

FRANKLIN COUNTY FISCAL COURT
JUNE 19, 2020 9:00 A.M.
SPECIAL MEETING

Work Session Presentations:

- ❖ Household Hazardous Waste Event, Brittany Woodward
- ❖ Parcel B Development Plan Update, KMK, Jim Parsons
- ❖ COVID-19 Update, Franklin County Health Department, Judy Mattingly

As a result of the state of emergency declared by the President of the United States, Governor of Kentucky, and Franklin County Judge/Executive due to the global COVID-19 pandemic Franklin County Fiscal Court members attended in person and by means of video teleconference on Friday, June 19, 2020. The meeting was streamed live from the Fiscal Court Room at 321 West Main Street, Frankfort, KY by Frankfort Plant Board, cable channel 10 and on the Franklin County Fiscal Court Official Facebook page, <https://www.facebook.com/fcfcky/>.

The meeting was called to order at 12:22 p.m. with Judge Huston Wells presiding. The following members of Fiscal Court were present: Squire Sherry Sebastian, Squire J.W. Blackburn, Squire Michael Mueller, Squire Scotty Tracy, Squire Marti Booth and Squire Lambert Moore. County Attorney Rick Sparks was in attendance.

Following roll call and pledge of allegiance, Judge Wells read a proclamation into the record declaring June 19, 2020 as Juneteenth, National Freedom Day in Franklin County.

Motion by Squire Moore, seconded by Squire Mueller, for authorization for approval of minutes from regular meeting of May 28, 2020. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Sebastian, seconded by Squire Blackburn, for authorization to approve Contract with Franklin County Health Department for providing preventive services to county employees. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Sebastian, seconded by Squire Mueller, for authorization to accept County Attorney's Cold Check Expenses Fees/Excess Fees in the amount of \$2,246.50 for Fiscal Year Ending June 30, 2019. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Sebastian, seconded by Squire Moore, for second reading and approval of Amendment #5 to Ordinance #4-2019 relating to Budget for Fiscal Year 2019-2020. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Moore, seconded by Squire Sebastian, for second reading and approval of Ordinance #2-2020, relating to the Budget for Fiscal Year 2020-2021. Voting in favor of the motion were Squires Sebastian, Blackburn, Booth, Moore and Judge Wells. Voting in opposition were Squires Mueller and Tracy. Motion passed.

Authorization to Establish Findings of Fact pursuant to KRS 100.213 related to a request by Tierney Storage LLC for approval of a zone map amendment from Agricultural District “AG” to Industrial General District “IG” for a 85.388 acre portion of property located in Franklin County, identified as a portion of Tract 1 (84.058 acres±) and a portion of Tract 2 (1.331 acres±), located at 690 Duncan Road. The property is more specifically identified as a portion of PVA Map Number 087-00-00-031.00 (Tract 1) and a portion of PVA Map Number 087-00-00-031.01 (Tract 2) were submitted and voted as follows:

- **Finding of Fact #1 Established**

Motion by Squire Sebastian, seconded by Squire Booth, for authorization to establish Finding of Fact submitted by Squire Sebastian, changes in the area will exacerbate acknowledged existing stormwater issues. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth and Judge Wells. Voting in opposition was Squire Moore. Motion passed, 6-1.

- **Finding of Fact Failed**

Motion by Squire Blackburn, seconded by Squire Mueller, for authorization to establish Finding of Fact submitted by Squire Blackburn, application does not provide a level of public service in rural areas that compliments the rural setting. Voting in favor of the motion were Squires Blackburn, Mueller and Tracy. Voting in opposition were Squires Sebastian, Booth, Moore and Judge Wells. Motion failed, 4-3.

- **Finding of Fact #2 Established**

Motion by Squire Blackburn, seconded by Squire Mueller, for authorization to establish Finding of Fact submitted by Squire Blackburn, application does not provide overlays within the city and county that identify aspects of the landscape that are of cultural, ecological and historical significance (for example, historic buildings, wetlands, steep slopes, etc.). Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller and Tracy. Voting in opposition were Squires Booth, Moore and Judge Wells. Motion passed, 4-3.

- **Finding of Fact #3 Established**

Motion by Squire Mueller, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Blackburn, does not identify urban growth boundaries that are compatible with the goal of preserving community character. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller and Tracy. Voting in opposition were Squires Booth, Moore and Judge Wells. Motion passed, 4-3.

