

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
MAY 21, 2024**

The Henry County Fiscal Court met in Regular Session on May 21, 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 APRIL 16, 2024, REGULAR MEETING MINUTES &
APRIL 29, 2024, SPECIAL MEETING MINUTES**

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

Motion carried unanimously

Upon motion by Esq. Frederick and second by Esq. McManis, it is ordered to approve the minutes of the April 29, 2024, special 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 stated that the Department has been hauling gravel for roads and getting ready to grade. They have started roadside mowing and bushwhacking. There is more patching to be completed from this budget depending on the weather. Judge Bates added that they will continue to do in-house patching as quickly as possible so the cost can be included on the June claims and paid from this year's budget.

2. Road Committee Report

Esq. Fisher reported that the Committee met and discussed maintenance records and determining which roads to grade and gravel. Andrew Lyons will begin on the excavator next week. They are looking to see if chip-and-seal would work for LeCompte's Bottom Road. Judge Bates stated that we need to see if it would hold better on hills where gravel washes away.

Esq. Fisher stated that we need to stay on time with bridge projects so we do not miss money. Judge Bates explained that we heard from KYTC that they are out of funds for this year following document submission for Carpenter Lane. The bridge has been built, and it must have approval and be paid for at this time. We can get reimbursement next fiscal year, but this will prevent us from doing another one next year. Planning and documents must be submitted earlier to prevent losing funds each year.

3. Rural Secondary Program / Flex Funds Approval

Judge Bates stated that we have been notified by the Kentucky Transportation Cabinet that our annual Flex Funds amount for 2024-2025 will be approximately \$112,165.00. Fiscal Court can choose to allow these funds to be expended by KYTC on state roads or can be used by the County on county-administered projects. Judge Bates stated that there are concerns about the condition of Ballardsville Road from Smithfield to the Oldham County line. There is not funding for this road identified at this time, but he will investigate the possibility of discretionary State money to work on it.

Upon motion by Esq. Fisher and second by Esq. Frederick, it is ordered by the Court to authorize the use of the 2024-2025 State Flex Funds on County road projects.

Motion carried unanimously

4. Transportation Coop Agreement Public Hearing for Use of Funds

Judge Bates informed the Court that the County receives a percentage of state revenue from motor fuel taxes that is to be used for the construction, reconstruction, and maintenance of County roads and bridges. This year Henry County is to receive \$1,128,945.22 in County Road Aid Funds. The Court must accept these funds and participate in the Cooperative Program beginning July 1, 2024, and sign a resolution to that effect.

Upon motion by Esq. McManis and second by Esq. Fisher, it is ordered by the Court to approve the resolution adopting and approving the execution of a County Road Aid Coop Program Contract between Henry County Fiscal Court and the KYTC, Department of Rural and Municipal Aid for the year beginning July 1, 2024, and authorizing Judge Bates to sign the agreement.

Motion carried unanimously

5. Transportation Coop Agreement Public Hearing for Use of Funds

Judge Bates stated that the County is required to hold a public hearing regarding the use of the County Road Aid Coop Funds. He opened the floor for any comments, and there were none.

6. Request to Advertise for Bids for Rock, Asphalt, & Salt

Judge Bates requested that he be given authorization to advertise for bids for the purchase of rock, asphalt, and salt for the County's use in Fiscal Year 2025. He added that we have signed up for the reverse salt auction through KACO on June 12. We have applied for 500 tons which would be enough for a year and we will know the price following that auction.

Upon motion by Esq. Shain and second by Esq. Tingle, it is ordered to authorize Judge Bates to advertise for bids for the purchase of rock, salt, and asphalt for the upcoming year.

Motion carried unanimously

RE: PLANNING & ZONING

1. Administrator's Monthly Report

P & Z/Solid Waste Administrator Jason Stanley reported that 22 building and 34 electrical permits were issued during the last month. The Board of Adjustments will meet at 7 p.m. on May 28, and the P & Z Commission will meet at 7 p.m. on June 12. Both meetings will be held at the 4-H Building at 1106 Castle Highway.

