

HONORABLE REAGAN TAYLOR COUNTY JUDGE EXECUTIVE PRESIDING

The Madison County Fiscal Court convened in regular session on the 24th day of July 2018 at 9:30AM in the Fiscal Court Room in Richmond, Ky. Present was the Honorable Reagan Taylor in the chair presiding and the following members of the Fiscal Court: Roger Barger, Tom Botkin, Larry Combs, and John Tudor were present. Madison County Sheriff Mike Coyle, Madison County Attorney Jud Patterson, and Madison County Clerk, Kenny Barger were also present.

It being determined a quorum was present, the meeting was called to order.

Judge Taylor asked John Weaver from Rosedale Baptist Church to lead the court in prayer. Judge Taylor asked Sheriff Coyle to lead the Pledge of Allegiance.

IN RE: Approval of Minutes:

Motion by Tom Botkin seconded by Roger Barger, to approve the minutes from the July 10th, 2018 regularly called meeting.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Resolution 18-16-God's Outreach:

Judge Taylor asked the court's permission to sign Resolution 18-16 God's Outreach. This resolution will allow the court to apply and receive money for a Community Development Block Grant for the God's Outreach food bank expansion project (16-030).

Motion by John Tudor seconded by Tom Botkin, for Judge Taylor to sign Resolution 18-16 God's Outreach.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Appointments-EKU Center for the Arts Community Operations Board:

Motion by John Tudor seconded by Larry Combs to reappoint Estelle Bayer to the ECU Center for the Arts Community Operations Board.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

Motion by Roger Barger seconded by John Tudor to reappoint Marvin Kiper to the ECU Center for the Arts Community Operations Board.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Approval-IT Agreements:

Chris Iseral, Madison County IT Director, addressed the court seeking approval for Judge Taylor to sign annual IT service agreements for the following agencies: Kirksville Water, Madison County 911, Madison County Detention Center, Madison County Sheriff, Madison County EMS, Madison County PVA, Madison County Utilities, and Southern Madison Water District. There were no changes to the contracts or dollar amounts from the previous years.

Motion by Larry Combs, seconded by John Tudor for Judge Taylor to sign the annual IT agreements.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Memorandum of Agreement-Twin Lakes:

Judge Taylor asked the court's permission to sign the Memorandum of Agreement for Twin Lakes subdivision. Tommy Cole Properties LLC wants to purchase the back section of the neighborhood. Per the county's regulations, there must be a cul-de-sac at the end of the road. This agreement holds Tommy Cole Properties LLC accountable for building the cul-de-sac.

Motion by Tom Botkin seconded by Larry Combs for Judge Taylor to sign the Memorandum of Agreement for Twin Lakes subdivision.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Need for Finding of Fact Discussion Regarding Land Use Change-US Highway 627:

Judge Taylor informed the court that the planning and commission board failed to follow proper legal procedure for zone changes. US Highway 627 will be voted on at the planning and commission board again on the third Tuesday of August.

IN RE: Road Department Salt Bid:

Scott Shepherd, Road Department Administrator, recommended to the court that they accept the bid of Detroit Salt Company at \$100/ton.

Motion by John Tudor seconded by Roger Barger to accept the bid of Detroit Salt Company.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Home Incarceration Program-Memorandum of Agreement:

Judge Taylor asked for the court's permission to sign the Home Incarceration Program's Memorandum of Agreement with the Madison County Sheriff Mike Coyle, and Madison County Attorney Jud Patterson.

Motion by Larry Combs seconded by John Tudor for Judge Taylor to sign the Home Incarceration Program's Memorandum of Agreement.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Personnel-Home Incarceration:

Motion by Larry Combs seconded by John Tudor to hire Hannah Lynn Pope at a \$40,000 salary, effective May 16, 2018.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Personnel-CSEPP Logistics Officer:

Dustin Heiser, CSEPP Operations Deputy Director, addressed to the court to recommend they hire Jeffrey Milbreth at \$34,000 starting August 1, 2018.

Motion by Roger Barger seconded by Tom Botkin to hire James Whitney Todd Parsons as a Fire Fighter 1.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Personnel-Fire Department Promotion:

Tim Gray, Fire Chief, addressed the court recommending that they promote Jacob Daniels to a Level 2 Fire Fighter at \$7.50/hour effective July 25, 2018.