- **Finding of Fact #4 Established**

Motion by Squire Blackburn, seconded by Squire Booth, for authorization to establish Finding of Fact submitted by Squire Blackburn, application does not encourage the preservation of existing farms and rural lands outside of existing and planned urban areas. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy and Booth. Voting in opposition was Squire Moore and Judge Wells. Motion passed, 5-2.

- **Finding of Fact #5 Established**

Motion by Squire Moore, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Blackburn, application expands the current boundary of development in the area. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Moore and Judge Wells. Voting in opposition was Squire Booth. Motion passed, 6-1.

- **Finding of Fact #6 Established**

Motion by Squire Booth, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Blackburn, application does not protect scenic viewsheds along the rural roadways. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy and Booth. Abstaining was Squire Moore. Voting in opposition was Judge Wells. Motion passed, 6-1.

- **Finding of Fact #7 Established**

Motion by Squire Blackburn, seconded by Squire Tracy, for authorization to establish Finding of Fact submitted by Squire Mueller, I believe that the current zoning of agriculture is appropriate. The farm is bound on several sides by ag, rural and rural residential use. It represents an important buffer between the residents for the area and the industrial park. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy and Booth. Voting in opposition was Squire Moore and Judge Wells. Motion passed, 5-2.

- **Finding of Fact #8 Established**

Motion by Squire Blackburn, seconded by Squire Mueller, for authorization to establish Finding of Fact submitted by Squire Mueller, the comp plan says we should protect the integrity of the natural environment, including water, air and land. Allowing this zone change would disturb more of the already flooding Slickaway Branch. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy and Booth. Voting in opposition was Squire Moore and Judge Wells. Motion passed, 5-2.

- **Finding of Fact #9 Established**

Motion by Squire Blackburn, seconded by Squire Booth, for authorization to establish Finding of Fact submitted by Squire Mueller, the comp plan says we should promote infill development, but the proposed rezoning would result in sprawling into rural lands which is in conflict with these policies. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth and Judge Wells. Voting in opposition was Squire Moore. Motion passed, 6-1.

- **Finding of Fact #10 Established**

Motion by Squire Mueller, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Tracy, the general development guidelines for industrial uses in the comprehensive plan state, new industrial development should be placed in areas where there is minimal impact on residential uses and the natural environment; the proposed development will have a major impact not only on the neighbors surrounding the development, but it will also continue to add to the flooding problems downstream. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller and Tracy. Voting in opposition were Squires Booth, Moore and Judge Wells. Motion passed, 4-3.

- **Finding of Fact #11 Established**

Motion by Squire Blackburn, seconded by Squire Sebastian, for authorization to establish Finding of Fact submitted by Squire Tracy, Goal 5, policy 1 - preserve streams and drainage ways to manage storm water runoff, prevent flooding, or to create a system of greenways; allowing land disturbance in the head of Slickaway Branch has already caused increased flooding, roadway hazards and property damage in the area. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller and Tracy. Voting in opposition were Squires Booth, Moore and Judge Wells. Motion passed, 4-3.

- **Finding of Fact #12 Established**

Motion by Squire Mueller, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Tracy, Goal 5, policy 4 - protect scenic viewsheds along rural roadways; residents living around the proposed development and or tourist traveling along the road, removal of mature trees and the introduction of large warehouses in place of a farm and farmhouse goes directly against this policy. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy and Booth. Voting in opposition was Squire Moore and Judge Wells. Motion passed, 5-2.

- **Finding of Fact #13 Established**

Motion by Squire Mueller, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Booth, there has been no change in potential use of the land. No change has occurred to the soils to render them infertile. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth and Moore. Motion passed, 7-0.

- **Finding of Fact #14 Established**

Motion by Squire Moore, seconded by Judge Wells, for authorization to establish Finding of Fact submitted by Squire Moore, this is in agreement with the comprehensive plan. Voting in favor of the motion were Squires Sebastian, Tracy, Moore and Judge Wells. Voting in opposition were Squires Blackburn, Mueller and Booth. Motion passed, 4-3.

