

Meeting Date: 11/28/2023

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 28th of November 2023 at 9:30 AM in the Richmond City Hall Chambers in Richmond, 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 Attorney Jennie Haymond, Madison County Sheriff Mike Coyle, 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 Pastor Rob Taylor of Tates Creek 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 11-14-2023:

Motion by Billy Ray Hughes seconded by James Brian Combs to approve the minutes from the regularly called meeting on November 14, 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

Treasurer's Report:

Sarah Stewart, Treasurer, addressed the Court to give the monthly treasurer's report (see on file).

IN RE: Resolution 2023-134—Leeboy 8515E Asphalt Paver Bid Award:

Scott Shepherd, Road Supervisor, presented Resolution 2023-134— Leeboy 8515E Asphalt Paver Bid Award for the Court's approval. This Resolution is to approve a bid award for a Leeboy 8515E Asphalt Paver for the Madison County Road Department to Brandeis Machinery & Supply Company in the amount of \$234,538.00.

Motion by Tom Botkin seconded by Stephen Lochmueller to approve presented Resolution 2023-134— Leeboy 8515E Asphalt Paver Bid Award.

Magistrate Botkin stated that in the letter from the company, they wanted to make sure the paver would meet the specifications the County was asking for, and he asked Shepherd if he was able to talk with the company about that. Shepherd stated that he was able to speak with the company, as well as getting with the Allen Company to get their advice on the machine and if it would do what they needed it to do. The Allen Company recommended this machine to the County. Magistrate Botkin also asked if this machine came with the "attachment" that is used to round off the edges of the blacktop. Shepherd stated that it has an automatic crown feature, which calculates the depth of the crown that is used to send the water run-off to the left or right automatically. He also stated that it has heated end-gates which heats the asphalt at each wing, so the asphalt doesn't get cold and keeps the asphalt at one temperature for consistent lay.

Judge Taylor asked Shepherd to talk a little about the old paver. Shepherd stated that the current paver has been going bad for a long time and it has been hard to get parts for it. Recently, the paver blew a tire, and they were unable to get a replacement. With the age of the paver, the amount of tonnage that has been put through it, and not being able to get parts for it now, Shepherd feels that it is better to go with new equipment. He said the current paver is about 32 years old.

Magistrate Lochmueller commended Shepherd and his staff for saving money and trying to do what is right for the constituents. This new machine is not only going to save the County some money, but it will also make the roads look better.

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Judge Taylor clarified that this Resolution allows them to go ahead and purchase the machine, but due to supply chain issues they won't receive it until July 2024, and it will be in the budget for FY2024-2025.

Magistrate Hughes asked if the County would be milling off the old blacktop before putting down the new asphalt in the future. Shepherd explained that milling down the old blacktop is expensive, about \$2.85 per foot. He stated that he would be glad to discuss that with the Magistrate when they are looking at repaving certain roads and cost comparisons. He explained that they have to mill everywhere that there is curb and gutters, so the asphalt isn't higher than the gutter and water runoff works correctly. They do have to contract out the milling. Magistrate Combs thanked Shepherd for his hard work and is looking forward to seeing the new paver put to work in the 1st 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 2023-135— Madison County Planning Commission Board

Appointment:

Jill Williams, Deputy Judge Executive, presented Resolution 2023-135— Madison County Planning Commission Board Appointment for the Court's approval. This Resolution is appointing Brian Adams to the Madison County Planning Commission Board, with an expiration date of December 31, 2027.

Motion by James Brian Combs seconded by Billy Ray Hughes to approve Resolution 2023-135— Madison County Planning Commission Board Appointment appointing Brian Adams to the board with an expiration date of December 31, 2027.

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 2023-136— Madison County Planning Commission Board

Appointment:

Jill Williams, Deputy Judge Executive, presented Resolution 2023-136— Madison County Planning Commission Board Appointment for the Court's approval. This Resolution is appointing Bill Buchanan to the Madison County Planning Commission Board, with an expiration date of December 31, 2027.

