

Meeting Date; 6/13/2023

Meeting of; Madison County Fiscal Court

Meeting Type; Regularly Scheduled

HONORABLE REAGAN TAYLOR COUNTY JUDGE EXECUTIVE PRESIDING

The Madison County Fiscal Court convened in regular session on the 13th of June 2023 at 9:30AM in the Council Chambers' Courtroom in Berea, Ky. Present was the Honorable Reagan Taylor in the chair presiding and the following members of the Fiscal Court: James Brian Combs, Stephen Lochmueller, Billy Ray Hughes, and Tom Botkin were present. Madison County Assistant Attorney Brooke Bowman, Madison County Sheriff Mike Coyle, Madison County Jailer Steve Tussey, 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 Greg Lakes, Director of Missions for the Bates Creek Baptist Association and Pastor of Pilot Knob Missionary Baptist Church, to lead the Court in prayer. Judge Taylor asked Sheriff Mike Coyle to lead the Pledge of Allegiance.

IN RE: Approval of Meeting Minutes 5-23-2023:

The approval of the minutes from the special called meeting on May 23, 2023, was stricken from the agenda.

IN RE: Approval of Meeting Minutes 5-23-2023:

Motion by Tom Botkin seconded by Stephen Lochmueller to approve the minutes from the regularly called meeting on May 23, 2023.

Motion carried on roll call vote as follows:

James Brian Combs-Yes Stephen Lochmueller-Yes

Billy Ray Hughes- Yes Tom Botkin- Yes

Reagan Taylor – Yes

IN RE: Proclamation-National Flag Week:

Judge Taylor proclaimed the week of June 11-17, 2023, as National Flag Week in Madison County, Kentucky and urged our citizens to reaffirm the ideals of our county by displaying our America Flag at their homes and throughout the Country.

Debbie Parsons with the Jemima Boone Chapter, National Society, Daughters of the American Revolution, was in attendance to accept the proclamation. She expressed her thankfulness and happiness to the members of Court who respect the flag and understand that without its principles, we wouldn't be here today.

IN RE: Road Assessment Presentation:

Scott Shepherd, Road Supervisor, presented an assessment of all the County Roads. He stated that the Administration asked to assess all the roads in the county and report back with the conditions that the roads are in now and what needs to be worked on.

With over 500 miles of Madison County roads, they continue to deteriorate at a rate far beyond what can be improved to keep up with the standard. The goal was to assess the condition of every road in Madison County and provide a rating to each road using a data-driven metric system that uses facts to make decisions on the roads with the greatest need. They took the five worst roads in each district and did additional studies on them in regard to cost of repair, condition, last black-topped, etc., to provide a recommendation on what roads to complete using the current allocation amount of resurfacing funds each district receives. The cost estimates to resurface the five worst roads in each district is \$1,323,472.82, with only a total of \$737,734.00 available in the resurfacing funds.

Shepherd presented his recommendations on the roads to be completed with the current funding. In the 1st District, the recommendation is to spend the entire allotment of \$99,594.09 on resurfacing a portion of Floyd

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Branch; in District 2 spending an estimated \$238,678.86 on resurfacing Kentucky River Road and Valley Drive, in District 3 spending an estimated \$238,678.86 on resurfacing Muddy Creek Road North, Millirons Road, Kidwell Lane, and Cedarview Drive; and in District 4 spending an estimated \$188,220.43 on resurfacing Tom Rhodus Road, Turner Ridge Road/Turner Ridge Spur, Bucketown Lane, and Maple Drive.

Magistrate Botkin asked if these cost estimates include widening and improving shoulders. Shepherd stated that no they didn't.

Shepherd stated that there is a \$585,738.83 shortfall between the funds needed to repair the 5 worst roads in each district with the amount of funding that is available for use. He asked the Court on how they can develop a long-term solution, what are other funding options, and what should the next steps be to try to improve the County Road System. He suggested everyone take some time to look over and think about all the information that has been presented.

Magistrate Lochmueller stated that he would like to meet with Shepherd concerning the roads in his district but feels like there needs to be some time for everyone to study over everything.

Magistrate Combs expressed his concern in adopting more roads when they can't take care of the ones that they currently have, and they need to work on figuring out something different.

