

SPENCER COUNTY FISCAL COURT

Monday, February 1, 2016
9:00am

Fiscal Court Meeting Room
28 East Main Street

Meeting Agenda

- A. Opening Prayer
- B. Pledge of Allegiance to the U.S. Flag and the Kentucky state flag
- C. Call to Order by the County Judge Executive
- D. Roll Call by the County Clerk
- E. Approval of Minutes from Prior Court Meetings
- F. Communications from Citizens, *** 3 minute limit ***
 - 1.
- G. Communications from County Judge Executive
 - 1. Multi-Purpose Community Action Agency letter of request
- H. Communications/reports from Members, Other Offices, and Committees
 - 1. Solid Waste report
 - 2. Veterans committee recommendation
 - 3. Zoning
 - a) readings and recommendations
 - b) request for printer/scanner/fax
 - 4. Sheriff's office:
 - a) ammunition
 - b) sheriff's receipts/expenses budget and deputies salary maximum for 2016
- I. Old Business
 - 1. timeclocks
- J. New Business
 - 1. Ordinance 3 (2016series) second reading and adoption
 - 2. Review and Approval of Expenditures, Purchases, Invoices, and Transfers
 - 3. Executive Session – personnel [KRS61.810(1)(b) and 61.815]
- K. Adjournment

SPENCER COUNTY FISCAL COURT
MONDAY, FEBRUARY 1, 2016
9:00 AM
FISCAL COURT MEETING ROOM
28 EAST MAIN STREET
MINUTES

A. OPENING PRAYER

Esq. Judd led the Court in prayer before the call to order

B. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG AND THE KENTUCKY FLAG

C. CALL TO ORDER BY THE COUNTY JUDGE EXECUTIVE, JOHN RILEY

D. ROLL CALL BY SPENCER COUNTY CLERK, LYNN HESSELBROCK- ALL PRESENT

E. APPROVAL OF MINUTES FROM THE JANUARY 19, 2016 FISCAL COURT MEETING

On the motion of Esq. Judd, seconded by Esq. Williams, with all members of the Court present voting 'aye', it is hereby ordered to approve the minutes from the January 19, 2016 Fiscal Court meeting with any corrections being made.

F. COMMUNICATIONS FROM CITIZENS*3 MINUTE LIMIT*****

1. Mr. Jerry Eye came before the Court to state that there were needs in the County that needed to be addressed such as a sweeper to sweep up cinders on the roads after being spread by the Road Department prior to the snow storm. He also said that he had known the previous six Sheriffs dating back to 1962, he said that they were all good men, and were able to do a good job with the resources they had. He said he also knew Buddy Stump, and that he was a good man but that the current Sheriff apparently could not do the job with the resources he had. He went on to say that he didn't think seeing the blue lights of law enforcement vehicles was a good thing, rather he saw it as indicating trouble, and the lights might be a deterrent for businesses wanting to move to the County. Mr. Eye went on to say that he was speaking for himself, but that if there was any extra money floating around, they would like sewers in Elk Creek, and they wanted them pretty bad. He said that they pay a lot of taxes in Elk Creek, and if there was any extra money, he said he believed they deserved sewers. He said that there was a sewer board at one time, but that they had never met.

2. Charlene Graves came before the Court to state that the County Road Department was spending so much time on repairing their equipment that they could not be out plowing the streets. She said that 18 hours after the snow had stopped she did not see any County Road Department trucks out plowing. She said that the County needed to be prepared for snow emergencies. She also said the Road Department employees did not get paid enough.

G. COMMUNICATIONS FROM COUNTY JUDGE EXECUTIVE

1. Multi-Purpose Community Action Agency letter of request.

The Judge explained that the County had budgeted \$30,000.00 in aid to support the Multi-Purpose Community Action Agency. The County had already released \$10,000.00 to the Agency and now they were requesting an additional \$10,000.00 to be released.

- On the motion of Esq. Judd, seconded by Esq. Williams, with all members of the Court present voting 'aye', it is hereby ordered to approve the release of \$10,000.00 to the Multi-Purpose Community Action Agency.

Ms. Annelle Waterfill Hoene was present in the audience and Esq. Judd asked the County Judge to ask her to speak on behalf of the Multi-Purpose Community Action Agency and the programs they provide to the seniors in the community. Ms. Hoene came before the Court and stated that she was fairly new to the Board, but that the Multi-Purpose Community Action Agency provided senior citizens, disabled citizens and some mentally challenged people with meals and activities. She said the Center was staffed with some good personnel and also stated that the MPCA Board consisted of people from Bullitt, Shelby and Spencer Counties and that the County Judges from each county sat on the Board. She said the center was clean and that volunteers took meals out to people who couldn't get out to get meals. She said that the County should be proud of the MPCA.



Multi-Purpose Community Action Agency, Inc.

Administration and Family Service Center Offices
140 Stonecrest, Suite 100 • P.O. Box 305
Shelbyville, KY 40066-0305
Phone (502) 633-7162 • FAX (502) 633-7254

January 26, 2016

Honorable John Riley
Spencer County Judge Executive
P.O. Box 397
Taylorsville KY 40071

Dear Judge Riley and Fiscal Court Members:

Thank you very much for your commitment to Multi-Purpose Community Action Agency and our mission and especially for your support of our programs. Without the financial assistance from our fiscal courts and volunteers we could not provide the needed services to our clients.

On behalf of the Board of Directors of Multi-Purpose, I am requesting \$10,000 to help us serve senior citizens in Spencer County. We are very grateful for the support. It has certainly helped us provide programming beneficial to our senior citizens.

Thank you in advance for the allocation and for all you do for the people of Spencer County.

Sincerely,

Kim Embrey-Hill
Executive Director

2. The Judge mentioned that a prominent leader in the community, Mr. Jack Bennet had passed. He offered his condolences to the family.
3. The Judge stated that he had issued a declaration of emergency for all non-essential offices. All non - essential offices were closed. This was unpaid leave. The snowstorm did not turn out to be as bad as predicted.



JOHN RILEY
SPENCER COUNTY JUDGE EXECUTIVE

Spencer County "A Great Place to Live, Work and Play"
P.O. Box 397 – Taylorsville, KY 40071 – (502) 477-3205
www.spencercountyky.gov



January 22, 2016

Declaration of Emergency

After personal observation of the increasingly dangerous road conditions and the forecast of continuing and prolonged winter snow storm activity expected throughout the afternoon today and evening with heavy accumulations of snow, I am formally declaring a weather related "State of Emergency" for Spencer County until normal and safe driving conditions are restored.

All travel on county and state roads in Spencer County may be restricted to vital and emergency use only to allow for the safe recovery from this dangerous winter storm.

This declaration is effective immediately at 1 PM on this Friday, January 22, 2016.

So ordered under authority of County Judge Executive,

John Riley

4. The Judge mentioned an accident on Friday night in which a Shelby County Officer, Toby Lewis, was on his way home from work and came upon a vehicle in a creek with a young lady trapped inside. Due to the efforts of all the first responders, the girl was flown to U of L Hospital and would be alright. The Judge praised the efforts of all the responding agencies on their efforts to rescue this young lady.
5. The Judge mentioned the County Judge Executive Conference to be held in Lexington on February 3rd, 4th and 5th. Several of the Magistrates were going to attend.
6. The Judge mentioned an article in the Spencer Magnet's January 20th issue about a new business in town. The name of the business was Home Goods and Hardware LLC.
7. The Judge stated the need for a new printer/ fax/scanner for the Planning and Zoning Office. The Judge said he recommended the HP Laser Jet Pro 400 Color MFP M475dw Wireless Laser Printer, Copy/Fax/Scan model for \$937.86. He said that this was the same machine used in his office as well as EMS's office. He said it made sense to use the same machine so that they could use the same ink cartridges. He was seeking authorization to purchase the machine for the Planning and Zoning Office.

- On the motion of Esq. Williams, seconded by Esq. Goodlett, with all members of the Court present voting 'aye', it is hereby ordered to authorize up to \$1000.00 for the purchase of a new printer/ scanner/ fax machine for the Planning and Zoning Office.

8. The Judge stated that he was seeking authorization to pay \$750.00 for the County Attorneys' Association dues.

- On the motion of Esq. Bayers, seconded by Esq. Judd, with all members of the Court present voting 'aye', it is hereby ordered to authorize payment of the County Attorney Association dues of \$750.00

H. COMMUNICATIONS/REPORTS FROM MEMBERS, OTHER OFFICES, AND COMMITTEES.

1. Mr. Chris Limpp, Director of EMA/EMS came before the Court to ask that the Court give the Judge authorization to approve the purchase of necessary medical supplies in between Court meetings in an emergency. Currently the EMS/EMA Director was working under a \$200.00 per purchase restriction in the supplies he could purchase.

- On the motion of Esq. Goodlett, seconded by Esq. Judd, with all members of the Court present voting 'aye', it is hereby ordered to authorize the Judge to permit the purchase of EMS supplies in excess of the \$200.00 per purchase limit for medical supplies.

2. Mr. Limpp had a second request of the Court. He asked the Court to look at the present rate schedule for EMS runs. He stated that EMS had not raised rates since January of 2008, and they were being reimbursed less.

3. Mr. Limpp asked the Court to put together an equipment committee to look at the purchase of a new ambulance, since they were having numerous problems with 2 of the current ambulances in use.

4. Solid Waste report
Esq. Judd had nothing to report.

5. Veterans committee recommendation.
Esq. Judd stated that he had provided the minutes from the last committee meeting. They were trying to set out a procedure to purchase the name plaques that went on the War Memorial. They were also seeking approval for the Deputy Judge Executive to be the person to collect the money for the plaques and maintain the accountability for the plaques. He stated that the committee had no need to be counting money. The Judge asked if this was outside the General Fund, and Esq. Judd replied it was. The Judge replied he was not sure how the Auditors would respond to this idea. Esq. Judd said that there were several people inquiring about the plaques. He went on to say the local VFW used to take care of this, but they were no longer in existence. Discussion continued. Ms. Annelle Waterfill Hoene stated that the VFW used to handle the purchase and hanging of the plaques, but they were no longer around to do this. The Judge asked if there was the possibility of the VFW being revived and Ms. Hoene stated 'no'. She then went on to say that somebody needed to take responsibility for getting those if they want their names on the Memorial Wall. She said she thought it would be great if Fiscal Court took it over. Discussion ensued and the Judge said that he would look into the matter. Minutes of the Veterans Memorial Committee meeting follow.

Veterans Memorial Committee Minutes
 Spencer County Fiscal Court Building
 Taylorsville, Kentucky
 21 January 2016

FACILITATOR: Squire Hobert Judd.

INVITEES: None.

CALL TO ORDER: Squire Hobert Judd @ 3:00 P.M.

ROLL CALL: Jack Burns, Sq. Hobert Judd, DJ Atkinson-Fee.

APPROVAL OF NOVEMBER'S MINUTES: Motion by Jack Burns. Seconded by Sq. Hobert Judd. Approved.

NEW BUSINESS: Recommendation to Spencer County Fiscal Court concerning the Veterans Wall of Honor located near the veterans memorial in downtown Taylorsville.

Funds for the upkeep/replacement of flags, nameplates, etc. can be obtained by the sale of nameplates to honor any veteran of the United States military.

Nameplate cost will be \$50.00 each. The surplus from each sale will be approximately \$36.

Crown Trophy, Louisville, provided the nameplates for the now closed VFW post and will continue to provide the nameplates at a cost of \$14 each.

The application form will be available at local businesses and also the Spencer County Deputy Judge Executive's Office.

Completed application form and payment will be managed by the Spencer County Deputy Judge Executive Office.

The Spencer County Deputy Judge Executive's Office will notify an assigned member of Veterans Memorial Committee for review of order before processing to Crown Trophy.

Upon receipt of nameplate the Spencer County Deputy Judge Executive's office will forward to Spencer County Parks Department for placement on the Veterans Wall of Honor.

MEETING ADJOURNED: 4:04 P.M.

Recorded by D.J. Atkinson-Fee.

6. Zoning
 - a) Readings and recommendations
There were none.
7. Sheriff's Office
 - a) Ammunition
The Sheriff requested that the \$4,000.00 that was budgeted be released to spend on ammunition.
 - On the motion of Esq. Bayers, seconded by Esq. Williams, with all members of the Court present voting 'aye', it is hereby ordered to approve the purchase of up to \$4,000.00 for ammunition for the Sheriff's Department.
 - b) Sheriff's receipts/expenses and deputies salary cap for 2016.

