

**CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
01-24-2017
7:00 PM**

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

Councilman Buckman
Councilman Copeland
Councilman Heaton
Councilman Kelley
Councilman Sheckles
Councilman Williams

Others present: Director of Public Works and Engineering Larry Hamilton, City Civil Engineer Jessica Filiatreau, City Clerk Barbie Bryant, City Attorney Tim Butler, Police Chief Steve Uram, Fire Chief Randy Walker, Police Lieutenant Scott Lawson, Human Resource Director Larry Green, Chief Financial Officer Tracy Hudson, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, and citizens C.R. Royalty, Jimmy Yocum, Barbara Werner, Bruce Reynolds, Fred Hagan, Kathy Kelley, Bobby Simpson, Kerry and Melinda Monin and Scott Crosbie.

The Mayor called the meeting to order and announced that a Closed Session would be called near the end of the meeting pursuant to KRS 61.810 (f) discussions which might lead to the discipline or dismissal of an individual employee without restricting that employee's right to a public hearing if requested pursuant to the council's investigation.

FIRE DEPARTMENT RECOGNITIONS

Fire Chief Walker presented badges to John Bates, Austin Hale, Jared Gant and Tyler Weaver. The individuals received 150 hours of training and are now State Certified.

Fire Chief Walker also presented a plaque to Bardstown Fire Department Lieutenant Mike Hatfield to commemorate 15 years of service.

Fire Chief Walker then presented a plaque to Bardstown Fire Department Volunteer Kerry Monin, to celebrate 40 years of service as a volunteer.

WATER TREATMENT PLANT BACKWASH IMPROVEMENT PROJECT BID

COUNCILMAN SHECKLES MOVED TO APPROVE THE WATER TREATMENT PLANT BACKWASH IMPROVEMENT PROJECT BID FROM TSI CONSTRUCTION INC., IN THE AMOUNT OF \$1,052,000.00. THE MOTION WAS DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 6 TO 0.

SANITARY SEWER INSPECTION CAMERA (CCTV) BID

COUNCILMAN KELLEY MOVED TO APPROVE THE SANITARY SEWER INSPECTION CAMERA BID FROM EYE-TRONICS IN THE AMOUNT OF \$67,653.25. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0.

HISTORICAL REVIEW BOARD

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

- (a) AMENDED COA-16-102. HayJac LLC., applicant/owner proposes to amended renovation plans at 207 North 4th Street. Recommendation: Approval of the amended renovation plans. This includes enlarging the addition at the rear of the property, adding one window moving one door, and adding another small addition.
- (b) COA-17-01. Troy Dennison, applicant/owner proposes to install signage at 129 North 3rd Street. Recommendation: Approval of the new sign materials and design. Condition: The proposed sign will not have an apostrophe in the name of the building.
- (c) COA-17-03. Danna Dones, applicant/owner proposes to paint the exterior, trim, and doors at 205 North 5th Street. Recommendation: Approval to paint the building the proposed paint colors.
- (d) COA-17-04. Danna Dones, applicant/owner proposes to install a window at 205 North 5th Street. Recommendation: Approval to install the window at the proposed location. Condition: The window will be staff approved by the Preservation Coordinator.
- (e) COA-17-05. Danna Dones, applicant/owner proposes to a pergola at 205 North 5th Street. Recommendation: Approval to install the pergola. Condition: The pergola will be made out of aluminum material only.
- (f) COA-17-06. Danna Dones, applicant/owner proposes to light fixtures at 205 North 5th Street. Recommendation: Approval to install the proposed light fixtures. Condition: The location of the light

fixtures would be approved by the Preservation Coordinator.

COUNCILMAN WILLIAMS MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR AMENDED COA #16-102, COAs #17-01, #17-03, #17-04, #17-05 AND #17-06 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.

MINUTES

THE MINUTES FOR THE 01-10-2017 REGULAR COUNCIL MEETING AND THE 01-19-2017 SPECIAL COUNCIL MEETING WERE APPROVED BY UNANIMOUS CONSENT.

FINANCIAL REPORT

The following expense report was submitted per Municipal Order M2016-17:

KLC - COA Training, January 11-13, 2017					
	Kelley	Copeland	Williams	Sheckles	Heaton
KLC COA	\$ 199.00	\$ 199.00	\$ 199.00	\$ 199.00	\$ 199.00
Room	\$ 424.97	\$ 319.00	\$ 185.06	\$ 260.62	
Parking		\$ 12.00	\$ 8.00		
Meals			\$ 12.02		
Mileage			\$ 134.82		
TOTALS	\$ 623.97	\$ 530.00	\$ 538.90	\$ 459.62	\$ 199.00

PROPOSED ORDINANCE B2017 - PROPOSAL TO CLOSE WOODWARD DRIVE

Councilman Buckman introduced the proposed ordinance that will allow SRS Company’s request to close a portion of Woodward Drive. No vote was taken.