Judge Taylor stated that through Planning and Zoning, the approved subdivisions and those subdivisions are to be taken into the County Road System once they meet the County rules and guidelines. He also explained that the State controls the road funding, so the County just gets what they are allowed to get.

Magistrate Botkin stated that they are still working on roads in subdivisions that are 30-40 years old and are taking in new subdivisions. This is going to be a long turnaround and they will need to consider more factors than just the amount of money it will take to fix those roads.

Shepherd stated that the rules have changed with the new subdivisions making it more costly to resurface due to the regulations requiring the width of the roads to be wider and requiring curb and gutter.

IN RE: 2nd Reading Ordinance 2023-08—Land Use Change 3502 & 3506 Lexington Road from UC-1 Single-Family Residential to PUD, UC-11 Planned Unit Development:

Bert Thomas, Planning and Development Director, presented the 2nd Reading of Ordinance 2023-08— Land Use Change 3502 & 3506 Lexington Road from UC-1 Single-Family Residential to PUD, UC-11 Planned Unit Development for the Court's approval. This Ordinance is approving the zone change of 3502 & 3506 Lexington Road, Richmond, Kentucky, and authorizing the amendment of the official zoning map of Madison County, Kentucky.

Motion by James Brian Combs seconded by Tom Botkin to approve 2nd Reading of Ordinance 2023-08— Land Use Change 3502 & 3506 Lexington Road from UC-1 Single-Family Residential to PUD, UC-11 Planned Unit Development.

Stuart Olds, representing JAR Development, spoke on behalf of the developer asking to rezone this 31.95 acres from Single-Family Residential to PUD. He presented information on how this zone change complies with the Madison County Comprehensive Plan in regard to the Urban Development Corridor, as well as a drawing of the potential development.

Bruce Simpson, representing homeowners and residents that live near the subject property, provided objection on this zone change stating that he feels like a decision was already made in February and that if action isn't taken within 90 days of the Planning Commission's recommendation, then it becomes law. Simpson also provided objection that with the new recommendation of the Planning Commission in May, that there was no notice that was given relative to the zoning change, as well as his belief that there was no Finding in Facts adopted with the Planning Commission's decision.

Thomas stated that the Planning Commission feels like they have done everything that they are supposed to do and recommending that the zone change be approved.

Olds stated that in regard to the 90 days, the regulations don't require you to approve or disapprove, they just require you to act. When the Fiscal Court asked for the Planning Commission to have another hearing, that was

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an act. He believes the Fiscal Court did the right thing, and the steps were taken that were necessary to correct the problem.

Judge Taylor stated that this administration wants to follow the law, so they sent back the first zone change request. He asked Assistant County Attorney Brooke Bowman if she had any guidance.

Brooke Bowman stated that the issue is if the May 16th recommendation from the Planning Commission is within 90 days, and that the Court is now acting based on that May 16th recommendation.

There were no additional public comments.

Magistrate Botkin stated that when this came to them the first time, it appeared that there were things that weren't done properly, based on the County regulations, and because of that it was recommended that it be sent back to the Planning Commission to be re-advertised so that the regulations were being followed. He believes that those regulations have been followed now.

Magistrate Lochmueller stated that this zone change is in his district. It complies with the County's Comprehensive Plan and was unanimously approved by the Planning and Zoning committee. He does expect a new traffic study will be done by the State in this area because of the PUD change. Lochmueller also stated that there is no final plan on the area yet. The developer had to present a development concept to the Planning Commission, and he has advised his constituents to be active in what is put out there. He is committed to working with the constituents and the developer, and believes that what the developer has planned to put in the area will be much nicer than anything that is currently around there.

Thomas stated that he agrees that there will be a traffic study done and that the developer has plans to develop the property in a way that is the most valuable to him and to the area to make it more attractive.

Motion carried on roll call vote as follows:

James Brian Combs-Yes Stephen Lochmueller-Yes

Billy Ray Hughes- Yes Tom Botkin- Yes

Reagan Taylor – Yes

IN RE: 1st Reading Ordinance 2023-09—Flood Damage Prevention:

Clay White, GIS Manager, presented the 1st Reading of Ordinance 2023-09—Flood Damage Prevention for the Court's approval. This Ordinance is adopting a flood damage prevention guide and supersedes ordinance 08-11. Motion by Billy Ray Hughes seconded by Stephen Lochmueller to approve 1st Reading of Ordinance 2023-09—Flood Damage Prevention.

