

HARDIN COUNTY FISCAL COURT

**REGULAR MEETING
APRIL 09, 2013**

Judge/Executive Harry L. Berry called the Hardin County Fiscal Court Meeting to order and requested a roll call vote. Voting: Williams yes, Clem yes, Wiseman yes, Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes.

The invocation was given by Squire Clem.

Squire Morgan led the court in the pledge of allegiance.

Hardin County Audit Report for FY 2011/2012 was accepted. Judge Berry wanted the minutes to reflect that the court received the audit from Stiles, Carter and Associates.

Department/Office Reports:

Gerald Foley presented the March report for Animal Control.

David Underwood presented the March report for Emergency Management.

Robert Hall presented the March report for Solid Waste. He also announced the following events in Hardin County: Tire Amnesty Programs days are April 11th, 12th, 13th at Kentucky Highway Maintenance, April 11th and 12th at Hardin County Fairgrounds, Vine Grove and Cecilia between the hours of 8:00 a.m. and 2:00 p.m., Free Service Day at Hardin County Landfill is April 20th between the hours of 8:00 a.m. and 2:00 p.m., E-Scrap day is April 27th between the hours of 8:00 a.m. and 2:00 p.m. for individuals at AGC Automotive; it is sponsored by AGC Automotive, Akebono, Altec and the League of Women Voters and Dow Corning.

Written reports were received from the Engineering Department and from the Road Department.

Goodman moved and Clem seconded to approve Resolution No. 2013-049 approving Sunrise Children's Services bond refunding. Voting: Clem yes, Wiseman yes, Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes.

Citizens' Comments and/or Concerns:

Al Freeland, 113 Deer Park Lane, supports the court on their decision to move the courthouse to a new location. He thinks the move provides the city an opportunity to do things for downtown Elizabethtown. He thinks the county government should be in a location to serve the majority of people of Hardin County.

Jack Kunnecke, an Accountant by education, he stated as a business man he was to take care to make good decisions with other people's money. He feels the court should not put the new government building on one of the most valuable pieces of property in Hardin County. He proposes the court should sale the piece of property and purchase property downtown for the new

government building. He feels this would be the most logical thing to do. He feels having the county government in two locations will create a constant flow of people traveling back and forth and expense reports. He stated when he read the proposal by ICON Engineering it stated that the new government building would need 59,065 square feet, which included 9,575 square feet for the county attorney's office, if the county attorney is staying downtown; he feels the square feet is overestimated by 19%. He feels the court should not be voting on the new government building that he feels has obvious flaws in it. He noted that everyone he has talked to has been against the move. He did say that he did try to talk to one person on the court who would not talk to him about it. He feels the court as business managers should take a step back and say this is not the most feasible way for us to have an office building.

Judy French, wants the governmental body to hold public meetings, town halls or any means to possibly let the citizens of Hardin County have a say where their government buildings are and how their tax money is spent. She stated that she has talked to many Hardin County residents and only a few who are in favor of this action, one person would not sign the petition because he owned land on Ring Road and feels it will get more valuable with this move. She has many questions about the move and feels the government body should take it to the residents and tell them why they are doing this. She says most residents cannot attend a 3:30 meeting on weekdays; they need meetings on weekends and evenings out where they live in the county. She plans to make her voice heard, other than at the ballot box, with the New Watch Dogs of Hardin County.

Laura LaRue, 504 Derek Avenue, she and her husband own an office building and a business downtown and landlords to another one. She feels people do not need county government for them to find her business. She feels people doing county government business do not plan their trip based on private businesses downtown. She feels the move would provide easier access and better government facilities for all of Hardin County. She feels it is not the government's responsibility to save downtown and the move will provide an opportunity to transform downtown.

Sarah Etter, 72 Tall Pine Drive, says she is very upset that the county wants to spend 12 million dollars on a new building when there are several buildings that sit empty downtown. She feels the city and county need to work together. She stated that if it was not for Hardin Memorial Hospital the county would not have money to spend. She does not think the government should spend 12 million dollars because they do not like where they are located now. She wants to know why the court is the only ones making the decision to move.

Pat Miller, Glendale, wanted to remind everyone that Elizabethtown is the county seat of Hardin County. She thinks it would be a great asset for our county if our county government would remain in historic downtown Elizabethtown, which would preserve our history. She thinks the money that would be used for the new building could be used to make our historical buildings work for Hardin County Government. She sees much good in blending our history with Hardin County Government.

