

**CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
12-13-2016
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 Hagan
Councilman Lydian - **absent**
Councilman Simpson
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, Councilmen-elect John Kelley, Bill Sheckles, Dick Heaton and Joe Buckman, LTAHD personnel Donny Gill and Tammi Moore, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, WHAS Reporter Anna Rivera and citizens C.R. Royalty, Mark Hicks, Bruce Reynolds, Pat Settles, and Pat Whelan.

R2016-09 SYRINGE ACCESS EXCHANGE PROGRAM

Councilman Williams sponsored the following Resolution:

R2016-09

**A RESOLUTION
REGARDING THE CREATION OF A SYRINGE ACCESS EXCHANGE PROGRAM**

WHEREAS Kentucky is suffering from an epidemic of heroin and other injection drug use as evidenced by the increases in all of the following: drug overdoses and untimely deaths, emergency room visits and hospitalizations due to heroin and other drug use, babies born to women with drug addiction, rates of communicable diseases, and law enforcement arrests and incarceration due to heroin and other drug possession and associated criminal activity;

WHEREAS needles, syringes, and other equipment for injection drug use can become contaminated with blood that contains hepatitis C, hepatitis B, and HIV and these viruses can be transmitted when such equipment is shared among injection drug users;

WHEREAS contaminated drug injection equipment puts the public, law enforcement, and first responders at risk for exposure through accidental needle sticks when such contaminated equipment is improperly discarded;

WHEREAS the Hepatitis C crude rates in Nelson County increased from 2.7/100,00 population in 2007 to 8.9/100,000 population in 2014 exceeding both the state rate of 4.0/100,00 and national rate of 0.7/100,000 population further increasing the risk for new cases;

WHEREAS the cost of the medications for one course of treatment for Hepatitis C is \$84,000 and left untreated, may progress to cirrhosis, liver cancer or liver failure requiring a liver transplant at a cost of \$600,000;

WHEREAS sharing needles, syringes, and other drug injection equipment is the second highest cause of HIV infection in the United States, and in addition, 1 in 5 intravenous drug users are positive but do not know their status;

WHEREAS the cost of treating HIV infection, a lifelong chronic disease, is \$600,000, and for every \$1 spent on a syringe access exchange program, \$3-\$7 is saved on costs associated with HIV infection;

WHEREAS the Indiana State Department of Health and the Centers for Disease Control and Prevention (CDC) are investigating a large outbreak of human immunodeficiency virus (HIV) infections among persons who inject drugs in Scott County, Indiana and the CDC has issued a health advisory recommending that health departments ensure persons actively injecting drugs have access to integrated prevention services, including but not limited to access to sterile injection equipment from a reliable source;

WHEREAS the Lincoln Trail District Health Department is statutorily mandated per KRS 211.180 to perform the duties of detection, prevention, and control of communicable diseases such as Hepatitis C and B and HIV and implementation of a syringe access program helps fulfill this mandate;

WHEREAS syringe access programs have been operated in the United States since the 1980's, with 211 programs operating in 32 states, DC, Puerto Rico, and Indian nations;

WHEREAS researchers at the National Institutes of Health, the General Accounting Office, the CDC, and the National Academy of Sciences concur that syringe access exchange programs are an effective public health approach to reducing HIV and viral hepatitis infection;

WHEREAS syringe access programs have been supported as a harm reduction strategy by many health and governmental organizations including the CDC, the American Medical Association, the American Public Health Association, the American Pharmaceutical Association, the American Psychiatric Association, the American Bar Association, and the US Conference of Mayors;

WHEREAS research has also shown that syringe access exchange programs advance public safety, including the safety of law enforcement officials, by taking contaminated syringes off the streets and out of parking lots, parks, school grounds and playgrounds;

WHEREAS syringe access programs are an important link to mental health and addiction treatment services, serve as an entry point for other health care services, such as testing for HIV, HCV, pregnancy, and sexually transmitted diseases, vaccinations, overdose prevention kits, and education and counseling, and are cost effective interventions compared to treating HIV and Hepatitis C and other diseases associated with intravenous drug use;

WHEREAS syringe access programs have also been shown to NOT encourage individuals to begin using drugs, nor increase drug use among existing users, nor increase crime in neighborhoods in which such a program operates;

WHEREAS the Bardstown City Council along with the Lincoln Trail District Board of Health is concerned about the public health risks associated with this epidemic of injection drug use due to the rapid increase in the rates of hepatitis C and B over the past several years, with a substantial portion of cases reporting a history of injection drug use;