Motion by John Tudor seconded by Tom Botkin to promote Jacob Daniels to a Level 2 Fire Fighter.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Executive Session:

Motion by Roger Barger seconded by Larry Combs to enter Executive Session at 10:09am.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

Motion by Larry Combs seconded by John Tudor to leave Executive Session at 10:19am.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Personnel-Suspension:

Motion by John Tudor seconded by Larry Combs to suspend Thomas Bailey in the Fire Department for three shifts, effective next shift.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

IN RE: Personnel-Termination:

Motion by Larry Combs seconded by John Tudor to terminate Luke Mattingly, maintenance employee at Battlefield Golf Course.

Motion carried on roll call vote as follows:

Tom Botkin-Yes	Roger Barger-Yes
John Tudor- Yes	Larry Combs-Yes
Reagan Taylor – Yes	

Judge's Report:

- The Madison County Fair begins on Friday, July 27th, and runs through Saturday, August 4th, at the Madison County Fairgrounds on Irvine Rd.

- The Richmond Area Art Council's Appalachian Celebration will be Thursday, August 9th, at 5:30pm, and the Arts Center at the corner of Lancaster Ave. and Water St. in Richmond. No tickets will be sold at the door the day of the event.
- Richmond Tourism will be opening their new Richmond Visitors Center on Thursday, August 16, at 6pm, at the Clay-Cloyd-Salter house at 531 West Main St. in Richmond. It's the vivid dark red brick house with bright white trim at the corner of West Main Street and Aspen Avenue in Richmond.
- The Berea Celtic Festival will be August 17th through August 19th, at various locations in Berea. See the Berea Celtic Festival website for a complete list of events and locations.
- Our local schools will be beginning their 2018/2019 school year in the next few weeks. Berea Community School's first day of classes will be Thursday, August 9th. Model Laboratory School's first day of classes will be Wednesday, August 15th and Madison County School's first day of classes will be Wednesday, August 22nd.
- Now is the time to make your reservations for the 2018 Pops at the Park on Saturday, August 25th, at the White Hall State Shrine. See the Richmond Chamber of Commerce's website for tickets or more details. In the light of this event, White Hall Park will close at 2pm on Saturday, August 25th, and will reopen at 8am on Sunday, August 26th.

Comments from Department Heads:

Scott Tussey, Environmental and Animal Care Director, announced to the court that due to flooding, the 2018 Kentucky River Sweep has been cancelled. Also, the Waste Tire Event scheduled for September will have an additional place at Don Harrison Rd.

Comments from Magistrates:

Magistrate Barger defended Colleen Chaney, stating that she was not proposing that the programs that were listed at the work session be cut. However, with the current financial status, those listed may receive less funding. You must pay the bills some way and if you can't pay them then you must reduce what you're doing. There were one or two things listed that are not a necessity and may be cut. No one has called him that would be in favor for the tax increase. In home budgets, every year you pay increases and don't say a thing about it because you know it's going to happen; a tax increase is something that must be voted on. He appreciated everyone's calls.

Magistrate Tudor encouraged citizens to support and participate in the Madison County Fair. First Christian Church is starting a kindness initiative starting August 19th. For forty days, the community is invited to join church members in doing nice things and spreading kindness. There's been a lot of misunderstanding regarding the jail and healing center. He was elected by the people of the third district to serve and represent that district. He's done that in the past and will continue to do so; he hears your concerns and is listening to them, abiding by those concerns. He does not support eliminating any potential services for the county, especially not the fire department. There has not been much support for the healing center although it has a possibility of working. Decisions must be made to help people, though he has been told it's not the county's responsibility to do so. The jail overcrowding must be addressed because of the liability-the county doesn't want to get sued and end up paying more than what the jail would cost. He believes the court can do the insurance premium on a lesser percentage. Everyone's stressed about money right now, let's not do something that puts more burden on our community than what we're fixing at the jail or the rehab center. The insurance premium tax is an unfair tax, but the county is limited on what they can legally tax citizens. We don't have the options for cities to pay for their inmates in the jail.

