

Mason County Fiscal Court
Regular Session
May 10, 2022
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, Road Department Supervisor Joe Brown, Sheriff Patrick Boggs, Jailer Lisa Kern-Yearly, County Treasurer Kim Muse, Emergency Management Director Clay Buser, Animal Shelter Supervisor Billy Howell, Shane Taylor and Executive Assistant Nathan Truesdell.

Introduction of Guests

Judge/Executive McNeill introduced Mellissa Bogar with the Mason Drug Court, along with Melissa Greenwell with the ION Center, Circuit Court Judge Stockton B. Wood and Commonwealth Attorney Kelly Clarke. May is designated as Drug Court Awareness Month. Judge Wood spoke of the benefits of having Mason Drug Court with education, training, rehabilitation and counseling being offered to those in the program. Judge/Executive McNeill thanked those present for the work they are doing and issued a proclamation declaring May as Drug Court Awareness Month.

Next, Judge/Executive McNeill introduced Macy Fawns, Extension Agent with the Mason County Area Extension Agency. Extension Agent Fawns presented the budget for the Extension Agency for fiscal year 2022-2023. The budget was presented for review and no action was taken.

Approval of Minutes – April 12, 2022

Motion made by Commissioner Day and seconded by Commissioner O'Hearn to approve the minutes from the April 12 regular meeting as presented.

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

Road Department

Motion made by Commissioner McKay, seconded by Commissioner O'Hearn to accept the April report as submitted by Road Supervisor Joe Brown and attached hereto.

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

Resolution 22-10 – CRA Cooperation Program Agreement FY 2023

Motion made by Commissioner Day, seconded by Commissioner McKay to adopt Resolution 22-10, in which Mason County will receive \$852,860.78 from the Department of Rural and Municipal Aid in County Road Aid Fund monies that have been apportioned to Mason County to aid the county in the construction, reconstruction and maintenance of certain roads and bridges.

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

Resolution 22-14 – Acceptance of State Roads into the County Road Inventory

Motion made by Commissioner McKay, seconded by Commissioner Day, to adopt Resolution 22-14, thereby accepting all ownership and maintenance responsibilities for portions of Old KY 10, Mason Lewis Road, Old US 62 and Old US 62 Connector as presented and attached hereto.

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

Animal Shelter

Motion made by Commissioner O’Hearn, seconded by Commissioner Day to accept the April report as presented by Supervisor Howell and attached hereto.

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

Sheriff’s Report

Motion by Commissioner Day and seconded by Commissioner O’Hearn to accept the Monthly Tax Disbursement Report for April totaling \$291,297.04 as presented by Sheriff Patrick Boggs and attached hereto.

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

Sheriff Boggs informed the court the delinquent tax bills were transferred to the county clerk’s office on April 18.

Sheriff Boggs presented to the court the Mason County Sheriff's Office Tax Settlement for the 2021 tax year with \$13,548,993.84 being disbursed to taxing districts. Motion by Commissioner O'Hearn, seconded by Commissioner McKay to approve the Sheriff's Tax Settlement for tax year 2021 as presented and attached hereto.

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

Resolution 22-11 - Grant Application for Body Cameras

Sheriff Boggs explained to the court that his office is planning to make an application to the U.S. Department of Justice for partial funding for the purchase of body-worn cameras for the deputies at the Mason County Sheriff's Office.

Motion made by Commissioner Day, seconded by Commissioner O'Hearn to adopt Resolution 22-11, whereby the Mason County Fiscal Court will hold in reserve 50 percent of the proposed project costs of the body cameras, for the purpose of matching the U.S. Department of Justice, Office of Justice Programs & Bureau of Justice Assistance.

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

Resolution 22-12 – BTADD – Homeland Security Projects

Motion by Commissioner O'Hearn, seconded by Commissioner Day, to approve Resolution 22-12, thereby authorizing Judge/Executive McNeill to make application and enter into an agreement with the Kentucky Office of Homeland Security and to execute any documents deemed necessary to facilitate and administer the project, which is the purchase of equipment and/or services as needed by the Mason County Sheriff's Office.

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

Landfill Report

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

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

Property Abatement and Illegal Dumping Report

Solid Waste Enforcement Officer Shane Taylor reported to the members of the court that over 600 bags of trash have been collected along 41.7 miles of county roads during the month of April. Also, clean-up days held in Dover and Germantown went well. Officer Taylor said he is currently tracking 26 properties through his office. Lastly, Officer Taylor said he is exploring the possibility of a livestock compost option at the landfill.

Motion by Commissioner O'Hearn, seconded by Commissioner McKay to accept the April report as submitted by Solid Waste Enforcement Officer Shane Taylor and attached hereto.

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

Garbage Collection Report

Motion by Commissioner McKay, seconded by Commissioner Day to accept the April report as submitted by Nicole Storms and attached hereto.

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

Detention Center Report

Motion made by Commissioner McKay, seconded by Commissioner O’Hearn to accept the April 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

Jailer Yearly reported that last week was correction employee appreciation week. The detention center had several activities honoring its employees, including a lunch.

Motion made by Commissioner O’Hearn, seconded by Commissioner McKay to renew the fiscal court’s agreement with Rowan County Fiscal Court for emergency housing, care and custody of inmates at the Mason County Detention Center, if needed.

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

Lastly, Jailer Yearly announced that she had applied and has been awarded \$44,840.77 in ARPA funding for the detention center. She also said because there is money remaining, a second round of funding will be available to those who make application.

Treasurer’s Report

Motion made by Commissioner McKay, seconded by Commissioner Day to authorize the payment of claims, including additional claims totaling \$67,207.55, 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 April 30, 2022, as presented and attached hereto.