WHEREAS the General Assembly of the Commonwealth of Kentucky passed Senate Bill 192 in the 2015 Regular Session which amends KRS 218A.500, adding sections (5) (a) – (c), enabling local health departments to operate a substance abuse treatment outreach program which allows participants to exchange hypodermic needles and syringes with the consent of the local board of health and the legislative body of the city and county in which the program would operate;

WHEREAS the Lincoln Trail District Board of Health authorized the operation of a syringe exchange program by the Lincoln Trail District Health Department on November 5, 2016 subject to obtaining the consent of county and city legislative bodies, and on December 6, 2016, the Nelson County Fiscal Court entered its Resolution consenting to the operation of a syringe exchange program by the Lincoln Trail District Health Department;

NOW THEREFORE, BE IT RESOLVED on this DATE, the 13th of December, 2016 that the Bardstown City Council believes that a syringe access exchange program would reduce the risk of spreading infectious diseases through the availability of sterile drug injection equipment for the above stated reasons; **AND**

LET IT BE FURTHER RESOLVED that the Bardstown City Council approves the Lincoln Trail District Health Department to develop an evidence based phased syringe access exchange program in Bardstown to prevent and control the spread of communicable diseases associated with injection drug use and in so doing advance the public safety of the City of Bardstown; **AND**

LET IT BE FURTHER RESOLVED that the program implementation and progress shall be reviewed by the Lincoln Trail District Administrative Staff and the District Board of Health.

During discussion, Mr. Gill, with LTAHD, commented that there would be no cost to the City for this program.

COUNCILMAN WILLIAMS MOVED TO APPROVE R2016-09 SYRINGE ACCESS EXCHANGE PROGRAM. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 5 TO 0.

DOWNTOWN SSES – TV & CLEAN PROJECT – CHANGE ORDER

COUNCILMAN HAGAN MOVED TO APPROVE THE CHANGE ORDER FROM FIRST RESPONSE IN THE AMOUNT OF \$18,908.15. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 4 TO 1. Councilman Simpson voted no.

KENVIRONS PROFESSIONAL SERVICES - CONTRACT

COUNCILMAN HAGAN MOVED TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH KENVIRONS FOR THEIR PROFESSIONAL SERVICES ON THE WATER TREATMENT PLANT PROJECT. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0.

CASTLE COVE PHASE IV - WATER SERVICE REQUEST

A water service request was submitted for the extension of a 6” water main along a proposed street in the Castle Cove Subdivision that will serve 17 single-family residential lots.

COUNCILMAN HAGAN MOVED TO APPROVE THE WATER SERVICE REQUEST FOR CASTLE COVE PHASE IV. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0.

MINUTES

THE MINUTES FOR THE 11-22-2016 REGULAR COUNCIL MEETING AND THE 12-06-2016 SPECIAL COUNCIL MEETING WERE APPROVED BY UNANIMOUS CONSENT.

B2016-16 LUXCO DISTILLERY PROPOSED ANNEXATION

City Attorney Butler gave a second reading in summary. The full context follows:

ORDINANCE NO. B2016 – 16

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 68.344 ACRES LOCATED ALONG THE EAST SIDE OF KENTUCKY HIGHWAY 245 CORRIDOR, RUNNING FROM THE EXISTING BOUNDARY ON KENTUCKY HIGHWAY 245 TO AND INCLUDING PROPERTY OWNED BY LFL, LLC, LOCATED AT 3050 EAST JOHN ROWAN BOULEVARD AND ADJACENT TO THE CITY LIMITS.

WHEREAS, LFL, LLC, a limited liability company organized and existing pursuant to the laws of the State of Delaware, being the owner of record of the hereinafter described territory (the “territory”), has requested that the City of Bardstown, Kentucky (the “City”) annex the territory and, pursuant to KRS 81A.412, the owner has given written consent to such annexation; and

WHEREAS, on August 23, 2016, the City Council expressed its desire and intent to annex the territory which is contiguous to the boundaries of the City of Bardstown; and

WHEREAS, the said owners of record of the subject territory to be annexed have consented in writing to the proposed annexation as shown by their consent dated, August 25, 2016, and therefore, pursuant to KRS 81A.412 there is no requirement for a notification ordinance as required by KRS 81A.420 (1) or notice requirements by KRS 81A.425 or a waiting period of 60 days as provided by KRS 81A.420 (2) prior to enacting a final ordinance annexing the territory; and

WHEREAS, pursuant to KRS 100.209 (1) the City makes the election that after annexation, the territory shall remain subject to the same land use restrictions as applied to it prior to annexation, until such restrictions are changed in accordance with KRS Chapter 100.