Magistrate Botkin stated that he represents roughly 16,000 voters. Spending twenty years in the military, when it comes to the drug epidemic and jail overcrowding, he had more of a hard-liner stance. Botkin asked members of the audience to raise their hand if they had a family member who was directly affected by drugs. Following, he asked audience members to raise their hand if they knew of a friend or a family that had a drug problem. (The majority of the court raised their hand to these questions). Botkin then spoke of a few Madison County citizens he spoke with who are dealing with the repercussions of a loved ones' drug addiction. You don't wake up one

day and become a drug addict, it starts as something else, and sometimes it's through pain medication. He thanked everyone that took the time to call and e-mail. Everyone has different views, the majority spoke, and he listened.

Magistrate Combs stated that he'd like to see the rain let up. We're blessed to have the rain, but sometimes you can have too much.

Jud Patterson, Madison County Attorney, watching as this has unfolded from the beginning of the term until now, he commended Judge Taylor stating it was a master class of leadership. Regardless of the outcome, he is proud.

Kenny Barger, Madison County Clerk read a benediction which had been passed on to him. "Dear friends, we do not pray for easy lives but pray to be strong men and women. We do not pray for tasks equal to our power but pray for the power that should be equal to all our tasks. The doing of the work will be no miracle, we will be the miracle. You will be constantly amazed at the power of Jesus Christ living in us."

Judge Taylor made a statement to the community regarding the previous Work Session held July 12, 2018. The presentation given in the Work Session explained a concept to address the two largest financial impacts facing Madison County, drugs and the detention center. Through work sessions, media stories, task forces, and discussions in court, there was no denial that Madison County has a jail issue or a drug problem. The court communicated the financial crisis by holding work sessions about the budget, discussing how incarcerating isn't working, and the long run return on investment of converting criminals into taxpayers. The county hasn't raised property taxes in over thirty-five years. Legally, cities have no obligation under state law, nor do they have interest in funding a jail. Madison County has no control over the taxes implemented by EMS, the Library, School Board, Extension Office, Health Department. Counties are limited by the state on what can be taxed, legally. Unlike the state and cities, counties can't implement a consumption tax. The sole options are property taxes, occupational taxes (which are capped at 1%), or insurance premium which the cities of Richmond and Berea already charge. Clearly, the financial concerns weren't communicated effectively to the constituents. Judge Taylor then announced his decision to not proceed with the jail expansion or healing center now.

Comments from the Audience:

Larry Curry, Madison County citizen, addressed the court to ask if those involved in the proposed Land Use Change for US Highway 627 would have to re-advertise and put up signage again stating that it seemed redundant. Judge Taylor then explained that the process would be redone in its entirety due to the legalities they must follow.

Herald Bingham, Madison County citizen stated that he knows the drug situation can't be solved. He stated that the problem starts at Washington D.C. and comes to Frankfort, KY, and then to the county. As long as there is taxpayer money paying for drugs they're going to be here; they're free and paid for my Medicaid and Medicare. If you go to CVS and wait in the parking lot, you will see them go in and come out with bags full of drugs and walk over to a car and sell them. He stated this was paid for my Medicaid and taxpayers. He says he has neighbors that do this and brag about them. Asking the court "how will you stop it when it's in the system that we live in?" If you're going to do it, then it must go on the ballot to vote on it. Who is going to vote against Medicaid with 55% of people benefiting from it? Charging taxpayers with more taxes will contribute to the cost. The drug rehabilitation will increase dependency, not discouraging it. Narcan is an expensive drug, why waste that on wasted people? He stated that we were running a criminal justification system rather than a criminal justice system.

Judge Taylor then clarified to Mr. Bingham that the court has nothing to do with Narcan. He then asked for Mr. Bingham's solution.

Mr. Bingham did not have a solution to present.

Judge Taylor stated that it is set out in statute what the Fiscal Court's role is. The whole idea about the healing center was to provide a solution. Arresting and Incarcerating isn't working. At the end of the day, there was an idea and those who voiced their opinion were not open to it.

Mr. Bingham stated he was not against expanding the jail.

Judge Taylor thanked him for his time.

Mary Macmahan, Madison County citizen asked if it was possible to get part of forfeitures that come from drug seizures.

Judge Taylor stated that the sheriff can get forfeitures, however there are certain things he can use that money on which the law states. That money doesn't necessarily come back to the fiscal court.