RE: PARKS & FAIRGROUNDS

1. Director's Monthly Report

Parks Director Toby Berry thanked the Court for purchasing a new mower so that they can get caught up. The full-time employee has resigned, and we now have 2 summer helpers. On the new ballfield the fencing is completed, and new sod has been laid on Field 1. The features are up at the Buchanan Splashpad and it will be opening this Saturday. The equipment has been installed and pressurized and final work is on-going. The Lion's Club grant work is proceeding with the poles set, lights attached to them, and new LED lights at the Ag Arena. Additional parking will be added to field 3 at Harry Hill Park to keep folks from parking on the highway during games. The new mower was purchased and picked up on May 15.

RE: ANIMAL SERVICES

1. Director's Monthly Report

Danielle Ashcraft presented her report indicating that during April there were 13 adoptions totaling \$2,500, donations of \$670, and \$90 in other fees collected for a total of \$3,260. There are currently 32 dogs in the Shelter system with 11 being fostered and 21 at the Shelter. Calls for the month included the following: 10 nuisance, 3 welfare, 13 stray, and 6 others

2. Committee Report

Esq. Hartlage stated that the Committee met with Trimble County and discussed numerous things including the fence to go around the exterior for security and to keep the dogs contained. It will be funded by Henry and Trimble Counties, but the \$30,000 discussed previously will not do all that is wanted for the fencing. We will probably need an additional \$10,000. We have received a \$1,000 donation for this project, and it and any additional amounts donated will go above and beyond on the fence. The area needs to be treated because the dogs are getting Lyme Disease. New exterior lights were installed last week and the septic tank was worked on.

RE: ECONOMIC DEVELOPMENT COMMITTEE REPORT

Esq. Hartlage stated that the Economic Development Committee met and has set a goal of trying to obtain grant money. There is not much new information about economic development coming our way.

Judge Bates shared that he was contacted by Matt Adkins regarding someone looking at 28 acres in Campbellsburg for a \$50 million investment with 30-50 jobs. We are on the list of the top 5 nationally for this project. He has a meeting with the I-71 Connected group tomorrow, and we will see to see where this takes us. There was another company who has contacted us about the KBP property in Pendleton.

RE: ABC QUARTERLY REPORT

ABC Director Ed Nelson reported that all fees have been paid. There are 18 approved licenses and 16 are currently selling alcohol products. Third quarter revenue is down, but it is always the lowest period. We are \$1,000 over this quarter last year. Six Mile Distillery has applied for several additional licenses and will be opening in the fall. Smith Berry Winery is closing at the end of the month, and Keepers is not currently operating. Mr. Nelson responded to Esq. Hartlage's inquiry about the total revenues to date which are \$828,602. Judge Bates complimented Mr. Nelson on the job that he does with ABC.

RE: COUNTY CLERK'S QUARTERLY REPORT

County Clerk Shanda Archer was unable to attend due to the primary election today. Deputy Judge Buchanan shared her office's quarterly report which is submitted for the Fiscal Court to review.

Upon motion by Esq. Tingle and second by Esq. Shain, it is ordered to accept the County Clerk's quarterly report.

Motion carried unanimously

RE: HENRY COUNTY LIBRARY BOARD APPOINTMENTS

Judge Bates informed the Court that he had been notified that 2 members of the Library Board have completed their terms and appointments for replacements were needed. After speaking with the Library Director Tony Jones for his suggestions, Judge Bates recommended Steve Metcalf for the position vacated by Dianne Brammell and Wayne Sparrow for the seat held by Thomas Minton.

Upon motion by Esq. Fisher and second by Esq. Tingle, it is ordered to appoint Steve Metcalf and Wayne Sparrow to new 4-year terms on the Henry County Public Library Board of Trustees beginning July 1, 2024.

Motion carried unanimously

RE: RUMPKE CONTRACT

Judge Bates stated that the current contract with Rumpke will end on December 31. We have pricing for a new 2-year contract that must be signed by the end of October, but need to discuss if we want to renew with them or bid out the trash service. Considerations are the fact that Rumpke could come in with a new proposal that is higher than the 3 percent increase and we do not know about other interested companies. Solid Waste Director Jason Stanley added that Republic which is a competitor has loaders which will only pick up the carts. Rumpke does manually pick up. Esq. Hartlage stated that he feels we should look at competition and give other companies the opportunity to bid.

Upon motion by Esq. Frederick and second by Esq. McManis, it is ordered to postpone until the June meeting the matter of approving a contract extension for Rumpke or opening the franchise for solid waste collection bidding for Henry County to get more information.

