

Mason County Fiscal Court
Regular Session
November 12, 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, Assistant County Attorney Jackie Sue Wright, Deputy Judge/Executive Richard Newberry, Deputy Sheriff Terry Vice, County Treasurer Kim Muse, Jailer Lisa Yeary, and Judy Birt.

Approval of Minutes

Motion made by Commissioner McKay and seconded by Commissioner Day to approve the minutes from the October 15 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 O'Hearn to approve the minutes from the October 28 special meeting as presented.

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

Smoke-Free Partnership of Mason County

Judge-Executive Pfeffer welcomed supporters of the Smoke-Free Partnership of Mason County that were in attendance. Justin Denham spoke on behalf of the group. Mr. Denham asked members of the court to take formal action in passing a comprehensive Smoke-Free ordinance for indoor public places and workplaces in Mason County. This ordinance would be self-regulating. Mr. Denham explained to the court that third party polling of residents in Mason County showed that 67 percent support Mason County being smoke free.

Commissioner O'Hearn spoke in support of the Smoke-Free Policy, but expressed concern with passing a countywide ordinance. He favored passing an ordinance only in unincorporated areas of the county. He supported the cities, that is, Dover, Germantown, Sardis and Maysville, in passing their own Smoke-Free ordinances.

Commissioner McKay and Commissioner Day expressed the same opinion as that of Commissioner O'Hearn.

Mr. Denham spoke about the unfair advantage an ordinance that affected only part of the county would create.

Judge/Executive Pfeffer said more cities than counties as a whole have adopted Smoke-Free ordinances. He also said that the citizens of Mason County have choices as to the places of business they frequent, whether it be smoking or non-smoking. He also said the employees of these businesses have a choice as to where they work. He supported private business owners having the right to decide whether their businesses are smoke-free or not.

County Attorney Estill explained to the court that he will draft an ordinance to reflect the court's consensus but did recommend the ordinance be uniform and with few exceptions.

Several members in the audience spoke. Robert Klee, part owner of O'Rourke's Pub in downtown Maysville, spoke against the ordinance, saying adults should be free to make their own decisions as to smoking.

Marla Toncray, resident of Maysville, also spoke against the ordinance, saying she felt it was an infringement of the government on private business owners and people's personal decision to smoke. She said smokers also have rights and children putting up signs supporting the smoke-free action in places that are already smoke-free offended her.

Rebecca Cartmell spoke in favor of the ordinance and said the fiscal court should consider the City of Maysville residents in its action.

Ann Johnson, a retired social worker, also spoke about people working in the service industry, usually for minimum wage, and the difficulty for these people to find new jobs.

Motion was made by Commissioner McKay, seconded by Commissioner Day to pursue the adoption of a Smoke-Free ordinance in the unincorporated areas of the county, which would not include the cities of Dover, Germantown, Sardis and Maysville.

Commissioner McKay – Yes
Commissioner O'Hearn – Yes
Commissioner Day - Yes
Judge/Executive Pfeffer – No

Motion made by Commissioner O'Hearn, seconded by Commissioner Day to recess the fiscal court meeting until 1:30 p.m.

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

The fiscal court meeting reconvened at 1:30 p.m.

Road Department

Motion made by Commissioner Day, seconded by Commissioner O'Hearn to accept the October 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 McKay, seconded by Commissioner O'Hearn to accept the October 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

Deputy Sheriff Terry Vice reported that a 2010 Dodge Charger needed to be surplused and was listed on the Surplus List.

Landfill Report

Judge/Executive Pfeffer informed the court that there was a bid opening for two garbage beds. W.A. Warner Waste L.L.C. was the only entity to submit a bid. The bid was \$827.00 for the first bed and \$1,127.00 for the second bed.

Motion made by Commissioner McKay, seconded by Commissioner Day to adopt the bid from W.A. Warner Waster L.L.C. for the purchase of two garbage beds, \$827.00 for Unit 1 and \$1,127.00 for Unit 2.

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

Motion made by Commissioner O'Hearn, seconded by Commissioner McKay to accept the October 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 O'Hearn to accept the October report as presented by Randy Hamm and attached hereto.

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

Judge/ Executive Pfeffer reported security cameras have been installed at both the recycling center and landfill.

