

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
JULY 16, 2019**

The Henry County Fiscal Court met in Regular Session on July 16, 2019, 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 JUNE 18TH MEETING MINUTES

Upon motion by Esq. Hartlage and second by Esq. Bates, it is ordered by the Court to approve the minutes from the June 18th Regular Meeting as corrected.

Motion carried unanimously

RE: UNFINISHED BUSINESS

Judge Brent stated there was no unfinished business from the previous meeting.

RE: NEW BUSINESS

RE: ROADS

1. Supervisor's Report

Henry County Road Supervisor, Kenny Tindle, underwent heart bypass surgery on Monday and is recovering. Judge Brent reported that the culvert has been installed on Skidmore Lane where it had rusted out. The plan is to start patching work soon.

2. Road Committee Report--Esq. Beasley

Esq. Beasley reported that the culvert has been placed at the pond on Valley View and came in under budget.

3. 2019/20 Flex Fund Agreement & Resolution

Judge Brent stated that he had received the paperwork this week to obtain the Flex Funds for 2019/20. He read the resolution between the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid and Henry County Fiscal Court authorizing up to \$91,535 for resurfacing of County roads. Judge Brent clarified the timing for road resurfacing after they are identified on the schedule, and he will check on South Property Road. County Attorney Harrod requested that Judge Brent contact the Department concerning the discrepancy in paragraph 8 of the Agreement to determine the correct number of years records must be maintained.

Upon motion by Esq. Smith and second by Esq. Stanley, it is ordered by the Court to approve the resolution thereby authorizing the Fiscal Court to sign the agreement with the Department of Rural & Municipal Aid to claim \$91,535 for resurfacing of County roads.

Motion carried unanimously

RE: EMS/PARAMEDICS

1. Supervisor's Update

Paige Lucas-Jamiel, Henry County EMS Supervisor, reported that runs numbers are still high which is typical for the summer. She has applications for 2 part-time EMTs who both live in the County and will help with staffing.

2. EMS Committee Report - Esq. Smith

Esq. Smith reported that the EMS Committee met and discussed all aspects of the service. They reviewed the applications of Robert O'Brien and Derik Gaslin and recommend the hiring of both. They discussed the implementation of a drug testing policy for new hires, post-accident

occasions, and random screens. Supervisor Lucas-Jamiel is researching with other services and will also contact KACO who carries our insurance and plans to draft a zero-tolerance policy to be implemented uniformly.

Upon motion by Esq. Smith and second by Esq. Beasley, it is ordered by the Court to approve the hiring of Robert O'Brien and Derik Gaslin to part-time EMT positions with the County.

RE: P & Z/SOLID WASTE

1. Update

P & Z Administrator Amanda Ricketts was not in attendance. Judge Brent presented her report stating that 13 building and 20 electrical permits have been issued during the month. The Planning and Zoning Commission discussed the need to update the county road specifications in the Subdivision Regulations. The Board of Adjustments met and approved a preschool in New Castle and a variance for a sell off on LaGrange Road.

The Planning and Zoning Office is hosting 2 training session for the commissioners and Board of Adjustment members on August 8 and September 5 at the 4-H Building from 8-12. Lunch will be served. Items will include Roberts Rules of Order, the bylaws of both boards, KRS 100, Henry County Comprehensive Plan, Henry County Subdivision Regulations and Planning and Zoning Ordinance. All magistrates are invited and should RSVP to Mrs. Ricketts.

2. Discussion of Existing Nuisance Ordinance

Esq. Hartlage stated that he had previously worked on the issue of nuisance properties but understood that the previously enacted ordinance which focused on abandoned dwellings which were a blight to the community had been nullified. County Attorney Harrod explained that she had prosecuted the case of an abandoned house based on the previous ordinance. When it came to court, the defendant's attorney filed a motion to dismiss based on the enabling Kentucky Revised Statute authorizing the ordinance had been repealed and superseded local ordinances. If Fiscal Court would like for her to proceed, she will draft a new ordinance which will be enforceable. The Court members indicated that they would like for her to prepare a draft ordinance for their consideration.

RE: PARKS & FAIRGROUNDS

1. Supervisor's Update

Travis Buchanan, Parks and Fairgrounds Supervisor, reported that the ribbon cutting for the new Don & Elizabeth Buchanan Splash Pad was held on June 21 and went very well. It appears that Mr. Buchanan and the County's children are all satisfied with the site. He has observed steady and respectful usage of it, and all the electrical issues have been resolved. Grass cutting has slowed, and they have been able to complete some maintenance projects. Little league has completed their season, a church softball league has begun, and football will start in mid-

August. Next week they will begin on preparations at the fairgrounds for the Harvest Showcase on July 27 and the Henry County Fair which follows.

RE: ANIMAL SERVICES

1. Director's Update

Director of Animal Services, Dan Flinkfelt, was not attendance. Judge Brent stated that the numbers remain strong for adoptions and returns. They continue to generate fees to help offset expenses.

2. Committee Report – Esq. Fisher

Esq. Fisher reported that the committee did not meet.

RE: ECONOMIC DEVELOPMENT COMMITTEE REPORT

Esq. Hartlage reported that the Economic Development Committee did not meet.

