

ES00982LD

Esq. Judd led the Spencer County Fiscal Court into prayer before the Court began.

Pledge of Allegiance to the American Flag.

Call to order by County Judge and roll call was given by the County Clerk, everyone present.

On motion of Esq. Judd, second by Esq. Goodlett, all members of the Court present voting "Aye", it is hereby ordered by the Court to approve the previous Fiscal Court minutes with the correction to read on page 365 Reed Marksberry and Charles Ingram rate pay of \$10.50 an hour. page 365 write a letter to remove Spencer County from legislation HB 26. page 368 Spencer County Fiscal Court in support of the Bickford Act. page 368 hereby ordered by the Court that a pre-construction meeting be set up before awarding the contract on the Brashears Creek Road Bridge. page 377 Spencer County with recommended 8 hours per year of training.

Communications From Citizens:

Mr. Lawrence Trageser, came before the Court to discuss EDA, and the Road Bond Issue with Campbranch Trail.

Scott Williams, President of the Spencer County Farm Bureau presented the Court members a gift bag in appreciation of their support with the Food Check Off Program, the gift bags was donated to the Senior Citizens Program.

Communications From County Judge Executive:

County Judge mention to the Court at this time that the next several meeting will be discussing the County Budget.

County Judge states at this time that they will be checking into a cheaper health care quote for the County.

Communications/Reports From Members, Other Offices, And Committees:

1) County Road Signs Updates From Randy Wise:

On motion of Esq. Judd, second by Esq. Moody, all members of the Court present voting "Aye", it is hereby ordered by the Court to start replacing County road signs with the reflected small lettering.

2) County Road Department Report From Todd Burch:

Todd Burch, County Road Foreman states at this time that the County Road Department is trying to do some cleanup around the Road Barn, some of the scrape might be recycled, need to try to replace the grade all, trying to dispose of tire's by tonage, and the Brashears Creek Road bridges; will have an additional cost of \$2000.00, and has been talked about a 3 week turn around, when the project starts.

On motion of Esq. Goodlett, second by Esq. Cheek, all members of the Court present voting "Aye", it is hereby ordered by the Court on recommendation from the County Road Foreman to asphalt Cull Road 6/10th of a mile, Cecil Noel 6/10th of a mile, and Greer Martin 1.06 of a mile with the Reflex Fund Monies.

On motion of Esq. Moody, second by Esq. Cheek, all members of the Court present voting "Aye", it is hereby ordered by the Court to move to Item #2 under New Business:

2) 2011-2012 Rural Secondary Road Program Recommendations, With Matt Bullock:

On motion of Esq. Goodlett, second by Esq. Cheek, all members of the Court present voting "Aye", it is hereby ordered by to accept the Rural Secondary Roads in which was recommended by Matt Bullock, Chief District Engineer from the Department Of Highways District #5, Transportation Cabinet in Frankfort, Kentucky. The list is as follows:



TRANSPORTATION CABINET

Department of Highways District 5 Office
8310 Westport Road
Louisville, KY 40242-3042
(502) 210-5400

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

February 11, 2011

The Honorable Bill Kattar
Spencer County Judge/Executive
Spencer County Courthouse
12 West Main Street
Taylorsville, Kentucky 40071

Re: Rural Secondary Program

Dear Judge Kattar:

This is to confirm our intention to appear before Spencer County Fiscal Court on Monday, February 21, 2011, at 7:00 p.m. to present recommendations for the 2011-2012 Rural Secondary Program.

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JUDGE EXECUTIVE

ORDERS

Spencer County Fiscal

COURT

Regular Term, Regular Day, 21st Day of FEBRUARY 20 11

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Enclosed you will find a listing of the recommendations made by the District 5 Maintenance staff and a map indicating the locations of those recommendations. Also enclosed a list of projects authorized in the 2010-2011 Rural Secondary Program. If you have any questions regarding any of this material prior to the meeting, please advise.

As you know, the purpose of meeting with Fiscal Court is to obtain local input regarding maintenance of and improvement to the Rural Secondary Road System. Local input is a very important factor in the determination of priorities for this program and, together with the District recommendations, is considered by the Department of Rural and Municipal Aid in Frankfort as projects are selected for funding.

Again, if you need additional information or have any questions, please do not hesitate to contact me.

Sincerely,
Matt Bullock
Matt Bullock, P.E.
Chief District Engineer

Enclosures

MB/cnc



KENTUCKY TRANSPORTATION CABINET
Department of Rural and Municipal Aid
PROJECTS RECOMMENDED FOR RURAL SECONDARY PROGRAM

PAGE 1 OF 1
DATE February 11, 2011

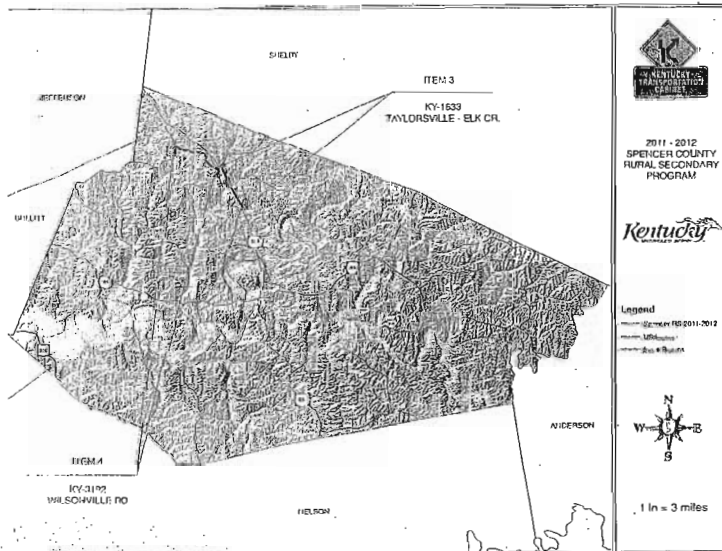
10 20 11
REV 07/08

COUNTY SPENCER

FUND BALANCE AS OF F.Y. 2011-12 ALLOTMENT \$9,96,083.00 TOTAL FUNDS AVAILABLE

PROJECT NO	PROPOSED PROJECT DESCRIPTION	FUND	TYPE OF WORK	EST. COST \$	HOW OBTAINED	SCHEDULED FOR CONSTRUCTION	MAINT. REQ.	SYSTEM	RECOMMENDED PRIORITY		ITEM NO
									O	C	
		17,828	VARIES	34200					1		1
	RURAL SECONDARY ROAD MAINTENANCE AND TRAFFIC									PROPOSED COST AVAILABLE - \$5,046.00	
				3,862				2			2
	COPIES JUDGMENTATIVE EXPENSE										
KY 103	0.291 miles North of Coville Rd MP 3.780 0.010 miles South of KY 103 MP 6.884	103	BI Resurface	14,135	Yes	State	RS	3		68,371.40	3
	REMARKS -										
KY 103	0.291 miles North of KY 103 MP 3.780 0.010 miles South of KY 103 MP 6.884	103	BI Resurface	14,135	Yes	State	RS	4		68,078.36	4
	REMARKS -										

* If shown on map, include the REMARKS any other project information not specifically covered. See RS Manual



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ORDERS

Spencer County Fiscal

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KENTUCKY TRANSPORTATION CABINET Department of Rural and Municipal Aid

TC 20-12E
REV. 1/03

2010-11 RURAL SECONDARY PROGRAM PAGE 1

COUNTY/COUNTY NUMBER/DISTRICT SPENCER 108 D-5 DATE July 28, 2010

2011 Apportionment, Net \$ 650,345.00

2010 Balance \$ 120,143.38 TOTAL \$ 770,488.38

ITEM	PROJECT	NUMBER	MILES	TYPE	ESTIMATED COST
01	MAINTENANCE AND TRAFFIC		67.838		325,400.00
02	COUNTY JUDGE/EXECUTIVE EXPENSES				3,862.00
03	FRIM RIDGE - HORMANDY ROAD (KY 1169)	SRS 108 1169 001-008	5.54	BIT, RESURFACE	331,137.00

REMARKS: TOTAL ESTIMATED COST 660,309.00

RECOMMENDED B. J. O'G APPROVED [Signature]

DATE 7-30-10 DATE 8/1/10

KENTUCKY TRANSPORTATION CABINET Department of Rural and Municipal Aid

TC 20-14
REV. 1/00

2010-11 RURAL SECONDARY PROGRAM CHANGE PAGE 2

COUNTY/COUNTY NUMBER/DISTRICT SPENCER 108 D-5 AMENDMENT NO. 1 DATE August 24, 2010

BALANCE REMAINING UNPROGRAMMED \$ 0.00

PROGRAM CHANGE

If recommended the following project(s) be added to the approved program:

ITEM	PROJECT	NUMBER	MILES	TYPE	ESTIMATED COST
04	BRASHEARS CREEK ROAD (CR 1001)	SRA 108 5001 003-004	0.005	BRIDGE	36,137.00
05	BRASHEARS CREEK ROAD (CR 1001)	SRA 108 5001 001-002	0.009	BRIDGE	48,863.00

REMARKS: COUNTY IS RESPONSIBLE FOR ALL PHASES OF WORK (SEE AGREEMENT).
IF EMERGENCY FUNDS WILL BE USED FOR THIS PROJECT.

