

**GARRARD COUNTY FISCAL COURT
REGULAR MEETING
HON. CHRISTOPHER T. ELLEMAN PRESIDING
JUNE 9, 2025 @ 6:00 PM
15 PUBLIC SQUARE, LANCASTER, KY 40444**

The meeting was called to order by Judge/Executive Chris Elleman.

Opening prayer by Daryl Hodge.

Opening Pledge of Allegiance led by Willie Skeens.

MAGISTRATES PRESENT: Glendan Barker, Wayne Day, Bobby Preston, Chris Butner and Chris Davis.

IN RE: HERRINGTON LAKE – MIKE HOLDREN

Mike Holdren was in attendance. He has written a book that will be released in two weeks titled *Herrington Lake: Kentucky's Marvel of Architecture, Waterpower & Nature*. The book launch will be on June 25, 2025, from 5:00 – 8:00 p.m. at Stokley's Marine, 3034 Lexington Road, Nicholasville, KY. All proceeds from the book sale will be given to the Herrington Lake Conservation League.

IN RE: JESSAMINE HUMANE SOCIETY

Kim Hurst and Brittany Fain were in attendance. The Jessamine Humane Society is located in Garrard County. Garrard County has a cat population problem. Last year the Fiscal Court gave \$1,500 and they were able to get an equal match. With that, they spayed 21 cats and neutered 84. They also offered a discount rate and got another 84 people who paid. With a \$10,000.00 donation for next year, they anticipate 200 cat neuters and 111 spays. With the TNR program, they will tip a cat's ear when they have been serviced. The cats that get trapped will be returned to the same area they were removed from. The first area to set up traps will be Cardinal Circle.

IN RE: PUBLIC COMMENTS

Colby Arnold was in attendance. He brought up the friction that is taking place between county fire departments. He suggested hiring a county-wide counselor with EMS knowledge to aid in settling disputes. He recommended they be on call 24/7, 365 days per year at a salary of \$52,000.00 annually. Judge/Executive Elleman recommended bringing this to the attention of each fire board as they are their own taxing districts and not under the control of the Fiscal Court.

Barry Matchett and Anna Rodger from Clearway Energy were in attendance. Clearway is one of the largest renewable energy companies in the United States. They wanted to come in and seek to offer comment regarding the "Ordinance Relating To Solar Energy Systems in Garrard County". They presented paperwork to the Court regarding a project that offers Garrard County an opportunity for an

Industrial Revenue Bond (IRB) with significant property tax benefits through a 20+ year PILOT (payment-in-lieu-of-taxes contract). The total estimated project investment in Garrard County is approximately \$300,000,000. Clearway is proposing to create a \$1,000,000 community benefits fund at the start of construction to use however the county wishes. They presented an image of the leased land available for the project, which is restricted by the current Garrard County Ordinance due to its usage of prime farmland. They also voiced concern over the setback constraints between participating landowners. They would like only their project to be allowed and would make all other projects subject to the current county Ordinance. The project includes 2,530 acres under lease in Garrard County and 1,350 acres under lease in Lincoln County. The Point of Interconnection ("POI") is the 345 kV West Garrard Substation. They anticipate beginning construction in 2027. Clearway also presented to the Court a copy of our current "Ordinance Relating To Solar Energy Systems In Garrard County And Their Regulations As To Location And Effect On Agriculture, Single Family Homes, Neighborhoods, Commercial Activities And Property Values" with some changes in Section 3(b) written by their attorneys. The purpose of the County Ordinance is to provide a means to approve or deny solar energy systems (SEs) and their siting, development, construction, installation, extension, variance, and decommissioning in Garrard County, Kentucky. This Ordinance was passed on December 27, 2023, and includes restrictions on farmland of statewide importance and prime farmland. Clearway's potential amendment details include:

- Grandfather this solar project from the solar ordinance (all leases signed before the Ordinance was created for the project that is connecting at the West Garrard substation)
- Requires the grandfathered project comply with the County's design criteria in Section 6 of ordinance
 - Exempts from Section 6(e)(4) (this section limits participating landowners rights by creating arbitrary setbacks from property lines within the project and not allowing them to waive those requirements)
- Requires the grandfathered project maintain a 300-foot setback from proposed Highway 27 re-route

Judge/Executive Elleman brought up the idea of having town halls to have members of the public be able to attend, as was done under the prior administration for the last solar project. Clearway was in agreement. Clearway is requesting the opportunity to put in a conditional use permit in the Kentucky process to build a solar project. Mr. Matchett said right now they can't. Judge/Executive Elleman mentioned he has wanted this item on the agenda at past meetings. Since this item was not on tonight's agenda, Judge/Executive Elleman requested a second meeting or even a special meeting to discuss further.

