

CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
04-25-2017
7:00 PM

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

Councilman Buckman
Councilman Copeland
Councilman Kelley
Councilman Sheckles
Councilman Williams

Others present: City Attorney Tim Butler, Police Chief Steve Uram, Chief Financial Officer Tracy Hudson, Electrical Engineer Jeff Mills, Executive Assistant to the Mayor Beth Donahue, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, PLG-TV13 Reporter Matthew Fogle, and Citizens Bruce Reynolds, Pen Bogart, Nelda Moore, David Dones, Danna Dones, and Wes Dones.

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(1)(c) Discussions of pending litigation against the city council members, namely, Royalty v. Buckman et. al. 17-CI-00197.

HISTORICAL REVIEW BOARD

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

- (a) COA-17-22. Ron May, Applicant/Owner requests to install a new sign at 126 North 3rd Street. Recommendation: Approval to install the proposed sign.
- (b) COA-17-23. Just Jane LLC., Applicant/Owner requests to install a new sign at 107 West Flaget Street. Recommendation: Approval to install the proposed sign.
- (c) COA-17-25. Clear Water Properties LLC., Applicant/Owner requests to install a new HVAC unit at 205 North 5th Street. Recommendation: Approval to install the HVAC unit with the following conditions:
Conditions:
 - 1. If the unit was to be placed anywhere else it would be visible from the alley or Street.
 - 2. It will be a high-efficiency unit that is relatively small and it will be hidden by vegetation or some form of lattice that is approved by the preservation coordinator.
 - 3. If the unit is installed elsewhere the refrigeration lines have to be installed on the exterior of the structure.
- (d) COA-17-29. Kat Properties, Applicant/Owner requests to paint the rear portion of the building at 114 North 3rd Street. Recommendation: Approval to paint the rear of the property the proposed color.
- (e) COA-17-30. Annette Filiatreau, Applicant/Owner requests to paint the exterior at 215 South 5th Street. Recommendation: Approval to paint the exterior of the structure the proposed colors.
- (i) COA-17-31. Franklin Hibbs IV and Alexandria Mills, Applicants/Owners requests to paint the exterior doors and trim at 216 North 4th Street. Recommendation: Approval to paint the exterior of the house with the proposed colors.
- (j) COA-17-32. Franklin Hibbs IV and Alexandria Mills, Applicants/Owners requests to add inserts to the garage doors at 216 North 4th Street. Recommendation: Approval to install the garage door inserts.
- (k) COA-17-33. Franklin Hibbs IV and Alexandria Mills, Applicants/Owners requests to add a privacy fence at 216 North 4th Street. Recommendation: Approval to install the privacy fence. **Condition**: The final stain color of the fence would be approved by the Preservation Coordinator.
- (l) COA-17-34. Franklin Hibbs IV and Alexandria Mills, Applicants/Owners requests to fill in the driveway at 216 North 4th Street. Recommendation: Approval to fill in the driveway with the proposed brick and sand.

COUNCILMAN WILLIAMS MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #17-22, #17-23, #17-25, #17-29, #17-30, #17-31, #17-32, #17-33, AND #17-34 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0.

Councilman Buckman recused himself from the meeting at 7:05pm prior to the additional HRB recommendations for the following:

- (f) COA-17-26. Joe Buckman/Michael Katz and Julie Talbott., Applicant/Owner requests to install copula on

the garage at 202 South 3rd Street. Recommendation: Denial to install the copula.

- (g) COA-17-27. Joe Buckman/Michael Katz and Julie Talbott., Applicant/Owner requests to remove a side door at 202 South 3rd Street. Recommendation: Approval to remove the side door.
- (h) COA-17-28. Joe Buckman/Michael Katz and Julie Talbott., Applicant/Owner requests to reconstruct the screened in porch at 202 South 3rd Street. Recommendation: Approval to reconstruct the screened porch.

COUNCILMAN KELLEY MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #17-26, #17-27, AND #17-28 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 4 TO 0.

Councilman Buckman returned to the meeting.

MINUTES

Councilman Kelley made the following corrections to the minutes for 04-11-2017:

Councilman Kelley announced that a hearing had been scheduled for Wednesday, 8:00am with Judge Charles Simms, III, to determine if a Temporary ~~Retraining~~ (Injunction) Order would be granted for the defendant, Mayor John Royalty, ~~in order for his defense team to prepare for the public hearing~~. If the Temporary ~~Retraining~~ (Injunction) Order is not granted, the special meeting of the City Council would proceed at 10:00am at the Justice Center in Courtroom B, where a hearing would be held on the potential removal of John Royalty as Mayor pursuant to KRS 83A.040(9).

COUNCILMAN SHECKLES MOVED TO APPROVE THE REGULAR MEETING MINUTES FOR 04-11-17 AS CORRECTED. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0.

