

**CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
09-26-2017
7:00 PM**

The City Council met in regular session in the Council Chambers with Mayor Heaton and the following Councilmen:

Councilman Buckman
Councilman Copeland
Councilman Dones
Councilman Kelley
Councilman Sheckles
Councilman Williams

Others present: City Attorney Tim Butler, CFO Tracy Hudson, City Clerk Mary Riley, HR Director/Risk Manager Greg Ashworth, City Civil Engineer Jessica Filiatreau, Police Chief Kim Kraeszig, Historic Preservationist Rashae Jennings, KCADV Representatives Whitney Reynolds and Marjorie Amon, Nelson County Gazette Reporter Jim Brooks, Kentucky Standard Reporter Randy Patrick, and Citizen Pat Whelan.

The Mayor called the meeting to order and announced that an Executive Session would be called near the end of the meeting pursuant to KRS 61.810(1)(c) Discussions of proposed litigation involving a public agency.

URBAN AGRICULTURE

Resident Nick Kipper gave a presentation in support of poultry, namely chickens, in urban areas. He provided a handout containing various facts, discussed details of location restrictions, permitting and inspections, and attempted to address concerns about the sight, sound and smell of chickens being housed in the City limits. The public was offered the opportunity to comment.

NELSON COUNTY SOLID WASTE MANAGEMENT PLAN 5-YEAR UPDATE 2018-2022

City Civil Engineer Filiatreau explained due to the City taking waste to the county landfill, a Solid Waste Management Plan is executed every five years. Councilman Kelley suggested correcting the recycling locations to reflect only one location exists.

RESOLUTION 2017-07

City Attorney Butler read the following:

RESOLUTION 2017-07

**A RESOLUTION ADOPTING THE NELSON COUNTY AREA SOLID WASTE MANAGEMENT PLAN
2018-2022 UPDATE**

WHEREAS, Nelson County Fiscal Court is required by KRS 224.43-340 and KRS 224.43-345 to submit an update of the area solid waste management plan; and

WHEREAS, the Nelson County Solid Waste Management Area is governed by the Nelson County Fiscal Court; and

WHEREAS, the Nelson County Solid Waste Management Plan 2018-2022 Update sets the agenda for implementation of solid waste reduction and management for the years inclusive of 2018-2022; and

WHEREAS, a Public Comment period on the Nelson County Solid Waste Management Plan 2018-2022 Update was conducted in the County.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF BARDSTOWN CITY COUNCIL, COUNTY OF NELSON, COMMONWEALTH OF KENTUCKY THAT:

The CITY OF BARDSTOWN hereby adopts the Nelson County Solid Waste Management Plan 2018-2022 Update and supports its Action Plan, Implementation Plan and associated activities.

UPON MOTION BY COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 6 TO 0, RESOLUTION 2017-07 WAS ADOPTED.

HISTORICAL REVIEW BOARD

The following recommendations from the Bardstown Historical Review Board were presented:

Councilman Kelley recused himself from the meeting at 7:40pm prior to the HRB recommendation for the following:

1. COA-17-77. Old Bardstown Village Inc, Applicant/Owner, request to install signage at 204 East Broadway Street. Recommendation: Approval to install the proposed signage.

COUNCILMAN BUCKMAN MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #17-77. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 5 TO 0.

Councilman Kelley returned to the meeting at 7:41pm.

The following recommendations from the Bardstown Historical Review Board were presented:

1. COA-17-83. Thomas Wheatley, Applicant/Owner, request to demolish a shed at 208 North 4th Street. Recommendation: Approval to demolish the shed.
2. COA-17-84. Thomas Donan, Applicant/ Daniel Linebaugh House LLC., Owner, requests to demolish a shed at 205 East Stephen Foster Ave. Recommendation: Approval to demolish the shed.
3. COA-17-80. Nancy Foster, Applicant/Owner requests to paint the roof at 214 East John Fitch Ave. Recommendation: Approval to paint the roof the proposed color.
4. COA-17-81. Joe and Caitlin Ballard, Applicants/Owners requests install a new fence at 208 West Broadway Street. Recommendation: Approval to install the fence at the proposed location.

COUNCILMAN KELLEY MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #17-83, COA #17-84, COA #17-80 AND, COA #17-81 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 6 TO 0.

Councilman Buckman recused himself from the meeting at 7:44pm prior to the HRB recommendation for the following:

1. COA-17-79. Jerry Janes, Applicant, Joe and Jenny Buckman, Owners, request to install signage at 94 Court Square. Recommendation: Approval to install the proposed signage.
2. COA-17-82. Holden Willett, Applicant/Owner requests to install a porch at 206 East Stephen Foster Avenue. Recommendation: Approval to install the porch as proposed.
3. COA-17-85. Holden Willett, Applicant/Owner requests to replace vinyl siding with wood siding at 206 East Stephen Foster Avenue. Recommendation: Approval to replace all vinyl siding with wood siding.
4. COA-17-86. Holden Willett, Applicant/Owner requests to replace the wood fence at 206 East Stephen Foster Avenue. Recommendation: Approval to install the fence with the following conditions: **The applicant will be installing a three foot wide gate, and the fence design is simply replacing existing fence on the property. It is the same in height and material.**
5. COA-17-87. Holden Willett, Applicant/Owner requests to paint the exterior at 206 East Stephen Foster Avenue. Recommendation: Approval to paint the house with the following conditions: **The proposed trim color of glacier white is appropriate, the siding color will be staff approved by the preservation coordinator.**
6. COA-17-88. Holden Willett, Applicant/Owner requests to install new gutters at 206 East Stephen Foster Avenue. Recommendation: Approval to install the proposed round gutters.

