

GALLATIN COUNTY FISCAL COURT
March 9, 2023

The Regular Meeting of the Gallatin County Fiscal Court was called to order by Judge Ryan Morris on March 9, 2023 at 6:00 p.m. at the Gallatin County Extension Office Annex, Warsaw, Kentucky. The meeting was also streamed on Facebook Live. Magistrates present were Joel Shinkle, Ethan Moore and Donnie Sullivan, M. J Haddix was out of town and not in attendance. County Attorney Grant Axon was also present. Everyone stood and recited the pledge of allegiance.

Minutes: Ethan Moore moved to approve the minutes from February 9, 2023. Joel Shinkle seconded his motion. Motion passed unanimously.

Recognition of Audience: Ryan Bailey with Gallatin County Dispatch informed the court that the new tower site has been finalized and transferred to the county. He reported that a committee will be formed which will seek grant funds to help with construction of the tower. He expressed many thanks to the RC Durr Foundation.

Tim Urbanski came before the court with comments in reference to the County Park System. He noted that when he moved to the county 20 years ago there was just the small park near the school and now the county has so much more. He expressed his opinion that there needs to be planning for the future, including funding. He commented on how nice it is to have these resources and encouraged the court to have a good plan in place as to how to deal with them.

Approval of Consent Agenda: Judge Morris requested to add Tara Johnson – NKAAD Housing Study under New Business. He also noted the need to strike Student Representative for this month due to the student's illness. Motion to approve the agenda as amended was made by Ethan Moore and seconded by Donnie Sullivan. All Ayes.

Vendor Claims: Claims were presented for approval to pay which included the added blue sheet provided. Ethan Moore asked if the jail bill was on the list, as he did not see it. He was informed that it was there at around \$26,000, which was less than expected. Magistrate Shinkle made a motion to pay the bills as presented. Magistrate Sullivan seconded the motion. Motion passed unanimously.

February 2023 Financial Reporting

1. Fund Cash Statement Summary – Treasurer Lesa Bullard presented the Fund Cash Statement Summary for the month ending February 28, 2023. Donnie Sullivan made a motion to approve the report and Ethan Moore seconded the motion. All ayes.
2. Budget Transfers – Donnie Sullivan made a motion to approve the budget transfers for the month of February. Ethan Moore seconded his motion. All ayes.
3. Interfund Cash Transfers – Ethan Moore made a motion to approve the interfund cash transfers for the month of February. Joel Shinkle seconded the motion. All ayes.
4. Budget Amendment #03092023 #9 – 1st Reading. Unbudgeted Receipts – Excess Revenue. Motion to approve the budget amendment made by Joel Shinkle and seconded by Ethan Moore. All ayes.

OLD BUSINESS

2ND READING TOURISM ORDINANCE AMENDMENT

Judge Morris presented the Tourism Ordinance Amendment for its 2nd Reading. He asked if there were any questions following the initial 2nd Reading and noted that there were no changes. Mr. Morris also noted that Magistrate Haddix had questions and was unable to be at the meeting tonight. Continuing, he stated that while he does not want to speak for Mr. Haddix, but believes his questions have been answered.

Magistrate Sullivan stated that according to his research this is not reinventing the wheel as other counties are already doing this.

Donnie Sullivan made a motion to approve the Tourism Ordinance Amendment. Ethan Moore seconded. Motion passed unanimously.

DUKE ENERGY EASEMENT UPDATE

Judge Morris informed the court that per the easement documentation that has been reviewed by County Attorney Axon will be located at the southeast corner of the Glencoe Fairgrounds for the installation of a Safety Release Valve. Duke Energy is ready to begin construction and be out of the way before spring and summer events. Mr. Axon stated that some questions about the fence and gates for the area have been clarified and addressed. Magistrate Shinkle asked what the dollar amount being paid for the portion of the property by Duke Energy to the county. Judge Morris answered that the amount is \$53,000. Mr. Axon noted that those funds are expected by the start of construction. Motion to approve the easement made by Joel Shinkle and seconded by Donnie Shinkle. Motion approved unanimously.

NEW BUSINESS

NKAAD HOUSING STUDY – TARA JOHNSON

Judge Morris informed the court that Gallatin County has been asked to participate in a housing study with a total cost of \$100,000. The other counties involved are Boone, Kenton, Campbell, Owen, Pendleton, Grant and Carroll. Gallatin County's contribution will be \$4,000 with the larger counties contributing \$20,000 each. Magistrate Sullivan asked if any of the counties asked are not participating. Judge Morris answered no, all cities and counties at the meeting were in favor of the study. He added that the study will help for future planning and development, as well as current comprehensive plan that is in progress.