It was noted that the Sheriff's receipts/expenses for 2016 had already been approved at the previous meeting. The Judge looked around the table and said he did not think that there was a change in anyone's opinion, so he went on to the next agenda item.

I. OLD BUSINESS

1. Timeclocks.

The Judge said that at the last Fiscal Court meeting the Court voted to purchase timeclocks up to a limit of \$2500.00. He said that he didn't think enough study had been done on the timeclocks. He went on to say that there were concerns with the installation and interface with the current payroll software. The Judge said that the timeclock installation might be more difficult than previously thought. Mr. Melvin Gore, the K-9 officer came before the Court. The Judge said that Mr. Gore had experience with the installation of timeclocks. Mr. Gore said that he had installed the timeclocks for the City. He thought that the system that was voted on to be used in Spencer County might require a consultant to help with the installation and interface with the payroll software. He said that he did not think the timeclocks would work. Discussion continued with Ms. Hoene stating that with such a small county such as we have, she didn't think such a sophisticated timeclock system was necessary. She said that the county needed to watch the money and develop a contingency plan for emergencies. She said that the County needed to live within its' means. Esq. Bayers said that he would talk with the manufacturer to make sure the timeclocks could be installed and would interface with the County's payroll software program. Esq. Williams said that timeclocks are used everywhere across the state and country and he didn't know why they wouldn't work here. This item will be brought back at the next meeting.

J. NEW BUSINESS

1. Ordinance #3 (2016 series) second reading and adoption.

PUBLIC NOTICE

Notice is hereby given that on February 1, 2016 at approx 9:00am in the Spencer County Fiscal Court meeting room, 28 East Main St, Taylorsville KY, the Court will consider for second reading and adoption **Ordinance No. 3 (2016 Series) to Regulate the Sale of Alcoholic Beverages and Otherwise Providing Provisions for Alcoholic Beverage Control Within Spencer County.**

Ordinance Summary:

- Section 1.01 Title
- Section 1.02 Purpose
- Section 1.03 Definitions
- Section 1.04 Scope
- Section 1.05 Adopton of State Law
- Section 1.06 Licenses Generally
- Section 1.07 License Fees
- Section 1.08 Certain Special Licenses Defined
- Section 1.09 Expiration of License; Proration of Fees
- Section 1.10 Payment of License Fees; Delinquency
- Section 1.11 Refund of Fees
- Section 1.12 Regulatory License Fee
- Section 1.13 Disposition of Fees
- Section 1.14 Established; Duties
- Section 1.15 Advertisement
- Section 1.16 Application Fee
- Section 1.17 Form of Application
- Section 1.18 Other Conditions
- Section 1.19 Form of License
- Section 1.20 Change of Information
- Section 1.21 Renewal of License
- Section 1.22 Lost of Destroyed License
- Section 1.23 Revocation or Suspension
- Section 1.24 Proceedings for Revocation or Suspension of License, Notice and Opportunity to Contest; Appeal; Effect of Revocation or Suspension
- Section 1.25 Transfer or Assignment
- Section 1.26 Refusal of License, Guidelines for Approval of Quota Licenses
- Section 1.27 Review of License; Books, Records and Reports
- Section 1.28 Dormancy
- Section 1.29 Hours for Sale and Delivery
- Section 1.30 Conditions, Prohibitions and Restrictions
- Section 1.31 Possession by Minors Prohibited; No Person Shall Aid Possession by Minors
- Section 1.32 Consumption on Licensed Package Premises Prohibited; Congregating on Certain ABC Licensed Premises and Vacant Premises Prohibited
- Section 1.33 Malt Beverage Keg Registration
- Section 1.34 Enforcement
- Section 1.35 Mandatory Responsible Beverage Service Training
- Section 1.36 Signs and Advertising
- Section 1.37 Patio and Outdoor Sales
- Section 1.38 Conflicts, Severability, Record of Proceedings and Appeal
- Section 1.39 Penalties

Copies of the proposed ordinance in full text are available for public inspection at the Office of the County Judge Executive, 12 W Main St, Taylorsville KY during normal business hours.

For advertisement in The Spencer Magnet on January 20, 2016 only.

Spencer
County
Ordinance No. 3
Fiscal Year 2016 Series

AN ORDINANCE REGULATING THE SALE AND CONSUMPTION OF ALCOHOLIC
BEVERAGES IN SPENCER COUNTY, KENTUCKY

WHEREAS, pursuant to an election held on October, 2009, a majority of the voters of Spencer County, Kentucky were in favor of said County going "wet" and permitting alcohol sales;

WHEREAS, the Fiscal Court of Spencer County, Kentucky deems it necessary to regulate the sales of alcoholic beverages within its boundaries;

NOW THEREFORE, Be it Ordained by the Fiscal Court of Spencer County, Kentucky, hereby rescinds, repeals, and revokes Spencer County Ordinance No. 1, Fiscal Year 2014 Series, and as follows:

Section 1.01 TITLE

This ordinance shall be numbered as Spencer County Ordinance No3, Fiscal Year 2016 Series and shall be cited and known as the "Alcoholic Beverage Control Ordinance" of Spencer County, Kentucky.

Section 1.02 PURPOSE.

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage manufacture and sales pursuant to authorization of KRS 241 through 244.

Section 1.03 DEFINITIONS.

The definitions of the words used throughout this Ordinance, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control law (KRS Chapters 241,242,243 and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

Section 1.04 SCOPE.

This Ordinance shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this Ordinance shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinance or ordinances of the County or of any statutes of the state relating to violations pertaining to alcoholic beverages.

1.05 ADOPTION OF STATE LAW

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241,242,243 and 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

**LICENSES; LICENSE FEES; REGULATORY LICENSE FEE; EXPIRATION OF
LICENSE**

1.06 LICENSES GENERALLY.

For the privilege of causing, permitting and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the County and pursuant to the authority of KRS 243.060, there is hereby established a corresponding County license for each of the state licenses described in KRS 243.060. The fee for each County license shall be as set out in the following schedule, and may be amended from time-to-time as authorized by law.

1.07 LICENSE FEES.

Only those licenses set out in this subchapter shall be issued.

Distilled spirit licenses as set forth in KRS 243.030:	
Distiller's license, per annum	\$500.00
Rectifier's license, per annum	\$3000.00
Wholesaler's distilled spirits and wine license, per annum	\$3000.00
Quota retail package license, per annum	\$1000.00
Quota retail drink license per annum	N/A
Special temporary license, per event	\$50.00
Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	N/A
Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$1000.00
Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$300.00
Distilled spirits and wine special temporary auction license, per event	\$200.00

Special Sunday retail drink license, per annum	\$300.00
Caterer's license, per annum	\$800.00
Bottling house or bottling house storage license, per annum	\$1000.00

Brewer's license, per annum	\$500.00
Microbrewery license, per annum	\$500.00
Malt beverage distributor's license, per annum	\$400.00
Nonquota retail malt beverage package license, per annum	\$400.00
Nonquota type 4 retail malt beverage drink license; per annum	\$400.00
Malt beverage brew on premises license, per annum	\$400.00
Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum	\$1400.00
Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum	\$1400.00

The holder of a Nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of \$50. The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of \$50. Any amount paid to any city within the County as a license fee for the same privilege for the same year may be credited against the County license fee.

1.08 CERTAIN SPECIAL LICENSES DEFINED.

(A) Special temporary licenses. A special temporary license may be issued only as set out in KRS 243.260. This license shall authorize the licensee to exercise the privileges of a quota retail

drink license and an NQ4 retail malt beverage licensee at designated premises for a specified and limited time, not to exceed 30 days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply also to a special temporary licensee.

(B) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed ten days. The temporary license may be issued in conjunction with any public or private event including but not limited to weddings, receptions, reunions, or similar occasions.

(C) All restrictions and prohibitions applying to regular retail drink distilled spirits and wine licenses and retail malt beverage licenses shall apply to the special licenses, unless otherwise provided by law.

(D) The Spencer County Fiscal Court, pursuant to KRS 243.072, finds that an economic hardship exists, due to the extensive opportunities presented to our County as a lake community, and that it would aid economic growth and provide business opportunities if distilled spirit and wine sales by the drink were available as part of a special event license.

(E) Pursuant to 243.260, a special temporary license for a qualifying event shall not be issued unless the purported licensee can demonstrate to the County ABC Administrator that adequate safeguards will be in place to prevent persons who are under the age of 21 from purchasing or consuming alcoholic beverages and that adequate security will be present to prevent unruly or disruptive behavior.

(F) (1) A "Nonquota type 2" or "NQ2" retail drink license may be issued to:

(a) A hotel that:

1. Contains at least 50 sleeping units;
2. Contains dining facilities for at least 50 persons; and
3. Receives from its total food and beverage sales at least 50% of its gross receipts from the sale of food;

A restaurant with a minimum seating for 50 consumers at tables;

(b) An airport; or

(c) A riverboat.

(2) A qualifying hotel, restaurant with seating for at least 50 consumers at tables, airport, or riverboat holding an NQ2 retail drink license may purchase, receive, possess, and sell distilled spirits, wine and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits, wine, or malt beverages only from licensed wholesalers or distributors. An NQ2 retail drink license shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package. The holder of an NQ2 retail drink license shall comply with the requirements of KRS 243.250.

(3) A restaurant, including a restaurant located within a hotel, holding an NQ2 retail drink license shall be required to establish during the license year that the gross receipts from the sale of food at said restaurants was equal to or greater than 50% of the total gross sales receipts of alcohol and food combined.

(G) A "Nonquota type 3" or "NQ3" retail drink license may be issued to:

- (1) A private club in existence for longer than one year prior to the license application; or
- (2) A dining car.

(H) A "Nonquota type 4" or "NQ4" retail drink license may be issued to the holder of a quota retail drink license, microbrewery license, small farm winery license, or any other business wishing to sell malt beverages by the drink for consumption on the premises only.

(I) Special License required for Sunday sales.

1.09 EXPIRATION OF LICENSE; PRORATION OF FEES.

All County licenses shall begin on February 1st of any year and shall expire on January 31st of the following year. Any licenses issued after February 1st of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period; however, the cost of any license shall not be less than one-half (1/2) the amount of the full fee for an annual license of that type.

1.10 PAYMENT OF LICENSE FEES; DELINQUENCY.

No licensee shall enter into or begin operating any business for which a license is required by this Ordinance until the license fee has been paid in full. The fee for renewal of any license shall be paid with the renewal application. Failure to pay any license fee within ten (10) days after it becomes due shall result in a penalty equal to ten percent (10%) of the license fee. Any licensee failing to pay the fees, including penalties, within ten (10) days after such fees are due may be subject to revocation of the license and to other penalties as provided by law.

1.11 REFUND OF FEES.

(A) Should any licensee under this Ordinance be prohibited from conducting the licensed business for the full period covered by the license because of any changes that may hereafter be made in the laws of the commonwealth with reference to alcoholic beverages or other cause outside licensee's control, then the County shall refund to licensee the proportionate part of the license fee for the period during which licensee is prevented from carrying on said business if the licensee provides sufficient proof to the County ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee, or an agent or employee of the licensee.

(B) In the event a violation of this Ordinance occurs that results in the suspension or revocation of the license, the County shall not be required to refund any portion of the license fee.

1.12 DISPOSITION OF FEES.

The County shall transmit any fees received upon collection into the appropriate designated account.

