

ORDERS }**COURT**Term, REGULARDay, 13Day of MARCH2012**REGULAR SESSION****MARCH 13, 2012**

The Adair County Fiscal Court met In Regular Session on March 13, 2012, in the basement of the Adair County Annex Building, 424 Public Square, Columbia KY, 42728. Judge Melton welcomed everyone and called the meeting to order. The following were present for the meeting;

MAGISTRATES

District 1	Harold Burton	present
District 2	Daryl Flatt	present
District 3	Sammy Baker	present
District 4	Perry Reeder	present
District 5	Billy Coffey	present
District 6	Joe Rogers	present
District 7	Billy Rowe	present

ALSO PRESENT

Adair Co Assistant Attorney	Ray Hutchison
Adair Co Sheriff	Harrison Moss
Adair Co Jailer	Rick Wilson
Adair Co Treasurer	Barry Corbin

RED CROSS UPDATE, ANNETTE MATHER:

Mrs. Mather was not able to attend because of being in West Liberty due to the recent Tornado activity. Judge Melton informed the court that it had been years since Adair County has had someone certified for Red Cross. Lisa Lee and Jerri Nixon recently attended Red Cross trainings, and are now certified Red Cross volunteers. For example if a family was to have a house fire, they can be issued Debit cards to Wal Mart, for food and clothes, plus three nights at Dreamland.

ADAIR COUNTY SEARCH AND RESCUE, REQUEST FOR PROGRAM SUPPORT,**\$2000:**

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ATHLEY LOADER;

Some of the magistrates required as to the status of the Athley Loader, which was currently at Nissley's Equipment being repaired. Judge Melton informed them that she had asked Road Foreman Damell to stop by and check on the repairs, but he had not been able find anyone at the business. Magistrate Rowe had Daniel Nissley's cell phone and called him during the court meeting. Mr. Nissley promised that he would get the loader into the shop next week for repairs.

OTHER BUSINESS: FROM AUDIENCE

Mr. Bill Anderson ask to address the court with concerns from him and his neighbors about the higher water rates. He thought the court should take into consideration the next time they appointed a Board Member to the Columbia/Adair Utilities Commission the huge rate increase. Currently, the board members seemed to do whatever they want at the Utilities. There should be some way other than appointing the board members of having control over a board.

Mr. Roger Meadows, president Columbia/Adair Chamber of Commerce

Thanked the court and Judge Melton for their contribution to the Chamber in program support of \$5,000.

ADJOURN:

Motion: Magistrate Baker, made the motion to adjourn

Second: Magistrate Rowe, the vote was unanimous for approval.

Ann Melton
ANN MELTON, JUDGE EXECUTIVE

2-14-12
DATE

ATTEST:
Lisa Lee
LISA LEE, FISCAL COURT CLERK

2-14-12
DATE

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The Adair County Search and Rescue Financial Report was Included in packets for Magistrates to review prior to the court meeting.

Motion: Magistrate Baker made the motion to give the yearly \$2000 program support to the Adair County Search and Rescue.

Second: Magistrate Burton, the vote was unanimous for approval.

APPROVAL OF MINUTES:

Minutes were included in the packets for Magistrates to review.

Motion: Magistrate Rowe, approval of the minutes as presented.

Second: Magistrate Flatt, the vote was unanimous for approval.

APPROVAL OF BILLS AND ADDITIONS:

Bills and additions had previously been given to magistrates for review. Judge Melton, informed the court that the training for the NCIC may have to be removed, because it was her understanding the City of Columbia was to pay for the NCIC training.

Motion: Magistrate Rogers made the motion to approve the bills and additions as presented.

Second: Magistrate Coffey, the vote was unanimous for approval.

APPROVAL OF ROAD WORK:

Dalley Road reports and a list of work to be performed were included in the packets.

Road Foreman Jobe Darnell presented the court with an overview of the completed work;

Shoulder work	22
Boom mowed	21
Cold mix/repared roads	10
Trees, cut and removed	11
Signs installed	23
Roads graveled/graded	12

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Serviced and maintenance on equipment/trucks

Took Mack Trucks to Alabama, for them to sell Wednesday

Motion: Magistrate Coffey, motion to approve road work as presented.

Second: Magistrate Rowe, the vote was unanimous for approval.