Mary Macmahan repeated her question.

Jud Patterson, Madison County Attorney, stated that the jail cannot use that money, it stays with the seizing agency.

Mary Macmahan asked if there was a way to implement more penalties for drug offenses so that it comes back to the county.

Jud Patterson, Madison County Attorney, stated that collecting the fees that are given now is virtually impossible. The time and expense to collect those fees wouldn't be worth it. Even if you collected every dollar, it wouldn't make a dent in what the budget requires.

Judge Taylor stated that our counties population has grown 41%. However, the jail population has grown 807%.

Jud Patterson, Madison County Attorney stated to Mr. Bingham's point, there are so many tools missing from a prosecutors' tool box to protect this community because there's nowhere to put anybody. One of the reasons the home incarceration program was started was to at least have some penalty that could be imposed on someone other than just a probation. His opinion is that until it hurts worse to do the wrong thing than the right thing, people will keep doing the wrong thing. Recovery must be a part of that plan which is why the healing center made some sense to me.

Judge Taylor reiterated that when the Jail Task Force was put together in 2016, that it was made up of citizens. Certified Personal Accountants, Bankers, etc., were chosen to give their expert opinion. The court engaged the community. Looking into the next ten to fifteen years, the task force found the projected population of the jail to be over 800 inmates, a 50 million-dollar expenditure. This should have been dealt with by previous administration; statistics showed the uptick in incarceration, and circuit court indictments. Our current administration didn't want to come to taxpayers and say that we wanted to kick the can down the road. We have a financial obligation to do the right thing for the people of Madison County, and be solution oriented. Invest in a person that is on the scourge of society to become a taxpayer. You lower your taxes by increasing the number of people paying taxes. We thought we were being smart saying we don't need to build a 50 million-dollar jail if arresting and incarcerating isn't working. We'd rather only have to spend \$30 million-dollars and expand the jail and create a healing center to decrease the recidivism rate at the detention center and produce more taxpayers. We want to invest in our school system and have a prevention component. This drug epidemic didn't happen yesterday. We're trying to do a collaboration of things to make our community healthy. Rehabs don't work because there isn't a workforce component. We're asking the taxpayers to invest in a solution that is going to lower your tax rate in the future. The courthouse custodians' supply budget was lowered from \$17,000 to \$5,000. We've lowered the diesel fuel number from \$115,000 to \$50,000. We cut costs where we can, so we can come to the taxpayer in times like these and be supported, because we're doing what's right for the community. Taxes have been generalized, there's a false perception. The county receives eight cents for every dollar. If property taxes were raised throughout the county, the increase would only provide \$136,000. The fiscal court can't be blamed for the state or federal government not doing their job. There's a rulebook the court must follow, there are laws set in place.

Debbie Vescio, Madison County citizen, stated that she believed the jail needed to be expanded, and that the jail brought in funding from the state. She understood the eight cents per dollar that the court receives. She asked the court what the success rate for the rehabilitation center was.

Judge Taylor stated that he didn't know off the top of his head but that it was presented in the work session. They have rehabs all over the state, what we were trying to do was to invest in a longer-term program that would give our taxpayers a return on investment.

Debbie Vescio, Madison County citizen stated that she attended the meeting but didn't hear what the recidivism was. She stated that she believed in prevention. However, she doesn't believe the county should get into the healing business.

Judge Taylor asked what her solution for the detention center was.

Debbie Vescio, Madison County citizen repeated that she believed the jail needed to be expanded.

Judge Taylor asked how big we should expand the jail.

Debbie Vescio, Madison County citizen said that is for the court to decide. However, it can bring in revenue to the county from the state. She stated that Kenton County has partnered with several organization to apply for a two million-dollar grant so that they can offer rehab. From the standpoint of our home incarceration, we should look at that success rate first.

Jud Patterson, Madison County Attorney stated that home incarceration will not affect the recidivism rate. In some ways, home incarceration will increase your recidivism rate. Home incarceration, specifically in Madison County, is being used to decrease the overpopulation in the detention center.