OFFICE OF THE COUNTY ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATOR

1.13 ESTABLISHED DUTIES

- (A) Pursuant to KRS 241.110, there is hereby created the office of County Alcoholic Beverage Administrator.
- (B) The Spencer County Judge Executive shall serve as the County Alcoholic Beverage Control Administrator (hereinafter referred to as County ABC Administrator), unless the Spencer County Judge Executive shall appoint someone else to fill the position pursuant to KRS 241.110.
- (C) The Spencer County Judge Executive may from to time appoint such additional personnel as is necessary to assist the County ABC Administrator in the administration of this Ordinance.
- (D) The salary for the office of County ABC Administrator, if any, together with the salaries of any other personnel assisting the County ABC Administrator, shall be fixed from time to time by the Spencer County Fiscal Court.
- (E) The functions of the County ABC Administrator shall be the same with respect to the County licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky (hereinafter referred to as ABC Board) with respect to state licenses and regulations, except that no amendment to these regulations proposed by the County ABC Administrator may be less stringent than the statutes relating to Alcoholic Beverage Control, or than regulations of the ABC Board. No regulation of the County ABC Administrator shall become effective until the Spencer County Fiscal Court has first appropriately approved it.
- (F) No person shall be a County ABC Administrator, an investigator or an employee of the County under the supervision of the County ABC Administrator, who would be disqualified to be a member of the ABC Board under KRS 241.100.
- (G) The County ABC Administrator shall have all authority as authorized under KRS 241 through 244. The County ABC Administrator, and the County ABC Administrator's investigators may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.
- (H) Should the County ABC Administrator at any time have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation, LLC or other business organization, has a criminal record, he or she shall have the authority to require such person to appear in person at the Spencer County Sheriff's Office for the purpose of having his or her fingerprints taken. Costs of fingerprinting shall be borne by the County.
- (I) The County ABC Administrator before entering upon his or her duties as such, shall take the oath as prescribed in Section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than one thousand dollars (\$1,000.00). The County ABC Administrator may require any employee under the County ABC Administrator's supervision to execute a similar bond in such penal sum as the County ABC Administrator deems necessary. The costs of any such bonds shall be borne by the County.

(J) Unless other appeal procedures are set forth herein, appeals from the orders of the County ABC Administrator may be taken to the state ABC Board by filing with the Board within thirty (30) days a certified copy of the orders of the County ABC Administrator. The Board shall hear matters at issue as upon an original proceeding. Appeals from orders of the County ABC Administrator shall be governed by KRS Chapter 13B.

(K) When any decision of the County ABC Administrator shall have been appealed, or when a protest has been lodged against an application for any license within the County, and the ABC Board shall have made a decision regarding such appeal or protested application, the County ABC Administrator, upon receipt of notice of finality of the decision, shall enter such orders and take such action as required by the final order of the ABC Board. As provided by law, and as used herein, no order of the ABC Board is final until all appeals or appeal times shall have been exhausted. A "final order" of the ABC Board is the order entered by said Board, unless an appeal is taken from the Board's order, in which case the "final order" is the order entered by the Board upon direction from the reviewing court of last resort in the final order of said reviewing court.

APPLICATION FOR LICENSE; MAINTENANCE OF LICENSE

1.14 ADVERTISEMENT

(A) Before an application for a license shall be considered, the applicant must publish a notice of its intent to apply for an alcoholic beverage license in a newspaper meeting the requirements of KRS Chapter 424 and Chapter 243.

(B) The advertisement shall state the name and address of the applicant. It shall state the members of the partnership if the applicant is a partnership, and membership of the LLC if the applicant is an LLC, as well as the name of the business and its address. If the applicant is a corporation, the advertisement shall state the names and addresses of the principal officers and directors of the corporation, as well as the name and address of the corporation itself. All advertisements shall state the location of the premises for which the license is sought, and the type of license for which application is made. The notice shall state the date the application will be filed and shall contain the following statement: "Any person, association, corporation, or body politic may protest the granting of the license by writing to County ABC Administrator, P.O. Box 397, Taylorsville, Kentucky 40071, within thirty (30) days of the date of legal publication." Any protest received after the thirty (30) day period has expired shall not be considered a valid legal protest by the County.

(C) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.

1.15 APPLICATION FEE

A nonrefundable application fee of \$50.00 shall be paid with the filing of the application for a County license. If the license is granted, the application fee shall be credited against the initial license fee.

1.16 FORM OF APPLICATION

(A) All licenses granted under this Ordinance shall be approved by the County ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the ABC Board and the Spencer County Fiscal Court, as amended and supplemented from time to time.

(B) The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes, the ABC Board and the County, including as follows:

- (1) Name and address;
- (2) Nature of interest;
- (3) Whether or not a citizen of the United States;
- (4) Date of birth and Social Security Number;
- (5) Date residence was established in Kentucky, if a resident of Kentucky. If Spencer County resident, indicate when residence was established;
- (6) Whether or not he or she has any interest in any other license or LLC, corporation, partnership or other business organization holding a license under this ordinance;
- (7) Extent of stock or company ownership;
- (8) Whether or not he or she has any interest in any license or LLC, corporation, partnership or other business organization holding a license in any other state or province.
- (9) If the applicant is a partnership, corporation, limited partnership company, or limited liability company, the name, age, Social Security number, address, and residence of each officer, director, member, partner, and managerial employee and the citizenship of each, and the state under the laws of which the corporate applicant is incorporated or organized. The County may require the names of all the stockholders and the percentage of stock held by each;
- (10) The premises to be licensed, stating the street and number, if the premises has a street number, and otherwise such a description that will reasonably indicate the location of the premises;
- (11) A statement that neither the applicant nor any other person referred to in this section has been convicted of; any misdemeanor directly or indirectly attributable to alcoholic beverages; any violation of KRS 218A.050, 218A.060, 218A.070, 218A.080, 218A.090, 218A.100, 218A.110, 218A.120, or 218A.130 within the two (2) years immediately preceding the application; any felony, within five (5) years from the later of the date of parole or the date of conviction; or providing false information to the department preceding the application; and that the applicant or any other person referred to in this section has not had any license that has been issued to him under any alcoholic beverage statute revoked for cause within two (2) years prior to the date of the application; and
- (12) A statement that the applicant will in good faith abide by every state and local statute, regulation, and ordinance relating to the manufacture, sale, use of, and trafficking in alcoholic beverages.
- (13) If, after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement in writing giving notice of the change shall be filed with the County ABC Administrator within ten (10) days after the change.

(14) In giving any notice or taking any action in reference to a license, the County ABC Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licensee or applicant, shall be conclusively presumed to be correct. The information required to be furnished in the application or supplemental statement shall be deemed material in any prosecution for perjury.

(C) Each application shall be accompanied by a certified check, cash or a postal or express money order for the amount of the license fee, less the \$50.00 application fee.

(D) In addition to the above specified information, the applicant shall file with the application responses to any additional questions as may be posed or prescribed by the County ABC Administrator. The Spencer County Fiscal Court has adopted a statement of guidelines and priorities for the issuance of licenses and, in order to determine the extent to which applications may further or impede the objectives of those guidelines, the Spencer County Fiscal Court may, by order, adopt a questionnaire to be submitted to applicants for licenses. Upon adoption of the questionnaire, it shall become a part of the application process. The initial questionnaire adopted by the Spencer County Fiscal Court is a part of this Ordinance and is incorporated in the ordinance codified herein as Exhibit 4.4.3 A. The questionnaire may be altered, expanded, supplemented or replaced by order of the Spencer County Fiscal Court hereafter. In addition to the information contained in the application and any County-ordered questionnaire, the County ABC Administrator may require such other information as the County ABC Administrator may in his/her discretion deem desirable, reasonable or appropriate to the consideration of the application.

1.17 OTHER CONDITIONS.

In addition to any other inquiries, conditions or considerations required or permitted by law:

(A) The County ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until the applicant and his place of business shall have been approved by the Spencer County Building Inspector and any and all other inspections as may be required by the Kentucky Building Code or the state fire code.

(B) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the County ABC Administrator; and

(C) No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the County at the time of issuing the license, nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes, bills, or fees due the County. Further, if a licensee becomes delinquent in the payment of any taxes, bills, or any fees due the County at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension.

(D) No person, whether an applicant for license, or a licensee, shall in any manner attempt to bribe, threaten, unduly influence or intimidate the County ABC Administrator, or any member of his or her staff, or any State ABC Administrator or staff, in any matter in which an application or proposed application for license, or procedure for revocation or suspension is pending before such officer. This section is not intended to stifle expressions of opinion; however, it is intended

to make clear that the County and State ABC Administrators are public officials charged with the administration and enforcement of the law, both local and state. Any person applying for a license, or contesting the revocation or suspension of a license, who engages in attempted bribes, threats, attempted undue influence or intimidation of a County or State ABC Administrator or staff shall be disqualified from receiving or retaining a license, in addition to other penalties as provided by law. The procedures for appeals shall apply to disqualifications, revocations or suspensions under this section. This section shall not be interpreted to prohibit monetary settlements in lieu of revocation or suspension of license after a final order or revocation or suspension, where the ordinance and applicable statutes allow for such payments in settlement.

L18 FORM OF LICENSE

All County licenses shall be in such form as may be prescribed by the Spencer County Fiscal Court and shall contain:

- (A) The name and address of the licensee;
- (B) The number of the license;
- (C) The type of license;
- (D) A description by street and number, or otherwise, of the licensed premises;
- (E) The name and address of the owner of the building in which the licensed premises are located;
- (F) The expiration date of the license;
- (G) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.
- (H) Each kind of license shall be printed so as to be readily distinguishable from the other kinds.

L19 CHANGE OF INFORMATION

- (A) If after a license to individuals or to a sole proprietor has been issued, there is a change in any fact required to be set forth in the application, a verified amendment in writing giving notice of the change shall be filed with the County ABC Administrator within ten (10) days of the change.
- (B) Since licenses issued by the County may be in the name of corporations or other business organizations, it is necessary that ownership changes in such organizations be reported to the County ABC Administrator. The County ABC Administrator can, therefore, investigate the person to whom the ownership or management is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.
- (I) As used with regard to a partnership, corporation, LLC or other business organization herein, the word "change" is construed to include any change in managers, partners or LLC members, directors or officers of the corporation, or change in ownership or stock whereby any

person secures ten percent (10%) of the outstanding ownership or stock. Transfer of more than ten percent (10%) of the total ownership or stock shall require a new license.

(2) The following information will be required concerning any new manager, partner or LLC member, new director, officer, or person securing any interest in alcoholic beverage license:

- (a) Name and address;
- (b) Nature of interest;
- (c) Whether or not a citizen of the United States;
- (d) Date of birth and Social Security Number;
- (e) Date residence was established in Kentucky, if a resident of Kentucky. If a Spencer County resident, indicate when residence was established;
- (f) Whether or not he or she has any interest in any other license or in any LLC, corporation, partnership or other business organization holding a license under this act;
- (g) Extent of stock or company ownership;
- (h) Whether or not he or she has any interest in any license or in any LLC, corporation, partnership or other business organization holding a license in any other state or province.

(3) This information shall be filed with the County ABC Administrator as a verified amendment of the application pursuant to which the license was granted. Filing shall be made within ten (10) days of any change of required information.

1.20 RENEWAL OF LICENSE

(A) Every year each licensee shall renew its license. All renewal licenses must be on file with the County ABC Administrator no less than thirty (30) days prior to the expiration of the license for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period as a result of construction, act of God, casualty, death, the acquisition or threatened acquisition of the premises by any federal, state, city or other governmental agency or private organization possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; provided that said licensee shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the County ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the County ABC Administrator, provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

(B) The renewal by the County ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

1.21 LOST OR DESTROYED LICENSE.

When a license shall be lost or destroyed without fault on the part of the licensee or his agent or employee, a duplicate in lieu of the original license shall be issued by the County ABC Administrator after the County ABC Administrator shall have been satisfied as to the facts; provided, however, that the applicant for said duplicate license shall pay a fee often dollars (\$10.00) for the duplicate license.

1.22 REVOCATION OR SUSPENSION.

(A) Any license may be revoked or suspended by the County ABC Administrator if the licensee shall have violated any of the provisions of KRS Chapters 241,242,243 or 244, or any rule or regulation of the ABC Board or of the Department of Revenue relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this Ordinance now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of the County heretofore in existence or authorized by the terms of Kentucky Revised Statutes Chapters 241,242,243 and 244 to be created, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked or suspended for any cause which the County ABC Administrator in the exercise of his or her sound discretion deems sufficient, including, but not limited to, acts of moral turpitude.

(B) A license may be revoked for any of the reasons for which the County ABC Administrator would have been required to refuse a license if the facts had been known.

(C) In addition to the foregoing stated causes, any license may be revoked or suspended for the following causes:

- (1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
- (2) Making any false, material statements in an application for a license.
- (3) If within a period of two (2) consecutive years, any licensee or any clerk, servant, agent or employee of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241,242,243 or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if within such period, any licensee or any clerk, servant, agent or employee of the license shall have twice been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of any felony of any type.
- (4) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, this Ordinance or acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.
- (5) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept,

or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

1.23 PROCEEDINGS FOR REVOCATION OR SUSPENSION OF LICENSE; NOTICE AND OPPORTUNITY TO CONTEST; APPEAL; EFFECT OF REVOCATION OR SUSPENSION.