Motion by Tom Botkin seconded by James Brian Combs to approve Resolution 2023-136— Madison County Planning Commission Board Appointment appointing Bill Buchanan with an expiration date of December 31, 2027.

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 2023-137— Madison County Planning Commission Board

Appointment:

Jill Williams, Deputy Judge Executive, presented Resolution 2023-137— Madison County Planning Commission Board Appointment for the Court's approval. This Resolution is appointing Mary Eipert to the Madison County Planning Commission Board, with an expiration date of December 31, 2027.

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Motion by James Brian Combs seconded by Stephen Lochmueller to approve Resolution 2023-137— Madison County Planning Commission Board Appointment appointing Mary Eipert, with an expiration date of December 31, 2027.

Magistrate Botkin stated that all of these appointees are good individuals and expressed his appreciation to them for giving their time to serve on the Planning Commission Board.

Judge Taylor stated that Mary and Bill have served multiple terms and Brain was appointed during the middle of the last term.

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 2023-138— Fiscal Court 2024 Meeting Schedule:

Judge Taylor presented Resolution 2023-138— Fiscal Court 2024 Meeting Schedule for the Court's approval. This Resolution approves the 2024 Fiscal Court Meeting schedule. The City of Richmond and the City of Berea have agreed to allow the Fiscal Court to continue using their chambers during the courthouse renovation project up until July 9th. Once the final plans and timeline of the courthouse completion are received, the location of the second half of the 2024 meeting schedule will be determined.

Motion by Billy Ray Hughes seconded by James Brian Combs to approve Resolution 2023-138— Fiscal Court 2024 Meeting Schedule.

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 2023-139— Madison County Temporary Circuit Courthouse Lease and Addendum Modifications:

Judge Taylor presented Resolution 2023-139— Madison County Temporary Circuit Courthouse Lease and Addendum Modifications for the Court's approval. This Resolution approves the lease and addendum modifications to a lease agreement between Madison County Fiscal Court and the Kentucky Administrative Office of the Courts. This Resolution supersedes Resolution 2023-122.

Motion by Tom Botkin seconded by Stephen Lochmueller to approve Resolution 2023-139— Madison County Temporary Circuit Courthouse Lease and Addendum Modifications.

Magistrate Botkin asked Judge Taylor to update on why there was a need for this addendum. Judge Taylor explained that after the initial leasing agreement, AOC needed an additional amount of square footage, so this Resolution includes that additional lease payment as well as reimbursement for construction costs of the entire project.

Magistrate Botkin explained the building the County paid \$750,000 for has been updated to accommodate AOC for \$1.8 million, which is being reimbursed by AOC.

Judge Taylor also stated that they will receive 20 months of rent from AOC. It has been a very good return on investment for both the County and the taxpayers.

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: Employee Spotlight:

Jill Williams, Deputy Judge Executive, spotlighted Jessie Russell, Finance Officer with Madison County EMA/CSEPP, who has worked for the County for 10 months. Jessie is a hard worker, who is dedicated to her job and responsibilities, and is a key factor to the success in the EMA/CSEPP department. Jessie has done a great job during a very difficult time with the transition of projects at Madison County EMA/CSEPP.

Magistrate Botkin thanked Williams for including the picture and information on the spotlighted employee in their court packet. He expressed his appreciation to Jessie, stating that it is always a good thing when they get new employees that make an immediate impact on our organization.

Judge Taylor stated that Jessie has come into EMA/CSEPP during a void and has hit the ground running.

Williams stated that Jessie supports Chief Gray in his new role as EMA Director and is making sure the final projects for CSEPP are staying on budget.