- **Finding of Fact Failed**

Motion by Squire Moore, seconded by Judge Wells, for authorization to establish Finding of Fact submitted by Squire Moore, this zone change would force the applicant to mitigate flood run off of the property. Voting in favor of the motion was Squire Moore and Judge Wells. Voting in opposition were Squires Sebastian, Blackburn, Mueller, Tracy and Booth. Motion failed, 5-2.

- **Finding of Fact #15 Established**

Motion by Squire Sebastian, seconded by Judge Blackburn, for authorization to establish Finding of Fact submitted by Squire Moore, the property is adjacent to industrial park. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed, 7-0.

- **Finding of Fact Failed**

Motion by Squire Sebastian, seconded by Squire Moore, for authorization to establish Finding of Fact submitted by Squire Moore, the property is bound by industrial zoning on East, West and North property boundaries. Voting in favor of the motion were Squires Sebastian, Moore and Judge Wells. Voting in opposition were Squires Blackburn, Mueller, Tracy and Booth. Motion failed, 4-3.

- **Finding of Fact #16 Established**

Motion by Squire Moore, seconded by Judge Wells, for authorization to establish Finding of Fact submitted by Judge Wells, the zone map amendment is in agreement with future land use map of the comprehensive plan. Voting in favor of the motion were Squires Sebastian, Blackburn, Moore and Judge Wells. Voting in opposition were Squires Mueller, Tracy and Booth. Motion passed, 4-3.

Motion by Squire Booth, seconded by Squire Moore, for authorization to approve Resolution #19-2020 authorizing the Filing of a Coronavirus Relief Fund (“CRF”) Application for Reimbursement of Incurred Expenses in CRF Funds with the Department For Local Government (“DLG”); Authorizing and Directing the Franklin County Judge/Executive to Execute any Documents Deemed Necessary by DLG to Reimburse Franklin County; and Authorizing the Franklin Judge/Executive to Act as the Authorized Correspondent for Reimbursement. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Moore, seconded by Squire Tracy, for authorization to approve amended Interagency Agreement between Franklin County Fiscal Court and Franklin County Soil Conservation District Regarding Levying of a Tax and Associated Responsibilities. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Sebastian, seconded by Squire Booth, for authorization to approve reappointment of Ray Smith to Farmdale Sanitation District Board for a term ending June 30, 2024. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Moore, seconded by Squire Tracy, for authorization to approve reappointment of Johnny Keene to Board of Zoning Adjustments for a term ending June 30, 2024. Voting in favor of the motion were Squires Sebastian, Blackburn, Tracy, Booth, Moore and Judge Wells. Voting in opposition was Squire Mueller. Motion passed.

Motion by Squire Mueller, seconded by Squire Tracy, for authorization to award bid for various sizes of aggregates to lowest bidder, Harrod Concrete and Stone. Voting in favor of the motion were Squires Blackburn, Mueller, Tracy, Booth and Judge Wells. Voting in abstention was Squire Sebastian. Voting present was Squire Moore. Motion passed.

Motion by Squire Moore, seconded by Squire Blackburn, for authorization to award bid for Bituminous surface materials to sole bidder, H.G. Mays Corporation. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Blackburn, seconded by Squire Mueller, for authorization to award bid for Concrete, fiber and block to sole bidder, Harrod Concrete and Stone. Voting in favor of the motion were Squires Blackburn, Mueller, Tracy, Booth and Judge Wells. Voting in abstention was Squire Sebastian. Voting present was Squire Moore. Motion passed.

Motion by Squire Mueller, seconded by Squire Moore, for authorization to award bid for N-12 polyethylene pipe and fittings to best value bidder, Hayes Pipe Supply, Inc. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Mueller, seconded by Squire Sebastian, for authorization to award bid for Salt/Deicer to lowest bidder, Detroit Salt Company, LLC. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Sebastian, seconded by Squire Booth, for authorization to approve Budget Transfers in the Sheriff Fund (\$72,276), Fiscal Year 2019 – 2020. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Sebastian, seconded by Squire Blackburn, for authorization to receive Treasurer's Report. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

No motion was offered to deny a claim and bills are ordered to be paid as presented.

Motion by Squire Blackburn, seconded by Squire Mueller, for authorization to adjourn. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed. (Meeting adjourned at 2:02 p.m.)

Huston Wells
County Judge/Executive

Tambra Harrod
Fiscal Court Clerk