APPROVAL OF JAIL REPORT:

Jailer Wilson presented the following report for approval;

Adair County	\$29,804.34
Cumberland County	\$9,328.00
Controlled intake	\$2,413.18
Parole violator	\$219.38
Class C Inmates	\$12,441.98
Minus Adair County	\$29,804.34
Total billed	\$38,693.58
Total booking fees	\$1,270.60
Total Medical	\$93.70
Total Per Diem	\$1,617.52
Home Incarceration	\$608.91
Cumberland Medical	\$163.30
Total to collect	\$47,297.21

Adair County Restricted Custody monthly report:

Total hours provided by inmates	2786
If paid \$8 p/hour would have provided	\$22,288.00

Motion: Magistrate Rowe, motion to approve the Jail Report as presented.

Second: Magistrate Burton, the vote was unanimous for approval.

FIRST READING AMENDING JAIL'S POLICY AND PROCEDURES:

Jailer Wilson presented the following changes that needed to be made to the Jail's

Policy and Procedures;

- Update organizational chart due to change in responsibilities.
- Implement an updated policy on Objective Inmate Classification System, per KACO's request.

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- Revise supplement policy for Restricted Custody Center to comply with current rules and regulations
- Kentucky revised standards require CPR and First-aid for every worker at the jail.

Motion: Magistrate Rogers, approval for first reading of the Jail's Policy and Procedures.

Second: Magistrate Rowe, the vote was unanimous for approval.

APPROVAL OF TREASURER'S REPORT:

Adair County Treasurer Barry Corbin presented the following report for approval.

General Fund	\$716,914.10
Road Fund	\$462,268.35
Jail Fund	\$17,612.65
LGEA	\$113,439.12
Forest Fire	\$1,948.48
Parks and Recreation	\$47,634.28
911	\$38,043.27
GRAS	\$242.78
Total	\$1,398,103.03

Motion: Magistrate Coffey, approval to approve the Treasurer's Report as presented.

Second: Magistrate Baker, the vote was unanimous for approval.

APPROVAL OF BUDGET TRANSFERS:

County Treasurer Barry Corbin asked permission to make the following fund to fund budget transfers, up to the specified amount if needed before the next Fiscal Court meeting on April 10, 2012.

\$10,000 from General Fund to Green River Animal Shelter
 \$50,000 from General Fund to Jail fund
 \$15,000 from General Fund to 911 Funds
 \$300.00 from General Fund to Forest Fire

Motion: Magistrate Coffey, Approval of the Budget Transfers request as presented.

Second: Magistrate Rowe, the vote was unanimous for approval.

APPROVAL OF SHERIFFS REPORT:

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Sheriff Moss presented the following report for approval for the month.

44	Warrants of arrest served
17	Criminal cases opened
10	Emergency protection orders served
5	Domestic abuse cases worked
10	Non-Injury accidents worked
2	Injury accidents worked
18	Out of county transports
10	Citations written for criminal activity
57	Civil process papers served
44	Criminal summonses served
162	Subpoenas served
145	Hrs Court Security provided
175	Vehicle inspections done
February taxes collected	\$214,580.00

Motion: Magistrate Rogers, Approval of the Sheriff's Report as presented.

Second: Magistrate Burton, the vote was unanimous for approval.

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There were no court orders at this time for approval.

**APPROVAL OF SURVEY/TOPOGRAPHIC PROPOSALS FOR JIM BLAIR
RECREATIONAL/SENIOR CENTER:**

Martina Hadley from the ADD Office, whom is working on the grant for the Center, requested the following;

Proposals for survey work. The surveys have two prices on them. The first is the full site boundary and topographic, the other is the full site boundary and limited topographic survey. It was Mrs. Hadley's opinion that the additional costs for topographic and utility information for the entire site is reasonable and worth the investment. I would advise the Fiscal Court pay the additional cost if they can afford to at this point so if any further improvements are warranted in the future they have a complete survey finished and available.

Mrs. Hadley said that she had reviewed the proposals from the Surveyors and think they are all reasonable. We have not worked with McKinney or C&C Surveying in the

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past. I think budget and fact McKinney has done work in Adair County, and will probably make them the preferred choice by the court, which is fine. Endris would be our top pick because we know the quality of work they do and have used them before.

C & C Land Surveying Complete Boundary and Topographical Survey \$3,000.00

Endris Engineering, P.S.C. Topographic Survey, Base Area, 10.3 acres \$3,800.00

McKinney Land Surveying Boundary and Topographic on 9 acres \$5,000.00

Judge Melton informed the court that she had spoken with the Mayor yesterday, and he felt certain the Council would agree to pay one-half of the cost.

Motion: Magistrate Coffey, Approval to use C & C Land Surveying for the complete boundary and topographical survey at \$3,000 for the Jim Blair Recreation/Senior Center.

Second: Magistrate Rowe, the vote was unanimous for approval.

