

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
SEPTEMBER 19, 2017**

The Henry County Fiscal Court met in Regular Session on September 19, 2017, at the Henry County Courthouse in New Castle, Kentucky, with the following in attendance:

John L. Brent, Judge Executive
Virginia Harrod, County Attorney
Esquire Scott Bates
Esquire Jerry Beasley
Esquire Mike Fisher
Esquire Terri Cummings
Esquire Jason Stanley
Esquire Rickey Timberlake

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 Brent called the meeting to order at 6 p.m. and noted all magistrates were present.

RE: APPROVAL OF THE AUGUST 15 MEETING MINUTES

Upon motion by Esq. Bates and second by Esq. Timberlake, it is ordered by the Court to approve the minutes from August 15 Regular Meeting.

Motion carried unanimously

RE: UNFINISHED BUSINESS

Judge Brent stated that the only item of unfinished business related to the 2nd reading of an ordinance would be taken up under the heading of Planning and Zoning.

RE: NEW BUSINESS

RE: ROADS

1. Supervisor's Report

Henry County Road Supervisor, Kenny Tindle, reported the Road Department has completed the striping of Giltner Road and would begin work on Ransdell and Montfort Roads beginning tomorrow. They continue on-going bush hogging and road grading. In-house patching will resume on Thursday, and new road signs are being installed.

2. Road Committee Report- Esq. Beasley

Esq. Beasley noted that the Road Committee has met and discussed the Wolfpen Bridge Project. The original bridge specs were written for a 4-inch painted steel deck. Judge Brent stated that the low bid of \$392,723 was submitted by Roederer Construction.

3. Wolfpen Bridge

Upon the motion by Esq. Beasley and 2nd by Esq. Timberlake, it is ordered that Roederer Construction be awarded the contract to build the Wolfpen Bridge.

Motion carried unanimously

Judge Brent responded to inquiries about the start date which should be this fall to meet the completion date in March. He and Mr. Tindle have made the necessary marks to start bulldozing which should commence tomorrow. Mr. Tindle responded to a citizen's question that there will be a contractor hired to do the necessary work for adequate compaction of approaches to meet the 80,000 pound requirement.

RE: EMS/PARAMEDICS

1. Supervisor's Update

Henry County EMS Supervisor, Paige Lucas, reported things are going well with all trucks except of Med 7 in operation. She recommends switching 2 current part-time employees to full-time status and the hiring of an additional part-time employee who currently works in Carroll County and comes with high recommendations.

Ms. Lucas explained the issues related to the LIFEPAK 12 monitors currently in use for which service or parts are no longer available. New LIFEPAK 15 units cost approximately \$53,000; however, our supplier has generated a deal to provide 2 new LIFEPAK 15 units, service contract, and all related equipment for approximately \$54,000 with a 5-year lease and the trade in of our current units.

2. EMS Committee Report- Esq. Bates

Esq. Bates reported that he, Judge Brent and Ms. Lucas have met on numerous occasions to resolve the issues around this required monitoring equipment. They have determined that obtaining new units is the best option since a refurbished unit they ordered did not even work upon arrival. The new units should last 15-20 years and will allow for communication with hospitals while in route. The lease would be paid in 5 installments.

3. EMS Monitors

Upon motion by Esq. Bates and second by Esq. Timberlake it is ordered that the County purchase 2 new LIFEPAK 15 monitors for EMS on a 5-year lease agreement.

Motion carried unanimously

4. EMS Employment

Upon motion by Esq. Bates and second by Esq. Stanley it is ordered that Patrick Burnett and Destiny Wheatley be hired as full-time employees from their current part-time status.

Motion carried unanimously

Upon motion by Esq. Bates and second by Esq. Stanley it is ordered that Glenn Chatham be hired as a part-time employee.

Motion carried unanimously

RE: P & Z/SOLID WASTE

1. Administrator's Update

Henry County P & Z / Solid Waste Administrator, Jody Rucker, reported that 16 building and 12 electrical permits have been issued. The Board of Adjustments did not meet in August and there is a conditional use on the agenda for September. Planning and Zoning met on September 13 to discuss fee schedules which have not been modified in 10 years. He reported that the Tire Amnesty Program collected over 18,000 waste tires which are not being dumped around the county. He publicly acknowledged the hard work of the State Highway Department crew.