Magistrate Botkin stated that Kenton County was one of nine or eleven counties that received state funding to use Vivitrol. Should that program come to us? Should a new jail be built? Regardless of the size of it. There were thirty-two beds in the proposed jail for substance abuse. Our proposal stated that you must use Vivitrol in our jail, which is a non-addictive opium blocker.

Judge Taylor stated that the court has a job duty which is not to run the jail. What happens in the jail is our financial responsibility. We were looking at a solution to a financial problem. The loudest voice has been heard, that we don't need to be in the healing business.

Debbie Vescio, Madison County citizen said she wanted to tell a story of a lady who works at convenience store. The lady stated that she had never done drugs, she worked at the store to pay for her children; why isn't someone investing in her so that she can improve her lifestyle to make more money to pay more taxes? She stated that she was just using that experience as a story and that she was not suggesting it is the courts role to address this.

Magistrate Barger stated that to clear things up, the state does pay for some inmates but that it is nowhere near the ones who don't pay a dime.

Nathan Holman, Madison County citizen addressed the court asking how many misdemeanor inmates were being incarcerated as opposed to felony inmates.

Jud Patterson, Madison County Attorney stated that 85-90% were felony inmates. The goal is to take out misdemeanor inmates for the home incarceration program first.

Nathan Holman, Madison County citizen stated that if you're a felon you have no voting rights and that it was hard to get jobs because that was on them because they made that choice. How are we going to help felons get jobs? Your employers are the ones who are setting those standards saying you can't work here if you have a felony.

Magistrate Botkin stated that Hitachi must go through 3,000 applicants to find one who can pass a drug test. Some employers aren't testing because they know they can't get them to pass. We can either deal with it or turn our head and walk the other way.

Nathan Holman, Madison County citizen stated he knew that millions had been spent on the war on drugs that has done absolutely nothing. It's proven that it does nothing. Until we stop problem whether that be on a county, state, or federal level.

Judge Taylor stated that at the end of the date the federal government passes down mandates to the counties. We don't have any other elected bodies to pass this down to.

Nathan Holman, Madison County citizen asked the court what they were doing about theses bridges that were falling down? Tates Creek has been closed for over six months.

Judge Taylor clarified that the bridge in question was a state bridge.

Nathan Holman, Madison County citizen asked if we had input on getting that fixed to which the court all responded no. He stated that we need to get the funding from somewhere and that he didn't think tax was the right thing. He asked if inmates received cable tv?

Judge Taylor stated that was through the commissary which was under the jailer.

Landry Luxon, Madison County citizen stated that taxes are the price we pay to live in a civilized society. The fact that taxes haven't been raised in thirty-five years, the cost of living hasn't decreased. It's easy for citizens to state that they don't want a tax increase because they want the pay that they've been receiving. But they still want the amenities that the county provides. Unless they have any solutions to increasing the monetary input in fiscal court I think they should withhold their opinions and attend more court meetings.

Magistrate Botkin stated that he hears everyone's tax concerns. He stated that he works two jobs and has retirement income, paying a 37% tax. He stated that he was concerned about it too.

Sharon Bass, Madison County citizen stated that she is a recently retired firefighter who retired making \$10.66 per hour. She stated that she was a single woman who was on fixed income and able to file for food stamps. Food is getting higher. If taxes increase it will be hard on fixed income people.

Judge Taylor stated that he thought everything was being communicated to the citizens but that obviously it wasn't done well enough. In the future we will hold more public hearings.

IN RE: Pay Claims and Approve Transfers:

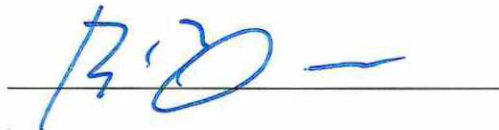
Motion made by Roger Barger seconded by Tom Botkin to approve pay claims and transfers.

ANNOUNCE NEXT COURT DATE:

Judge Taylor announced the next court date for Tuesday, August 14, 2018 regularly called meeting in Richmond, KY.

IN RE: ADJOURNMENT

Motion from Larry Combs to adjourn, seconded by Roger Barger. Hearing no objection, the meeting adjourned at 11:03 am.

A handwritten signature in blue ink, appearing to read 'R. Taylor', is written over a horizontal line.

REAGAN TAYLOR MADISON CO. JUDGE/EXECUTIVE