

**FRANKLIN COUNTY FISCAL COURT
VIDEO TELECONFERENCE
MARCH 30, 2023 5:00 P.M.
REGULAR MEETING**

Work Session:

- Franklin Co Fire Department Promotional Pinning Ceremony
- 2023-2024 Franklin County Conservation District Annual Report/Budget, Mr. Akers
- 2023-2024 Budget Kentucky Capital Development Corporation, Clay Hulette
- 2023-2024 Jail Proposed Budget, Jailer Jake Banta
- Judge's Report
- Road Department Update

Franklin County Fiscal Court met on Thursday, March 30, 2023 in the Fiscal Court Room at 321 West Main Street, Frankfort, KY. The meeting was streamed live by Frankfort Plant Board, Cable Channel 10, Franklin County Fiscal's Court's Official Facebook page, www.facebook.com/fcfcky and Franklin County Fiscal Court's Official YouTube channel, www.tinyurl.com/fcfcky.

The meeting was called to order at 8:15 p.m. with Judge Michael Mueller presiding. The following members of Fiscal Court were present: Squire Sherry Sebastian, Squire J.W. Blackburn, Squire Kelly Dycus, Squire Scotty Tracy, Squire Richard Tanner, and Squire Eric Whisman. Franklin County Attorney Max Comley was in attendance.

Following roll call and pledge of allegiance, motion by Squire Sebastian, seconded by Squire Whisman, for authorization for approval of amended minutes from meeting on March 14, 2023. Voting in favor of the motion were Squires Sebastian, Blackburn, Whisman, Dycus, Tanner, Tracy, and Judge Mueller. Motion passed.

Motion by Squire Blackburn, seconded by Squire Whisman, for authorization to receive 2023-2024 Proposed Jail Budget. Voting in favor of the motion were Squires Sebastian, Blackburn, Whisman, Dycus, Tanner, Tracy, and Judge Mueller. Motion passed.

Motion by Squire Dycus, seconded by Squire Tracy, for authorization to accept Franklin County Conservation District for 2023-2024 Annual Budget, 2023-2024 Annual Plan of Work, and Dead Animal Program. Voting in favor of the motion were Squires Sebastian, Blackburn, Whisman, Dycus, Tanner, Tracy, and Judge Mueller. Motion passed.

Motion by Squire Blackburn, seconded by Squire Dycus, for authorization to receive Capital Community Economic/Industrial Development Authority, dba Kentucky Capital Development Corporation Budget for Fiscal Year 2023-2024. Voting in favor of the motion were Squires Sebastian, Blackburn, Whisman, Dycus, Tanner, Tracy, and Judge Mueller. Motion passed.

Motion by Squire Blackburn, seconded by Squire Sebastian, for Second Reading and approval of Amendment #1 to Ordinance #5-2022 Relating to Budget for Fiscal Year 2022-2023. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Tanner, Whisman, and Judge Mueller. Motion passed

Motion by Squire Sebastian, seconded by Squire Whisman, for authorization to approve Budget Transfers for Fiscal Year 2022-2023. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Tanner, Whisman, and Judge Mueller. Motion passed

Removed from the agenda was authorization to approve Cash Transfers for Fiscal Year 2022-2023.

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

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

Motion by Squire Tracy, seconded by Squire Blackburn, authorization to rehire Kat Verraskthakul as part-time and seasonal golf employee. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Tanner, Whisman, and Judge Mueller. Motion passed

Motion by Squire Tanner, seconded by Squire Tracy, authorization to approve #8-2023 Resolution authorizing Franklin County to enter a Three-Year Contract with Recollect Systems Inc for a Web-based Application focusing on Solid Waste Management Information for resident use. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Tanner, Whisman, and Judge Mueller. Motion passed