(A) Upon the verified complaint of any person, or on the initiative of any certified peace officer or of the County ABC Administrator, the County ABC Administrator may institute proceedings to revoke or suspend any license granted under this Ordinance. A license may be revoked or suspended only after the licensee shall have been given written notice, by certified or registered mail, of the proposed revocation, including notice of the reasons for such proposed action. The licensee shall be given opportunity to be heard in opposition to the proposed revocation or suspension. The notice of proposed action shall advise the licensee of the date, time and place of the hearing. Notice shall be sufficient if mailed to the licensee at the address shown in the last application for a license or in the last statement supplemental to or in amendment of the application, whether or not the mailing is receipted for or claimed. Failure of the licensee to attend the date of the hearing, unless good cause is shown or a continuance is granted, shall conclude the matter.

(B) The hearing shall be conducted before the Spencer County Fiscal Court and shall be informal. The licensee may present evidence and the Spencer County Judge Executive is authorized to swear witnesses. Counsel for the licensee is permitted to attend. In conducting the hearing, the Spencer County Fiscal Court shall be limited to determining whether or not the County ABC Administrator abused his or her discretion in deciding upon the action to be taken. The Spencer County Fiscal Court may affirm, modify, or reverse the action taken by the County ABC Administrator, at which time the licensee may seek further appeal under KRS 243.550.

(C) Within three (3) days after any order of revocation or suspension of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his license to the County ABC Administrator. If the revoked or suspended license is not forthwith surrendered by the licensee, the Spencer County Sheriff or a deputy thereof, at the request of the County ABC Administrator shall immediately cause one of his officers to take physical possession of the license and return it to the County ABC Administrator.

(D) When a license has been revoked or suspended, the former licensee may, with prior approval of the County ABC Administrator, dispose of and transfer his stock of alcoholic beverages to an appropriate entity.

(E) Appeal from the decision of the Spencer County Fiscal Court affirming the County ABC Administrator revoking or suspending a license shall be to the ABC Board. The timely filing of an appeal shall stay further proceedings for revocation.

(F) If a license is revoked or suspended by an order of the County ABC Administrator, and the decision is not appealed, the licensee shall at once suspend all operations authorized under his or her license. Upon the entry of a final order of the ABC Board sustaining or ordering

revocation or suspension on appeal, the licensee shall at once suspend all operations authorized under this license.

1.24 TRANSFER OR ASSIGNMENT.

No license issued under this Ordinance shall be transferred or assigned either as to licensee or location except with prior approval of the County ABC Administrator and not then until a payment of one hundred dollars (\$100.00) shall be made to the County.

- (1) For purpose of this section, "transfer" means:
 - (a) The transfer to a new person or entity often percent (10%) or more ownership interest in any license issued under KRS 243.020 to 243.670; or
 - (b) The transfer in bulk, and not in the ordinary course of business, of a major part of the fixtures, materials, supplies, merchandise, or other inventory of a licensee's business.
- (2) Any license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall not be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises, unless a transfer or assignment is authorized by the County ABC Administrator in the exercise of his sound discretion. For the purposes of this section, each railroad dining car shall be deemed premises to be separately licensed.
- (3) A licensee shall not acquire or otherwise dispose of any interest in a licensed premises or any license issued by the department, by sale of assets, stock, inventory, control or right of control, or activities on the licensed premises without prior approval of the County ABC Administrator. The County ABC Administrator shall grant approval if the person acquiring the interest meets the qualifications for a new applicant.
- (4) Any acquisition of interest in a license without prior authorization shall be void.
- (5) All applications for approval of a transfer shall be made in writing to the County ABC Administrator.
- (6) Applications for approval of a transfer shall be made under oath or affirmation, shall be signed by both the transferor and the transferee, and shall contain such other information from the transferee as is required for a new applicant for license.
- (7) The notice and publication requirements for a proposed transfer shall be the same as those set forth in Section 10.024.
- (8) No licensee or other person seeking to acquire an interest in an existing license shall transfer control or assume control of any licensed premises by agreement or otherwise without the written consent of the County ABC Administrator.
- (9) A licensee shall not transfer his or her license or any interest in the license while any proceedings against the license or the licensee for a violation of any statute or regulation which may result in the suspension or revocation of the license are pending.

(10) A licensee shall not transfer his or her license or any interest he or she has in the license if the licensee owes a debt on the inventory to a wholesaler responsible for the collection and payment of the tax imposed under KRS 243.884.

(11) A licensee shall not transfer his or her license or any interest in the license if the licensee owes the County for any unpaid license fees or license regulatory fees under this Ordinance.

1.25 REFUSAL OF LICENSE; GUIDELINES FOR APPROVAL OF QUOTA LICENSES.

(A) The County ABC Administrator may refuse to issue or renew a license for any of the following reasons:

(1) Causes for refusal to issue or renew a license and for suspension or revocation of a County license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any County ordinance regarding alcohol beverage licensing, sales or the administration thereof;

(2) If the applicant has done any act for which a revocation of license would be authorized; or

(3) If the applicant has made any false material statement in his or her application.

(B) In the case of quota licenses, before approving an application, the County ABC Administrator is hereby directed to consider, in addition to the factors set out in KRS 243.450, 243.490 and 243.500, and any other factors the County ABC Administrator determines in his or her discretion to be reasonable and pertinent to the license application, the following criteria:

(1) Ownership: The Spencer County Fiscal Court places great value on business owners who are invested in the community.

(2) Economic impact: The Spencer County Fiscal Court desires businesses which make the most positive impact on the community, in number of jobs, payroll, property investment and revenues to the County.

(3) Site of business: The Spencer County Fiscal Court is interested in serving all geographic areas of the County. Therefore, the County does not wish to cluster all licensed ABC outlets in one area.

(4) Aesthetics: The Spencer County Fiscal Court is committed to protecting the character and beauty of our community.

(5) Capital: The Spencer County Fiscal Court values businesses that demonstrate their ability to financially support and sustain their viability. Financial capability of the proposed proprietor is important.

(6) Public support of licensed business in the area: The Spencer County Fiscal Court intends that public sentiment and safety be considered in deciding upon the approval of retail liquor sales licenses in any area of the County.

(C) An applicant who has been refused a license by the County ABC Administrator may appeal the refusal to the ABC Board pursuant to KR 241.200.

1.26 REVIEW OF LICENSE; BOOKS, RECORDS AND REPORTS.

(A) Applicants to whom a license is issued pursuant to this Ordinance shall provide periodic information demonstrating compliance with the conditions of any license, such as, but not limited to, the continuing requirement that a minimum percentage of the applicant's business income is earned from the sale of food. This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly regulatory fee filings. The County shall provide the form schedule to the licensee. The licensee's acceptance of a license to manufacture or traffic in alcoholic beverages shall constitute consent to the filing of the quarterly report. In the case of caterer filing, the quarterly report shall identify each catered event by type of event, date and address of the event, and shall provide a per event breakdown of sales and the ratio of food sales to alcohol sales during the reporting period. This requirement for filing of reports notwithstanding, the County ABC Administrator may at any time come upon the premises of any licensee and examine the books, audio and video recordings and records to determine whether the licensee is in compliance with all parts of this Ordinance. Licensee shall be required to maintain all available video/audio recordings for a minimum of 30 days. In the event the conditions of any license requirement are not met during any particular quarter, the County ABC Administrator shall have discretion in determining whether revocation is appropriate or whether the licensee may be allowed a reasonable period of time to reach compliance. If a good faith effort is demonstrated by the licensee, the County ABC Administrator may apply an accounting period of at least one (1) year in determining whether or not the food sale percentage requirement has been met.

(B) (1) Every licensee under this Ordinance shall keep and maintain upon the licensed premises adequate books and records, including audio and video recordings, of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC Board. Licensee shall be required to maintain all video/audio recordings for a minimum of 30 days. Such books and records shall be available at all reasonable times for inspection by the County ABC Administrator and such County employees who may assist the County ABC Administrator in his or her review.

(2) For the purpose of assisting the County ABC Administrator in enforcement of this Ordinance, every licensee required to report to the ABC Board under KRS 243.850 shall provide a copy of such report to the County ABC Administrator. Copies of any and all reports and correspondences to the ABC Board required by statute shall be furnished to the County ABC Administrator.

1.27 DORMANCY.

(A) It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this section. Realizing that a licensee, like other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in this section.

(B) Any license under which no or substantially no business is transacted during a period of ninety (90) days shall be deemed inactive and, unless the conditions set forth in section (D) below are proved to the satisfaction of the County ABC Administrator, the license shall be surrendered to the County ABC Administrator. If the license is not voluntarily surrendered, it shall be revoked by the County ABC Administrator.

(C) For purposes of the preceding section, "no or substantially no business" means that there were either no alcohol transactions during the ninety (90) day period in question, or by using comparable data, the County ABC Administrator determines in his or her discretion that the license is being underutilized to a significant degree. Comparable data available to the County ABC Administrator may include, but not be limited to, sales data from comparable businesses and past sales data of the licensee in question.

(D) The provisions of section (B) of this section shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Prior to the expiration of ninety (90) days of inactivity, such licensee shall furnish to the County ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business, for any of the specific reasons set forth herein, and the County ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted there within twelve (12) months from the date of notice to the County ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the County ABC Administrator deems appropriate in exercise of his or her sound discretion. The provisions of section (B) of this section shall also not apply to licensees whose business operations are "seasonal" and who may experience extreme downturns in revenue during certain calendar periods such that it is not economically feasible to remain open.

MISCELLANEOUS PROVISIONS

128 HOURS FOR SALE AND DELIVERY.

(A) Unless otherwise set forth specifically herein, a licensee for distilled spirits, wine or malt beverages by the drink shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages by the drink between the hours of 6:00 a.m. until 12:00 (midnight) on Mondays through Saturdays. Sunday sales by the drink shall only be permitted between the hours of 1:00 p.m. until 12:00 (midnight). Notwithstanding the foregoing, sales by the drink on December 31ST, regardless of the day of the week upon which it might fall, may continue until 1:00 a.m. on January 1ST.

(B) Retail package distilled spirits and wine sales and package malt beverage sales shall be permitted from 6:00 a.m. until 12:00 (midnight), each day of the week. If any establishment remains open after midnight, all coolers containing alcoholic beverages must be locked. All distilled spirits and wines not kept in coolers must be locked up. Any displays of malt beverages must have a sign with lettering not less than two inches in heights reading "NO SALES AFTER MIDNIGHT". This sign must be atop every display and in cases where establishments have aisles of malt beverages, a larger sign, with letters not less than four inches in height, must be placed at the entrance and exit of each aisle.

(C) A licensee shall not sell, give away, or deliver any alcoholic beverage or permit any alcoholic beverage to be sold, given away, or delivered on the licensed premises during non-permitted hours for sale and delivery. A licensee shall not permit the consumption of alcoholic beverages on the licensee's premises past 12:00 (midnight).

(D) Alcohol sales at golf courses.

Golf courses located within the County that have a golf course alcohol beverage control license shall be allowed to sell distilled spirits, wine, or malt beverages by the drink between the hours of 6:00 a.m. until 12:00 (midnight) on Mondays through Saturdays. Sunday sales by the drink shall only be permitted between the hours of 1:00 p.m. until 12:00 (midnight). Notwithstanding the foregoing, sales by the drink on December 31st regardless of the day of the week upon which it might fall, may continue until 1:00 a.m. on January 1st.

1.29 CONDITIONS, PROHIBITIONS AND RESTRICTIONS.

(A) No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.

(B) It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus (including an application on a mobile device) on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency. In addition to other penalties provided for the violation of this section, any certified peace officer or the County ABC Administrator, or his or her designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.

(C) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(D) It shall be unlawful for the licensee under this Ordinance who sells alcoholic beverages of any kind to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages nor shall any licensee give away any alcoholic beverage in any quantity for less than a full monetary consideration.

(E) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee sell alcoholic beverages to any person who is actually or apparently under the influence of alcoholic beverages, or known to the seller or server to be an habitual drunkard or any person known to the seller or server to have been convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period. No licensee shall permit any person who is actually or apparently under the influence of alcoholic beverages to remain on the licensed premises. As used herein, whether a person is actually or apparently under the influence of alcoholic beverages shall be determined by the licensee or server with specific reference to the principles and guidelines established in mandatory alcohol server training as to the signs of alcohol intoxication.