APPROVAL FOR JUDGE MELTON TO SIGN NECESSARY PAPERWORK FOR THE APPROVED CONTRACT:

Motion: Magistrate Rowe, Approval for Judge Melton to sign necessary paperwork for the approved contract for the Boundary and Topographical Survey.

Second: Magistrate Rogers, the vote was unanimous for approval.

APPROVAL OF FIRST READING OF NUISANCE ORDINANCE:

Ordinance: Nuisances

Order No: 04-10-12

**"BE IT ORDAINED BY THE FISCAL COURT OF ADAIR COUNTY,
COMMONWEALTH OF KENTUCKY"**

**AN ORDINANCE PROTECTING THE HEALTH, WELFARE, AND SAFETY OF THE
CITIZENS OF ADAIR COUNTY THROUGH THE ABATEMENT OF NUISANCES**

SECTION I-DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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AUTOMOBILE PARTS- Any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

DWELLING- Any part of any building or its premises used as a place of residence or habitation or for sleeping by any person.

INOPERATIVE CONDITION- Unable to move under its own power due to defective or missing parts and which has remained in such condition for a period of not less than sixty consecutive days, or, a vehicle that is not properly licensed registered and insured per state statutes.

MOTOR VEHICLE- Any style or type of motor driven vehicle used for conveyance of persons or property, which is required to be registered, licensed registered and insured per state statutes.

NUISANCE- Public Nuisance

SCRAP METAL- Pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

UNFIT FOR FURTHER USE- in a dangerous condition; having defective or missing parts, or in such a condition generally as to be unfit for its original intended purpose.

UNFIT FOR HUMAN HABITATION- Dangerous or detrimental to life or health because of want or repair or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.

POPULATED AREA- A density of homes exceeding four (4) in a 1/10 mile radius.

SECTION II: COMMON LAW AND STATUTORY NUISANCES

In addition to what is declared in this ordinance to be a public nuisance, the offenses which are known to the common law and statutes of Kentucky as public nuisances may.

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be treated as such and be proceeded against as is provided in this ordinance in accordance with any other provision of law.

(A) For the purpose of this division the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "GARGAGE" All putrescible wastes, except sewage and body waste, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable Industrial by-products, and shall include all substances from all public and private establishments and from all residences.

(b) "REFUSE" Includes all non-putrescible waste.

(B) Noxious odors or smoke:

Continuous emission or emission for extended periods of time into the surrounding atmosphere of odor, dust, smoke, or other matter which leaves the owner's property boundary and enters that of another and renders ordinary use or physical occupation of other property uncomfortable or impossible.

Exempted: are emissions related to home heating, the production of crops or livestock, periodic short term emissions or emissions as approved by the State of Kentucky Department for Environmental Protection for Industrial and commercial activities.

(C) Noise:

(1) Emission of noise which between the hours of 11:00 pm and 5:00 am which is audible by a dwelling one hundred (100) feet from the property line of the property on which the source of the noise is located for a period exceeding fifteen (15) minutes cumulatively.

(2) The following noises shall be exempt;

(a) Noises originating from any safety signals, warning devices, and emergency relief valves.

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(b) Noises resulting from the authorized emergency or law enforcement vehicle or training facilities.

(c) Noises emanating from festivals, county jail, or other periodic activities and celebrations.

(d) Noises originating from the production of crops or livestock

(e) Noises originating from a permitted industrial or commercial activity.

(D) Weeds, grass and noxious vegetation.

It shall be unlawful for any person, corporations, or other entity, owning any lot of land not used for the production of crops or livestock, located in a populated area of the county to permit, by failure to mow, grass and/or noxious weeds to become unsightly or a detriment to the health and welfare of the inhabitants of the county shall be a violation of this ordinance for a property owner to allow the height of the vegetation to reach ten (10) inches in height.

(E) : Open wells

The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon private premises in any open or unfenced lot or place.

(F) Trees, shrubbery, or other vegetation obstructing roads, sidewalks or county right-of-way.

(G) Junk; scrap metal

The accumulation of junk or scrap metal in one location in excess of thirty (30) days except on premises whose zoning allows such use or upon property owned by a governmental agency.

(H) Open burning

The open burning of materials prohibited by an ordinance or statutes of the Commonwealth of Kentucky.