Councilman Copeland, Councilman Kelley and Mayor Heaton made the following corrections to the minutes for 04-12-2017:

COUNCILMAN KELLEY MOVED TO SHOW THE FINDINGS THAT THERE IS SUBSTANTIAL EVIDENCE THAT MAYOR JOHN ROYALTY IMPROPERLY USED CITY PERSONNEL AND EQUIPMENT TO ACCESS, REVIEW AND OBTAIN COPIES OF PRIVATE EMAIL COMMUNICATIONS OF COUNCILMEMBER KECIA COPELAND AND THAT SUCH ACTION WAS AN UNAUTHORIZED EXERCISE OF HIS OFFICIAL FUNCTION AS MAYOR OF THE CITY OF BARDSTOWN AND CONSTITUTES MISCONDUCT. THE SUBSTANTIAL EVIDENCE IS CONTAINED IN THE TESTIMONY AND RECORD, BUT ALSO WE ARE RELYING ON THE FOLLOWING SUBSTANTIAL EVIDENCE. MAYOR ROYALTY DIRECTED BRANDON BREWER TO ACCESS (COUNCILMAN) KECIA COPELAND'S PRIVATE EMAIL COMMUNICATIONS WHILE ON CITY PAYROLL. BRANDON BREWER USED CITY EQUIPMENT TO PRINT EMAILS AT MAYOR JOHN ROYALTY'S DIRECTION. (COUNCILMAN) KECIA COPELAND DID NOT AUTHORIZE SUCH ACCESS. THE TESTIMONY OF TIM BUTLER AND BRUCE REYNOLDS PROVIDED THAT MAYOR JOHN ROYALTY HAD NO AUTHORITY TO ACCESS OR PRINT THESE EMAILS IN ANY CAPACITY. IT WAS IMPROPER USE OF CITY PERSONNEL AND EQUIPMENT TO PRINT THE EMAILS BECAUSE MAYOR ROYALTY HAD NO RIGHT TO ACCESS THESE EMAILS. WE FIND THAT THESE ACTIONS CONSTITUTE MISCONDUCT.

NUMBER 2. WE FIND THAT THERE IS SUBSTANTIAL EVIDENCE THAT MAYOR JOHN ROYALTY DISSEMINATED THE PRIVATE EMAIL COMMUNICATIONS OF COUNCILMEMBER KECIA COPELAND IN VIOLATION OF COUNCILMEMBER KECIA COPELAND'S PRIVACY RIGHTS AND THAT SUCH ACTION CONSTITUTES MISCONDUCT. THE SUBSTANTIAL EVIDENCE IS CONTAINED IN THE TESTIMONY, EXHIBITS AND RECORD, BUT ALSO WE ARE RELYING ON THE FOLLOWING SUBSTANTIAL EVIDENCE. THAT MAYOR ROYALTY ACCESSED (COUNCILMAN) KECIA COPELAND'S PRIVATE EMAILS AND PRIVATE EMAIL ACCOUNT HIMSELF AND BY HIS DIRECTION TO BRANDON BREWER. WE FIND THAT KEN ABLES TESTIFIED THAT MAYOR ROYALTY SHOWED AND/OR READ TO HIM AN EMAIL FROM (COUNCILMAN) KECIA COPELAND TO THE LOUISVILLE MEDIA. IN ROYALTY'S EXHIBIT #21 ARE EMAILS THAT MAYOR ROYALTY OBTAINED FROM (COUNCILMAN) KECIA COPELAND'S PRIVATE EMAIL ACCOUNTS TOGETHER WITH AND IN HIS DIRECTION TO BRANDON BREWER. THERE ARE SEVERAL EMAILS IN EXHIBIT #21 THAT ARE TO WLKY TV WHICH IS CONSISTENT WITH THE TESTIMONY OF KEN ABLES. THERE WAS NO OTHER EXPLANATION THAT WAS GIVEN BY MAYOR JOHN ROYALTY AS TO WHY HE HAD THIS EMAIL THAT WAS READ TO KEN ABLES. WE FIND THAT THESE ACTIONS CONSTITUTE MISCONDUCT.