Kenneth Yeakey was in attendance. Mr. Yeakey affirmed his approval of the project and Clearway and their timely payments to him. He said it's the county's job to use the money to help the community. He stated that he would like the \$1,000,000 investment to be used for the schools. Judge/Executive Elleman spoke of past projects like the Distillery, the Owsley House and a parcel of land in town given away and then sold that has not benefited the county. Mr. Yeakey mentioned his concern for his great-grandchildren. Judge/Executive Elleman expressed his concern over the longevity of the project and if Clearview would sell to another company before decommissioning and how that could affect the county. Clearway said they are locked in to their project, but will not sign paperwork stating that they will not sell the project to another company. Judge/Executive Elleman requested to see a copy of their decommission plan from their engineer or outside consultants. Clearway said they are not asking for any money from the county or state as this is a private investment, which makes it lower risk for them. They said there are few federal incentives available to them.

Lita Leavell was in attendance. Mrs. Leavell asked Clearway if they had explained to the court that the reason they were unable to have a public meeting was because as of right now the way the Ordinance is worded, it is impossible to have a project. She said once its grandfathered in or exempt

from the Ordinance like the Court promised, then they could do that. Judge/Executive Elleman asked how they don't have a project if they're stating the project already exists. She stated that the leases exist, but the state has to approve it. She said this is just the start. She said the leases began three years before the Ordinance came out. She said they were promised that the Ordinance would not apply to their project. She asked Magistrate Preston and Magistrate Butner specifically if they had made a promise that their project would be exempt. Magistrate Preston said he did, and Magistrate Butner said it would be grandfathered in. Mr. Yeakey suggested using the state ordinance instead of the two things that had been added by this County alone. Judge/Executive Elleman said the Court would have to vote to amend the current Ordinance. Mrs. Leavell and Mr. Yeakey said that's what they were here for. Judge/Executive Elleman said we would not vote tonight since it was not on the agenda. He said he would call a special meeting next week. He said we don't do business behind closed doors, and it should be open to the public in a public meeting. Mrs. Leavell said that it was up to the Magistrates. Mr. Yeakey said Lincoln County was affected by this also and they were for it 100%.

Joe Leavell was in attendance. Mr. Leavell stated that the Magistrates were kept in the dark under the past administration and that was why bad decisions were made. He mentioned the stockyards, and a hospital going to other counties. He said the prior administration got a bad deal on the other solar company. He said the going rate is \$1,000 per megawatt, and Clearway is offering three times that. He said this county will receive approximately \$354,000 annually from the project. It's unknown how that will be split between taxing districts, and he didn't think that made a difference. He said he never voted to raise taxes as a former Magistrate. He said he had spoken to the Magistrates, excluding Magistrate Barker, as he knew he was against solar projects on the north end. He said the solar project will not affect the north end as the land is too high priced. He said it's for the southern end of Garrard County. It'll come up Gilbert's Creek, cross over by the ballpark, going to the Montgomery farm and the Leavell farm possibly, turn down to Cathole, and then cross over to Lincoln Co. He also mentioned two small parcels on 52, but he was not allowed to talk about them. One of them he said Colby was kind of part of and the other is being kept discreet. He said he doesn't even know why they were here. He said he took everyone at their word to not worry about it and that his project would be grandfathered in. He said the public should know that they are getting three times the rate per megawatt and we're getting \$1,000,000 that a board can be in control of. Judge/Executive Elleman said they should want the community to know about the project with all the revenue coming in.