(I) Discarded items; motor vehicles

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The accumulation in excess of four (4) inoperative motor vehicles which are

under the ownership of one individual on an individual or contiguous parcel of property and left on that property for a period in excess of sixty (60) days. The accumulation of automobile parts that includes, but is not limited to, items for or used in recycling, auto body parts, tires, boats, home appliances and furniture in a dilapidated or apparently inoperative condition and the accumulation of other items not part of the dwelling, landscaping, or necessary for the ongoing habitation of the property and left in open storage or discarded on private property for more than thirty (30) consecutive days. This definition shall not apply to the following;

- (1) Any discarded item or part thereof, which is enclosed within a building, such as garage or other fully, enclosed accessory building.
- (2) Any discarded item not visible from an adjacent or abutting dwelling, public street, public road, or public park.
- (3) Any discarded item stored on private property in a lawful manner in connection with the licensed business of auto body, auto repair, dismantler, vehicle dealer, and junk or salvage yard, provided that outside storage of discarded items be in a proper manner which may include within a privacy fence or dumpster area and not on the grass, or yard.
- (4) Items for the purpose of a yard or garage sale as long as the activity lasts no more than five (5) days in duration and no more than four (4) such activities take place on the same property in any twelve (12) month period.
- (5) Items of a historical, educational, or religious nature.

SECTION III: CERTAIN CONDITIONS DECLARED A NUISANCE

It shall be unlawful for the owner, occupant, or person having control or management of any land within the unincorporated area of the county, unless the provisions of this ordinance are adopted by an incorporated city, to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances;

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(A) Dwellings unfit for human habitation. The erection, use, or maintenance of a dwelling which is unfit for human habitation.

(B) Dangerous building/buildings adjoining roads. Any building, house, or structure so out of repair and dilapidated that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property using or being upon the roads or public way or right-of-way of the county adjoining the premises, by reason of the collapse of the building, house or structure or by falling of parts thereof; or of objects there from.

(C) Dangerous trees or stack of limbs/brush adjoining road/roads. Any tree, stack, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public roads or public ways adjacent thereto, by the falling thereof or of parts thereof.

(D) Dilapidated buildings. Any building, house, or structure which is so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire, or which due to lack of adequate maintenance or neglect, endangers the public health, welfare, or safety.

Exempted are buildings, excluding dwellings, located on property that is in an Agricultural Zone, unless it is determined that said building/buildings will place the public health, welfare, and safety at risk.

(E) Accumulation of rubbish

An accumulation of any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety of occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents; or insects, or its blowing or rubbish into any road, sidewalk, or property of another. Garbage or refuse must be kept in covered containers. Such containers shall be constructed of metal or plastic material in such manner as to be strong, not easily corrodible, rodent proof, and shall have tight fitting

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covers which shall be kept in place thereon at all times except when refuse is being deposited therein or removed there from. Exempted from the foregoing requirement are temporary roll-off containers used for construction, demolition; or large item collection. Boxes, papers, tree cuttings, and odd articles shall be bundled and kept together at the pick-up site.

SECTION IV—ADDITIONAL EXEMPTIONS

All agricultural and silvicultural operations as provided in KRS 413.072 are exempt from the provisions of this ordinance as well as activities and operations related to agribusiness and operations necessary in carrying out governmental functions.

SECTION V—ABATEMENT PROCEDURES

(A) It shall be the duty of the Adair County Solid Waste Coordinator or Nuisance Committee, members of the Adair county Fiscal Court or other responsible person designated by Adair County after a complaint is filed with the Adair County Judge's Office to serve or cause to be served a notice upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this ordinance and to require immediate abatement within fourteen (14) days unless the nuisance constitutes all immediate danger to the health and well being of the community. If such danger is present, the nuisance shall be abated within twenty four (24) hours of notice. If the immediate danger is not present, the Adair County Solid Waste Coordinator or Nuisance Committee Member of the Adair County Fiscal Court may grant an extension of time as deemed necessary in their judgment to abate the nuisance.

(A) The notice shall provide that the owner shall remove the violation and properly dispose and/or recycle items. The county reserves the right to obtain receipts, weight tickets, or any other documentation and proof of proper disposal and/or recycling. Removal or proper disposal and/or recycling will be at the owner's expense.

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(B) Notice shall be service upon persons by First Class US mail, or in person, at

their last known address on file in the County Property Valuation Administration Office to which the most recent tax bill was mailed. If the owner does not reside upon the property, a copy of the notice shall be mailed to the owner by First Class US mail to the owner's last known address or may be served by any other means reasonably calculated to provide the owner with notice which may include posting notice on property, advertising, and filing notice in the Office of the County Clerk.

(C) If the person so served does not abate the nuisance within the prescribed amount of time, or additional time as allotted by the Adair County Solid Waste Coordinator or Nuisance Committee Member of the Adair County Fiscal Court, the county shall file a complaint noting the violation.

Citation authority for the provisions of this ordinance is hereby granted to the Adair County Solid Waste Coordinator and/or to the Adair County Fiscal Court-Nuisance Committee member, and any sworn police officer to enforce the provisions of this ordinance. Citations may also be issued by any sworn police officer for the enforcement of the provisions of this ordinance.