Elsie Hall, Hardin County resident, wants to know why there was 6 years of study about the new building and no one found out about it. She stated that \$600,000 a year for 25 years is what you are going to be paying and that is 15 million and not 12 million dollars and nothing has been said about what the cost of maintenance of the new building would be. She stated that one of the reasons that the new building was not being put downtown was because the railroad tracks were dangerous. She noted that the Justice Center was closer to the railroad tracks than the Herb Jones property and

there was no need for a 4 story parking lot when there was plenty of parking available. She feels if the court would spend their money like it was hers they would not be spending that kind of money and if the hospital belongs to her, as owner of the hospital, she does not want to give up the land. She feels there are still many questions and if this was debated in 2007/2008 why did no one know about it.

Benjamin Humphries, 609 Debra Lane, stated that the Judge Executive office sent an e-mail out on February 22nd to notify the *News Enterprise* of the agenda for the February 26th court meeting. He noted that there was an item on the agenda to consider planning and construction of a new county building. He stated that in a letter he received from Judge Berry yesterday that there was sufficient notice given to the people of Hardin County and he was moving our county government out of downtown Elizabethtown. He feels if the Judge was right in notifying the media, then there is a problem. He says by law the Judge has to send notice to the media for our local community, which the *News Enterprise* is our local media. He noted that the he feels there was three days (Sunday, Monday and Tuesday) that our local paper could have warned the people that the county was trying to move. He contacted the editor of the *News Enterprise* and requested that they publish the Agenda of Fiscal Court Meetings in the paper ahead of time same as they do the weather. He wants it published so the public can be informed of what the magistrates are doing. He noted that the public was not informed.

He said there was one battle during the Civil War in Elizabethtown in 1862 between two armies and blood was shed to fight for control of downtown Elizabethtown so that the Hardin County Government could exist on their current location. He noted that the first courthouse had been built for \$220.00. He noted the people of Hardin County are not against a new building, but are against from being moved from downtown. He says people do not believe it when you say this is progress; a new government on the outskirts of town is not progress.

He stated that people do not come to the county government buildings often because they can look at deeds and PVA records online and they can pay their taxes through the mail. Most people only come down to this building once a year and you can watch the Fiscal Court on TV. The argument that the county government needs to be in middle of the county does not make sense nor is there a need for 300 parking spaces for the work being done in this building.

He spoke about e-mails he has read from magistrates. He says that they said there are no plans to raise taxes and that Judge Berry also said he has no plans to raise taxes; saying it is not the same as promising it will not happen. He noted that he had been to Judge Berry's website for re-election and that it did not mention he was planning on moving county government; Judge Berry had no plan as of his re-election for moving us out of county government. Also that the court had no plan to move the county attorney's office, but he believes everyone in the courtroom does not believe that is so.

He also noted that the court could afford this without raising taxes – he says that at the last meeting Danny Allen could not do what he was suppose to do with the budget you provided him. He also noted that an article in the *News Enterprise* quoted the Hardin Memorial Hospital president as saying there was no possible way the hospital could make money this year and the paper said we were 2 million behind budget. He noted that he reviewed Judge Berry's revenue challenges for physical year and that EMS revenue was under projected revenue, E-911 revenue was down, jail revenue was down and the landfill was making less money than projected.

He stated that in an e-mail from Magistrate Thompson to his friend that he called the people the vocal minority and that they have gotten their facts wrong, and that your fiscal responsibility was job one and that we cannot build downtown. He said as for the vocal minority there was only one poll taken and that it was printed in the *News Enterprise* and it was 60 – 40 to keep the county

government downtown. He noted that the plan the Judge put out 5 years ago said that it going to save \$150,000 in yearly maintenance. He noted that he calculated the new building would cost 28 million dollars that it would take 191 years to make the savings worth it.

He also noted several points that the magistrates previously spoke about when they were studying whether to do a unified government. He wants the court to vote down the resolution or to table it until we can have forums across the county.

