

Regular Term, Tuesday, 4th Day of December 20 12

At a regular meeting of the Simpson County Fiscal Court held in the Fiscal Court Meeting Room of the Simpson County Historic Courthouse on December 4, 2012 at 8:30 AM.

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
 Pam Rohrs, Fiscal Court Clerk

Judge Henderson called the meeting to order, led in prayer and the pledge of allegiance to the American flag.

Motion by Tarpley Second by Banton Ayes-All
 Approve the minutes of the November 20th regular fiscal court meeting.

Motion by Chandler Second by Tarpley Ayes-Banton, Chandler, Randolph, Tarpley and Henderson
 Approve second reading and final passage of FY12-13 Budget Amendment Ordinance No. 220.159 in the amount of \$66,235.00.

Motion by Banton Second by Randolph Ayes-All
 Re-appoint Ricky Carpenter to the Franklin-Simpson Parks Board for another three-year term expiring December 31, 2015.

Motion by Randolph Second by Banton Ayes-All
 Re-appoint Mark Andrews to the Franklin-Simpson Planning and Zoning Commission for another three-year term expiring December 31, 2015.

Motion by Tarpley Second by Chandler Ayes-All
 Appoint Jack Wade and Tammie Carey as viewers who together with Public Works Director Bobby Groves shall view the portion of Martha Oliver Road (CR1138) proposed for closure and present a written report at the December 18th hearing of what inconvenience, if any, would result from the discontinuance of this county road.

Motion by Randolph Second by Chandler
 Approve 2012 sheriff's budget transfers as submitted.

\$350.00	01-5015-445 (office supplies) from 01-5015-573 (telephone)
\$2650.00	01-5015-725 (office equipment) from 01-5015-563 (postage)
\$200.00	01-5015-725 (office equipment) from 01-5015-302 (advertising)
\$500.00	01-5015-429 (fuel) from 01-5015-551 (dues)
\$750.00	01-5015-429 (fuel) from 01-5015-569 (registration & training)
\$700.00	01-5015-340 (vehicle maint/repairs) from 01-5015-577 (travel/prisoner transport)

Motion by Chandler Second by Tarpley Ayes-All
 Approve FY12-13 budget transfers as submitted.

\$4000.00	01-5015-725 (office equipment) from 01-5015-205 (health insurance)
\$3750.00	03-5101-336 (equipment maint/rep) from 03-9400-205 (health insurance)

Motion by Tarpley Second by Banton Ayes-All
 Approve payment of claims/bills as submitted.

Al's Truck Repair	02-6150-592A	3477.06
America's Bravest	01-5120-588A	3379.99
America's Bravest	01-5120-446	435.21
Andy Dobbs	01-5015-481	51.90
Anthem BCBS	01-9400-205	394.00
Atmos Energy	01-5120-578B	75.85
Blake Tarpley	01-9100-576	377.46
Bluegrass Cellular	01-5115-573	55.28
Bluegrass Cellular	01-5116-573	45.27
Bluegrass Cellular	01-5135-573	84.48
Bluegrass Cellular	01-9100-573	81.36
Bluegrass Cellular	02-6005-573	115.19
Bluegrass Uniforms	01-5015-481	295.99
Bluegrass Uniforms	01-5120-481	195.00
BP	01-5015-429	97.45
BP	03-5101-429	718.30
City of Franklin	01-9100-578	377.82
City of Franklin	02-6005-578	24.79
CLM Port A Potty	01-5085-334	67.00
Coltz Outdoors	01-5015-562	30.00
Comcast	01-5015-578	67.37
Comcast	01-5081-578	77.37
Country Club Subway	01-9400-205	140.97
Daily News	01-5015-302	285.92
Dell	01-5015-445	329.98
Electric Plant Board	01-5081-578	3085.48
Electric Plant Board	01-5081-578A	62.84
Electric Plant Board	01-5120-578A	387.01
Electric Plant Board	01-5120-578B	41.02
Electric Plant Board	01-9100-578	1546.05
Electric Plant Board	02-6005-578	203.37
Electric Plant Board	03-5101-578	4755.90
Eric Vaughn	03-5101-576	79.50