IN RE: Judge's Report:

- Project Warm Feet is a community service project to collect crew-length socks for the less fortunate. The collection event will kick off November 28th and continue through December 20th. You can drop your donations off at the Battle of Richmond Visitors Center. The socks will be donated to various groups throughout Madison County.
- Join us for this year's State of the County Address on Friday, December 1st at 12:00 PM at the ECU Perkins Building. Tickets can be purchased online at www.richmondchamber.com. If you are unable to attend, you can watch it live on Madison County, KY or Richmond Chamber's Facebook page.
- Christmas Parades:
 - Richmond's Christmas Parade is on Friday, December 1st at 7 PM.
 - Berea's Christmas Parade is on Saturday, December 2nd at 6 PM.Please be mindful of road closures and increased traffic in the areas.
- ECU's graduation ceremonies will be on Saturday, December 2nd beginning at 9:00 AM at Alumni Coliseum. Please be mindful of increased traffic in the area.
- A holiday-themed craft show will be at the Richmond Mall on Saturday, December 2nd from 11:00 AM – 4:00 PM featuring handmade crafts and holiday treats by local artists.
- St. Mark Church Annual Christmas Bazaar will be Saturday, December 2nd from 8:30 AM – 2:00 PM at Saint Mark Catholic Church in Richmond.
- Richmond Parks and Recreation is happy to introduce ice skating to Irvine-McDowell Park December 7-10th. Registration is required to participate. Visit parksandrec@richmond.ky.us for more information.
- The 2023 Berea Chamber of Commerce Annual Banquet will be on Thursday, December 7th at 6:00 PM at Churchill's. Visit www.bereachamberofcommerce.org to purchase tickets.
- Mayor Fraley's State of the City Address will be on Monday, December 11th at 6:00 PM at the Russel Acton Folk Center in Berea.

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- Madison County 4-H is hosting a Christmas Party at the Cooperative Extension Office located at 230 Duncannon Lane in Richmond on Friday, December 15th from 5:00 PM – 8:00 PM. All families are welcome. Visit the Madison County KY 4-H Facebook page for more information.

Comments from Magistrates:

Magistrate Combs stated that tomorrow, the new bypass in Berea is scheduled to be open.

Magistrate Lochmueller thanked Shepherd and his crew for getting out to Jolly Ridge Rd; the constituent out there is very thankful they were able to help him with his driveway. He also thanked the constituents in the 2nd District for being very patient with their fiber project and apologized to Mr. Carr for the pit that was still out on his land, which one of his cows fell into. The fiber project is going well, and he thanked Chris Iseral and those that are involved in that for their work.

Magistrate Hughes stated that he didn't have anything to go over.

Magistrate Botkin expressed his appreciation to those that have called him about issues that concern them.

Clerk Barger discussed the new database for motor vehicles that will be going live soon. He explained that AVIS is their current database for the motor vehicle information system since 1984. December 29th will be the last day to register a motor vehicle on AVIS. The New Year holiday will be January 1st and 2nd, and on January 3rd motor vehicles will be closed, but the other departments within the County Clerk's Office will be open. On January 4th, they will be closed for a team building day. On January 5th, they will open back up for deeds, marriage licenses, passports but motor vehicles will be closed. The State is planning to turn the new database, KAVIS, on in the evening of January 5th. If the customers coming into the office on January 3rd - 5th and are paying with a check, the office can take that information, process it when they open back up, and mail it out to them. He also stated that because this is a closure of the office, the State will be waiving the interest and penalty for December. If everything goes well, they will be opening up with KAVIS on January 8th. Clerk Barger stated that this is the first step in modernizing the motor vehicle system, followed by integrating liens into KAVIS, and eventually electronic titles.

Judge Taylor asked Clerk Barger to send them a flyer or information for them to post on their social media as well, to help get the word out to the public. Judge Taylor also thanked Clerk Barger for his willingness to serve on the steering committee to get this put in place.

Magistrate Hughes stated that Clerk Barger has made his office more efficient and is thankful to him.

Comments from Department Heads:

Scott Shepherd gave an update on the snow process. Currently, they are still 4 full-time drivers short, making them short at least 2 routes. There are 19 routes, taking 8 hours to push each route. They are only allowed to be out on the roads for 16 hours, so if they don't generate more help, there will be some layovers on some of the routes. He asked the Magistrates to come in to talk about putting a plan in place before the snow season starts. Anyone looking for a full-time or part-time CDL position, contact the Road Department or go to the County's website for the job posting.