Deborah Weise, Hardin County resident, has previously worked downtown and noted that we have been very active in trying to make downtown viable. Her vision of downtown is shops. If people are concerned about downtown dying because county government is moving out, she wants to know how often these people come down and support businesses now. She trusts the court to make the right decisions and feels people have had the opportunity to make their opinions known to the members of the court. She feels the move will benefit all of Hardin County. She does not feel the move of the county government will keep the downtown from growing.

Bobby Alexander, private citizen, is interested in what goes on with county government and how it may relate to his taxes as time goes forward. He respects and admires the history of Elizabethtown, but he is here about the present and the future. He said there have been comments made about decisions the court has discussed and votes taken that were not public or done behind closed doors, says he has known about what has been going on for a long time and that was not the facts. He says he has known because he is a concerned citizen and asks questions about what is going on. He wants to encourage some of the people who spoke today to get involved with their county government. He says that some people feel the court has a responsibility to the city of Elizabethtown, but what is the court doing for the other 5 cities in Hardin County. He does not feel the court has a responsibility to the cities, but to the 105 or 106 thousand people in the county. He believes the court is representing the citizens as they go forward with their decision. He believes the county owns the property at Ring Road and that is where they should build. He agrees 12 million dollars is a lot of money but does not think it will get cheaper. He agrees the buildings that current government offices are old and dilapidated, it is time to move forward. He wanted to encourage the court to make the same vote as they previously made.

Carol Dupin, Hardin County resident, believes that county government under one building is a good idea. She thinks keeping the new building downtown would be a compromise for everyone. She says there is ample space downtown and the City of Elizabethtown and the County Government should work together and look for a compromise.

Danny Allen, 140 Park Lane, Cecilia, wants each court member to vote 100% what they think their constituents want them to vote for.

Debbie Wheeler noted that the issue had been brought up 5 years ago and she spoke then. She thinks maybe in the future the court should consider building. She says we have aging volunteer fire departments and think we should have county staffed fire departments. She feels future businesses might not come because everyone cannot get along. She feels the county needs to think more about Emergency Services. She says we have an aging community and should think about keeping young people here.

Verna McLaughlin, 623 Montgomery Avenue, thinks it is amazing that people can come here and speak their mind. She wants to know why we could not have a special election about this issue to find out what people want.

Judge Berry noted that his understanding of Kentucky Law is that we cannot on an item like this.

County Attorney Jenny Oldham noted that there is not a mechanism for a referendum on this issue.

Verna McLaughlin suggested the issue be delayed so more people can express their opinion.

Sarah Etter wanted to know if we could have a special election or can it be put on the next election ballot.

County Attorney Jenny Oldham noted there is no mechanism and there are only special issues that can be referendum issues for voters. There has to be legal authority for certain issues to be held to a public vote.

Bob Steen agrees we need a new building to improve the quality of life of the county. He feels if it is going to be a central location the Radcliff office will have to be closed. He says by moving the government from downtown it could cause crime to go up. He says an increase in crime will cause the county more money. He wants to table the issue until the next election cycle and wants the court members who are running for re-election to publicly post their position on the issue and then the people can decide.

Reverend B. T. Bishop, First Baptist Church of Elizabethtown, wants to keep county government downtown.

Freddie Thomas says our forefathers set county government to be downtown and we should keep it downtown.

Heath Seymour, Elizabethtown and also with the Heritage Council, noted that we have a lot of great buildings downtown and they are not in as bad shape as they are made out to be. He feels there would be more synergy if the county decided to stay and build downtown. He feels being downtown is the place to be and there are places that could be used and it could be done approximately 10 million dollars less. If the court decides to keep their vote the same as last time, he wants them to honor their previous commitment to work with the city to do something with the buildings.

Judy French wants people to know that she has a history with Hardin County. Her late husband, John Franklin French Jr., is a direct descendent of Isaac Haycraft and Samuel Haycraft, who were instrumental in starting Elizabethtown. She says we need to respect our forefathers on their decision to have government downtown.

Jack Kunnecke wanted to clarify he does not own property downtown.

Morgan moved and Williams seconded to approve Resolution No. 2013-057 confirming Hardin County Fiscal Court's intention, previously expressed in Resolution No. 2013-028, to locate the new government facility (currently being designed by ICON Engineering) on property already owned by Hardin County Government (d/b/a/ Hardin Memorial Health) near the intersection of Ring Road and Rineyville Road (adjacent to the Hardin County Emergency Services).

