

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
FEBRUARY 20, 2024**

The Henry County Fiscal Court met in Regular Session on February 20, 2024, 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 offered the evening's prayer.

RE: CALL TO ORDER

Judge Bates called the meeting to order at 6:00 p.m. He noted that all magistrates were in attendance.

RE: APPROVAL OF THE JANUARY 16, 2024, REGULAR MEETING MINUTES

Upon motion by Esq. Frederick and second by Esq. Tingle, it is ordered to approve the minutes of the January 16, 2024, regular meeting.

Motion carried unanimously

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 they have been hauling rock for gravel roads. The grader box is working great, and they are getting ditches dug. The ditcher required some minor repairs, but is in service. The crew has been working on Cavanaugh Lane and then are headed to Turkey Run. The snow on Saturday only required a few hours of work on Montfort Lane.

2. Road Committee Report

Esq. Fisher stated that the Committee has been discussing ditching and culverts that are clogged and need to be dug out. That process is expensive and will have to be addressed later. They continue to focus on the maintenance of the equipment. The Road Committee would like to advertise for the purchase of a new F550 four-wheel drive truck and a used Caterpillar excavator. Sealed bids will be requested in the *Henry County Local*. The excavator is very handy for many functions and could be used to clear some of the culverts that need work.

Upon motion by Esq. Shain and second by Esq. McManis, it is ordered to approve the advertisement for sealed bids for the F550 four-wheel drive truck and Caterpillar excavator.

Motion carried unanimously

Upon motion by Esq. Shain and second by Esq. McManis, it is ordered to authorize the Road Committee to make purchase decisions for the advertised equipment to expedite the process.

Motion carried unanimously

RE: PLANNING & ZONING

1. Administrator's Monthly Report

In P & Z/Solid Waste Administrator Jason Stanley's absence, Deputy Judge Buchanan reported that 15 building and 28 electrical permits were issued during the last month. The Board of Adjustments will meet at 7 p.m. at the 4-H Building on February 26, and the P & Z Commission's meeting will be held at 6 p.m. on March 13 at the 4-H Building.

RE: PARKS & FAIRGROUNDS

1. Director's Monthly Report

Parks Director Toby Berry reported that he has been working at the ballfields. Travel baseball teams and HCMS girls' softball are practicing. Flag football has started practices and will begin their season in March. The field will be painted in the next couple of weeks. 4-H is taking sign-ups for the small engine class which starts in March. They will begin the process of opening all the restroom facilities from the winterization soon.

2. Parks & Fairgrounds Committee Report

Esq. Tingle stated that the Committee had scheduled 3 interviews for the full-time position, and 2 of the applicants showed up. Dexter Shouse has been employed as the new Assistant Parks Director. The Committee discussed replacing the wood chips with rubber surfacing and applying for a grant for rubber playground surfacing. They will be looking for another mower to replace the Scag that is having issues, but the plan is to use what we have as long as possible. The cost to rent the fairgrounds for night events will be raised to \$250 since the current charge of \$200 does not cover the cost of the lights and water.

3. Request to Apply for Waste Tire Crumb Rubber Grant

Judge Bates stated that there is a grant available for the purchase of tire crumb rubber to place on the surface of playgrounds. He requested authorization to apply for the grant to resurface the playground at the Friends for Michael accessible playground beside the Buchanan Splash Pad.

Upon motion by Esq. Fisher and second by Esq. Frederick, it is ordered to authorize the application for a grant for waste tire crumb rubber to be installed on the Friends for Michael playground at the John Logan Brent Park.

Motion carried unanimously

4. Fence Estimate Approval

Deputy Judge Buchanan stated that 2 bids were received for the ballfield fencing: Penrod Lumber & Fence Co.--\$50,720 and Baxter Fence--\$49,500. This project includes the backstop and field fencing for the 225-foot field.

Upon motion by Esq. Fisher and second by Esq. Tingle, it is ordered to accept the bid from Baxter Fence for \$49,500 for the installation of the fencing at the new ballfield.

Motion carried unanimously

RE: ANIMAL SERVICES

1. Monthly Report

Danielle Ashcraft reported that during January there were 4 adoptions totaling \$355, \$73 in donations, 2 pet licenses for \$10, and food donations of \$300 with total proceeds of \$738. January's Animal Control cases included the following: 13 strays, 9 nuisances, 2 bite reports, and 3 after-hours calls. Director Ashcraft introduced the new part-time officer Cassie Eldridge to the Court.

2. Committee Report

Esq. Hartlage stated that the Committee met and will be meeting again with Trimble County at 4 p.m. on February 28th. Their goal is to update and tighten the ordinance to match Trimble County's which had its first reading by Fiscal Court today. The Committee reached a consensus to set the cost for adopting an animal which requires spay/neuter, shots, and vet services at \$200. The actual cost to the Shelter for providing these services is \$180. The adoption fee for dogs which do not require vet services is \$50. The prices are consistent in both counties.

3. Animal Control Ordinance – 1st Reading

Judge Bates announced the next item of business is a new ordinance repealing and replacing Ordinance No 94-8-1 and establishing a comprehensive county dog licensing and animal control ordinance. He read the ordinance introduction. The original ordinance was enacted in August, 1994 and had one amendment in July, 2012. The Henry County Animal Control Committee having met and purposed to amend and update Ordinance No. 94-8-1 to establish a more comprehensive ordinance addressing animal control, licenses, confinement, treatment and penalties thereof.

County Attorney Dees explained the additions and expounded on the contents of the proposed ordinance. Definitions were added in Section I, followed by comprehensive regulations in the related to restraint requirements, licensing and vaccinations, licensing and standards for kennels and pet shops, veterinarian licensing and reporting requirements, issuance of citations, confinements, nuisance language, humane treatment of dogs, prohibited actions, adoptions, exhibitions, interference with enforcements, exotic animals, and penalties. The ordinance will allow the Animal Control Committee to amend fees as needed without the need for an ordinance amendment.

Judge Bates thanked County Attorney Dees for all of her work in perfecting the ordinance.

Upon motion by Esq. Fisher and second by Esq. McManis, it is ordered to approve the 1st Reading of the Comprehensive County Dog Licensing and Animal Control Ordinance.

Motion carried unanimously

RE: ECONOMIC DEVELOPMENT COMMITTEE REPORT

Esq. Hartlage stated that the Economic Development Committee met prior to tonight's meeting. Amy Charles will serve as Chair, and Mike Ray was elected Vice Chair.

RE: HENRY COUNTY CONSERVATION DISTRICT REPORT – ALLAN BRYANT

Allan Bryant stated that National Resources Conservation Service (NRCS) helps citizens through technical assistance and cost sharing with federal and state programs in conservation efforts. After July there will be a lime and cover crop program. They have conservation equipment for rent including a hydraulic post driver. Some time in April they will be giving away tree seedlings from the Division of Forestry. There are 2,700 ordered which will first be given to 4th graders and preschool children in the County and then distributed to others on a Sunday afternoon with the exact date will be shared on Facebook. They sponsor an art and writing contest in which many students participate and will be participating in a pollinator project with the Parks Department.

RE: CONGRESSMAN MASSIE'S OFFICE REPRESENTATIVE – STACEY ROCKAWAY

Stacey Rockaway addressed the Court stating that she is the eyes and ears on the ground for Congressman Massie and offered assistance for anyone to call if they are experiencing issues with federal agencies. She specifically cited Social Security, IRS, and federal disability problems as those they could look into. If any organization is applying for federal grant dollars, they will be happy to offer support and will provide recommendations for students interested in applying to military service academies. If anyone sees a bill coming up related to the county or their personal interests, she advised them to call their office. With 750,000 people in the district, they only receive about 10 calls per day and those are shared directly with Congressman Massie.

Judge Bates expressed appreciation for Congressman Massie and his staff's efforts in organizing a tour and for hosting him and Mrs. Bates for dinner while he was in Washington with KACO.

RE: SET COST-OF-LIVING FOR ELECTED OFFICIALS

Judge Bates announced that the state cost-of-living for elected officials are determined differently. Those for the judge, sheriff, and county clerk are set by the state. The adjustments for some elected officials, i.e., the jailer, coroner, county attorney and magistrates, need to be voted on by Fiscal Court. He stated that the rate this year is 3.4 percent, and he recommended that the salaries for the magistrates be considered separately from the others.

Upon motion by Esq. Frederick and second by Esq. McManis, it is ordered to accept the state's recommended cost-of-living adjustment of 3.4 percent for Henry County's jailer, coroner, and county attorney.

Motion carried unanimously

Upon motion by Esq. Tingle and second by Esq. Fisher, it is ordered to turn down the cost-of-living increase for Henry County's magistrates for FY 25 allowing their salaries to remain the same.

Motion carried unanimously

RE: SHERIFF'S MONTHLY REPORT

Sheriff Keith Perry reported the following activities for the month of January: 245 KSP dispatch calls, 148 Sheriff's office calls, 56 citations/criminal summons, 29 criminal arrests, 22 warrant arrests, 149 court processes, 4 MIW transports, 40 vehicle inspections, 3 carry conceal licenses, and 2 drug charge arrests.

RE: SHERIFF'S EXCESS FEES

Sheriff Keith Perry presented his office's excess fees for 2023. The original budget had projected \$13,421.18 to be returned to Fiscal Court. The Sheriff presented a much larger check totalling \$102,474.93 in excess fees.

Upon motion by Esq. Frederick and second by Esq. Fisher, it is ordered to accept \$102,474.93 in excess fees from the Sheriff's Office for 2023.

Motion carried unanimously

RE: COUNTY CLERK'S EXCESS FEES

County Clerk Shanda Archer addressed the Court and provided an overview of her office's 2023 operations. Receipts totaled \$5,410,650.16 with expenditures of \$4,857,921.40. The final settlement to Henry County Fiscal Court is \$171,288.76. In addition, the storage fee account balance is \$31,494.65 which is generated by recording fees and earmarked for permanent records retention expenditures. Olivia Herrell of her office was awarded a grant for \$20,087.50 for restoration and digital scanning at which she is doing a great job. Clerk Archer thanked the Court for considering a change in plans to accommodate the use of the 4-H Building for the May election.

