

Mason County Fiscal Court  
Regular Session  
August 10, 2021  
9:00 a.m.

Judge/Executive Owen McNeill 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, Road Supervisor Joe Brown, Landfill Supervisor Todd Leonard, Animal Shelter Supervisor Richard Newberry, Sheriff Patrick Boggs, Jailer Lisa Kern-Yearly, County Treasurer Kim Muse, Emergency Management Director Clay Buser and Executive Assistant Nathan Truesdell.

### **Approval of Minutes – July 13, 2021**

Motion made by Commissioner Day and seconded by Commissioner O'Hearn to approve the minutes from the June 13 regular meeting as presented.

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

### **Introduction of Guests**

Judge/Executive McNeill introduced Mrs. Valerie Bennett Jones, who was present to address the court about the Fee Memorial and the placement of the High Tunnel at the Detention Center. Mrs. Jones said she was representing the John G. Fee Memorial Committee. According to Mrs. Jones, the committee supports the gardening program offered to inmates at the Detention Center but have concern as to the placement of the High Tunnel. The John G. Fee Memorial committee regard the placement of the High Tunnel as disrespectful to those people honored at the memorial and therefore, voted to have the tunnel removed.

Next, Jailer Yearly addressed the court. Jailer Yearly explained that the goal of the program is to train the inmates involved to become Master Gardeners. The use of the High Tunnel extends the growing season, which lasts from February until November. This extension of time allows more inmates to participate in the program. In addition, the food harvested is better quality and healthier for the inmates and helps reduce food costs to the county. The High Tunnel is 100 percent funded by commissary funds, and no taxpayer money was used to pay for the program.

Inmate Bobbie Black addressed the court next. Ms. Black explained that she has worked in the High Tunnel since the beginning of it being built. She said she enjoys working outside with the plants and finds the work calming, relaxing and good for her mental health. She also said she is proud of her accomplishments, of what she has learned and that she has contributed to the better health of the inmates. She said this experience has inspired her to learn more.

Ron Rice addressed members of the court. He explained that it is not the mission of the John G.

Fee Committee to take anything away from the inmates. He also stated the cost to the taxpayers is not financial but the cost is the emotional sting to members of the community as to the placement of the High Tunnel.

Next, Greg Dudley spoke to the court. He claimed property in Lewisburg was available for use as a garden by the inmates at the Detention Center and the High Tunnel should be moved to that location.

Mike Rigdon spoke next and stated that he was speaking on behalf of a group of people who believe the High Tunnel is honoring the men pictured on the Fee Memorial, by offering education and advancement to the inmates that participate. Furthermore, this group does not advocate tearing down the High Tunnel.

Judge/Executive McNeill addressed the audience and said it was never the intent to be disrespectful or cause hard feelings by the choice of placement of the High Tunnel.

County Attorney Estill explained to members of the court that the High Tunnel was paid for with commissary funds. However, the dismantling and moving of the tunnel would be a fiscal court expense.

Commissioner O'Hearn spoke to the audience and praised the program as outstanding and beneficial to the inmates. He cannot support tearing it down and said the best thing to do now is move forward. He also stated that having the tunnel on campus makes it easier for the inmates to access.

Commissioner McKay acknowledged both the financial and emotional costs of the project. However, for the common good, he said the tunnel should remain on the campus of the Detention Center and we can continue to move forward and work toward repairing and beautifying the Fee Memorial.

Commissioner Day said it was never the intent of anyone to cause ill will or hurt by placing the High Tunnel on the campus of the Detention Center. He said this gardening project is for everyone in the community.

Jeff Schumacher addressed the members of the court and suggested for consideration that the High Tunnel be removed from the site after reaching its life expectancy.

Judge/Executive McNeill made a motion to leave the High Tunnel at its current location and to proceed with the beautification efforts of the Fee Memorial site with continued involvement from the committee.

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

Judge/Executive McNeill introduced Representative William Lawrence to the court. Representative Lawrence spoke about the Simon Kenton Bridge in downtown Maysville. He said the painting and repair of the structure is estimated to cost around \$20 million. He explained this is a high-priority project for him, as the bridge is vital to the businesses of downtown Maysville. He said he is working closely with Judge/Executive McNeill.