If, after a finding by the Adair County District Court that any person is in violation of any provision of this ordinance, the owner shall be delivered by certified mail a copy of the order to properly abate the nuisance by the Adair County Fiscal Court. Removal or proper storage of any discarded items will be at the property owner's expense.

(A) If, after the period as set in the Adair County District Court order has expired and the nuisance has not been abated and the District Court Order has not been appealed, the county shall ask the District Court for the authority to enter upon the property and abate the nuisance. The cost to the county for abating the nuisance shall be at the property owner's expense. The county shall bill the property owner for the costs, and property owner shall have thirty (30) days to pay in full. The thirty (30) day period shall commence

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~~with the date of the billing. If the bill is not paid within thirty (30) days, the~~

county may, at its option, place a lien on the real property with the County Clerk for the actual cost of abatement of the expenses and costs incurred, the date the nuisance was abated, and a notice that the county claims a lien for the amount. Notice of the lien claim shall be mailed to the owner of the premises if his address is known. However, failure to record the lien claim or to mail the notice, or the failure of the owner to receive the notice, shall not affect the right to foreclose the lien for charges as provided in subsection (G) below. The lien shall bear interest at the rate of ten per cent (10%) per annum, and shall be enforceable as a real property lien under Kentucky law, including foreclosure for collection on the lien.

(B) Property subject to a lien for unpaid nuisance abatement charges may be sold for nonpayment and the proceeds of the sale shall be applied to pay the abatement of the nuisance and associated charges, as is the case in the foreclosure of statutory liens.

(C) The County Attorney is authorized and directed to institute such proceedings, in the name of the county, in any court having jurisdiction over the matter, against any property for which the bill has remained unpaid thirty (30) days after it has been rendered.

SECTION VI-PENALTY

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, on conviction thereof, be fined not less than fifty (50) dollars nor more than five hundred (500) dollars or imprisoned for not more than thirty (30) days or both. And in addition, shall pay all costs and expense involved in the case. At the discretion of the District Court, each day a violation continues may be considered a separate offense. Nothing herein contained shall prevent the County from taking any other lawful action as is necessary to prevent or remedy any violation.

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SECTION VII--PRECEDENCE

This ordinance takes precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith, and to the extent they do conflict with this ordinance, they are hereby repealed with respect to the conflict and no more.

SECTION VIII---AFFECTIVE DATE

This ordinance shall become effective upon passage and publication.

SECTION IX---CONSTITUTIONALITY

A determination that any of the numbered provisions herein, or any part thereof, is unconstitutional and unenforceable shall not affect the validity or enforceability of any other section or part thereof.

With first reading on March 13, 2012 and Second Reading held on April 10, 2012.

Judge Melton ask Sheriff Moss if he had any problems with the ordinance, and at this time he did not see anything wrong with the ordinance. Judge Melton informed the court that a copy had been delivered to the EPA and Health Department for them also to look over and indicate any changes they felt needed to be made.

Motion: Magistrate Flatt, Approval of first reading of the Nuisance Ordinance

Second: Magistrate Rowe, the vote was unanimous for approval.

APPROVAL FIRST READING AMENDED ORDINANCE FOR QUALIFICATIONS FOR INCLUSIONS AND/OR EXTENSIONS IN THE ADAIR COUNTY ROAD SYSTEMS.

**COMMONWEALTH OF KENTUCKY
COUNTY OF ADAIR
ROAD PLAN
AMENDED ORDINANCE FOR
QUALIFICATIONS FOR INCLUSIONS AND/OR EXTENSIONS IN THE
ADAIR COUNTY ROAD SYSTEMS**

The following criteria shall be considered for acceptance of any road and/or extension of;

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A road in the Adair County Road Program:

RIGHT- OF-WAYS:

All new roads must have a minimum of thirty (30) feet right-of-way.

All landowners that join said road must sign all right-of-way deeds.

Right-of-way deeds must be approved by County Attorney before final approval of fiscal court.

Right-of-way deeds will be recorded after approval of County Attorney and second reading of

The fiscal court in the Adair County Clerk's office.

ROADWAY THICKNESS:

Roadway Thickness to be approved by the county road foreman and the magistrate in whom the road is in said district.

WIDTH:

Fourteen (14) foot wide minimum surface with either curbs or two (2) foot rock Shoulders if ditched.

ENTRANCE PIPE:

Must be twenty-four (24) feet in length and a minimum of fifteen (15) inches in diameter.

LENGTH:

Must be at least two (.2) tenths in length and/or two (2) dwellings, and/or two (2) Entrances to farms and/or businesses.

