

**HENRY COUNTY FISCAL COURT  
REGULAR MEETING  
FEBRUARY 16, 2016**

The Henry County Fiscal Court met in a Regular Session on February 16, 2016 at the Henry County Courthouse in New Castle, Kentucky with the following in attendance:

John L. Brent, Judge Executive  
Peggy V. Bryant, Deputy Judge Executive  
Esquire Scott Bates  
Esquire Jerry Beasley  
Esquire Mike Fisher  
Esquire Tony Moffett  
Esquire Jason Stanley  
Esquire Rickey Timberlake

Virginia Harrod, County Attorney - Absent

**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 informed the Court that County Attorney, Virginia Harrod, was in the hospital. Judge Brent asked the Court to remember her as silent prayer was observed in preparation for the meeting.

**RE: CALL TO ORDER**

Judge Brent called the meeting to order noting all Magistrates were present.

**RE: APPROVAL OF MINUTES**

Upon motion by Esq. Stanley and seconded by Esq. Bates, it is ordered by the Court to approve the Minutes from the January 19, 2016 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 Report**

Henry County Road Supervisor, Kenny Tindle, reported his department has been busy. Kenny noted there are several projects including LeComptes Bottom and Lower Bolin Branch that he plans to start as soon as the weather warms up. Esq. Fisher questioned if Kenny had the chance to go on Gullion's Branch. Kenny stated no not yet.

**2. Committee Report – Esq. Beasley**

Esq. Beasley noted the Road Committee did not meet. Esq. Beasley requested a monthly report from Kenny on county truck maintenance. Judge Brent noted several trucks have been in the shop and a couple of the trucks are old. Kenny noted one truck is in the shop now and we may be looking at a bill for several thousand dollars. When he finds out the cost he will get with the road committee and they can decide what to do. Judge Brent suggested in the next couple of months the Court prioritize a list of their roads for Esq. Beasley and the Road Committee.

**RE: EMS/PARAMEDICS**

**1. Supervisor's Report**

Henry County EMS Supervisor, Josh Jamiel, reported things are running good. Josh noted they currently have two dialysis patients. The transitioning between the old and the new billing company is finally coming to an end. Josh reported the Ambulance State Inspection was today and everything looked good.

**2. Committee Report – Esq. Bates**

Esq. Bates noted the EMS Committee did not meet today as there was nothing to talk about.

**RE: P&Z/SOLID WASTE**

**1. Superintendent's Report**

Henry County P&Z/Solid Waste Superintendent, Jody Rucker, reported January was a slow month. They issued 6 permits with 2 being for new homes. The Board of Adjustments approved an application for a Conditional Use filed by Brent Bowen. This Conditional Use is for the operation of a dog grooming, training and breeding business located at 2967 Sunnyside Road, Smithfield, KY. The Board of Adjustments also approved an application for a Variance filed for James Dills. The Variance is for additions to the manufactured home on property located at 213 Point Pleasant Road, Eminence, KY.

## **2. Recommended Zone Change – A1 to B2, Booher Property in Pendleton**

Judge Brent noted an application for a Zone Change from A1 to B2 has been filed by Carolyn Booher. The subject property is a portion of the property located at 8733 LaGrange Road, Smithfield, KY. This Zone Change is for operation of a gun sales business. Judge Brent read the Henry County Planning Commissions Findings and Recommendations.

Upon motion by Esq. Timberlake and seconded by Esq. Bates, it is ordered by the Court to accept the Planning Commission's Findings and Recommendations to approve the Zone Change from A1 to B2, on a portion of the Carolyn Booher property, located at 8733 LaGrange Road, Smithfield, KY.

Motion carried unanimously

## **3. Reappointment of Commissioners – Ed Frederick, Terry Rowlett, & Mike Ray**

Judge Brent noted the terms of Planning Commissioners Ed Frederick, Terry Rowlett and Mike Ray have expired. Judge Brent asked for a motion to reappoint them.

Upon motion by Esq. Moffett and seconded by Esq. Stanley, it is ordered by the Court to reappoint Planning Commissioners Ed Frederick, Terry Rowlett and Mike Ray for another four year term.

Motion carried unanimously

## **RE: PARKS & FAIRGROUNDS**

Judge Brent reported Travis has not returned following his surgery. Judge Brent was very complimentary of new parks employee Toby Berry. He noted Toby is doing a good job and is very conscientious. He has been filling in for Travis and also at the Courthouse for Moe Raisor who is also off following surgery. Judge Brent reported Travis did meet with the health inspector to get the concession stands ready at the park.

## **RE: ANIMAL SERVICES**

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

Animal Control Officer, Dan Flinkfelt, reported they have been busy. They have 5 animals at the shelter. Dan is pleased that another rescue group will be taking turns transporting the animals to Chicago. One of the shelter vehicles is in the shop being worked on. Dan was pleased to report he completed his training.