SECOND READING OF ORDINANCE B2017-01 AMENDED COUNCIL MEETING DATES

ORDINANCE NO. B2017 – 01

AN ORDINANCE AMENDING ORDINANCE NO. B2013-21 CHANGING THE DATES OF THE REGULAR MEETINGS OF THE CITY COUNCIL.

WHEREAS The current Regular Meetings of the Bardstown City Council are held on the second and fourth Tuesdays of each month in the Council Chambers on the campus of City Hall in Bardstown, Kentucky at 7:00pm; and

WHEREAS Members of the City Council wish to amend the dates of the regular meetings to include the first Tuesday of each month in the Council Chambers at 5:00pm to incorporate a “Working Session” atmosphere.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BARDSTOWN THAT:

The Regular Meetings of said City Council are to be held on the second and fourth Tuesdays of each month in the Council Chambers on the campus of City Hall in Bardstown, Kentucky at 7:00 pm[-] **and on the first Tuesday of each month in the Council Chambers on the campus of City Hall in Bardstown, Kentucky at 5:00pm.**

COUNCILMAN HEATON MOVED TO APPROVE ORDINANCE B2017-01 AMENDED COUNCIL MEETING DATES. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

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

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2017-01 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING OF ORDINANCE B2017-02 SUPPLEMENT TO CODE OF ORDINANCES

ORDINANCE NO. B2017 – 02

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES
OF THE CITY OF BARDSTOWN, KENTUCKY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2016 S-21 supplement to the Code of Ordinances of the City of Bardstown, Kentucky, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes; and

WHEREAS, it is the intent of the Council to accept these updated sections in accordance with the changes of the law of the Commonwealth of Kentucky.

NOW, THEREFORE, BE IT ORDAINED by the City of Bardstown:

SECTION 1. That the 2016 S-21 supplement to the Code of Ordinances of the City of Bardstown, Kentucky, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

COUNCILMAN SHECKLES MOVED TO APPROVE ORDINANCE B2017-02 SUPPLEMENT TO CODE OF ORDINANCES. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS.

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 HEATON	-	AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2017-02 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING OF ORDINANCE B2017-03 WHISTLEBLOWER

ORDINANCE NO. B2017 - 03

AN ORDINANCE PROTECTING CITY EMPLOYEES FROM REPRISAL FOR REPORTING VIOLATIONS OF LAW.

WHEREAS, the City of Bardstown has a vested interest in fostering a culture of ethical behavior by encouraging open and honest communications from its employees relating to the delivery of government programs and services;

WHEREAS, occasionally employees of the City of Bardstown may have facts or information relative to an actual or suspected violation of a law, statute, executive order, municipal order, administrative regulation, mandate, rule or ordinance of the United States, the Commonwealth of Kentucky, the City of Bardstown or the County of Nelson;

WHEREAS, timely reporting of suspected or actual wrongdoing allows City leaders to respond appropriately and effectively;

WHEREAS, employees should feel free to report, in good faith, such facts or information, without fear of reprisal or discrimination;

WHEREAS, a City may pass ordinances that are in addition to, yet not inconsistent with, state statutes and constitutional provisions;

WHEREAS, the City of Bardstown intends to provide additional reporting channels and employment protections beyond those provided in Kentucky Revised Statutes 69.101, 69.102, and 69.103; and,

WHEREAS, the City of Bardstown desires to extend those statutory protections against reprisal or discrimination to its City employees for reporting, disclosing, divulging or reporting to the Bardstown City Council or any of its members, agents or employees, the Bardstown Mayor or any supervisory employee of the City of Bardstown, and the City of Bardstown Board of Ethics, any facts or information relative to an actual or suspected violation of any law, statute, ordinance, executive order, administrative regulation, mandate or rule of the United States, the

Commonwealth of Kentucky, the City of Bardstown, or any of its political subdivisions, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, or a substantial and specific danger to public health or safety.

NOW THEREFORE, PURSUANT TO THE AUTHORITY OF KRS 82.082 AND OTHER APPLICABLE LAW, BE IT ORDAINED BY THE CITY OF BARDSTOWN THAT:

SECTION I

Definitions – As used in this ordinance, unless the context requires otherwise:

(A) “Employee” means a person in the service of the City of Bardstown, who is under contract of hire, express or implied, oral or written, where the City of Bardstown, has the power or right to control and direct the material details of work performance;

(B) “Agent” means a person in the service of the City of Bardstown, who is under contract of hire and acting under lawful authority;

(C) “Employer” means the City of Bardstown. Employer also includes any person authorized to act on behalf of the City of Bardstown, with respect to formulation of policy or the supervision, in a managerial capacity, of subordinate employees; and

(D) “Official request” means a request from members of the Bardstown City Council, its agents and employees; the Auditor, its agents and employees, hired by the City of Bardstown; the City Attorney; the Bardstown Mayor and employees of the Mayor’s Office; and members of the press.