ACCESSIBILITY:

All roads must have open access to the public.

No gates

No cables

Any fencerow shall be outside the right of way

DEAD ENDS:

In the event that the road has a "dead end", a sufficient area surrounding the "dead end" shall be conveyed by each landowner whose property fronts on the "dead end" so

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that a turn around large enough to accommodate garbage trucks and school buses may be established at the "dead end".

FINAL INSPECTION: ALL THREE (3) REQUIRED FOR FINAL APPROVAL

Inspection with approval from Adair County Road Foreman.

Inspection with approval from Adair County Judge Executive.

Inspection with approval from magistrate of district said road is located.

COURT APPROVAL:

After items A-H have been met for said road, said road shall have two (2) readings from the Adair County Fiscal Court, and any road shall be taken in only on an annual basis and during the fiscal court meeting held in the month of _____.

EXTENSIONS OF EXISTING COUNTY ROAD:

Consideration for a county road to be extended will be considered only after it has been presented to the magistrate of said district, Road Foreman, and the County Judge/Executive.

It will be the sole discretion of the Magistrate, Road Foreman, and the County Judge/Executive to make a recommendation for extension of said road to the Adair County Fiscal Court for their approval.

All extensions must have two (2) readings from the Adair County Fiscal Court.

Recorded right-of-way deeds of thirty (30) feet.

GRAVEL ROADS TO BE EXTENDED:

All roads, which are in the Adair County Road System as of _____, shall be incorporated into the County Road Plan. An exception to the requirements of Section B of this Ordinance is the extension of an existing gravel road, which is determined by the Adair County Fiscal Court to be extended. Said extension will only be accepted as an extension into the Adair County Road Plan if the owners grant and convey to the County of Adair a thirty (30) foot right of way in the form of a Right of Way Deed. In addition, said road shall have a proper ditch line and tiles in place. Further, a proposed road extension may not be accepted into the Adair County Road Plan if the fencerows along the proposed road are grown up or have limbs, which may cause operators of motor vehicles to have visibility problems when driving. In addition, a sufficient amount

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of gravel must be on the proposed extension of the road and must pass the inspection of the Adair County Road Foreman, Adair County Judge Executive, and Magistrate of said district. At this time, the decision to extend a gravel road shall be in the discretion of the Magistrate of the district where the proposed extension is located, and the Adair County Judge Executive. Finally, the Magistrate of the district where the proposed extension is located, the Adair County Judge Executive, and the Adair County Road Foreman will inspect said proposed extension of the road to ensure that the qualifications have been followed. After this inspection, the decision to extend said road shall be in the discretion of the Magistrate of that district and the Adair County Judge Executive as long as the road meets said qualifications.

ADAIR COUNTY FISCAL COURT DISCRETION:

Although no county road may be extended or a new road added to the county road system unless it meets with specifications set out herein. The decision to extend or accept a road into the Adair County Road System shall be within the sole and exclusive discretion of the Adair County Fiscal Court acting in the best interest of the County and its citizenry and it shall not be compelled to extend or to accept a road into the system unless it is decided to be in the best interest of the county.

Motion: Magistrate Flatt, Approval of first reading of amended ordinance for qualifications for inclusions and/or extensions in the Adair County Road Systems.

Second: Magistrate Baker, The vote was unanimous for approval.

APPROVAL OF FIRST READING AMENDED ORDINANCE FOR SUBDIVISION REQUIREMENTS:

AMENDED ORDINANCE TO ESTABLISH SUBDIVISION ROAD REQUIREMENTS

BE IT ORDAINED BY THE FISCAL COURT OF ADAIR COUNTY:

SECTION I

WHEREAS, the fiscal court of Adair County desiring to streamline the expenses of adding on and maintaining county roads and to make more efficient use of tax payers money;

NOW, THEREFORE, the fiscal court of Adair County enacts this ordinance which shall be known and may be cited as the "Subdivision Road Requirements Ordinance."

ORDERS } _____

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SECTION II

1. SUBDIVISION

"Subdivision" means the division of a tract of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, building development or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivision of the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this regulation.

2. SUBDIVIDER-DEVELOPER

Subdivider shall mean any person, firm, partnership, association, corporation, limited liability company, estate or other entity or combination thereof, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined therein and including any agent of any subdivider. The term subdivider shall be synonymous with the term developer.

3. STREET

Street shall mean a way for vehicular traffic whether designated as a street, high way, thoroughfare, parkway, throughway, road, avenue, boulevard, lane place, alleyway, or any other designation.

