

**HENRY COUNTY FISCAL COURT
REGULAR MEETING
JANUARY 21, 2020**

The Henry County Fiscal Court met in Regular Session on January 21, 2020, at the Henry County 4-H Building in New Castle, Kentucky, with the following in attendance:

John L. Brent, Judge Executive
Kassidy Dees, Assistant 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 DECEMBER 17TH MEETING MINUTES

Upon motion by Esq. Bates and second by Esq. Beasley, it is ordered by the Court to approve the minutes from the December 17th Regular Meeting.

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, informed the Court that work now consists of grading roads, cleaning ditches, patching potholes, spreading gravel and insuring they are ready for winter weather. They have installed a fuel tank at the County Road Barn. Esq. Hartlage stated that he had 3-4 roads in his district that need attention.

2. Road Committee Report--Esq. Beasley

Esq. Beasley stated that the committee did not meet.

Judge Brent expressed his appreciation to Esq. Beasley who has been filling in for Mr. Tindle during his recent illness.

3. Report on Fox Creek & New Cut Road Slips

Judge Brent reminded the Court that Henry County has been awarded a contract for \$250,000 from the State for reimbursement for New Cut Road and additional FEMA money for the Fox Creek and Turkey Run road slips. The work will include 390 and 114 linear foot repairs on New Cut Road, a 225 foot linear repair on Fox Creek Road, and a 70 linear foot job on Turkey Run Road. The recommendation is that he be allowed to bid the projects together with hopes to complete the work in the current fiscal year.

Upon motion by Esq. Beasley and second by Esq. Smith, it is ordered by the Court to allow the bidding of the road repair projects for New Cut, Fox Creek, and Turkey Run Roads.

Motion carried unanimously

4. 20-21 Flex Funds Notification

Judge Brent informed the Court that he received in the day's mail the Transportation Cabinet's 20-21 Flex Funds allocation notice for \$156,598. Fiscal Court is allowed to determine if these Rural and Secondary Roads Program funds will be utilized on State or County roads. The Court discussed allowing the Road Committee to meet with Supervisor Tindle to determine the greatest need for the year.

Upon motion by Esq. Beasley and second by Esq. Bates, it is ordered by the Court to authorize the Road Committee to determine how the 20-21 Flex Funds will be utilized.

Motion carried unanimously

RE: AMBULANCE TAXING DISTRICT

1. Update

Henry County EMS Assistant Director Paige Lucas-Jamiel stated that the operations are being conducted by Baptist Health LaGrange and that all is going very well.

2. EMS Board Report - Esq. Smith

Esq. Smith reported that the Board has scheduled their regular meetings of the Taxing District Board for the 3rd Monday of each month at 5 p.m. at the EMS Headquarters Building. The budget will be posted at the Judge/Executive's Office. Esq. Bates expressed his appreciation for Megan Wilson and Amanda Ricketts who have helped with the details of the transition.

RE: P & Z/SOLID WASTE

1. Director's Update

Amanda Ricketts, Henry County P & Z / Solid Waste Administrator, was unable to attend the meeting due to her daughter's illness. Judge Brent reported that the roadside trash pickups have resumed under Steve Heffley's direction.

2. County Road Driveway Culvert Policy

Judge Brent stated that the current practice for roads maintained by Fiscal Court is that owners purchase the culvert when they put in a new driveway, and the County installs and maintains it from then on. The problem is that in many cases the culverts are never put in and drainage and roadway water issues are increasing with no way for enforcement. The recommendation is to change the policy to require landowners to pay \$400 when they apply for their permit; and the County will purchase, install, and maintain the culvert. The concern was raised that installing the culvert before construction is complete can result in damage to it. The owner can notify the County Road Department when heavy equipment work is completed and the culvert can be installed at that time. The standard culverts are 28 feet in length and 15 inches in diameter; and Supervisor Tindle stated that they are needed on all new driveways.