### **Road Department**

Motion made by Commissioner McKay, seconded by Commissioner Day to accept the July report as presented by Road Supervisor Joe Brown and attached hereto.

Commissioner McKay – Yes  
Commissioner O’Hearn - Yes  
Commissioner Day – Yes  
Judge/Executive McNeill – Yes

### **Animal Shelter**

Motion made by Commissioner Day, seconded by Commissioner O’Hearn to accept the July report as submitted by Richard Newberry and attached hereto.

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

### **Sheriff’s Report**

Motion by Commissioner O’Hearn and seconded by Commissioner McKay to accept the Monthly Tax Disbursement Report for July totaling \$288,527.01, as presented by Sheriff Patrick Boggs and attached hereto.

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

The Monthly Vehicle Report for March was submitted for review.

### **Landfill Report**

Motion by Commissioner Day, seconded by Commissioner O'Hearn to accept the July report as presented by Todd Leonard and attached hereto.

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

### **Recycling Center Report**

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

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

### **Solid Waste Report**

Motion by Commissioner McKay, seconded by Commissioner O'Hearn to accept the July report as submitted by Chris Carpenter and attached hereto.

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

### **Detention Center**

Motion made by Commissioner Day, seconded by Commissioner McKay to accept the July report as presented by Jailer Lisa Kern-Yearly and attached hereto.

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

**Treasurer's Report**

Motion made by Commissioner McKay, seconded by Commissioner O'Hearn to authorize the payment of claims, including additional claims totaling \$37,921.40, as presented and attached hereto.

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

Motion made by Commissioner O'Hearn, seconded by Commissioner Day to approve the Financial Statement as of July 31, 2021, as presented and attached hereto.

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

**Resolution 21-25 – Levy and Adoption of 2021 Tax Rates for Mason County**

With summary being read by County Treasurer Kim Muse, motion was made by Commissioner O'Hearn, seconded by Commissioner McKay to adopt the following tax rates for 2021 for Mason County:

Real Estate	22.7 cents per \$100
Tangible Personal	23.0 cents per \$100
Motor Vehicles & Watercraft	16.0 cents per \$100
Inventory in Transit	0.0 cents per \$100
Tobacco in Storage	1.5 cents per \$100
Aircraft	23.0 cents per \$100,

as well as accept and/or acknowledge the tax rates submitted by the Library and Health Districts, and Extension Service, as presented and attached hereto.

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

### **Resolution 21-24 – Adoption and Renaming of Salt Lick Circle**

Motion made by Commissioner Day, seconded by Commissioner McKay to adopt Resolution 21-24, which names the roadway in front of the Mays Lick Volunteer Fire Department and Community Center as “Joe Pfeffer Way” in honor of the late Judge/Executive Pfeffer and in recognition of his service to his home community. This 0.20-mile roadway shall be inventoried in the County Maintained Road System.

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

David Mason, with the Mays Lick Volunteer Fire Department, said there will be a cookout on Sunday, August 29, 2021, beginning at 12:30 p.m., with a ceremony honoring the late Judge/Executive Pfeffer to follow.

### **Surplus Property**

The county will be conducting an online auction of all surplus items from various offices and departments on October 2, 2021, at 10:00 a.m. Craig Stanfield will be the auctioneer for the event.

Motion made by Commissioner Day, seconded by Commissioner McKay approving the online auction set for October 2, 2021, at 10:00 a.m.

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

### **Maysville Filthy 5K**

Carla Clement appeared before the court on behalf of the Filthy 5K Board of Directors Duke Ford and Melissa Mason, to ask for the court’s continued support of the event. This year the race is scheduled for September 18, 2021, and proceeds from this year’s event will benefit A League of Their Own, which is a sports league for children and young adults with special abilities.

Motion by Commissioner McKay, seconded by Commissioner O’Hearn to donate \$1,000.00 to the Filthy 5k as in years past.

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

### **Executive Order 21-05**

Emergency Management Director Clay Buser explained the Mason County Emergency Operations Plan is officially approved and adopted, effective the date of the executive order. This approval is in effect for one year unless superseded by a subsequent Order. The Emergency Operations Plan is available for public inspection during office hours of the Mason County Office of Emergency Management.