NOW THEREFORE, PURSUANT TO THE AUTHORITY IN CHAPTER 81A OF THE KENTUCKY REVISED STATUTES AND OTHER APPLICABLE LAW, BE IT ORDAINED BY THE CITY OF BARDSTOWN THAT:

SECTION I

The City finds that the hereinafter described unincorporated territory meets the requirements of KRS 81A.410 and is as follows:

- A. Is contiguous to the boundaries of the City, and
- B. Is urban in character and suitable for development for urban purposes without unreasonable delay, and
- C. Is not included within the boundary of another incorporated city.

SECTION II

That the territory, described in Exhibit “A” and shown on Exhibit “B” each of which is attached hereto and incorporated herein by reference, shall be and the same is hereby annexed to the City of Bardstown, Kentucky.

SECTION III

The owners of records of the territory have filed with the City written consent to this annexation under KRS 81A.412 and therefore, the following do not apply to this annexation:

- A. The notification ordinance required by KRS 81A.420 (1);
- B. The notice requirement of KRS 81A.425; and
- C. The waiting period of KRS 81A.420 (2)

SECTION IV

Pursuant to KRS 100.209 (1) the territory shall, after annexation, remain subject to the same land use restrictions as applied to it prior to annexation, until those restrictions are changed in accordance with KRS Chapter 100.

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.

COUNCILMAN BUCKMAN MOVED TO APPROVE ORDINANCE B2016-16 LUXCO DISTILLERY ANNEXATION. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN SIMPSON - AYE
 COUNCILMAN BUCKMAN - AYE
 COUNCILMAN WILLIAMS - AYE
 COUNCILMAN HAGAN - AYE
 COUNCILMAN COPELAND - AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2016-16 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

REPORTS OF STAFF AND COMMITTEES

The minutes of the Special Cemetery Committee meeting that was held on December 07, 2016 were presented for the Council's review.

MUNICIPAL ORDER M2016-16 SOCIAL MEDIA POLICY

The Municipal Order died for a lack of a motion. Mayor Royalty will prepare an Executive Order for a Social Media Policy that will cover City personnel only. City Attorney Butler reminded the Council that any use of Social media for City business would be subject to the Open Records Act.

MUNICIPAL ORDER M2016-21 CITY VEHICLE USE AND ASSIGNMENT POLICY

MUNICIPAL ORDER NO. M2016-21

**CITY OF BARDSTOWN
 City Vehicle use and Assignment Policy**

I. PURPOSE

~~[The purpose of this policy is to establish procedures to ensure guidance for employees, volunteer firefighters, officers, and officials of the City of Bardstown regarding the use and assignment of city vehicles.]~~ **The operation of vehicles is necessary in conducting much of the City's business. This policy establishes requirements governing the operation of City owned, leased, or rented vehicles and the operation of personal vehicles while conducting business on behalf of the City.**

II. ENFORCEMENT

Enforcement of the directives and regulations contained within this policy shall be the responsibility of department directors, and the ~~[City Administrative Officer]~~ **Mayor**. Such responsibility shall include the development, monitoring and maintenance of these policies.

III. GUIDELINES FOR CITY VEHICLES

~~[All city vehicles shall be operated and maintained in accordance with the following guidelines:]~~

A. Employees operating the City owned, leased, or rented vehicles and employees who are performing employment functions on behalf of the City in a privately owned vehicle must meet the following requirements:

- 1) [A. Only those individuals authorized by Section I are permitted to operate city vehicles.] The employee shall hold a valid driver's license;**
- 2) [B. Seat belts and all required child safety restraints shall be utilized at all times during operation, in accordance with the City's Safety Program (p.10) and Executive Order 91-1] The employee shall not operate a City vehicle or use a privately owned vehicle in conducting business on behalf of the City while the employee's license is under revocation or suspension;**
- 3) [C. Only employees with a valid operators license appropriate to the vehicle being operated shall operate a city vehicle.] Any employee who may operate a City vehicle shall be subject to an annual Division of Motor Vehicle records check.**

B. When an employee is operating a City vehicle, the employee is required to adhere to the following requirements:

- 1) [D. Non-city employees shall not be transported in city vehicles unless necessary to the conduct of business, or on direct route to or from work.] The employee shall obey all city, county state, and federal laws and regulations;**
- 2) [E. All city vehicles shall bear a city marking and official license plate, unless specifically exempted in writing by the Bardstown City Council.] The employee shall not operate a motor vehicle while under the influence of alcohol or while being under the influence of illegal or controlled substances;**

