tried to get them to address this issue. This area wasn't included in their work order so they wouldn't even talk with Glenn about it. Esq. Hartlage stated he will try and contact the railroad but he thinks we may have to get the County Attorney involved, as it's a situation where nobody wants to take responsibility. Esq. Hartlage suggested the County Attorney send a letter to the railroad stressing their liability. Esq. Beasley noted the Committee will also look at it. Judge Brent noted an issue on Rose Hill Road where the road serves as a pond dam. The culvert under the road has failed. It drains but not at a good pace. This allows water to come up over the road. Esq. Hartlage suggested tying the culvert into the existing drain and running it over 28 feet may eliminate the problem. The committee will also look at this issue. Judge Brent suggested both issues will be on the agenda next month, giving the committee time to look at both issues and bring their recommendations back to the Court.

2. Committee Report-Esq. Beasley

Esq. Beasley noted he has the figures from Glenn on the Blacktop projects and they are over budget. The committee will have to meet and decide where to make cuts unless more money can be found in the budget.

3. 5th District Rural Secondary Recommendations-Chief District Engineer Matt Bullock

Judge Brent noted none of the 5th District folks were present, but hopefully they will be at the May meeting. Judge Brent stated the last he heard everybody was going to get the roads they requested for their districts.

4. County Road Aid Coop Resolution

Judge Brent read the County Road Aid Coop Resolution and asked for a motion to approve.

Upon motion by Esq. Hawkins and seconded by Esq. Brown, it is ordered by the Court to approve the Resolution of the County Road Aid Coop Program Contract between Henry County Fiscal Court and the Commonwealth of Kentucky Transportation Cabinet.

Motion carried unanimously

5. Request for Motorcycle Signs-Ron Jones

A representative with the KY Motorcycle Association, District 10, came before the Court to discuss **Share the Road** Motorcycle Signs. He noted there are too many motorcycle accidents and he requested the signs be put up on the County lines of our main highways. Trimble, Gallatin, Carroll and Oldham Counties have all agreed to post the signs. He stated if Henry County agrees to post the signs we would have to mark the locations on a county map and send it to the KY Highway District for approval. If approved the County would be responsible for paying the cost of \$50.00 for each sign and also to put the signs up.

Upon motion by Esq. Hawkins and seconded by Esq. Brown it is ordered by the Court to approve the **Share the Road** signs for Hwy 421, Hwy 55, Hwy 22 and Hwy 146.

Esq. Beasley raised the issue of the cost as we are looking to cut the blacktopping projects due to the lack of funds in the budget. Following discussion of other roads that may need to be included an amendment to the original motion was made.

Amendment to the Original Motion

Upon motion by Esq. Hawkins and seconded by Esq. Brown, it is ordered by the Court to approve the **Share the Road** signs for Hwy 421, Hwy 55, Hwy 22, Hwy 146, Hwy 389 and Hwy 561.

Motion carried unanimously

RE: EMS/PARAMEDICS

1. Supervisor's Report

Henry County EMS Supervisor, Josh Jamiel, reported things are going good. They still have four transports. Josh asked the Court to approve hiring three part-time EMT's, noting this will put 45 employees on the roster. Esq. Bates stated he looked over the applications and hiring the extra part-time employees is helping to keep the cost of over time down.

Upon motion by Esq. Bates and seconded by Esq. Hawkins, it is ordered by the Court to approve hiring as part-time EMT's, Michael A. Schaub, Ryan E. Berry and Peter J. Seivers.

Motion carried unanimously

2. Committee Report-Esq. Bates

Esq. Bates noted the Committee is working out kinks with the EMS and they are heading in the right direction. Their budget is looking better as they are starting to collect some of the dialysis money. Judge Brent noted their revenue is \$125,000.00 better than last year, but they are down \$300,000.00 from three years ago. He stressed maybe next year if they can get to \$200,000.00 we will start to see the daylight. The loss of revenue is due to the cuts in Medicare for the dialysis patients.

RE: PLANNING & ZONING

1. Administrator's Report

Henry County Planning and Zoning Administrator, Jody Rucker, reported 12 permits were issued last month with one being for a new home. He is still working on updating the 911 book.

2. Recommendation of Zone Change from A1 to B3 on the Danny Clark Property

Judge Brent read the Planning Commission findings and recommendations regarding the proposed Zone Change from A1 to B3 on the Danny Clark property, located at 5320 Castle Highway, Pleasureville, KY. He noted all Commissioners voted in favor of the zone change except Joey Bell who abstained.