Comments from the Audience and Facebook Comments:

Steven Shear, of Deacon Hills Subdivision, wanted to discuss the Drug Recovery residents at 101 Pleasant Ridge Dr. and feels like that doesn't belong in a residential area. He believes it is a bad decision, isn't safe, and devalues his property. He is disappointed in the decision to allow this in a residential area and believes that it is a bad law that allows this.

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Judge Taylor explained that the Fiscal Court doesn't govern those who buy a house and what they do to it. Since this has been brought to their attention, they have had meetings and read state laws and case laws where situations like this have happened, as well as seeking guidance from legal counsel. This goes beyond their administrative duties and responsibilities as a county government and becomes a legal situation.

Doug Bagby, of Deacon Hills Subdivision, stated that they had a situation such as this last year where someone was wanting to put 25 men into a single-family residence, and Deacon Hills was only able to stop that by public opposition. He stated that most of those here today aren't against those in the drug rehabilitation program; it is a wonderful program and they do need somewhere to go, but a single-family residential neighborhood isn't the place. He stated that they keep hearing that this halfway house is allowed through the American Disabilities Act, but wanted to know how this supersedes all the laws that are in effect, like fire regulations, HUD requirements, etc. Mr. Bagby expressed concern for the safety of those living in the house; they don't have transportation, so they have to walk or bike at least a mile to get out of the subdivision. He also expressed concern about the devaluation of property in the neighborhood. It's not something they want in their backyard, and if nothing can be done for this home, maybe they can learn what to do in the future to not allow this situation to happen again. He stated that he did wish the current residents of the home would take care of the house and the yard to make the property look better.

Judge Taylor asked if they have an active Homeowners Association and if they have deed restrictions. Mr. Bagby stated that they do, and they try to enforce them, but it is getting harder over the years.

Brian Springs, of Idylwild Subdivision, expressed his concern on the lack of codes enforcement and the misapplication of the American Disabilities Act. He stated that the American Disabilities Act doesn't provide preferential housing for anyone with a disability, it only provides equal access to housing. The zoning map shows that Deacon Hills is zoned for urban, single-family, or urban agricultural, and he defined family as a natural person, not a corporation or a group. He stated that it is important to have an orderly flow in the enforcement of regulations because as these people graduate from their drug rehabilitation programs, they are going to need to move from group homes (zoned P) into single-family homes (zone UC1 or UC7). This is all set forth by zoning laws and regulations and backed up by the Housing and Urban Development.

Judge Taylor asked Madison County Attorney Jennie Haymond what their role is as a Fiscal Court, and if this is a state law or federal law. From what he has read, state and federal laws trump any local regulations that may be in place.

Madison County Attorney Jennie Haymond expressed her appreciation to Mr. Springs. She stated that everyone wants to help those that are in drug recovery, but we also want to keep ourselves safe along with everyone else. Her role is to advise the County on what the law has stated up to this point as a government entity, however, nothing prevents the Homeowners Association from doing an individual act. Oxford House, who is the backing of this facility, has over 100 facilities in Kentucky, is a nationwide company, and has had dozens of cases brought up to the Supreme Court. Supreme Court states that they can't restrict the number of people in those type houses. The Fair Housing Amendment Act of 1988 is what gives them protection in a residential community. There are currently already at least 3 Oxford Houses in Madison County, and what she has to advise Fiscal Court on is that the local government cannot act, but it doesn't state that an individual cannot act. House Bill 248 was just passed this year and goes into effect at the beginning of 2024. It states that the Cabinet for Health and Family Services, as the Regulatory Authority in the state over these residential recovery homes, requires these facilities to report to the Cabinet in hopes that it helps govern the law and makes these companies accountable.

Mr. Springs asked if the residents in these drug recovery homes meet the definition of a family and as well as for single-family zoning.

Madison County Attorney Jennie Hamond stated that the federal courts say that under the Fair Housing Amendment Act of 1988 they do, and the Supreme Court says the federal Fair Housing Amendment Act takes

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precedence over any other definitions provided by other agencies. He also asked if there is a HUD representative in Madison County.

