

GALLATIN COUNTY FISCAL COURT
June 8, 2023

The Regular Meeting of the Gallatin County Fiscal Court was called to order by Judge Ryan Morris on June 8, 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, Donnie Sullivan and M. J Haddix. Assistant County Attorney Charles Allen was also present. Everyone stood and recited the pledge of allegiance.

Minutes: M. J Haddix moved to approve the minutes from the May 11, 2023 Regular Meeting. Donnie Sullivan seconded his motion. Motion passed unanimously.

Recognition of Audience: Derina Doolin of Steele's Bottom came before the court to discuss continued issues with Nugent Sand & Gravel. She stated that in spite of previous restrictions on times of operation, there is almost always noise between 8 – 10pm as well as other times during the night and frequently as early as 5:30 in the morning. She further stated that dust continues to be a problem and when discussing with Nugent, they always have an excuse of why they are not taking the necessary steps to limit the dust. Both Mrs. Doolin and her daughter have experienced health issues due to the poor air quality and water contamination. She has concerns that the entire county's water supply could eventually be affected due to the contamination.

Magistrate Shinkle asked if a meeting with Nugent could be requested.

Mr. Sproul, also of Steele's Bottom came before the court with further complaints about Nugent. He stated that they have been taking soil from the land of other neighboring families without permission, for their own use and also reselling it. Mr. Sproul also noted issues with his water, having to buy softeners and filters in order to help clean their water and even get it to flow in order to use it. He stated that Nugent is not doing the things that have previously been set forth which they are supposed to be abiding by in the interest of the neighbors and the area, as well as attempting to gain further access in the area which he hopes does not occur.

Judge Morris addressed the point of Nugent being able to gain any further access to land in the area. He explained that in order for that to occur, a zone change would have to be granted which would require a public hearing where public comment can be given. Planning and Zoning would make a decision that would then come to the Fiscal court for affirmation. Judge Morris noted that previous zone change requests have been denied.

Mr. Sproul polled the magistrates to see how they would vote should Planning and Zoning approve a zone change. Magistrate Haddix stated he would vote no. Magistrate Moore stated he would have to review all of the information presented. Magistrate Shinkle stated he has voted no two times previously and would do so again. Magistrate Sullivan stated that while the court frequently follows the recommendations of Planning and Zoning in this case he would not be in favor of a change.

Jim Hansen, Planning and Zoning Director stated that with the Judge's permission he will contact the Division of Mining and inform them of what the court is hearing.

Judge Morris stated that he will contact Nugent to request a meeting and if a special meeting is required, then one will be held.

Magistrate Haddix asked if the last request for a zone change was made around 2017. Mr. Hansen answered that Planning and Zoning denied the last request but did not confirm when the

date was. Magistrate Haddix asked if noise testing has been performed. Judge Morris and Director Hansen both answered that there have been numerous tests performed. Mr. Hansen added that County Attorney Axon is investigating what is considered acceptable noise and what is elevated. However, the permit held by Nugent is a state permit which limits what the county can do.

Magistrate Haddix asked if a summary of information to date including tests performed could be compiled to be provided to Fiscal Court prior to any meeting being held.

Mr. Sproul asked when the state will be held accountable for the road issues and the many items stated today that need to be enforced.

Ethan Moore, in response to Mrs. Doolin's concerns about their water being contaminated, stated that he thought there was county water available in the location. He was informed that there is county water access there and further discussion about the Doolin's and other families' water issues took place.

Approval of Consent Agenda: Judge Morris noted that there was no need for closed session. Magistrate Haddix asked to add Glencoe Building to New Business. Joel Shinkle made a motion to approve the agenda as amended. Ethan Moore seconded. Motion passed unanimously.

Vendor Claims: Claims were presented for approval to pay which included the added blue sheet provided as well as a request for the approval of the jail bill which has not been received but estimated to be \$42,000 to \$45,000. Joel Shinkle made a motion to pay the bills as presented. Magistrate Moore asked if Planning and Zoning members don't attend meetings are they still paid. Judge Morris answered that they are not. Ethan Moore seconded the motion. Magistrate Haddix seconded the motion. Motion passed unanimously.

May 2023 Financial Reporting

1. Fund Cash Statement Summary – Treasurer Lesa Bullard presented the Fund Cash Statement Summary for the month ending May 31, 2023. Magistrate Sullivan made a motion to approve the report and M. J Haddix seconded the motion. All ayes.
2. Budget Transfers – M. J Haddix made a motion to approve the budget transfers for the month of May. Donnie Sullivan seconded. All ayes.
3. Interfund Cash Transfers – M. J Haddix made a motion to approve the interfund cash transfers for the month of May. Ethan Moore seconded his motion. All ayes.