Upon motion by Esq. Beasley and seconded by Esq. Brown, it is ordered by the Court to accept the Planning Commissioners recommendations to approve the Zone Change from A1 to B3 on the Danny Clark property, located at 5320 Castle Highway, Pleasureville, KY.

Motion carried unanimously

3. Text Amendment to Zoning Ordinance

Henry County Planning & Zoning Administrator, Jody Rucker, brought recommendation for a text amendment to the Zoning Ordinance Section 290 C to read: "Regardless of the size of the tract, the **minimum** road frontage **required by this section shall be contiguous and** shall be

maintained for a depth of not less than to the building line.” Jody stressed this would make the tract more uniform by making 250 feet continuous for division of the property. The Court raised several questions regarding the text amendment.

Upon motion by Esq. Hawkins and seconded by Esq. Brown, it is ordered by the Court to table the Text Amendment to the Zoning Ordinance.

Motion carried unanimously

RE: PARKS & FAIRGROUNDS-SUPERINTENDENT’S REPORT

Henry County Parks Director, Travis Buchanan, reported the park is in full swing. The new park has many walkers and the additional playground equipment at the **Friends for Michael Playground** is getting a lot of use. The soccer and baseball leagues are starting to play. Travis and Greg Hutcherson have started replacing the parking lights at Harry Hill Park. Travis hopes to get the concrete poured in the next couple of weeks for the basketball court. Travis gave a report of the many games and activities held at our parks the past year. Travis reported vandalism occurred in the men’s bathroom at the new park. The Sheriff’s department was contacted and is investigating the incident.

RE: ANIMAL SERVICES

1. Director’s Report

Henry County Animal Control Officer, Dan Flinkfelt, reported 27 animals were transported to Chicago for adoption. Currently we have 10 animals at the shelter and one of those has a microchip. The owner has been contacted and Dan hopes the animal will go home tomorrow. Dan has started trapping dogs. Eight dogs were trapped in Eminence last month. Dan asked everyone to keep part-time employee Suzanne Schulte in their prayers as she is with her mother who is very ill. Dan noted everything is going well.

2. Committee Report-Esq. Hartlage

Esq. Hartlage reported the Committee met and are working on the Standard Operating Procedures. He plans on the Court voting on those next month and noted the changes mainly are the surrender fees. Esq. Bates raised concerns of the light bill being so high. Judge Brent noted he addressed this with Trimble County Judge Powell who sent someone to look at it and they were surprised it was that low. Esq. Hartlage noted one cause is the State mandates a system with constant flow of fresh air circulating in the shelter. He hopes now that the heat is turned off, the bill will come down. . Esq. Hartlage complimented Dan, Suzanne, Russell and Candace on doing a good job but noted they will need some help with lawn care. The Court discussed several options for the mowing. Esq. Hawkins noted the Committee will discuss the issue and talk with Trimble County to see what they want to do. Esq. Hawkins asked Travis to mow the shelter for now and the committee will have it figured out by next month.

RE: FIRE DEPARTMENT DEED FEE INCREASE PROPOSAL

Esq. Bates reviewed the following fire department proposals suggested by Judge Brent:

Proposal 1

Establish an application process where departments who have special projects apply on annual basis for two different pieces of funding, each totaling approximately \$8000.00. Applications would be reviewed by the Fiscal Court Emergency Services Committee. The source of funding for the first would be the annual ADF Grant money. The source of funding for the second would be based on changing the annual Fire Department Audits to every three years and then taking the difference of approximately \$3000.00 out of our budget.

Proposal 2

Give each department a flat fee of \$2700.00 a year. Funding to come about through going to an audit every three years, shifting ADF dollars around, and making up the difference out of the budget.

Proposal 3

Allow Fire Departments to submit a special project to the committee for the ADF Grant money. Give each department an annual flat fee amount of \$1,350.00. Sources of funding would be the same as above.

He also reiterated the existing proposal that was before the Court which would raise fees by \$5.00. Esq. Hawkins noted the Fire Departments are struggling to get by and they need finances to perform their duties. He noted this is a tough issue but he believes the Court's number one priority is public safety. Esq. Hawkins noted he is not in favor of the proposals, and now we have accountability through the audits, he believes the fire department deed fee increase is the thing to do. Esq. Brown stated he is not in favor of the increase and he feels paying the same deed fee regardless if it is a vacant lot or a house and property is unfair. Esq. Brown suggested a percentage tax is the way to go. County Attorney, Virginia Harrod, noted the Court would have to create a special fire taxing district and the Court would lose control as the taxing district board would have the say.

