

**HENRY COUNTY FISCAL COURT  
REGULAR MEETING  
MARCH 21, 2023**

The Henry County Fiscal Court met in Regular Session on March 21, 2023, at the Henry County 4-H Building in New Castle, Kentucky, with the following in attendance:

Scott Bates, Judge/Executive  
Kassidy Dees, County Attorney  
Esquire Brad Fisher  
Esquire Ed Frederick  
Esquire Roger Hartlage  
Esquire Kevin McManis  
Esquire Danny Shain  
Esquire Carl Tingle

**RE: PLEDGE OF ALLEGIANCE**

Judge Bates led the Court in the Pledge of Allegiance to the Flag.

**RE: PRAYER & PREPARATION**

Judge Bates introduced Bro. Ed Berry of the Henry Christian Church for prayer at tonight's meeting.

**RE: CALL TO ORDER**

Judge Bates called the meeting to order at 6:13 p.m. to allow adequate time for anyone who initially went to the Courthouse which was the previously announced location. He noted that all magistrates were in attendance.

**RE: APPROVAL OF THE FEBRUARY 21, 2023, REGULAR MEETING MINUTES**

Upon motion by Esq. Fisher and second by Esq. McManis, it is ordered to approve the minutes of the February 23, 2023, regular meeting.

Motion carried unanimously

## **RE: APPROVAL OF THE MARCH 6, 2023, SPECIAL MEETING MINUTES**

Upon motion by Esq. Tingle and second by Esq. Frederick, it is ordered to approve the minutes of the March 6, 2023, special meeting.

Motion carried unanimously

## **RE: "MAKING A DIFFERENCE" RECOGNITIONS**

Judge Bates stated that he would be recognizing Henry Countians who make a positive difference in the lives of others. Tonight he honored Jo Brewer and Dallas Milliner for their many years of volunteer service to organizations and individuals by presenting the first "Making A Difference" certificates.

## **RE: UNFINISHED BUSINESS**

Judge Bates stated there was no unfinished business.

## **RE: NEW BUSINESS**

## **RE: ROADS**

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

Road Supervisor Kenny Tindle reported that the Road Department has been working on cutting trees and ditch cleaning from the recent storms. He has been in contact with individuals in Frankfort and he feels we might qualify for money. It is federal dollars available through UK and the Department of Transportation for road safety projects. He will be going to Frankfort to get the guidelines.

### **2. Road Committee Report**

Esq. Fisher reported that the Committee met and talked about cleaning ditches, maintenance records, and equipment including one truck which has been sold online. Travis Buchanan stated that the sold truck has been picked up, and he will be posting the others on the ky.gov website soon.

## **RE: EMS TAXING DISTRICT**

### **1. Taxing District Monthly Report**

Esq. Frederick stated that the EMS Taxing District Board met last night. Work began on the budget which will be finalized next month. In regard to response time complaints, he stated that there are 2 ambulances running most times based on assessed need. They received data

on actual response times: in 2021, 12 minutes 7 seconds; in 2022, 12 minutes 8 seconds; and in 2023 to date, 12 minutes 7 seconds. These times are below the national average for rural communities and also below Shelby and Oldham Counties. There is a federal law that requires the service is to call for back up if the response time will be longer than 10 minutes. If anyone has a specific complaint, they can call and the Board will investigate the concern.

## **RE: PLANNING & ZONING**

### **1. Administrator's Monthly Report**

P & Z/Solid Waste Administrator Jason Stanley reported that 7 building and 16 electrical permits were issued during February. The new Administrative Assistant, Amy Mahoney, began working on Monday.

### **2. Zone Change Recommendation to Approve – Malin's Red Barn —1<sup>st</sup> Reading**

Planning & Zoning Administrator Jason Stanley stated that pursuant to the Henry County Zoning Ordinance, Section 360, the legislative body shall not act upon a proposed amendment to the Official Zoning Map until it has received the written findings of fact, the transcript, and the recommendation thereon from the Planning Commission. It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission. Unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law. He presented official copies of the Henry County Planning & Zoning Commission Minutes from Meeting #371 on February 8, 2023; Planning Commission Findings and Recommendations Regarding Proposed Map Amendment on Docket No. 2023-02Z; and Certificate of Land Use Restriction on Docket No. 2023-02Z. Time was allowed for the Court members to peruse the documents.

County Attorney Cassidy Dees explained the options available to the Court:

- Uphold the findings of the Planning & Zoning Commission to approve or deny
- Make your own findings based on the findings from the Planning & Zoning Commission hearing
- Hold an independent hearing from the same evidence that was originally presented or you can choose to hold a hearing with completely new evidence

Esq. McManis asked about the finding that the rural secondary road needs to be brought up to the standard of rural secondary roads of 20 feet wide. He stated that this could be a liability issue if there was a bad accident.