TOTAL ESTIMATED COST 85,000.00

RECOMMENDED B. J. O'G APPROVED [Signature]

DATE 9-1-10 DATE 9/5/10

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[REDACTED]

KENTUCKY TRANSPORTATION CABINET
Department of Rural and Municipal Aid

TC 20-14
REV. 1/00

2010-11 RURAL SECONDARY PROGRAM CHANGE

PAGE 3

COUNTY/COUNTY NUMBER/DISTRICT SPENCER 108 D-5 AMENDMENT NO. 2 DATE September 14, 2010

BALANCE REMAINING UNPROGRAMMED \$ 130,069.00

PROGRAM CHANGE

is recommended the following project(s) be added to the approved program:

ITEM	PROJECT	NUMBER	MILES	TYPE	ESTIMATED COST
0	MURPHY LAKE (CR 1040)	SRA 108 5040 000-001	0.800	BIT. RESURFACE	27,672.00
0	JOHNSON LAKE (CR 1126)	SRA 108 5126 000-001	0.665	BIT. RESURFACE	44,610.00
0	ROMER'S ROAD (CR 1131)	SRA 108 5131 001-003	1.253	BIT. RESURFACE	57,787.00

REMARKS:

COUNTY IS RESPONSIBLE FOR ALL PHASES OF WORK (SEE AGREEMENT).

TOTAL ESTIMATED COST 130,069.00RECOMMENDED BY Robert R. JorgDATE 10-20-10APPROVED [Signature]DATE 10/20/10

3) 911 Committee Report From Nathan Nation:
On motion of Esq. Goodlett, second by Esq. Davis, all members of the Court present voting "Aye", it is hereby ordered by the Court to approve the 911 Committee Request for radio's for the Ambulance service and Sheriff Office, in which will be paid out of the 2010 KOHS Radio Grant.

911 Committee Request
February 2011

2010 KOHS Radio Grant \$18,500.

Prior Approval	\$7,222.69 (Has been paid)
Request Spencer County Sheriff	\$623.99 (1-ICOM handheld, case, mic)
Request Spencer County EMS	\$6,728.00 (4- Kenwood Dual Head 110)
	\$7,351.99

Fund balance after request \$3,925.32

4) DEM/EMS Director Darrell Stevens:
On motion of Esq. Judd, second by Esq. Goodlett, all members of the Court present voting "Aye", it is hereby ordered by the Court to approve Ordinance No 13, relating to the use and control of hazardous and other materials in Spencer County, Kentucky, the timely reporting of releases thereof, and providing compensation from the parties responsible for hazardous materials releases to local government, public safety, and emergency agencies for expenses incurred responding to such hazardous material releases, for first reading.

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Spencer County, Kentucky
Ordinance No. 15
Fiscal Year 2011 Series

An Ordinance Relating to the Use and Control of Hazardous and Other Materials in Spencer County, Kentucky, the Timely Reporting of Releases Thereof, and Providing Compensation From the Parties Responsible for Hazardous Materials Released to Local Government, Public Safety, and Emergency Agencies for Expenses Incurred Responding to Such Hazardous Material Releases.

Whereas, the Fiscal Court of Spencer County, Commonwealth of Kentucky, has determined that there have been numerous releases of hazardous materials in this County; and

Whereas, hazardous materials can pose a direct and potential threat to the health, safety and welfare of the people of this County and to the surrounding environment and that it is the duty of local government to protect its citizens, and that persons who handle hazardous materials also have a responsibility to the community and its residents to minimize risks; and

Whereas, the releases or spillage of hazardous materials may require emergency response by the various public safety and emergency agencies of the County and/or the cities therein to protect the health, safety and welfare of the people of this County and their environment; and

Whereas, the Fiscal Court further determines that an ordinance is necessary to provide a comprehensive approach on the local level to prevent the uncontrolled release of hazardous materials into the surrounding environment which can directly or indirectly cause harm or damage to the environment and to human health and property, and for this approach to be effective, cooperation between the public and private sectors is essential; and

Whereas, in order to implement a plan related to hazardous materials, information on the locations and types of hazardous materials stored, manufactured, used, disposed of, transported, or otherwise managed in and through this County must be gathered, compiled, and updated for use by the government while protecting the legitimate interests of business in safeguarding confidential information and trade secrets; and

Whereas, the Fiscal Court further determines that the timely reporting of releases or threatened releases of hazardous materials and spills is critical to government emergency response procedures designed to limit and control danger to life and property; and

Whereas, this ordinance is intended to compliment efforts at the state and federal levels to deal effectively with the issues of hazardous materials allowing coordination of the efforts of all three levels of government to avail Spencer County and the incorporated cities therein of the best possible opportunities to protect their citizens and the environment from the potentially devastating effects of uncontrolled releases of hazardous materials; and

Whereas, the Fiscal Court further determines that the regulations established in this ordinance are necessary and appropriate and reasonably established and rationally related to the potentially exigent circumstances which may be posed by the release or spillage of hazardous materials occurring in this County;

Now Therefore, Be It Ordained by the Fiscal Court of Spencer County, Commonwealth of Kentucky, as follows:

Section One - Purpose.

This Ordinance is adopted by the Spencer County Fiscal Court for the purpose of protecting public health and safety in Spencer County, Kentucky, through prevention and control of hazardous material incidents and releases, requiring the timely reporting of releases of hazardous materials to appropriate local public safety and emergency agencies and requiring payment by parties responsible for hazardous materials of all expenses incurred by public safety and emergency agencies in responding to such hazardous materials releases.

Section Two - Applicability.

Pursuant to authority of KRS 61.033(7), the provisions of this Ordinance shall apply to all persons who manufacture, use, store or transport hazardous materials in quantities prescribed by this Ordinance and as defined herein within the entire area of Spencer County, including all incorporated and unincorporated areas thereof.

Section Three - Definitions.

As used in the herein Ordinance, unless the context of usage clearly requires otherwise, the meanings of specific terms in this Ordinance shall be as follows:

- A. "Authorized Release" means a release of hazardous materials in accordance with an appropriate permit granted by a state or federal agency having primary jurisdiction over such release;
- B. "Consumer Product" shall have a meaning stated in 15 U.S.C. 2052;
- C. "Costs" shall mean and include all expenses incurred by local government and/or local emergency response organizations regardless of whether or not such agencies are publicly or privately owned in responding to any hazardous materials spill, leak, or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property or the environment. The term includes, but is not limited to, costs incurred for personnel, equipment and the use thereof, materials, supplies, services, lost wages of volunteer personnel, damage or loss of equipment, both organizational and personal, and related expenses resulting directly from response to a release or threatened release of a hazardous material;

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D. "Employee" means any person who works, with or without compensation, in a workplace;

E. "Employer" means any person, firm, corporation, partnership, association, government agency, or other entity engaged in a business or providing service which has employees;

F. "Environment" means the navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly owned sanitary sewer or treatment works (other than those handling only wastewater generated at a facility) within Spencer County, Kentucky. The terms shall include air only for purposes of reporting releases pursuant to the further provisions of this Ordinance;

G. "Facility" means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck, trailer, rolling stock, or aircraft; or any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located. Consumer products in consumer use and vessels are not included;

H. "Hazardous Materials" means any element, compound, substance or material or any combination thereof which is toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic, or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is designated as a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A. Sec. 1801, et seq.) or is listed by Appendix A, 40 CFR part 302, "List of Hazardous Materials and Reportable Quantities", as amended, published by the U.S. Environmental Protection Agency (EPA), a copy of which said list is attached as Appendix A hereto and hereto incorporated by reference the same as is set out at length herein in words and figures, in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, heated, stored, transported, disposed of, or otherwise managed;