2. 2nd Reading of the Pendleton Exit Proposed Zone Change Public Hearing

Judge Brent opened the floor for public comments related to the proposed map amendment on the property from B-2/A-1 to I-2.

Kenly Ames, Pilot, addressed the court in regard to Pilot's right to put on the record information for possible litigation. Pilot objects to the change based on all the reasons cited on the record including the lack of a valid traffic study and the traffic problems that they state will get worse.

Pilot supports reasonable development, but the Grade C or E result of the Monday study would become a Grade F if more development occurs. Other concerns are that the outlot was not addressed as well as sewer and waste water issues. Pilot cites procedural problems with the Findings and Recommendations including the lack of a roll call vote. Ms. Ames suggested 2 remedies to remedy their concerns: conducting an evidentiary hearing with a complete record and decision or voting to override the current recommendation and sending the matter back to the Planning and Zoning Commission after the submission of a valid study.

A citizen who lives on Hwy. 153 stated his concern over traffic backing up on I-71 and the question of the approval without a valid traffic study. Judge Brent responded that the P&Z approval was contingent based on the state's approved traffic study.

Kyle Galloway, attorney for Thorntons, stated that the traffic study submitted has been reviewed by the Kentucky Transportation Cabinet, and Thorntons will abide by whatever recommendations and improvements they require.

Drew Zazofsky, professional engineer for Thorntons, spoke regarding the KYTC's review of the traffic study indicating that by email he has been informed that there are only minor issues to resolve with it.

Citizen Jeff Roedered addressed the Court stating his opinion that this change would not generate more traffic at the exit, but would draw customers from Pilot. He feels that the restriping of the off ramp would improve the traffic flow off of I-71.

3. 2nd Reading of the Pendleton Exit Proposed Zone Change

Judge Brent stated that the 1st reading of the proposed zoning map amendment passed with no opposition and the 2nd reading was now before the Court.

Upon motion by Esq. Timberlake and second by Esq. Bates, it is ordered to approve the 2nd reading of the Planning Commission Findings and Recommendations Regarding Proposed Map Amendment on the property situated at the southeast corner of the intersection of I-71 and KY 153 and to approve the ordinance related to this change to I-2.

Motion carried unanimously

4. 1st Reading of Zoning Map Amendment

Judge Brent read the Planning Commission Findings and Recommendations Regarding Proposed Map Amendment on the property located at 194 Brownsboro Road. He also read the ordinance related to the rezoning of this 9.621 acre property from A-1 to A-3.

Upon motion by Esq. Beasley and second by Esq. Fisher, it is ordered to approve the 1st reading of these documents.

Motion carried unanimously

RE: PARKS & FAIRGROUNDS

1. Superintendent's Update

Henry County Parks & Fairgrounds Superintendent, Travis Buchanan, reported on the use of the parks: the Youth Football League season is approximately halfway completed and soccer is in the 2nd week and scheduled to end in November. The crew is engaged in the basic maintenance of mowing and weed eating of the parks. The main line has been dug to the announcer's stand for the football lights, and they were delivered this afternoon. The plan is to have them working within 2 weeks.

2. Trail and Treat

Trail or Treat is scheduled for October 20 from 5-7 p.m. with a rain-out date set for October 27. The groups who have previously participated have been called, and we anticipate great participation again from the community. Workers are being asked to arrive by 4:30 to get set up. Court and community members are invited and encouraged to be part of something so positive as up 1,000 children enjoy themselves and our park facilities.

RE: ANIMAL SERVICES

1. Director's Update

Director of Animal Services, Dan Flinkfelt, reported that they have taken in 41 animals over the last month which is significant since they have 14 kennels. They were able to save 39 of those which were a combination of strays and surrendered animals. It continues to be difficult to patrol with only one person covering the shelter and being available for calls.

2. Committee Report- Esq. Fisher

Esq. Fisher reported that the committee did meet and discussed some issues, but they have no formal report for the Court.

