

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
JANUARY 21, 2014**

The Henry County Fiscal Court met in a Regular Session on January 21, 2014 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. Hawkins and seconded by Esq. Bates, it is ordered by the Court to approve the minutes from the December 17, 2013 Regular Meeting.

Motion carried unanimously

RE: OLD BUSINESS

There being no old business the meeting proceeded with new business.

RE: NEW BUSINESS

RE: ROADS

1. Supervisor's Update

Henry County Road Supervisor, Glenn Baxter, reported the bridge is torn out on Albert Moore and the by-pass is in. Glenn has been busy with snow removal and hasn't been over to Albert Moore to know what progress they have made. Glenn noted the roads have been pretty bad and even the state roads are not good. Judge Brent noted Friday we were a man short as one of our drivers is out for shoulder surgery. The guys stayed late and made a good effort. Judge Brent noted he spoke several times today with Esq. Beasley and Esq. Bates and they called in more help to get the roads cleaned. Judge Brent thanked Travis Buchanan for his help as he drove a tractor all day. Esq. Brown also complimented Travis on the good job he did scattering salt in the Campbellsburg area. Esq. Hartlage questioned if the road department was consistent today in putting down cinders as they have in the past on Bates Lanes. Glenn replied that they didn't put much down this morning, as it was so windy and he didn't want to waste the materials.

2. Committee Update

Esq. Beasley noted the Committee did not meet. Esq. Hartlage stated last month the Court lowered Wooded Hills Road from 45 MPH to 35 MPH. Esq. Hartlage received a phone call from some folks living on the road who thought the Court had increased the speed limit from 25 MPH to 35MPH. Esq. Hartlage brought recommendation to lower the speed limit to 25 MPH.

Upon motion by Esq. Hartlage and seconded by Esq. Beasley, it is ordered by the Court that the speed limit on Wooded Hills Road be lowered to 25 MPH.

Motion carried unanimously

Esq. Hartlage requested the road committee look at a dead tree on Radcliff Road. Esq. Hartlage questioned the County's need for a policy on tree removal. He noted if we have a dead tree hanging over a County road we should have a policy stating if we should extract the tree or what the policy should be. Glenn stated he did not know if we have equipment to reach the tree and questioned if the tree is on the right-a-way. Esq. Brown noted he has a tree on Heron Creek Road and one on Old Carmon Creek Road that needs to be looked at. Judge Brent suggested the Committee get together and look at these trees and bring a policy recommendation back to the Court.

Esq. Bates noted the area below the last culvert installed on Jackson Road is washing out. Glenn stated he was aware of the issue and was going to put in bigger rock or concrete, but just hasn't gotten to it.

RE: EMS/PARAMEDICS

1. Supervisor's Update

Henry County EMS Supervisor, Josh Jamiel, reported everything is going good. They still have four dialysis transports. Josh noted the income is not quite where he hoped it would be at this time of the year. He and Judge Brent are going to do an income analysis to determine where we stand. Esq. Hawkins noted the Medicare reimbursements have gone down. Josh agreed noting Medicare has changed their laws. Josh asked the Court to hire Destiny N. Wheatley as a part-time EMT. Josh noted Ms. Wheatley is willing to do non-emergency transports. Esq. Bates noted after looking over her application the committee had some questions. The questions were answered to their satisfaction and he brought recommendation to hire Ms. Wheatley.

Upon motion by Esq. Bates and seconded by Esq. Brown, it is ordered by the Court to hire Destiny N. Wheatley, as a part-time EMT.

Motion carried unanimously

2. Committee Update

Esq. Bates reported the Committee met today and went over some procedures. Esq. Bates noted Assistant EMS Supervisor, Glenn Ball, has resigned. Josh wants to hire a full-time EMT, but not to replace Glenn. The full time position will be hired in house from the part-time EMT's. Josh plans to fill Glenn's position at a later time.