OLD BUSINESS

DUKE ENERGY EASEMENT UPDATE

Judge Morris informed the court that the Duke Energy project is nearly completed and should be wrapped up within the week.

CODE ENFORCEMENT/NUISANCE ORDINANCE AMENDMENT 2nd READING

Certified synopsis of the Code Enforcement Nuisance Ordinance was read aloud by Assistant County Attorney Allen. Motion to approve the second reading of the ordinance was made by Joel Shinkle and seconded by M. J Haddix. Motion passed unanimously. Mr. Allen noted that it will be effective upon approval from Department for Local Government and the execution of the interlocal agreements.

GALLATIN COUNTY FAIR UPDATE – KENTUCKY DAVIS

Kentucky Davis came before the court and reminded everyone that the Gallatin County Fair starts this week. He noted that everything is ready to go and provided an overview of scheduled events. He stated appreciation for the support from the county, local community businesses and the court.

2nd READING OF THE 2023-2024 GALLATIN COUNTY BUDGET

Treasurer Bullard informed the court that the budget was approved by the Department for Local Government with no changes on May 24, 2023. Ethan Moore made a motion to approve the second reading of the Gallatin County Budget for 2023-2024. Donnie Sullivan seconded the motion. Judge Morris requested a roll call vote. Motion passed 4-1 with votes cast as follows:

Magistrate M. J Haddix – NO
Magistrate Ethan Moore – YES
Judge Ryan Morris – YES
Magistrate Joel Shinkle – YES
Magistrate Donnie Sullivan - YES

GALLATIN CO REGIONAL AIRPORT GRAND OPENING UPDATE

Judge Morris reported that the airport grand opening date has been changed due to a scheduling conflict with the governor. The new date and time is June 28 at 10:00 am at the airport and is open to the public.

Magistrate Sullivan asked who is currently mowing at the airport. Judge Morris answered that the county is currently handling it and asked if anyone knows someone who may be interested in cutting it for hay in trade to please let him know.

Judge Morris announced that the airport will officially open for use on June 16th, keys will be handed over to the county with landings and take-offs able to occur.

Magistrate Moore asked if there would be someone managing the airport. Judge Morris explained that pilots govern themselves and that only runway checks need to be performed periodically. The business plan that is being worked on will address how to operate it as development occurs.

Magistrate Sullivan questioned that the airport is going to be up and running but there is no business plan. Judge Morris answered that since there is no fuel, storage or hangars at this point there isn't a lot to address in the plan. Mr. Hansen added that when flight plans are filed, those are registered, and the pilots are informed that there are no facilities at the location.

Magistrate Haddix asked for a rough estimate of how much has been spent on the airport in total, to date. Judge Morris answered around \$20 million. Judge Morris noted that by the end of the year fuel is planned with a hangar to follow and terminal after.

NEW BUSINESS

GALLATIN COUNTY AIRPORT ACCESS ROAD NAMING

Judge Morris informed the court that it is necessary to name the access road to the airport. He noted that Airport Road has been suggested by Kentucky Department of Aviation and consultants. Magistrate Moore made a motion to name the airport access road, Airport Road. Magistrate Sullivan seconded the motion. Motion passed 4 – 0 with Magistrate Haddix abstaining.

BOARD OF APPEALS APPOINTMENT

County Clerk Christina McEntire came before the court seeking an appointment to the Board of Appeals to replace Beth Lynn. She added that this is the Fiscal Court's designated pick. Judge Morris asked if there was anyone that has expressed interest. Mrs. McEntire answered that there has not been. Magistrate Shinkle asked if Mrs. McEntire had any suggestions, to which she replied that she did not, but needs to fill the spot soon. She explained that the board only meets once annually.

Judge Morris reminded the court of the one vacancy on Planning and Zoning. He asked if there were any nominations from the Magistrates. Magistrate Haddix asked how many seats are available for Board of Adjustments. Judge Morris answered that there are two.

Magistrate Haddix asked if the Judge had spoken to JoLynn Johnston, Judge Morris answered that he and Mr. Hansen had spoken with her. Judge Morris then provided an overview of each board's current makeup by county geography and added that for Board of Adjustments the vacancies are from Warsaw and Sparta. Further discussion of possible candidates took place.

Magistrate Shinkle made a motion to appoint JoLynn Johnston to Planning and Zoning. Magistrate Haddix seconded the motion. All ayes.