NUMBER 3. WE FIND THAT THERE IS SUBSTANTIAL EVIDENCE THAT MAYOR JOHN ROYALTY ORDERED A CITY EMPLOYEE TO LIE TO THE CITY COUNCIL IN ORDER TO OBTAIN THEIR IPADS UNDER FALSE PRETENSES AND IN ORDER TO GAIN UNAUTHORIZED ACCESS TO THEIR EMAIL ACCOUNTS AND THAT SUCH ACTION WAS TAKEN WITHOUT PROPER AUTHORITY AND CONSTITUTES MISCONDUCT. THE SUBSTANTIAL EVIDENCE IS CONTAINED IN THE TESTIMONY AND EXHIBITS PRODUCED, SPECIFICALLY THE FOLLOWING SUBSTANTIAL EVIDENCE. MAYOR JOHN ROYALTY TOLD IT SUPERVISOR BRANDON BREWER TO MISREPRESENT OR LIE TO THE CITY COUNCIL ABOUT THE REASON TO BRINGING IPADS TO CITY HALL WHEN THE ACTUAL REASON WAS TO EXAMINE THE IPADS FOR PERSONAL USE. MAYOR JOHN ROYALTY NEVER TOLD BRANDON BREWER TO PERFORM

UPDATES BEFORE OR AFTER RECEIPT OF THE IPADS. THE ONLY INVOLVEMENT BY MAYOR JOHN ROYALTY WITH THE IPADS WAS ~~THE~~ (TO) ORDER A REPORT ON PERSONAL USE AND HIS VIEWING OF (COUNCILMAN) KECIA COPELAND'S IPAD. WE FIND ~~THESE~~ SUBSTANTIAL EVIDENCE OF FALSE PRETENSES. (COUNCILMAN) KECIA COPELAND NEVER AUTHORIZED SUCH ACCESS. MAYOR JOHN ROYALTY OBTAINED THE IPADS AND ACCESSED PRIVATE EMAILS OF (COUNCILMAN) KECIA COPELAND THAT WAS NOT DISPUTED. THE MANNER IN WHICH MAYOR JOHN ROYALTY ACCESSED (COUNCILMAN) KECIA COPELAND'S EMAIL ACCOUNT WAS WITHOUT PROPER AUTHORITY ACCORDING TO THE TESTIMONY OF TIM BUTLER AND BRUCE REYNOLDS. WE FIND THAT THESE ITEMS CONSTITUTE MISCONDUCT AS WELL.

COUNCILMAN WILLIAMS MOVED TO APPROVE THE SPECIAL MEETING MINUTES FOR 04-12-17 AS CORRECTED. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 5 TO 0.

Councilman Kelley made the following corrections to the minutes for 04-18-2017:

APPOINTMENT FOR THE POSITION OF MAYOR PER KRS 83A.040(2)(A)

COUNCILMAN WILLIAMS MOVED TO APPOINT (COUNCILMAN) DICK HEATON TO SERVE THE UNEXPIRED VACANT TERM OF MAYOR. IF HIS APPOINTMENT IS APPROVED BY THE COUNCIL, IT WOULD BE EFFECTIVE TODAY AND EXPIRE DECEMBER 31, 2018. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 (5) TO 0. Councilman Heaton did not vote.

COUNCILMAN KELLEY MOVED TO APPROVE THE SPECIAL MEETING MINUTES FOR 04-18-17 AS CORRECTED. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0.

FINANCIAL REPORT

The following proposed FY2017-2018 Budget for the Joint Human Rights Commission was presented:

PROPOSED FY 2017-2018 Budget
Bardstown-Nelson County Human Rights Commission

Balance as of April 4, 2017
\$6,036.14

The Commission has had four members resign since the start of the fiscal for reasons unconnected with the Commission other than the amount of work membership entails. All of the present officers were not officers at the start of the fiscal year.

INCOME

City Appropriation	\$1500
County Appropriation	\$1500
Member Donations	In kind
Other Donations	In kind

Projected New Income \$3000
Present Balance \$6,036.14
Total Projected Funds \$9,036.14

Projected EXPENSES

Diversity Event	\$2,000
Workshops Hosting	\$500
Printing	\$400
Travel/Training Registration	\$1500
Advertising/Publicity	\$1200
Post Office Box Rental	\$48
Office Supplies	\$200
Miscellaneous	\$100
Total	\$5,948.00

Total projected Expenses \$5,948.00

COUNCILMAN SHECKLES MOVED TO APPROVE THE PROPOSED FY2017-2018 BUDGET FOR THE BARDSTOWN-NELSON COUNTY HUMAN RIGHTS COMMISSION. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0.

REPORTS OF STAFF AND COMMITTEES

The minutes from the following committee meetings were distributed for review:

- Electric and Cable Committee meeting held 04-04-2017 – Electrical Engineer Miller updated the Council on Barton’s upgrades, Internet expansion and the future purchase of a Digger Truck and Bucket Truck.
- Code Enforcement Board meeting held on 04-06-2017 – Mayor Heaton commented that the duties of the Code Enforcement Board will increase throughout the mowing season.

UNFINISHED BUSINESS

Councilman Kelley made the following corrections to the minutes for 03-28-2017:

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.

COUNCILMAN KELLEY MOVED TO APPROVE THE REGULAR MEETING MINUTES FOR 03-28-17 AS CORRECTED. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 5 TO 0.