3. "Vicious" Dog Ordinance

Judge Brent on behalf of the Court asked County Attorney to research the concern raised at the last meeting about vicious dogs. County Attorney Harrod reported that Trimble and Owen Counties do not have an ordinance, Shelby County relies on the state statute, Carroll County's could not be found, and Oldham County does have such an ordinance. She stated that Henry County's ordinance was drafted for broad interpretation since it is difficult to determine a dog's actual breed and remedy can be obtained for any animal which exhibits vicious behaviors. Any citizen can sign a criminal complaint, and Mr. Mahoney will be meeting with her to do so. An evidentiary hearing will be held before one of the district judges who will be asked to declare

the animal “vicious” requiring it to be confined or ultimately destroyed. Criminal prosecution for violating the ordinance which was enacted in 1994 and updated in 2014 can follow.

RE: Quota Retail Drink License Ordinance – 1st Reading

Judge Brent presented the draft ordinance relating to the control of alcoholic beverages and disallowing the issuance of Quota Retail Drink Licenses in Henry County. County Attorney Harrod stated that without such an ordinance by operation of law establishments could now be licensed within the county which could sell alcoholic beverages without the requirement for food sales. The draft ordinance would exclude golf courses, wineries, and the new distillery.

Upon motion of Esq. Bates and second by Esq. Beasley, it is ordered to approve the 1st reading of the ordinance relating to the control of alcoholic beverages in Henry County and the Quota Retail Drink License.

Motion carried unanimously

RE: Sheriff’s Monthly Report

Sheriff Cravens reported that his office conducted the following activities: 354 KSP dispatch calls, 85 Sheriff’s office calls, 32 citations/criminal summons, 15 criminal arrests, 23 warrant arrests, 192 court papers served, 1 fugitive transport, 4 juvenile transports, 1 special event, 86 vehicle inspections, and issued 15 carry conceal licenses.

RE: QUICK RESPONSE TEAM

Deputy Judge/Executive Denise Perry reported that a planning meeting was held with Sheriff Cravens, Paige Lucas, and Tri-County Community Action representatives to make final plans for initiation of the QRT Program. Each of the 3 partners which comprise the response team identified staff, discussed roles, time schedules, and procedures. The team is ready to make their first visits to overdose victims on Thursday, September 28, if necessary based on EMS runs before that date. The weekly QRT visits are scheduled for Thursday afternoons and modifications will be made as the program meets our local needs.

RE: PENSION FORUM MEETING

Judge Brent informed the court that the county was hosting a Kentucky Retirement Pension Forum with Senator Paul Hornback and Representative Rick Rand on September 20 at 6:30 p.m. at the fairgrounds.

RE: CLAIMS & TRANSFERS

Upon motion by Esq. Bates and second by Esq. Beasley, it is ordered to approve the following transfers:

General Fund (01)

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| <u>From:</u> 01920099990 (Reserve for Transfer) | 3,941.69 |
| To: 0150700599 (P&Z Misc.) | 1,000.00 |
| To: 0151405990 (EMS Misc.) | 1,000.00 |
| To: 0152055990 (ACO Misc.) | 1,000.00 |
| To: 0191005210 (Insurance) | 941.69 |
| <u>From:</u> 014909 | 12,948.00 |
| To: 804910 | 12,948.00 |

Road Fund (02)

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| <u>From:</u> 0292009990 (Reserve for Transfer) | 1,000.00 |
| To: 0291005990 (Road Misc.) | 1,000.00 |
| <u>From:</u> 024909 | 202,500.00 |
| To: 014910 | 202,500.00 |

Motion carried unanimously

RE: PUBLIC COMMENTS

In response to a citizen's question, Judge Brent stated that there is an entrepreneur who had originally been interested in a property at the Industrial Park, but he has decided to locate on a different property in Campbellsburg.

RE: COURT COMMENTS

Judge Brent responded to questions informing the Court that the EMS shirts are being ordered through the Kentucky Corrections Cabinet.

RE: ADJOURNMENT

Upon motion by Esq. Beasley and second by Esq. Stanley, 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/ Denise Perry
DENISE PERRY
FISCAL COURT CLERK

S/ John L. Brent
JOHN L. BRENT
JUDGE EXECUTIVE

Date Approved: **October 17, 2017**