SECTION III

RIGHT OF WAYS:

All subdividers-developers of Adair County Subdivisions must convey to the Adair County Fiscal Court a **minimum of a thirty- (30) foot right-of-way.**

ROADWAY SURFACE AND THICKNESS:

ORDERS } COURT

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The roadway surface and thickness shall be approved by the county road foreman and the magistrate in whom the road is in said district.

ENTRANCE PIPES

All entrance pipes shall be a minimum of twenty-four (24) feet in length, and a minimum of fifteen (15) inches in diameter.

LENGTH

Must be at least two (.2) tenths in length and/or two (2) dwellings, and/or two (2) entrances to farms and/or businesses.

DRAINAGE OF SUBDIVISION

All drainage must meet the approval of the County Road Foreman and the Magistrate of said district and be presented in writing to the Adair County Fiscal Court.

INSPECTION

No road shall be taken into the county road system without prior approval of the

County Road Foreman and the Magistrate of said district. Prior to first reading on any new roads, the County Road Foreman and the Magistrate of said district must present the Adair County Fiscal Court with written approval, of said subdivision, and road shall be taken in only on an annual basis and during the Fiscal Court meeting held in the month of _____.

EFFECTIVE DATE

The subdivision regulations shall take effect and be in force immediately upon passage, adoption and publication thereof as required by law.

The Adair County Fiscal Court hereby approves this ordinance for the establishment of subdivision road requirements. All pertinent provisions of the Kentucky Revised Statutes shall be adhered to.

Motion: Magistrate Rogers, Approval first reading of the amended Subdivision Ordinance as presented.

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Second: Magistrate Rowe, the vote was unanimous for approval.

COLUMBIA/ADAIR UTILITIES BOARD APPOINTMENTS:

Judge Melton informed the court that Rabon Toon Burton's term had expired and he had requested not to be reappointed. She wanted to thank him for a job well done and his time. Judge Melton recommended Tim Baker be appointed to fill this position for a four year term.

Motion: Magistrate Reeder. Approval to appoint Tim Baker, 4yrs to the Columbia/Adair Utilities Board, vacant position of Toon Burton.

Second; Magistrate Burton, The vote was six yes, with Magistrate Baker abstaining due to Tim Baker being his son.

Judge Melton also informed the court that she had received a Letter of Resignation from Mr. Larry Legg, leaving his seat vacant, at this time she would like to recommend Mr. David Jones to fill his term, which will expire January 2014.

Motion: Magistrate Flatt, Approval to appoint Mr. David Jones to fill the vacant seat of Mr. Larry Legg on the Columbia/Adair Utilities Board, term to expire January 2014.

Second: Magistrate Burton, the vote was unanimous for approval.

APPROVAL TO PAY CONTRACTOR FOR GRAS STORM DAMAGE.

Judge Melton informed the court that the Green River Animal Shelter had received hail damage and needed repairs in the amount of \$19,000. Kentucky Association of Counties had approved this amount and would be sending a check to cover the damage. She would like approval to pay the contractor before the next court meeting so he would not have to wait for his money to pay for the materials. Steve Nixon would be doing the work.

Motion: Magistrate Rogers, Approval to pay the contractor Steve Nixon when work is completed on the GRAS from the hail damage.

Second: Magistrate Rowe, the vote was unanimous for approval.

ORDERS }**COURT**Term, RegularDay, 13Day of March20 12**RURAL SECONDARY ROADS RECOMMENDATION, MR JEFF DICK**

Mr. Jeff Dick informed the court that Adair County allocation for 2012 would be the following;

Adair County Allocation:	\$1,550,510
Routine Maintenance and Administration Expenses	\$731,662
Flex Funds	\$283,354
Balance for improvements	\$535,494
Recommended improvements	
KY 768-Keltner town Road	
KY 3265-Melson Ridge	
KY 2968-Powell Road	
Total miles of asphalt resurfacing	6.743

Powell Road had to be deleted because it was a Supplement Road and had to be a Rural Secondary Road. Therefore, the mileage of Powell Road would be put on Melson Ridge Road.

Motion: Magistrate Flatt, Approval of the Rural Secondary Road recommendation from Mr. Jeff Dick

Second: Magistrate Coffey, the vote was unanimous for approval.