(F) The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age. The licensee shall check all identifications to ascertain that every person attempting to purchase or consume alcoholic beverages is at least 21 years of age.

(G) The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:

Persons under the age of twenty-one (21) are subject to criminal prosecution if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(H) The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

(I) The licensee shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects. A person who violates this subsection shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). KRS 243.895.

(J) No wholesaler or distributor shall sell any alcoholic beverages to any person in the County for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. No retail licensee shall sell to a purchaser for any consideration except for cash at time of purchase.

(K) No licensee shall knowingly employ in connection with his or her business any person who:

- (1) Has been convicted of any felony within the last two (2) years;
 - (2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years;
 - (3) Is under the age of twenty (20) years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under state statute;
 - (4) Within two (2) years prior to the date of his or her employment, has had any County license under this Ordinance revoked for cause.
- (L) Licensees shall be prohibited from offering reduced price drink specials (e.g discounts, two-for-one, happy hours) from 6:00 p.m. to closing.

(M) No licensee shall offer or permit nudity, adult entertainment activities, including nude or nearly nude dancing, adult motion picture, television, slide or stage shows, cabarets or sexual entertainment centers on any licensed premise. No licensee shall permit explicit sexual activity, whether actual or simulated, upon any licensed premises. No licensee shall sponsor or permit wet t-shirt or wet clothing contests, lingerie fashion shows, mud wrestling or similar activities, nor shall a licensee allow dancing with touching for compensation (including but not limited to wages, tips or gratuities), or any other service, display or contest requiring physical contact between patrons and/or patrons and employees on any licensed premises. No licensee shall sponsor, offer or permit drinking contests, all-you-can-drink specials or free drinks on any licensed premise in the County.

(N) No license shall be issued for any premises to operate a vehicle "drive-through" outlet for the sale of alcoholic beverages, nor shall any person or licensee operate or permit such a vehicle drive-through outlet. This prohibition shall not apply to a drive-up window at any premises licensed for retail package liquor, wine or malt beverage, including retail beer, where the primary sales area is arranged for and utilized by persons entering the premises on foot and manually carrying out the products purchased therein.

(O) Retail premises shall not be disorderly.

(1) A retail licensee, a patron, or the licensee's agents, servants, or employees shall not cause, suffer, or permit the licensed premises to be disorderly.

(2) Acts which constitute disorderly premises consist of causing, suffering, or permitting patrons, the licensee, or the licensee's servants, agents, or employees to cause public inconvenience, annoyance or alarm or create a risk through:

- (a) Engaging in fighting or in violent, tumultuous, or threatening behavior;
- (b) Making unreasonable noise;
- (c) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire hazard or other emergency;
- (d) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose;

- (e) Creating a public nuisance which is further defined by KRS 241.010(39);
- (f) Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor; or
- (g) Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or local government, or by state administrative regulations, for the licensed premises.

(P) Ideally, no license for quota retail package sales should be issued where the proposed situs of the business is or will be located within five hundred (500) feet of a church, school, or daycare facility, as measured by a straight line from the closest walls of the respective structures. For purposes of this section, "church" shall mean (in addition to its ordinary meaning) a nonresidential structure and premises where religious services are conducted on a regular and continuing basis. "School" shall mean (in addition to its ordinary meaning) a non-residential structure and premises where ten (10) or more students regularly gather for educational purposes. "School" shall not include a vocational training center intended for adults over the age of 18. "Daycare facility" shall mean (in addition to its ordinary meaning) a non-residential structure and premises where ten (10) or more children are cared for during normal daytime working hours while the parents or guardians are at work or are otherwise engaged. Similarly, no license for quota retail package sales should be issued where such a store would materially alter the character of a predominantly residential neighborhood.

(Q) Notwithstanding the foregoing section (P) immediately above, the Spencer County Fiscal Court realizes that a variety of factors might make the five hundred (500) feet barrier inequitable in a particular case and that a certain degree of discretion is necessary when determining the propriety of a proposed situs for a quota retail package store. Among any other relevant factors to consider, in determining whether to issue a quota retail package license where the proposed situs would be located within five hundred (500) feet of a church, school, or daycare, or where the proposed situs might materially alter the character of a predominantly residential neighborhood, the County ABC Administrator is instructed to consider:

1. Public sentiment in the area and the fairness to all affected parties;
2. Number of other alcohol licensees in the area;
3. Potential for future growth;
4. Type of area involved, and whether a quota retail package store would detrimentally affect the character of the neighboring properties and/or the property values;
5. Type of transportation available;
6. Financial potential of the area;
7. Whether or not there exists any natural or artificial sight barriers (trees, treelines, hills, other buildings, extensive shrubbery, etc.) in the area which would provide an adequate visual and/or sound buffer between the situs of the proposed quota retail package store and the church, school, or daycare facility in question.

Any aggrieved party may appeal the decision of the County ABC Administrator to the Spencer County Fiscal Court in accordance with Section 10.033(B).

(R) Violation of this section shall subject the licensee to penalties provided in this Ordinance and shall be cause for revocation of license.

1.30 POSSESSION BY MINORS PROHIBITED; NO PERSON SHALL AID POSSESSION BY MINORS.

(A) Except as specifically authorized under KRS 241 through 244, no person under the age of 21 may possess alcoholic beverages or enter onto any licensed premises for the purpose of acquiring alcoholic beverages.

(B) As provided in KRS 244.085, no person under the age of 21, except in the company of a parent or guardian, may enter any premises licensed for the package sale of alcoholic beverages. For purposes of this prohibition, "premises" specifically encompasses the entire lot upon which a licensed establishment is situated, including any drive-up window. The prohibition contained in this section (B) shall not apply to premises where the usual and customary business of the establishment is a gas station, convenience store, grocery store, drugstore, or similar establishment.

(C) No person shall knowingly allow, aid, assist, induce, cause or otherwise encourage any minor to be in possession of or use or consume alcoholic beverages. All licensees shall require proof of age of all persons attempting to purchase or consume alcoholic beverages on the licensee's premises.

(D) No person being the owner or occupant or otherwise in possession or control of any property located within the County shall knowingly allow any minor to remain on such property while in possession of, using or consuming alcoholic beverages.

(E) It shall be a defense to any prosecution under this section if the person charged, upon discovery of said minor individuals, manifests a proper effort to enlist the aid of and cooperate with law enforcement personnel in stopping the minor individuals' possession, consumption or use of alcoholic beverages, or that the minor individuals' possession of alcoholic beverages was exempted by KRS 244.087.

1.31 CONSUMPTION ON LICENSED PACKAGE PREMISES PROHIBITED; CONGREGATING ON CERTAIN ABC LICENSED PREMISES AND VACANT PREMISES PROHIBITED.

(A) (1) No licensee of a package store, whether trafficking in distilled spirits, wine or malt beverages, shall permit consumption of alcoholic beverages on the premises. A licensee shall post a prominent notice on the premises stating that consumption of alcoholic beverages on premises is prohibited.

(2) This restriction regarding on premises consumption shall not prohibit sampling as allowed for microbreweries and wineries under the provisions of KRS Chapter 243, or where sampling is permitted for a retail distilled spirits and wine licensee under the provisions of KRS 244.050, or beer tastings as permitted in 804 KAR 11:030.

(B) No person or entity operating a package liquor store, whether trafficking in distilled spirits, wine or malt beverages, including retail package beer licensees, shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of the licensed premises so as to constitute a public nuisance.

(C) No person or entity being the owner or otherwise in possession or control of any vacant property shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of such property so as to constitute a public nuisance.

(1) No persons shall congregate for the purposes, under the circumstances, or in the places proscribed in sections (A) and (B) of this section.

(2) It shall be a defense to any prosecution under section (A) or (B) of this section if such licensed vendor or property owner shall post or permit law enforcement to post and maintain a legible, painted or printed sign in at least two (2) separate prominent places in such area, in letters of not less than three (3) inches in height, stating that congregating of persons is prohibited and that violators shall be prosecuted for trespass pursuant to KRS 511.080.

(3) As used in this section, the term:

(a) "HABITUAL" shall mean consistent, that is, by frequent practice or use, but not necessarily constant or exclusive;

(b) "PACKAGE LIQUOR STORE" shall mean a retail establishment selling distilled spirits, wine and malt beverages in package containers pursuant to licenses issued for those purposes;

(c) "PUBLIC NUISANCE" shall mean any activity that endangers or interferes with the general use and enjoyment of neighboring property, passers-by or the health, safety and welfare of the public; and

(d) "VACANT PROPERTY" shall mean a vacant lot on which no building or other structure exists or property on which any structure is unoccupied or unused, or which otherwise reflects abandonment by the owner or person with the right of occupancy.

1.32 MALT BEVERAGE KEG REGISTRATION.

(A) As used in this section, "KEG" is defined as a container designed and capable of holding six (6) or more gallons of malt beverage.

(B) All retail licensees (herein after referred to as "licensee") operating within Spencer County who sell malt beverages in kegs for consumption off the premises of the licensee shall attach a control label. The label must have a control number, and the name of the business. Each label must be affixed to each keg at the time of sale and shall require the purchaser to complete and sign a keg registration form for the keg stating the following:

(1) The purchaser is of legal age to purchase, possess and use the malt beverage;

(2) The purchaser is not purchasing the keg for resale and will not allow any person under the age of twenty-one (21) to consume the malt beverage;

(3) The purchaser will not remove, obliterate or allow to be removed or obliterated the identification label;

(4) The purchaser will state the property address where the keg will be consumed and physically located; and

(5) The purchaser is aware of his/her duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.

(C) The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver's license number and, if that is not available, to produce at least one other valid form of identification.

(D) The licensee shall retain copies of the keg registration forms for a period of one year and shall make the keg registration form available for inspection by state and local alcoholic beverage control officers and other enforcement officers.

(E) The keg registration form shall be forwarded to the County ABC Administrator within five (5) working days in all situations when the keg is not returned or is returned with the identification label removed or obliterated.

(F) The County ABC Administrator is authorized to develop appropriate rules and regulations and to develop and make available keg registration forms.

(G) All licensees that sell or offer for sale kegs shall post on the licensed premises a notice provided by the County concerning the provisions of this section.

(H) It shall be unlawful for any licensee to sell or offer for sale kegs without the identification labels attached and the keg registration form completed. It shall also be unlawful for any person to remove or to obliterate the identification label or to fail to have the declaration form visible and readily accessible from the location of the keg.

1.33 ENFORCEMENT.

AH certified peace officers and the County ABC Administrator are authorized to enforce this Ordinance for alleged violations.

1.34 MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING.

(A) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a County-approved responsible beverage service training program. For a responsible beverage service training program to be approved by the County, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. The County will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this Ordinance.

(B) All persons required to complete training under section (A) of this section shall complete that training within thirty (30) days of the date on which the person first becomes subject to the

training requirement. When a new business is licensed to serve alcoholic beverages all employees must be trained prior to the opening of the business.

(C) Each licensee shall be responsible for compliance with the training requirements and shall maintain, for inspection by the County ABC Administrator, a record or file on each employee that shall contain the pertinent training information. Each premise licensed hereunder must at all times when alcoholic beverages are being served have at least one person currently certified in responsible beverage service training on duty.

(D) All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the County not less than once every three years thereafter.

1.35 SIGNS AND ADVERTISING.

(A) No sign, banner, poster or other type of display advertising which refers, either directly or indirectly, to alcoholic beverages, shall be displayed on, nor shall it be visible from, the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the window of the licensed premises business price cards not larger than 2 1/2 inches in size, setting forth the price at which he offers alcoholic beverages for sale.

(B) No flashing, oscillating, rotating, shimmering, or other lights demonstrating movement, or the illusion of movement, shall be used to illuminate, or be visible from, the exterior of any premises licensed under this chapter.

(C) It shall be unlawful for any person holding any license under this chapter to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.

(D) Any advertising by any licensee under this chapter shall be in compliance with this chapter, KRS 244.130, and any regulation promulgated pursuant to KRS 244.130.

(E) No licensee shall publish or display advertising that is false or misleading, nor shall any licensee publish or display advertising that implies that consumption of alcoholic beverages is fashionable or the accepted course of behavior, or advertising that contains any statement, picture or illustration implying that the consumption of alcoholic beverages enhances athletic prowess, whether or not any known athlete is depicted or referred to, nor shall any licensee publish or display advertising that encourages intoxication by referring to the intoxicating effects of alcohol (or the use of terms such as "high test", "high proof" or "extra strong") or depicting activities that tend to encourage excessive consumption.