I. "Normal Application of Pesticides" means application pursuant to the label directions for application of a pesticide product registered under section 30 or section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 135 et seq.) (FIRA), or pursuant to the terms and conditions of an experimental use permit issued under section 5 of FIRA, or pursuant to an exemption granted under section 18 of FIRA;

J. "Oil" means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

K. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, steam, sewer or pipe so that such hazardous materials or any constituent thereof may enter the environment. The term shall not apply to a claim which

a person may assert against the employer of such person or persons as provided by CERCLA regulations, for a release which results in exposure to persons solely within a workplace, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine, and (c) the normal application of fertilizers and pesticides;

L. "Person" means any individual, business, firm, partnership, corporation, consortium, association, trust, joint stock company, cooperative, joint venture, city, county, city or county special district, the state or any department, agency or political subdivision thereof, the United States Government, or any other commercial or legal entity;

M. "Remedial Action" means any action consistent with permanent remedy taken instead of or in addition to any removal actions in the event of a release or threatened release of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate or cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay (or other earth) cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leakage and runoff, on site treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect public health and welfare and the environment;

N. "Removal" means the cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threatened release of hazardous materials, the disposal of removed materials, or the taking of such actions as may be necessary to prevent, minimize, or mitigate damage to public health or welfare or the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation, reception and care of threatened persons;

O. "Reportable Quantity" means that quantity as set forth in Section Four of this Ordinance;

P. "Response" means any remedial or removal actions, including, but not limited to, response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment;

Q. "Store" means to deposit or place a substance in the county for a period of ten (10) days or more provided such substance is not otherwise in transit;

R. "Use" means to store, maintain, treat, process, handle, generate, dispose of, or otherwise manage. Use shall not include any mode of transportation other than onsite transportation

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- S. "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Section Four - Determination of Reportable Quantities

- A. **Listed Hazardous Materials:** the quantity appearing in column "RQ" for each hazardous material listed by Appendix A "List of Hazardous Materials and Reportable Quantities", 40 CFR Part 302, as amended, published by the U.S. Environmental Protection Agency (EPA) shall be the reportable quantity for that material.
- D. **Unlisted Hazardous Materials:** Unlisted hazardous wastes designated as hazardous materials have the reportable quantity of 100 pounds, except for those unlisted hazardous wastes exhibiting the characteristics of EP toxicity identified in 40 CFR 261.24. Unlisted hazardous wastes which exhibit EP toxicity have the reportable quantities listed in Appendix A to 40 CFR Part 302, as amended, for the contaminant on which the characteristics of EP toxicity is based. If an unlisted hazardous waste exhibits EP toxicity on the basis of more than one contaminant, the reportable quantity for that waste shall be the lowest of the reportable quantities listed by Appendix A to 40 CFR Part 302, as amended for those contaminants. If an unlisted hazardous waste exhibits the characteristics of EP toxicity and one or more of the other characteristics, the reportable quantity shall be the lowest of the applicable reportable quantities.
- C. **Oil:** (1) The reportable quantity for releases of oil to waters of the United States or adjoining shorelines is any quantity which violates applicable water quality standards or causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. (2) The reportable quantity for releases of oil to the environment other than releases to waters of the United States and adjoining shorelines is 56 gallons. (3) Notwithstanding any other provision of this Section, a release of oil from a properly functioning vessel engine shall not be deemed to be in a reportable quantity; however, this provision shall not be applicable to oil accumulated in a vessel's bilges.
- D. **Higher Reportable Quantity:** Notwithstanding any other provision of this Section, the administering agency, after review of the "Spencer County Hazardous Materials Use and Spill Prevention Control Plan" (HMSP) required to be submitted pursuant to the further provisions of this Ordinance, may designate a reportable quantity for a hazardous material in excess of the quantity determined under this Section if the administering agency determines that the higher reportable quantity is consistent with the purpose and objectives of this Ordinance.
- E. **Releases to Sanitary Sewer System:** Notwithstanding any other provision of this Section, any release of a hazardous material to a sanitary sewer system which is prohibited under applicable pretreatment or other regulations of any sanitation district operating within Spencer County government shall be deemed to be discharged in reportable quantities.
- F. **Component Hazardous Materials Release:** A release of a mixture or solution of which a hazardous material is a component shall be considered to be a release in a reportable quantity only where the component hazardous material of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

Section Five - Prohibited Acts

No person shall cause, threaten or allow the release of a hazardous material into the environment within the territorial boundaries of Spencer County, Kentucky, unless such release is an authorized release in accordance with an appropriate permit granted by that agency of state or federal government which has primary jurisdiction over such release and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property or the environment.

Section Six - Notice to Public Safety Communications Center

- A. **Notice Upon Discovery:** When a release or a threatened release, other than an authorized release, of a hazardous material in a quantity equal to or exceeding the reportable quantity hereinbefore established for such material occurs or is imminent on any facilities of any firm within Spencer County, the person in charge of such facilities, upon discovery of such release or threatened release, or evidence that a release has occurred even though it has apparently been controlled, shall immediately cause notice of the existence of such release or threatened release, the circumstances of same, and the location thereof to the Public Safety Communications Center.
- B. **Emergency Telephone Number:** The notice required to be given by this Section in Spencer County may be given by telephoning (502) 477-5533 (or such other emergency telephone number as may be subsequently designated). This one call will meet the requirements for notification of local agencies and, to the extent permitted by existing or future agreement, will provide notice to appropriate agencies of the Commonwealth of Kentucky including, but not limited to, the Cabinet for Natural Resources and Environmental Protection, the Office of the State Fire Marshal in the Department of Housing, Buildings and Construction in the Cabinet for Public Protection and Regulation, and the division of Disaster and Emergency Services in the Department of Military Affairs.
- C. **Duty to Control Releases:** The notice required to be given by this Section shall not be construed as forbidding or otherwise exempting any person on or about the facilities from exercising all diligence necessary to control such release prior to or subsequent to such notice to the Public Safety Communications Center, especially if such efforts may result in the containment of the release and/or the abatement of extreme hazard to the employees or the general public. Delays in reporting due to any in-house requirement for notification to off-site owners/supervisors shall not be acceptable as reason for delay in notification required by this Section, and such delay may result in penalties.

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- D) Duty to Report to Other Agencies: No statement contained in this Section shall be construed to exempt or release any person from any other notification or reporting procedures in accordance with applicable state or federal laws or regulations.

Section Seven - Administering Agency

The purpose of this Ordinance is to establish a uniform county-wide program for protection of the environment from uncontrolled releases of hazardous materials to be administered by existing agencies of local government. The Hazardous Materials Response Team within the Department of Disaster and Emergency Management shall be the lead agency in administering this Ordinance.

Section Eight - Response Authority

- A. The Taylorville/Spencer County Fire Protection District and WMD Hazmat 6 Team shall have authority to coordinate response to any release or threatened releases of hazardous materials in any incorporated or unincorporated area of Spencer County.
- B. The Fire Chief of the jurisdiction in which such release or threatened release is located shall have primary authority for taking remedial or removal actions necessary to control or contain such release or threatened release and to assure the protection of human health, property and the environment. The role of WMD Hazmat 6 Team is to give technical advice and assistance to the Fire Chief. WMD Hazmat 6 Team shall not direct the emergency response unless requested to do so by the Fire Chief or his authorized representative.
- C. WMD Hazmat 6 Team or the Fire Chief shall immediately report any release or threatened release to the executive authority of the jurisdiction (e.g. County Judge Executive or his administrative assistant, Mayor, City Administrative Officer, City Commissioner). If in the opinion of the executive authority, the seriousness of the situation warrants, the chief executive officer of the jurisdiction (County Judge Executive or Mayor) shall declare the existence of a State of Emergency in the jurisdiction, and thereafter, the response authority provided by this Section shall then be vested in such chief executive officer. In such event, the chief executive officer may authorize HMRT, the Fire Chief, or other appropriate person to exercise all or part of the response authority provided by this Section until further notice.
- D. All local emergency response personnel shall cooperate with and operate under the direction of the chief executive officer of the jurisdiction, the Fire Chief, WMD Hazmat 6 Team, or other person then exercising response authority under this Section until such time as the person then exercising response authority has determined that the response is complete, or responsibility for response has been assumed by the state or federal agency having primary jurisdiction over such release or threatened release.
- E. The person exercising response authority under this Section shall coordinate and/or cooperate with other federal, state or local public health, safety and emergency agencies involved in the response to a release or threatened release of hazardous materials.
- F. The person exercising response authority under this Section may, with the approval of the executive authority of the jurisdiction, obtain vital supplies, equipment, services and other properties found lacking and needed for the protection of human health, property and the environment and obligate the jurisdiction for the fair value thereof.