Authorization to Establish Findings of Fact pursuant to KRS 100.213 related to a request by Tierney Storage LLC for approval Zoning Map Changes of The Franklin County Code of Ordinances for an 85.388-acre portion of property, identified as a Portion of Tract #1 (84.058 Acres± a Portion of PVA Map #87-00-00-031.001) and a Portion of Tract #2 (1.331 Acres± a Portion of PVA Map #87-00-00-031.01), located at 690 Duncan Road from Agricultural District (AG) to Industrial General District (IG) were submitted and voted as follows:

- Finding of Fact #1 Established
Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The subject property is listed on the National Registry of Historical places as a contributing farm, a federally administered designation. Voting in favor of the motion were Squires Blackburn, Dycus, Whisman, and Judge Mueller. Voting in opposition were Squires Sebastian, Tracy, and Tanner. Motion passed, 4-3.

- **Finding of Fact #2 Failed**
 Motion by Squire Whisman, seconded by no one, for authorization to establish Finding of Fact submitted by Squire Whisman, The subject property and application lie outside of the 3500-foot radius designated for potential regional retail. Motion failed for lack of a second.
- **Finding of Fact #3 Failed**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The development changes in the area would exacerbate known existing stormwater issues along Slickaway Branch. Voting in favor of the motion were Squires Blackburn and Whisman. Voting in opposition were Squires Sebastian, Dycus, Tracy, Tanner, and Judge Mueller. Motion failed, 5-2
- **Finding of Fact #4 Failed**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The application does not meet the requirements set forth by the Comprehensive Plan to provide the level of public good that complements the rural setting of the subject property and rural neighbors. Voting in favor of the motion were Squires Blackburn and Whisman. Voting in opposition were Squires Sebastian, Dycus, Tracy, Tanner, and Judge Mueller. Motion failed, 5-2
- **Finding of Fact #5 Failed**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The application does not identify aspects of the landscape that are culturally, ecologically, or historically significant. Voting in favor of the motion were Squires Blackburn, Dycus, and Whisman. Voting in opposition were Squires Sebastian, Tracy, Tanner, and Judge Mueller. Motion failed, 4-2.
- **Finding of Fact #6 Failed**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The application does not identify urban growth boundaries that are compatible with the goal of preserving community character, but would expand the urban development footprint. Voting in favor of the motion were Squires Blackburn and Whisman. Voting in opposition were Squires Sebastian, Dycus, Tracy, Tanner, and Judge Mueller. Motion failed, 5-2.
- **Finding of Fact #7 Failed**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The application does not encourage the preservation of existing farms and rural lands outside of existing urban areas. Voting in favor of the motion were Squires Blackburn, Whisman, and Judge Mueller. Voting in opposition were Squires Sebastian, Dycus, Tracy, and Tanner. Motion failed, 4-3.
- **Finding of Fact #8 Failed**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The application expands

the current boundary of development in the area and does not protect scenic viewsheds along Duncan Road. Voting in favor of the motion were Squires Blackburn, Whisman, and Judge Mueller. Voting in opposition were Squires Sebastian, Dycus, Tracy, and Tanner. Motion failed, 4-3.