Magistrate Botkin asked White to explain what the job role of the GIS Manager and Floodplain Administrator entails.

White explained that the GIS Manager deals with all of the Geographic Information Systems, the data, topographic maps, elevations, base floodplains, etc. that comes from FEMA.

Magistrate Botkin stated that there are a lot of details in the paperwork about variances and asked why they would consider variances in floodplain areas. Thomas stated that just because you are in a floodplain, it doesn't limit you from constructing in that area. But there are processes you have to go through to get special permits to build there. Those documents come to the County, so they have documentation to approve the variances.

Magistrate Botkin also asked how White, as the Floodplain Administrator, enforces deficiencies. White stated that the requirements in being able to develop something or build in a floodplain area have to go through the Division of Water to get the required permits that shows they are allowed by the State to move forward on the development.

Bert Thomas stated that Madison County participates in the National Flood Insurance Program and this prevention guide is a requirement to participate in that program, as well as having a local person as the Floodplain Administrator.

Magistrate Botkin asked Thomas since there are regulations that state what has to be provided, in what circumstances would it be that that information isn't provided. Thomas stated that when someone goes to the State to get a floodplain permit, FEMA will provide the information needed, so it wouldn't come back onto Madison County to provide that information.

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Magistrate Botkin also asked Thomas about the certificate the Floodplain Administrator is to get from a registered professional engineer or architect. Thomas stated that it was the Elevation Certificate, which is a FEMA form that is brought to Madison County after completion by the State.

White stated that they cannot sign off on anything unless they have the plan, certification, etc., and the State will not issue the permit until it has been signed off on.

Motion carried on roll call vote as follows:

James Brian Combs-Yes Stephen Lochmueller-Yes

Billy Ray Hughes- Yes Tom Botkin- Yes

Reagan Taylor – Yes

IN RE: Resolution 2023-67—Treasurer's Request to Pre-Approve Claims and Transfers:

Sarah Stewart, Treasurer, presented Resolution 2023-67—Treasurer's Request to Pre-Approve Claims and Transfers for the Court's approval. This Resolution is for the Madison County Fiscal Court to approve the treasurer's request to pre-approve the claims and transfers through June 30, 2023.

Motion by Billy Ray Hughes seconded by Stephen Lochmueller to approve Resolution 2023-67—Treasurer's Request to Pre-Approve Claims and Transfers.

Motion carried on roll call vote as follows:

James Brian Combs-Yes Stephen Lochmueller-Yes

Billy Ray Hughes- Yes Tom Botkin- Yes

Reagan Taylor – Yes

IN RE: Resolution 2023-68—EMA/CSEPP Hyper-Converged Infrastructure Bid Award:

Chris Iseral, Chief Information Officer, presented Resolution 2023-68—EMA/CSEPP Hyper-Converged Infrastructure Bid Award for the Court's approval. This Resolution is for the Madison County Fiscal Court to approve a bid award for EMA/CSEPP Hyper-Converged Infrastructure to 13 Layers, LLC in the amount of \$296,470.68.

Motion by Tom Botkin seconded by James Brian Combs to approve Resolution 2023-68—EMA/CSEPP Hyper-Converged Infrastructure Bid Award.

Magistrate Botkin asked Iseral what this would be used for. Iseral stated that these particular servers run the virtualized desktop infrastructure that the County and CSEPP use daily and in case of CSEPP emergencies. He stated the actual quote price includes 5 years' worth of maintenance. Because CSEPP is not authorized to spend maintenance money outside of their performance years, CSEPP can just cover the cost of the equipment and one years' maintenance and support. During years 2 through 5, the County will receive a discounted rate and will ask for reimbursement from CSEPP if they are still in operation. If not, then the County will be paying the full maintenance amount or choose not to provide maintenance on them.

Motion carried on roll call vote as follows:

James Brian Combs-Yes Stephen Lochmueller-Yes

Billy Ray Hughes- Yes Tom Botkin- Yes

Reagan Taylor – Yes

IN RE: Resolution 2023-69—Detention Center Contractual Medical Services Agreement:

Steve Tussey, Jailer, presented Resolution 2023-69— Detention Center Contractual Medical Services Agreement for the Court's approval. This Resolution is to approve a contractual Medical Services Agreement between the Madison County Detention Center and West Kentucky Correctional Healthcare, LLC.