Judge Taylor stated that the City of Richmond is the local governing body that deals with HUD, and they have a Housing Authority that deals with HUD. He also stated that when reading up on Oxford House, it isn't considered a treatment home because there is no treatment allowed inside the facility and peer support isn't considered treatment under the law.

Madison County Attorney Jennie Hamond stated that this is considered a sober living home.

Mr. Springs asked if under the Fair Housing Act, does it consider a corporation a family.

Madison County Attorney Jennie Hamond stated that case law is saying that the individuals within the home are living as a family.

Bert Thomas added that the deterioration of the home and the appearance of the grounds are things that planning and zoning would regulate. There haven't been any formal complaints filed as of yet for those aspects but would encourage anyone that's having that kind of problem to send in a complaint that can be followed up on.

Judge Taylor stated that they also checked with 911 to see if there have been any calls or complaints to them, and they haven't had any calls to that area since 2022.

Paula Mauck, of Deacon Hills Subdivision, asked Madison County Attorney Haymond if they contact their State Representative and US Representative, could they change this or would it have to go back to the Supreme Court.

Madison County Attorney Haymond stated that none of this would be in a state system because it enacts a federal act. Legislatures can change and create a statute to interpret the law, but the courts can intervene and determine whether that law is constitutional.

Ms. Mauck expressed her concern about the property values in Deacon Hills decreasing because of these sober living homes. She is also concerned about the septic issues that will arise with over 10 people living in that house.

Bert Thomas stated that the Health Department regulates the septic systems in the county, and they have public meetings as well for individuals to voice concerns.

Jim Hall, of Deacon Hills Subdivision, asked if there was some way the County could regulate someone's property to make sure it is kept up so that it doesn't de-value those around it.

Bert Thomas stated that the County has adopted the International Property Maintenance Code and there is a procedure for filing a written complaint, followed by a process for investigating and attempting to resolve the complaint. If it isn't resolved in a timely manner, they will then notify the County Attorney's Office and they file charges against them, which goes to District Court.

Mr. Hall stated that he has a lot of questions about the sober living home and who comes in and out of it, and the overall operation of the facility; whether those coming in are convicted felons, on the sexual offender's registry, etc.

Judge Taylor stated that he would be happy to email out the information he has collected on this issue to anyone that wanted it. Even though he is being told by the County's legal advice that their hands are tied, they are still having discussions on what a possible compromise could be, if there is something that could be put into place that would give some surety or protection for residents.

Madison County Attorney Jennie Haymond stated that the Fair Housing Act doesn't negate the requirements of other things, such as the sex offender registry, they would still have to follow state laws. She stated that it is her understanding that those living in the house are individuals that are residing together and that they have a group mentality amongst themselves. She also explained that state statute says a local government shall not adopt or enforce any licensing or other requirements specifically applicable to the residential care facilities providing for the persons with the disability beyond those that are already granted.

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Linda Hathaway, of Deacon Hills Subdivision, stated that there is no transparency with this situation; they have no way of contacting anyone with Oxford House to find out who is in the facility. She feels that an unsafe situation has been put in their neighborhood and they have no way to monitor it. She wanted to know what they can do as a group on a local level to stop the undermining of the American family at a national level.

Magistrate Lochmueller asked if the Homeowners Association has met and taken any action in regard to the situation. He stated that it could be an avenue for them to explore.

Doug Bagby stated that they don't have the funding to do much; they collect dues every year but that amount just covers the cost of the streetlights.

Carly Nicewonder, of 107 Pleasant Ridge Dr, stated that she just moved into the neighborhood and lives a few doors down from this house. She had been trying to contact the HOA but wasn't sure how to contact them to figure out what they can do. She asked if the HOA could post fliers around the neighborhood about any meetings because she would be fully willing to participate.

Magistrate Lochmueller stated that a HOA is where people can come together on issues they have in common. He stated that there is an avenue there to pursue to make a difference if they are willing to fight for it.

Doug Bagby expressed his appreciation for the guidance the Court has offered today.

Clerk Barger stated that the Homeowners Association has more power in this situation than anyone on court. He asked if they had reached out to another community to learn from other HOA's about issues they had in their subdivision with this same incident. He explained that laws tell you what you can't do, not what you can do. He suggested for them to call their legislatures and to use the resources the HOA has, like deed restrictions.