### **Permit Report**

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

### **EMS Report**

No EMS Report was submitted.

### **Ordinance 21-05 – Administrative Code Update**

This was a second reading of Ordinance 21-05, which amends the Mason County Administrative Code, specifically the sick time donation and the provisions of the personnel code pertaining to medical certification and drug or alcohol testing for commercial drivers.

Motion by Commissioner McKay, seconded by Commissioner O'Hearn, to adopt Ordinance 21-05, as presented and attached hereto.

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

### **Ordinance 21-06 – 2<sup>nd</sup> Reading – Rezoning of Wagler Property Located at 5895 US 68**

This was the second reading of Ordinance 21-06, which rejects the Findings of Fact, Conclusions of Law and Recommendations of the Mason County Joint Planning Commission pertaining to the application submitted by Stephen and Rosie Wagler, requesting a rezoning of their 8-acre property located at 5895 US 68 from A-2 Agricultural to B-2 Highway Business.

The Wagler's attorney, Jeff Schumacher, was present to address members of the court. Mr. Schumacher cited several reasons as to why the property should be rezoned as requested in the Wagler's application. Mr. Schumacher admitted that it was the Wagler's original intent to sell farm implements and seeds. However, due to COVID, Mr. Wagler had to change his original plan and instead, began to use the new space for furniture sales. He stated that the property lies within the urban corridor as set forth in the Comprehensive Plan and the application complied with said Plan. He also argued there are no infrastructure concerns or problems seeing as the original building has never been cited for any building violations and the new building was permitted by the county. Lastly, to address concerns regarding traffic ingress and egress from

the property, Mr. Schumacher said there had been no accidents or violations of the Department of Transportation requirements for the commercial entrance at that location. Mr. Schumacher provided a written report of his argument, which is attached hereto.

Robin Rice, with the Mason County Attorney's Office, addressed members of the court next. Mr. Rice stated the permit issued to the Waglers was for a feed and seed store, which is compliant with the current zoning of A-2, and exempt from zoning regulations. However, selling furniture on property zoned A-2 does not comply with zoning regulations. Mr. Rice also stated the planning commission found it appropriate to grant the rezoning request due to the length of time Mr. Wagler had violated the A-2 zoning regulation with selling furniture. Mr. Rice stated this was an unreasonable finding on the part of the planning commission.

George Larger, with the City of Maysville, said the application and permit were explicitly for a feed and seed store, which was permissible since the property is zoned Agriculture A-2. Mr. Larger expressed concern with changing the zoning to B-2 Commercial and what future businesses that would be allowed to operate there.

Motion by Commissioner O'Hearn, seconded by Commissioner McKay to adopt Ordinance 21-06, which rejects the Findings of Fact, Conclusions of Law and Recommendations of the Mason County Joint Planning Commission pertaining to the application submitted by Stephen and Rosie Wagler, requesting a rezoning of their 8 acre property located at 5895 US 68 from A-2 Agricultural to B-2 Highway Business.

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

#### **Communication from Judge Executive and Commissioners**

Judge/Executive McNeill informed the court David Maher was appointed to the Board of Adjustments on July 15, to fill the unexpired term of Walter Rosser. The term will expire on October 10, 2022. Also, Keith Phillips was appointed to the Western Lewis Rectorville Water District on July 23. The term will end on January 1, 2022.

Judge/Executive McNeill thanked Dr. Mark Day and John Bess for the donation to the Mason County Animal Shelter that came from the proceeds of the Buffalo Stampede.



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 McNeill – Yes

The next fiscal court meeting will be Tuesday, September 14, 2021, at 9:00 a.m.

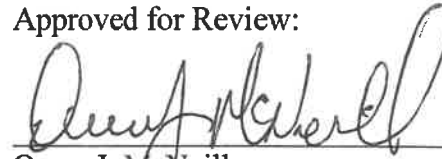
Respectfully submitted on this the 10<sup>th</sup> day of August 2021:



---

Stephanie G. Schumacher  
Fiscal Court Clerk

Approved for Review:



---

Owen J. McNeill  
Mason County Judge/Executive