1.36 PATIO AND OUTDOOR SALES

(A) Patio and outdoor sales of alcoholic beverages shall be permitted only on premises licensed for sales of alcoholic beverages by the drink.

(B) Procedure. Anyone wishing to obtain an outdoor alcoholic beverage license must first have obtained a liquor by the drink license issued by the County ABC Administrator shall be done in conjunction with applying for a liquor by the drink license.

(1) Application for an outdoor alcoholic beverage license shall be made to the County ABC Administrator.

(2) If a restaurant has obtained an outdoor alcoholic beverage license, but moves to a new location or if the outdoor alcoholic beverage area is altered or relocated at the existing premises, the permit shall be automatically terminated and a new application will be required.

(C) Required conditions. The County ABC Administrator may only grant an outdoor alcoholic beverage license if the following conditions are met:

(1) The only entrance and exit to the outdoor alcoholic beverage area shall be through the principal structure. The perimeter of the outdoor alcoholic beverage area shall be clearly defined with decorative walls or fencing at a minimum height of three (3) feet so as to provide control over the operation of the outdoor alcoholic beverage area in conjunction with the landscaping requirements as prescribed in section two (2); otherwise, a solid enclosure at a minimum height of four (4) feet is required. The outdoor alcoholic beverage area is intended to provide separation from pedestrians. Emergency exits shall be required for the outdoor alcoholic beverage area in accordance with any applicable fire codes.

(2) Some combination of evergreen vegetation or landscaping will be required, around the perimeter of the outdoor alcoholic beverage area, to provide partial screening at a minimum height of four (4) feet with plantings spaced on a maximum of a four (4) foot center. These requirements will not be used to reduce or minimize any other screening ordinance in place.

(3) A seating plan must be submitted along with the proposed surface area. The seating plan will be reviewed to provide recommendations. The surface area of the outdoor alcoholic beverage area should generally be a hard surface.

(4) Lighting is required. The lighting shall be of a subdued nature and not imposing to any adjacent property.

(5) All plans are to be reviewed and approved by the County ABC Administrator prior to issuance of an outdoor alcohol beverage license.

(6) Any restaurant not in compliance with this section on the day of its adoption shall have one hundred and twenty (120) days to come in compliance.

(7) The licensee shall at all times ensure that the operation of an outdoor alcoholic beverage area does not unreasonably interfere with the quiet enjoyment of neighboring properties.

(D) Notwithstanding the foregoing requirements which contemplate a completely enclosed outdoor seating area, an application for an outdoor alcoholic beverage license may be approved if the applicant can demonstrate that one or more natural or artificial barriers will provide an adequate means of:

(1) Preventing persons who are under the age of 21 from purchasing or consuming alcoholic beverages;

(2) Preventing persons who did not enter the premises from one of the main entrances from entering the outdoor alcoholic beverage seating area;

(3) Preventing persons from leaving the premises, unless it is an emergency, without exiting through one of the main entrances;

(4) Permitting, at any given time, the licensee to quickly and readily provide a reasonably accurate head count of the number of patrons in the outdoor alcoholic beverage seating area.

(E) Absent a showing that all of the conditions in section (D) above can be satisfied, the County ABC Administrator shall require the outdoor alcoholic beverage seating area to be completely enclosed on all sides.

1.37 CONFLICTS, SEVERABILITY, RECORD OF PROCEEDINGS AND APPEAL

(A) If any of the provisions of this Ordinance are found to be in conflict with applicable statutes or regulations, the applicable statutes and/or regulations shall control.

(B) The invalidity of one or more provisions of this Ordinance shall not affect the applicability or enforceability of the remaining provisions.

(C) Upon exhaustion of administrative measures, any party aggrieved may seek appropriate relief in a court of competent jurisdiction.

(D) Any hearing conducted pursuant to this Ordinance, whether by the County ABC Administrator or the Spencer County Fiscal Court, shall be recorded to preserve all evidence.

1.38 PENALTIES

(A) In addition to any criminal prosecution instituted in Spencer District Court against an alleged violator pursuant to subsection (B) of this provision or under other state law, the County ABC Administrator may assess the fines and penalties authorized in KRS 243.480, including the per diem assessments for ongoing violations. Should the fines or penalties assessed by the state change under KRS 243.480, then the fines or penalties under this Ordinance shall be adjusted accordingly to mirror the fines or penalties imposed by state law. Payment of all fines shall be made to the County to be deposited in the appropriate designated account. For any violation of this Ordinance for which civil fines under KRS 243.480 are not applicable or appropriate, the County ABC Administrator may impose a fine of between fifty (\$50.00) dollars to one hundred (\$100.00) dollars, per violation, per day. Civil fines issued under this subsection may be appealed to the Spencer County Fiscal Court in the same manner as set out in Section 10.033 of this Ordinance. If the offending licensee is a partnership, LLC, corporation, or any other business entity, the fines may be levied against the organization or against the principal officers or agents responsible for the violation.

(B) Any person, firm or corporation who violates any of the provisions of this Ordinance, for which no other penalty is hereby provided, shall, for the first offense, be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation, he or she shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county jail for not more than six months, or both. The penalties provided for in this subsection shall be in addition to the revocation or suspension of the offender's license. Each day that an offending condition is present shall constitute a

separate offense. If the offender is a corporation, LLC, joint stock company, association or other business organization, or a fiduciary, the principal officer or officers responsible for the violation may be fined, imprisoned, or both.

FIRST READING: _____
SECOND READING: _____
PUBLICATION: _____

Passed and effective on this the __ day of _____, 2016.

JOHN RILEY, JUDGE-
EXECUTIVE SPENCER COUNTY
FISCAL COURT

ATTEST: _____
Spencer County Fiscal Court Clerk

- Motion made by Esq. Bayers, seconded by Esq. Goodlett for the second reading and adoption of Ordinance #3 (2016 series). 'Ayes' were Esq. Bayers, Judge Riley and Esq. Goodlett. 'Nays' were Esq. Judd, Esq. Rogers and Esq. Williams. Motion fails.
2. Review and approval of expenditures, purchases, invoices, transfers plus additional transfers.

SPENCER COUNTY
F21 PG228

01/28/16
04:07PM

Spencer County Fiscal Court
Open Invoice Report
As of January 28, 2016

Page 1 of 4

General

Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining
Vendor: ABELL ELEV Abell Elevator International							
194008	02/01/16	0150803520 elevator maint cont	02/01/16	1,049.01	.00	.00	1,049.01
Vendor Total: ABELL ELEV				1,049.01	.00	.00	1,049.01
Vendor: ACES Animal Care Equipment & Svcs							
41563	02/01/16	0152054020 dog tags for 2016	02/01/16	122.48	.00	.00	122.48
Vendor Total: ACES				122.48	.00	.00	122.48
Vendor: AIRGAS Airgas Inc.							
9047241684	02/01/16	0151405500 ems oxygen	02/01/16	47.15	.00	.00	47.15
Vendor Total: AIRGAS				47.15	.00	.00	47.15
Vendor: ARROWMAGNO Arrow Magnolia Internat'l Inc							
IV160000254	02/01/16	0152054020 k9 disinfectant	02/01/16	113.80	.00	.00	113.80
Vendor Total: ARROWMAGNO				113.80	.00	.00	113.80
Vendor: AT&T A T & T							
2/1anim	02/01/16	0152055780 k9 phone	02/01/16	40.19	.00	.00	40.19
2/1annex	02/01/16	0150865780 annex video/phones	02/01/16	2,444.18	.00	.00	2,444.18
2/1annex	02/01/16	0150865780 annex ds1	02/01/16	64.20	.00	.00	64.20
2/1atty	02/01/16	0150055780 co atty phone/net	02/01/16	228.71	.00	.00	228.71
2/1bdginsp	02/01/16	0151154450 bdginsp phone	02/01/16	37.08	.00	.00	37.08
2/1clerk	02/01/16	0150104450 clerk phone	02/01/16	273.47	.00	.00	273.47
2/1cths	02/01/16	0150805780 cths centrx/phon/ne	02/01/16	1,200.92	.00	.00	1,200.92
2/1e911	02/01/16	0151453150 e911 equipment	02/01/16	474.61	.00	.00	474.61
2/1elevator	02/01/16	0150803520 elevator emerg phon	02/01/16	187.30	.00	.00	187.30
2/1ems	02/01/16	0151405780 ems phones	02/01/16	64.95	.00	.00	64.95
2/1occtax	02/01/16	0150475780 occtax phone	02/01/16	152.26	.00	.00	152.26
2/1parks	02/01/16	0154015780 parks phone	02/01/16	61.02	.00	.00	61.02
2/1pva	02/01/16	0150305780 pva phone	02/01/16	147.92	.00	.00	147.92
2/1recycle	02/01/16	0152175780 recycle phone	02/01/16	21.56	.00	.00	21.56
2/1sheriff	02/01/16	0150155780 sheriff phone/net	02/01/16	339.40	.00	.00	339.40
2/1surveyor	02/01/16	0150855780 surveyor phone	02/01/16	46.71	.00	.00	46.71
2/1zoning	02/01/16	0150705780 zoning phones/net	02/01/16	116.14	.00	.00	116.14
Vendor Total: AT&T				5,900.62	.00	.00	5,900.62
Vendor: ATTMOBILIT AT&T Mobility							
2/1_jud/dep/jal	02/01/16	0150805780 jud/dep/jal/maint	02/01/16	455.02	.00	.00	455.02
2/1_sherair	02/01/16	015015573W sheriff aircards	02/01/16	374.40	.00	.00	374.40
2/1abc	02/01/16	0150504450 abc dir cellphone	02/01/16	68.33	.00	.00	68.33
2/1anim	02/01/16	0152055780 k9 dept cellphone	02/01/16	77.53	.00	.00	77.53
2/1bdgins	02/01/16	0151154450 bdginsp cellphone	02/01/16	68.33	.00	.00	68.33
2/1coroner	02/01/16	0150204450 coroner cellphone	02/01/16	70.32	.00	.00	70.32
2/1ems	02/01/16	0151405780 ems dir cellphone	02/01/16	68.53	.00	.00	68.53
2/1occtax	02/01/16	0150475780 occtax enforctm	02/01/16	70.33	.00	.00	70.33
2/1parks	02/01/16	0154015780 parks cellphone	02/01/16	344.36	.00	.00	344.36
2/1recycle	02/01/16	0152175780 recyc dir cellphone	02/01/16	69.53	.00	.00	69.53
2/1sheriff	02/01/16	0150155780 sher det cellphone	02/01/16	155.19	.00	.00	155.19
Vendor Total: ATTMOBILIT				1,821.87	.00	.00	1,821.87
Vendor: BENGAS Bennett's Gas Company							