Magistrate Shinkle made a motion to table the Board of Adjustments appointments. Ethan Moore questioned tabling both nominations since the name of Chris Fiddler from the City of Warsaw, has been offered. He would replace Nicki Smithson. Magistrate Sullivan stated his agreement with the thought to do both appointments at one time, which had been expressed earlier. Magistrate Sullivan then seconded Magistrate Shinkle's motion. Motion passed 3-2 with Magistrate Haddix and Magistrate Moore both voting no.

KRS 45A.385 PROCUREMENT POLICY

Judge Morris informed the court that the change to the county's policy is to stay in line with the change at the State Level from \$30,000 to \$40,000. Ethan Moore moved to approve the changes to the procurement policy. Donnie Sullivan seconded the motion. Motion carried 4 – 1 with M. J Haddix voting no.

ELECTION UPDATE COUNTY CLERK

County Clerk Christina McEntire reported to the court that the election went well with only a 10.3% turnout. She noted that there is a need for election workers, which has also been an issue in the past. She explained how party change also affects the ability of folks to work in some cycles. Mrs. McEntire proposed offering higher pay, as the workers currently get \$25 for training and \$100 for the actual election day work, which works out to be about \$7.50 per hour. She offered the suggestion that the pay be increased to \$150 for election day and \$25 for training which is in line with the other similar size counties in the area. Judge Morris noted that the increase is roughly only \$1,200 – \$1,300 additional but since the item is not on the agenda, it will be added for discussion next month.

Magistrate Shinkle requested a two-minute recess which was granted by Judge Morris.

Judge Morris then called the meeting back to order after the brief recess.

AMEND COUNTY POLICIES

Judge Morris presented the court with changes to the personnel policy as it relates to vacation time. He explained that in one area of the policy is contracts another area to to the number of weeks an employee may be granted of vacation time. Mr. Morris then stated that it was his recommendation to amend the policy to state that three weeks is the maximum amount of vacation time, however one week may be carried over to the following year to allow for four weeks (160 hours) of available time during that period, with Supervisor approval. Donnie Sullivan moved to make the amendment as recommended. Joel Shinkle seconded the motion. Motion passed unanimously.

JAIL CONTRACT

Judge Morris reported to the court that the current contract has been in place for many years. Both Gallatin and Carroll County have new Jailers and Mr. Morris is requesting approval to negotiate. He noted that Carroll County has proposed an increase of \$5 per day per inmate, which based on historical numbers, would equate to about \$60,000 a year in additional expense. He further noted that what appears to be of more concern is the change for "special needs care" which has been proposed with a \$30 per day increase.

Jailer Giles mentioned that through improved communication with the Carroll County Jailer she believes there is an ability to move the special needs care inmates to another facility lessening the housing amount charged.

Magistrate Moore asked how many inmates the county has on a regular basis. Mrs. Giles answered 75 to 90, which makes up roughly 50% of Carroll County's facility.

Magistrate Haddix called for a point of order, stating side conversations are preventing him from keeping up with the matter at hand.

Assistant County Attorney Allen stated that from a review of the contract, it does not appear to have been prepared by an attorney and would specifically think that the language as it pertains to special needs care should be clarified. Judge Morris agreed with Mr. Allen's opinion. Further conversation in regard to contract expiration, costs and other possible facilities to partner with took place, with Judge Morris stating that he thinks the best plan for now is to allow for negotiating and attempt to iron out details.

Magistrate Haddix asked if the notification was received in April. He was informed it was, that Judge Morris and Jailer Giles have been attempting to work with other contacts to see what was available to the county.

Magistrate Shinkle moved to authorize Judge Morris, County Attorney and Jailer Giles to negotiate and report back, with a special meeting to take place if needed. Motion seconded by Magistrate Haddix. Motion passed unanimously.

GLENCOE BUILDING

Magistrate Haddix stated to the court that he thought the library could utilize the building in Glencoe, but that might only be for a short period of time. Magistrate Shinkle recommended that

the property be declared as surplus and be offered for sale. If the Library were to want it, that can purchase via that avenue. Judge Morris stated that he will look into the library's interest in using the building and will report back in July.

COMMENTS

Magistrate Donnie Sullivan informed the court that he has been receiving calls about truck traffic on Furnish Road. Judge Morris stated that he would have the digital signed moved to Gould Road indicating that truck traffic is prohibited.

Judge Morris acknowledged audience member Ken McCarty and welcomed him back. Mr. McCarty provided an update on the Rural Secondary Roads Program, noting that the county will receive roughly \$109,000 in flex funds. He stated that he plans to come back in August to present his plan to be able to roll into January and get a full road completed with what limited funds are available. He also reported that base failure repairs on I-71 to Trimble County will be starting soon and will encompass about 31 days of work.

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