

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
SEPTEMBER 21, 2021**

The Henry County Fiscal Court met in Regular Session on September 21, 2021, at the Henry County 4-H Building 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 Roger Hartlage
Esquire Chuck Smith
Esquire Jason Stanley

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 6:00 p.m. and noted that all magistrates were in attendance.

RE: APPROVAL OF THE AUGUST 17TH REGULAR MEETING MINUTES

Upon motion by Esq. Smith and second by Esq. Beasley, it is ordered by the Court to approve the minutes from the August 17th Regular Meeting.

Motion carried unanimously

RE: APPROVAL OF THE SEPTEMBER 1ST SPECIAL MEETING MINUTES

Upon motion by Esq. Smith and second by Esq. Beasley, it is ordered by the Court to approve the minutes from the September 1st Special Meeting.

Motion carried unanimously

RE: UNFINISHED BUSINESS

Judge Brent stated there were no items of unfinished business from the previous meeting.

RE: NEW BUSINESS

RE: ROADS

1. Supervisor's Report

Road Supervisor Kenny Tindle reported that his crew is very short-handed. The bushwhacker has been repaired and will be back in service. Orem Lane, which was the only County road remaining to be repaved, has now been completed and looks really good. There is one more patching job to do, and they continue to mow and fill potholes. He reported that he has been notified by Kentucky State Police that they have recovered 25-30 stolen road signs and the ones belonging here will be returned. He noted that \$5,000 to \$6,000 is spent annually to replace signs.

2. Road Committee Report - Esq. Beasley

Esq. Beasley stated that the Committee did meet and discussed the bridge on Long Branch Fork Road. The deck is wooden and paved over. Supervisor Tindle responded that he expects the cost of replacing the bridge to be \$65,000 to \$70,000, but he has not received information from the individuals that he has spoken with about the potential cost.

3. 80/20 Bridge Project – Request to Seek Bids for Long Branch Fork Bridge

Judge Brent stated that this project would be an 80/20 match with the State Department of Transportation. He recommended that he be authorized to bid out the project to get more information that he would bring back to the Court for action.

Upon motion by Esq. Beasley and second by Esq. Bates, it is ordered to authorize Judge Brent to seek bids for the replacement of the bridge on Long Branch Fork.

Motion carried unanimously

RE: EMS TAXING DISTRICT REPORT

1. EMS Board Report - Esq. Smith

Esq. Smith reported that the Board met last evening and reviewed pertinent numbers including run times which are currently 10 minutes and 40 seconds which is down over last year. Run volumes are up, and they continue to use mutual aid from other departments when needed. The turnaround time between runs is longer due to sanitizing requirements for COVID-19.

2. Ambulance Purchase Discussion

Judge Brent stated that the purchase of an ambulance using the American Recovery Program Act funds discussion began 2 months ago. Some other counties are making these purchases, and guidance from the KACO attorney calls them “fuzzy” since the interpretation of the federal regulations can be viewed various ways. The purchase would require \$150,000 to \$175,000 from the approximate \$3,000,000 to County has been allocated.

Esq. Bates stated his opinion that making this purchase would help the County since the EMS service has been greatly affected by COVID-19. Esq. Hartlage expressed his desire to see the funds received expended on water quality since the EMS Taxing District has begun generating tax dollars and shouldn't need these funds pulled from infrastructure projects. Esq. Smith added that 2 of the ambulances that are currently in use have very high miles; and if the Taxing District Board had the funds, they would make the purchase themselves.

Judge Brent responded to questions about the penalty for purchasing an ambulance with ARPA funds if it was deemed unallowable. He stated that there will generally be an audit if the funds are not appropriately used. Guidance would then be given not to repeat the mistake. County Attorney Harrod advised that this is a new federal program and there are no interpretations by courts or case law to review now. There would not be any bad faith effort concluded by purchasing an ambulance with these funds. The worst consequence would be the required repayment of the funds.

Upon motion by Esq. Bates and second by Esq. Smith, it is ordered to approve the expenditure of up to \$175,000 for the purchase of a new ambulance which will be leased to the Taxing District Board.

Motion carried on vote

Yes - Esqs. Bates, Beasley,
Fisher, Smith, and Stanley

No - Esq. Hartlage

RE: P & Z/SOLID WASTE

1. Update

P & Z Administrator Amanda Ricketts reported that 20 building permits and 23 electrical permits have been issued. The P & Z Commission met and made a recommendation on a text amendment and tabled an application for a residential development in Pleasureville. The Board of Adjustments is not scheduled to meet in September. The P & Z Commission will meet again on the 2nd Wednesday of October with continued discussion on the text amendment.