Section Nine - Liability for Costs

Notwithstanding any other provision or rule of law, the following persons shall be jointly and severally liable for all costs of removal and remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment:

- A. The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;
- B. Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials;
- C. Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party or entity from which facility there is a release or substantial threat of release of hazardous materials;
- D. Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of a release of hazardous materials.

Section Ten - Authorized Release

There shall be no liability under this Ordinance for any release permitted by state or federal law, but only to the extent that such release is made in accordance with an appropriate permit granted by the state or federal agency having primary jurisdiction over such release and that such release is in full compliance with such permit with respect to time, location and manner of the release so that such release will not create a hazard or potential hazard to human health, property or the environment; or, if such release is in substantially lesser quantities than those reportable quantities established by state or federal law, regulations, permit requirements, or ordinances of the jurisdiction in which such release occurs. This also pertains to legitimate retail merchants who sell permitted goods in accordance with State and Federal laws.

Section Eleven - Contractual Indemnification; Subrogation

- A. No conveyance, transfer, sale, indemnification, hold harmless, or similar agreement shall be effective to release the owner or operator of any facility or vessel or any person who may be liable for a release of hazardous materials or threat thereof under this Ordinance. Nothing in this Section shall bar any arrangement to insure, hold harmless or indemnify a party to such agreement for any liability under this Ordinance.
- D. Nothing in this Section, including the provisions of subsection A above, shall bar a cause of action that an owner or operator or any other person subject to liability under this Ordinance, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

Section Twelve - Release Prevention and Control Plan Required

A. The following persons who use hazardous materials must prepare, submit and maintain a "Spencer county Hazardous Materials Use and Spill Prevention Control Plan", hereinafter referred to as "HMPC Plan":

- 1. All federal, state and local government agencies which use hazardous materials in reportable quantities;
- 2. All of the following businesses or services within Spencer County which use hazardous materials, as classified by the Standard Industrial Classification (SIC) code:

<u>Classification</u>	<u>Business or Service</u>
0782	Lawn and garden services
2011-2999	Manufacturing
4011-4953	Transportation, Communication & Public Utilities
5043	Photographic Equipment & Supplies (Wholesale Trade)
5085	Industrial Supplies (Wholesale Trade)
5161-5199	Specific Categories in Wholesale Trade
5541	Gasoline Service Stations (Retail Trade)
7011-7218	Industrial & Commercial Launderers, etc, in Services
7342	Disinfecting & Exterminating Services
7395	Polishing Laboratories, in Services
7512	Passenger Car Rental, in Services
7513	Truck Rental & Leasing
7538-7549	Automotive Repair Shops & Auto Services, in Services
8062	General Medical & Surgical Hospitals, in Services
8063	Psychiatric Hospitals, in Services
8069	Specialty Hospitals except Psychiatric, in Services

3. Those persons not covered in 1 or 2 above who use hazardous materials may be required to submit a HMPC Plan if the administering agency finds it necessary to protect the public health and safety

B. Exemptions:

- 1. Persons who handle agricultural chemicals in the ordinary course of agricultural operations other than warehousing or bulk storage of such chemicals for resale or commercial applications.
- 2. Persons who handle hazardous materials only in conjunction with residential use or for non-commercial purposes.
- 3. Consumer products and foodstuffs packaged for distribution to and intended for use by general public. This refers to ingredients used in production of foodstuffs which are regulated by the Federal Food, Drug and Cosmetic Act, as amended.

C. Required HMPC Plan Elements:

The administering agency shall provide forms with the necessary instructions and requirements for completing HMPC Plans in compliance with this Ordinance. The HMPC Plans will include, but not be limited to:

- 1. Facility identification;
- 2. Spill history;
- 3. Identification of hazardous materials (HM) storage, in-plant transfer, process and materials handling areas and hazardous materials truck, rail car and/or vessel loading and unloading areas;

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4. Description of plant site runoff from parking areas described in # 3 above including in-place containment appurtenances (e.g. dikes) and means of releasing rainwater from such areas;
5. Other means of spill prevention, control and countermeasure of all listed hazardous materials, such as containment or detection equipment and absorbent materials;
6. Provisions for the operation and maintenance of all items described in # 5 above;
7. Contingency plans, including spill notification procedures for both internal personnel as well as outside authorities, including the Spencer County HMRI;
8. Provisions for training of personnel in the utilization of contingency plans;
9. Security provisions;
10. Provisions for inspections, spill report preparation and records retention;
11. Schedule (with actual dates or milestones) for plan elements yet to be implemented, with provisions for reporting progress to the administering agency;
12. Provisions for periodic review and amendments to the Plan;
13. Certification of the Plan by a Registered Professional Engineer or an officer of the company;
14. For the purposes of this Section, only one plan need be submitted by the owner of electrical equipment at multiple locations when such equipment contains hazardous materials as a coolant, lubricant, or insulation for the operation of such equipment. Subsections 3 and 5 above shall not apply to single plans authorized under this subsection.

D. Plan Submitted Deadlines:

Those persons and facilities required to submit an HMPC Plan under this Ordinance shall submit such plans in duplicate to the administering agency within 180 days following the effective date of this Ordinance provided, however, that persons required to submit such HMPC Plans may request in writing for extensions of time where the complexity of the operations involved require additional time in which to complete such plans. When granted by the administering agency, such extensions of time shall be for periods of thirty (30) days, renewable thereafter for like periods until 90 days ^{have} ~~passed~~ at which time all HMPC Plans shall have been submitted to the administering agency for review.

E. Review and Approval of Plan:

The HMPC Plan shall be reviewed by the administering agency, the fire department having jurisdiction, and, where appropriate, the Local Kentucky District Health Department, any sanitation district operating within Spencer County, or other local agency with appropriate authority; however, final administrative action on the HMPC Plan shall be taken by the administering agency. Upon submission of the HMPC Plan or the granting of time extension in accordance with subsection D of this Section, the person submitting the plan shall be presumed to be in compliance with this Section pending final approval of the plan. HMPC Plans which do not provide the necessary information or are otherwise defective shall be rejected and returned to the person submitting the plan for revision and resubmittal.

F. Appeals:

Any rejection or denial of approval of an HMPC Plan by the administering agency may be appealed to the government body of the jurisdiction in which the facility for which such plan is submitted is located. As soon as practicable following receipt of notice of such appeal, the governing body shall conduct a public hearing into the matter, and after consideration of all evidence and testimony relative to such an appeal, shall, by majority vote, uphold the finding of the administering agency or may modify the requirements of the HMPC Plan for the particular facility as it may deem appropriate so long as such modifications are in compliance with the intent of this Ordinance which is to promote and secure protection of human health, property and the environment against present or potential hazards occasioned by the uncontrolled release of hazardous materials into the environment.

G. Updates, Revisions, and Changes:

A new or modified HMPC Plan may be required and submitted to the administering agency when any person institutes the use of a new process or change in its manufacturing or processing facilities, or when there is significant change in its existing operations or wastewater constituents or characteristics.

H. Training and Educational Programs:

1. Each employer who uses hazardous materials as herein defined and who is required to prepare an HMPC Plan shall be required to have an initial and on-going safety and accident prevention training program for all employees. This training and education shall include, but not be limited to, appropriate work practices, protective measures and emergency procedures. The details and frequency of the training program should be provided as a part of the HMPC Plan for the facility.
2. The administering agency shall have the authority to require different frequencies of training for industries with frequent spills and/or spill histories.

Section Thirteen: Inspections

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The administering agency and the response authority shall have the authority to jointly conduct the periodic inspections of any facilities, for the purpose of ascertaining and causing to be corrected, any condition which may be a violation of this Ordinance.

Joint inspection shall be conducted where necessary for purposes of HMPC Plan review. Inspections shall be made during working hours except by special arrangement with the person in charge of the facility.

Section Fourteen - Confidential Information and Trade Secrets

Information and data provided by any person or obtained from any report, questionnaire, permit application, permit and monitoring program, and from inspections shall not be made available to the public or any other government agency, unless required by law.

- A. Upon submission of information in any form, it shall be the obligation of the submitter to separate all confidential and trade secret material from any materials subject to disclosure under the law.
- B. Any request made under the law for information containing confidential or trade secret information shall be brought to the attention of the person requesting confidentiality of its trade secrets by certified mail, return receipt requested.

