

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
MAY 21, 2013**

The Henry County Fiscal Court met in a Regular Session on May 21, 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

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. Beasley and seconded by Esq. Bates, it is ordered by the Court to approve the minutes from the April 16, 2013 Regular Meeting.

Motion carried unanimously

Upon motion by Esq. Brown and seconded by Esq. Beasley, it is ordered by the Court to approve the minutes from the April 30, 2013 Special Budget Meeting.

Motion carried unanimously

RE: OLD BUSINESS

RE: FIRE DEPARTMENT DEED FEE DISCUSSION-MOTION TABLED

Judge Executive, John L. Brent, asked for a motion to take the Fire Department Deed Fee Proposals off the table.

Upon motion by Esq. Hawkins and seconded by Esq. Hartlage, it is ordered by the Court to take the Fire Department Deed Fee Proposals off the table. Motion carried unanimously

Judge Brent noted the issue is off the table and open for discussion. He stated at last month's meeting Esq. Beasley made the motion to accept proposal 1. Judge Brent thought Esq. Fisher had seconded the motion, but Esq. Fisher said he did not. Judge Brent noted Esq. Hartlage then made a motion to table the issue, so he could have time to study the proposals. Judge Brent felt he should call for a second to Esq. Beasley's motion, if anyone wanted to second it, and if not, the Court could discuss the other proposals.

Upon motion by Esq. Beasley and seconded by Esq. Fisher, it is ordered by the Court to accept 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 \$8,000.00. 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 \$3,000.00 out of our budget.

Judge Brent opened the floor for discussion. Esq. Bates noted proposal 1, puts all the power in the committee's hands of who is going to get the money, and his problem is it could become political. Esq. Hawkins recommended a couple of changes to Section 1 of the Fire Department Deed Fees Ordinance. He suggested the deed fees would adjust annually according to the Kentucky Consumer Price Index. Esq. Hawkins stressed County Attorney Harrod noted it was the legal thing to do. Esq. Hawkins stated he and Esq. Bates met with the fire chiefs and the fire chiefs were in consensus to do this. Esq. Hawkins noted he wasn't in favor of the proposals as they by-pass the audits for two years and he felt the audits were a good thing. Judge Brent complimented the fire departments on their audits. Lorry Hansen, with the New Castle Fire Department, noted the fire departments are not asking for a whole lot, they just don't want to be low man on the totem pole. He stated Henry County is 15 years behind Shelby and Oldham County Fire Departments in fire protection. Judge Brent commented that there is no question the fire department's costs have gone up, but our costs have gone up too. Judge Brent's problem with the \$5.00 increase or cost of living increase is the last ten years the County's property tax rates have stayed the same at 11.7. Judge Brent stressed that is why he put the proposals together and is willing to take the \$3,000.00 out of our budget. Following discussion, Esq. Beasley asked to amend his motion.

Amended Motion

Upon motion by Esq. Beasley and seconded by Esq. Fisher, it is ordered by the Court to accept proposal 3; splitting \$8,000.00 among the fire departments and allowing the fire departments to apply to the committee for the \$8,000.00 annual ADF Grant money.

Yes-Beasley, Brent, Brown, Fisher

No-Bates, Hartlage, Hawkins

Motion carried

RE: NEW BUSINESS

RE: ROADS

1. Supervisor's Report

Henry County Road Supervisor, Glenn Baxter, reported his department has been busy putting in culverts on roads that are going to be resurfaced. Glenn noted he thought the Court was going to vote on the budget tonight, but since they aren't, he asked the Court to give him permission to go ahead and replace the box culvert on Jackson Road. Glenn noted this project is in next year's budget. The guy doing the project can go ahead and put the box culvert in the first of June, after that he is leaving the area, and will be gone a month. Glenn stated payment won't have to be made until July.

Upon motion by Esq. Hawkins and seconded by Esq. Brown, it is ordered by the Court to replace the box culvert on Jackson Road at a cost of \$21,000.00 (twenty one thousand dollars).