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

Henry County P&Z/Solid Waste Administrator, Jody Rucker, reported three permits were issued in December, two for new houses. Mr. Rucker noted the Bob Cook case went to trial last week and we lost. Mr. Rucker thanked Mr. Joe Taylor, the Special Prosecutor, from Grant County. He stressed Mr. Taylor did an excellent job in presentation. Judge Brent appointed Esq. Hawkins as Chair, Esq. Bates and Esq. Brown to serve on a committee to review some of our Ordinances and property complaints. The Committee will advise Jody and the Court on how we want to handle things moving forward.

RE: PARKS/FAIRGROUNDS-SUPERINTENDENT'S UPDATE

Henry County Parks/Fairgrounds Superintendent, Travis Buchanan, noted there is nothing new to report. They have been working to install ceilings in the bathrooms at Harry Hill Park. They hope to have the bathrooms open in March when they start practicing baseball.

RE: ANIMAL SERVICES

1. Committee Update

Esq. Hartlage reported the Committee met and went over the hours of operation. They discussed with Dan his comp hours to try and get those reduced. The committee also discussed utilities and how they are collecting fees for dogs. Esq. Hartlage was pleased that we have not euthanized any animals this prior month. They also discussed educating the public.

2. Amendments to the Dog License and Dog Control Ordinance-1st Reading

Esq. Hartlage noted a citizen came to the Committee that had a question about our Dog Ordinance. The citizen made some recommendations that the Committee felt were in the good interest of the public and the animal. Esq. Hartlage asked County Attorney, Virginia Harrod, for her input on the proposed Amendments to the dog Ordinance. Ms. Harrod reviewed the last sentence in **SECTION V-ISSUANCE OF CITATION**, Prior to receiving a citation for non-violent offenses, the owner of said dog will receive one (1) written warning from ACO or agent. No warning will be required for a violent or vicious offense.

Ms. Harrod recommended the amendment read if the ACO and his/her agents proceed to prosecute than they will issue a written warning letter. Ms. Harrod noted under rules of Criminal Procedures civilians have a right to come in and sign a criminal complaint as well as law enforcement and there is no requirement of a written warning letter.

Ms. Harrod read and explained **SECTION XIII-PENALTIES**, noting any person violating any provision of this Ordinance shall be deemed guilty of a Class B misdemeanor and shall, upon citation to court and subsequent conviction, be punished by a fine not to exceed Two Hundred Dollars (\$200.00) or to be imprisoned for a period not to exceed Ninety (90) days, for a non-vicious offense. Punishment for a vicious offense and/or violation of section VIII-“Humane Treatment of Dogs” will be deemed guilty of a Class A misdemeanor and shall, upon citation to court and subsequent conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or be imprisoned for a period not to exceed twelve (12) month, or both.

Upon motion by Esq. Hawkins and seconded by Esq. Brown, it is ordered by the Court to approve the 1st reading of the Ordinance suggested by Counsel.

Motion carried unanimously

RE: CLAIMS & TRANSFERS

Judge Brent called the Court’s attention to an item on the claims for the purchase of two jailer vehicles. Judge Brent noted the Court allocated \$7500.00 two years ago for jailer vehicles. Judge Brent complimented Henry County Jailer, Scott Southworth, for waiting and finding two vehicles for the price of \$6,500.00.

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	\$332,097.11
Road & Bridge	59,777.86
Jail Fund	47,598.99
LGEA Fund	2,414.12
Litter Fund	702.69
Fair Fund	<u>2,352.19</u>
Total Expenditures	\$444,942.96

Transfers

General Fund

From: 0192009990 (Reserve for Transfers)	\$3,500.00
To: 0151403430 (EMS, Medical)	\$1,500.00
To: 0151404450 (EMS, Office Supplies)	\$1,000.00
To: 0152055990 (Animal Services, Misc.)	\$1,000.00

Road Fund

From: 0292009990 (Reserve for Transfers)	\$1,000.00
To: 0261055690 (Training)	\$1,000.00

Motion carried unanimously

RE: COURT COMMENTS

Esq. Brown expressed his appreciation to the road department for their efforts in clearing the roads.