The notification shall advise the person requesting confidentiality of the decision of the administering agency regarding release of the confidential information. In no event, will such confidential information be release until five (5) days have elapsed from date notice is sent by certified mail.

- C. Within seventy-two (72) hours after receipt of notice, the person requesting confidentiality of its trade secrets shall have the burden to initiate appropriate actions at law or otherwise to protect its confidential or trade secret information from disclosure, and must demonstrate that public disclosure of confidential or trade secret information is likely to cause substantial harm to his competitive position.
- D. Any individual who releases information containing confidential or trade secret information in violation of law in this section shall be subject to disciplinary action by his employer for malfeasance, misfeasance and willful neglect of official duties, and may further be guilty of misuse of confidential information under KRS 522.040.
- E. The provision of this Section shall in no way prohibit or limit the exchange of information, confidential or otherwise, between public agencies when the exchange is serving a legitimate government need or is necessary in the performance of a government function including, but not limited to, the carrying out of the provisions and intent of this Ordinance.
- F. Laysville/Spencer County Fire Protection District and WMD Hazmat 6 Team shall be the repository for all trade secret information for the purposes of this Ordinance.

Section Fifteen - Enforcement; Notice of Violation

- A. The administering agency and the response authority hereinbefore designated shall have joint primary responsibility for enforcement of the provisions of this Ordinance.
- B. Upon notification or discovery of any violation of the provisions of this Ordinance, the administering agency shall immediately investigate the site upon which the violation is located. The administering agency will be the lead enforcement agency for violations of this Ordinance. If a violation exists, a notice describing the violations shall be served upon the person who is responsible for the facilities upon which the violation has occurred, if the identity of the person is known. The notice shall also include the following, if applicable:
 - 1. A statement that if the situation is not remedied within the prescribed period of time, the administering agency may proceed to correct the violation;
 - 2. A statement that the person shall be liable for any costs incurred by public agencies associated with their releases except for those costs that are associated with a normal emergency response;
 - 3. A statement that after the administering agency has corrected the violation, a bill shall be sent charging the person the amount of costs and expenses incurred by the governmental agency in correcting the violation
 - 4. A statement that penalties may be levied for violations that have occurred.

C. Governmental Response:

In cases where the identity of the person who is responsible for facilities upon which a violation has occurred is not known at the time a violation is reported or discovered, the county or any governmental agency within the county may take reasonable steps to abate any problem and may take reasonable steps to clean up the area affected to assure continuing safety of the public and the environment. When the identity of the person responsible for the facility is determined, a bill shall be sent to that person for the costs for correcting the violation according to the provisions of subsection A and B of this Section.

D. Injunctive Relief:

The administering agency is empowered to seek injunctive relief for violations of this Ordinance should other means prove ineffective and a threat to public health and safety exist.

Section Sixteen - Penalties

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A. Any person who is responsible for the release or substantial threat of a release of hazardous materials into the environment in violation of Section Five (Prohibited Acts) or who fails to report such release or threatened release in violation of Section Six (Notification) of this Ordinance shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a Class A Misdemeanor and subject to a fine or imprisonment or by both such fine and imprisonment as is otherwise provided by law for such offense. Each day that such violation occurs, exists or continues shall be deemed to be a separate offense.

B. Any person who otherwise violates any provisions of this Ordinance other than Section Five (Prohibited Acts) or Six (Notification) shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a Class B Misdemeanor and subject to such fine or imprisonment or by both such fine and imprisonment as is otherwise provided by law for such offense. Each day that such violation occurs, exists or continues shall be deemed to be a separate offense.

C. Any person or business transporting hazardous or other waste material in Spencer County shall have such waste covered by sufficient material to insure and prevent its contents from spilling or leaking upon the roadway or on property over which it is being transported. Violations of this provision, upon conviction thereof by a court of competent jurisdiction, shall be guilty of a Class A Misdemeanor and subject to a fine or imprisonment or by both such fine and imprisonment as is otherwise provided by law for such offense. Each day that such violation occurs, exists or continues shall be deemed to be a separate offense.

D. In addition to the penalties provided in subsections A, B, and C above, any person violating any provisions of this Ordinance shall become liable civilly to the appropriate county government or agency thereof caused by reason of such violation, including, but not limited to, any clean up, evacuation, administration or other expenses, and legal expenses.

Section Seventeen - Fees

Fees shall be imposed by HMPC Plan review or approval, the revenues of which shall cover only the costs of HMPC Plan review and approval. The administering agency shall set and collect fees. The fee schedule shall be uniform for all persons required to submit HMPC Plans under the provisions of this Ordinance.

Section Eighteen - Disclaimer of Liability

This Ordinance shall not create liability on the part of the administering agency or on the part of the response authority for any damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this Ordinance, necessary or desirable to ensure that there is not unauthorized release of hazardous materials.

Section Nineteen - Severability

If any provision or section of this Ordinance or the enforcement of such provision or section is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not effect or render invalid or unenforceable any other provision or section.

Section Twenty - Effective Date

This Ordinance shall become effective immediately upon its passage, approval, and publication according to law.

Given first reading and approval on _____

Given second reading and adoption on _____

Attest:

Bill Kaurer
Spencer County Judge Executive

Judy Finkell
Spencer County Fiscal Court Clerk

On motion of Esq. Davis, second by Esq. Moody, all members of the Court present voting "Aye". It is hereby ordered by the Court to purchase 13 batteries and 6 chargers, with discount of 15%, for the Spencer County EMS at the cost of \$1310.00, in which the monies may be re-imbursed back to the County from the KOHS Radio Grant money.

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Spencer County EMS has 8 portable radios and 6 chargers, EMA has 5 radios. We need to replace all the batteries and the new batteries are not compatible with our current chargers so we are requesting to replace the chargers also. The batteries we currently have are an old style battery which develops a memory over time and this basically cause's the battery not to charge to normal capacity and overtime the battery life is cut down to about 2 hours compared to 8 to 10 hours the battery should last at normal capacity. Batteries and chargers for EMS and EMA radios.

13 batteries at 90.00	1170.00
6 chargers at 62.00	372.00
15% discount of	231.30
Total Price	\$1310.70

Old Business:

1) 2011 Clerk Budget Proposal From Clerk Judy Puckett:

On motion of County Judge Executive Karrer, second by Esq. Davis, all members of the Court present voting, Esq. Judd, YES, Esq. Moody, YES, Esq. Goodlett, NO, Esq. Davis, YES, And Esq. Cheek, YES, it is hereby ordered for Ordinance No.14, Establishing Fee-Pooling And A Purchase Order System For The Office Of The Spencer County Sheriff and The Spencer County Clerk be approved for first reading.

Spencer County, Kentucky
Ordinance No. 14
Fiscal Year 2011 Series

An Ordinance Establishing Fee-Pooling
And a Purchase Order System for the Offices of the
Spencer County Sheriff and The Spencer County Court Clerk

Be It Ordained by the Fiscal Court of Spencer County, Commonwealth of Kentucky, that:

SECTION I.

Whereas, Attorney General's Opinion 71.1 and Kentucky Revised Statutes 67.080 and 67.023 provide the authority for Fiscal Court to install Fee-Pooling; and

Whereas, the budget for the Spencer County Fiscal Court is dependent on the county's and various users which annually are not due until on or about October 1st of each year, which causes an extreme cash flow problem for the county for the time periods before and after the tax season; and

Whereas, the Fiscal Court is trying to pursue sound fiscal policy and streamlining the spending and accounting of county funds in an effort to more efficiently manage the services and operations for the citizens of Spencer County; and

Whereas, in an effort to maintain said services and cash flow, the Fiscal Court is of the opinion that a fee pooling system and purchase order system would be the most economic and beneficial necessary to maintain the fiscal soundness of the county; and

Whereas, numerous items are budgeted by the Fiscal Court for the Spencer County Sheriff's Office and the Spencer County Clerk's Office and are paid for out of county funds although the Sheriff and County Clerk's Office hold their funds and only pay excess monies into the Fiscal Court for their contributions to the fiscal health of the county, it nevertheless, is deemed by the Fiscal Court that the fiscal health of the county would be better cared for if the monies were turned over to the Fiscal Court on a monthly basis; and

Wherefore, the Fiscal Court feels that it is good business practice to implement a purchase order system for the Spencer County Sheriff's Office and the Spencer County Clerk's Office.

Now, therefore, the Fiscal Court of Spencer County enacts this ordinance which shall be known and may be cited as the "Spencer County Fee Pooling for the Sheriff and County Court Clerk Ordinance."

SECTION II.