Motion carried unanimously

Esq. Hartlage informed the Court that he has received several complaints regarding the width of Dawkins Lane. Esq. Hartlage invited resident Steve Wilson to come before the Court to express his concerns. Mr. Wilson noted Dawkins Lane is a heavily traveled one lane blacktop road. It is difficult for people to pass when there are no pull offs, and the mailman is delivering the mail. He also noted two deep holes where culverts have caved in. Mr. Wilson also stressed an area where it is difficult to see the oncoming traffic. The Court was in consensus to get Mr. Wilson's list of concerns and Esq. Beasley and the road committee will address the issues. They will give a report at next month's meeting.

2. Rose Hill Road Discussion-Esq. Beasley

Esq. Beasley reported they looked at Rose Hill Road and there is a drain there. Road Supervisor, Glenn Baxter, commented that the drain is not stopped up, but he thinks the pipe has collapsed under ground. Glenn stressed he doesn't have anything long enough to run through it. Judge Brent noted he and Glenn are waiting for direction from the Court, as what action, if any, to take. A school bus driver had notified Judge Brent of several inches of water over the road. Esq. Hawkins suggested we don't replace the drain, but dig a new ditch. Esq. Beasley noted if we cut the dam it may wash out and take the road with it. He felt if we cut across the road and dam the property owner may get upset. Glenn suggested putting a 24 inch pipe even with the concrete structure and running it over the dam, which would take around 2 hours. Glenn noted he would

inform the neighbors before closing the road. Esq. Hawkins and Esq. Brown suggested talking with the property owner first. Esq. Hartlage suggested Glenn may want to talk with Wes Mertz who lives on Rose Hill Road, as Mr. Mertz thinks the drain maybe stopped up. Esq. Beasley will get somebody to look at it. The issue will be on the agenda next month.

3. Webbtown Road/CSX Discussion

Henry County Road Supervisor, Glenn Baxter, reported County Attorney Harrod gave him some contact numbers. He contacted Troy Connors with CSX. They talked a couple of times and Mr. Connors was going to set up a meeting, but Glenn hasn't heard back from him. Glenn will call Mr. Connors back. Esq. Hawkins questioned if the solution would be to build a retaining wall on one side of the track. Esq. Hawkins also raised the possibility of moving the road. Judge Brent noted we will put this on the agenda for next month.

4. Authorize Bids for Rock & Asphalt for Fiscal Year 13/14

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 2013-2014.

Motion carried unanimously

5. 5th District Presentation-Rural Secondary Recommendations

Matt Bullock, Chief District Engineer for the KY Transportation of Highways District 5, came before the Court to obtain local input and to bring their recommendations for the 2013-2014 Rural Secondary Program. Judge Brent welcomed Mr. Bullock and his staff to the meeting. Mr. Bullock explained the formula used to determine the amount of funding allocated for the projects. Henry County's allotment is \$1,101,383.00 (one million one hundred and one thousand three hundred eighty three dollars). Mr. Bullock took questions and comments from the Court as he reviewed the following resurfacing projects:

KY 561 (Gest Road)	From: KY 389 MP 2.995 To: Extending northerly to .410 miles north of LeCompte Bottom Road MP 4.650
KY 3323 (Jackson Rd)	From: .377 miles north of Sand Springs Road MP 2.700 To: Extending northerly to KY 1861 MP 3.825
KY 712 (LaGrange Rd)	From: Oldham/Henry County Line MP 0.000 To: Extending easterly to KY 153 MP 2.143
KY 1606 (Fallen Timber Rd)	From: Eddie Road MP 5.955 To: Extending northerly to 1.208 miles north of KY 157/KY 3175 MP 7.283
KY 157 (Sulphur Road)	From: KY 1606 MP 2.129 To: Extending northerly to KY 1606 MP 2.445
KY 202 (Drennon Road)	From: 1.485 miles north of New Cut Road MP 6.485 To: Extending northerly to .783 miles south of KY 1360 MP 8.078

Upon motion by Esq. Hawkins and seconded by Esq. Fisher, it is ordered by the Court to accept the projects for the 2013-2014 Rural Secondary Program, as recommended by the Department of Highways, District 5 Office.

Motion carried unanimously

RE: EMS/PARAMEDICS

1. Supervisor's Report

EMS Supervisor, Josh Jamiel, reported things are running smooth. He has a vehicle at Earl Floyd Ford for repairs, but the repairs are under warranty. Josh asked the Court to approve hiring three part-time EMT's and one part-time paramedic. Esq. Bates noted he has reviewed their applications and he brought recommendation to hire them.