COUNCILMAN DONES MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #17-79, COA #17-82, COA #17-85, COA #17-86, COA #17-87 AND COA #17-88 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0.

Councilman Buckman returned to the meeting at 7:46pm.

BARDSTOWN CRAFT BEER FESTIVAL

UPON MOTION BY COUNCILMAN KELLEY, DULY SECONDED BY COUNCILMAN DONES, AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL SANCTIONED THE CRAFT BEER FESTIVAL EVENT AND APPROVED THE CLOSURE OF THE 100 BLOCK OF EAST FLAGET FROM NOON TO MIDNIGHT ON OCTOBER 21, 2017.

MINUTES

THE MINUTES OF THE SPECIAL TAX HEARING AND ALSO THE SPECIAL COUNCIL MEETING ON 09-12-2017 WERE APPROVED BY UNANIMOUS CONSENT.

POLICE DEPARTMENT COMMAND STAFF STRUCTURE

Police Chief Kraeszig provided an overview of the existing structure of the Police Department staff and how her proposed structure would benefit the department and reduce the City’s liability. She elaborated on the experience she would like to add to the department such as narcotics, homicide, execution of search warrants and that she places training her officers and herself as the highest priority. Mayor Heaton explained that the budget can handle the payroll expense.

FIRST READING OF ORDINANCE B2017 CLASSIFICATION AND COMPENSATION PLAN

Councilman Williams introduced the ordinance and asked that it be read. City Attorney Butler read the following Summary.

SUMMARY OF ORDINANCE B2017-14

This Ordinance amends Ordinance B2016-10, B2016-15, B2017-11 and CHAPTER 35, EMPLOYMENT POLICIES, THE CLASSIFICATION PLAN AND COMPENSATION PLAN of the municipal code by: amending the number of Authorized Positions, their title and pay grade and setting the ranges for pay grades for City employees for Fiscal year 2017-2018 and subsequent years.

The amendments and additions reflecting number of positions, title, and pay grade respectively are:

ELECTRIC & CABLE TV: ~~{1 Media Specialist (part time) 109};~~

ADMINISTRATION: **1 Marketing and Communications Specialist 109;**

POLICE: ~~{1 Police Lieutenant 113};~~

~~{}~~ **2** Police Captain 116

Change the Grade Scale as Follows: all minimum wages are raised by 3%, and all maximums shall be 1.5 times the minimum.

This ordinance or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

This ordinance shall be in full force and effect following publication in summary as required by law.

No vote was taken and the consensus showed no objections to the proposed ordinance.

After the First Reading, the Mayor indicated that the Department Heads need a Go-To person to assist in keeping information on the website current. HR Director / Risk Manager Greg Ashworth explained the City’s need for a larger presence on the various social media platforms.

SECOND READING OF ORDINANCE B2017-13 PROPERTY TAX RATE – SAME RATE

City Attorney Butler read the ordinance as follows:

ORDINANCE NO. B2017–13

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE STYLED “AN ORDINANCE LEVYING TAX ON PROPERTY SUBJECT TO TAX IN THE CITY OF BARDSTOWN: FIXING RATES THEREON AND DESIGNATING THE FUNDS AND PURPOSES FOR WHICH EXPENDITURES ARE AUTHORIZED FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018.

THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAIN AS FOLLOWS:

1. That there be and hereby is levied the sum of \$0.1820 on each ONE HUNDRED dollars of real property subject to taxation, the sum of \$0.1912 on each ONE HUNDRED dollars of personal property subject to taxation, and the sum of \$0.24 on each ONE HUNDRED dollars of motor vehicle and water craft subject to taxation in the City of Bardstown for the fiscal year July 1, 2017 to June 30, 2018.
2. All monies hereinafter collected for taxes due for the year 2017-2018 and all years prior thereto shall be allocated to the General Fund for the general expenses of city government including, but not limited to, recreation, police and fire protection, general government, and the maintenance of streets and highways.
3. Collection of property tax bills of TEN DOLLARS (\$10.00) or less may be waived by the Chief Financial Officer.

4. All taxpayers whose taxes are not paid by the last day of October or by the thirtieth day after the mailing of the tax bill, whichever is later, shall pay a penalty of TEN PERCENT (10%) of the amount of taxes due and unpaid and in addition thereof shall pay interest on the unpaid taxes at the rate of ONE PERCENT (1%) per month or part thereof until paid.
5. A 2% Convenience Fee is levied on any credit card transaction payment of property tax bills.

This Ordinance shall be in full force upon its publication and all ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict.