PROCLAMATION APRIL 2012 PRIDE SPRING CLEANUP MONTH:**PROCLAMATION OF****APRIL 2012 AS****SPRING CLEANUP MONTH**

Whereas, the natural beauty of Southern and Eastern Kentucky is a treasure for its residents and tourists:

Whereas, good stewardship of this distinctive environment is beneficial for the health, enjoyment and economic prosperity of the residents of Southern and Eastern Kentucky;

Whereas, the PRIDE Initiative encourages residents of Southern and Eastern Kentucky to take personal responsibility for the good stewardship of the region's exceptional environment; and

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2012

Whereas, the annual PRIDE Spring cleanup is opportunity for residents to demonstrate personal responsibility by volunteering to pick up litter along roadsides; and

Whereas, Adair County is participating in the PRIDE Spring Cleanup by organizing cleanup events and recruiting volunteers; and

Be It Resolved that I, County Judge-Executive Ann Melton, do hereby proclaim the month of April 2012 to be PRIDE Spring Cleanup month in Adair County.

Be It Further Resolved that I encourage all residents of Adair County to participate in PRIDE Spring Cleanup Month.

Given under my hand this 13 day of April 2012

Ann Melton, Judge Executive of Adair County.

LITTER ABATEMENT REPORT:

Judge Melton informed the court that Mr. A.L. Sinclair would not be able to attend tonight due to getting sick earlier today, while cleaning up the roads.

OTHER BUSINESS:

READING OF ROADS, 2ND READING

District 1 Private Passageway Toto Ln(off Allen Schoolhouse)

Motion: Magistrate Burton, Approval of second reading of private passageway, Toto Ln.

Second: Magistrate Rogers, the vote was unanimous for approval.

READING OF ROADS, 1ST READING

- Hearing dates for roads off the new Highway 61 South:

Section 1 Tuesday, March 27, at 6:00 p.m CST

Motion: Magistrate Reeder, Approval of hearing for section one, March 27, at 6:00 p.m.

Second: Maglstrate Baker, The vote was unanimous for approval.

- Section 2 Tuesday, March 27 at 6:30 p.m. CST

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Motion: Magistrate Baker, Approval of hearing for section two, March 27, at 6:30 p.m.

Second: Magistrate Reeder, The vote was unanimous for approval.

- Section 3 Tuesday, March 27 at 7:00 p.m. CST

Motion: Magistrate Reeder, Approval of hearing of Section 3, March 27, at 7:00

Second: Magistrate Flatt, The vote was unanimous for approval.

- End of Antloch Church Rd Tuesday, April 3 at 6:00 p.m. CST

Motion: Magistrate Baker, Approval of hearing of Antloch Church Rd, April 3, 6:00 p.m.

Second: Magistrate Reeder, The vote was unanimous for approval.

- Section 4 Tuesday, April 3, at 7:00 p.m. CST

Motion: Magistrate Rowe, Approval of hearing of Section 4, April 3, at 7:00 p.m. CST

Second: Magistrate Rogers, The vote was unanimous for approval

OTHER BUSINESS: HIRING DIRECTOR AND ASSISTANT DIRECTOR, FOR JIM BLAIR COMMUNITY RECREATION CENTER

Judge Melton Informed the court that the board of the Jim Blair Community Recreation Center had recommended to hire Adam Howard as Director of the Jim Blair Community Recreation Center. Adam is currently the Assistant Director/ Maintenance and will be filling the position of Krystal Cundiff whom resigned. Adam will be making \$10 per hour with a twenty three hour per week maximum. His position will start on March 26, 2012.

Motion: Magistrate Coffey, Approval to hire Adam Howard as Director of the Jim Blair Community Recreation Center, Adam will be making \$10 per hour with a twenty three hour per week maximum. His position will start on March 26, 2012.

Second: Magistrate Baker, The vote was unanimous for approval.

Judge Melton informed the court that the board of the Jim Blair Community Recreation Center had recommended to hire Charlie Crawhorn as Assistant Director/Maintenance.

ORDERS } _____

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The job is to pay eight (8) dollars per hour. Position will start March 26, 2012, if drug test and background checks are completed.

Motion: Magistrate Reeder, Approval to hire Charlie Craw horn as Assistant Director/Maintenance, The job is to pay eight (8) dollars per hour. Position will start March 26, 2012, if drug test and background checks are completed.

Second: Magistrate Burton, the vote was unanimous for approval.

OTHER BUSINESS: RADIO TELETHON FOR WEST LIBERTY TORNADO VICTIMS

- Judge Melton announced that the Radio Telethon the mayor and herself did for the victims of the tornado in West Liberty go really well, raising approximately \$5500 with more expected.
- Magistrate Baker announced that we would be bidding our Health Insurance again this year, due to price increase of the current insurance employees has, the county nor the employees cannot afford to pay the increase.

ADJOURN:

Motion: Magistrate Rogers

Second: Magistrate Burton, the vote was unanimous for approval.



 ANN MELTON, JUDGE EXECUTIVE

ATTEST:



 LISA LEE, FISCAL COURT CLERK