- **Finding of Fact #9 Failed**
Motion by Squire Whisman, seconded by Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The current property zoning is appropriate as the existing farm is bounded by other agricultural, rural, and rural residential properties and within a 1-mile boundary of the interstate exchange some of 22 parcels of property support an agricultural zoning in Franklin County. Voting in favor of the motion were Squires Blackburn and Whisman. Voting in opposition were Squires Sebastian, Dycus, Tracy, Tanner, and Judge Mueller. Motion failed, 5-2.
- **Finding of Fact #10 Established**
Motion by Squire Sebastian, seconded by Squire Dycus, for authorization to establish Finding of Fact submitted by Squire Sebastian, The comprehensive plan future land use plan map designated the property for employment center. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Tanner, Whisman, and Judge Mueller. Motion passed, 7-0.
- **Finding of Fact #11 Established**
Motion by Squire Sebastian, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Sebastian, Development should not exacerbate existing stormwater issues noted by the county engineer at Slickaway Branch. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Tanner, Whisman, and Judge Mueller. Motion passed, 7-0.
- **Finding of Fact #12 Established**
Motion by Squire Sebastian, seconded by Squire Tanner, for authorization to establish Finding of Fact submitted by Squire Sebastian, The Industrial General (IG) zone district is appropriate for the employment center land use designation. Voting in favor of the motion were Squires Sebastian, Dycus, Tracy, Tanner, and Judge Mueller. Voting in opposition were Squires Blackburn and Whisman. Motion passed, 5-2.
- **Finding of Fact #13 Established**
Motion by Squire Tracy, seconded by Squire Tanner, for authorization to establish Finding of Fact submitted by Squire Sebastian, The subject property is bound by industrial zoning to the East, West, and North within Franklin County. Voting in favor of the motion were Squires Sebastian, Dycus, Tracy, Tanner, and Judge Mueller. Voting in opposition were Squires Blackburn and Whisman. Motion passed, 5-2.
- **Finding of Fact #14 Established**
Motion by Squire Sebastian, seconded by Squire Dycus, for authorization to establish Finding of Fact submitted by Squire Sebastian, The subject property is adjacent/contiguous to an established industrial park in Franklin County. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Tanner, Whisman, and Judge Mueller. Motion passed, 7-0.

- **Finding of Fact #15 Established**
 Motion by Squire Sebastian, seconded by Squire Dycus, for authorization to establish Finding of Fact submitted by Squire Sebastian, The Zone map amendment application to change to Industrial General (IG) is in agreement with the Comprehensive Plan future plan use map. Voting in favor of the motion were Squires Sebastian, Dycus, Tracy, Tanner, and Judge Mueller. Voting in opposition were Squires Blackburn, and Whisman. Motion passed, 5-2.
- **Finding of Fact #16 Established**
 Motion by Squire Tanner, seconded by Squire Sebastian, for authorization to establish Finding of Fact submitted by Squire Sebastian, The existing zoning classification given to the property is inappropriate and the purposed zoning classification is appropriate. Voting in favor of the motion were Sebastian, Tracy, Tanner, and Judge Mueller. Voting in opposition were Squires Blackburn, Dycus, and Whisman. Motion passed, 4-3.
- **Finding of Fact #17 Established**
 Motion by Squire Blackburn, seconded by Squire Whisman, for authorization to establish Finding of Fact submitted by Squire Blackburn, The current zoning classification is an agreement with the adopted Comprehensive Plan. Voting in favor of the motion were Squires Blackburn, Dycus, Whisman, and Judge Mueller. Voting in opposition were Squires Sebastian, Tracy, and Tanner. Motion passed, 4-3.
- **Finding of Fact #18 Established**
 Motion by Squire Tracy, seconded by Squire Dycus, for authorization to establish Finding of Fact submitted by Squire Tracy, The subject property is within 1 mile of the Interstate 64 interchange. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Tanner, Whisman, and Judge Mueller. Motion passed, 7-0
- **Finding of Fact #19 Failed**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The comprehensive plan denotes the protection of nature and the environment, including water, air, and land. The application would further disturb the sensitive area of Slickaway Branch. Voting in favor of the motion were Squires Sebastian, Dycus, and Whisman. Voting in opposition were Squires Blackburn, Tracy, Tanner, and Judge Mueller. Motion failed, 4-3.
- **Finding of Fact # 20 Failed**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The general development guidelines for industrial uses in the Comprehensive Plan state that new industrial development should be placed in areas where there is minimal impact on residential uses and the natural environment. The application will have an impact on adjoining properties and alters the subject property from residential farm to industrial. Voting in favor of the motion were Squires Blackburn, Whisman, and Judge Mueller. Voting in opposition were Squires Sebastian, Dycus, Tracy, and Tanner. Motion failed, 4-3.

