

**FRANKLIN COUNTY FISCAL COURT
VIDEO TELECONFERENCE
SEPTEMBER 24, 2021
REGULAR MEETING**

Work Session:

- ❖ Recognition of Court Security Officers Lt. Roy Rivers and Deputy Dale Gallagher
- ❖ Farmdale Sanitation District Sewer Issues
- ❖ Recycling Update, Solid Waste Coordinator Brittany Woodward

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 met by video teleconference on Friday, September 24, 2021. The meeting was streamed live by Frankfort Plant Board, cable channel 10, Franklin County Fiscal Court's Official Facebook page, www.facebook.com/fcfcky and Franklin County Fiscal Court's Official YouTube channel, www.tinyurl.com/fcfcky. The primary location of the video teleconference was 321 West Main Street, where all members of fiscal court could be seen and heard with a public observation area in the work session conference room.

The meeting was called to order at 12:59 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, the pledge of allegiance was performed by Campbell, a Frankfort High School Student.

Motion by Squire Mueller, seconded by Squire Sebastian, for authorization for approval of minutes from public hearing of September 2, 2021. 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 Booth, for authorization for approval of minutes from regular meeting of September 2, 2021. 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 approve agreement with West Kentucky Correctional Healthcare II, LLC for Inmate Health Services at the Franklin County Regional Jail. 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 Booth, for authorization to approve agreement for providing Health Care to Indigent Prisoners at the Franklin County Regional Jail. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Authorization to Establish Findings of Fact pursuant to KRS 100.213 related to a request by Ryan C. and Nichole L. Turner for a Zone Map amendment from Rural Residential District (RR) to Agricultural District (AG) for a 10.01-Acre Property Identified as PVA Map #051-00-00-008.01, located at 505 Jones Lane were submitted and voted as follows:

- **Finding of Fact #1 Established**

Motion by Squire Booth, seconded by Squire Sebastian, for authorization to establish Finding of Fact submitted by Squire Booth: 10.01 acres of 505 Jones Lane is near federally protected land. 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, for authorization to establish Finding of Fact submitted by Squire Sebastian: Guideline 1: Development on public water/sewer shall not exceed 1 unit per 1.5 acres. Staff report specifies and staff testimony that 99 units will be on the 10-acre property. This is inconsistent with and will not satisfy the condition in guideline 1. No second for the motion was offered. Motion failed.

- **Finding of Fact Failed**

Motion by Squire Sebastian, for authorization to establish Finding of Fact submitted by Squire Sebastian: Guideline 2 states flexibility should be given where the proposed development will not have an adverse effect on the surrounding uses. This is equally inconsistent and will be the exact opposite of the stated purpose as the surrounding uses are clearly permanent residential. No second for the motion was offered. Motion failed.

- **Finding of Fact Failed**

Motion by Squire Sebastian, seconded by Squire Booth, for authorization to establish Finding of Fact submitted by Squire Sebastian: Guideline 3 states no new development shall occur where there is not adequate water supply and water pressure for fire protection services. This zone change will not satisfy this guideline. Voting in favor of the motion were Squires Sebastian and Booth. Voting in opposition were Squires Blackburn, Mueller, Tracy, Moore and Judge Wells. Motion failed, 2-5.

- **Finding of Fact #2 Established**

Motion by Squire Sebastian, seconded by Squire Mueller, for authorization to establish Finding of Fact submitted by Squire Sebastian: Page 1 of the staff report notes that the subject property is adjacent only to a mobile home park, but does not specify that the property is bounded by single family homes. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed, 7-0.

- **Finding of Fact #3 Established**

Motion by Squire Sebastian, seconded by Squire Moore, for authorization to establish Finding of Fact submitted by Squire Sebastian: The Franklin County Zoning Ordinance established 21 zoning districts. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed, 7-0.