Magistrate Ethan Moore asked how will the funds for the study be paid. Judge Morris answered that the county's portion will be paid to NKAAD and they will pay the company performing the study.

Motion to approve the expenditure of \$4,000 to participate in the NKAAD Housing Study made by Ethan Moore. Seconded by Joel Shinkle. All ayes.

MCBRAYER FIRM/OPIOID SETTLEMENT AGREEMENT

David J. Guarnieri of McBrayer, the law firm representing Gallatin County in the Opioid Settlement came before the court to discuss the updates with the settlement with the pharmacy companies and two non-bankrupt manufacturers. He explained that this settlement will be the same construct as the first settlement and gave an overview of the provided settlement documents, also noting that his firm will be putting out some guidance to help with appropriate purposes that are in line with the KY Revised Statutes.

Judge Morris asked if it is necessary to have a reapproval for this settlement since the court is a re-elected body. He also asked as far as expenditures, could a conversation be held a later date to iron out those details. Mr. Guarnieri answered yes that can be done. There was further discussion of the source materials to help with appropriate abatement expenditures. Magistrate Shinkle asked Mr. Guarnieri if his firm has a pretty good hold on what is permissible at this point. He answered affirmatively that they feel there are very practical uses for the funds and there is a fairly broad list of uses which they will be able to help steer the county in the right direction with the use of funds.

Judge Morris asked for the court's opinion whether they felt it necessary to create a new motion to sign off on the settlement again. County Attorney Axon opined that he would believe that it is appropriate to sign the agreement without new action by the court as it was previously approved.

Judge Morris also asked if it is known how much funding Gallatin County will receive. Mr. Guarnieri stated that there is a calculation based on published metrics. Kentucky will receive about 2.2% and the funds flow down from there. Counties are judged by the same metrics and the amount Gallatin County will get is available, which he will provide. Mr. Guarnieri asked Judge Morris to scan the agreement back to him once reviewed and signed.

Judge Morris thanked Mr. Guarnieri for leading the county on this and stated that he has been a great partner.

HARTIG PARK UPDATE

Judge Morris introduced David Hull on behalf of the Hartig Park Working Group. Mr. Hull noted how impressive it is that Gallatin County, as one of the smallest counties in the state, has a 530+ acre nature preserve. He expressed appreciation to the Road Department for all the work they have done at the park as well as all the volunteers that help to maintain the park's 32 trails. Mr. Hull asked if there is the possibility of creating a 501(c)3 for the park as donations have been offered but have been turned away as the park is not an official organization. He stated that he would like to make this happen to help with expenses and community support as funding is needed. He provided further information about ongoing work and upcoming meetings as well as the park's difference from other parks within the county and how it is sometimes forgotten.

Judge Morris thanked Mr. Hull and the group for all the work they have and continue to do and added that he certainly thinks it is worth the time and effort to look into the 501(c)3 status.

Magistrate Shinkle asked what the formation of such a status would entail. County Attorney Axon stated that there is an application fee and some upkeep work required that he will investigate further as to how it can be done.

Further discussion regarding the number of visitors from all over the country that come to the park, whether multiple organization forms would need to be set up for the different parks or park types within the county and how allocated funds could be pinpointed for each. Judge Morris agreed that there should be a separation of funding so that donations go for their intended purpose. Additionally, there was discussion in reference to the challenges with access to the park and specifically the road to the park and ways to make it more accessible being a big priority. Mr. Hull noted that the improvements made by the state to the road has significantly impacted access to the river there. Kentucky Davis mentioned from the audience that there is a significant amount of ground up asphalt off exit 62 that the county may want to look into seeing if would be available to help with the situation.

RESOLUTION TO AMEND FLOOD PLAIN ORDINANCE

Jim Hansen reported to the court that the state has updated the flood plain mapping which they do approximately every ten years. He explained that the county must reply back to FEMA in order to remain in the flood program, adding that currently there is an auto-adopt policy in place. He proposed that the county look at a new version every 5 years to stay on top of it. He further explained that the auto-adopt policy is both good and bad but believes that some monitoring is probably a better idea. He noted that the policy has been provided via email for review to take up in April.

FINDING AND FACTS FROM PLANNING COMMISSION, ZONE CHANGE

Jim Hansen reported to the court that there were requests for 3 map amendments. In Warsaw, a zone change request behind Save-A-Lot to change to Multi-family Residential allowing for up to 24 new units to be constructed. The initial building would be all 1-bedroom apartments with the final building possibly including 2-bedroom units, based on the need determined. This request passed. He added that more information will have to be provided in order for a building permit to be granted, however this is one of many steps in the process.