Upon motion by Esq. Frederick and second by Esq. Tingle, it is ordered to approve the motion that based upon the summary of evidence, testimony presented by the proponents and opponents of the proposed amendment and findings of fact and recommendation that determines the amendment is in agreement with the Henry County Comprehensive Plan, by the Henry County Planning & Zoning Commission to agree with the Commissions' recommendation without any further hearing.

Motion carried on vote  
Yes – 5 (Esqs. Fisher, Frederick  
Hartlage, Shain, Tingle  
No – 1 (Esq. McManis)

## **RE: PARKS & FAIRGROUNDS**

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

Director Travis Buchanan reported that the parks are going well. The restrooms have been opened everywhere except the fairgrounds and there was only one small freezing issue. The ballfields at Harry Hill are being used for practices every day. There are 3 more teams than last spring. The 4-H Small Engines classes have begun with 14 students with 2 remaining sessions. Youth league soccer started practices tonight with game beginning in mid-April. The boys' and girls' soccer teams are using the park for their practices. They have replaced one roof at Harry Hill Park and gotten everything mowed once.

### **2. Assistant Parks Director Position**

Director Buchanan stated that the Assistant Parks Director position which was vacant when Toby Berry assumed the Director position was posted. The top candidates were interviewed, and he recommended the hiring of Jeremy Thurman to the full-time Assistant Parks Director position.

Upon motion by Esq. Fisher and second by Esq. Frederick, it is ordered to approve the hiring of to the Assistant Parks Director full-time position.

Motion carried unanimously

## **RE: COURTHOUSE**

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

Courthouse Supervisor Travis Buchanan reported that the last pieces of the construction are finished in the front desk area and the wainscoting in the remaining office is now up. He will caulk and paint that this week.

## **2. Meetings Update**

Mr. Buchanan explained that a meeting was scheduled with Chief Judge Jerry Crosby to review the ground rules for using the Courthouse for County meetings. Judge Crosby brought up the issue of being able to control guns in the Courthouse. AOC currently has 100 percent occupancy of the building and pays 100 percent of the utilities and maintenance although the County does own it.

Judge Bates stated that he has spoken with County Attorney Dees and the KACO attorney, Rich Ornstein. Mr. Ornstein advises that we would be fighting a losing battle by pushing to hold County meetings in the Courthouse. Kentucky allows open carry of arms in county meetings, and we cannot restrict that. Guns are not permitted in judicial centers which the Henry County Courthouse now is. Judge Bates added that we will look at the possibility of remodeling the 4-H Center to expand seating and make it more comfortable. We are now recording the Fiscal Court meeting and will be working on livestreaming these and the Planning & Zoning meetings.

## **RE: ANIMAL SERVICES**

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

Director Dan Flinkfelt reported that February was a good month with rescues picking up. They continue to do some adoptions, but as soon as animals leave the shelter they are replaced. Trimble County has made some changes with their staff with the part-time employee promoted to full-time which is going well. In response to Esq. Frederick's inquiry, Mr. Flinkfelt stated that he is working with Police Chief Well in Eminence on stray dog issues there. They are looking at city ordinances there. Mr. Flinkfelt continues to work at the Shelter and patrol in different areas instead of sitting at specific locations.

### **2. Animal Services Committee Report**

Esq. Hartlage reported that the Committee met at the Animal Shelter and they continue to work well together. There is still an opening for a part-time person. Animal Control needs a better truck and uniforms as they work to make the service better. Judge Bates has spoken with Trimble County Judge Ogburn about an animal composting disposal program. It may be too expensive, but he will continue to discuss and investigate the option.

## **RE: ECONOMIC DEVELOPMENT COMMITTEE REPORT**

Esq. Hartlage informed the Court that the Economic Development Committee met at 10 a.m. on March 14 at the Lake Jericho Fire Station to further discuss the Pendleton Sewer Project. All options are significantly above the budget and they will continue to try and see how we could work toward additional funding. Since Pendleton is unincorporated, it's more challenging. The incorporated cities are doing well.

Mike Ray of the Economic Development Council stated that we need to determine what type of growth we may or may not want. We need to see what type of industry might be coming and viable in that area. We need ideas for how the Economic Development Council can work better in representing the people to achieve goals.

## **RE: SHERIFF'S MONTHLY REPORT**

Sheriff Keith Perry reported the following activities for the month of February: 298 KSP dispatch calls, 137 Sheriff's office calls, 90 citations/criminal summons, 46 criminal arrests, 36 warrant arrests, 117 court processes, 1 MIW transport, 66 vehicle inspections, 21 carry conceal licenses, 1 DUI arrest, and 4 drug charge arrests.

Esq. Hartlage asked about the requirements for court security and the AOC payments for those officers. Sheriff Perry explained the number of deputies needed. Judge Bates clarified that the County is reimbursed \$15 per hour for personnel, but Fiscal Court pays anything over that amount which they could earn as well as all benefits.