Sharon Wooten, of Deacon Hills Subdivision, explained that their concern is not just that they opened a halfway house, and asked if there are any restrictions when they place a home under that type of program.

Madison County Attorney Jennie Haymond stated Oxford House says they are not a halfway house; they are a sober living facility. By definition, a halfway house would require treatment in the facility, and Oxford House specifies that they don't require treatment. Oxford House is set up as a 501c3, so they have a board and their operations for internal controls, as well as the House Bill 248 that puts state regulation in place for them to be certified and report to the Cabinet for Health and Family Services. She is not sure about all the internal enforcement mechanisms within Oxford House. She recommended that they contact Oxford House to get some answers to their questions.

Ms. Wooten also stated that as a family-oriented subdivision, they are concerned about the individuals that live in that house walking around the subdivision with weapons in their pockets. She wanted to know what rules they have to abide by and how many people are allowed to be in that house. She expressed her appreciation to the Court and asked for any help they could provide.

Carmelinda Shear, of Deacon Hills Subdivision, asked since Kentucky defines residential care facilities and recovery residents differently what would Oxford House be defined as, what is the County's approach for approving recovery residents' locations, and what action will be taken to responsibly regulate appropriate locations for properties used for this purpose.

Judge Taylor stated that under a residential care facility, they would have supervision and treatment, which Oxford House doesn't fall under.

Madison County Attorney Jennie Haymond stated that the statute list Oxford House as a recovery resident, defined as residents that holds itself out as a recovery residence, sober living residence, alcohol, illicit drug or other intoxicating substance-free home of unrelated individuals or any other similarly named or identified residents that promotes a substance use disorder recovery through abstinence from intoxicating substance.

Judge Taylor stated that, by law, they don't have anything they are able to do to govern sober living homes.

Bert Thomas stated that there are certain types of uses that rise to the level of conditional use permits with the Board of Adjustments or special zoning requirements or special conditions that you have to meet, but this

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particular residence does not rise to that level because there is no business activity going on at the residence nor are they receiving treatment at the facility.

Judge Taylor read a statement from Oxford House on their operations. He stated that he would send the document out that has the statement on it to those who would like to read it.

Madison County Attorney Jennie Haymond explained that implementing a zoning change would have to be the same for all residences in the area (it couldn't single out a sober living home) and when implementing a zone restriction that conflicts with federal law, they would lose automatically because federal law preempts any state or local laws.

Doug Bagby asked how much spacing is allowed between 2 sober living residences.

Madison County Attorney Jennie Haymond stated that she believed it was 1,000 feet.

Larry Vincent, of Deacon Hills Subdivision, explained that he witnessed a narcotic related transaction between a van and a gentleman on a bicycle. He stated that allowing these types of houses in neighborhoods is going to destroy more subdivisions, and everyone needs to stand up together to stop this. He thanked the Court for their time.

Judge Taylor asked Bert Thomas about the septic lines.

Bert Thomas stated that in newer subdivisions, they require a copy of the final approved inspection of the septic system from the Health Department. If someone comes in with a permit for a room addition or a basement finish, they require them to provide an affidavit from the Health Department, who bases the size of the septic system on the number of bedrooms, that says the existing system is either capable of handling that extra load or that they are going to make improvements to the existing system that will accommodate that extra load.

Magistrate Lochmueller asked if anyone goes out and inspects existing houses that are being purchased.

Bert Thomas stated that the Health Department regulates new systems, existing systems, and complaints. If there is a problem with a system, it can be documented with pictures, and a complaint is filed, then the Health Department will do what they can do.

Judge Taylor stated that there is not a process to deal with a speculative situation. He is planning on calling the Health Department concerning this situation.

Linda Hathaway stated that when you look at the number of people living in a home and the septic system, it is engineered for a certain number of people, you shouldn't have to prove it is having an issue.

Judge Taylor stated that the building codes states that the occupancy load is 2 people per bedroom.