RE: SHERIFF'S MONTHLY REPORT

Sheriff Keith Perry reported the following activities for the month of June: 342 KSP dispatch calls, 106 Sheriff's office calls, 41 citations/criminal summons, 18 criminal arrests, 22 warrant arrests, 220 all papers served, 1 fugitive transport, 1 juvenile transport, 4 MIW transports, 1 special detail/events, 54 vehicle inspections, 13 carry conceal licenses, 3 DUI arrests, 3 drug charge arrests, and 8 accident reports.

RE: SHERIFF'S PURCHASE REQUEST FOR DODGE DURANGO

Sheriff Keith Perry requested the purchase of a Dodge Durango Police Pursuit vehicle fully outfitted with emergency warning equipment, radios, prisoner partition, and K-9 insert. The terms of the sale are a 3-year lease with annual lease payments of \$17,566 and the option to purchase at the end of 3 years for one dollar. The vehicle is equipped with the necessary air conditioning for the dog. It will be funded through ABC dollars and allow the dog to be used more routinely and safer in combatting drugs and generating revenue through its use. Sheriff Perry is writing policies for operations with the K-9.

Upon motion by Esq. Bates and second by Esq. Stanley, it is ordered by the Court to approve the purchase of a fully outfitted Dodge Durango through a 3-year lease with annual payments of \$17,566 and a \$1 buy option at the end of the lease.

RE: 2019/20 TAX RATE – 1ST READING

Judge Brent stated that the previously approved budget was based on a 4% increase on real property only which would generate an additional \$30,000 - \$40,000. Taxes are broken into 3

categories with the following current rates: real property—11.7 cents; tangible property—15.9 cents; and motor vehicles—11.9 cents. The proposal is to raise only the real property rate from 11.7 to 12.1 cents and leave the others the same. The effect of this change on a \$100,000 property would result in an additional assessment of \$4.

Esq. Hartlage expressed his belief that the County missed an opportunity to increase revenues of approximately half of this proposed increase by refusing to allow alcohol sales on Sundays and election days and Fiscal Court should have captured those funds. Additional discussion included concerns about businesses who sell alcohol being unable to remain open without these additional sales opportunities and other revenue generating options which could be pursued without raising property taxes. Esq. Smith expressed his belief that he should not have been advised to abstain from the Sunday sales vote due to the appearance of impropriety since his business is already allowed by ABC ordinance to sell. County Attorney Harrod reiterated her statements related to the Rules of Ethics and that she advises based on them. Esq. Stanley stated that he feels the alcohol taxes are the fairest since they are only assessed on those who choose to purchase alcoholic drinks. Judge Brent stated that should there be a tie vote on Sunday sales that he would vote against changing the ordinance.

Upon motion by Esq. Bates and second by Esq. Beasley, it is ordered by the Court to approve the 1st Reading of the proposed tax rates of for 2019/20 as follows: real property--12.1 cents; tangible property—15.9 cents; and motor vehicles—11.9 cents.

Motion carried on vote

Yes – 4 (Esqs. Bates, Beasley, Fisher & Stanley)

No – 2 (Esqs. Hartlage & Smith)

RE: DEAD ANIMAL REMOVAL PROGRAM

Judge Brent stated that he along with Farm Bureau and Soil Conservation District staff have been working on a plan to retain this service for the County. The number of animals removed jumped from 469 to 806 this year. The proposal would limit each user to 10 animals and allow only large animals to be disposed through this program. After this plan was proposed, he was notified by Harmon Brothers that their current charge of \$65 would be raised to \$95 per head due to the declining foreign fertilizer and hide markets. This change would result in an approximate cost of \$70,000. The Soil Conservation District voted to pull out of the program, and Farm Bureau and Fiscal Court cannot support the cost of this program. Harmon Brothers would still provide the service to individuals at their own expense. Judge Brent stated that we would send letters to all individuals who used the service this year and print notice in the newspaper.

Upon motion by Esq. Smith and second by Esq. Bates, it is ordered by the Court to discontinue funding for the Dead Animal Removal Program.

Motion carried unanimously

CLAIMS & TRANSFERS

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

General Fund	\$262,062.89
Road & Bridge Fund	144,856.52
Jail Fund	29,205.31
LGEA	21,839.31
Litter	1,172.56
911 Fund	2,170.33
ABC	2,759.69
Fair Fund	<u>419.72</u>

Total Expenditures	\$464,486.33
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Motion carried unanimously

RE: PUBLIC COMMENTS

Judge Brent opened the floor for public comments.

Remarks from the public related to the presence of unoccupied dwellings in the County and the difficulty of resolving some cases. The process can drag on for months or years especially when there are multiple mortgages and owners are often out-of-state entities who are not interested in resolving the issue.

In response to questions about how assessments for stored bourbon would be conducted and who would do them, Judge Brent explained the extensive research that was completed during the process of zoning ordinance changes. County governments and Revenue Cabinet personnel confirmed that each stored barrel generates approximately \$5 after it is aged to the 3-year point where it becomes bourbon. Although the determinations are somewhat complicated, we should realize that amount from each barrel per year that is stored regardless of where it was produced whether it is in leased space.

RE: COURT COMMENTS

Judge Brent opened the floor for additional comments from Court members.

Esq. Bates stated reminded the Fiscal Court that he had the documentation for the training hours at the Legislative Day and that magistrates should submit the \$200 for their dues to the Kentucky Magistrates Association.

RE: ADJOURNMENT

Upon motion by Esq. Beasley and second by Esq. Bates, 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

DENISE PERRY
FISCAL COURT CLERK

JOHN L. BRENT
JUDGE EXECUTIVE

Date Approved: