

**CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
03-28-2017
7:00 PM**

The City Council met in regular session in the Council Chambers with 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 Clerk Barbie Bryant, City Attorney Tim Butler, Police Chief Steve Uram, Fire Chief Randy Walker, CFO Tracy Hudson, Risk Manager Greg Ashworth, Investigative team for the Council; Scott Crosbie, Clay Mason and Eric Eaton, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, PLG-TV13 Reporter Matthew Fogle, members of the Louisville media and citizens Jason Floyd, Barbara Roby, C.R. Royalty, David Avis, Mark Hicks, Charles Parrish, Barbara Werner, Bruce Reynolds, Linda Sheckles, and Justin Brown.

Due to the absence of Mayor John Royalty, City Attorney Butler opened the meeting and announced that the Council would go into a Closed Session, prior to the end of the regular meeting, pursuant to KRS 61.810 (f) discussions which might lead to the discipline or dismissal of an individual employee namely, Mayor John Royalty, without restricting that employee's right to a public hearing if requested pursuant to the council's investigation.

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

RECOGNITION THE CITY FROM THE BUTTERMILK DAY FOUNDATION

Councilman Williams presented a plaque to Presiding Officer Heaton that recognized the City of Bardstown for its continued commitment to the success of the 2016 Buttermilk Days Festival. Councilman Williams offered the plaque on behalf of Buttermilk Day Foundation President, Wayne Rogers, who was unable to attend the meeting.

HISTORICAL REVIEW BOARD

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

- (a) COA-15-45 AMENDED. Kim Conway, Applicant/Owner would like to alter her design for the carport and breezeway at 211 West Flaget Avenue. Recommendation: Approval to cover the patio area in the addition with a roof. The roof will be black shingles. Condition: The design of the light fixtures would be approved by the Preservation Coordinator.
- (b) AMENDED COA -17-09. Maggie Hardin, applicant/owner proposes to install new wood siding at the rear of her property at 203 West Flaget Street. Recommendation: Approval to install the proposed cement siding on the rear addition of the property.
- (c) COA -17-15. Holden Willett, applicant/owner proposes to receive approval for the installation of a patio at the rear of his property at 206 East Stephen Foster Avenue. Recommendation: Approval to keep the installed patio at 206 East Stephen Foster Avenue.
- (d) COA -17-16. Anthony Torres, applicant/owner proposes to install a new side door at 305 South 5th Street. Recommendation: Approval to install the proposed door at the side of the property.
- (e) COA -17-18. Melody Page, applicant/owner proposes to paint the fence at 201 East John Fitch Avenue. Recommendation: Approval to paint the fence. Condition: The fence color will be a light gray and it will be approved by the Preservation Coordinator.

COUNCILMAN WILLIAMS MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #15-45 AMENDED, #17-09 AMENDED, #17-15, #17-16 AND #17-18 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 6 TO 0.

MINUTES

COUNCILMAN BUCKMAN MOVED TO APPROVE THE REGULAR MEETING MINUTES FOR 03-14-2017. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

FINANCIAL REPORT

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

KLC - COA Training, January 11-13, 2017		
Copeland		
KLC COA	\$ 199.00	
Room	\$ 319.00	
Parking	\$ 12.00	
Mileage*	\$ 64.20	
TOTALS	\$ 594.20	\$594.20 applied to 10-0100-6024

KLC City Days/ City Nights, February 08, 2017		
Copeland		
Mileage	\$ 60.99	
TOTALS	\$ 60.99	\$60.99 applied to 10-0100-6024

balance of 10-0100-6024
\$344.81

National Preservation Conference, Washington DC, March 13-15, 2017		
Copeland		
Registration	\$ 337.00	
Room	\$ 1,528.68	
Meals	\$ 100.89	
Mileage	\$ 712.62	
TOTALS	\$ 2,679.19	\$2,000 applied to 10-0100-6023

*Mileage not reported until 02/28/2017

WASHINGTON DC NATIONAL PRESERVATION CONFERENCE REPORT

Councilman Copeland requested the agenda item be tabled until the next council meeting.

COUNCIL TRAVEL/TRAINING POLICY

Councilman Copeland requested the agenda item be tabled until the next council meeting.

CEMETERY DEEDS

COUNCILMAN KELLEY MOVED TO APPROVE THE CEMETERY DEEDS FOR CARLA DENISE SPALDING, MARTHA FOGLE AND THERESA AND HAROLD FULKERSON. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

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 NAMELY MAYOR JOHN ROYALTY 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 WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0. Time was 7:11pm.