Upon motion by Esq. Hawkins and seconded by Esq. Bates, it is ordered by the Court to adjust the fire department deed fee by five dollars, increasing the residential fee to \$40.00 and the commercial fee to \$105.00, and to leave the audits in place.

Yes-Bates, Hartlage, Hawkins
No-Beasley, Brent, Brown, Fisher
Motion failed

Motion was made by Esq. Beasley to accept proposal number one. The motion died for the lack of a second.

Esq. Bates stated his biggest problem with the proposal is all the fire departments will want the funding and you have three people on the committee deciding who will receive it. This could become an issue with the fire departments thinking the committee is showing favoritism. Esq. Hartlage felt he needed time to review and study the three proposals.

Upon motion by Esq. Hartlage and seconded by Esq. Bates, it is ordered by the Court to table the Fire Department Deed Fee Increase Proposal.

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

Judge Brent noted the issue will be put on next month's agenda.

RE: EMERGENCY MANAGEMENT MUTUAL AID & ASSISTANCE AGREEMENT

Upon motion by Esq. Brown and seconded by Esq. Bates, it is ordered by the Court to approve Jody Rucker, as Primary Representative, and Denny Washburn, as Alternate Representative, for the Emergency Management Mutual Aid and Assistance Agreement.

Motion carried unanimously

RE: LIBRARY BOARD APPOINTMENT

Upon motion by Esq. Bates and seconded by Esq. Hartlage, it is ordered by the Court to appoint Micah Fitzgerald to serve on the Henry County Public Library Board of Trustees, term to expire June 30, 2016.

Motion carried unanimously

RE: APRIL 30TH BUDGET MEETING

Judge Brent announced the 1st reading of the 2013-2014 County Budget. It will be held on Tuesday, April 30, 2013, at 5:00 p.m., in the Judge Executive's Office.

RE: CLAIMS & TRANSFERS

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

General Fund	\$248,567.25
Road & Bridge	33,853.95
Jail Fund	34,015.52
Litter Fund	259.09
911-EMS	591.10
Fair Fund	<u>677.11</u>
Total Expenditures	\$317,964.02

General Fund

From: 0192009990 (Reserve for Transfers)	\$18,400.00
To: 0150252120 (Magistrates, Fringe Benefits)	\$2,200.00
To: 0150803290 (Custodial Contracted)	\$2,500.00
To: 0151404290 (EMS, Gas & Maintenance)	\$10,000.00
To: 0152051790 (ACO/Part-Time Staff)	\$3,700.00

Road Fund

From: 0292009990 (Reserve for Transfers)	\$31,200.00
To: 0261054470 (Materials)	\$25,000.00
To: 0261054810 (Uniforms)	\$1,200.00
To: 0261055880 (Equipment Repairs)	\$5,000.00

Motion carried unanimously

RE: PUBLIC COMMENTS

Mr. and Mrs. David Burrows came before the Court to ask for help in dealing with a noise issue. **“The Loft”** which is located across from their home. They state that **“The Loft”** plays music so loud on Wednesday and Thursday nights that they cannot hear their TV and their children cannot sleep. They have also had issues of accidents in the area as well as beer bottles and paper plates being thrown out in neighboring yards. Judge Brent commented that the Burrows had contacted him about the issue and he went to the business and the music was so loud inside he couldn’t talk to the owner but outside was no louder than the music in a car going by. He also noted the Burrows called him one night and the music was so loud he couldn’t hear them on the phone. County Attorney, Virginia Harrod, stated Henry County does not have a noise ordinance. Esq. Hawkins suggested two possible solutions; to change the hours of music on weeknights or have the music played in an enclosed structure. Sheriff Cravens noted he had checked on the noise and it was not loud at that time. Some of the Court members will try to go over there this month. The issue will be on next month’s agenda.

RE: COURT COMMENTS

Esq. Hartlage noted the Pendleton Sewer Project did get their project number from KIPDA and are making process. Esq. Hawkins reminded the Court that the Worker's Comp and Liability Insurance Policy renewal begins July 1. He asked the Court if they wanted to include earthquake insurance and also if they wanted to bid the insurance out. Following discussion the Court was in consensus for Esq. Hawkins to Contact KACO to find out their increase and then let the insurance committee decide whether to bid the insurance out.

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

Approved: May 21, 2013

