

Mason County Fiscal Court
Regular Session
October 15, 2019
9:00 a.m.

Judge/Executive Joseph Pfeffer called the meeting to order. Present were Commissioner Joseph McKay (District 1), Commissioner Chris O'Hearn (District 2), Commissioner Phil Day (District 3), County Attorney John Estill, Deputy Judge/Executive Richard Newberry, Sheriff Patrick Boggs, County Treasurer Kim Muse, Jailer Lisa Yeary, and Judy Birt.

Judge/Executive Pfeffer introduced several guests in attendance including, Eric and Michelle Crawford, Kathy Bess, and Andrew, Beth and Drew Wood.

Drew Wood, a Mason County High School student, spoke to members of the court about the community service project his family has undertaken titled Kentucky Fire Safety Initiative. Drew, along with his siblings, Walker, Emily and Alex, want to raise enough money to purchase household smoke alarms so that every home in Maysville and Mason County is equipped with an adequate number of smoke detectors.

Resolution 19-37 – Support of Fire Safety Initiative

Motion made by Commissioner Day, seconded by Commissioner McKay, to adopt Resolution 19-37, thereby endorsing the Kentucky Fire Safety Initiative and its goal to provide smoke detectors to every home in Maysville Mason County.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day - Yes
Judge/Executive Pfeffer – Yes

Next, Michelle Crawford spoke to members of the court about property deeded from the Ensor family to the Orangeburg Lions Club. The property deeded to the club is to be for recreational and green space purposes. The Orangeburg Lions Club is a small club with limited revenue. Despite several fundraisers by club members, there is not enough money for the club to establish and maintain a recreational green space area as stipulated in the deed. Mrs. Crawford suggested deeding the green space property to the Mason County Fiscal Court to maintain. After some discussion, Judge/Executive Pfeffer suggested researching grant funding and formulating a plan for the space before deciding about deeding the property to the county.

Approval of Minutes

Motion made by Commissioner O'Hearn and seconded by Commissioner McKay to approve the minutes from the September 10 regular meeting as presented.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day - Yes
Judge/Executive Pfeffer – Yes

Motion made by Commissioner Day and seconded by Commissioner McKay to approve the minutes from the September 24 special meeting as presented.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day - Yes
Judge/Executive Pfeffer – Yes

Road Department

Motion made by Commissioner McKay, seconded by Commissioner O'Hearn to accept the September report as submitted by Road Supervisor Joe Brown, presented by Judge/Executive Pfeffer and attached hereto.

Commissioner McKay – Yes
Commissioner O'Hearn - Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Animal Shelter

Motion made by Commissioner O'Hearn, seconded by Commissioner Day to accept the September report as presented by Deputy Judge/Executive Richard Newberry and attached hereto.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Sheriff's Report

Sheriff Boggs reported there were no monthly tax disbursements for the month of September. The 2019 property tax bills will be mailed at the end of the month. The Monthly Vehicle Report for September as well as the Daily Activity Log for the third quarter were submitted for review.

Motion by Commissioner O'Hearn and seconded by Commissioner Day to accept the Sheriff's Report for September as presented by Sheriff Patrick Boggs and attached hereto.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Sheriff Boggs announced to the court that his office had attained a Homeland Security Grant in the amount of \$50,000.00 to be used to purchase repeaters for use at Mason County Schools so as to enhance radio usage for emergency responders. The total cost for the project was \$53,770.00. Sheriff Boggs asked the fiscal court to subsidize the balance of \$3,770.00. This amount is included in the Vendor Claims list for approval.

