

Special-called Term,

Thursday Day,

3rd Day of

March

20 11


At a special-called budget work session meeting of the Simpson County Fiscal Court held in the old district court room at the Simpson County Historic Courthouse on March 3rd, 2011, at 3:00 p.m.

Present: Honorable Jim Henderson, Judge/Executive
Honorable Kelly Banton, Magistrate
Honorable Marty Chandler, Magistrate
Honorable Larry Randolph, Magistrate
Honorable Blake Tarpley, Magistrate
Honorable Sam Phillips, County Attorney
Nicole Law, Finance Officer

Judge Henderson called the meeting to order with Jailer Eric Vaughn and Sheriff Chris Cline and representatives from both departments in attendance. The afternoon was spent in discussion of matters pertinent to preparation of budgets for these two departments.

The meeting concluded with the plan to meet again in special session on Monday, March 7, 2011 at 8:30 AM in the same location to continue the discussions.

Adjourn. (6:05 PM)



JIM HENDERSON
COUNTY JUDGE EXECUTIVE

*See Attachments File March 3rd, 2011.

Quarterly Joint Term, Thursday Day, 3rd Day of March 20 11

Present: Honorable Jim Henderson, Judge/Executive
 " Kelly Banton, Magistrate
 " Marty Chandler, Magistrate
 " Larry Randolph, Magistrate
 " Blake Tarpley, Magistrate
 " Sam Phillips, County Attorney
 Pam Rohrs, Fiscal Court Clerk

Honorable Ronnie Clark, Mayor
 " Mason Barnes, Commissioner
 " Larry Dixon, Commissioner
 " Jamie Powell, Commissioner
 " Henry Stone, Commissioner
 " Kenton Powell, City Manager
 " Scott Crabtree, City Attorney
 Kathy Stradtner, City Clerk

County Judge Executive Jim Henderson called the fiscal court into session for the regularly-scheduled quarterly joint city commission-fiscal court meeting at 6:10 PM. Mayor Ronnie Clark called the city commission to order as well. Introduction of the commission members and City Manager Kenton Powell were made by Mayor Clark and Judge/Executive Henderson followed with introduction of the fiscal court. This was the first joint session for new city commissioners Mason Barnes and Larry Dixon and City Manager Kenton Powell as well as West District Magistrate Blake Tarpley. Magistrate Tarpley opened the meeting with prayer followed by the pledge to the American flag.

The first order of business was discussion of city codes enforcement. City Attorney Scott Crabtree read through the code enforcement flow chart that the City follows. The process begins with a complaint which is inspected by the codes enforcement officer. A determination is made whether or not there is a violation, if not the case is closed. If there is a violation, then a notice is sent to the property owner and within reasonable time a follow-up inspection is done. After re-inspection, if the situation has been remedied, then the case is closed; if not, a citation is issued. Once the citation is issued the property owner has seven days to pay the fine or request a hearing before the Codes Enforcement Board and after eight days, if nothing is done, the right to hearing is automatically waived. Paying the fine closes the case. The City is in the processing of making it possible to turn unpaid citations into liens against the property. If a hearing is the action chosen, then one will be conducted by the Board within 14 days. The Board will then issue Findings and Conclusion of Law and Order. The violator will then have thirty days to appeal, then have a hearing in District Court, receive final judgment and enforcement proceedings. If there is no request for appeal, after thirty-one days, a non-appealable order resulting in enforcement proceedings such as lien, foreclosure, collection, etc. will be filed. The City is instituting an ordinance stating that for third citations for repeat violations, an automatic fine will be enforced even if the previous two violations were remedied at the time of citation issuance. The City has found that manpower/resources were being consumed quickly with the repeat offenders when they might be cited 7 or 8 times for the same violation within say, a mowing season. The City also noted that they had to self-mow up to 75 lawns/lots last season themselves. The step-ups in measures being taken are attempts to manage these codes violations without increasing the City's costs. No foreclosures have been taken yet as Crabtree explained it will take a few mowing seasons for enough lien accumulation for that action. Another tool that the City can use is legislature passed in 2004 allowing cities to re-classify some property as abandoned or blighted after being run down for at least one year, no taxes being paid for at least three years, in run down condition or in a revitalization area. This classification allows up to ten times the tax rate to be levied on the property and serves as a punitive measure particularly as a deterrent for secondary mortgage companies handling foreclosures and their un-kept properties. City stated that the International Property Maintenance Code has been adopted by them as well.


Fiscal Court had attempted to adopt a new maintenance code that mirrored the City's last summer, but because some issues addressed in the proposed code relating to situations peculiar to the rural/farm setting roused concerns by some rural residents, passage of that ordinance was delayed and is now on hold. County Attorney Sam Phillips reported that as urbanization has come to Simpson County, the more important it is to have an updated codes enforcement ordinance in place. There are the obvious esthetic issues as well as the public safety ones that put this high on the priority list. For example abandoned buildings especially in more remote areas of the county can provide a perfect setting for criminal activities such as meth labs. Judge Henderson noted that probably 75% of the population of Simpson County lives within the city limits or within those urbanized areas of the county so the proposed maintenance code would not be problematic for that majority but the court agreed to tweak the proposed ordinance to make adjustments that would allay concerns of those rural residents and not present unintended consequences for them. Judge Henderson also suggested that at some point a joint codes enforcement board with city and county representation be considered. The City now has a 3-member board in place.

City Manager Kenton Powell proposed that the city and county consider the possibility of common purchasing opportunities for potential savings that could benefit both entities as we are looking at tighter budgets. The possibilities are unlimited as asphalt/roads, equipment of all kinds, vehicles, service/maintenance contracts, electronics and HVAC, just to mention a few, came to mind. The joint session thought that the concept of common purchasing was worthy of consideration. City Manger Powell will begin stream-lining this concept and give feedback as it develops.

It was reported by City Manager Powell, upon request of Magistrate Banton, that the Subers, owners of the building on the corner of North Main Street and Kentucky Avenue, would be offered an agreement whereby the City of Franklin, Simpson County, Renaissance and the Subers would equally share in the cost of moving the pole which has been an obstacle in the Suber's restoration project of the building with stipulations regarding the timeline of completion. This is only a proposal and has not yet been officially presented.

Commissioner Henry Stone asked for an update on fiber optics. City Manager Powell reported that phase one of the city fiber optics project is committed for July 1st for the Tractor Supply Project in the east Sanders Industrial Park, with phase two in the PIC area looping back around to Hunt Ford by August and phase three in the north Wilkey Industrial Park following in September or October.

Adjourn. (7:00 PM)


 JIM HENDERSON
 COUNTY JUDGE EXECUTIVE

See Attachments File March 3, 2011.