2. Text Amendment Pertaining to Alternative Energy Sources – 1st Reading

Judge Brent read the text amendment recommended by the Planning and Zoning Commission which requires public utility facilities pertaining to solar, hydro, and wind power capable of operating at an aggregate capacity of 50 kilowatts or more be located in an industrial zone. Esq. Bates stated that he would like more information about the effect of this change so that it would protect the County, but not unduly restrict economic growth.

Upon motion by Esq. Bates and second by Esq. Fisher, it is ordered to approve the 1st Reading of the text amendment pertaining to alternative energy sources.

Motion carried unanimously

RE: PARKS & FAIRGROUNDS

Travis Buchanan, Parks & Fairgrounds Supervisor, reported that his crew is very busy with soccer, football, and Little League now playing. They currently have 2 mowers in use with the Snapper needing a \$4,500 engine and one of those operating with only 2 decks. The old field lights had some bulbs out, but mostly needed wiring work since it has become aged and brittle. The Youth Livestock Sale was held at the fairgrounds and a national goat show and Lions' Club motor sports event are coming up also.

RE: COURTHOUSE SUPERINTENDENT'S REPORT

Mr. Buchanan stated that the move from the temporary to the newly renovated Courthouse is happening this week. Construction is mostly complete with benches for the upstairs courtrooms and few small tasks remaining. C. J. Turner, the new janitor, is working hard to get everything prepared for court to commence next week. The Grand Opening for the newly renovated Courthouse will be held on November 2nd at 2 p.m.

RE: ANIMAL SERVICES

1. Director's Report

Director of Animal Services, Dan Flinkfelt, reported being very busy. On October 2 there will be a yard sale by the Kim Lyons Foundation to raise funds for the medical expenses for the Shelter.

2. Committee Report – Esq. Fisher

The Animal Services Committee did not meet.

RE: SHERIFF’S MONTHLY REPORT

Deputy Sheriff Josh Jamiel reported the following activities for the month of August: 280 KSP dispatch calls, 127 Sheriff’s office calls, 91 citations/criminal summons, 34 criminal arrests, 15 warrant arrests, 185 court processes, 1 MIW transport, 1 special detail, 57 vehicle inspections, 21 carry conceal licenses, 3 DUI arrests, and 14 drug charge arrests.

RE: CLAIMS & TRANSFERS

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

General Fund	\$272,515.07
Road & Bridge Fund	47,073.37
Jail Fund	39,389.51
LGEA	12,454.42
CARES Act	0.00
Litter	961.62
911 Fund	40.83
ABC	12,638.16
Fair Fund	<u>1,791.71</u>
	\$386,864.69

Motion carried unanimously

RE: PUBLIC COMMENTS

Judge Brent opened the floor for public comments.

Steve Warnersmith expressed his concerns about the appearance and condition of businesses and roads in his neighborhood. He cited a commercial property that is ugly, another business which has gravel running onto the roadway, a crushed culvert he has been told cannot be repaired, and the fact that Tatum Road which is 0.7 mile long remains graveled.

Hugh McBurney requested that the Road Committee take a look at Flat Rock Road. He cited a washed-out culvert and a tank swept into a fence row. He also inquired about contractual and financial details of the EMS Taxing District and the status of taxes to be received from the bourbon storage facilities located in the County.

The costs of the operation of the ambulance service now compared to previous years, the effect of changed insurance requirements for transports on EMS, the amount of money generated by the EMS Taxing District, and the desire for the ARPA funds financing new sewers in Pendleton were discussed by the Fiscal Court and other individuals in attendance.

RE: COURT COMMENTS

County Attorney Virginia Harrod provided an update on the national opioid litigation. The latest correspondence indicates a third extension for one of the defendant companies. She advises that the Court support the settlement as recommended by counsel for the multidistrict litigation and that no action is needed at this point.

Judge Brent informed everyone in attendance that local COVID-19 testing is available at the 4-H Building on Mondays, Thursdays, and Fridays. There is no cost for the test and no appointment is needed. Results are usually received in 24 hours.

Judge Brent stated that the 5K for Hope will be held at 8:15 a.m. on Saturday, September 25, in New Castle benefitting the Hope Community Center. There will also be a grand opening and ribbon cutting at noon at the Center in Eminence. Also the Henry County Library is holding its grand opening on Saturday, the 25th.

RE: ADJOURNMENT

Upon motion by Esq. Bates 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

S/ Denise Perry
DENISE PERRY
FISCAL COURT CLERK

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

Date Approved: **October 19, 2021**