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Motion by Billy Ray Hughes seconded by James Brian Combs to approve Resolution 2023-69— Detention Center Contractual Medical Services Agreement.

Magistrate Botkin asked Jailer Tussey if they were happy with the services provided by West Kentucky Correctional Healthcare. Jailer Tussey stated that they have been very satisfied with them.

Judge Taylor stated that he didn't like the automatic renewal and 3% increase each year that is stated in the agreement, which wasn't in the last year's contract with West Kentucky Correctional Healthcare, LLC. He stated that he would prefer for it not to automatically renew each year and not to have an automatic 3% increase each year, stating that it is good practice to present the contractual agreement before the Court each year to allow everyone to look over and review it on an annual basis.

Motion carried on roll call vote as follows:

James Brian Combs-No Stephen Lochmueller-No

Billy Ray Hughes- No Tom Botkin- No

Reagan Taylor – No

Motion by Stephen Lochmueller seconded by Billy Ray Hughes to approve Resolution 2023-69— Detention Center Contractual Medical Services Agreement with Section 4 subsection 2 stricken from the agreement.

James Brian Combs-Yes Stephen Lochmueller-Yes

Billy Ray Hughes- Yes Tom Botkin- Yes

Reagan Taylor – Yes

IN RE: Resolution 2023-70—Madison County Planning Commission Board

Appointment:

Judge Taylor presented Resolution 2023-70—Madison County Planning Commission Board Appointment for the Court's approval. This Resolution is to appoint Brian Adams to the Madison County Planning Commission Board.

Motion by James Brian Combs seconded by Billy Ray Hughes to approve presented Resolution 2023-70—Madison County Planning Commission Board Appointment appointing Brian Adams to the Madison County Planning Commission Board.

Magistrate Hughes asked whose place is Mr. Adams taking. Judge Taylor stated that he took Neil Metcalfe's place, and they are appreciative of Neil's service over the past couple of years.

Magistrate Lochmueller asked what district Mr. Adams is in, and Judge Taylor replied that he is in the 4th District.

Motion carried on roll call vote as follows:

James Brian Combs-Yes Stephen Lochmueller-Yes

Billy Ray Hughes- Yes Tom Botkin- Yes

Reagan Taylor – Yes

IN RE: Resolution 2023-71—Petco Love Animal Welfare Grant Funds Application:

Jill Williams, Deputy Judge Executive, presented Resolution 2023-71—Petco Love Animal Welfare Grant Funds Application for the Court's approval. This Resolution is for the application and administration of Petco Love Animal Welfare Grant Program Funds.

Motion by Tom Botkin seconded by James Brian Combs to approve presented Resolution 2023-71—Petco Love Animal Welfare Grant Funds Application.

Williams stated that this grant is to fund the Spay and Neuter Program.

Motion carried on roll call vote as follows:

James Brian Combs-Yes Stephen Lochmueller-Yes

Billy Ray Hughes- Yes Tom Botkin- Yes

Reagan Taylor – Yes

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IN RE: Resolution 2023-72—Bissell Pet Foundation Empty the Shelter Grant Funds

Application:

Jill Williams, Deputy Judge Executive, presented Resolution 2023-72—Bissell Pet Foundation Empty the Shelter Grant Funds for the Court's approval. This Resolution is for the application and administration of the Bissell Pet Foundation Empty the Shelter Grant Funds.

Motion by Billy Ray Hughes seconded by James Brian Combs to approve presented Resolution 2023-72—Bissell Pet Foundation Empty the Shelter Grant Funds.

Williams stated that this grant is for adoption fees, which reimburses the County and allows them to do half-price adoptions.

Motion carried on roll call vote as follows:

James Brian Combs-Yes	Stephen Lochmueller-Yes
Billy Ray Hughes- Yes	Tom Botkin- Yes
Reagan Taylor – Yes	

IN RE: Resolution 2023-73—Professional Services Agreement for Local Option Alcohol Sales Process:

Jill Williams, Deputy Judge Executive, presented Resolution 2023-73—Professional Services Agreement for Local Option Alcohol Sales Process for the Court's approval. This Resolution is to approve a professional services agreement between the Madison County Fiscal Court and McBrayer, PLLC.

