

**OCTOBER 6, 2009**

The Oldham County Fiscal Court convened at a regular meeting at 2:00PM with Judge-Executive Duane Murner, County Attorney John Fendley and the following Magistrates in attendance: Rick Rash, Bob Leslie, Steve Church, David Voegel, Steve Greenwell, Bob Deibel, Scott Davis and Iva Davis.

**APPROVAL OF AGENDA:**

Motion made by Magistrate Greenwell and seconded by Magistrate Deibel to approve the agenda as submitted. Motion carried unanimously.

**APPROVAL OF MINUTES:**

Motion made by Magistrate Leslie and seconded by Magistrate Deibel to approve the minutes of September 15, 2009 as submitted. Motion carried unanimously.

**PUBLIC COMMENT:**

Rick Garlock, Centerfield (Democratic fund-raiser dinner to be held on 10/15 at 7PM)  
Karen Baughman, Crestwood (flu shot reminder)

**BID OPENING – BOX CULVERTS – HARMONY LANDING ROAD**

Judge-Executive Murner opened the following bids and gave them to the County Engineer and the Road Superintendent for review and recommendation: **Exhibit #1 10/6/2009**

Hornback	\$48,000.00
Louisville Paving	38,308.00
East & Westbrook	73,380.00

**COUNTY ADMINISTRATION:****Payables**

Motion made by Magistrate Leslie and seconded by Magistrate Church to approve the payables as submitted. **Exhibit #2 10/6/2009**. Motion carried unanimously.

**County Surplus Property**

Motion made by Magistrate Leslie and seconded by Magistrate Iva Davis to approve the County Surplus Property List as submitted. **Exhibit #3 10/6/2009**. Motion carried unanimously.

Motion made by Magistrate Leslie and seconded by Magistrate Rash to authorize the donation of the surplus vehicle to the Westport Fire Department as requested and indicated on the Surplus Property List presented. Motion carried unanimously.

**PERSONNEL/APPOINTMENTS:****Tourism Commission**

Judge-Executive Murner presented resumes for Cheryl Sabin and Jim Zimmerman as possible appointments to the Tourism Commission to be determined at the next meeting. **Exhibits #4 & 5 10/6/2009**.

**CONTRACTS/RESOLUTIONS:****ARRA/SLO Resolution**

Motion made by Magistrate Church and seconded by Magistrate Voegel to authorize the Judge-Executive to sign Resolution #01-10-06-09 regarding construction of the various sidewalks on Hwy 1793 as submitted. **Exhibit #6 10/6/2009**. Motion carried unanimously.

Deputy Judge-Executive Paula Gish introduced Kelsey Mitchen to the court as the current leadership co-op student.

**COMMITTEE REPORTS/RECOMMENDATIONS:****UTILITIES COMMITTEE****Litter Abatement Grant Application – Resolution**

Motion made by Magistrate Deibel and seconded by Magistrate Greenwell to authorize the Judge Executive to sign Resolution #03-10-06-09 authorizing the filing for the 2010 Litter Abatement Grant as submitted. **Exhibit #7 10/6/2009**. Motion carried unanimously.

## **EMERGENCY SERVICES COMMITTEE**

### **Emergency Management Deputy Director**

Motion made by Magistrate Deibel and seconded by Magistrate Iva Davis to approve Keith Smith as a part-time Emergency Management Deputy Director with an annual salary of \$5,000.00. Motion carried unanimously.

## **ROAD COMMITTEE**

### **Rural Secondary Road Program Agreement/Resolution**

Motion made by Magistrate Greenwell and seconded by Magistrate Voegelé to authorize the Judge-Executive to sign the resolution and the agreement approving the Rural Secondary Program as submitted. **Exhibit #8 10/6/2009**. Motion carried unanimously on a roll call vote.

## **BUILDING MAINTENANCE /CONSTRUCTION COMMITTEE**

### **Property Acquisition**

Motion made by Magistrate Voegelé and seconded by Magistrate Scott Davis to accept property in Buckner as submitted. **Exhibit #9 10/6/2009**. Motion carried unanimously.

### **Conservation District Lease Agreement**

Motion made by Magistrate Greenwell and seconded by Magistrate Deibel to authorize the Judge-Executive to sign the Lease Agreement with the Conservation District as submitted. **Exhibit #10 10/6/2009**. Motion carried unanimously.

## **ROAD COMMITTEE (Con't):**

### **Culvert Bid Award**

The culvert bid will be awarded at the next meeting.

### **Bond Releases**

#### **Summerfield by the Lake – Section 2**

Motion made by Magistrate Rash and seconded by Magistrate Deibel upon recommendation of the County Engineer to release the \$31,200.00 erosion control bond and the \$47,000.00 performance bond for Summerfield by the Lake, Section 2. Motion carried unanimously.

#### **Sycamore Run – Section 1B**

Motion made by Magistrate Leslie and seconded by Magistrate Greenwell upon recommendation of the County Engineer to release the \$12,330.00 performance bond for Sycamore Run, Section 1B. Motion carried unanimously.

#### **Heritage Hills**

Motion made by Magistrate Deibel and seconded by Magistrate Leslie upon recommendation of the County Engineer to release the \$48,000.00 performance bond for Heritage Hills. Motion carried unanimously.

#### **Kentucky Acres – Section 4-2**

Motion made by Magistrate Iva Davis and seconded by Magistrate Greenwell upon recommendation of the County Engineer to release the \$14,500.00 erosion control bond and the \$25,950.00 performance bond for Kentucky Acres, Section 4-2. Motion carried unanimously.

