

Meeting Date: 12/19/2023

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 19th of December 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. Assistant Madison County Attorney Brooke Bowman, 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 the Court to observe a moment of silence in honor and in memory of the passing of Captain Sam Manley with the Madison County Sheriff's Department. He asked Pastor Jason Koerner of Southland Christian Church Richmond Campus to lead the Court in prayer. Judge Taylor asked Magistrate Tom Botkin to lead the Pledge of Allegiance.

IN RE: Approval of Meeting Minutes 11-28-2023:

Motion by Billy Ray Hughes seconded by James Brian Combs to approve the minutes from the regularly called meeting on November 28, 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).

Magistrate Botkin asked about a transfer in the amount of \$519,768.00 to the Road Department. Stewart stated that this is the normal transfer of funds to the Road Department each year normally in November, it was just done later this year.

IN RE: 1st Reading Ordinance 2023-16—General Fund Budget Amendment:

Sarah Stewart, Treasurer, presented the 1st Reading of Ordinance 2023-16— General Fund Budget Amendment for the Court's approval. This Ordinance relates to the budget amendment of the Madison County General Fund Budget for realized unbudgeted receipts in the amount of \$1,680,157.46.

Motion by Tom Botkin seconded by Stephen Lochmueller to approve presented 1st Reading of Ordinance 2023-16— General Fund Budget Amendment.

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 2023-140—Blue Grass Army Depot Liaison MOA:

Jill Williams, Deputy Judge Executive, presented Resolution 2023-140— Blue Grass Army Depot Liaison MOA for the Court's approval. This Resolution approves a Memorandum of Agreement (MOA) between the Commonwealth of Kentucky, Energy and Environment Cabinet, Division of Waste Management and the Madison County Host Community Liaison for the Blue Grass Army Depot.

Motion by James Brian Combs seconded by Stephen Lochmueller to approve presented Resolution 2023-140— Blue Grass Army Depot Liaison MOA.

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Magistrate Botkin stated that they are thankful to have Craig Williams on staff; his knowledge is an invaluable resource for the county.

Judge Taylor stated that Craig has been an advocate for this project since its beginning.

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 2023-141— Madison County Sheriff's 2022 Mineral Tax Settlement:

Judge Taylor presented Resolution 2023-141— Madison County Sheriff's 2022 Mineral Tax Settlement for the Court's approval. This Resolution is to approve the 2022 Madison County Sheriff's Mineral Tax Settlement, which collected \$14,182.36.

Motion by Stephen Lochmueller seconded by Tom Botkin to approve Resolution 2023-141— Madison County Sheriff's 2022 Mineral Tax Settlement.

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 2023-142— Proposed Discontinuance of County Road Maintenance:

Scott Shepherd, Road Supervisor, presented Resolution 2023-142— Proposed Discontinuance of County Road Maintenance for the Court's approval. This Resolution approves the proposed discontinuance of County Road Maintenance for Cherokee Lane and Kavanaugh Lane.

Motion by James Brian Combs seconded by Stephen Lochmueller to approve Resolution 2023-142— Proposed Discontinuance of County Road Maintenance.

Magistrate Botkin stated that he didn't have any calls concerning Cherokee Ln.

Eric Wickersham, of 2268 Catalpa Loop, stated that his family has property that is accessed via Kavanaugh Ln. He wanted to confirm that the report states that Kavanaugh Ln serves no public purpose, and asked if he could have a copy of the report.

Judge Taylor stated that they could send that to him if Wickersham would provide his office with his email address.

Assistant Madison County Attorney Brooke Bowman stated that there are letters from the road commissioners in the Fiscal Court record that states Kavanaugh Ln doesn't serve a public purpose.

Mr. Wickersham also asked about the process of petitioning the Court by a private citizen to have access to the road.

Assistant Madison County Attorney Brooke Bowman stated that there is a process, but he would have to seek private council to pursue that petition.

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 2023-143— Electrical Inspection Services Contract:

Bert Thomas, Planning and Development Director, presented Resolution 2023-143— Electrical Inspection Services Contract for the Court's approval. This Resolution approves an electrical inspection services contract between the Madison County Fiscal Court and Michael Leger, DBA Inspector Corrector, LLC.

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Motion by James Brian Combs seconded by Stephen Lochmueller to approve Resolution 2023-143— Electrical Inspection Services Contract.

Magistrate Botkin asked if Michael Leger has been doing work for the County as an employee.

Thomas stated that he is not a County employee. They currently have a contracted electrical inspector, who is retiring, and are replacing him with Michael Leger as a contracted employee.

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 2023-144— Emergency Management Agency 2023 EMPG Program MOA:

Tim Gray, EMA/CSEPP Director and Fire Chief, presented Resolution 2023-144— Emergency Management Agency 2023 EMPG Program MOA for the Court's approval. This Resolution approves a Memorandum of Agreement (MOA) for the 2023 Emergency Management Performance Grant Program.