Councilman Kelley then instructed all attendees to leave the Council Chambers except for Clay Mason, Scott Crosbie and Eric Eaton.

COUNCILMAN SHECKLES MOVED TO COME OUT OF THE CLOSED SESSION AT 8:00PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

The minutes will reflect that no action was taken during the closed session.

Scott Crosbie, with Mattmiller Crosbie, PLLC, presented the Mayor, City Clerk and the Council with the findings for their investigation. **COUNCILMAN KELLEY MOVED TO APPROVE AND ACCEPT FOR THE RECORD THE INVESTIGATOR’S SCOTT CROSBIE’S REPORT TITLED; CITY OF BARDSTOWN CITY COUNCIL INVESTIGATION FINAL REPORT MARCH 28, 2017. THE MOTION WAS DULY SECONDED BY**

COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0. The report and exhibits will be attached in the official minute book #22.

The report resulted in ten (10) significant factual findings and offered potential actions. The findings identified serious concerns regarding the conduct of Mayor John Royalty and the potential actions included the Council's authority to schedule a full public hearing to determine whether there is enough evidence to remove Mayor John Royalty from office for misconduct, incapacity or willful neglect.

COUNCILMAN KELLEY MOVED PURSUANT TO KRS 83A.040(9) TO CONDUCT A HEARING TO CONSIDER WHETHER MAYOR JOHN ROYALTY SHOULD BE REMOVED FROM THE OFFICE OF MAYOR OF THE CITY OF BARDSTOWN KENTUCKY. ISSUES FOR THE HEARING ARE (1) ARE THE FINDINGS IN THE INVESTIGATION REPORT TRUE (2) IF TRUE, DO THE FINDINGS CONSTITUTE MISCONDUCT OR WILLFUL NEGLECT IN THE PERFORMANCE OF THE DUTIES OF THE OFFICE OF MAYOR AND (3) DOES THE MISCONDUCT OR WILLFUL NEGLECT, IF ANY, JUSTIFY THE REMOVAL OF JOHN ROYALTY AS MAYOR OF BARDSTOWN; ALSO AS A PART OF THE MOTION TO MOVE THAT THIS HEARING BE SCHEDULED FOR APRIL 12TH, 2017, AT 10:00AM TO BE CONDUCTED AT THE NELSON COUNTY JUSTICE CENTER 200 NELSON COUNTY PLAZA, BARDSTOWN KENTUCKY SUBJECT TO THE APPROVAL OF THE CIRCUIT CLERK; ALSO AS PART OF THE MOTION THAT THE COUNCIL AUTHORIZE COUNCILMAN KELLEY TO SOLICIT A PROPOSAL FROM A PERSON TO ACT AS A HEARING OFFICER AT THIS HEARING; ALSO AS PART OF THE MOTION TO MOVE TO EMPLOY SCOTT CROSBIE AT HIS CURRENT CONTRACT RATE TO PRESENT THE INVESTIGATION'S EVIDENCE AT THE HEARING IN REGARD TO THE POTENTIAL ACTION LISTED AS (1), AS TO THE ADDITIONAL ACTIONS (2) AND (3) THE COUNCIL SHOULD TAKE UNDER ADVISEMENT. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

The Council and City Attorney Butler agreed that there may be a conflict of interest for the Mayor to preside over future meetings when agenda items address the investigation or public hearing.

COUNCILMAN KELLEY MOVED THAT WE HAVE A PRESIDING OFFICER FOR THOSE PORTIONS OF FUTURE COUNCIL MEETINGS THAT CONCERN THE HEARING OR THE INVESTIGATION AND THAT COUNCILMAN HEATON BE APPOINTED AND AT THE SPECIAL MEETING ON THE 12TH OF APRIL, 2017. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0.

WHISTLEBLOWER ORDINANCE

Councilman Buckman reminded everyone that the Whistleblower Ordinance will be enforced by the Council. City Attorney Butler encouraged City employees that might have questions to contact him.

ADJOURNMENT

COUNCILMAN WILLIAMS MOVED TO ADJOURN THE MEETING AT 8:30PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

CITY OF BARDSTOWN

Councilman J. Richard Heaton, Presiding Officer

ATTEST:

Barbara Bryant, City Clerk