SPENCER COUNTY
F21 PG229

01/28/16
04:07PM

Spencer County Fiscal Court
Open Invoice Report
As of January 28, 2016

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General

Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining
21sher	02/01/16	0150165780 sher propane	02/01/16	264.17	.00	.00	264.17
Vendor Total: BENGAS				264.17	.00	.00	264.17
Vendor: BOUNDTREE Bound Tree Medical LLC							
82028915	02/01/16	0151405500 ems medic supplies	02/01/16	159.98	.00	.00	159.98
82028309	02/01/16	0151405500 ems medic supplies	02/01/16	159.98	.00	.00	159.98
Vendor Total: BOUNDTREE				319.96	.00	.00	319.96
Vendor: BTWN SG Bardetown Sporting Goods							
6238	02/01/16	0154014670 basketball shirts	02/01/16	12.00	.00	.00	12.00
Vendor Total: BTWN SG				12.00	.00	.00	12.00
Vendor: C & H SEC C & H Security Inc.							
40738_atly	02/01/16	0150055780 Feb panic alarm	02/01/16	19.99	.00	.00	19.99
40737_occbx	02/01/16	0150475780 Feb panic alarm	02/01/16	19.99	.00	.00	19.99
40738_cfhx	02/01/16	0150805780 Feb panic alarm	02/01/16	19.99	.00	.00	19.99
Vendor Total: C & H SEC				59.97	.00	.00	59.97
Vendor: CAAK Code Admin. Assoc. of KY							
S.Clark	02/01/16	0151154450 training registrat	02/01/16	85.00	.00	.00	85.00
Vendor Total: CAAK				85.00	.00	.00	85.00
Vendor: CARDINAL Cardinal Office Products							
IN-1490502	02/01/16	0150807210 mainten inkcartridg	02/01/16	25.39	.00	.00	25.39
IN-1490502	02/01/16	0150474450 occtax labels	02/01/16	22.69	.00	.00	22.69
IN-1490502	02/01/16	0152174680 recycling calendar	02/01/16	12.17	.00	.00	12.17
IN-1490502	02/01/16	0150804110 custodial bathtissu	02/01/16	48.48	.00	.00	48.48
IN-1491353	02/01/16	0150804110 custodial trashbags	02/01/16	85.18	.00	.00	85.18
Vendor Total: CARDINAL				193.91	.00	.00	193.91
Vendor: CHAMBER Chamber of Commerce							
2016member	02/01/16	0191005510 county membership	02/01/16	125.00	.00	.00	125.00
Vendor Total: CHAMBER				125.00	.00	.00	125.00
Vendor: CMS UNIF CMS Uniforms Inc.							
646429	02/01/16	0150154810 sher dep unif	02/01/16	36.95	.00	.00	36.95
Vendor Total: CMS UNIF				36.95	.00	.00	36.95
Vendor: CSI Custom Solutions Inc.							
1954	02/01/16	0150155630 final tax notices	02/01/16	522.32	.00	.00	522.32
1961	02/01/16	0150803380 computers lease	02/01/16	2,370.00	.00	.00	2,370.00
1961	02/01/16	0150153190 proptax softwr leas	02/01/16	780.00	.00	.00	780.00
Vendor Total: CSI				3,672.32	.00	.00	3,672.32
Vendor: DELUXE Deluxe							
0059151886	02/01/16	0191005030 checks	02/01/16	201.92	.00	.00	201.92
Vendor Total: DELUXE				201.92	.00	.00	201.92
Vendor: DUPLICATOR Duplicator Sales & Service Inc							
594192	02/01/16	0150803380 p/z server contract	02/01/16	57.29	.00	.00	57.29
Vendor Total: DUPLICATOR				57.29	.00	.00	57.29
Vendor: DWILLIAMS Doug Williams							

01/28/16
04:07PM

Spencer County Fiscal Court
Open Invoice Report
As of January 28, 2016

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General

Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining
2/1reimb	02/01/16	0150404450 reimb w2 efilng	02/01/16	133.65	.00	.00	133.65
Vendor Total: DWILLIAMS				133.65	.00	.00	133.65
Vendor: GRBROS Greenwell Brothers Inc.							
2/1cthse	02/01/16	0150805780 cthse propane	02/01/16	892.14	.00	.00	892.14
2/1zoning	02/01/16	0150705780 p/z propane	02/01/16	726.66	.00	.00	726.66
Vendor Total: GRBROS				1,618.80	.00	.00	1,618.80
Vendor: IAEI Kentucky Chapter, IAEI							
S.Clark	02/01/16	0151154450 training registratn	02/01/16	80.00	.00	.00	80.00
Vendor Total: IAEI				80.00	.00	.00	80.00
Vendor: KCJEA1 Ky Co Judge Exec Association							
C.Rogers	02/01/16	0191005690 conf registratn	02/01/16	230.00	.00	.00	230.00
H.Judd	02/01/16	0191005690 conf registratn	02/01/16	230.00	.00	.00	230.00
J.Williams	02/01/16	0191005690 conf registratn	02/01/16	230.00	.00	.00	230.00
Vendor Total: KCJEA1				690.00	.00	.00	690.00
Vendor: KMCA KY Magistrates/Comm. Associatn							
C.Rogers	02/01/16	0191005690 legis training day	02/01/16	65.00	.00	.00	65.00
H.Judd	02/01/16	0191005690 legis training day	02/01/16	65.00	.00	.00	65.00
Vendor Total: KMCA				130.00	.00	.00	130.00
Vendor: MID-ST Mid-State Exterminators							
2/1_fc/sh/pz	02/01/16	0150805780 fc/sher/pz pestcont	02/01/16	45.00	.00	.00	45.00
2/1annex	02/01/16	0150805780 annex pestcontrol	02/01/16	38.00	.00	.00	38.00
2/1cthse	02/01/16	0150805780 cthse pestcontrol	02/01/16	48.00	.00	.00	48.00
2/1ems	02/01/16	0151405780 ems pestcontrol	02/01/16	58.00	.00	.00	58.00
2/1occtax	02/01/16	0150475780 occtax pestcontrol	02/01/16	28.00	.00	.00	28.00
Vendor Total: MID-ST				217.00	.00	.00	217.00
Vendor: QUADMED Quad Med Inc.							
108286	02/01/16	0151405500 ems medic supplies	02/01/16	214.00	.00	.00	214.00
108397	02/01/16	0151405500 ems medic supplies	02/01/16	196.20	.00	.00	196.20
Vendor Total: QUADMED				410.20	.00	.00	410.20
Vendor: QUILL Quill Corporation							
2337235	02/01/16	0150014450 judge files	02/01/16	13.99	.00	.00	13.99
2337235	02/01/16	0151154450 bdginsp files	02/01/16	13.99	.00	.00	13.99
2337235	02/01/16	0150804110 custodial towels	02/01/16	34.99	.00	.00	34.99
2417801	02/01/16	0151404450 ems staplers	02/01/16	17.97	.00	.00	17.97
Vendor Total: QUILL				80.94	.00	.00	80.94
Vendor: REPUBLIC Republic Bank & Trust Co.							
levee27-pymt#18	02/01/16	0175006020 levee project	02/01/16	3,756.68	.00	.00	3,756.68
Vendor Total: REPUBLIC				3,756.68	.00	.00	3,756.68
Vendor: SCTOURISM Spencer County Tourism Comm.							
2/1receipts	02/01/16	0154205660 tourism receipts	02/01/16	410.70	.00	.00	410.70
Vendor Total: SCTOURISM				410.70	.00	.00	410.70
Vendor: SOFTW MGMT Software Management LLC							
24578	02/01/16	0150104450 receiptpaper.ribbon	02/01/16	120.90	.00	.00	120.90

SPENCER COUNTY
F21 PG231

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 04:07PM

Spencer County Fiscal Court
 Open Invoice Report
 As of January 28, 2016

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General

Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining
Vendor Total: SOFTW MGMT				120.90	.00	.00	120.90
Vendor: STERICYCLE		Stericycle, Inc.					
4006059592	02/01/16	0151405780 ems hazmat disposal	02/01/16	483.75	.00	.00	483.75
Vendor Total: STERICYCLE				483.75	.00	.00	483.75

* These invoices are on hold.

Report Total: Invoices	22,216.04
Open Credits	.00
Less Discounts Available	.00
Net Balance Due	22,216.04

*** Report Options ***
 Vendors: ALL
 Invoice Dates: ALL
 Status: All
 Accounts: 0149090000 to 01GROSS
 As Of: Current Date (01/28/2016)
 *** End of Report ***

SPENCER COUNTY
F21 PG232

01/28/16
 04:06PM

Spencer County Fiscal Court
 Open Invoice Report
 As of January 28, 2016

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Road

Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining
Vendor: A&MOIL A & M Oil Company Inc.							
122037	02/02/16	0261054550 road fuel	02/02/16	605.74	.00	.00	605.74
F33413	02/02/16	0261054550 road fuel	02/02/16	820.61	.00	.00	820.61
F33628	02/02/16	0261054550 road fuel	02/02/16	499.58	.00	.00	499.68
Vendor Total: A&MOIL				1,926.03	.00	.00	1,926.03
Vendor: AMER TIRE American Tire Inc.							
1-21795	02/02/16	0261054790 tire balancing	02/02/16	69.30	.00	.00	69.30
Vendor Total: AMER TIRE				69.30	.00	.00	69.30
Vendor: AT&T A T & T							
2/2road	02/02/16	0261055780 road phone/net	02/02/16	131.60	.00	.00	131.60
Vendor Total: AT&T				131.60	.00	.00	131.60
Vendor: ATTMOBILIT AT&T Mobility							
2/2road	02/02/16	0261055780 road cellphones	02/02/16	614.59	.00	.00	614.59
Vendor Total: ATTMOBILIT				614.59	.00	.00	614.59
Vendor: CCSI California Contractors Supply							
TT14631	02/02/16	0261054450 safetygloves	02/02/16	142.80	.00	.00	142.80
TT15925	02/02/16	0261054450 safetyglasses	02/02/16	154.66	.00	.00	154.66
Vendor Total: CCSI				297.46	.00	.00	297.46
Vendor: CTW ELECTR CTW Electrical Co., Inc.							
145009-00	02/02/16	0261055920 fuseholders	02/02/16	39.90	.00	.00	39.90
Vendor Total: CTW ELECTR				39.90	.00	.00	39.90
Vendor: DELUXE Deluxe							
0059151896	02/02/16	0291005030 checks	02/02/16	317.98	.00	.00	317.98
Vendor Total: DELUXE				317.98	.00	.00	317.98
Vendor: HAYDONMAT Haydon Materials LLC							
169983	02/02/16	0261054080 dga stone	02/02/16	287.06	.00	.00	287.06
169984	02/02/16	0261054090 dga stone	02/02/16	891.64	.00	.00	891.64
Vendor Total: HAYDONMAT				1,178.70	.00	.00	1,178.70
Vendor: IMI Irving Materials Inc.							
20113652	02/02/16	0261054070 DeerCreek work	02/02/16	741.00	.00	.00	741.00
Vendor Total: IMI				741.00	.00	.00	741.00
Vendor: QUILL Quill Corporation							
2337235	02/02/16	0261054450 road inkcartridge	02/02/16	216.36	.00	.00	216.36
Vendor Total: QUILL				216.36	.00	.00	216.36

* These invoices are on hold.

Report Total: Invoices	5,532.92
Open Credits	.00
Less Discounts Available	.00
Net Balance Due	5,532.92

*** Report Options ***
 Vendors: ALL
 Invoice Dates: ALL
 Status: All
 Accounts: 0250011010 to 02GROSS
 As Of: Current Date (01/28/2016)

01/29/16
08:22AM

Spencer County Fiscal Court
Open Invoice Report
As of January 29, 2016

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Invoice Number	Invoice Date	Description	Due Date	Original Amount	Amount Paid	Discount Available	Balance Remaining
Vendor: 3HERDA		Darrell Herndon					
2/3reimb	02/03/16	0351013960 reimb prisonermeals	02/03/16	35.63	.00	.00	35.63
				Vendor Total: 3HERDA	35.63	.00	35.63
Vendor: DELUXE		Deluxe					
0059151886	02/03/16	CHECKS	02/03/16	158.24	.00	.00	158.24
				Vendor Total: DELUXE	158.24	.00	158.24
Vendor: KYJAIL		Kentucky Jailers Association					
109	02/03/16	DUES	02/03/16	100.00	.00	.00	100.00
				Vendor Total: KYJAIL	100.00	.00	100.00
Vendor: UMCUOFL		UMC U OF L HOSP BROWN					
201510290001	02/03/16	MEDICAL	02/03/16	1,636.21	.00	.00	1,636.21
				Vendor Total: UMCUOFL	1,636.21	.00	1,636.21

* These invoices are on hold.