COUNCILMAN KELLEY MOVED TO APPROVE THE WORKING SESSION MINUTES FOR 04-04-17 AS PRESENTED. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 5 TO 0.

WASHINGTON DC NATIONAL PRESERVATION CONFERENCE REPORT

Councilman Copeland gave a report on the Washington DC conference and expressed her gratitude for being able to attend.

COUNCIL TRAVEL/TRAINING POLICY

Councilman Copeland requested the agenda item be removed. Councilman Williams invited the topic to be added to the Finance Committee agenda. Mayor Heaton and Councilman Copeland will meet to discuss the policy as well.

MUNICIPAL ORDER M2017-07 AUTHORIZED BANK SIGNATURES

City Attorney Butler read the following Municipal Order:

MUNICIPAL ORDER NO. M2017-07

WHEREAS: At a special called meeting held on April 13, 2017, the Bardstown City Council voted unanimously to remove John Royalty as the Mayor of Bardstown for misconduct; and

WHEREAS: At a special called meeting held April 18, 2017, the Bardstown City Council voted to appoint a Councilman J. Richard Heaton as Mayor, to fill the unexpired term of John Royalty until December 31, 2018.

NOW THEREFORE, BE IT HEREBY ORDERED, and authorized that all signature cards on all City of Bardstown (the “City”) bank accounts, City safety deposit boxes and City investments be changed, effective April 25, 2017, to reflect that the following are the only persons authorized to sign documents, with any two of the following to sign for all withdrawals or checks:

- J. RICHARD HEATON, MAYOR
- TRACY HUDSON, CHIEF FINANCIAL OFFICER
- JOE BUCKMAN, COUNCILMAN
- WILLIAM S. SHECKLES, COUNCILMAN

COUNCILMAN WILLIAMS MOVED TO APPROVE MUNICIPAL ORDER M2017-07 AUTHORIZED BANK SIGNATURES. THE MOTION WAS DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 5 TO 0.

NEW APPOINTMENT TO CITY COUNCIL

Councilman Sheckles recommended to the Council to appoint Mr. David Dones to fill the unexpired term of former Councilman Heaton throughout December 31, 2018, and should this appointment be approved, that he be sworn in at tonight’s meeting.

COUNCILMAN SHECKLES MOVED TO APPOINT DAVID DONES TO FILL THE UNEXPIRED TERM OF

FORMER COUNCILMAN HEATON UNTIL DECEMBER 31, 2018. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0.

Mayor Heaton administered the Oath of Office to Mr. Dones. The Mayor, Council and those in attendance gave a round of applause.

Councilman Dones thanked the citizens of Bardstown and his fellow Councilmen for giving him the opportunity to serve the City of Bardstown.

CEMETERY DEEDS

THE MOTION TO APPROVE THE CEMETERY DEEDS FOR ELSE AND JAMES LAND, DONNA AND GREGORY BOWLING, GUTHRIE MCKAY, AND KATHIE AND WILLIAM DURBIN WAS APPROVED BY UNANIMOUS CONSENT.

COUNCIL COMMENTS

All Councilmen welcomed Councilman Dones to the Bardstown City Council and are looking forward to working with him.

PROPOSED ORDINANCE B2017 - ZONING REGULATION AMENDMENTS FOR SHORT TERM RENTALS

Councilman Buckman introduced the proposed ordinance that will amend zoning regulations for short term rentals. City Attorney Butler gave the first reading of B2017 - Zoning Regulation Amendments. No vote was taken.

CLOSED SESSION

COUNCILMAN WILLIAMS MOVED TO GO INTO CLOSED SESSION PURSUANT TO KRS 61.810(1)(C) DISCUSSIONS OF PENDING LITIGATION AGAINST THE CITY COUNCIL MEMBERS, NAMELY, ROYALTY V. BUCKMAN ET. AL. 17-CI-00197. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0. Time was 8:07pm.

All attendees left the Council Chambers except for City Attorney Butler and Council Attorney Bruce Reynolds.

COUNCILMAN DONES MOVED TO COME OUT OF THE CLOSED SESSION AND CONTINUE WITH THE REGULAR MEETING AT 9:06PM. 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.

COUNCILMAN KELLEY MOVED TO DIRECT THE COUNCIL'S ATTORNEY IN THE MATTER OF ROYALTY V. BUCKMAN ET. AL., TO FILE THE APPROPRIATE ANSWER AND IN THE ANSWER TO INCLUDE ANY COUNTER CLAIM THAT HE MAY DEEM APPROPRIATE GIVEN THE CIRCUMSTANCES OF THE MATTERS WE ARE DEALING WITH. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

ADJOURNMENT

COUNCILMAN DONES MOVED TO ADJOURN THE MEETING AT 9:08PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0.

CITY OF BARDSTOWN

J. Richard Heaton, Mayor

ATTEST:

Barbara Bryant, City Clerk