Magistrate Barker said he is anti-solar panel. He expressed his love of being able to look at farmland and not solar panels. Mrs. Leavell said the solar panel income would enable some people to keep their farm by leasing part of it and farming the rest of it. Mr. Leavell mentioned the abundance of houses being built on large lots. Judge/Executive Elleman said that ordinances are in place to protect neighbors and the community. Mrs. Leavell said she thinks it's much to do about nothing since it was a little area. Judge/Executive Elleman reiterated that it was 2,600 acres. Mr. Leavell said Mack Hulett enjoys listening to the sheep on the solar farm and Mr. Hulett confirmed hearing the noise was pretty amazing and seeing all the babies. Daryl Hodge said according to parliamentary proceedings, if you have all these people talking for it, then you need to allow someone who is against it to speak. Mrs. Rodger said they were not asking for a permit for the project. They want to be able to have the open houses and create a permit application and be considered for a permit. Judge/Executive Elleman said he would reach out to Clearway in the morning for further discussion on the matter.

IN RE: OLD BUSINESS

Magistrate Butner said he was bothered by the fact that promises were made to specific landowners prior to the December 2023 Ordinance passing that they would not be affected by the "Ordinance Relating To Solar Energy Systems in Garrard County". He said it wasn't about the money but the principle of telling somebody something. He said they were only asking about the prime farmland and stated that they are setting the setbacks even further back than the Ordinance requires. Judge/Executive

Elleman stated that he could put it on the agenda next week and the Magistrates could read over the Ordinance and if the Court votes to amend the Ordinance then they have all rights to do that. Magistrate Butner said he wanted to make a motion now. He said all they're wanting is the prime farmland. He said he read the amended changes in the Ordinance presented by the attorneys of Clearway and presented at tonight's meeting. He said he wanted to make a motion to change the Ordinance on the prime farmland to how they've got it written. Judge/Executive Elleman said they have to take their whole ordinance. Magistrate Butner said it was more or less the same. Judge/Executive Elleman said he hasn't read it as this is the first time he's seen it. Magistrate Butner said everything else is getting better footage wise. He said it was going from 100 foot to 300 foot on the prime corridor and everything else stayed the same. Magistrate Davis asked what the motion was exactly. Magistrate Butner said he wanted to make a motion for what they've wrote here for the requirements on the prime farmland. Judge/Executive Elleman asked if he was making a motion to amend the Ordinance and he said yes. Magistrate Preston seconded the motion and said he told everybody that they didn't have to abide by the Ordinance the night they signed it; either he lied to them or they need to change the Ordinance. Magistrate Davis thought it was unfortunate that the front end of this wasn't handled better. He stated he was concerned that Judge/Executive Elleman didn't have a copy of this changed Ordinance before the meeting. He commented on the year and a half that this has gone on. He said transparency is very important. He didn't know what difference another week or two would make and maybe we could have a workshop or something. Mrs. Leavell said there will be lots of meetings once they know its viable. Sheriff Skeens raised a question regarding the Industrial Revenue Bond (IRB) and whether it allowed for negotiations and room for growth. The Sheriff's Office and County Clerk's Office is responsible for all the taxing. He said the numbers sound really good but wondered if the IRB allowed for renegotiated growth as the project continues to grow. He said the Sheriff's Office gets nothing from the IRB. The roll was called on the motion with Magistrate Barker voting no and Magistrates Preston, Day, Butner and Davis voting yes. Judge/Executive Elleman asked to be called and also voted no. Motion carries. (A copy of the recording is available in the Judge/Executive's office.)

Construction has started back on the north end resulting in 3-4 weeks of working on the median. 27/52 bids have been awarded so they will be blacktopped this year.

IN RE: PLATS

None.

IN RE: APPROVE COURT MINUTES

May 27, 2025, minutes were presented. A motion was made to approve by Magistrate Day and seconded by Magistrate Preston. All in favor.