Motion by Stephen Lochmueller seconded by Billy Ray Hughes to approve presented Resolution 2023-73—Professional Services Agreement for Local Option Alcohol Sales Process.

Motion carried on roll call vote as follows:

James Brian Combs-Yes	Stephen Lochmueller-Yes
Billy Ray Hughes- Yes	Tom Botkin- Yes
Reagan Taylor – Yes	

IN RE: Resolution 2023-74—Lewis Drive Road Adoption:

Scott Shepherd, Road Supervisor, presented Resolution 2023-74—Lewis Drive Road Adoption for the Court's approval. This Resolution is to adopt Lewis Drive roadway for County maintenance.

Motion by Stephen Lochmueller seconded by Tom Botkin to approve presented Resolution 2023-74—Lewis Drive Road Adoption.

Magistrate Combs asked about this road. Shepherd stated that Lewis Dr is in a subdivision that the County maintains but it was never accepted. The subdivision was under development, then it was stopped and later another developer completed it, which led to Lewis Drive not being initially adopted into the County roads.

Motion carried on roll call vote as follows:

James Brian Combs-Yes	Stephen Lochmueller-Yes
Billy Ray Hughes- Yes	Tom Botkin- Yes
Reagan Taylor – Yes	

IN RE: Resolution 2023-75—Road Department Mowing Services Bid Award:

Resolution 2023-75-Road Department Mowing Services Bid Award has been stricken from the agenda.

Judge Taylor stated that they are having trouble finding people to work, and when the bids came in to provide mowing services, there was only one bid received which was out of line for what is needed. The way it looks now with the staffing shortage in the Road Department, they may have to look at a different snow plan come winter.

Clerk Barger stated with them being down 6 drivers from last year, they are looking at them not getting the snow off all the road until the next day.

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IN RE: Personnel:

Morgan Elliston, Human Resources Coordinator, recommended the hiring of Tyler Causey for Seasonal Grounds Maintenance, at a rate of \$10.50 per hour effective June 14, 2023; the hiring of William McGuire for Seasonal Outside Cart Attendant, at a rate of \$9.50 per hour effective June 14, 2023; and the promotion of Alan E. Jones from Captain to Battalion Chief, at a salary of \$52,100.20 effective June 21, 2023.

Motion by Billy Ray Hughes seconded by Tom Botkin to approve the hiring of Tyler Causey and William McGuire; and the promotion of Alan E. Jones.

Motion carried on roll call vote as follows:

James Brian Combs-Yes Stephen Lochmueller-Yes

Billy Ray Hughes- Yes Tom Botkin- Yes

Reagan Taylor – Yes

IN RE: Fire Department Recruit Pinning:

Tim Gray, Fire Chief, stated that they hired this class on March 15th and they finished up June 2nd, with all certifications besides one State required class that they are waiting on completing.

Herb Lovett, Training Chief, presented Fire Recruits Cody Blair and Robert “Blake” Foster with their pins. The families of both recruits were in attendance to witness this ceremony.

Magistrate Botkin congratulated the new recruits, as well as to Captain Jones for his promotion to Battalion Chief. He also thanked the family members for attending.

IN RE: Judge’s Report:

- White Hall Park Lake will be stocked with 1,200 catfish today. This will be the final catfish stocking of the summer.
- Berea Parks and Recreation and the Madison County Public Library are hosting a Dive-In Movie Night at the Berea City Pool on Friday, June 16th. Free swimming begins at 7:30PM and the movie *DC League of Super-Pets* begins at dark.
- The Richmond-Madison County Branch NAACP is hosting a Juneteenth Freedom 5K at 8:00AM on Saturday, June 17th at White Hall State Historic Site in Richmond. Register at runsignup.com.
- The 23rd Annual L & N Day and Car Show will be Saturday, June 17th beginning at 9:00AM at the Artisan Village in Berea. Visit Berea Tourism Facebook page for more information.
- The Big Boy Toys Car and Hobby Show will be Saturday, June 17th from 9:00AM-1:00PM at First Baptist Church in Richmond. A rain date has been set for June 24th. Contact Mike Reed at 859-248-7413 or Paul Purcell at 859-661-0192 for more information.
- Richmond Parks and Recreation and the Madison County Public Library are co-hosting a Movie in the Park event on Friday, June 23rd at Irvine-McDowell Park. Beginning at dusk, they will be showing *Sweet Home Alabama*. Bring your blankets and lawn chairs for this free event.
- Spotlight Acting School is hosting a free summer community event on Saturday, June 24th from 10:00AM-4:00PM. They will have vendors, activities for kids, a car show, musicians, food trucks, and tours of the acting school. Contact Kerri Mays at (267) 918-9352 for more information.