Landfill Report

Motion by Commissioner McKay, seconded by Commissioner O'Hearn to accept the September report as submitted by Todd Leonard, presented by Judge/Executive Pfeffer and attached hereto.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Recycling Center Report

Motion by Commissioner Day, seconded by Commissioner McKay to accept the September report as presented by Randy Hamm and attached hereto.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Solid Waste Report

Motion made by Commissioner Day, seconded by Commissioner McKay to accept the September report as presented by Arnold Dodge and attached hereto.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Detention Center

Motion made by Commissioner Day, seconded by Commissioner O'Hearn to accept the September report as presented by Jailer Lisa Kern-Yeary and attached hereto.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Treasurer's Report

Motion made by Commissioner McKay, seconded by Commissioner Day to approve the Quarterly Financial Report as of September 30, 2019, as presented and attached hereto.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Motion made by Commissioner Day, seconded by Commissioner McKay to authorize the payment of claims, including additional claims totaling \$749,614.67, as presented and attached hereto.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Motion made by Commissioner McKay, seconded by Commissioner O'Hearn to approve Budget Transfer in the amount of \$137,500.00, as presented and attached hereto.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Sheriff's loan request

Sheriff Boggs asked members of the court to consider approving a loan to his office, to be reimbursed to the fiscal court and not to exceed \$50,000.00, for payroll costs, if needed. Sheriff Boggs explained this loan would be necessary only until commissions from franchise bill collections are paid to his office.

Motion made by Commissioner O'Hearn, seconded by Commissioner McKay, approving the loan to the Mason County Sheriff's Office, up to \$50,000.00, if needed for payroll costs, and to be repaid to the fiscal court.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

New Business

A. Purchase of Mobile Radios

Clay Buser, Executive Director of Emergency Management, asked member of the fiscal court to approve purchase of two additional radios to be used in emergency situations. Executive Director Buser explained these radios would be programmed to federal and state channels and ready for use by various agencies during an emergency. The radios cost \$925.00 each and the cost would be split with the City of Maysville.

Motion made by Commissioner Day, seconded by Commissioner McKay approving purchase of two mobile radios for use by Emergency Management, with cost to be shared with the City of Maysville and approval for the treasurer to pay for the purchase.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Judge/Executive Pfeffer announced it was time to convene the public hearing pertaining to the county road system and the removal of proposed roads. Motion made by Commissioner Day, seconded by Commissioner McKay to exit the fiscal court meeting and begin the public hearing.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

County Attorney Estill explained that pursuant to KRS 178.070, the Mason Fiscal Court appointed Larry Brewer and Tom Coe as viewers, to work along with Road Supervisor Joe Brown, in determining whether the roads listed served a public purpose or were primarily benefitting private property and persons. The roads that were inspected were Bess Lane, Cummins Road, Stephens Hill Road, Washington Cemetery Road and the portion of Taylor Mill Road northwest of the L&N Railroad Right of Way and southeast of the bridge traversing Lawrence Creek. The viewers also had to determine if any loss of access to the public road system would be caused by removing said roads from the county road system.

After their investigation, the viewers reported that Bess Lane, Cummins Road, Stephens Hill Road and Washington Cemetery Road were primarily benefiting private property and persons, and not the traveling public, and should be removed from the county maintenance as public roads.

Additionally, the viewers found the portion of Taylor Mill Road listed was unstable and unsafe and should be closed in addition to being removed from the county road system. They also reported the closure of this portion of the road eliminated access to the public road system for property owned by Marilyn Holman and Kelly Applegate.

County Attorney Estill said people could approach the court and speak to the report. Dr. James Rogers emailed a letter in opposition to the closing of Stephens Hill Road. County Attorney Estill asked that the correspondence be accepted to the record as first piece of evidence.

Kelly Applegate, a property owner on the portion of Taylor Mill Road investigated, spoke to the lack of access to the public roadway once Taylor Mill is closed. County Attorney Estill said Kachler Appraisal Service would appraise the property, assess damages caused to the owned by the closure of the road, and calculate money owed for such damages.

Pam Rigler, speaking for property owner Marilyn Holman, spoke to the same concern over the closure of Taylor Mill Road. She explained Ms. Holman was concerned about being landlocked and having to attain an easement for access to her property from adjoining property owners.

Next, Jacob Bevins, a property owner on Stephens Hill Road spoke about his concern over the road being removed from the county road system. He claimed the road is hardly maintained and the county has spent around \$2000.00 over the past few years on the road.