IN RE: APPROVE TRANSFERS

From:		To:
General Fund	\$2,239.39	General Fund
01-5001-307-0		01-5001-302-0
Co Judge/Exec Audit		Advertising

General Fund 01-9200-9990 Courthouse Reserve	\$9,279.40	General Fund 01-5015-566-0 Sheriff Reimbursement
General Fund 01-9200-999-0 Courthouse Reserve	\$8,882.05	General Fund 01-5015-699-0 Sheriff's Debt Service
General Fund 01-5065-302-0 Election Advertising	\$199.79	General Fund 01-5065-565-0 Election Printing
General Fund 01-9200-999-0 Courthouse Reserve	\$452.80	General Fund 01-5081-333-0 Judicial Maintenance
General Fund 01-5135-429-0 DES Gasoline	\$35.77	General Fund 01-5135-481-0 DES Uniforms
General Fund 01-5135-569-0 DES Conferences	\$15.82	General Fund 01-5135-481-0 DES Uniforms
General Fund 01-5135-578-0 DES Utilities	\$503.08	General Fund 01-5135-481-0 DES Uniforms
General Fund 01-5140-107-A Ambulance Assistant Director	\$18,938.54	General Fund 01-5140-137-0 Ambulance Salaries
General Fund 01-5140-446-0 Ambulance Medical Supplies	\$6,205.82	General Fund 01-5140-303-0 Ambulance Billing Fee
General Fund 01-5140-446-0 Ambulance Medical Supplies	\$190.96	General Fund 01-5140-334-0 Ambulance Building Maintenance
General Fund 01-5140-446-0 Ambulance Medical Supplies	\$640.70	General Fund 01-5140-411-0 Ambulance Custodial

General Fund 01-5140-446-0 Ambulance Medical Supplies	\$140.00	General Fund 01-5140-445-0 Ambulance Office Supplies
General Fund 01-5140-445-A Ambulance Furniture	\$1,000.00	General Fund 01-5140-455-0 Ambulance Fuel
General Fund 01-5140-446-0 Ambulance Medical Supplies	\$1,464.52	General Fund 01-5140-455-0 Ambulance Fuel
General Fund 01-5205-385-0 Veterinary Services	\$50.00	General Fund 01-5205-177-0 Animal Shelter Maint
General Fund 01-5205-385-0 Veterinary Services	\$416.17	General Fund 01-5205-576-0 Dog Warden Travel Expense
Road Fund 02-6105-334-0 Maint & Repairs - Building	\$1,176.25	Road Fund 02-6105-336-0 Maint & Repairs – Equipment
Road Fund 02-6105-581-0 Road Water & Sewer	\$237.49	Road Fund 02-6105-578-0 Road Utilities
Road Fund 02-9200-999-0 Reserve for Transfer	\$348.41	Road Fund 02-7700-602-K Lease – Pleasant Valley
Road Fund 02-9200-999-0 Reserve for Transfer	\$323.68	Road Fund 02-7700-602-L Colt's Run
Road Fund 02-9200-999-0 Reserve for Transfer	\$638.14	Road Fund 02-7700-602-O Pam Drive
Solid Waste Fund 13-9200-999-0 Reserve for Transfer	\$526.24	Solid Waste Fund 13-5212-366-0 Solid Waste

CSEPP Fund
80-5135-339-0
Maintenance on Repeaters

General Fund
01-4910
Transfer from Road

General Fund
01-4910
Transfer from CSEPP

A motion was made to approve the transfers by Magistrate Davis and seconded by Magistrate Butner. All in favor.

IN RE: APPROVE BILLS TO BE PAID

01 – GENERAL FUND

911 Billing Services & Consultant, Inc	\$6,205.82
Kentucky State Treasurer	\$3,644.00
Central Record	\$2,294.26
City of Lancaster	\$5,000.00
Danny's Termite & Pest Control	\$250.00
Docubit	\$225.00
Danville Office Equipment	\$991.16
Enterprise FM Trust	\$8,959.16
Environmental Waste Systems	\$89.00
Garrard Quick Lube	\$116.94
Garrard Hardware	\$432.43
Garrard County Sheriff	\$37,193.14
Harp Enterprises, Inc.	\$1,683.70
Highbridge Springs Water Co., Inc	\$10.00
Logo Shack	\$270.75
Quill	\$661.53
Garrard County Road Fund	\$582.00
Rocky Top Inc	\$315.62
Rocky Top Spirits Inc	\$1,353.97
Stanford Tire Center	\$602.20
Stanford Vet Hospital	\$1,553.55
Terry's Locksmith Service	\$225.00
US Postal Service	\$144.00
Wanda Shelton	\$283.92
Wex Bank General	\$4,918.79
Zoll Medical Corporation	\$199.20
Southeast Apparatus LLC	\$203,149.00