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

Motion made by Commissioner Day, seconded by Commissioner McKay to approve budget transfers in the amount of \$118,800.00.

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

EMS Report

Fire Chief Kevin Doyle with the Maysville Fire Department submitted the April EMS Report for review. The report is attached hereto.

Permit Report

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

New Business

Wald Park Inc. asked the fiscal court for its consideration of a donation to help funding of the light installation campaign. In years past, the court donated \$5,000.00. This year, the board of Wald Park Inc. asked the court to consider to donating an additional \$5,000.00, for a total of \$10,000.00, with \$5,000.00 going towards general operating expenses and the other \$5,000.00 to the light campaign.

Motion made by Commissioner Day, seconded by Commissioner O'Hearn to donate \$5,000.00 to Wald Park Inc.

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

Resolution 22-13 – Land and Water Conservation Fund

Motion by Commissioner O’Hearn, seconded by Commissioner Day to adopt Resolution 22-13, whereby Mason Fiscal Court will hold in reserve 50 percent of the proposed project costs for installing fencing around the upper tier of a trail at Cummins Nature Preserve. The Land and Water Conservation Fund will match up to 50 percent of the proposed costs.

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

Determination of Procedures for JPC Referral

Judge/Executive McNeill began by thanking the Joint Planning Commission (JPC) for the hard work, attentiveness and effort they put into the solar issue. Judge/Executive McNeill also thanked Planning and Zoning Administrator George Larger and JPC attorney Michael Clarke for their work on this as well. The JPC made a recommendation to Mason Fiscal Court that solar energy projects be a permitted land use. Judge/Executive McNeill said he would like to establish a framework for proceedings moving forward either to accept, reject or edit the JPC’s recommendation. Judge/Executive McNeill said he has worked with County Attorney John Estill and others to come up with a plan to review publicly the evidence already submitted to JPC. Judge/Executive McNeill outlined a plan, which includes a meeting at the Maysville Community and Technical College on May 25, 2022, to ensure everyone has an opportunity to hear from those in support and those opposed to solar projects. No additional evidence will be taken at this meeting but rather will consider the testimony presented to the JPC. This meeting will give members of the court the opportunity to ask questions, as well as hear arguments for and against solar projects. There will not be a public comment period at this meeting.

Assistant County Attorney Robin Rice introduced himself to the court and explained that he has been working on the solar project along with George Larger and Michael Clarke. Mr. Rice advised the court to have a special meeting at the college so the public may come to watch and listen to the process.

Commissioner O’Hearn agreed with Mr. Rice in the importance of this process being transparent and open to the public. Therefore, Commissioner O’Hearn made a motion, seconded by Commissioner Day to hold a special meeting on May 25, 2022, at 6 p.m. at the Maysville Community and Technical College.

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

Mr. Rice said the next issue to address is the format of the special meeting as to whether new evidence would be taken or limit it to argument and the length of opposing arguments. He told

the court they may adopt the record of the JPC, which includes transcripts of over eight hours of hearings, all the submitted written comments, presentations and written submissions. Mr. Rice suggested that the court adopt the record of the JPC and consider it as evidence and have the special meeting limited to arguments and summation.

Motion made by Commissioner McKay, seconded by Commissioner O'Hearn to adopt the record of the JPC as evidence and not take new evidence at the special meeting.

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

The next item of business is the order of speaking and the allotment of time. Mr. Rice proposed the developers briefly introduce themselves, followed by the Citizens Voice with a time allotment of 30 minutes and then Limestone Solar with a time allotment of 30 minutes. At the end, the Citizens Voice would be offered a time for rebuttal for Limestone Solar. Also, the court would be able to address the group with concerns and questions.

Motion made by Commissioner O'Hearn, seconded by Commissioner Day to follow the order of speaking and allotment of time as suggested by Mr. Rice.

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

Mr. Rice recommended that, just as people are allowed to submit written comments to the JPC, the court accept written arguments or summaries of arguments by speakers. These summaries would not introduce new evidence but rather would reflect and refer to the record. If they had a counter draft of the ordinance, they could also submit that. Mr. Rice suggested a time frame and length of summary for submission be set.

Motion made by Commissioner O'Hearn, seconded by Commissioner Day that written arguments be submitted by May 20, 2022, at 2:30 p.m. with a limit of ten pages.

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

The first reading of the solar ordinance will be held at the next regular meeting scheduled for June 14, 2022.

County Attorney Estill said Nathan Truesdell, Executive Assistant, has a copy of the JPC record for each member of the court.

Old Business

Judge/Executive McNeill announced that David Maher had been reappointed to the Fleming-Mason Airport Board. In addition, Mike Glass was appointed to the Fleming-Mason Airport Board.

Communication from the Judge/Executive and Commissioners

Judge/Executive McNeill announced that a regional driver's licensing office has been set up in Mason County. The office is temporarily located on Kenton Station Drive in the Emergency Management Officer.

Lastly, Judge/Executive McNeill commended Mitch Coleman on his 30 years of service at the Fleming-Mason Airport.

Having no further business, motion made by Commissioner McKay, seconded by Commissioner O'Hearn to adjourn.

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

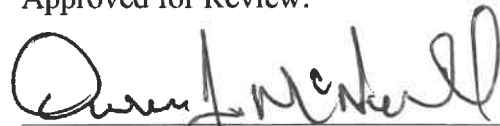
The next fiscal court meeting will be Tuesday, June 14, 2022, at 9:00 a.m.

Respectfully submitted on this the 10th day of May 2022:



Stephanie G. Schumacher
Fiscal Court Clerk

Approved for Review:



Owen J. McNeill
Mason County Judge/Executive