### **2. Committee Report – Esq. Fisher**

Esq. Fisher noted the Animal Services Committee did not meet.

### **3. Judge's Meeting Report**

Judge Brent reported he meets with the Trimble County Judge every two months to discuss bills and issues at the shelter. Judge Brent noted things are going well and he is very pleased with the relationship with Trimble County.

## **RE: 2<sup>ND</sup> READING OF ORDINANCE PERTAINING TO THE SALE OF ALCOHOLIC BEVERAGES**

### **1. Recommended Changes to the Ordinance**

Judge Brent reviewed the following recommended changes to the Alcohol Ordinance:

Lower the NQ-2 license to make it closer to the NQ-3, fee was taken from \$1000 to \$500.

On-Farm Winery license was added to the list, fee is \$200. Prior to this the Winery and Golf Course were going directly through the state.

The ¼ license fee credit per reporting period was deleted.

Sunday sale of alcohol was amended and the golf course, winery, and special events were added.

The 500' rule was amended for quota package liquor and bars only.

Language was added about reporting on inventory so that how much was actually sold could be verified.

Judge Brent noted the Court took public comments at the first and second meeting. Steve Losch had called and asked to be put on the agenda to address the Court.

### **2. Steve Losch – Request to Address the Court**

Steve Losch, owner of The Loft, respectfully asked the Court to reconsider the Sunday sale of alcohol. Mr. Losch informed the Court of the cost for his business to expand for the sale of alcohol. He stressed several events transpire on Sunday and he will be losing the alcohol sales. Mr. Losch also felt there would be more employment opportunity if they were busy on Sunday. He thanked the Court for their time and considering his request.

Esq. Stanley questioned if the Court had changed their minds and would like to amend the Ordinance to include Sunday sale of malt beverages.

Upon motion by Esq. Stanley and seconded by Esq. Moffett, it is ordered by the Court to amend the Alcohol Sales Ordinance and allow Sunday sale of malt beverages.

Yes – Moffett, Stanley, Timberlake  
No- Bates, Beasley, Fisher, Brent  
Motion failed

### **3. Ordinance 2<sup>nd</sup> reading**

Upon motion by Esq. Moffett and second by Esq. Stanley, it is ordered by the Court to approve the second reading and adoption with changes, of the Alcohol Sales Ordinance.

Motion carried unanimously

### **4. Approval of the Application**

Upon motion by Esq. Bates and seconded by Esq. Fisher, it is ordered by the Court to approve the Henry County Alcoholic Beverage Control Application.

Motion carried unanimously

### **RE: RESOLUTION TO AUTHORIZE A PUBLIC PROPERTIES CORPORATION**

Judge Brent read the Resolution to Authorize a Public Properties Corporation. Mr. Dwight G. Salsbury, Vice President, with Ross, Sinclaire & Associates told the Court this is the Resolution all counties sign when financing a courthouse project.

Upon motion by Esq. Bates and seconded by Esq. Beasley, it is ordered by the Court to Adopt the Resolution to Authorize a Public Properties Corporation.

Motion carried unanimously

### **RE: AMERICAN CELL TOWER – LEASE EXTENSION**

Judge Brent reminded the Court that Verizon leased the easement for the cell tower at the new park. American Tower Corporation bought out Verizon and they would like a lease extension for a twenty-five year term. They will continue the current lease payment and pay the County a \$25,000.00 signing bonus.

Upon motion by Esq. Stanley and seconded by Esq. Moffett, it is ordered by the Court to accept the Lease Extension with American Tower Corporation.

Motion carried unanimously

### **RE: CLERK'S EXCESS FEES – COUNTY CLERK ARCHER TO PRESENT**

Henry County Clerk, Shanda Archer, came before the Court to present her excess fees. Ms. Archer noted the fees were slightly lower than she projected due to the usage tax being down. Judge Brent complimented Ms. Archer for working with a smaller staff and for doing a good job.

Upon motion by Esq. Beasley and seconded by Esq. Bates, it is ordered by the Court to accept the Clerk's 2015 Excess Fees check in the amount of \$58,323.56.

Motion carried unanimously

**RE: SHERIFF'S EXCESS FEES – SHERIFF CRAVEN'S TO PRESENT**

Henry County Sheriff, Danny Cravens, came before the Court to present his 2015 excess fees. Sheriff Cravens presented a check in the amount of \$11,479.30. Sheriff Cravens noted his check was more than budgeted.

Upon motion by Esq. Bates and seconded by Esq. Timberlake, it is ordered by the Court to accept the Sheriff's 2015 Excess Fees check in the amount of \$11,479.30.