COUNCILMAN BUCKMAN MOVED TO APPROVE ORDINANNCE B2017-13 PROPERTY TAX RATE – SAME RATE. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN KELLEY	-	AYE
COUNCILMAN COPELAND	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN DONES	-	AYE

MAYOR HEATON THEN DECLARED ORDINANCE NO. B2017-13 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

PATH COALITION & BARDSTOWN FIRE DEPARTMENT

On behalf of the PATH Coalition, Chairperson Wilma Sorrell presented Mayor Heaton with a plaque to recognize Fire Fighter/Lieutenant Scott Lawson and the Bardstown Fire Department for their support and efforts to combat overdose deaths by becoming trained in NARCAN application.

KENTUCKY COALITION AGAINST DOMESTIC VIOLENCE

Representatives Whitney Reynolds and Marjorie Amon explained that their program funds the 15 domestic violence shelters in Kentucky. They invited the City to participate in their Purple Purse Challenge which is a fundraiser held in October and all proceeds raised will go directly to their Economic Empowerment Program to help survivors of domestic violence get financially fit and stay on the path to safety and self-sufficiency.

ANNOUNCEMENTS

Councilman Sheckles asked Police Chief Kraeszig to look into speeding on South Fourth Street.

Mayor Heaton announced the upcoming event, Coffee with a Cop, to be held on Third Street with Police Chief Kraeszig and other members of the Police Department. Also announced by the Mayor was the upcoming Arts & Crafts Festival, the drainage project at North Fourth Street and West Flaget that will begin after the festival concludes, the street resurfacing project timeline and the hiring of a new Staff Engineer

CEMETERY DEEDS

THE CEMETERY DEED FOR RHONDA KELLY WAS APPROVED BY UNANIMOUS CONSENT.

EXECUTIVE SESSION

COUNCILMAN SHECKLES MOVED TO GO INTO EXECUTIVE SESSION PURSUANT TO KRS 61.810(1)(C) DISCUSSIONS OF PROPOSED LITIGATION INVOLVING A PUBLIC AGENCY. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 5 TO 0. Time was 8:29pm.

Councilman Copeland recused herself from the Executive Session.

All attendees left the Council Chambers except for City Attorney Butler, Chief Financial Officer Hudson and City Clerk Riley.

COUNCILMAN WILLIAMS MOVED TO COME OUT OF THE EXECUTIVE SESSION AND CONTINUE WITH THE REGULAR MEETING AT 9:15pm. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0.

The minutes will reflect that no action was taken during the Executive Session. Mayor Heaton announced that Councilwoman Copeland recused herself from the Executive Session portion of the meeting.

City Attorney Butler gave a summary of the proposed litigation and the offer of settlement that was made. A one-time payment of \$40,000, payable to Councilwoman Copeland, will release the City, any former or current officers, employees, Council or elected officials of any liability to the actions alleged..

COUNCILMAN KELLEY MADE A MOTION TO AUTHORIZE THE MAYOR TO ENTER INTO THE SETTLEMENT AGREEMENT PRESENTED AND DISPERSE THE AMOUNT OF \$40,000 TO COUNCILWOMAN COPELAND. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES.

Councilman Kelley explained that he looked hard at the City’s liability and whether the taxpayers should pay this settlement. He considered that the City’s insurance carrier indicated there were exclusions for each allegation and they would not provide coverage or even a legal defense. With sparse case law in Kentucky, there was a strong risk in taking it before a jury. The negotiated sum was in the City’s best interest. “We can buy our peace with this and look forward to the future”, he stated.

Mayor Heaton made the following statement – “It goes without saying that I very much dislike the events that happened last year that has preceded where we are with this proposed litigation. I don’t think any of us here tonight elected councilmembers or the city condone the actions of the former Mayor and some of the employees and it goes without saying that our actions this year earlier with the investigation and removal showed that we were serious about taking action against that type of activity within the city. At the same time though, I’m really struggling; I think this is putting us in a very very difficult situation as a council. I don’t like what happened last year and I don’t really like being in the position we are in tonight because the settlement is being put on the shoulders of the individuals that really had nothing to do with what happened last year and those that did, they get to walk from the legal and financial standpoint and I find that troubling and I know some people on the committee find that troubling, but at the end of the day it’s our fiduciary responsibility to do what’s right for our citizens and taxpayers. To have to go through litigation and fund the cost of that and there is always going to be a risk of financial award by a jury in this case, I think it’s the most expeditious thing to do is to agree to this settlement and pay the settlement agreement amount of \$40,000 and it will hopefully allow us to put another bad chapter in the history of the City of Bardstown behind us and not go back through several more months of that being brought back out to the community and publicity wise and let us move forward with our jobs at hand.”

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN KELLEY	-	AYE
COUNCILMAN COPELAND	-	RECUSED
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN DONES	-	NAY

Councilman Copeland returned to the meeting at 9:25pm.

ADJOURNMENT

COUNCILMAN BUCKMAN MOVED TO ADJOURN THE MEETING AT 9:26pm. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

CITY OF BARDSTOWN

J. Richard Heaton, Mayor

ATTEST:

Mary Riley, City Clerk