Motion carried unanimously

RE: SHERIFF'S MONTHLY REPORT

Deputy Sheriff Josh Jamiel reported the following activities for the month of April: 324 KSP dispatch calls, 126 Sheriff's office calls, 110 citations/criminal summons, 66 criminal arrests, 30 warrant arrests, 130 all court paper service, 1 fugitive transport, 57 vehicle inspections, 13 carry conceal licenses, and 15 drug charge arrests. Deputy Sheriff Jamiel stated that they are running radar on HWY 146 and doing extra patrolling for speeding.

RE: LGEA PUBLIC HEARING

Judge Bates stated that a public hearing is held every year regarding the use of the LGEA funds generated from the rock mined at Liter's Quarry. The funds are used for various expenditures for the County including jail costs. He asked for any public comments related to the use of these funds. There were no public comments or questions.

RE: CANNABIS OPERATIONS DISCUSSION

Judge Bates stated that the magistrates have received in their materials 2 resolutions drafted by the Kentucky Association of Counties that address the issue of cannabis operations in Henry County. We have until January 1, 2025, to determine if we will allow or want to prohibit cannabis businesses. The Fiscal Court can decide on the issue or the issue can be put on the ballot in November to let the citizens' wishes be heard. From trainings we understand that this would be edibles and ointments. Business operators would apply for producer, dispenser, or grower licenses; and if approved, they would be required to submit a \$12,000 check within 30 days. Esq. Frederick added that there will be 8 licenses issued for our region and 48 in the state. Louisville and Lexington would each receive 2. If someone from Henry County were selected, we would only receive one type. Judge Bates explained that doctors will be licensed by the State to write scripts for medical conditions including cancer, multiple sclerosis, epilepsy, pain and other conditions.

Upon motion by Esq. Shain and second by Esq. Fisher, it is ordered to have the question of whether cannabis business operations will be allowed in Henry County placed on the ballot for the November election.

Motion carried unanimously

RE: EXECUTIVE SESSION

Judge Bates requested that Fiscal Court go into Executive Session per KRS 61.810 to discuss personnel and pending litigation.

Upon motion by Esq. Shain and second by Esq. Frederick, it is ordered that Fiscal Court go into Executive Session per KRS 61.810 to discuss personnel and pending litigation matters.

Motion carried unanimously

Upon motion by Esq. Fisher and second by Esq. Tingle, it is ordered to end the Executive Session.

Motion carried unanimously

Upon motion by Esq. Shain and second by Esq. Frederick, it is ordered to resume the Regular Session.

Motion carried unanimously

Judge Bates announced that the Fiscal Court discussed matters related to personnel and pending litigation and would be making motions in response to those deliberations.

RE: COUNTY-OWNED VEHICLE USAGE

Upon motion by Esq. Hartlage and second by Esq. McManis, it is ordered to install GPS trackers in all county-owned vehicles.

Motion carried unanimously

Upon motion by Esq. Frederick and second by Esq. Hartlage, it is ordered to require any non-staff passengers riding in county-owned vehicles be pre-approved by the Judge/Executive or Deputy Judge.

Motion carried unanimously

RE: INTERNAL REVENUE SERVICE PAYMENTS

Upon motion by Esq. Shain and second by Esq. Frederick, it is ordered to authorize the procurement of an audit to determine IRS taxes owed due to inaccurate reporting of payroll taxes withheld on employees.

Motion carried unanimously

Upon motion by Esq. Shain and second by Esq. Frederick, it is ordered that the County pay the IRS the amount owed using funds from the payroll checking account and the additional amount from available county funds currently held for the Pendleton Sewer Project.

Motion carried unanimously

RE: CLAIMS & TRANSFERS

Upon motion by Esq. Fisher and second by Esq. Frederick, it is ordered to approve the following claims and transfers and authorize the payment of \$392,249.93 to the IRS by County Treasurer Amanda Ricketts:

General Fund	\$316,907.18
Road & Bridge Fund	107,589.86
Jail Fund	46,853.75
LGEA	2,244.83
E-911	21,349.22
ABC	3,192.88
Fair Fund	603.30
Angel's Envy Sewer Project	<u>464,739.91</u>
Total	\$963,480.93

From: 014909 (Transfer Out General) \$60,000.00
To: 034910 (Transfer In Jail) \$60,000.00