The second request in Warsaw involves City Storage on Highway 35. Warsaw had no zone change for the storage units and verbiage changed to allow Highway Business to include storage units. The change did not pass as residents didn't feel there was a solid voice. He noted that there was a lot of strong feelings expressed.

In Glencoe two properties were purchased by the Billy Sullivan garage that has been cleaned up nicely. A request to change zoning to Highway Business in order to expand. All plans weren't provided yet but as presented was denied. This decision can be appealed to the Glencoe Board of adjustments.

Magistrate Ethan Moore asked about the property on Highway 35 that was turned down and whether ground has been broken there. Mr. Hansen answered that there is a building in place, but this was for additional and to change zone.

SHERIFF SETTLEMENT STATEMENT

Judge Morris presented the Sheriff's Settlement Statement for 2022 for approval and noted that excess fees were turned over to the county. Donnie Sullivan moved to approve the settlement statement. Joel Shinkle seconded the motion. Motion passed unanimously.

COUNTY CLERK SETTLEMENT STATEMENT

Gallatin County Clerk Settlement for 2022 was presented for approval. \$15,436.96 in excess fees were turned over to Fiscal Court. Ethan Moore moved to approve the settlement statement. Donnie Sullivan seconded the motion. All ayes.

COUNTY ROAD ADDITIONS DISCUSSION

Judge Morris informed the court that some property owners have inquired about road standards and the process to take a private road into the county road system. He stated that he has provided them with information to put them in the right direction for their discussions. He added that he would recommend having a meeting to discuss with the property owners to investigate the cost to the county as well. Magistrate Ethan Moore asked what roads are being discussed. Judge Morris indicated that they are Lykins Lane and the former Ardith Scott property. Mr. Morris opined that the court could create an ordinance with requirement for future developers to put a road in, in order to subdivide properties. Jim Hansen noted that this is in place with

subdivision regulations, but there are also items that need to be addressed within it. He further noted that the required width was changed in 2016 from 20 feet to 18 feet, which seems ill-advised. Magistrate Shinkle noted that he does not recall that occurring, but does recall some variances being granted, specifically with Scenic View.

Judge Morris asked if there is interest, will the court entertain, based on previous precedent that has been set. Magistrate Sullivan stated that with the precedent there, it is hard to say no. Magistrate Shinkle asked if a new taxing district would be created. Treasurer Bullard answered yes, as that is how it has been handled in the past. Jim Hansen mentioned considering building in the borrowing costs so that is not absorbed by the county. Judge Morris mentioned that in previous situations such as this, a super-majority (60%) has allowed for plans to proceed. He stated he has issues with that when not all property owners are in favor. He further stated that if there were no additional comments, numbers will be worked up and the conversation can continue.

SET 2023-2024 BUDGET CAUCUS DATE AND TIME

Judge Morris proposed there to be a budget caucus meeting in April, which would be a public meeting in the Extension Office Annex. This would allow for the 1st Reading of the budget in May. He added that the monthly court meeting is set for April 13. After Further discussion the budget caucus meeting was set for April 11 at 4 pm.

COMMENTS

Judge Morris informed the court that he and County Attorney Axon met this week discussing desired changes to make in order to move forward appropriately. Mr. Axon noted that he believes everything should be able to be accomplished by the next meeting. Judge Morris stated that the discussion will be held at that time.

Magistrate Donnie Sullivan asked about inmates coming to the county to pick up trash. Judge Morris explained that this needs to be coordinated with the Carroll County Jail. He will discuss with the jailer on that.

Magistrate Shinkle reported a conversation he had recently at the Farm Machinery Show in which the folks noting where he lived, mentioned Wayne Sullivan and The Kentuckian, which happens frequently. He stated he believes it would be a great opportunity to recognize Mr. Sullivan at the City of Warsaw City Limits and would like to have that discussion with them. Judge Morris agreed that this would be worth discussing.

Magistrate Moore asked for confirmation that Hwy 42 will be opening in May, on Memorial Day weekend. Judge Morris stated that there is a meeting tomorrow, that the Magistrates are welcome to attend. He added that the road will be open by May 26th but not fully completed. They have reserved the right to close or flag the road as needed.

Magistrate Donnie Sullivan made a motion to go into closed session to discuss personnel per KRS 61.810 (1) (f). Joel Shinkle seconded the motion. All ayes.

Magistrate Ethan Moore made a motion to come out of closed session. Donnie Sullivan seconded his motion. All ayes.

With no further business before the court, Donnie Sullivan made a motion to adjourn. Ethan Moore seconded his motion. Motion passed unanimously.

Doug Miles
Gallatin County Fiscal Court Clerk