

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
MARCH 18, 2025**

The Henry County Fiscal Court met in Regular Session on March 18, 2025, 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. Paul Briscoe of the Lockport Baptist Church who offered the evening's prayer.

RE: CALL TO ORDER

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

RE: APPROVAL OF THE FEBRUARY 18, 2025, REGULAR MEETING MINUTES

Upon motion by Esq. Tingle and second by Esq. Shain, it is ordered to approve the minutes of the February 18, 2025, regular meeting.

Motion carried unanimously

RE: NEW BUSINESS

RE: ROADS

1. Director's Monthly Report

Road Supervisor Zach Smith reported that the Department had been working on washouts from the rain and flooding including some sections of roads that were completely gone. They have worked on repair on Bullitt Hill Road, filled potholes, and cleaned out culverts this past week and next. Scobie Lane is the next. Esq. Hartlage asked about the list of damaged rights-of-way in his district and was told they are on the list. Judge Bates stated that we need to get topsoil and straw to fill up spots after reseeding.

Judge Bates stated that he has a meeting with the bridge company on Thursday morning regarding Bullitt Hill Bridge. He and Mr. Smith showed the FEMA representatives really bad spots last Monday and some have been approved for FEMA funding. They wanted to look at the low water crossing on Bullitt Hill. He was told that FEMA is interested in mitigation so he is hopeful that we could get a new bridge on Drennon. His upcoming meeting is to get a quote on Bullitt Hill, and he will get that to FEMA.

2. Road Committee Report

Esq. Fisher reported that the Committee met and discussed equipment repair. The starter on the Freightliner which should be repaired tomorrow. The possibility of hiring a new full-time employee was discussed. Judge Bates will look at the budget line item, but there should be funds since Zach's position was empty for 6-8 months. Esq. Fisher added that when bushhogging starts, they may look for part-time help. Esq. McManis has found an extending auger attachment for the track hoe that may work for culvert work. Judge Bates stated that LaGrange Utilities has a vacuum truck that can jet out culverts which might be worth the rental fee of \$800 per day. Doug Hicks can start grading work soon.

RE: PLANNING & ZONING

1. Administrator's Monthly Report

Administrator Jason Stanley reported that during the previous month 17 electrical and 32 building permits were issued. The Board of Adjustments will meet at 7 p.m. on March 24 at the 4-H Building at 1106 Castle Highway, Eminence. The P & Z Commission is scheduled for 7 p.m. on April 28 at the 4-H Building.

RE: PARKS & FAIRGROUNDS

1. Director's Monthly Report

Parks Director Toby Berry reported that baseball and football have started and they are getting the restrooms opened and the fields worked up. The football fields are being lined and painted. They have expanded the gravel parking lot on Field 3, and work has begun on the wheelchair ramp. The Small Engines Class will have their third session on Wednesday.

RE: ANIMAL SERVICES

1. Director's Monthly Report

Animal Services Director Danielle Ashcraft reported the following receipts for the month of February: 3 adoptions totaling \$600, 5 reclaim/fines fees of \$120, and donations of \$1,502 resulting in \$2,222 in funding for the Shelter. They held a successful clinic with a turnout of 35 dogs vaccinated and over 20 microchipped. There will be an adoption event on Saturday in LaGrange.

2. Animal Services Committee Report

Esq. Hartlage stated that the Committee did not meet. Judge Bates is meeting with the Trimble County Judge and things are going on making the process better.

RE: EMS UPDATE

Joe Rose of Ameripro presented an update on the transition to Ameripro for EMS. This is the 18th day of operation and there are no major issues. They have filled all the EMT positions and just interviewed another medic today. The numbers to date show 60 responses of which 48 were transported mostly to Baptist Health Lagrange, a few to Shelbyville and a handful to Louisville. To questions posed by Esq. Hartlage, Mr. Rose reported that there have been a few runs covered by Oldham or Shelby Counties, but he would like to have a full month of data before making increases to levels of coverage. Before making recommendations, he wants to assemble more data. All patients are important even if the calls are not catastrophic which happens everywhere. Ameripro can prioritize if there are multiple simultaneous calls. They are running 2 ambulances, 1 ALS (advanced life support) and 1 BLS (basic life support), from 8-6 and 1 ALS after 6 p.m. Weekends have been busy, and they have shifted an additional truck here because it is the right thing to do and was at no cost to the County. Mr. Rose committed to doing what they need to do to make sure patients get great care and reiterated that he would like to have additional numbers to get the County the most bang for the buck while caring for patients.