- **Finding of Fact #21 Established**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, There has been no change of subject property at current that would inhibit the current use of the current agriculture zoning designation, nor render soils infertile for farm purposes. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Whisman, and Judge Mueller. Voting in opposition were Squire Tanner. Motion passed, 6-1.
- **Finding of Fact #22 Established**
 Motion by Squire Tanner, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The zoning change recommendation failed to consider the subject property's historical and cultural designations, with the planning director stating, "that the goal was not considered because "Franklin County does not track historical properties, Franklin County does not regulate historical properties" and that further "it has not been that will of the Fiscal Court" which are in contrast with the goals and policies of the Comprehensive Plan. Voting in favor of the motion were Squires Blackburn, Dycus, Whisman, and Judge Mueller. Voting in opposition were Squires Sebastian, Tracy, and Tanner. Motion passed, 4-3.
- **Finding of Fact #23 Failed**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, The employment center designation, per definition, designates office employment and light industrial uses to be developed that provide a diverse economic base while blending in with neighboring residential and commercial areas. Employment centers are areas that encompass primarily office warehousing and light manufacturing areas and campus-style development. Industrial general zoning designation is not an appropriate designation for employment center zoning as it allows land uses such as heavy manufacturing, wholesaling, and large-scale warehousing that are not compatible with employment centers and do not meet with the intent of the Comprehensive Plan. Voting in favor of the motion were Squires Blackburn, and Whisman. Voting in opposition were Squires Sebastian, Dycus, Tracy, Tanner, and Judge Mueller. Motion failed, 5-2
- **Finding of Fact #24 Established**
 Motion by Squire Whisman, seconded by Squire Blackburn, for authorization to establish Finding of Fact submitted by Squire Whisman, Goal 5 of the Comprehensive Plan promotes the protection of the scenic viewsheds and heritage tourism. The Franklin County Tourism Commission promotes Duncan Road as a scenic access road to local, cultural, and economic drivers. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Tanner, Whisman, and Judge Mueller. Motion passed, 7-0.
- **Finding of Fact #25 Established**
 Motion by Squire Tracy, seconded by Squire Tanner, for authorization to establish Finding of Fact submitted by Squire Whisman, There is adequate water and sewer to support a zone change to Industrial General. Voting in favor of the motion were Squires Sebastian, Blackburn, Dycus, Tracy, Tanner, and Judge Mueller. Voting in opposition were Squire Whisman. Motion passed, 6-1.

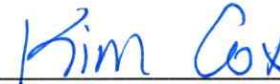
- Finding of Fact 26 Established
Motion by Squire Tracy, seconded by Squire Dycus, for authorization to establish Finding of Fact submitted by Squire Whisman, The updated traffic impact study, dated Feb 23, 2023, concludes that future traffic conditions will remain in acceptable limits and no road improvements are needed. Voting in favor of the motion were Squires Sebastian, Dycus, Tracy, Tanner, and Judge Mueller. Voting in opposition were Squires Blackburn and Whisman. Motion passed, 5-2.

Motion by Squire Tanner, seconded by Squire Tracy, for Second reading and approval of an Ordinance #2-2023 amending the Table of Special Ordinances, Section 1 Zoning Map Changes of The Franklin County Code of Ordinances for an 85.388-acre portion of property, identified as a Portion of Tracy #1 (84.058 Acres± a Portion of PVA Map #87-00-00-031.001) and a Portion of Tract #2 (1.331 Acres± a Portion of PVA Map #087-00-00-031-01), located at 690 Duncan Road from Agricultural District (AG) to Industrial General District (IG). Voting in favor of the motion were Squires Sebastian, Dycus, Tracy, Tanner, and Judge Mueller. Voting in opposition were Squires Blackburn and Whisman. Motion passed.

Motion by Squire Tracy, seconded by Squire Dycus for authorization to adjourn. Voting in favor of the motion were Squires Sebastian, Blackburn, Whisman, Dycus, Tanner, Tracy, and Judge Mueller. Motion passed. (Meeting adjourned at 9:45 p.m.)



Michael Mueller
County Judge/Executive



Kim Cox
Fiscal Court Clerk