#### **Crystal Lake – Lot 3A**

Motion made by Magistrate Greenwell and seconded by Magistrate Deibel upon recommendation of the County Engineer to release the \$2,500.00 erosion control bond for Crystal Lake – Lot 3A. Motion carried unanimously.

### **Claymont Springs – Lot C5**

Motion made by Magistrate Deibel and seconded by Magistrate Iva Davis upon recommendation of the County Engineer to release the \$5,500.00 erosion control bond for Claymont Springs Lot C5. Motion carried unanimously.

### **Lacroix Training**

Motion made by Magistrate Leslie and seconded by Magistrate Rash upon recommendation of the County Engineer to release the \$5,800.00 erosion control bond for Lacroix Training Center. Motion carried unanimously.

### **Cherrywood – Section 2B**

Magistrate Scott Davis requested postponement of the release of this bond.

## **COMMUNITY BUSINESS**

### **1<sup>ST</sup> Reading – Zoning Map Amendment – 1329 Dawkins Road**

County Attorney John Fendley summarized for a 1<sup>st</sup> reading a zoning map amendment for 1329 Dawkins Road. The 2<sup>nd</sup> reading/public hearing will be held 10/20/2009.

### **2<sup>nd</sup> Reading/Public hearing – General Obligation Bond Ordinance - OCSD**

County Attorney John Fendley read by summary Ordinance# KOC-09-240-818 and the public hearing was opened.

Judge-Executive Murner summarized the history of the GO Bond process regarding the Oldham County Sewer District and Fiscal Court.

The following people spoke in favor of and/or clarified the proposed ordinance:

Rick Garlock, Centerfield Drive  
County Treasurer Stan Clark

The following people spoke in opposition of and/or had questions of the proposed ordinance:

Dewey Wotring, LaGrange  
Tom White, LaGrange  
Steve Ellenis, LaGrange  
Theresa Falke, LaGrange  
George Porter  
Russ Morris, LaGrange  
George Montgomery, LaGrange  
Karen Baughman, Crestwood  
Judy Whitmer, Goshen  
John Todd, Crestwood  
Mike Allen, Crestwood

*The public hearing was closed.*

Motion made by Magistrate Rash and seconded by Magistrate Church to authorize the Judge-Executive to sign Ordinance KOC 09-240-818 as submitted. Discussion followed with Chief Finance Officer Shawn Boyle responding to questions raised during the public hearing. Motion carried 7-2 on a roll call vote. Magistrates Church, Voegele, Greenwell, Iva Davis, Rash, Deibel and Judge-Executive Murner voted yes. Magistrates Scott Davis and Leslie voted no.

## **JUDGE-EXECUTIVE ANNOUNCEMENTS/UPDATES:**

Judge-Executive Murner announced the following:

- Oldham County Water District will be presenting a Water System Improvement Project and the information is included in the binders.
- The Curry's Fork group presentation will be scheduled for a future meeting.
- Bessie Klein is not seeking reappointment to the Oldham County Board of Adjustments so there will be an opening on that board in January.
- The Household Hazardous Waste drop off is this Saturday, 10/10 from 9-3 at the fairgrounds.

Motion made by Magistrate Rash and seconded by Magistrate Greenwell to move the 11/17 Fiscal Court meeting to Monday, 11/16/09 at 2PM due to the KaCo conference. Motion carried unanimously.

Motion made by Magistrate Greenwell and seconded by Magistrate Deibel to authorize the Judge-Executive to sign the Debt Restructure Agreement with the Oldham County Sewer District as submitted. **Exhibit #11 10/06-09**. Motion carried unanimously.

#### **OTHER BUSINESS**

Magistrate Church stated the Finance Committee met with Deana Karem to work on economic development strategies and he requested input from the court on enticing businesses to locate in Oldham County.

#### **PUBLIC COMMENT:**

Dewey Wotring, LaGrange (concerns regarding bond for OCSD)  
 Russ Morris, LaGrange (freedom of speech concerns)  
 Karen Baughman, Crestwood (flu static clarification and various other concerns)  
 Shawn Boyle, Crestwood (concerns regarding comments on the bond)

#### **PUBLIC COMMENT RESPONSE:**

Magistrate Voegelé clarified his previous comments on the literature distributed regarding the OCSD bond.

Magistrate Greenwell stated saving the county \$250,000.00/year for several years is being fiscally responsible.

Magistrate Iva Davis clarified her comments regarding the flyer that was distributed in her district.

Magistrate Church stated his comments had nothing to do with attempting to limit free speech.

Magistrate Leslie was not present for the remainder of the meeting.

#### **CLOSED SESSION:**

Motion made by Magistrate Church and seconded by Magistrate Deibel to go into closed session pursuant to KRS 61.810(F) Personnel. Motion carried unanimously.

Motion made by Magistrate Deibel and seconded by Magistrate Rash to come out of closed session. Motion carried unanimously.

Motion made by Judge-Executive Murner and seconded by Magistrate Church to accept the resignation of Code Enforcement Officer Mitch Nobles effective 9/28/2009. Motion carried 6-0-2. Magistrates Voegelé and Scott Davis abstained.

#### **MEETING ADJOURNED:**

Motion made by Magistrate Rash and seconded by Magistrate Church to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 6:09 PM.

Respectfully Submitted,

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Tina M. Schaaf  
 Fiscal Court Clerk  
 October 6, 2009