SECTION II

Reprisal against public employee for disclosure of violations of law prohibited -- Construction of Ordinance.

(A) No employer shall subject to reprisal, or directly or indirectly use, or threaten to use, any official authority or influence, in any manner whatsoever, which tends to discourage, restrain, depress, dissuade, deter, prevent, interfere with, coerce, or discriminate against any employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of the judiciary or any member or employee of the judiciary, any law enforcement agency or its employees, Bardstown City Council and any member of the Bardstown City Council, its agents or employees, the Bardstown Mayor and employees of the Mayor’s Office, the City of Bardstown Board of Ethics, the Auditor, its agents and employees, hired by the City of Bardstown or any other appropriate body or authority, any facts or information relative to an actual or suspected violation of any law, statute, executive order, municipal order, administrative regulation, mandate, rule, or ordinance of the United States, the Commonwealth of Kentucky, the City of Bardstown, or the County of Nelson, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, or a substantial and specific danger to public health or safety. No employer shall require any employee to give notice prior to making such a report, disclosure, or divulgence.

(B) No employer shall subject to reprisal or discriminate against, or use any official authority or influence to cause reprisal or discrimination by others against, any person who supports, aids, or substantiates any employee who makes public any wrongdoing set forth in subsection (1) of this section.

(C) This section shall not be construed as:

(1) Permitting the employee to leave his or her assigned work area during normal work hours without following applicable law, administrative regulations, rules, or policies pertaining to leave, unless the employee’s participation is required or requested pursuant to any lawful federal, state or local government investigation, administrative hearing or judicial proceeding;

(2) Authorizing an employee to represent his or her personal opinions as the opinions of his or her employer; or

(3) Prohibiting disciplinary or punitive action if an employee discloses information which he or she knows:
a. To be false or which he or she discloses with reckless disregard for its truth or falsity;
b. To be exempt from required disclosure under the provisions of KRS 61.870 to 61.884 or Sections 41.01 to 41.12 of the Bardstown Code of Ordinances; or
c. Is confidential under any other provision of law.

SECTION III

Criminal Penalty:

Any individual that violates the provisions of this ordinance shall be guilty of a Class A misdemeanor and shall be subject to criminal fine of up to \$500 and a maximum term of imprisonment of twelve (12) months. KRS 83A.065(2).

SECTION IV

It is the expressed intention of the City of Bardstown that the provisions of this ordinance shall be severable, and should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V

This ordinance shall become effective on the date of its passage and publication as required by law. All prior ordinances or parts of any ordinance in conflict herewith are hereby repealed. If this ordinance is preempted in any way by federal or state law, the ordinance shall remain in effect to the extent it is not otherwise preempted.

COUNCILMAN KELLEY MOVED TO APPROVE ORDINANCE B2017-03 WHISTLEBLOWER. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

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

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2017-03 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

MUNICIPAL ORDER M2017-03 AMENDED COUNCIL COMMITTEES

City Clerk Bryant read the Municipal Order as follows:

MUNICIPAL ORDER NO. M2017-03

WHEREAS, the Mayor and Councilmen Heaton and Buckman have determined that the Long Term Planning Committee and the Finance Committee will be better served with the reversal of roles suggested.

NOW THEREFORE, be it ordered by the City Council of the City of Bardstown, Commonwealth of Kentucky:

That the Council Committees established through Municipal Order M2017-01 be amended in the following manner:

1. That the Safety Committee of the City Council whose members are: Chairman Councilman John Kelley, Councilman Joe Buckman, Councilman Bill Sheckles, the Police Chief or his/her designee and the Fire Chief or his/her designee shall have regularly scheduled meetings on the second Thursday of March, June, September and December each year at 5:00pm in the Mayor’s Conference Room of City Hall located at 220 North 5th Street.
2. That there is hereby named a Finance Committee of the City Council whose members shall be: Co-Chairman Mayor John Royalty, Co-Chairman Councilman Roland Williams, Councilman John Kelley, Councilman [~~Joe Buckman~~] **Dick Heaton**, and the Chief Financial Officer, and that the Finance Committee shall have meetings as needed.
3. That there is hereby named a Long-Term Planning Committee of the City Council whose members shall be: Chairman Councilman Kecia Copeland, Councilman [~~Dick Heaton~~] **Joe Buckman** and Councilman Roland Williams, and that the Long-Term Planning Committee shall have meetings as needed.
4. That the Electric and Cable TV Committee of the City Council whose members are: Chairman Councilman Dick Heaton, Councilman Roland Williams, Councilman Kecia Copeland, the City Electrical Engineer and the Electric Superintendent shall have regularly scheduled meetings on the first Tuesday of January, April, July and October each year at 4:00pm in the Council’s Chamber located on the second floor at 116 North 5th Street.
5. That there is hereby named a Water and Wastewater Committee of the City Council whose members shall be: Chairman Councilman Bill Sheckles, Councilman John Kelley, Councilman Kecia Copeland, Mayor John Royalty, the Director of Public Works and Engineering and the City Civil Engineer and that the Water and Wastewater Committee shall have meetings as needed.

6. That there is hereby created a Cemetery Committee of the City Council whose members shall be: Chairman Councilman Joe Buckman, Councilman Dick Heaton, Councilman Bill Sheckles, the Director of Public Works and Engineering, the Public Works Superintendent, the Groundskeeper, the Sexton and the citizen-member, and that the Cemetery Committee shall have regularly scheduled meetings on the second Wednesday of February, May, August and November of each year at 8:30 a.m. in the Mayor's Conference Room of City Hall located at 220 North 5th Street.
7. That there is hereby named a Street, Solid Waste and Transportation Planning Committee of the City Council whose members shall be: Chairman Councilman Joe Buckman, Councilman Roland Williams, Councilman Kecia Copeland, the Director of Public Works and Engineering and the City Civil Engineer and the Public Works Superintendent and that the Street, Solid Waste and Transportation Planning Committee shall have meetings as needed.
8. That there is hereby named an Annexation Committee of the City Council whose members shall be: Chairman Councilman Dick Heaton, Councilman John Kelley, Councilman Bill Sheckles, the Human Resource Director, the Director of Public Works and Engineering and the City Civil Engineer and that the Annexation Committee shall have meetings as needed.

COUNCILMAN WILLIAMS MOVED TO APPROVE MUNICIPAL ORDER M2017-03 AMENDED COUNCIL COMMITTEES. THE MOTION WAS DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 6 TO 0.

COUNCIL COMMENTS

Councilman Copeland encouraged the council members to attend the Kentucky League of Cities annual "City Days, City Nights" event on February 8, 2017. She then thanked all who attended the Martin Luther King Jr. celebration, which was held on January 16, 2017, at noon at the St. Monica Church.

Councilman Kelley asked for clarification on several line items in the December Financial that exceeded their budgeted limits.

Councilman Copeland asked why the check to purchase a ladder truck exceeded the recommended bid amount.

CLOSED SESSION

COUNCILMAN KELLEY MOVED TO GO INTO CLOSED SESSION PURSUANT TO KRS 61,810 (F) DISCUSSION WHICH MIGHT LEAD TO THE DISCIPLINE OR DISMISSAL OF AN INDIVIDUAL EMPLOYEE WITHOUT RESTRICTING THAT EMPLOYEE'S RIGHT TO A PUBLIC HEARING IF REQUESTED PURSUANT TO THE COUNCIL'S INVESTIGATION. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0. Time was 8:00pm.

Councilman Kelley then instructed Mayor Royalty, City Clerk Bryant, City Attorney Butler and Human Resource Director Green to leave the Council Chambers.

COUNCILMAN HEATON MOVED TO COME OUT OF THE CLOSED SESSION AT 8:55PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

The minutes will reflect that no action was taken during the closed session. City Clerk Bryant returned to the meeting. Mayor Royalty, City Attorney Butler and Human Resource Director Green did not return to the meeting.

COUNCILMAN BUCKMAN MOVED TO APPOINT COUNCILMAN HEATON AS THE PRESIDING OFFICER. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

COUNCIL INVESTIGATION

COUNCILMAN KELLEY MOVED TO EXPAND THE SCOPE THE INVESTIGATION TO GOVERNMENT MATTERS REQUIRING FUTHER INVESTIGATION BY THE COUNCIL'S INVESTIGATOR AND THAT THIS INVESTIGATION BE CONCLUDED BY APRIL 15TH UNLESS FURTHER EXTENDED BY THE COUNCIL. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

ADJOURNMENT

COUNCILMAN KELLEY MOVED TO ADJOURN THE MEETING AT 9:05PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

CITY OF BARDSTOWN

Councilman Dick Heaton, Presiding Officer

ATTEST:

Barbara Bryant, City Clerk