- 3) [~~F. Employees are expected to operate city vehicles in a safe and courteous manner.~~] **The employee shall wear safety belts at all times in accordance with the City's Safety Program (p.11) and Executive Order 91-1;**
- 4) [~~G. Traffic and parking violations are the responsibility of the driver.~~] **The employee shall have on his or her possession, a valid driver's license at all times while operating a City vehicle;**
- 5) [~~H. An employee shall always exercise good judgement in utilizing a vehicle as to avoid unfavorable comment or discredit on the city.~~] **All City vehicles shall bear a city marking and official license plate, unless specifically exempted in writing by the Bardstown City Council;**
- 6) [~~I. At all times during the operation of a city vehicle, the employee shall maintain radio contact with city/emergency communications. Employees shall only respond to emergency calls if required by a direct supervisor or higher authority.~~] **Non-City employees shall not be transported in City vehicles unless necessary to the conduct of City business, or on direct route to and from work;**
- 7) [~~J. No additional equipment, including lights, sirens, or other unapproved items are to be placed on a city vehicle.~~] **Employees shall refrain from operating cellular telephones, laptop computers, navigational devices, and any other devices that may cause driver distraction while operating a City vehicle. Use of such devices shall be limited to instances where it is absolutely necessary in the performance of City business. Drivers shall make every attempt to properly park their vehicles prior to using such devices;**
- [~~K. Employees operating city vehicles shall be expected, as reasonable, to perform minor services such as motorist assist and directions.~~]
- 8) [~~L.~~] In accordance with all guidelines established by the Safety Program, and/or any other regulation of the City of Bardstown.

IV. VEHICLE ASSIGNMENT

All motor vehicles owned by the city shall constitute the "City of Bardstown Motor Vehicle Pool" (MVP). The MVP shall be categorized ~~into~~ **by** the following types of vehicle assignments:

- A. **Departmental** - These vehicles shall be available for use by all authorized members of a department, as required for official business. All vehicles on departmental assignment shall be returned to the MVP at the conclusion of the regular work shift.
- B. **Individual** - These vehicles shall be directly assigned to a specific employee for the purpose of official business. An individual assignment vehicle may be retained by an employee after the conclusion of a regular work shift, according to the regulations contained herein.

~~[Department Directors and the City Administrative Officer shall be responsible for directing the assignment of city vehicles. Such determinations will be made in accordance with this policy and to maximize the efficient use of the MVP.]~~

V. INDIVIDUAL ASSIGNMENT CRITERIA

~~[Authorized employees may be extended the Individual Assignment of a city vehicle if they meet one of the following criteria]~~ **When economically feasible and in the best interest of the City, employees may be assigned a City vehicle. The assignment of City vehicles shall be at the discretion of the Mayor. Such determinations shall be made in accordance with this policy and to maximize the efficient use of the MVP. A full-time employee with a position that requires business driving and who holds a valid driver's license may be eligible for the assignment of a City vehicle under any of the following conditions:**

- A. **MANAGEMENT RESPONSIBILITY** - Department Directors and Supervisors may be provided an Individual Assignment based upon their level of responsibility and need to respond to emergency situations off-duty.
- B. **EMERGENCY RESPONSE** - Employees may be provided an Individual Assignment based upon an "on call" status which requires that they respond to emergency situations while off-duty.

~~[Exceptions to the above criteria may be made only with written authorization from the Bardstown City Council.]~~

VI. INDIVIDUAL ASSIGNMENT GUIDELINES

Participation in the Individual Assignment of a city vehicle is limited to, and inclusive of the following guidelines:

- A. Employees with Individual Assignment city vehicles may use the vehicle for transportation to and

from work.

B. **Employees with Individual Assignment city vehicles shall not take City vehicles out of the county unless that employee is placed upon an "on call" status which requires that they respond to emergency situations while off-duty. "On Call Status" requires approval from the employee's department head.**

~~[B]~~C. Employees with Individual Assignment city vehicles shall be allowed to use the vehicle for personal business, on an occasional basis, within the Nelson County area only.

~~[C]~~D. Employees with an Individual Assignment city vehicle shall be responsible for scheduling routine maintenance and repair of the vehicle, and for keeping an automotive log to document the same.

~~[D]~~E. Off-duty employees shall perform minor services, as reasonable, such as motorist assist and directions.

~~[E]~~F. Any time an employee with an Individual Assignment vehicle is scheduled to be off from work, other than regularly scheduled days off, for more than five (5) working days, the vehicle shall be returned to the MVP until the employee next reports for duty.

~~[F]~~G. Individual Assignment vehicles may be inspected at any time by **the Mayor**, ~~[a]~~ Department Director, or ~~[the City Administrative Officer]~~ **Supervisor**, with or without notice to the employee. Such inspection shall include the log for the vehicle.

