

**CITY OF BARDSTOWN, KENTUCKY**  
**CITY COUNCIL SPECIAL MEETING MINUTES**  
**03/24/2020**  
**6:00 PM**

The City Council met in special session in the Council Chambers with Mayor Heaton and the following Council Members:

Councilman Joe Buckman  
Councilman David Dones  
Councilwoman Betty Hart  
Councilman Franklin Hibbs IV  
Councilman Bill Sheckles  
Councilman Roland E. Williams

Others present: City Attorney Audrey Haydon, Fire Chief Billy Mattingly, City Civil Engineer Jessica Filiatreau, Chief Financial Officer Aaron Boles, City Clerk Gary Little and HR Director/Risk Manager Greg Ashworth.

Media present: None.

Due to the COVID-19 State of Emergency, pursuant to KRS 61.823 (3) (4) and (5), and in accordance with Opinion 20-05 of the Kentucky Attorney General, there was not a physical location for the public and/or media to view the meeting. This special meeting was broadcast for public viewing on Bardstown Cable TV Channels 19.2, 20 and 20.1.

Mayor Heaton called the meeting to order at 6:00 PM.

**COVID-19 UPDATE**

Mayor Heaton opened the meeting with an explanation of the unusual circumstances surrounding the nature of the Special Meeting. He also provided an update on how the city government was making changes to its operations in order to maintain continuation of vital services, such as inter-departmental cross-training, having employees work from home when possible, and staggering work shifts to minimize personal contact. At this time, City park trails are still open and Mayor Heaton encouraged residents to take advantage of the nice weather while observing social-distancing practices.

**UTILITY RELOCATION KEEP COST AGREEMENT US-150 IMPROVEMENTS**

City Civil Engineer Jessica Filiatreau explained the purpose of the utility agreement between the City and the Kentucky Department of Highways for work being done on Highway 150 from Highway 245 to just past Leslie Ballard Lane. The agreement states that all water and sewer main relocation costs due to the Transportation Cabinet's road improvement project will be reimbursable as defined in KRS177.035.

**COUNCILMAN SHECKLES MADE A MOTION TO APPROVE THE UTILITY RELOCATION KEEP COST AGREEMENT BETWEEN THE CITY OF BARDSTOWN AND THE KENTUCKY TRANSPORTATION CABINET. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6-0.**

**SERVICE REQUEST BRASHEAR CONDOMINIUMS**

City Civil Engineer Jessica Filiatreau presented a service request by Horizon Engineering to extend a sewer main on West Brashear Avenue that will serve Brashear Condominiums, and that it be accepted into the City system.

**COUNCILMAN BUCKMAN MADE A MOTION TO APPROVE THE SEWER MAIN EXTENSION SERVICE REQUEST FOR BRASHEAR CONDOMINIUMS SUBMITTED BY HORIZON ENGINEERING, LLC. THE MOTION WAS DULY SECONDED BY COUNCILMAN HART AND CARRIED BY A VOTE OF 6-0.**

**SERVICE REQUEST MAINSTREAM SUBDIVISION RIGGS BOULEVARD**

City Civil Engineer Jessica Filiatreau explained the service request submitted by Horizon Engineering to extend a sewer main in the cul-de-sac of Riggs Boulevard, and that it be accepted into the City system.

**COUNCILMAN HIBBS MADE A MOTION TO APPROVE THE SEWER MAIN EXTENSION SERVICE REQUEST FOR RIGGS BOULEVARD SUBMITTED BY HORIZON ENGINEERING, LLC. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6-0.**

**SERVICE AGREEMENT WASTEWATER TREATMENT PLANT DISINFECTION IMPROVEMENTS**

City Civil Engineer Jessica Filiatreau detailed a service agreement between the City and Kentucky Engineering Group, PLLC. The agreement is for professional services to be performed by KEG for planning, design, bidding, contract administration and inspection for the Wastewater Treatment Plant Disinfection Improvements Project for the City of Bardstown.

**COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE SERVICE AGREEMENT BETWEEN KENTUCKY ENGINEERING GROUP, PLLC AND THE CITY OF BARDSTOWN FOR THE WASTEWATER TREATMENT PLANT DISINFECTION IMPROVEMENTS PROJECT IN THE**

**AMOUNT OF SIXTY-ONE THOUSAND DOLLARS (\$61,000.00). THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 6-0.**

**PROPOSALS - NEW ROOF FOR FIRE STATION**

Fire Chief Billy Mattingly presented three proposals for replacing the roof at the new fire station located on Highway 245. The motion to approve the proposal submitted by Unlimited Restorations, Inc. will include an additional \$1800 for TPO wall covering plus \$4.00 per square foot to replace any deteriorated roof decking that is damaged beyond repair. Proposals were submitted by Unlimited Restorations, Inc. for \$25,200.00, by Tecta America Kentucky for \$35,642.00, and by Swift Roofing of E-Town, Inc. for \$42,000.00.

**COUNCILMAN DONES MADE A MOTION TO APPROVE THE PROPOSAL SUBMITTED BY UNLIMITED RESTORATIONS, INC. IN THE AMOUNT OF TWENTY-FIVE THOUSAND TWO HUNDRED DOLLARS (\$25,200.00), PLUS EIGHTEEN HUNDRED DOLLARS (\$1800.00) FOR TPO WALL COVERING, PLUS FOUR DOLLARS (\$4.00) PER SQUARE FOOT FOR REPLACEMENT OF DETERIORATED ROOF DECKING. THE MOTION WAS DULY SECONDED BY COUNCILMAN HIBBS AND CARRIED BY A VOTE OF 6-0.**

**UPDATE ON PREVIOUS FIRE DEPARTMENT CHANGE ORDERS**

Fire Chief Billy Mattingly said that he had met with representatives from Keyes Architects and Marksbury Cornett to discuss the remodeling project at the fire station. Change Order PR13 for \$3,196.00 that had been previously approved by the Council and Change Order PR18 for \$1465.00 will be absorbed by Keyes Architects and Marksbury Cornett.

**NEW FIRE TRUCK**

This agenda item was not discussed.

**E911 AGREEMENT**

Mayor Heaton explained the changes to the E911 Inter-Local Agreement and addressed questions from the Council.

**COUNCILMAN SHECKLES MADE A MOTION TO APPROVE THE REVISED INTER-LOCAL AGREEMENT CONCERNING THE CONTINUING OPERATION OF THE NELSON COUNTY E-911 DISPATCH CENTER. THE MOTION WAS DULY SECONDED BY COUNCILMAN HIBBS AND CARRIED BY A VOTE OF 6-0.**

**BID TAB CABLE TV CONSTRUCTION SERVICES**

Chief Information Officer Nahom Ayele submitted a bid tabulation for cable TV construction services that would include rebuilding in-town connections and installing fiber to the home. The bid opening was on Thursday, March 11, 2020 and included bids from Team Fishel, Superior Tech, Hutchins Telecom and Davey Resource. Ayele recommended accepting the bid that was submitted by Hutchins Telecom which included pricing for various construction services that are to be provided.

**COUNCILMAN DONES MADE A MOTION TO APPROVE THE BID SUBMITTED BY HUTCHINS TELECOM FOR CABLE TV CONSTRUCTION SERVICES. THE MOTION WAS DULY SECONDED BY COUNCILMAN HIBBS AND CARRIED BY A VOTE OF 6-0.**

**DONATION REQUEST BARDSTOWN/NELSON COUNTY AFRICAN AMERICAN HERITAGE MUSEUM**

Councilman Sheckles and Councilman Williams sponsored a donation request on behalf of the Bardstown-Nelson County African American Heritage Museum for the construction of five 4'x8' and two 4'x6' display cases for the museum. The museum will also be part of a new Bardstown Digital Walking Tour that is being created by City Preservation Coordinator RaShae Jennings and former Bardstown Mayor Dixie Hibbs. A letter of support submitted by RaShae Jennings explained that the museum was formerly a church that was built in 1812, and that it has been an important part of African American history in Bardstown, housing many religious denominations throughout the years.