Motion carried unanimously

**RE: CLAIMS & TRANSFERS**

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

General Fund	\$228,597.36
Road & Bridge	64,559.71
Jail Fund	43,183.21
LGEA Fund	550.00
Litter Fund	554.60
911/EMS Fund	1,600.00
Fair Fund	<u>947.42</u>
Total Expenditures	\$339,992.30

Transfers

General Fund

From: 0192009990 (Reserve for Transfers)	\$1,000.00
To: 0150014450 (Jdg/Ex Office Supply)	\$1,000.00
From: 0152053990 (Animal Services Operation)	\$1,000.00
To: 0152055990 (Animal Services Misc.)	\$1,000.00

Road Fund

From: 0292009990 (Reserve for Transfers)	\$2,000.00
To: 0261054810 (Uniforms)	\$2,000.00

Motion carried unanimously

**RE: CLOSED SESSION – PERSONNEL**

Upon motion by Esq. Stanley and seconded by Esq. Timberlake, it is ordered by the Court to go into a closed session.

Motion carried unanimously

Upon motion by Esq. Fisher and seconded by Esq. Beasley, it is ordered by the Court to go out of a closed session.  
Motion carried unanimously

Upon motion by Esq. Moffett and seconded by Esq. Timberlake, it is ordered by the Court to go back into regular session.  
Motion carried unanimously

## **RE: PERSONNEL ACTIONS**

Judge Brent noted the Court discussed two personnel issues. Esq. Moffett expressed appreciation to David McGuire, the ABC Officer. He noted David has been serving for several years without compensation. Esq. Moffett made motion to retain David McGuire at an annual salary of \$4800.00 or \$400.00 a month.

Upon motion by Esq. Moffett and seconded by Esq. Stanley, it is ordered by the Court that Alcohol Beverage Control Officer, David McGuire, be paid a monthly salary of \$400.00.  
Motion carried unanimously

Esq. Bates noted Deputy Judge Bryant is planning to retire August 1, 2016. Esq. Bates and the Court complimented Deputy Judge Bryant and noted they have enjoyed working with her. Esq. Bates noted when the Committee interviewed and hired Kim Boyer for the Treasurer/P&Z position they knew Deputy Judge Bryant was talking about retiring. Judge Brent asked that when Ms. Bryant did retire we take the next top applicant for the position. Esq. Bates stressed if Judge Brent runs again or doesn't run again these ladies will be familiar with what the Court is doing. Esq. Bates noted Amanda Ricketts was the next top applicant. Esq. Bates recommended the Court hire Amanda Ricketts to do accounts payable and Planning & Zoning at a salary of \$37,000.00. Kim Boyer will keep the Treasurer duties and to allow Deputy Judge Bryant to return part-time after 90 days.

Upon motion by Esq. Bates and seconded by Esq. Timberlake, it is ordered by the Court to hire Amanda Ricketts for accounts payable and Planning & Zoning at a salary of \$37,000.00 and to allow Deputy Judge Bryant to return part-time after 90 days.

Motion carried unanimously

## **RE: PUBLIC COMMENTS**

Hugh McBurney complained that he along with other citizens can't hear the comments from the Court. He questioned why the PA system is not being used. Jody Rucker noted he has not hooked up the PA system for some time. Mr. McBurney also inquired if the County sold property in the Industrial Park to the hemp man. Judge Brent noted Chad Rosen (hemp man) had a paid option, that expired in January, to buy property in the Industrial Park. Mr. Rosen did grow hemp there this past year. Judge Brent also noted he plans on leasing Mr. Rosen property at \$125.00 an acre to grow hemp this year.

Jesse B. Woods commented he heard the County did not want any arrests because they couldn't pay the jail bill and he questioned when the County is going to build their own jail. Judge Brent noted the County is not going to build a jail.

Danny Holcomb noted the County voted 60 percent to 40 percent for the wet vote. He questioned why the Court doesn't consider the people's wishes on Sunday alcohol sales. Judge Brent noted the State sets the Statute which allows for alcohol sales 6 days a week. The Court decides on the Sunday alcohol sales.

Roger Hartlage noted the Sunday alcohol sales were for Economic Development.

Ricky Doyle questioned Judge Brent as to why he voted against Sunday alcohol sales. Judge Brent responded it was his vote and he felt it was in the best interest for the County.

### **RE: COURT COMMENTS**

Esq. Timberlake noted he has received calls from folks living on Mt. Olivet Road. They are concerned with safety issues around the burned out garage located on the Bert Morgan property. Jody talked with Pam Cox who is over that property. Jody noted the issue is in probate court and he is meeting with Josh to see what we can do. Esq. Timberlake also had calls concerning the In and Out dumpsters that have been left sitting full of garbage. Folks are concerned that this will draw rats. Jody noted they changed the name from In and Out to Anytime Waste, LLC and they are in bankruptcy court. Jody talked with the EPA State Inspector and hopes the State can clean it up. Jody noted it is a mess and they are trying to get something done.

### **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: March 15, 2016