Greg Bess, a property owner on Bess Lane, reiterated the same sentiment as Mr. Bevins. He said the county has spent \$2314.00 over the past three years for the maintenance of Bess Lane.

Darrell Williams, a property owner on Bess Lane, explained he lived at the end of Bess Lane and was concerned about the road being taken off the county road system and how it would affect his property value.

Sheila Collins, a property owner on Bess Lane, expressed her concern over the taxes being paid by property owners and the minimal amount of money spent to maintain Bess Lane.

After all those wanting to testify had done so, Commissioner Day, seconded by Commissioner O'Hearn, to exit the public hearing and proceed with the fiscal court meeting, made motion.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

The commissioners discussed the evidence presented and voted to pursue **Ordinance 19-05**, which would remove Cummins Lane and Washington Cemetery Road from the county maintenance road list and the closing of portion of Old Taylor Mill Road. Since an average of \$1078 was spent per year for maintaining both Stephens Hill and Bess Lane, the commissioners agreed to leave those roads on the county road maintenance list.

Motion made by Commissioner McKay, seconded by Commissioner Day to proceed with Ordinance 19-05 as described above.

Commissioner McKay – Yes
Commissioner O’Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

County Attorney Estill read in summary Ordinance 19-05. No action was taken. The second reading will be held at the November 12 meeting.

B. Surplus Property

Motion made by Commissioner McKay, seconded by Commissioner Day to approve the Surplus Property report for September as presented and attached hereto.

Commissioner McKay – Yes
Commissioner O’Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

C. Permit Report

The Permit Report for May was submitted for review and is attached hereto

Other

Maysville Fire Chief Kevin Doyle submitted the July EMS report for review. The report is attached hereto.

Judge/Executive Pfeffer discussed the letter written to fiscal court by Carrie L Taylor, Associate Professor at MCTC, regarding the Mulberry Community Gardens. Due to the expansion of the library, there will be no remaining space for the community gardens. Therefore, Ms. Taylor requested donations given for the garden be allocated for use at Cummins Nature Preserve. See attached letter.

Judge/Executive Pfeffer told members of the court that a 2016 Ford Explorer had been purchased for \$13,000.00 for use by the County Judge/Executive’s office and the Sheriff’s office when traveling for official business.

Sheriff Patrick Boggs asked that repair work be done on the sidewalk in front of his office.

Old Business

County Attorney Estill explained that in 2017 by Resolution 17-27, the fiscal court retained the Florida law firm Levin, Papantonio, Thomas, Mitchell & Raferty in representing Mason County in the class action litigation against contributors of the opioid addiction crisis. Ron Johnson, an attorney in Northern Kentucky with the law firm Hendy Johnson Vaughn Emery, informed County Attorney Estill that the Florida law firm failed to file a claim on Mason County's behalf and the deadline to do so was soon approaching. County Attorney Estill advised the court to consider hiring Hendy Johnson Vaughn Emery to file a claim on behalf of Mason County.

Motion made by Commissioner O'Hearn, seconded by Commissioner McKay to approve hiring Hendy Johnson Vaughn Emery to represent Mason County with all claims pertaining to the manufacturers, distributors and retailers of opioid pharmaceuticals that have caused or contributed to the costs associated with the epidemic of opioid addiction.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

Mason County agreed to pay 30% of the gross amount of money recovered, if any, in the litigation to Hendy Johnson Vaughn Emery.

Judge/Executive Pfeffer informed the court he had appointed Suzan Ross to the Maysville Mason County Industrial Development Authority. Her term will run from November 1, 2019 until October 31, 2023. Mrs. Ross replaces Barry Fields.

Having no further business, motion made by Commissioner McKay, seconded by Commissioner Day to adjourn.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day – Yes
Judge/Executive Pfeffer – Yes

The next fiscal court meeting will be Tuesday, November 12, 2019 at 9:00 a.m.

Respectfully submitted on this the 15th day of October 2019:



Stephanie G. Schumacher
Fiscal Court Clerk
Approved for Review:



Joseph P. Pfeffer
Mason County Judge/Executive