~~[G]~~H. Individual Assignment vehicles are also covered by all regulations contained within ~~[the GENERAL GUIDELINES]~~ section **III GUIDELINES FOR CITY VEHICLES** of this policy.

VII. ENFORCEMENT GUIDELINES FOR ACCIDENTS INVOLVING CITY VEHICLES

~~[1]~~A. Any employee driving a city vehicle must inspect the vehicle before operation. If no damage has been reported, the employee has then "accepted" the vehicle and is now responsible for any damage thereafter, until it is driven by another employee.

~~[2]~~B. Disciplinary action must apply in cases in which a city employee is found to be at fault in an accident involving a city vehicle, where more than \$500 of damage was done; or some personal injury resulted. Fault may be found in one of two ways:

- 1) ~~[A]~~ When the driver was found to be at fault in the accident report of whatever jurisdiction in which the accident occurred.
- 2) ~~[B]~~ In situations in which no accident report was filed (i.e. emergency) a determination of fault must be determined by department directors. Any accident involving a city vehicle **must** be reported to department directors **and the department directors shall provide** ~~[- to include]~~ written documentation of such determination to the ~~[CAO]~~Mayor.

~~[C. All sections of the City's Drug/Alcohol Testing shall be applied as required by that policy.]~~

VIII. DEFINITION

The term "employee" used herein shall be interpreted to include all employees, officers, volunteer firefighters, and officials of the City of Bardstown, Kentucky.

IX. VEHICLE DISPOSAL

All city vehicles to be rotated out of service to the ~~[MVP]~~ **motor vehicle pool**, and thus disposed of, shall be done ~~[through a sealed competitive, bidding process. All bids should be submitted during a period of time to be advertised in local media. The highest and best bid received, in accordance with the bid process, shall be the basis of the award of the vehicle bid.]~~ **in accordance with KRS 82.083. The disposal of any of the City's real or surplus property will be done by the Mayor's designee.**

X. DISCIPLINARY ACTION

Any unauthorized use of, or abuse/damage to, city vehicles may result in disciplinary action, to include but not limited to:

- A. Revocation of Individual Assignment privileges for a period of one month. (First Offense)
- B. Permanent revocation of Individual Assignment privileges. (Second offense in twelve months of a first offense)
- C. Any reprimands, suspensions, demotions, or dismissals, as permitted by the City of Bardstown Personnel Policies and/or the ~~[City Administrative Officer]~~Mayor.

D. An employee may only be required to reimburse the City for damage to a city vehicle if:

- 1) The employee is determined to be at fault for the purpose of an internal accident investigation; and
- 2) The employee exhibited wanton, reckless, or negligent conduct that contributed to or resulted in, the damage to a city vehicle.

~~XI. REVIEW, REVISION, AND DISPOSAL~~

~~This policy shall be reviewed after one year from its effective date. Such review shall be for the purposes of the policy in full.~~

~~XII. EFFECTIVE DATE~~

~~The effective date of this policy, for the purpose of implementation, shall be October 15, 1997.]~~

COUNCILMAN HAGAN MOVED TO APPROVE M2016-21 CITY VEHICLE USE AND ASSIGNMENT POLICY. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5-0.

COUNCIL COMMENTS

Councilman Copeland encouraged the incumbent Councilmen and the Council-elect to continue their training as City Officials provided through the Kentucky League of Cities.

Councilman Hagan confirmed that he had received service proposals from three outside investigators that were presented to him by City Attorney Butler. Councilman Hagan stated that he has reviewed and is recommending one of the three and once its legal content is reviewed by the City Attorney, he will then present the contract for services at the Council meeting scheduled for 12-27-2016. The initial cost of the investigation will be in the amount of \$3,500 to \$5,000. If the contract is accepted, the investigation will start the week of January 9, 2017.

CEMETERY DEEDS

THE MOTION TO APPROVE THE CEMETERY DEEDS FOR STEPHANIE CROWE, GUTHRIE AND JULIE WILSON, FRANK AND BRIDGETT WILSON, BETTY C. WILSON, JULIE W. GARRETT AND KATHLEEN GARRISON WAS APPROVED BY UNANIMOUS CONSENT.

ANNOUNCEMENTS

The Mayor announced the 20-year anniversary for Patrick Kiernan, Water Department.

ADJOURNMENT

COUNCILMAN HAGAN MOVED TO ADJOURN AT 7:55PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5-0.

CITY OF BARDSTOWN

John Royalty, Mayor

ATTEST:

Barbara Bryant, City Clerk