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- Hope's Wings Evening for Hope will be Friday, June 30th at Chenault Vineyards from 6:00PM-9:00PM. Tickets can be purchased at www.hopeswings.org.
- Paradise Cove Aquatic Center is having a free swim night on Friday, June 30th from 4:00PM-7:00PM. All ages are welcome.
- The Madison County Courthouse and its related offices will also be closed on Monday, June 19th for the Juneteenth holiday. Offices will re-open on Tuesday, June 20th at 8:00AM.

Comments from Magistrates:

Magistrate Combs stated he was glad to see some rain. Last week there was a good size fire at the Berea Industrial Park, and he appreciates all the agencies that came out to help battle that fire. He expressed his appreciation to the first responders and the service they provide to the community.

Magistrate Lochmueller asked Shepherd if he had heard anything concerning the Crutcher Pike/Tates Creek bridge.

Shepherd stated that the material has been ordered and is projected to be here in mid-July, but doesn't have a definite finish date.

Magistrate Hughes stated that the county is growing. His district is showing such growth and increased usage to smaller one-lane roads as a way around construction. He's had some questions on if the County will be widening those roads and stated with the cost of maintaining the roads as they are, he is not sure on what the solution would be. He asked if there was an assessment done on traffic impact during such development that is happening at Union City.

Judge Taylor stated that could be a disconnect between County and City, since that is in the city and the County doesn't see the Site Development plan in such cases. He did, however, request a study be done in that development.

Magistrate Hughes also asked about the recent alerts that happened in Madison County and Monticello early in the morning this past week.

Chief Gray stated that it was an Amber Alert that was sent out by the KSP that tries to get warnings out about child abductions in case they are traveling throughout the state.

Magistrate Botkin informed the public that the work on I-75 is progressing, as well as on 52 and at Kingston. He advised everyone to use caution in those construction areas as well as with the mowers on State roads.

Sheriff Coyle advised the Court that they will have 2 deputies that will be graduating from the DOJCT Thursday and will be sworn in Friday morning. He asked for prayers for the Olive Hill's police officer that was shot yesterday. He also stated that they will have 3 part-time positions coming up for Court Security, and if anyone would like to apply, they can go to the Sheriff's website or go to the Sheriff's Department in person.

Judge Taylor thanked Major Fraley and the Berea Council for the use of the Council Chambers' Courtroom in Berea. He also stated that the next Town Hall Meeting will be on June 29th at the Kirksville Volunteer Fire Department at 5:30PM.

Comments from Department Heads:

Chris Iseral provided a broadband update, stating that 676 people have been provided with fiber internet by RDOF. KDBF has submitted all the applications for pole attachments and expects that to be finalized in August.

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Iseral also stated that the County will be transitioning to a .gov email and away from the .us as part of the Cybersecurity initiative.

Comments from the Audience and Facebook Comments:

No Comments from the Audience.

Jill Williams read a question from Facebook which stated, "Why is the County in charge of mowing property like the animal shelter?" Judge Taylor explained that as part of the Madison County offices, KRS states that Fiscal Court is responsible for the animal shelter in the same way it is responsible for the County parks, Courthouse, etc.

IN RE: Pay Claims and Approve Transfers:

Motion made by Tom Botkin seconded by Stephen Lochmueller to approve to pay claims and transfers.

ANNOUNCE NEXT COURT DATE:

Judge Taylor announced the next court date for June 27, 2023, in the Richmond City Hall Chambers in Richmond, Ky at 9:30 AM.

IN RE: ADJOURNMENT

Motion from Billy Ray Hughes to adjourn, seconded by Tom Botkin. Hearing no objection, the meeting adjourned at 11:54 AM.


REAGAN TAYLOR MADISON CO. JUDGE/EXECUTIVE