Motion by Tom Botkin seconded by James Brian Combs to approve Resolution 2023-144— Emergency Management Agency 2023 EMPG Program MOA.

Magistrate Botkin stated that this is a good, standard contract.

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:

Herb Lovett, Fire Department Training Officer, stated that Madison County Fire Department recruits were able to train together with the City of Richmond Fire Department recruits and the City of Richmond's new training officer, which worked out well since they make runs together. These two recruits have completed the Basic 2 certification that the state requires and are in the process of getting their IFSAC 1 & 2.

Herb Lovett presented Fire Recruits Brayden Prewitt and Camden Eubank with their pins. The families of both recruits were in attendance to witness this ceremony.

Magistrate Botkin expressed his thankfulness to Prewitt and Eubank for starting their careers with the County.

IN RE: Personnel:

Morgan Elliston, HR Director, recommended the hiring of Adam Madden as a Road Department Truck Driver/General Laborer, at a rate of \$18 per hour, effective December 20, 2023; the hiring of Austin Bates as the GIS Coordinator, at a salary of \$60,000 per year, effective January 10, 2024; the promotion of Bobby Aldridge as an Animal Control Officer II, at a rate of \$16 per hour, effective December 19, 2023; the promotion of Camden T. Eubank to a Firefighter II, at a rate of \$9.24 per hour, effective December 20, 2023; the promotion of Brayden Prewitt to a Firefighter II, at a rate of \$9.24 per hour, effective December 20, 2023; and the change of status for Jessica Russell, Finance Officer EMA/CSEPP, at a rate of \$24.89 per hour, effective December 20, 2023.

Motion by Billy Ray Hughes seconded by Tom Botkin to the hiring of Adam Madden as a Road Department Truck Driver/General Laborer, at a rate of \$18 per hour, effective December 20, 2023; the hiring of Austin Bates as the GIS Coordinator, at a salary of \$60,000 per year, effective January 10, 2024; the promotion of Bobby Aldridge as an Animal Control Officer II, at a rate of \$16 per hour, effective December 19, 2023; the promotion of Camden T. Eubank to a Firefighter II, at a rate of \$9.24 per hour, effective December 20, 2023; the promotion of Brayden Prewitt to a Firefighter II, at a rate of \$9.24 per hour, effective December 20, 2023;

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and the change of status for Jessica Russell, Finance Officer EMA/CSEPP, at a rate of \$24.89 per hour, effective December 20, 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: Employee Spotlight:

Morgan Elliston, HR Director, spotlighted Clayton Cornett, Firefighter with Madison County Fire Department, who has worked for the County for 2 years. Clay is hard working, dedicated to fire service and is always willing to give a helping hand with no questions asked.

Judge Taylor expressed his appreciation to Clay for his hard work.

IN RE: Judge's Report:

- Have your photo taken with Santa on Tuesday, December 19th from 4:00 PM – 6:00 PM in the front lobby of the Berea Chamber of Commerce.
- Heritage Homeschool Co-op is hosting a Winter Wonderland Sneaker Ball on Tuesday, January 2nd from 7:00 PM – 9:00 PM at the Russel Acton Folk Center in Berea. Visit their Facebook page for more information.
- ECU's 859 (Community) Night men's basketball game will be at 7:00 PM on Thursday, January 4th at Alumni Coliseum Baptist Health Arena. Visit www.ekusports.com to purchase tickets.
- Madison County Government and its related offices will be closed Monday, December 25th through Tuesday, December 26th for the Christmas holiday. Offices will re-open on Wednesday, December 27th at 8 AM.
- Madison County Government and its related offices will also be closed on Monday, January 1st through Tuesday, January 2, 2024, for the New Year's Day holiday. Offices will re-open at 8 AM on Wednesday, January 3, 2024.
- Merry Christmas and Happy Holidays to everyone.

Comments from Magistrates:

Magistrate Combs congratulated all the new hires and expressed his thanks to all the department heads for their help throughout the year. He wished everyone a Happy New Year and Merry Christmas.

Magistrate Lochmueller thanked the Court and staff for their help and council during the year. He enjoys being a part of the Court and serving the community. He also wished Morgan Elliston the best, offered congratulations to all the honorees presented in court today, and wished everyone a Merry Christmas and Happy New Year.

Magistrate Hughes stated that it has been a great year, with a good group of employees. He also wished everyone a Merry Christmas and a prosperous New Year.

Magistrate Botkin wished all the employees a Merry Christmas and Happy New Year and thanked everyone for all their good work over the past year. He asked everyone to remember the family of Captain Sam Manley in

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their prayers; he was a great leader, great individual, and set a good example for those at the Sheriff's Office. He thanked the City of Berea and Captain Casey Botkin for providing security during the court meeting today.

Assistant Madison County Attorney Brooke Bowman wished everyone a Happy Holiday.

Clerk Barger discussed the dates of the Kavis switchover. The last day for December renewals will be on December 29th. The entire Clerk's Office will be closed on January 4th. On January 3rd and January 5th, Berea Branch and Motor Vehicles Department will close, with the other departments still being open. Then, on January 8th, the Clerk's Office will be open back up completely.