Jim Hall stated that based on what he has read about the situation in other counties, some counties have regulated the number of beds in a facility through county and city ordinances that they adopted because of a potential septic issue.

Bert Thomas stated that you have to apply that ordinance evenly across the board to every home.

Madison County Attorney Jennie Haymond stated that the areas that have tried to enforce that had 2 distinctions; it had to be a difference between a sober living home and a treatment facility (most were treatment facilities), and then it couldn't be any more restrictive than what was already in that subdivision. The restrictions couldn't be changed to potentially discriminate and exclude them from that area.

Facebook Comments:

Jill Williams stated that there is a lot of commentary on Facebook on both sides of this issue, with many of the same statements that the homeowners presented, as well as a fair number of comments from individuals in the recovery business explaining some of the questions and concerns that had been raised. She encouraged everyone to read through the comments section on Facebook.

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Sharon Smith, commented on Facebook to Magistrate Lochmueller regarding a road condition on Boone Way. Jill Williams believes that Scott Shepherd and Magistrate Lochmueller had already started discussing this.

Jill Williams also stated that there are a lot of other comments from individuals that live in other neighborhoods that aren't Deacon Hills, one of which is Stateland Subdivision. Their Homeowner's Association is perhaps working through some of the same things and it was suggested that Deacon Hills work with other HOA's.

Jill Williams stated that there was another comment related to Four Mile Rd. and the curve that is on that road. It is very dangerous, and they would like Fiscal Court to look into that.

Judge Taylor asked if that section of Four Mile Rd. is out past Hamilton Ridge. The County doesn't start maintaining Four Mile Rd. until the curb stops on the section that goes from the Bypass towards the Hampton Ridge subdivision.

Williams stated that it doesn't specify in the message, but they will direct message the individual to get some clarification, and then will get with the Road Department.

Judge Taylor thanked everyone that came to Court today. He stated that he will always be there to listen, do the due diligence, and homework on situations, but he also has a duty as an elected official to stay within the lines of the law and protect taxpayers' dollars. One of the biggest scourges on our community is the drug epidemic; it is costing taxpayers on a daily basis. He explained that he will continue to look at ways that they can protect property values while also supporting our citizens that are in recovery, in a way that is being good citizens of society.

Magistrate Botkin read a description of what an Oxford House is from their corporate lawyer to the City of Richmond, as well as KRS 100.984 and KRS 100.982. He stated that he did have some concerns. The KRS and local legislators seem to have some concerns on who is in one of these houses. He intends to contact the corporation and ask them some questions.

Clerk Barger encouraged those in Deacon Hills to go to the house in question and introduce themselves, talk to those that are residents of that house. Oxford House is a 501c3, not-for-profit corporation, which follows a different set of rules than a for-profit corporation. He encouraged citizens to contact the board members that are found on the Secretary of State's office, look into those members.

Magistrate Botkin also stated that he has copy of the deed restrictions from Deacon Hills that was written between 1967 and 1970. He recommended that the Homeowners Association rewrite the deed restrictions and get them approved. If something is being done that is illegal, contact him or the Sheriff's Department and they will send a deputy out there. The same can be said for property maintenance issues.

Judge Taylor also stated that this sober living house is a farther away step from prison. The individuals have gotten out of prison, been to a residential treatment facility, then to a halfway house before going to the sober living house; they have not just gotten out of prison and gone straight to the Oxford House facility. He explained that he had visited a residential treatment facility in Louisa, KY and changed his outlook when a lady in that program stated that society needs to stop looking at them as bad people that need to be good, but as sick people that need to be well.

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:

Meeting Date: 11/28/2023

Meeting of: Madison County Fiscal Court

Meeting Type: Regularly Scheduled

Judge Taylor announced the next court date for December 19, 2023, in the Richmond City Hall Chambers in Richmond, Ky at 9:30 AM.

IN RE: ADJOURNMENT

Motion from Stephen Lochmueller to adjourn, seconded by Tom Botkin. Hearing no objection, the meeting adjourned at 12:14 AM.


REAGAN TAYLOR MADISON CO. JUDGE/EXECUTIVE