THE POOLING SYSTEM

That from and after April 1st, 2011:

- All net income and net fees from the offices of the Sheriff and County Clerk, Spencer County, Kentucky, shall be paid over to the County Treasurer, such payment to be on a monthly basis and net later than the tenth (10th) day for each month for the net income and net fees collected in the preceding month; and
- "Net Income" and "net fees" shall mean all income and all fees collected less only approved transmittals to governmental agencies and/or applicable refunds to customers; and

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- 3 The expenses and the expenditures of the officers of Sheriff and County Clerk, Spencer County, Kentucky, shall be pre-approved and paid by the County Treasurer in accordance with the Purchase Order system adopted by Spencer County Fiscal Court herein. Provided, however, the Sheriff and County Court Clerk shall certify to the Treasurer for payment each bi-monthly pay period, the names and hours of each employee of their respective offices who worked during such pay period and the Treasurer shall pay such payments without the necessity of any Purchase Order; and
- 4 The Sheriff and the County Court Clerk shall draw no checks upon the Fee Accounts other than the check in pay over the net income and net fees of the Fee Accounts to the County Treasurer; and
- 5 That the ordinary bills of the Spencer County Sheriff's Office and the Spencer County Clerk's Office shall not be paid until approved by the Court; and
- 6 The salaries or expenses of the Spencer County Clerk's Office or Spencer County Sheriff's Office or their employees shall be paid if the fee officer is delinquent in the payment of one month's fee income. In the case of delinquencies, the said salaries and expense shall only be paid at such time as the delinquencies have been corrected.

SECTION III.

PURCHASE ORDER SYSTEM

Be it further ordained, by the Fiscal Court of Spencer County, Kentucky, as follows:

- 1. The Fiscal Court establishes a purchase order system to be used by the Spencer County Sheriff and Spencer County Clerk's Office on the following conditions:
- 2. All bills shall be pre-approved by obtaining a purchase order requisition, which may be requested by any employee of the Sheriff's Office or County Court Clerk's Office; and
- 3. The person requesting the purchase order shall, on the purchase order requisition form, indicate the item, quantity and the expected cost; and
- 4. The purchase order requisition must first have the approval of the Sheriff or County Clerk or, in their absence, his or her first assistant; and
- 5. Said purchase order requisition must have the second approval of the Deputy Judge Executive or the County Treasurer with an indication that the item is a budgeted line item with available funds, or is not a budgeted line item; and
- 6. All purchase order requisitions for bills under ten hundred dollars (\$200.00) must have a first approval of the Spencer County Judge-Executive or his designee; and all purchase order requisitions for bills over ten hundred dollars (\$200.00) must have approval by the Spencer County Fiscal Court; and
- 7. After obtaining all required approval signatures on the purchase order requisition, a purchase order number shall be issued by the Spencer County Judge-Executive's Office

SECTION IV

All prior ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed. The provisions of the Ordinance are severable and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable in any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impede the remaining provisions of this ordinance.

Given first reading and approval on February 21st 2011

Given second reading and adoption on _____

Affix:

Bill Kester
Spencer County Judge Executive

Judy Pickett
Spencer County Fiscal Court Clerk

New Business:

1) Review And Approval Of Bills And Transfers:

On motion of Esq. Moody, second by Esq. Cheek, all members of the Court present voting "Aye" it is hereby ordered by the Court to approve the paying of bills and making all transfers, with the exception of Esq. Davis obtaining to the KHS bill.

02/18/11
02/23/11

Spencer County Fiscal Court
Open Invoice Report
As of February 18, 2011

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General Fund

Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining
2011005	02/21/11	0151404490 ems med supplies	02/21/11	101.00	.00	.00	101.00
Vendor Total: FROGMAN				101.00	.00	.00	101.00
Vendor: CEISET		Col Set Graphics					
Jan2011	02/21/11	0150803300 web-site makeups	02/21/11	290.00	.00	.00	290.00
Vendor Total: CEISET				290.00	.00	.00	290.00
Vendor: GOODBYE		Goodbye Auto Service Center					
103106	02/21/11	0150155760 shop reb tires	02/21/11	537.45	.00	.00	537.45
Vendor Total: GOODBYE				537.45	.00	.00	537.45
Vendor: HBR0038		Chesapeake Drillers Inc					
020010056	02/21/11	0150805280 ethan 14880's	02/21/11	952.97	.00	.00	952.97
Vendor Total: HBR0038				952.97	.00	.00	952.97
Vendor: HBR01		HBR Professional Embroidery Inc					
0150804064	02/21/11	0150804064 water proof	02/21/11	410.00	.00	.00	410.00
Vendor Total: HBR01				410.00	.00	.00	410.00

ORDERS

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Vendor	Invoice	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining
Vendor: HUMANE	Kentucky Humane Society						
Jan2011 fuel	02/2/11	0152053158 fuel surcharge	02/2/11	125.00	.00	.00	125.00
				Vendor Total: HUMANE	125.00	.00	125.00
Vendor: BIERHAGT	IntraNet Public Safety Systems						
164-15370	02/2/11	0150154450 sheet metal copier fee	02/2/11	89.00	.00	.00	89.00
				Vendor Total: BIERHAGT	89.00	.00	89.00
Vendor: JDAVIS	Jerrv Davis						
27 fuel	02/2/11	0150014450 fuel surcharge	02/2/11	17.50	.00	.00	17.50
27 fuel	02/2/11	0191005600 fuel surcharge	02/2/11	52.71	.00	.00	52.71
				Vendor Total: JDAVIS	70.21	.00	70.21
Vendor: JFCOOKR	J.F. Cooke Company						
10689	02/2/11	0150154450 sheet metal stamp	02/2/11	26.15	.00	.00	26.15
				Vendor Total: JFCOOKR	26.15	.00	26.15
Vendor: KIREAS	Kentucky State Treasurer						
072 sheet	02/2/11	0150154450 dep sheet dupliests	02/2/11	16.00	.00	.00	16.00
				Vendor Total: KIREAS	16.00	.00	16.00
Vendor: KWIRFOUNT	Kwikprint						
221ems	02/2/11	0151404450 ems headset card	02/2/11	58.55	.00	.00	58.55
				Vendor Total: KWIRFOUNT	58.55	.00	58.55
Vendor: KYUHL	Kentucky Utilities						
271answ	02/2/11	0150065780 answer charges	02/2/11	697.03	.00	.00	697.03
271bill	02/2/11	0150065780 refuse charges	02/2/11	1,295.09	.00	.00	1,295.09
271bill	02/2/11	0150065780 cell phone bill	02/2/11	64.76	.00	.00	64.76
271bill	02/2/11	0150435780 cell phone bill	02/2/11	89.87	.00	.00	89.87
271bill	02/2/11	0150154780 cell phone bill	02/2/11	138.65	.00	.00	138.65
271bill	02/2/11	0150065780 zoning charges	02/2/11	295.87	.00	.00	295.87
				Vendor Total: KYUHL	2,960.27	.00	2,960.27

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Spencer County Fiscal Court
Open Invoice Report
As of February 18, 2011