Judge Bates stated that Ameripro has been very responsive to calls. There will be growing pains as we get everything right. There is great value to life, but we need to make sure that we have the fiscal part right to keep ambulance services in place.

Esq. Hartlage asked about the assets that the County owns. Steve Douglas responded that the HCATD will be selling 2 of the ambulances they own over the next 90 days and hold on to the others. There is interest from other counties, but we need to make sure that we get the best price for them. The plan is to advertise 2 of the trucks on gov. deals to stabilize the financial position. Judge Bates stated that the ambulances have battery tenders to help with the potential depreciation. Valuing the trucks is difficult, and he has been advised that the gov.deals option should result in the maximum dollars since buyers may spend up to a budget limit.

RE: ECONOMIC DEVELOPMENT COMMITTEE UPDATE

County Attorney Dees advised that as legal counsel for Henry County she has done much research on the issue of the Economic Development Council, Inc. and the Fiscal Court's motion to disband it, receiving multiple opinions from KACO and other county attorneys which are unanimous on the issue. Absent clear statutory authority the Fiscal Court cannot dissolve an organization that is separate from it. Additionally, unless Fiscal Court has a resolution/ordinance that permits or grants it authority to dissolve the organization that it created, it cannot dissolve said organization.

Unless new information is found, the organization's own bylaws and articles of incorporation stand. Having reviewed the incomplete copies of the bylaws and articles of incorporation she received, neither document has clear terms of dissolution and the organization must rely upon state law to dissolve.

The Fiscal Court can disassociate from this organization/incorporation by way of a new resolution and put on notice to cease and desist the use of any Henry County property, including intellectual property (images, logos, websites, etc.). Fiscal Court is permitted by statute to create a new organization with clear goals, expectations, authority/control by the Fiscal Court for all economic development. The Fiscal Court may also, by motion and resolution, agree to cease and/or defund any current funding/monetary contribution to the current economic development incorporation.

As the Court may be aware, the number of public questions and scrutiny have been high. As counsel for Henry County Fiscal Court, I strongly advise all magistrates and members of the Fiscal Court not to make any further comments or statements on the issue as it is apparent this organization is now of an adverse position to our County. It is of great importance to limit liability of our County by not making any comments or engaging in the mass amount of misinformation already circulating our community. The Henry County Judge/Executive will process any formal requests as appropriately made.

Esq. Fisher moved to rescind the action taken by Fiscal Court related to the disbanding of the Economic Development Council at the February 18 meeting. Esq. Tingle seconded the motion.

After clarification that the motion is to rescind, not reconsider the action. Esq. Shain questioned the fact that this motion was not previously announced and that it is unethical. Esq. Hartlage stated that he felt disrespected and economic development presents an issue for the County. He stated that the Council is trying to clean up and needs time. Esq. Hartlage questioned the continuing involvement with I-71 Connected. Judge Bates stated that the mention of that entity is only for the allocation of the Council's funds. County Attorney Dees reminded the Court that the motion on the floor is to rescind the motion made last month and discussion is a moot point. Court Clerk Denise Perry stated that the vote needed to rescind would be 2/3 since previous notice was not given.

Upon motion by Esq. Fisher and second by Esq. Tingle, it is ordered to rescind the action taken by Fiscal Court related to the disbanding of the Economic Development Council at the February meeting.

Motion carried on 6-0 vote

Esq. McManis suggested that at this point in time it might be best to give the Council 6 months to get their house in order. Esq. Hartlage stated that Fiscal Court does not have jurisdiction over the Economic Development Council. Esq. Hartlage stated that the arguments result from distractions by members.