Upon motion by Esq. Beasley and second by Esq. Bates, it is ordered by the Court to require landowners purchasing a permit for building on Fiscal Court maintained roads to pay \$400 for the culvert which will be purchased, installed, and maintained by the County.

Motion carried unanimously

3. Text Amendment Proposal 660 – 1st Floor Residential Restrictions

Judge Brent informed the Court that there was a text amendment proposed by Planning & Zoning which had originated with the incorporated cities of the County. The amendment adds language which restricts first floor residential purposes in B-3 Districts for building that are attached to adjoining buildings where there is no setback.

Upon motion by Esq. Smith and second by Esq. Stanley, it is ordered by the Court to amend the text on the Zoning Ordinance Section 660 (I) (A) (1) to restrict first floor residential purposes in B-3 Districts for building that are attached to adjoining buildings.

Motion carried unanimously

RE: PARKS & FAIRGROUNDS

1. Supervisor's Update

Travis Buchanan, Parks and Fairgrounds Supervisor, reported that they are getting equipment and supplies ready for spring. The large ball feature for the Splash Pad has been replaced and the painting of the other attractions will be occurring soon.

RE: ANIMAL SERVICES

1. Director's Update

Director of Animal Services, Dan Flinkfelt reported that activities at the Animal Shelter are going well, although the winter weather in Chicago is causing some changes to the transports for rescues.

2. Committee Report- Esq. Fisher

Esq. Fisher reported that the Committee did not meet.

RE: BUDGET COMMITTEE

Esq. Bates stated that the Committee did not meet, but he has spoken with members about the issue of being billed by the State for back retirement and health insurance payments on deputies. The County has received notice that we are being charged \$70,000 and \$50,000 from 2012 to the past year for part-time deputies who worked more than the allowed hours per month. The Committee will continue to monitor this situation. Esq. Bates and members will meet with Judge Conrad to discuss the demand for bailiffs and the length of time some inmates have been kept in jail at the County's expense instead of moved on through the court process. Judge Brent added that there are currently 9 inmates who have been incarcerated at the County's expense for over a year each.

RE: ECONOMIC DEVELOPMENT COMMITTEE

Esq. Hartlage stated that the Committee did not meet although he did attend the Henry County Economic Development Council meeting. He reminded those in attendance that he is circulating the petition to bring the issue of package sales on Sunday to the ballot in an effort to promote economic development.

RE: SHERIFF'S MONTHLY REPORT

Sheriff Keith Perry reported the following activities for the month of December: 201 KSP dispatch calls, 120 Sheriff's office calls, 61 citations/criminal summons, 30 criminal arrests, 14 warrant arrests, 120 all court papers served, 1 fugitive transport, 1 MIW transport, 57 vehicle inspections, 20 concealed carry licenses issued, 3 DUI arrests, and 6 drug charge arrests.

RE: EMINENCE EMS BUILDING DEED TRANSFER TO CITY OF EMINENCE

Assistant County Attorney Cassidy Dees presented a deed to Judge Brent conveying the Eminence EMS Building to the city of Eminence. Judge Brent stated that the agreement with Eminence has been that in the event the building ceased to be used for an EMS station it would revert back to the city.

Upon motion by Esq. Bates and second by Esq. Smith, it is ordered to approve the transfer of the deed for the Eminence EMS Building to the city of Eminence.

Motion carried unanimously

RE: "OLD" BROWN LANE IN EMINENCE TO EMINENCE SCHOOLS

Assistant County Attorney Cassidy Dees stated that the County Attorney's office has been unable to obtain a source of titlement for the property known as "Old" Brown Lane. A title must be secured and a deed prepared for the Court to act on transferring the property which lies between Eminence School and the old KFC property. The action will be added to the agenda for the February meeting.