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General Fund

Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining
Vendor: L&WEE	L & W Fungicide Equipment						
3179	02/2/11	0150155780 fuel surcharge	02/2/11	900.00	.00	.00	900.00
				Vendor Total: L&WEE	900.00	.00	900.00
Vendor: LCHH	The Spencer Magnet						
271 fee	02/2/11	0150063020 video rentals	02/2/11	67.85	.00	.00	67.85
271 fuel	02/2/11	0150153020 sheet metal	02/2/11	132.30	.00	.00	132.30
				Vendor Total: LCHH	199.15	.00	199.15
Vendor: LOVES	Loves						
271 fuel	02/2/11	0191003980 acct late fee	02/2/11	5.24	.00	.00	5.24
				Vendor Total: LOVES	5.24	.00	5.24
Vendor: M&S LI	M & S Office Products Inc						
21995	02/2/11	0150104450 zoning copier	02/2/11	1,595.09	.00	.00	1,595.09
				Vendor Total: M & S LI	1,595.09	.00	1,595.09
Vendor: HAPA	HAPA						
271 fuel	02/2/11	0150002210 misc. amenon parts	02/2/11	257.49	.00	.00	257.49
				Vendor Total: HAPA	257.49	.00	257.49
Vendor: HEXTEL	HexTel Cellular Inc.						
271 fuel	02/2/11	0151124450 H&A hosp cell phone	02/2/11	31.93	.00	.00	31.93
271 fee	02/2/11	0150005780 cell phone charges	02/2/11	95.77	.00	.00	95.77
271 fuel	02/2/11	0150004450 zoning cell phone	02/2/11	31.93	.00	.00	31.93
271 fuel	02/2/11	0151344290 district cell phone	02/2/11	32.53	.00	.00	32.53
271 fuel	02/2/11	0151015780 state cell phone	02/2/11	64.26	.00	.00	64.26
271 fuel	02/2/11	0150455780 sheet cell phone	02/2/11	220.25	.00	.00	220.25
				Vendor Total: HEXTEL	476.67	.00	476.67
Vendor: FOMEROY	Fomeroy IT Solutions						
141290174	02/2/11	0151363180 grand pd computers	02/2/11	1,481.16	.00	.00	1,481.16
141300150	02/2/11	0151363400 grand pd computers	02/2/11	432.00	.00	.00	432.00
170020051	02/2/11	0151364480 grand pd computers	02/2/11	1,516.60	.00	.00	1,516.60
				Vendor Total: FOMEROY	3,489.76	.00	3,489.76
Vendor: QUADMED	Quad Med Inc.						
51103	02/2/11	0151404450 ems medic supplies	02/2/11	74.00	.00	.00	74.00
				Vendor Total: QUADMED	74.00	.00	74.00
Vendor: SALMON	Salmon Construction Inc.						
phone	02/2/11	0190907410 waterpact	02/2/11	4,971.45	.00	.00	4,971.45
				Vendor Total: SALMON	4,971.45	.00	4,971.45
Vendor: SCJAIL	Spencer County Jail Fund						
0402711	02/2/11	TRANSFER	02/2/11	25,000.00	.00	.00	25,000.00
				Vendor Total: SCJAIL	25,000.00	.00	25,000.00
Vendor: SEUBRECHT	Seubrecht Inc.						
11311	02/2/11	0151404450 ems sheet metal	02/2/11	99.44	.00	.00	99.44
				Vendor Total: SEUBRECHT	99.44	.00	99.44

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ENCLOSURE

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General Fund

Spencer County Fiscal Court
Open Invoice Report
As of February 18, 2011

Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining	
Vendor: SHREDIT Shred It								
434664	02/21/11	015104469 misc file disposal	02/21/11	53.50	00	00	53.50	
Vendor Total: SHREDIT				53.50	00	00	53.50	
Vendor: SIEGELS Siegel's Uniforms								
1089-2	02/21/11	0150154810 J Bentley uniforms	02/21/11	114.75	00	00	114.75	
1089-2	02/21/11	0150154810 R Thomas uniforms	02/21/11	476.70	00	00	476.70	
1089-2	02/21/11	0150154810 E Lopez uniforms	02/21/11	476.70	00	00	476.70	
1011-2	02/21/11	0150154810 D Casper uniforms	02/21/11	476.70	00	00	476.70	
1011-2	02/21/11	0150154810 A Stovall uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 J Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 K Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 L Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 M Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 N Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 O Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 P Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 Q Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 R Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 S Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 T Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 U Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 V Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 W Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 X Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 Y Gentry uniforms	02/21/11	476.70	00	00	476.70	
1012-2	02/21/11	0150154810 Z Gentry uniforms	02/21/11	476.70	00	00	476.70	
Vendor Total: SIEGELS				3,108.90	00	00	3,108.90	
Vendor: SISLER Siskin-Maguard Engineering								
plac-hacke	02/21/11	0109897410 water project	02/21/11	341.54	00	00	341.54	
Vendor Total: SISLER				341.54	00	00	341.54	
Vendor: SO BACKHOE Southern Backhoe Inc.								
plac-hacke	02/21/11	0109897410 water project	02/21/11	50,000.00	00	00	50,000.00	
Vendor Total: SO BACKHOE				50,000.00	00	00	50,000.00	
Vendor: SHECC Sheehy's Electric								
2219-005	02/21/11	0151405789 power cables	02/21/11	259.31	00	00	259.31	
2219-005	02/21/11	0151405789 power cables	02/21/11	30.76	00	00	30.76	
2219-005	02/21/11	0151405789 power cables	02/21/11	92.26	00	00	92.26	
2219-005	02/21/11	0151405789 power cables	02/21/11	476.22	00	00	476.22	
2219-005	02/21/11	0151405789 power cables	02/21/11	25.57	00	00	25.57	
Vendor Total: SHECC				894.12	00	00	894.12	
Vendor: TCRHUIE BR TCRHUIE BR								
1089	02/21/11	0150153200 elec veh panel	02/21/11	500.00	00	00	500.00	
Vendor Total: TCRHUIE BR				500.00	00	00	500.00	
Vendor: TMOBILE T-Mobile								
1089-001	02/21/11	0150153200 elec veh panel	02/21/11	483.20	00	00	483.20	
Vendor Total: TMOBILE				483.20	00	00	483.20	
Vendor: TROPHY Spencer Trophies								
1089	02/21/11	0150154870 baseball trophies	02/21/11	583.00	00	00	583.00	
Vendor Total: TROPHY				583.00	00	00	583.00	
These invoices are not held							Report Total: Invoices	112,911.28
							Open Credits	00
							Less Discounts Available	00
							Net Balance Due	112,911.28

Page 1 of 2
General Fund

Spencer County Fiscal Court
Open Invoice Report
As of February 18, 2011

Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining	
Vendor: ARMOIL A S M O R Company								
1089-001	02/22/11	0261054550 road fuel	02/22/11	644.26	00	00	644.26	
1186-01	02/22/11	0261054550 road fuel Buick	02/22/11	691.41	00	00	691.41	
Vendor Total: ARMOIL				1,335.67	00	00	1,335.67	
Vendor: BENEGAS Bennett's Gas Company								
507-001	02/22/11	0261055700 road propane	02/22/11	179.00	00	00	179.00	
507-001	02/22/11	0261055700 road propane	02/22/11	267.19	00	00	267.19	
Vendor Total: BENEGAS				446.19	00	00	446.19	
Vendor: ELLISWELD Ellis Welding								
065015	02/22/11	0261054470 welding angle	02/22/11	68.20	00	00	68.20	
065046	02/22/11	0261054470 welder Hades	02/22/11	87.60	00	00	87.60	
Vendor Total: ELLISWELD				155.80	00	00	155.80	
Vendor: JENNICER J. Edinger & Son, Inc								
21002	02/22/11	0261054470 spreader disc	02/22/11	295.00	00	00	295.00	
Vendor Total: JENNICER				295.00	00	00	295.00	
Vendor: KILGUB KIL Engineering Company								
015490	02/22/11	0261054470 foundation stud	02/22/11	83.60	00	00	83.60	
Vendor Total: KILGUB				83.60	00	00	83.60	
Vendor: HEXTEL HexTel Products Inc								
507-001	02/22/11	0261055700 road propane	02/22/11	225.30	00	00	225.30	
Vendor Total: HEXTEL				225.30	00	00	225.30	
Vendor: SHIWEIDMHC Shively Welding Service								
5089-00	02/22/11	0261054470 welding electrodes	02/22/11	189.70	00	00	189.70	
Vendor Total: SHIWEIDMHC				189.70	00	00	189.70	
Vendor: SIRCOC Salt River Electric								
217-001	02/22/11	0261055700 road propane	02/22/11	401.92	00	00	401.92	
Vendor Total: SIRCOC				401.92	00	00	401.92	
Vendor: THASUP Thasup Supply								
Jan2011 road	02/22/11	0261054470 elec road parts	02/22/11	710.61	00	00	710.61	
Vendor Total: THASUP				710.61	00	00	710.61	
Vendor: TRUCKPRO TruckPro, Inc								
Jan2011 road	02/22/11	0261054470 elec road parts	02/22/11	1,753.21	00	00	1,753.21	
Vendor Total: TRUCKPRO				1,753.21	00	00	1,753.21	
These invoices are not held							Report Total: Invoices	5,787.09
							Open Credits	00
							Less Discounts Available	00
							Net Balance Due	5,787.09

ORDERS

REGULAR Term, REGULAR Day, 21st Day of FEBRUARY 20 11

E000982D

02/18/11 Spencer County Fiscal Court Page 1 of 1
01-49924 Open Invoice Report
As of February 18, 2011

Paul Fernald

Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining
Vendor: CLIBICAL		CLIBICAL SOLUTIONS					
SHSHELSPF	02/23/11	MEDICAL	02/23/11	950.61	00	00	950.61
		Vendor Total: CLIBICAL		950.61	00	00	950.61
Vendor: LSWLEF		L & W Emergency Equipment					
1129	02/23/11	0351013950 jules radiology	02/23/11	44.19	00	00	44.19
		Vendor Total: LSWLEF		44.19	00	00	44.19
Vendor: SCGENERAL		Spencer County General Fund					
2722005	02/23/11	0351013950 vehicle ems supplies	02/23/11	97.35	00	00	97.35
		Vendor Total: SCGENERAL		97.35	00	00	97.35
Vendor: SCODET		Shelby County Detention Center					
13621511	02/23/11	1111HOUSEHC	02/23/11	12,125.00	00	00	12,125.00
		Vendor Total: SCODET		12,125.00	00	00	12,125.00

These invoices are on hold.