Esq. Fisher moved to disassociate Henry County Fiscal Court from the Henry County Economic Development Council, Inc., whereby the organization is no longer permitted to act with any authority or the appearance of authority of Henry County Fiscal Court in any capacity. The Henry County Fiscal Court will withdraw its appointees from the EDC. This motion includes notice that HCFC hereby puts the Economic Development Council, Inc., on notice to immediately cease and desist use of any Henry County Fiscal Court property including images, logos, websites, etc.

Upon motion by Esq. Fisher and second by Esq. Tingle, it is ordered to disassociate the Henry County Fiscal Court from the Henry County Economic Development Council with the stipulations as cited in the motion.

Motion carried on 4-2 vote

(Aye: Esqs. Fisher, Frederick,
McManis & Tingle
No: Esq. Hartlage, Shain)

Judge Bates clarified that the group could still meet but they would have no association with Henry County Fiscal Court. County Attorney Dees advised that this is to disassociate, but they could function as its own independent organization but could not use any Henry County property. They would rely on their own legal counsel, fill vacancies, and operate under their bylaws and articles of incorporation.

Esq. Hartlage stated that with this motion it appears that Henry County Fiscal Court no longer wants help from the community for economic development. It would be more determined than ever. Esq. Hartlage mentioned that when they bring a business to the community that Planning & Zoning not be prejudiced against them as is their reputation.

County Attorney Dees advised that under KRS 67.083 the magistrates could at this meeting or a future one create a new committee which should address economic development and she would advise that they do this. Section 3X authorizes a resolution to address the of economic development needs of the County directly or indirectly with public or private agencies and the promotion of tourism and conventions.

Judge Bates stated that we will do something, but he is not ready tonight to address exactly what. He continues to meet with I-71 Alliance who is hiring a new director and we need time to decide how to proceed. County Attorney Dees said that it could be addressed again next month. The Economic Development Committee of Fiscal Court can still bring matters before the Court.

RE: SHERIFF'S REPORT

Sheriff Keith Perry reported the following activities for the month of February: 204 KSP dispatch calls, 103 Sheriff's office calls, 54 citations/criminal summons, 40 criminal arrests, 29 warrant arrests, 113 all court paper service, 1 fugitive transport, 80 vehicle inspections, 19 carry conceal licenses, 1 DUI arrest, and 2 drug charge arrests.

RE: PROPOSED FY 2026 JAIL BUDGET

Judge Bates stated that the proposed jail budget must be reviewed by April 1. This year's proposal submitted for 1st Reading shows a total of \$607,001.00 which is an increase of \$299 over last year. The Budget Committee can review the draft before the 2nd Reading at the next meeting.

Upon motion by Esq. Shain and second by Esq. Fisher, it is ordered to approve the 1st Reading of the FY 26 Jail Budget of \$607,001.

Motion carried unanimously

RE: COUNTY CLERK ADDITIONAL EXCESS FEES

County Clerk Shanda Archer addressed the Court and explained that there was a change in the transfer processing with software and payments from the State. She has received an additional \$20,696.27 in usage taxes. This results in an increase in the excess fees for 2024 from the County Clerk's Office to the Fiscal Court. The original check was \$119,781.39, and she is presenting the additional amount which changes the total excess fees for the year to \$140,477.66.

Upon motion by Esq. McManis and second by Esq. Frederick, it is ordered to accept the additional \$20,696.27 in excess fees for 2024 from the Henry County Clerk.

Motion carried unanimously

RE: ABC QUARTERLY REPORT

Ed Nelson, ABC Administrator, presented the 2nd quarter report showing revenue of \$26,607.31. All fees have been paid, and we now have 18 active licenses. Total revenue from alcohol sales to date is \$925,983.97.

Judge Bates stated that he has fielded some inquiries about the franchise or barrel tax. The County has received an additional \$65,000 this month. The budget included an \$85,000 projection, but he thinks the actual amount is \$150,000 to \$160,000 which is making a difference in the County's budget.