## **RE: JAILER'S BUDGET FOR FY 2024**

Judge Bates presented the Jailer's budget for next year showing expenses of \$673,675.00 for 1<sup>st</sup> Reading. The budget is very similar to the current one with an addition for purchase of a new transport car.

Upon motion by Esq. Shain and second by Esq. Fisher, it is ordered to approve the 1<sup>st</sup> Reading of the Jailer's Budget for FY 2024.

Motion carried unanimously

## **RE: COUNTY SOIL CONSERVATION ANNUAL REPORT**

Allen Bryant, Chairman of the Henry County Soil Conservation District, thanked everyone for their support of soil conservation. Cheryl Perry has joined the office and is doing great work. Henry County has more EQUIP projects than any other surrounding counties which is a testament to our agencies and producers. The seedling tree giveaway should occur in mid-April, and folks can watch FaceBook or call the office at 845-2890 for information. The Division of Forestry supplies the trees which will need to be planted right away and not mowed over. The District has purchased a hydraulic post driver and a no-till seed drill which can be rented by small farmers and beginners who don't own their own. The machines will be housed and maintained at the FSA office. Individuals can sign up for EQUIP at any time.

## **RE: ACCOUNTING SOFTWARE**

County Treasurer Amanda Ricketts explained that Fiscal Court needs to update our current accounting software which has been used for 20 years. Although this is a large expense, the auditors have advised that we should purchase a different software and recommend the one

that the counties around us have chosen. There are really only 2 options, our present one which is outdated and presents inconsistencies and Fiscalsoft. At the treasurer's conference we met the Fiscalsoft staff who are very knowledgeable and highly recommended. We would purchase 3 components on a 20-year license fee and then annual software support payments of \$10,000.

Upon motion by Esq. Fisher and second by Esq. Frederick, it is ordered to approve the purchase of accounting software including FiscalBooks, FiscalPay, and FiscalExpress from Fiscalsoft Corporation at a cost of \$44,985.

Motion carried unanimously

## **RE: CLAIMS & TRANSFERS**

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

General Fund	\$ 61,262.03
Road & Bridge Fund	23,930.79
Jail Fund	21,857.88
LGEA	1,546.55
CARES Act	0.00
Litter	0.00
911 Fund	43.27
ABC	862.30
Fair Fund	953.69
Pendleton Sewer	0.00
Angel's Envy	<u>0.00</u>
Total	\$110,456.51

Motion carried unanimously

## **RE: PUBLIC COMMENTS**

Judge Bates opened the floor for public comments.

Tish Moscow inquired about the possibility of water being available at Lecompte's Bottom. Judge Bates explained that he has talked with the Henry County Water District and North Shelby, but for both of them the problem is keeping safe fresh water in the lines for the distance. It is a liability due to the time that the water would lay in the lines based on the usage for those in the area.

Gene Raake stated that as a taxpayer he would like to see an itemized budget for EMS. He recounted from his years of volunteering that there were 4 services when the paid service came along. He stated that if you listen to the radio you can hear that there are times when there is no ambulance in the County. Some times Shelby and Carroll Counties are tied up. He stated we need trucks for fires and simultaneous heart attacks. Esq. Frederick responded that as soon as

the budget was completed by the 1<sup>st</sup> of June it is a matter of public record and available at the Judge/Executive's office. He stated that the Board is setting aside money each year for the purchase of another ambulance. The last new one the County purchased was around \$200,000; and now they cost over \$300,000 with a wait time of 3 years. Amanda Ricketts stated that the Board meets on the 3<sup>rd</sup> Monday of each month at 5 p.m. at the EMS Building. He and others would be able to obtain more specific information at those meetings which are public.

Hugh McBurney asked why we could hold Fiscal Court meetings in the Courthouse before it was remodeled and now cannot in the judicial center. Judge Bates explained that the law changed in 2019 allowing open carry in meetings which happened during the renovation. County Attorney Dees cited a case currently pending from Pikeville which would be applicable to us since we do not have an ordinance prohibiting open carry for those who choose to do so.

Robin Barmore asked the Court members if they had previously received the documents distributed by Planning & Zoning Administrator Stanley or only read them during the time allotted at this meeting. Esqs. Frederick and Fisher both responded that they had been at the hearing and knew what was contained in the findings.

Randy Strobo, attorney for Doug Daniel, inquired if the Fiscal Court had affirmed the decision of the Planning & Zoning Commission regarding the Malin's Red Barn decision. Judge Bates stated that they had.

#### **RE: COURT COMMENTS**

There were no additional Court comments.

#### **RE: ADJOURNMENT**

Upon motion by Esq. Fisher and second by Esq. Shain, 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/ Scott Bates  
**SCOTT BATES**  
**JUDGE/EXECUTIVE**

Date Approved: **April 18, 2023**