Report Total: Invoices	13,217.15
Open Credits	.00
Less Discounts Available	.00
Net Balance Due	13,217.15

*** Report Options ***
 Vendors: ALL
 Invoice Dates: 02/23/2011 to 02/23/2011
 Status: All
 Accounts: ALL
 As Of Current Date (02/18/2011)
 *** End of Report ***

ADDITIONAL INVOICES AND TRANSFERS

GENERAL FUND INVOICES/TRANSFERS

Jim Williams Body Shop	insurance-pud damages for sheriff car	979.75
Perry Ginc	basketball referee, 2/11/2011	24.00
John Thomas	basketball referee, 2/11/2011	60.00
Whitney Bridwell	basketball referee, 2/11/2011	60.00
Jade Neal	basketball referee, 2/11/2011	10.00
John Thomas	basketball referee, 2/9-2/12-2/19 games	108.00
Whitney Bridwell	basketball referee, 2/9-2/12-2/19 games	60.00
Jamie Thomas	basketball referee, 2/9-2/12-2/19 games	48.00
Perry Ginc	basketball referee, 2/9-2/12-2/19 games	54.00
Cade Administrators Association of KY	bdg insp training registration	65.00
KVP	worker-paid community service insurance	15.00
Buddy Stamp	reimburse paper shredder	164.98
GD Computers	misc offices computer work	650.00
Anthony Travis	zoning board, 2/17/2011	60.00
Orval Snider	zoning board, 2/17/2011	60.00
Cara Lewis	zoning board, 2/17/2011	60.00
Nathan Lawson	zoning board, 2/17/2011	60.00
Paul Daugherty	zoning board, 2/17/2011	60.00
Darwyn Platt	zoning board, 2/17/2011	60.00
Gary Woodr	zoning board, 2/17/2011	60.00
AJP Totalsource	reimburse payroll overpayment	183.44
Bill Kaiser	reimburse KCJEA hotelrooms	714.54

Transfer \$7000 to 0150051010 (co atty salary) from 0150801770 (maintenance salary)
 Transfer \$1000 to 0150154450 (sheriff supplies) from 0150801770 (maintenance salary)
 Transfer \$1000 to 0150155760 (sheriff veh maintenance) from 0150801770 (maintenance salary)
 Transfer \$5000 to 0154101790 (parks pt-time help) from 0150801770 (maintenance salary)
 Transfer \$5000 to 0151363480 (communications equipment) from 0180997410 (capital projects)

ROAD FUND INVOICES/TRANSFERS

The Mower Shop emblector for truck air compressor 95.79

Transfer \$1000 to 0261054410 (new equipment) from 0261054470 (materials/supplies)

End Balance	General Fund	Road Fund	Emblector
9/1/2010	\$166,865.65	\$50,215.89	\$21,369.68
10/1/2010	\$453,268.26	\$52,799.22	\$ 6,233.71
10/29/2010	\$603,779.31	\$52,155.16	\$15,365.56
12/1/2010	\$925,635.22	\$576,181.02	\$19,373.61
1/17/2011	\$207,998.25	\$155,628.22	\$22,542.11
1/18/2011	\$28,900.87	\$511,292.18	\$14,423.61
2/6/2011	\$978,015.66	\$181,392.32	\$20,627.48

(191800 of from road bond)

REGULAR

Term,

REGULAR

Day,

21st

Day of

FEBRUARY

20 11

ESC008260

2) This item was under Communications/Reports From Members, Other Offices And Committees;

3) Steve Willard From HMB With Water Project Update.

Mr. Steve Willard gave his update on the Spencer County/Taylorsville Water Project and states that construction is complete.

4) Zoning, Readings And Recommendations From Julie Sweazy: Planning and Zoning Administrator, Julie Sweazy read to the Court the following zone changes for second reading and adoption, they are as follows.

PUBLIC NOTICE

Please take notice that the Spencer County Fiscal Court on the 21st day of February, 2011 passed the following ORDINANCES:

1. On motion of Esq. Check, second by Esq. Judd all members of the court voting "Aye"; it is hereby ordered by the Court to Approve the zone change request of Eric (Shawn) McKinney on two separate tracts of land totaling 9.896 acres. Tract 17A consisting of 2.622 acres from AG-1, agricultural to R-3, residential and Tract 17B consisting of 7.274 acres from AG-1, agricultural to RR, rural, residential for property located at 3162 Love Lane.
2. On motion of Esq. Moody, second by Esq. Goodlett all members of the court voting "Aye", it is hereby ordered by the Court to Approve the zone change request of Larry Chad and Wendy Goodlett on a 5.00 acre tract of land from Ag-1, agricultural to R-1, residential for property located at 725 Yoder Station Road.
3. On motion of Esq. Goodlett, second by Esq. Moody all members of the court voting "Aye", It is hereby ordered by the Court to Approve the zone change request of David and Lola Goodwin on a 1.001 acre tract of land from Ag-1, agricultural to R1J-1, residential located on Little Beech Creek Road.

Attest: Judy Pickett
Clerk Spencer County Fiscal Court

Bill Karrer
Spencer County Judge/Executive

5) Ordinance 12(2011 Series) To Adopt Chelsey Park Phase I Roads Onto County Road Systems, Second Reading And Adoption:

On motion of Esq. Davis, second by Esq. Judd, all members of the Court present voting "Aye", it is hereby ordered by the Court to approve Ordinance No 12, Relating to the Adoption of Roads onto The County Road System, Chelsey Park Drive, Battery Lane and Henry Court, for second reading and adoption.

Spencer County, Kentucky
Ordinance No. 12
Fiscal Year 2011 Series

An Ordinance Relating to the Adoption of Road(s) onto the County Road System

Whereas, written request has been made to the Spencer County Fiscal Court to formally adopt the following road(s) within Phase 1 of the Chelsey Park subdivision onto the Spencer County Road System; and

Whereas, the road(s) on the request have been inspected and found to meet all current road specifications;

Now Therefore, Be It Ordained by the Fiscal Court of Spencer County, Commonwealth of Kentucky that the Fiscal Court does hereby adopt onto the Spencer County Road System the following road(s) for limited maintenance, such as snow removal and right-of-way trimming, with official mileage and speed limit as designated:

Chelsey Park Drive, 0.154 mile, 25mph speedlimit
Battery Lane, 0.156 mile, 25mph speedlimit
Henry Court, 0.105 mile, 25mph speedlimit

ORDERS

REGULAR Term, REGULAR Day, 21st Day of FEBRUARY 20 11

ES00992LD

Be It Further Ordained by the Fiscal Court that, as of the adoptive date of this ordinance, the road bond for Battery Lane and Henry Court may be reduced to 50% while the road bond for Chelsey Park Drive is to remain at 100%. These minimum bonds shall be held by the Fiscal Court for at least one year after the adoptive date of this ordinance, or until such time as the Court determines. After a satisfactory final inspection report, the Court agrees to release the bonds and accept full maintenance responsibility for these roads.

Given first reading and approval on January 24th, 2011.

Given second reading and adoption on February 21st, 2011.

Attest: Bill Karrer
Spencer County Judge Executive

Judy Puckett
Spencer County Fiscal Court Clerk

On motion of Esq. Cheek, second by Esq. Davis, all members of the Court present voting "Aye", it is hereby ordered by the Court to go into executive session for real estate KRS 61.810(1) (b) and 61.815.

On motion of Esq. Cheek, second by Esq. Moody, all members of the Court present voting "Aye", it is hereby ordered by the Court to go back into the regular session of this Fiscal Court Meeting.

No action taken.

Next Fiscal Court Meeting will be held on Monday March 7th, 2011 at 9:00 A.M.

On motion of Esq. Judd, second by Esq. Goodlett, all members of the Court present voting "Aye", it is hereby ordered by the Court for this meeting be adjourned.

Bill Karrer
Bill Karrer, Spencer County Judge Executive