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Federal Signal ANS	01-5136-548A	20900.60
FedEx	01-5001-563	9.55
Franklin Favorite	01-5001-302	252.00
Franklin Favorite	01-5065-565	24.00
Franklin Sporting Goods	01-5015-481	172.85
F-S Chamber of Commerce	01-5015-551	100.00
F-S Industrial Authority	01-9100-569	216.00
G & W Termite & Pest	01-5081-177	55.00
G & W Termite & Pest	01-5120-334A	75.00
G & W Termite & Pest	01-5120-334B	55.00
G & W Termite & Pest	01-5120-586	100.00
G & W Termite & Pest	01-5080-346	160.00
Galls Inc	03-5101-599	142.47
Gant's Complete Auto	03-5101-340	33.00
Global Specialty	01-5081-411	67.00
Greene Military	01-5015-481	147.00
InterAct	03-5101-445	104.59
J Kelly Patterson MD	01-5120-205	245.00
James Key	01-5120-446	8.46
James Key	01-5120-573	25.00
Jane Ownby	01-9400-205	111.00
KY Sheriff's Boys & Girls Ranch	01-5015-551	25.00
Kelly Banton	01-9100-576	397.34
Kentucky State Treasurer	75-5145-322	39000.00
Kenway	03-5101-411	486.50
Konica Minolta	03-5101-564	248.57
Lee's Mower Service	01-5120-336	289.00
Liberty Tire	01-8099-716	223343.98
Lowe's	01-5120-446	11.22
Lowe's	01-5205-403	148.31
Lowe's	03-5101-334	33.15
Main Street Printing	01-5001-565	15.00
Mark Halcomb	01-5120-573	10.00
Marty Chandler	01-9100-576	375.52
Matrix Computerz	01-5015-725	300.00
Pam Rohrs	01-9100-576	537.33
Print Source Consulting	01-5001-565	200.49
Quill	01-5120-446	24.20
Rapid Fueling	01-5015-429	4161.12
REM Laundry	03-5101-336	3736.52
Ricoh USA	01-5120-334A	48.39
Robert Y Link, Attn	01-5070-332	750.00
Simpson Co Tire	01-5015-340	308.71
Simpson Co Water District	01-5120-578C	32.31
Standard Insurance Company	01-9400-205	313.14
Staples	01-5015-445	220.08
Tourist & Convention Comm	01-5420-902	14214.50
Tractor Supply	01-5205-403	238.47
Tractor Supply	02-6105-447	118.57
Tractor Supply	02-6105-481	209.95
TruGreen	01-5080-408	245.15
Universal Equipment	03-5101-336	1563.20
US Bank CT	02-7700-607	646.29
US Bank CT	01-7700-603B	1728.38
US Bank CT	01-7700-607B	440.40
US Bank CT	01-7700-603A	1562.05
US Bank CT	01-7700-607A	310.19
Vital Signs	01-5070-348	15.00
Walmart	01-5015-445	100.98
Walmart	01-5015-725	2390.00
Walmart	01-9400-205	27.36
Warren RECC	01-5135-578B	578.00
Waste Management	01-5205-403	39.01
West Payment Center	01-5015-445	212.34
Wholesale Supply	01-5136-548A	250.97
Wholesale Supply	02-6005-334	103.25
WRECC	01-5120-578C	41.02
WRECC	01-9100-578	68.97

Motion by Randolph Second by Banton Ayes-All
 Approve cash transfer for \$41,000 from the General Fund to the 911 Fund to pay KSP dispatching for a quarter.

Motion by Randolph Second by Tarpley Ayes-All
 Approve October 31, 2012 financial statement subject to audit.

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Judge Henderson's reports began with that of the Waste Tire Dump clean-up. The Kentucky Division of Waste Management, the source of the \$500,000 grant for the clean-up, and Liberty Tire Recycling, the vendor awarded the bid, had underestimated the project by possibly \$300,000 to \$400,000. A slope in the terrain perhaps had led to the miscalculation of the tonnage. The State will provide the extra funds to complete the project but those funds will have to be amended into the county's FY12-13 budget. It was noted that this grant is funded by the tipping fees at landfills.