Comments from Department Heads:

No Comments from Department Heads.

Comments from the Audience and Facebook Comments:

Stephanie Adkins, of 2221 Kentucky River Road, wanted to discuss the conditional use permit concerning an Airbnb short-term rental property on Kentucky River Road. The neighborhood was unaware of the land use regulation changes. A conditional use permit was denied last year for the property beside her for the Airbnb, due to narrow road by the Board of Adjustments. However, that has since been changed without the neighbors being aware. The guests of the Airbnb are continuously causing issues by not observing the speed limit, making it hazardous on the one lane road. She asked how they could stop this business from operating.

Bert Thomas stated that a conditional use permit went before the Board of Adjustments, which at the time didn't have any type of regulations concerning short-term rentals. They have since changed the regulations, which involved public meetings, because it was a comprehensive document that covered the entire county. The new regulations make short-term rentals, such as Airbnb's, a permitted use property with certain standards they have to meet, that include being licensed and permitted. Kentucky River Road is a terrible road, though it is now paved, that is very narrow, but their regulations don't enforce speeding or reckless driving. From a regulation standpoint, these properties are still residential regardless of how long people will be living there. Magistrate Lochmueller suggested that residents start calling him with any speeding or reckless driving complaints and he would contact the Sheriff directly to try to help them with that.

Scott Shepherd stated that there are several speed limit signs on Kentucky River Road; going down the road, there are 4 signs within 1.1 miles, in which there is only required to be one.

Magistrate Lochmueller asked about putting speed bumps down Kentucky River Road.

Shepherd stated that isn't an option because of the maintenance on the trucks, which can do up to \$50,000 worth of damage to the trucks. They have even been proven not to work.

Magistrate Botkin asked if there was any place on the road to create a pull off.

Shepherd stated that due to the mountain on one side and a deep hollow on the other side, there is no way to expand the road without costing millions of dollars. The road was initially used as a farm access road and was never meant for any other purpose.

Judge Taylor stated that this is not a business because they are not operating a business within the home; it is a rental residence.

Magistrate Hughes asked if the County collects business income from them.

Thomas stated that they pay for a business license as well as a short-term rental permit.

Jarrold Davis, of 2118 Kentucky River Road, thanked the Court for allowing him to speak. He asked why the regulation was changed in the first place. He asked if they could make an amendment to it since they have signatures from the community members opposing this. Those that are renting this property are not from the area, they change from day to day and don't care about being neighborly or courteous when asked to slow down. He expressed his appreciation to Magistrate Lochmueller for getting the road blacktopped and the

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County for removing snow on the road, but he feels like local government is getting more intrusive with the tax increases and short-sided laws that could cause hazards to those that live in the area.

Judge Taylor stated that this Court has not raised property taxes and they are very transparent. He asked Thomas to explain the process of the comprehensive plan, which required public engagement, which was advertised.

Bert Thomas stated that based on meetings and steering committees with industry leaders, builders, developers, and community members concerning land use regulations, they determined the regulations needs to be updated. After the group looked over everything section by section, it went to the Planning Commission, which had a public hearing with an opportunity to ask questions and clarifications. The Planning Commission brought a recommendation to the Fiscal Court, who then had 2 readings of the ordinance and public discussion. Taylor, Seifker, Williams (TSW) Design Group was the consultant that was used to rewrite the updated regulations. The entire document from the comprehensive plan to the land use regulations was rewritten by a broad group of varying backgrounds, begging for public input through online surveys, snail-mail surveys, and public hearings. Stephanie Adkins asked about a possible amendment to this regulation.

Judge Taylor stated that they will go back and look at the regulation. When they initially make regulations, they are made for the county as a whole.

Darrel Adkins, or 2221 Kentucky River Road, stated that there have been 5 wrecks on Kentucky River Road due to this Airbnb property and when the snow comes that will increase. He also stated that they didn't know about the comprehensive plan meeting to be able to attend.

Judge Taylor stated that all their meetings are advertised in the newspaper and on social media.

Bert Thomas stated that the planning commission agenda is posted online for each meeting and the meetings are advertised in the newspaper and on social media.

Magistrate Botkin expressed his appreciation to those that came out today to address their concerns and stated that they will take a closer look at this regulation to see if there is anything that can be done.

Magistrate Lochmueller stated that he worked hard to get Kentucky River Road blacktopped for the community and that he will work with the residents to see what can be done about their concerns.

No Facebook Comments.

IN RE: Pay Claims and Approve Transfers:

Motion made by Billy Ray Hughes seconded by Stephen Lochmueller to approve to pay claims and transfers.

ANNOUNCE NEXT COURT DATE:

Judge Taylor announced the next court date for January 9, 2024, in the Council Chambers' Courtroom in Berea, 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 10:35 AM.



REAGAN TAYLOR, MADISON CO. JUDGE/EXECUTIVE