Upon motion by Esq. Bates and seconded by Esq. Brown, it is ordered by the Court to hire Timothy A. Smith as a part-time paramedic, Meghan Elaine DeVore, Richard Wayne Johnson, and Derek H. Slucher as part-time EMT's.

Motion carried unanimously

2. EMS Committee Report

Esq. Bates noted he had no report at this time.

RE: P&Z/SOLID WASTE

1. Administrator's Report

Henry County Planning and Zoning Administrator, Jody Rucker, reported his department has issued twenty seven zoning permits, with three being for residential structures.

2. Text Amendment to Zoning Ordinance Regarding Contiguous Road Frontage

Judge Brent asked for a motion to take the Text Amendment to the Zoning Ordinance off the table for discussion.

Upon motion by Esq. Bates and seconded by Esq. Hartlage, it is ordered by the Court to take off the table the Text Amendment to the Zoning Ordinance.

Motion carried unanimously

Judge Brent noted he did not know what questions the Court had. He noted the planning and zoning commission had voted unanimously for this text amendment, and that is why he is for it. He noted there are two or three full time farmers on the committee, and if they voted unanimously that it should be changed, then he felt like it is something he would ask the Court to pursue to do. Esq. Bates noted they are doing this to keep from chopping it every way, and the change is in the word "contiguous."

Upon motion by Esq. Brown and seconded by Esq. Hawkins, it is ordered by the Court to approve the first reading of the amendment to the Zoning Ordinance regarding adding the word “contiguous” road frontage.

Motion carried unanimously

RE: PARK’S & FAIRGROUNDS-SUPERINTENDENT’S REPORT

Henry County Parks Superintendent, Travis Buchanan, reported the bathrooms at the new park have been vandalized again. One bathroom was closed for two weeks while Travis waited on the new fixtures to come in. Judge Brent thanked Sheriff Cravens for using part of his grant money to purchase security cameras to install at the new park. Travis reported his department has been busy mowing. The soccer leagues will finish the first of June and Harry Hill Park is busy with ballgames. Travis noted next year we may need to renovate the practice field at Harry Hill as he is getting more requests to practice and play there. Esq. Hawkins stated the master plan is to have a finished baseball diamond at Harry Hill Park next year. The Four Seasons Garden Club paid for flowers which Travis has planted in the flower bed at the new park.

RE: ANIMAL SERVICES

1. Director’s Report

Henry County Animal Control Officer, Dan Flinkfelt, reported things are going good at the shelter. He offered a spay and neuter clinic at Pleasureville, but only had one to sign up. Dan also met with the Mayor and City Council of Smithfield to discuss updating their ordinances and statues. One lady has turned in 18 puppies since the 23rd of April. Dan suggested fees need to be passed to offset the cost. Dan noted the zero turn mower they received from the County is unbelievable.

2. Committee Report-Esq. Hartlage

Esq. Hartlage recommended the following changes to the Trimble/Henry County Animal Shelter Standard Operating Procedures;

Page 2. Job Description: Assistant Animal Control Officer/Dog Warden (delete **Dog Warden**)

Page 4. Qualifications: Special Knowledge, Skills, and Abilities: Assistant Animal Control Officer/Dog Warden (delete **Dog Warden**)

Page 5. Qualifications: Traing and Experience: Corrected the spelling of the word **Training**

Page 6. 9. Picks up dog license and payments monthly (change to **quarterly**)

Page 7. Duties: 11. Pet Finder and 1-800-Save-a-Pet Website, (change to **Petango website**)
Duties: 13. **Delete Collection and disbursements of revenue generated**

Page 8. Duties: 4. Respond to all calls, (change to **calls**)

Standard Operating Procedures After Hours Calls For Animal Shelter: The hours of operation for the Trimble/Henry Animal control shelter are 8:00am-4:30pm, Tuesday through Saturday. (change to **9:00am-4:00pm, Tuesday through Friday and Saturday from 9:00am-1:00**). The Trimble/Henry County Animal Shelter will be open to the public between the hours of 10:00am-4:00pm Tuesday through Saturday. (change to **9:00am-4:00 Tuesday through Friday and Saturday from 9:00am-1:00pm**).