The judge also reminded court members to bring any needed bridge or box culvert projects to the attention of Fiscal Court as the 80/20 Bridge Flex Project funds are still available from the State and those requests will need to be submitted in the near future.

Also, the report from the core drillings by AEI on Kenneth Utley Drive/Ditmore Ford Road indicated that the road would not, in fact, support repeated commercial traffic. The judge continued to explain that the 36,000-pound weight limit that was initially set by Fiscal Court for Ditmore Ford Road was merely a default number. It was noted that Kenneth Utley Drive is within the city limits of Franklin from HWY 1008 up to the bridge and the bridge to Blackjack Road (HWY 1171) is the county's portion and known as Ditmore Ford Road. Judge Henderson's point of discussion was to establish that this road will not support repeated commercial traffic. After consideration of the findings of this report and discussion, Fiscal Court members agreed to authorize Judge Henderson and County Attorney Sam Phillips to confer with the city's leadership and legal counsel to proceed with drafting an ordinance regarding the commercial use of this road.

Henderson also reported that he and Magistrate Chandler had attended a Board of Zoning Adjustments meeting last week and in light of some issues to come before the board in recent times, he sees opportunities for having broader discussions related to planning and zoning regulations.

The Energy and Environment Cabinet, Division of Waste Management will conduct a public meeting at 6:00 PM, Tuesday, December 11, 2012 at the high school cafeteria to exchange information and answer questions concerning the draft permit for Triple M Land Farms, Inc. which is located in southwest Simpson County. Magistrate Randolph commented that this area is zoned agriculture but some question if this type of operation is truly agricultural.

Fiscal Court members are invited to attend the dedication of the new Allen County Justice Center Wednesday, December 5th at 10:00 AM.

Magistrate Tarpley expressed continuing concerns of one of his constituents as the Amish residents in the northwest section of the county have not complied with affixing of water-proof siding on the exterior of some of their constructed residences. Both Codes Enforcement Officer Kevin Allen and Building Inspector Joe Perry have been engaged in conversations with the patriarch of the community who has assured them that they will comply within the 90-day period. There was a brief discussion of the matters regarding electrical and plumbing inspection of newly constructed Amish residences. No conclusive resolution emerged from this discussion.

The Franklin Christmas Parade is scheduled for 5:00 PM Saturday, December 8, 2012.

County Attorney Sam Phillips urged citizens to pay their property taxes at face value at the Sheriff's Department through the end of this month.

Motion by Randolph Second by Tarpley Ayes-All

Go into closed session subject to KRS 61.810, Section 1, subsection (b) deliberations on the future acquisition of real property. (10:20 AM)

Motion by Randolph Second by Tarpley Ayes-All

Come out of closed session. (10:55AM)

Motion by Chandler Second by Tarpley Ayes-All

Declare an emergency exists in that Simpson County has entered into a 2012 Illegal Open Dump Remediation Grant Agreement that is in accordance with KRS 224.43-505 (3) and 401 KAR 49:080 Section 5, with the Kentucky Energy and Environment Cabinet, Division of Waste Management with a deadline of December 31, 2012, and because of a \$300,000 to \$400,000 underestimation of the cost of the clean-up of the dump by both the Division of Waste Management and Liberty Tire Recycling, the original \$500,000 grant amount will be increased in the amount of the additional costs billed by Liberty Tire Recycling so that the removal can continue without interruption and meet the deadline specified in the agreement.

Motion by Randolph Second by Banton Ayes-Banton, Chandler, Randolph, Tarpley and Henderson

Approve FY12-13 Budget Emergency Amendment Ordinance No. 220.160 in the amount of \$400,000 with passage effective immediately, foregoing the requirements of KRS 67.077, and authorize payment of the Liberty Tire Recycling claim submitted this date in the amount of \$223,343.98.

Motion by Banton Second by Randolph Ayes-All

Adjourn. (11:00 AM)


JIM HENDERSON
COUNTY JUDGE EXECUTIVE