Upon motion by Esq. Shain and second by Esq. Fisher, it is ordered to accept \$171,288.76 in excess fees from the County Clerk's Office for 2023.

Motion carried unanimously

RE: ORDINANCE ESTABLISHING TRANSIENT ROOM TAX – 1ST READING

Judge Bates thanked County Attorney Dees for her work on getting an ordinance that fits Henry County's needs. Henry County Fiscal Court has the authority pursuant to the provisions of KRS 142.400, KRS 91A.345, and KRS 91A.350 to pass ordinances to establish a tourist and

convention commission for the purpose of promoting convention and tourist activity and it has the authority pursuant to the provisions of KRS 91A.390 to impose a transient room tax. He explained that some aspects might need to be edited slightly before the 2nd Reading.

Upon motion by Esq. Shain and second by Esq. Frederick, it is ordered to approve the 1st Reading of the ordinance establishing transient room tax and creation of the Henry County Tourist and Convention Commission.

Motion carried unanimously

RE: ORDINANCE ESTABLISHING SHORT TERM RENTAL PROPERTY PERMIT & LICENSING – 1ST READING

Judge Bates explained that a necessary step in levying a room tax is adoption of an ordinance establishing short term rental property, application, permit and licensing. He read from the proposed ordinance that Henry County Fiscal Court has the authority to establish and to pass ordinances defining the type of real property by planning and zoning commission, has the authority to the provision of KRS 142.400, KRS 91A.345, and KRS 91A.350 to pass ordinances to establish a tourist and convention commission for the purpose of promoting convention and tourist activity, and has the authority pursuant to the provision of KRS 91A.390 to impose a transient room tax, and has simultaneously purposed an ordinance establishing transient room tax and creation of the Henry County Tourism and Convention Commission.

Upon motion by Esq. Shain and second by Esq. Frederick, it is ordered to approve the 1st Reading of the Ordinance Establishing Short Term Rental Property Permit and Licensing.

Motion unanimously

RE: ETHICS BOARD DISCUSSION

Judge Bates stated the Fiscal Court does need a code of ethics. He asked permission to find individuals to serve on the Board. County Attorney Dees explained that she has located code information from 1994 and the last records discovered from her office are from 2007. If the 1994 regulation cannot be located, the Ethics Board will need to draft a new code of ethics.

Upon motion by Esq. Shain and second by Esq. McManis, it is ordered to authorize Judge Bates to identify and appoint individuals to serve on the Henry County Fiscal Court Board of Ethics.

Motion unanimously

RE: REQUEST FOR CONSTABLES TO USE BLUE LIGHTS

Judge Bates informed the Court that there has been a request from a constable who would like to use blue lights in limited circumstances. After conferring with the KACO attorney Rich Ornstein, he has returned correspondence advising us against approving this request as has County Attorney Dees. Fiscal Court has discussed this several times before and always denied it. If the Court did allow this request, the constable is required to carry extra liability insurance.

Upon motion by Esq. Shain and second by Esq. Frederick, it is ordered to deny the request for constables to have blue or red lights on their vehicles because of the potential liability to the County.

Motion unanimously

RE: 4-H BUILDING DISCUSSION & FUTURE MEETING LOCATION

Judge Bates announced that County Clerk Archer has approached him with her concern about the May election and the use of the 4-H Building for early voting and training. He stated that the County in no way wants to hinder voting. We must offer a secure location for the equipment and have been successful in using the site including changing the locks to insure absolute security and no unauthorized access. He feels that it is in the County’s best interest to postpone the renovation work until after the Harvest Showcase. Work could begin on August 1 and be completed before the fall election. Judge Bates stated that he wants to notify the public and meet all our obligations to them.

RE: CLAIMS & TRANSFERS

Upon motion by Esq. McManis and second by Esq. Fisher, it is ordered to approve the following claims which include the addition of the \$49,500 for the ballfield fencing:

General Fund	\$393,420.11
Road & Bridge Fund	78,449.41
Jail Fund	48,379.70
LGEA	1,381.94
E-911	1,003.35
ABC	3,941.95
Fair Fund	1,847.50
Angel’s Envy Sewer	<u>3,000.00</u>
Total	\$531,423.96

Motion carried unanimously

RE: PUBLIC COMMENTS

Judge Bates opened the floor for public comments.

Mike Ray, Vice Chair of the Economic Development Council, congratulated the Fiscal Court for pursuing the transient room tax which he feels will be a great benefit to the County.

County Clerk Archer inquired about the collection of the transient room taxes which will be handled by the County Treasurer. She also stated that the new statewide KAVIS vehicle registration is “half working” and requested patience on the part of citizens.

RE: COURT COMMENTS

There were no additional Court comments.

RE: ADJOURNMENT

Upon motion by Esq. Shain and second by Esq. Fisher, 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: **March 19, 2024**