Page 9. The following cases should be retained for working hours:

2. **Nuisance calls-barking dogs, etc.** (deleted)
5. Pick-up of injured or confined cats (delete **or confined**)
6. **On route, pick up dead dogs and cats on the side of the road.** (deleted)

Page 10. Procedures for On-Call:

- A. ACO will be compensated 2 hours (change to **1 hour**) minimum time if called back after duty hours.

Page 11. Canine Housing and Detention

Euthanasia is to be performed in the utility room of the shelter behind closed doors. (Change to **Euthanasia is to be performed by state licensed Veterinarian or certified ACO in the veterinarian room of the shelter behind closed doors.**)

Cruelty Cases

The employees of the Animal shelter shall refer all reported cruelty cases to an officer (change to **a Full Time Animal Control Officer**) of the Law Enforcement Agency that has jurisdiction for investigation.

Page 12. Fees

Parvo Distemper Booster Vaccination \$5.00 each if eligible (change to **\$17.00**)

Dog Adoption Fee \$50.00 (change to **\$77.00**)

Return Dog to Owner \$30.00 (change to **\$35.00**)

Second Time Return to Owner \$40.00 (change to **\$70.00**)

Third Time and Thereafter \$50.00 (change to **\$140.00, Doubles each time, plus mandatory citation**)

Pickup or Receipt of Private Owned Donations (changed to **\$10.00 plus surrender fee**)

Dogs for Re-Adoption or Euthanasia Donations (changed to **Dogs for Euthanasia Request \$65.00**)

New Surrender Fees recommended

Surrender Fee Dog **Free for First 2 Dogs Per Year. After 2 Dogs, \$35.00 Per Dog**

Surrender Fee Puppy Litter **\$75.00 which can be used towards County organized spay of female of litter**

Esq. Hawkins noted he supports the changes as it promotes more responsible pet owners.

Upon motion by Esq. Hawkins and seconded by Esq. Hartlage, it is ordered by the Court to accept the recommended changes for the Henry/Trimble County Animal Shelter Standard Operating Procedures. Motion carried unanimously

RE: LGEA PUBLIC HEARING

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

RE: NOISE ISSUE – SLIGO

Esq. Brown and Judge Brent reported they went to Sligo last Thursday night to address the noise complaint regarding **The Loft**. They noted the music was loud, but it was not coming from the business. It was coming from a residential home across the street. They quit playing music at **The Loft** around 9:40 p.m. Judge Brent and Esq. Brown were satisfied the business was following their ordinance.

RE: ESTABLISHMENT OF SOLID WASTE COMMITTEE

Judge Brent reminded the Court that the contract with Rumpke will expire at the end of December. The Court will need to bid out for the mandatory garbage pickup. Judge Brent established a solid waste committee of Esq. Bates, Esq. Beasley and Esq. Hawkins. Esq. Hawkins will serve as the chair. Judge Brent noted this is the time to make any changes to the contract.

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	\$265,367.82
Road & Bridge	49,533.92
Jail Fund	47,469.49
LGEA Fund	134.56
Litter Fund	172.42
911-EMS	619.74
Fair Fund	<u>1,344.58</u>
Total Expenditures	\$364,642.53

Transfers:

General Fund

From: 0150255390 (Legal Ads) \$500.00

To: 0150253320 (Legal Fees) \$500.00

From: 0151404110 (EMS, Custodial) \$240.00
To: 0151404810 (EMS, Uniforms) \$240.00

Road Fund

From: 0292009990 (Reserve for Transfers) \$20,000.00
To: 0261054470 (Materials) \$20,000.00

Motion carried unanimously

RE: PUBLIC COMMENTS

There were no comments from the public.

RE: COURT COMMENTS

Esq. Hawkins noted it is too late to bid out our insurance this year. There will be a \$30,000.00 increase in the Workers Comp premium. This is based on our loss ratio and seven more employees. The Liability increase is due to KACO raising our property values plus we have additional vehicles. Esq. Hawkins noted we will need to bid this out next year.

RE: ADJOURN

Upon motion by Esq. Beasley 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 18, 2013