Report Total: Invoices	1,930.08
Open Credits	.00
Less Discounts Available	.00
Net Balance Due	1,930.08

*** Report Options ***
 Vendors: ALL
 Invoice Dates: 02/03/2016 to 02/03/2016
 Status: All
 Accounts: ALL
 As Of: Current Date (01/29/2016)
 *** End of Report ***

ADDITIONAL INVOICES AND TRANSFERS

GENERAL FUND INVOICES/TRANSFERS

Lowry Brown	0150701910 zoning meeting, 1/7/2016	60.00
Dwight Clayton	0150701910 zoning meeting, 1/7/2016	60.00
Gordon Deapen	0150701910 zoning meeting, 1/7/2016	60.00
Diana Faue	0150701910 zoning meeting, 1/7/2016	60.00
Marsha Mudd	0150701910 zoning meeting, 1/7/2016	60.00
Teddy Noel	0150701910 zoning meeting, 1/7/2016	60.00
Anthony Travis	0150701910 zoning meeting, 1/7/2016	60.00
Gary Woods	0150701910 zoning meeting, 1/7/2016	60.00
Alfreda Currie	0150701910 zoning meeting secretary, 1/7/2016	60.00
Hometown Pharmacy	0151405500 ems pharmaceuticals, Jan2016	1106.20
University of Kentucky	0154014670 pesticide training	130.00

Transfer \$350 to 015015573W (sher aircards) from 0150154450 (sher office supplies)
 Transfer \$100 to 0150504450 (abc dir officesupplies) from 0192001860 (employee leave)
 Transfer \$200 to 0152054020 (k9 equipment) from 0152053150 (k9 sheltering)
 Transfer \$950 to 0191005510 (memberships) from 0191005690 (conferences)
 Transfer \$1400 to 0150204450 (coroner expenses) from 0192001860 (employee leave)

ROAD FUND INVOICES/TRANSFERS

CTW Electrical	0261054750 worklamp	178.80
Cheaper Locksmith	0261054450 rekeys	132.73

Transfer \$150 to 0291005030 (bank charges/cks) from 0292009990 (reserves)

JAIL FUND INVOICES/TRANSFERS

Transfer \$100 to 0391005510 (bank charges/cks) from 0351013140 (inmate housing)

<u>Cash Balances:</u>	<u>General Fund</u>	<u>Road Fund</u>	<u>Jail Fund</u>
12/30/2014	\$944,686.90	\$383,198.03	\$51,100.55
1/31/2015	\$1,030,171.71	\$334,973.21	\$47,628.13
2/27/2015	\$1,005,523.58	\$514,263.24	\$24,057.51
3/31/2015	\$904,214.18	\$433,483.13	\$40,602.58
4/30/2015	\$965,105.50	\$366,912.18	\$68,443.82
5/29/2015	\$731,927.89	\$315,941.63	\$87,756.24
6/26/2015	\$655,426.25	\$256,512.58	\$94,224.50
7/29/2015	\$483,467.55	\$184,616.85	\$130,587.19
8/31/2015	\$432,531.91	\$934,004.65	\$111,226.60
9/30/2015	\$283,316.09	\$776,867.70	\$89,868.17
10/30/2015	\$707,125.67	\$712,103.61	\$77,578.15
11/30/2015	\$788,291.19	\$655,810.24	\$52,852.18
12/29/2015	\$903,934.84	\$399,956.31	\$77,069.34
1/15/2016	\$973,925.23 (-200,000 loan)	\$534,752.64 (-73000 Cedar Springs)	\$80,755.79

- On the motion of Esq. Judd, seconded by Esq. Williams with all members of the Court present voting 'aye', it is hereby ordered to approve all expenditures, purchases, invoices, transfers and additional transfers.
- 3. Executive session-personnel [KRS 61.810(1)(b) and 61.815]
- On the motion of Esq. Bayers, seconded by Esq. Williams, with all members of the Court present voting 'aye', it is hereby ordered to go into Executive session at 11:06am.
- On the motion of Esq. Goodlett, seconded by Esq. Williams, with all members of the Court present voting 'aye', it is hereby ordered to go back into regular session at 11:34 am.

4. Unclaimed body.

The Judge stated that he had received a call from the Coroner regarding an unclaimed body. The body had been in storage since 10-1-15 at T.I.E.S./Borden Mortuary in Louisville. Greenwell-Jenkins-Houghlin Funeral Home submitted an invoice for \$995.00 for cremation.

Feb 01 16 09:05a Houghlin

0024 / 9996

p.4

T.I.E.S. / Borden Mortuary

T.I.E.S. / Borden Mortuary
4515 Produce Road
Louisville, KY 40218
502-451-7004
borden11@bellsouth.net

Invoice

Date	Invoice #
01/28/2016	16-012824
Terms	Due Date
Net 30	02/27/2016

Bill To
Danny Helbert Spencer County Coroners Office PO Box 397 Taylorsville, KY 40071

Amount Due	Enclosed
\$400.00	

Please detach top portion and return with your payment.

Date	Service	Activity	Amount	Name
01/28/2016	Storage	1 @ \$400.00	400.00	Lavada Husband
			Total	\$400.00

If you have any questions please call Tim Borden @ 502-451-7004 or 800-370-5603. Thank you for your business.

Feb 01 16 09.05a

Houghlin

BU24 / 79496

p.1

Greenwell-Jenkins-Houghlin FUNERAL HOME

1400 W. 10th St. P.O. Box 298
Tulsa, Oklahoma 74101
PHONE: 360-774-1534

Full name of deceased LEONARD HUGHES

Date of Death 10-1-2015 Decedent is Male (Please print name)

of person arranging services.

(B) CASH ADVANCE ITEMS: \$ Total (A) Forward \$ 995.00

- Cemetery \$
- Flowers \$
- Minister \$
- Certified Copies \$
- Transportation \$
- Opening Grave \$
- Grave and/or Tent & Equipment \$
- Hairdresser \$
- Carve Death Date \$
- Musician \$
- Instal VA Marker \$

ADDITIONAL ITEMS ORDERED LATER: \$ Total (B) \$ 995.00

Monument \$

Total (A & B) \$ 995.00

Total (C) \$ 0

It is agreed any additional items ordered later shall become a part of this contract and shall be inserted herein.

Total Amount \$ 995.00

LEGAL, CREMATORY OR OTHER REQUIREMENTS COMPELLING THE PURCHASE OF ANY ITEMS LISTED ABOVE:

The undersigned purchaser(s) hereby attests to the following: (1) We are (I) still not (2) have not (3) intended to purchase any of the items listed above. (4) We were shown a Contract Price List and an Order Book. Contract Price List before the signing of this contract and we were given an opportunity to ask questions and for information a General Price List upon the beginning of the funeral arrangements and/or selection of merchandise. (5) This is a CASH TRANSACTION, due in full at 30 days following date of death and, in all events, because PAST DUE AND UNPAID. (6) I have read the terms of this contract and I agree to the terms hereof. (7) I have read the terms of this contract and I agree to the terms hereof. (8) I have read the terms of this contract and I agree to the terms hereof. (9) I have read the terms of this contract and I agree to the terms hereof. (10) I have read the terms of this contract and I agree to the terms hereof. (11) I have read the terms of this contract and I agree to the terms hereof. (12) I have read the terms of this contract and I agree to the terms hereof. (13) I have read the terms of this contract and I agree to the terms hereof. (14) I have read the terms of this contract and I agree to the terms hereof. (15) I have read the terms of this contract and I agree to the terms hereof. (16) I have read the terms of this contract and I agree to the terms hereof. (17) I have read the terms of this contract and I agree to the terms hereof. (18) I have read the terms of this contract and I agree to the terms hereof. (19) I have read the terms of this contract and I agree to the terms hereof. (20) I have read the terms of this contract and I agree to the terms hereof. (21) I have read the terms of this contract and I agree to the terms hereof. (22) I have read the terms of this contract and I agree to the terms hereof. 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FUNERAL PURCHASE CONTRACT (STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED)

(Changes are only for those items that are added. If an item is not checked, it was not selected. We will obtain the contract in writing later.)

(A) OUR SERVICE: \$

BASIC SERVICES OF FUNERAL DIRECTOR & STAFF \$

EMBALMING \$

If you selected a funeral which requires embalming such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged you for embalming, we will explain why below.

REASON FOR EMBALMING: \$

OTHER PREPARATION OF THE BODY \$

USE OF FACILITIES & EQUIPMENT: \$

For funeral ceremony, but still funeral home. One is Greenwell's for viewing or viewing, not still funeral home. One is Greenwell's Other Use of Facilities \$

Administrative Areas, Reception Areas, Parking Facilities, Chapel or Parlor(s) & all other misc. furnishings & equipment within the funeral home(s)

CLERICAL - FORMS - NOTIFICATION \$

TRANSFER OF REMAINS TO FUNERAL HOME \$

(Miles Transported) \$

AUTOMOTIVE EQUIPMENT: \$

Casket Coach (Hearse) \$

Service Car \$

Flower Car \$

MISCELLANEOUS MERCHANDISE \$

Administrative & Memorial cards, Register Book \$

CASKET \$

OUTER BURIAL CONTAINER (As Selected) \$

ADDITIONAL VISITATION \$

OTHER MERCHANDISE: \$

Receptacle (Other than casket) \$

Wearing Apparel \$

Prayer Cards \$

Cordill \$

FORWARDING OF REMAINS TO ANOTHER FUNERAL HOME \$

RECEIVING OF REMAINS FROM ANOTHER FUNERAL HOME \$

CREMATION (As Selected) \$ 995.00

IMMEDIATE BURIAL (As Selected) \$

Total (A) \$

Service Type

- On the motion of Esq. Goodlett, seconded by Esq. Williams, with all members of the Court present voting 'aye', it is hereby ordered to approve the payment for storage and cremation of the unclaimed body.

Employee Request for Transfer

I, Harley J. Malone, hereby request transfer from my current position (Class Code 2004) **Road & Bridge Laborer** to the position of (Class Code 1015) **Recycling Laborer**.

I understand that I will retain my current rate of pay of \$10.75 per hour and that the terms of the probationary period that I am currently subject to are still in effect and will continue until completed.

Signed this 25th day of January, 2016


 Harley J. Malone

- On the motion of Esq. Bayers, seconded by Esq. Goodlett, with all members of the Court present voting 'aye', it is hereby ordered to approve the transfer of Harley Malone from the Road Department to the Recycling Department at a rate of \$10.75 per hour.
- On the motion of Esq. Judd, seconded by Esq. Williams, with all members of the Court present voting 'aye', it is hereby ordered to create the position of Assistant to Superintendent of Buildings, Grounds and Other Properties.
- On the motion of Esq. Rogers, seconded by Esq. Williams, with all members of the Court present voting 'aye', it is hereby ordered to approve the transfer of Randy Bush from the Recycling Department to the newly created position of Assistant to Superintendent of Buildings, Grounds and Other Properties at a rate of \$11.02 per hour.

Employee Request for Transfer

I, Charles "Randy" Bush, hereby request transfer from my current position of (Class Code 1015) **Recycling Laborer** to a newly created position (proposed Class Code 1005A) **Assistant to Superintendent of Buildings, Grounds, and Other Properties** under the current (Class Code 1005) Superintendent of Buildings, Grounds and Other Properties which was created under the authority granted by KRS 67.130.

Until the Fiscal Court gives final approval for the creation of the new 1005A Class Code position the following will apply:

Class Title: Assistant to Superintendent of Buildings, Grounds and Other Properties.

Class Code: 1005A

Pay Range: \$9.50 - \$14.00/hr

Characteristics of the Class: Under direction from the Superintendent of Buildings, Grounds and Other Properties the "Assistant Superintendent" will perform work as directed by the Superintendent in carrying out the operations of the County building and grounds maintenance.


Essential Job Functions: As Assistant Superintendent this position ensures and oversees the general cleaning and maintenance of County owned buildings and grounds, and all County properties. Performs other tasks and jobs as requested.

Required Knowledge, Skills and Abilities: Good employee and communications skills, good knowledge of the safe and efficient operation of motor vehicles upon roads, streets, and highways; operation of other tools and equipment as may be necessary, ability to read, comprehend, and follow detailed written or oral instructions; ability to establish cooperative working relationships with fellow employees; initiative; dependability; good physical condition.


Acceptable Experience and Training: Must have high school GED or equivalent job experience to properly carry out the duties and responsibilities of this position.

I have read and understand the terms of this request for transfer and that I will retain my current pay rate of \$11.02 per hour. I understand my work schedule will be determined through consultation with the Superintendent. I understand that these hours may from time to time be changed due to workload and for timely completion of tasks.

Signed this 25th day of January, 2016



 Charles "Randy" Bush

- Motion made by Esq. Rogers, seconded by Esq. Judd to allow Esq. Rogers to choose which roads were to be asphalted in his district rather than the County Judge and the Road Foreman making those decisions. 'Aye' votes were Esq. Rogers, Esq. Judd and Esq. Williams. 'Nay' votes were Judge Riley, Esq. Bayers and Esq. Goodlett. Motion fails.
- On the motion of Esq. Bayers, seconded by Esq. Williams, with all members of the Court present voting 'aye', it is hereby ordered to adjourn this Fiscal Court meeting at 12:04pm.



 Spencer County Judge Executive, John Riley

2-15-16
 Date



 Attest: Spencer County Clerk, Lynn Hesselbrock

2-15-16
 Date