**COUNCILMAN HIBBS MADE A MOTION TO APPROVE THE DONATION REQUEST FOR THE BARDSTOWN-NELSON COUNTY AFRICAN AMERICAN HERITAGE MUSEUM IN THE AMOUNT OF TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00). THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 4-0. COUNCILMAN WILLIAMS AND COUNCILMAN SHECKLES ABSTAINED.**

**DONATION REQUEST OLD BARDSTOWN VILLAGE**

Councilwoman Hart sponsored a donation request submitted by Kathleen Llewellyn for the Old Bardstown Village, Inc. The corporation was formed to protect the historical, cultural and civic traditions of Bardstown. Hart informed the Council that the museum had been closed due to the COVID-19 pandemic and has no source of income with which to pay bills. The City grant would assist the Old Bardstown Village with their expenses and allow them to maintain operations until they can reopen.

**COUNCILMAN SHECKLES MADE A MOTION TO APPROVE THE DONATION REQUEST FOR OLD BARDSTOWN VILLAGE, INC. IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00). THE FUNDING WILL BE GRANTED BY THREE SOURCES AS FOLLOWS:**

- **FOUR THOUSAND DOLLARS (\$4,000.00) FROM THE COMMUNITY GRANT FUND**
  - **THREE THOUSAND DOLLARS (\$3,000.00) FROM THE MAYOR’S CONTINGENCY FUND**
  - **THREE THOUSAND DOLLARS (\$3,000.00) FROM THE COUNCIL CONTINGENCY FUND**
- THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6-0.**

**REVIEW OF MINUTES**

**THE MINUTES FOR THE 3/10/2020 CITY COUNCIL REGULAR SESSION WERE APPROVED BY UNANIMOUS CONSENT.**

**NET PROFITS/OCCUPATIONAL TAX DEADLINES**

Chief Financial Officer Aaron Boles informed the Council that the State and Federal Governments had extended their tax filing deadline to July 15, 2020. He recommended that the City extend their Net Profits filing deadline until the same date. He also recommended that the quarterly Occupational License Fees deadline of April 30th be extended to May 31, 2020. Monthly filers will file as normal.

**COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE RECOMMENDATION BY CFO AARON BOLES TO DELAY THE NET PROFITS FILING DEADLINE TO JULY 15, 2020 AND DELAY THE QUARTERLY OCCUPATIONAL FEE FILING DEADLINE FROM APRIL 30, 2020 TO MAY 31, 2020. THE MOTION WAS DULY SECONDED BY COUNCILMAN HIBBS AND CARRIED BY A VOTE OF 6-0.**

**FY19 AUDIT UPDATE**

Chief Financial Officer Aaron Boles addressed the Council regarding the FY2018/19 Audit. There is a final draft under review but he has been ordered by authorities not to release the audit due to comments related to the ongoing investigation. The department has already implemented corrections to shortcomings of previous procedures. The audit will be released eventually but he could not provide a specific date for the release at this time.

**M2020-04 EMERGENCY FMLA MUNICIPAL ORDER**

City Attorney Audrey Haydon read Municipal Order M2020-04 and HR Director Greg Ashworth provided additional information on the purpose of the order. He stated that it is presented to the Council in response to the Federal Government’s “Families First Coronavirus Response Act” that assists employees with additional temporary leave as a result of the COVID-19 pandemic. This municipal order alters the City of Bardstown’s employee leave policy to comply with the Federal Act.

**MUNICIPAL ORDER M2020-04**

**MUNICIPAL ORDER PROVIDING FOR LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

**WHEREAS**, the President signed into law the “Families First Coronavirus Response Act” to assist with the impact of COVID-19, employees may be eligible for additional leave under the law; and

**WHEREAS**, to comply with the temporary leave requirements, the City of Bardstown is altering its leave policy for city employees.

**NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:**

1. Pursuant to the Emergency Paid Sick Leave Act, all employees are eligible for two weeks of paid leave at their regular rate of pay for the following reasons. Eligible full-time employees will receive up to eighty (80) hours of paid sick leave. Eligible part-time employees will receive pay based on the average number of hours worked over the last six months. The Act allows the employers to exclude healthcare providers and emergency responders from the definition of employees who are allowed to take such leave.
  - a. Subject to a federal, state or local quarantine or isolation order related to COVID-19;
  - b. Advised by a healthcare provider to self-quarantine due to COVID-19 concerns;
  - c. Experiencing COVID-19 symptoms and seeking medical diagnosis;
  - d. Caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a healthcare provider to self-quarantine due to COVID-19 concerns (caring for another who is subject to an isolation order or advised to self-quarantine as described above is not limited to only family members).
  - e. Caring for the employee’s child if the child’s school or place of care is closed or the child’s care provider is unavailable due to COVID-19 precautions; or
  - f. Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
2. Pursuant to the Emergency Family Medical Leave Expansion Act (EFMLEA), an employee that has been employed for thirty (30) days or more is eligible for up to twelve (12) weeks of job-protected leave to allow the employee, who is unable to work or telework, to care for the employee’s child (under 18 years of age) if the

child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency. The Act allows the employers to exclude healthcare providers and emergency responders from the definition of employees who are allowed to take such leave.

- a. The first 10 days of EFMLEA-qualified leave are unpaid. An employee may either be eligible for Emergency Paid Sick Leave as outlined in paragraph 1, or may take other paid leave concurrently with the EFMLEA.
  - b. Beginning the third week of EFMLEA, an eligible employee shall be paid according to the following:
    - i. Full-time employees at two-thirds the employee's regular rate for the number of hours the employee would otherwise be normally scheduled. The EFMLEA limits this pay entitlement to \$200 per day and \$10,000 in the aggregate per employee.
    - ii. Employees who work a part-time or irregular schedule are entitled to be paid at two-thirds the employee's regular rate based on the average number of hours the employee worked for the six months prior to taking Emergency FMLA. Employees who have worked for less than six months prior to leave are entitled to the employee's reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work.
    - iii. The city will pay full-time employees at one-third the employee's regular rate for the number of hours the employee would otherwise be normally scheduled, to ensure that full-time employees continue to receive 100% of their regular rate of pay.
    - iv. The city will pay part-time employees, or employees who work an irregular schedule, at one-third of the employee's regular rate, subject to the calculations of the employee's average hours set forth above, to ensure that part-time employees continue to receive 100% of their regular rate of pay.
  - c. The city will return the employee to their prior position in accordance with the restoration requirements of the FMLA.
  - d. The city's FMLA leave is otherwise unchanged and any EFMLEA leave will count toward the employee's total twelve (12) weeks of job-protected FMLA leave.
3. The executive authority shall determine which employees are eligible for continued work or telework based on the needs and capacity of the city.
  4. All other Employee Manual rules shall remain in force.
  5. This order will terminate at the expiration of the Families First Coronavirus Relief Act, currently set for December 31, 2020.

**COUNCILMAN BUCKMAN MADE A MOTION TO APPROVE MUNICIPAL ORDER M2020-04 PROVIDING FOR TEMPORAY EMPLOYEE LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 6-0.**

#### **2020 CENSUS**

Mayor Heaton encouraged everyone to complete the 2020 Census form and emphasized that Federal funding for the State of Kentucky is based on the Census count.

#### **ADJOURNMENT**

**COUNCILMAN WILLIAMS MOVED TO ADJOURN THE MEETING AT 7:50 PM. THE MOTION WAS DULY SECONDED BY COUNCILWOMAN HART AND CARRIED BY A VOTE OF 6 TO 0.**

**CITY OF BARDSTOWN**

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J. Richard Heaton, Mayor

**ATTEST:**

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Gary Little, City Clerk