Solid Waste Report

Motion made by Commissioner McKay, seconded by Commissioner O'Hearn to accept the October report as submitted by Arnold Dodge, presented by Judge/Executive Pfeffer 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 McKay to accept the October report as presented by Jailer Lisa Kern-Yearly 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 O'Hearn to adopt the Fee Schedule of the Mason County Detention Center as presented 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 O'Hearn to authorize the payment of claims, including additional claims totaling \$134,697.40, as presented and attached hereto.

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

County Treasurer Kim Muse presented two additional claims for approval by the court. The first claim is payable to Champion Media in the amount of \$308.44 for advertising for the landfill. The second claim is payable to Modern Leasing in the amount of \$433.95 for the Detention Center copier. Motion made by Commissioner O'Hearn, seconded by Commissioner Day to approve the payment of the two additional claims as presented by County Treasurer Muse.

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

Motion made by Commissioner Day, seconded by Commissioner McKay to approve the Financial Report as of October 31, 2019, as presented and attached hereto.

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

Motion made by Commissioner O'Hearn, seconded by Commissioner McKay to approve Budget Transfers in the amount of \$152,000.00, as presented and attached hereto.

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

New Business

A. Ordinance 19-05

County Attorney Estill read the ordinance in summary. The ordinance discontinued maintenance of Cummins Road and Washington Cemetery Road, as well as closing and discontinuing maintenance on a portion of Taylor Mill Road. These roadways were removed from the inventory of the county maintained road system. This was the second reading.

Motion made by Commissioner McKay, seconded by Commissioner Day to adopt Ordinance 19-05.

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

County Attorney Estill discussed compensation for the owners of property affected by the closing of Taylor Mill Road, namely Lucy Hallman and Kelly Applegate. Kachler Appraisal Service appraised both properties to determine just compensation. The compensation, as figured by Kachler Appraisal Service, was figured at \$5,700.00 for the Lucy Hallman Murphy property and \$15,800.00 for the property owned by Kelly Applegate. County Attorney Estill asked the court to consider authorizing payment to these individual property owners, not to exceed the amount appraised by Kachler Appraisal Service, to be paid from the Road Fund.

Motion made by Commissioner McKay, seconded by Commissioner O’Hearn, authorizing payment to Lucy Hallman Murphy, not to exceed \$5,700.00, and payment to Kelly Applegate, not to exceed \$15,800.00, as just compensation for eliminating access to the public road system with the closing of the portion of Taylor Mill Road, to be paid from the Road Fund.

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

B. Colonel Young Roof Replacement

Judge/Executive Pfeffer informed the members of the court of the need for repairs to the roof on the Colonel Young cabin. The county had attained an estimate for the cost of the repairs to the roof. A grant had been applied for based on the estimate and awarded to the county to pay for the repairs to the roof. After receiving the grant, the cost of the repairs to the roof had increased. Several contractors have been contacted about the

repair work. The contractor that is hired to repair the roof has to be approved by the Heritage Foundation.

C. Census 2020

Judge/Executive Pfeffer said the Census 2020 Committee have met and agreed advertising would be beneficial in increasing residents' participation in the 2020 Census. Since many programs and funding are based on population, it is important to get an accurate and complete count.

Motion made by Commissioner Day, seconded by Commissioner McKay to approve spending up to \$1,000.00 for advertising for the 2020 Census, and also to ask the City of Maysville to contribute the same.

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

D. Surplus Property

Motion made by Commissioner Day, seconded by Commissioner O'Hearn to approve the Surplus Property report for October, with the 2010 Dodge Charger having a reserve of \$2500.00 at the sale, as presented and attached hereto.

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

E. Permit Report

The Permit Report for October was submitted for review and is attached hereto.

Other

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

Robert T. Palmer, Chief Deputy Coroner of Mason County, submitted in writing his intent to resign as Chief Deputy Coroner, effective December 31, 2019. His letter is attached hereto.

Clay Buser, Emergency Management Director informed members of the court that the Commonwealth of Kentucky, Department of Military Affairs, Division of Emergency Management, has established an agreement for emergency services with FEMA, the Federal

Emergency Management Association. FEMA reimburses the county for one-half of Director Buser's salary. The contract runs until September 30, 2021.

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

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

The next fiscal court meeting will be Tuesday, December 10, 2019 at 9:00 a.m.

Respectfully submitted on this the 12th day of November 2019:



Stephanie G. Schumacher
Fiscal Court Clerk
Approved for Review:



Joseph P. Pfeffer
Mason County Judge/Executive