02 – ROAD FUND

The Allen Company	\$542.33
-------------------	----------

Bob Sumerel Tire Company	\$833.10
CCP Industries	\$232.40
Enterprise FM Trust	\$1,601.12
Garrard Hardware	\$37.00
Garrard Count Clerk	\$23.00
Garrard County Fiscal Court	\$1,627.23
Highbridge Springs Water Co., Inc	\$10.00
Moore's Mobile Service	\$100.00
Pats Mowers	\$84.74
Power Plan	\$353.06
Garrard County Road Fund	\$2,001.35
Stanford Tire Center	\$303.83
Wex Bank Road	\$3,636.26

13 – SOLID WASTE FUND

Cartersville – Paint Lick Fire/Rescue	\$129.00
Garrard County Clerk	\$15.00
Stanford Tire Center	\$511.24

80 – CSEPP FUND

Allied Communications, Inc.	\$360.00
Amazon Capital Services	\$249.58
Brian Oakes	\$160.00
Rebecca Moore	\$500.00

A motion was made to approve the bills by Magistrate Preston and seconded by Magistrate Barker. All in favor.

IN RE: APPROVE LAST MONTH'S FINANCIAL STATEMENT

A motion was made to approve the May 2025 financial statement by Magistrate Preston and seconded by Magistrate Day. All in favor.

IN RE: FEMA DISASTER RECOVERY CENTER

Wanda Shelton was in attendance. A Disaster Recovery Center (DRC) opened in Garrard County at Forks of Dix River Baptist Church. It offers in-person support to Kentucky uninsured and underinsured survivors who experienced loss as the result of the April severe storms, straight-line winds, flooding, landslides and mudslides. The last day will be next Friday. There have been 17 Garrard County residents to visit the DRC. You don't have to visit a center for apply for FEMA assistance. You can apply online at DisasterAssistance.gov, use the FEMA App for mobile devices or call 800-621-3362.

IN RE: GARRARD COUNTY HEALTH DEPARTMENT TAX RATE

Jay Smith was in attendance. The health department has set the tax rate at 3.7 cents per \$100 of the assessed value of all real property, personal property and motor vehicles as of January 1, 2026.

They took the compensating tax rate. The rate has dropped from 3.8 cents per \$100 for the prior year. A motion was made to accept by Magistrate Davis and seconded by Magistrate Butner. All in favor.

IN RE: DISTRICT 1 FIRE DEPARTMENT 2025-2026 BUDGET

A motion was made to acknowledge receipt of the budget by Magistrate Davis and seconded by Magistrate Day. All in favor.

IN RE: FARMSTEAD EXEMPTION PERMIT

Tim Scott was in attendance. Permits have always been required on new homes built on farms. The state defines a farm as ten acres or more and is involved in farming activity. Recently the state has put out a bulletin stating that counties should not require a building permit on anything built on a farm. If someone chooses to do a farmstead exemption on a house built on a farm, they will need to pick up a Farmstead Exemption Affidavit which requires a notary to sign. An Agriculture Exemption Number will be required. A packet with instructions is available. A motion was made to approve by Magistrate Davis and seconded by Magistrate Preston. All in favor.

IN RE: FIREWORKS AT GARRARD COUNTY FAIRGROUNDS

The Garrard County Fiscal Court will contribute \$5,000 to the City of Lancaster to go towards the purchase of fireworks for the Garrard County Fairgrounds for July 4, 2025. A motion was made to approve by Magistrate Barker and seconded by Magistrate Day. All in favor.

IN RE: EXECUTIVE SESSION

None

IN RE: ADJOURN MEETING

A motion was made to adjourn by Magistrate Preston and seconded by Magistrate Day.

Hon _____

Garrard County Judge/Executive