RE: HISTORICAL SOCIETY MURAL DISCUSSION

Olivia Herrell representing the Henry County Historical Society presented a request from the organization that they be allowed to put a mural measuring 32.5 feet by 8 feet on the County's building facing Carter Alley and the New Castle First Baptist Church. Greg Robinson has been asked to create the mural from images depicting the agriculture, churches, schools, Kentucky River, and people of the County to include the slogan, "Saving the Past for the Future." The price quote is \$2,700; and Ms. Herrell asked if Fiscal Court would cover the \$300 cost of the materials with the Historical Society paying the remainder.

Esq. Frederick stated that it appears to be a great idea, but asked if there could be a rendering prepared to review before it was installed. Esq. Tingle suggested that the 6 magistrates each donate \$50 to fund the project.

Upon motion by Esq. Tingle and second by Esq. Fisher, it is ordered to fund the materials for the Henry County Historical Society's mural project at a cost of \$300 with each magistrate contributing \$50 and having the opportunity to review a rendering prior to the work.

Motion carried unanimously

RE: CLAIMS & TRANSFERS

Upon motion by Esq. McManis and second by Esq. Frederick, it is ordered to approve the following claims and transfers:

General Fund	\$244,989.36
Road & Bridge Fund	69,915.99
Jail Fund	42,729.52
LGEA	4,000.72
ABC	1,975.06
Fair Fund	<u>1,079.87</u>
Total	\$364,690.52

<u>From:</u>	0192009990 (Reserve for Transfers)	\$18,677.00
<u>To:</u>	0150012120 (J/E Fringe Ben, Training)	112.00
	0150014450 (J/E Office Supplies)	240.00
	0150255690 (Regis, Conf & Training)	2,200.00
	0150303670 (PVA Statutory Contrib)	3,500.00
	0150655650 (Election Print & Ad)	9,000.00
	0150704450 (P&Z Office Supplies)	900.00
	0150705390 (P&Z Legal Ads)	425.00
	0152057160 (Animal Shelter Fence)	100.00
	0191005210 (Insurance Expense)	2,200.00
<u>From:</u>	0150801070 (Courthouse Supt Half)	\$34,100.00
<u>To:</u>	0150011030 (J/E, Deputy J/E)	34,100.00
<u>From:</u>	0154011790 (Parks, PT Summer)	\$11,000.00
<u>To:</u>	0154011770 (Parks, Asst Supt)	11,000.00
<u>From:</u>	0154011020 (Parks, Supt)	\$5,000.00
<u>To:</u>	0154011770 (Parks, Asst Supt)	5,000.00
<u>From:</u>	0292009990 (Reserve for Transfers)	\$10,000.00
<u>To:</u>	026105405 (Asphalt)	10,000.00
<u>From:</u>	0261054470 (Materials)	\$6,000.00
<u>To:</u>	0261055880 (Main & Rep, Equip & Veh)	6,000.00
<u>From:</u>	0392009990 (Reserve for Transfers)	\$150.00
<u>To:</u>	0351012120 (Training Fringe Ben)	150.00
<u>From:</u>	7892009990 (Reserve for Transfers)	\$700.00
<u>To:</u>	7850504450 (ABC Off Supp/Postage/Phone)	700.00

Motion Carried Unanimously

RE: PUBLIC COMMENTS

Judge Bates opened the floor for public comments.

Amy Charles addressed the Court saying that she requested to be put on the agenda for tonight, but was denied. She cited the accomplishments of the Economic Development Council, Inc., over the past 2 years including the creation of a Facebook page, disseminating information, business cards to direct people to the page, Small Business Administration come to

speaking, set up at Harvest Showcase and other events, connected businesses to workforce development providers which led to a connection with Wiggle Wow. Even with turmoil, much was planned after all the bylaws and articles were corrected. They want to see a welcome center at one of the I-71 exchanges and a revolving pop-up for entrepreneurs. She claimed the motion was improper because it was not one agenda.

Judge Bates stated that Amy Charles did contact him about being on the agenda, but County Attorney Dees advised that she would appropriately be heard during Public Comments. Ms. Charles stated that she had contacted Judge Bates several times, but he would not respond. He restated that he has followed legal advice on the matter.

RE: COURT COMMENTS

There were no additional Court comments.

RE: ADJOURNMENT

Upon motion by Esq. Frederick 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 15, 2025**