Esq. Hartlage suggested the shelter have a check list before euthanizing a dog. He felt that would be helpful to Dan or Russell and they could take a second look at the dog. Dan noted it is not an easy decision and they think long and hard before euthanizing a dog. Judge Brent noted we can improve on our policy, but was pleased that our euthanizing rate was at nine percent this year. Esq. Hartlage appreciates the County taking the shelter to a different quality. He stressed if we have a foster or an open kennel and the animal can be adopted out we may want to take another look at the dog. Esq. Hartlage noted Dan doesn't need to be the ultimate decision maker and he suggested somebody make the decision with Dan. Judge Brent stated he does not have the knowledge to decide whether to euthanize, nor does Esq. Hartlage or the Court. Judge Brent suggested the Committee get together and work on the checklist. Judge Brent stressed Dan or whoever is in charge of the shelter will be the one to make the euthanizing decisions.

Henry County Sheriff, Danny Cravens, commented that at last month's meeting it was mentioned since 2007 his expenditures in the Sheriff's Budget went up by \$200,000.00. Sheriff Cravens noted that is correct, but stressed that services also went up. The revenues providing the services exceeded the \$200,000.00 in expenditures. Sheriff Cravens noted there was discussion on a couple of line items in his budget. Esq. Hawkins thought the line item, **Sheriff Security Services**, was for Court Security. Sheriff Cravens noted this money comes from the police

tickets written in the County. The line item, **State Fees for Services**, includes Court Security and fugitive transports back into the County from out of State. This line item has increased and Sheriff Cravens expects the reimbursement for Court Security will exceed \$30,000.00 (thirty thousand dollars). Judge Brent agreed the more services you provide the greater reimbursement. Sheriff Cravens presented a Court Order from Circuit Court Judge Karen Conrad for security of the Courthouse. Judge Conrad is also asking for a Security Analysis of the Courthouse to see if we are inline. Sheriff Cravens noted Fiscal Court cannot dictate how many security officers he provides for the Court. Esq. Hawkins wanted to be clear as he asked Sheriff Cravens if he provided the Court 3 Security Officers in 2013. Sheriff Cravens replied yes that was correct. Esq. Hawkins asked Sheriff Cravens if it was correct that his 2014 budget for part-time had increased \$1,000.00. Sheriff Cravens said he did not know. Esq. Hawkins stressed that it was correct, the budget had increased by \$1,000.00 and Fiscal Court did not vote to reduce security in the Courthouse. Esq. Hawkins stressed at last month's meeting he stated there is money in the Sheriff's 2014 Budget to hire one full-time and two part-time Court Security Officers, exactly the way it was in 2013. Sheriff Cravens continued to disagree with Esq. Hawkins. Judge Brent noted it was not worth arguing about as Judge Conrad has the final say and the Sheriff has a budget that he has to stay within. Judge Brent also noted it is the Sheriff's constitutional duty to provide the Court Security and that doesn't have anything to do with Fiscal Court.

RE: PUBLIC COMMENTS

Henry County Sheriff's Deputy, Danny Stivers, informed the Court that today he was fired from the Sheriff's office.

Rose Worley addressed the Court with comments regarding the Dog Ordinance. Section V of the Ordinance states a written warning will be given by the ACO or agent prior to receiving a citation for non-violent offenses. She questioned why she was served papers without receiving a warning that her dog was barking and disturbing her neighbors. Judge Brent noted that the Animal Control Officer would have given her a warning, but her neighbor by-passed the ACO and went to the County Attorney. County Attorney Harrod noted ethically she could not speak with Mrs. Worley as she has an attorney, but she would be glad to meet with her and her counsel. Judge Brent noted the Court has no control over who goes to the County Attorney and files a complaint. Judge Brent informed Mrs. Worley that the Court made all the changes to the Dog Ordinance that she suggested. County Attorney Harrod noted State Law does override County Law.

John Potter complimented ACO, Dan Flinkfelt. Mr. Potter noted he moved to Henry County in 2008 and his dealings with Dan have been nothing but professional. He noted Dan is doing an outstanding job.

Eminence resident, Louis Edday, asked the Court for assistance in dealing with the large number of cats in his area. ACO, Dan Flinkfelt, noted there are programs out there and he volunteered to try and help Mr. Edday find a solution to the problem.

RE: ADJOURN

Upon motion by Esq. Hawkins 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: February 18, 2014