From: 784909 (Transfer Out ABC) \$4,000.00
To: 014910 (Transfer In General) \$4,000.00

From: 7850501060 (ABC Personnel) \$4,000.00
To: 7892009990 (ABC Reserve for Transfer) \$4,000.00

From: 7892009990 (ABC Reserve for Transfer) \$4,000.00
To: 0192009990 (General Reserve for Transfer) \$4,000.00

From: 0192009990 (Reserve for Transfer) \$4,000.00
To: 0150011030 (Deputy Judge Executive) \$4,000.00

From: 0150801070 (Courthouse Supt Half) \$11,624.40
To: 0150011030 Deputy Judge Executive) \$11,624.40

From: 0192009990 (Reserve for Transfer) \$314.00
To: 0150015030 (Bank Charges) \$314.00

From: 0192009990 (Reserve for Transfer) \$1,341.19
To: 0150015780 (Utilities, Annex) \$1,341.19

From: 0192009990 (Reserve for Transfer) \$1,702.47
To: 0150202100 (Coroner Expense Account) \$1,702.47

<u>From:</u> 0192009990 (Reserve for Transfer)	\$293.75
<u>To:</u> 0150255390 (Legal Ads)	\$293.75
<u>From:</u> 0192009990 (Reserve for Transfer)	\$2,874.69
<u>To:</u> 0150255690 (Registrations, Conf/Training)	\$2,874.69
<u>From:</u> 0152121790 (Solid Waste Part-time)	\$10,000.00
<u>To:</u> 0150701070 (P&Z Administrator)	\$10,000.00
<u>From:</u> 0192009990 (Reserve for Transfer)	\$404.56
<u>To:</u> 0150655650 (Election Printing & Ads)	\$404.56
<u>From:</u> 0192009990 (Reserve for Transfer)	\$194.00
<u>To:</u> 0150705390 (P&Z Legal Ads)	\$194.00
<u>From:</u> 0192009990 (Reserve for Transfer)	\$16,469.62
<u>To:</u> 0150804110 (Courthouse Operations)	\$16,469.62
<u>From:</u> 0192009990 (Reserve for Transfer)	\$4,010.45
<u>To:</u> 0152051020 (Animal Control Officer)	\$4,010.45
<u>From:</u> 0192009990 (Reserve for Transfer)	\$1,269.28
<u>To:</u> 0152051790 (Animal Control Part-time)	\$1,269.28
<u>From:</u> 0292009990 (Reserve for Transfer)	\$8,867.00
<u>To:</u> 0261057230 (Vehicle/Equipment Purchase)	\$8,867.00
<u>From:</u> 0454015880 (Splashpad)	\$1,000.00
<u>To:</u> 0454015480 (Special Project Park)	\$1,000.00
<u>From:</u> 0454015480 (Splashpad)	\$533.29
<u>To:</u> 0451151020 (Building Inspector)	\$533.29
<u>From:</u> 7892009990 (Reserve for Transfer)	\$513.42
<u>To:</u> 7850504450 (ABC Office Supp/Post/Phone)	\$513.42

Motion carried unanimously

RE: PUBLIC COMMENTS

Judge Bates opened the floor for public comments.

Renault Smith of LeCompte's Bottom asked about the status of internet service in his area. Judge Bates stated that he met the Spectrum representative last week and discussed the issue which appears to be getting authorization from Kentucky Utilities to use their poles. There was legislation passed this year that will change the process to allow for gaining access on multiple poles at one time so that they don't have to be approved individually. Judge Bates added that he was told there are approximately 800 homes available now and is awaiting the requested information about these locations. He will be hosting Zoom calls with both companies to speed up the process and have more precise information.

Hugh McBurney requested that the agenda be posted prior to monthly Fiscal Court meetings. He also mentioned the one-lane road by the football field to the soccer fields at the John Logan Brent Park and the traffic concerns there. Deputy Judge Buchanan responded that he knew the area and would work on improving that area. He stated that more gravel would be added to enlarge the parking area at Field 3 at Harry Hill Park also. Mr. McBurney also asked about road grading and why the equipment was run with the teeth down which pulled off larger rocks. Road Supervisor Tindle will look into that concern.

RE: COURT COMMENTS

There were no additional Court comments.

RE: ADJOURNMENT

Upon motion by Esq. Frederick and second by Esq. Tingle, 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: **June 16, 2024**