RE: TRI-COUNTY COMMUNITY ACTION AGENCY COMPASS REPORT

Brenda Fox, Executive Director of the Tri-County Community Action Agency thanked the Court for their support of the Compass Program operating in Henry, Oldham, and Trimble Counties. Michelle Hayden who operates TCCA's Compass program for those struggling with addiction reported that she had worked with 44 Henry County residents during the year. The clients experience various levels of success, but she acts as a resource for treatment options and provides services that will support them and their families. Holly O'Neal of the Public Defenders' Office stated that the Compass services are very important to her office and the judges as they seek to appropriately find treatment and keep offenders out of jail. Brenda Fox provided an update on the Hope Center's progress indicating that various valuable services are

in place and the one-stop center will begin operation as soon as the certificate of occupancy is obtained. The local community has raised approximately \$130,000 to make this happen. Judge Brent informed those in attendance that approximately 1 in 6 ambulance runs during 2019 had been the result of drug/alcohol related incidents.

RE: 2ND AMENDMENT RESOLUTION DISCUSSION

1. Public Comment

Judge Brent opened the floor for comments related to the issue of a resolution supporting 2nd Amendment rights in Henry County. Members of the community spoke in favor of the constitutional right for citizens to bear arms and their desire for the Fiscal Court to pass a resolution stating that opinion. They expressed their concern that their liberties should not be infringed upon, and they want to show that Henry County stands together with many others who are fearful of rights being taken away. Multiple speakers expressed their opinions about their right to own and operate guns as was written in the Constitution. The consensus of the speakers showed support for Henry County Fiscal Court adopting a resolution to convey their wish to be known as supporters of 2nd Amendment rights.

2. County Government / Constitutional Legal Opinion

Judge Brent stated that there are limits on what local governments can do. Individuals can certainly be heard at County meetings, but Fiscal Court does not have authority to legislate in this case.

Assistant County Attorney Cassidy Dees explained that KRS 65.870 prohibits counties from regulating firearms. After review of this resolution, it appears that it does not restrict the 2nd Amendments rights and therefore does not violate the statute.

3. Court Comments

Esq. Bates stated that he has spoken with many people including state and federal legislators who support the 2nd Amendment. He is concerned about the proposed Red Flag Law and the burden it would cause for local law enforcement. He affirmed his support for the proposed resolution drafted by KACO for counties across the state.

Judge Brent thanked all those who attended the meeting to express their beliefs. He read a statement that he had previously published in *The Henry County Local* supporting the right of individuals to protect themselves and their families with guns.

Judge Brent read the resolution drafted by the Kentucky Association of Counties declaring Henry County's support for the 2nd Amendment and the rights, freedom, and liberty as guaranteed by the Constitution of the United States of America.

Upon motion by Esq. Bates and second by Esq. Beasley, it is ordered to approve the Resolution identified as 2020-1 declaring Henry County's support for the 2nd Amendment.

Motion carried unanimously

RE: CLAIMS & TRANSFERS

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

General Fund	\$213,214.86
Road & Bridge Fund	173,696.47
Jail Fund	43,058.03
LGEA	26.64
Litter	29.65
911 Fund	1,550.00
ABC	3,425.64
Fair Fund	<u>1,566.13</u>
Total Expenditures	\$436,567.42

Motion carried unanimously

RE: PUBLIC COMMENTS

Judge Brent opened the floor for public comments.

Bobby Foree addressed the Court informing them that he had filed to run as a Republican for the State House and is in defense of 2nd Amendment rights.

Stacey Rockaway from Rep. Thomas Massie's office stated his support of 2nd Amendment rights.

Felicia Rabourn who is a candidate for representative thanked everyone in attendance and pledged to continue to fight for constitutional rights.

RE: COURT COMMENTS

Esq. Bates acknowledged everyone who attended the Court meeting. Judge Brent reminded them that they were welcome to attend all meetings of the Fiscal Court.

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

S/ Denise Perry
DENISE PERRY
FISCAL COURT CLERK

S/ John L. Brent
JOHN L. BRENT
JUDGE EXECUTIVE

Date Approved: **February 18, 2020**