- **Finding of Fact #4 Established**

Motion by Squire Sebastian, seconded by Squire Mueller, for authorization to establish Finding of Fact submitted by Squire Sebastian: Page 1 of the staff report notes that the subject property

is surrounded by zoning districts: RR- single family rural residential district, RB- single family residential suburban density district, RM- mobile home district. 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 Failed**

Motion by Squire Sebastian, for authorization to establish Finding of Fact submitted by Squire Sebastian: page 2 of the staff report notes the purpose of the existing zoning RR is intended to establish and preserve a quiet single family home neighborhood. The district is intended to be low density. This is just what the current zoning does and moving forward with the proposed zone change request is incompatible. No second for the motion was offered. Motion failed.

- **Finding of Fact Failed**

Motion by Squire Sebastian, for authorization to establish Finding of Fact submitted by Squire Sebastian: KRS 139.200 (2)(A) imposition of sales tax. This tax shall not apply to rooms, lodging, campsites or accommodations supplied for a continuous period of 30 days or more. No second for the motion was offered. Motion failed.

- **Finding of Fact #5 Established**

Motion by Squire Sebastian, seconded by Squire Booth, for authorization to establish Finding of Fact submitted by Squire Sebastian: 2021 real property tax is 18.5%. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed, 7-0.

- **Finding of Fact #6 Established**

Motion by Squire Moore, seconded by Squire Mueller, for authorization to establish Finding of Fact submitted by Squire Moore: Comprehensive plan, future land use plan designates the property as rural activities. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed, 7-0.

- **Finding of Fact #7 Established**

Motion by Squire Moore, seconded by Squire Tracy, for authorization to establish Finding of Fact submitted by Squire Moore: AG zoning is an appropriate zone district for the rural activities land use designation. Voting in favor of the motion were Squires Blackburn, Mueller, Tracy, Moore and Judge Wells. Voting present were Squires Sebastian and Booth. Motion passed, 7-0.

- **Finding of Fact #8 Established**

Motion by Squire Moore, seconded by Squire Sebastian, for authorization to establish Finding of Fact submitted by Squire Moore: There have been major economic, social, physical changes in the area that were not anticipated at the time of the adoption of the comprehensive plan. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Moore and Judge Wells. Voting present was Squire Booth. Motion passed, 7-0.

Motion by Squire Moore, seconded by Squire Tracy, for second reading and approval of Ordinance #12-2021 amending the Table of Special Ordinances, Section 1 Zoning Map Changes of The Franklin County Code of Ordinances for a 10.01-Acre Property Identified as PVA Map #051-00-00-008.01, located at 505 Jones Lane, from Rural Residential District (RR) to Agricultural District (AG). Voting in favor of the motion were Squires Blackburn, Mueller, Tracy, Moore and Judge Wells. Voting in opposition were Squires Sebastian and Booth. Motion passed.

Motion by Squire Blackburn, seconded by Squire Tracy, for authorization to approve Resolution #37-2021 authorizing the filing of an application with the Kentucky Energy and Environment Cabinet, Division of Waste Management, for 2022 Litter Abatement Grant Funding and Designating the County Judge/Executive to Execute All Documents Pertaining to this Grant. 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 Blackburn, for authorization to approve Resolution #38-2021 authorizing the filing of an application with Kentucky Association of Counties (KACo) for grant funds to be used for the purchase of defibrillators for various County Facilities. 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 Sebastian, for authorization to approve a Letter of Agreement with Commonwealth of Kentucky, Office of Health Data and Analytics for reporting of COVID-19 tests performed by the Franklin County Fire Department. Voting in favor of the motion were Squires Sebastian, Blackburn, Mueller, Tracy, Booth, Moore and Judge Wells. Motion passed.

Motion by Squire Booth, seconded by Squire Mueller, for authorization to approve alternate #1 to subsidize employee health insurance premiums for dependent plans with Humana for Calendar Year 2022. 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 continuing the \$50 per month wellness/non-wellness rate for county employees not participating in Go365 for Calendar Year 2022. 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 Squire Sebastian as the magistrate appointment to the Joint City/County Working Group for Economic Development. 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 Sebastian, 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 Booth, seconded by Squire Sebastian, 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 1:25 p.m.)


Huston Wells
County Judge/Executive


Tandra Harrod
Fiscal Court Clerk