Squire Wiseman says comments he has heard from people in his district, other people he talks to on a day to day basis throughout Hardin County through e-mails and personal phone calls, and comments he has heard through the majority of people here today, he will stick with his vote from the last time and vote no.

Squire Thompson thanked the people for coming today. He feels citizens are not involved as they should be and only pay attention when it personally affects them and they wait until it is too late. He feels they should contact their local representatives and convey their concerns. He challenged people to become proactive with their local, state and national government. He says he is glad to hear people opinions but has heard no facts for him to change his vote based on what is good and right. He says he will always be available to share facts and he will never represent anything untruthfully. He says fiscal responsibility is number one, he says the facts show we need a new facility, and has heard no facts to build downtown as cost effectively as where we plan to build. He feels we cannot build downtown without a tax increase and he will not vote a tax increase for that purpose. He noted that all public officials are elected to serve and lead on behalf of the people and not to further personal preference. He says the facts do not support the vocal minority position.

Squire Williams remembers when we had a vibrant downtown and that is what we need now. She believes that Mayor Walker is doing a great job with that vision. She says it is the city moving forward with this and it is not the county's responsibility to develop downtown. She says new businesses are coming downtown, but it is not government that will save downtown. Government office workers go home at 4:30 on Friday and then there is a dead downtown. She says we need shops, restaurants and galleries. She personally owns property downtown and does not think the government is the answer to build downtown. She says the court is to be good stewards of the people's tax money and that is what they are trying to do. She says the government offices need more space and if they can get bonding at 3% why wait because interest rates could be higher. She says having the county attorney's offices move into the courthouse will save 2 rents the county is now paying. She also stated the court does not plan to raise taxes.

Voting on motion: Wiseman no, Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes.

Thompson moved and King seconded to approve Resolution No. 2013-054 approving ICON Engineering's recommendation for geotechnical investigation and contract with Consulting Services Incorporated. Voting: Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes, Wiseman no.

Morgan moved and Wiseman seconded to approve Resolution No. 2013-050 approving a contract with Larue County for Animal Sheltering. Voting: Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes, Wiseman yes, Thompson yes.

Morgan moved and Wiseman seconded to approve Resolution No. 2013-051 appointing viewers for the closing of Fairgrounds Road. Voting: King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes, Wiseman yes, Thompson yes, Morgan yes.

Thompson moved and Morgan seconded to approve Resolution No. 2013-052 approving the purchase of road equipment. Voting: Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes, Wiseman yes, Thompson yes, Morgan yes, King yes.

Goodman moved and Williams seconded to approve the Consent Agenda to include approving payrolls 03/01/13, 03/15/13 and 03/29/13, approve payroll dated 03/12/13 for Commissioners' and Coroners' expense checks, election officers' salaries, approve payroll fund liability check registers, liability voucher register, and employee insurance fund check register for March, approve Claims Batch Nos. 09-7015, 09-7099 and 10-7009, approve Resolution No. 2013-056 relating to financial transfers, approve Resolution No. 2013-055 reappointing Rick Baumgardner to Planning & Development Commission, approve Treasurer's March report, approve Public Works Committee's minutes dated 04/02/13, and approve Fiscal Court Minutes dated 03/26/13. Voting: Easter yes, Goodman yes, Williams yes, Clem yes, Wiseman yes, Thompson yes, Morgan yes, King yes, Judge Berry yes.

Squire King reminded the court the next meeting of the Resources and Community Support Committee will be April 16th.

Squire Thompson reminded everyone this is Autism Awareness Month. This Saturday the Farmer's Market will reopen.

Squire Clem reminded the court the next meeting of the Solid Waste Committee will be April 17th. He also wanted to commend all the young people who did so well on their ACT.

Squire Williams reminded everyone of Bucks for Bright Ideas entry deadline date is April 17th. Prizes up to \$25,000 will be awarded.

Squire Goodman wanted to congratulate the U of L Cardinals men's team and wish the ladies team the best.

Squire Easter reminded everyone that the Emergency Services Committee is April 18th.

Judge Berry announced the next court meeting is April 23rd.

Court was adjourned, without objection, Judge/Executive Harry L. Berry presiding.


HARDIN COUNTY JUDGE/EXECUTIVE

ATTEST: 
CLERK, HARDIN COUNTY FISCAL COURT