

**CITY OF BARDSTOWN
SPECIAL COUNCIL MEETING MINUTES**

**1-26-12
5:00 P.M.**

The City Council met in a special session in the Council Chambers with Mayor William S. Sheckles and the following Councilmen:

Councilman Buckman
Councilman Hagan
Councilman Lydian
Councilman Williams
Councilman Reed
Councilman Simpson

Others present: Asst. City Administrator Green, City Attorney Donan, City Clerk Blincoe, Nelson County Gazette reporter Jim Brooks, WYSB reporter Tom Redmon, BRTv Co-owner Roth Stratton, The Kentucky Standard reporter James Calvert, and members from the Bardstown Nelson County Volunteer Fire Department Corporation (see attached list).

The Mayor called the meeting to order.

LETTER THANKING THE FIRE DEPARTMENT

The Mayor read a letter from Jackie and Anthony DeCesare who live on Stonehouse Ridge Road, thanking Marlin Howard and the Fire Department for their quick response and professionalism during a run to their residence on January 21, 2012. Firefighter Marlin Howard said that he would display the letter proudly in the department.

EXECUTIVE SESSION - PURSUANT TO KRS 61.810 (1) (f)

Mayor Sheckles announced that the Council needed to go into an Executive Session pursuant to KRS 61.810(1) (f) to hold discussions which might lead to the appointment, discipline, or dismissal of an individual employee without restricting that employee's right to a public hearing if requested. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO EXECUTIVE SESSION AT 5:05 P.M.**

UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 5:55 P.M.

The Council reconvened into the Special Session at 5:55 p.m.

Councilman Williams stated a point of order that the minutes should reflect that no official action was taken during the Executive Session.

FIRST READING-ORDINANCE B2012-01-AMENDMENT TO CHAPTER 36 OF THE CODE OF ORDINANCES

The first reading of the ordinance was presented as follows:

ORDINANCE NO. B2012-01

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE PERTAINING TO CHAPTER 36, DEPARTMENTS, OF THE CITY OF BARDSTOWN'S CODE OF ORDINANCES FOR THE CITY OF BARDSTOWN, KENTUCKY.

WHEREAS: The present arrangement for the appointment of the Chief of the Bardstown Fire Department has created conflict within the ranks of the paid and volunteer fire fighters; and

WHEREAS: The above mentioned conflict has inhibited the effective operation of the Bardstown Fire Department; and

WHEREAS: The responsibility for providing fire protection services to the residents and businesses within the City of Bardstown lies with the Mayor and City Council; and

WHEREAS: In order to control the provision of said fire protection services, the Mayor must be able to hire and direct the Fire Chief of the Bardstown Fire Department.

NOW, THEREFORE, the City Council of the City of Bardstown does hereby ordain as follows:

That the Index of Chapter 36 be amended to read as follows:

Section

Police Department

36.01 Police Department established

Fire Department

36.10 Reaffirmation of existence; purpose; policies and procedures

36.11 Equipment; members

36.12 ~~Officers; Term of office~~ **Relationship to Bardstown/Nelson County Volunteer Fire Department, Inc.**

36.13 Chain of Command

36.14 Duties of the chief

36.15 Paid full and part-time firefighters

- 36.16 Volunteer firefighters
- 36.17 Compensation
- 36.18 Fire alarms
- 36.19 Chief and assistant chief to report their absence
- 36.20 Chief to have power and privilege of policeman
- 36.21 Duty of police to assist at fires
- 36.22 Right-of-way of fire department; vehicles following fire Apparatus too closely
- 36.23 Parking or blocking any fire station, parking lot, access to fire grounds, fire lanes, fire hydrants, sprinkler system hook-ups
- 36.24 False Alarms

Department of Recreation

36.35 Establishment

That Chapter 36.12 be amended as follows:

§ 36.12 OFFICERS; TERM OF OFFICE RELATIONSHIP TO BARDSTOWN/NELSON COUNTY VOLUNTEER FIRE DEPARTMENT, INC.

~~(A) Chief.~~

~~(1) After an election by the members, the name of an individual shall be recommended for appointment by the Mayor. Upon receipt of said recommendation from the members of the Fire Department, the Mayor shall appoint the Chief for a one-year term with approval of the City Council. In the case of denial or removal of the Chief, the membership shall hold another election and recommend another name for appointment.~~

~~(2) Term of office. The term of office shall be for one year or until an election is held as provided for in the Standard Operating Procedures Manual and Handbook.~~

~~(B) Officers other than the Chief. The membership shall elect such other officers as may be necessary for the safe and efficient operation of the department and as enumerated in the chain of command. (Ord. passed 9-14-26); Am. Ord. 615, passed 11-26-96)~~

The Bardstown/Nelson County Volunteer Fire Department, Inc., a fire department organized and incorporated under Chapter 273 and Chapter 75 of the Kentucky Revised Statutes, which provides services outside the city limits of the City of Bardstown, may be housed in and operate out of the facilities owned by the City of Bardstown so long as its chief and officers are the same as those of the City of Bardstown Fire Department.

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

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

repealed to the extent of such conflict.

The Mayor summarized the ordinance by saying that it states that as long as the Bardstown/Nelson County Fire Department, Inc., known as the Corporation, chooses to share the same facilities, the same equipment and the same staff as the Bardstown Fire Department, then it will be under the direction of the Bardstown Fire Chief. The chief will be selected just like any other department head in the City; such as the Police Chief, the Recreation Director or the Director of Public Works. The chief will be one and the same. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING OF ORDINANCE NO. B2012-01 WAS APPROVED.**

FIRST READING - ORDINANCE NO. B2012-02-FIRE CHIEF

The Mayor presented the first reading as follows:

ORDINANCE NO. B2012-02

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE PERTAINING TO CHAPTER 33, CITY OFFICIALS, OF THE CITY OF BARDSTOWN'S CODE OF ORDINANCES FOR THE CITY OF BARDSTOWN, KENTUCKY.

The City Council of the City of Bardstown does hereby ordain as follows:

That the Index of Chapter 33 be amended to read as follows:

Section

Nonelected City Officials

- 33.01 City Clerk
- 33.02 Assessor **City Administrator**
- 33.03 City Administrator **Chief Financial Officer**
- 33.04 Chief Financial Officer **Police Chief**
- 33.05** Parking/Citation Officer **Fire Chief**

That the following sections be amended to read as follows:

§ 33.01 CITY CLERK.

(A) The duties and responsibilities of the City Clerk shall include, but not limited to, the following:

(1) All duties required by law of the City Clerk under KRS 83A.085(3).

(2) Attending all regular and special council meetings, taking minutes, coding and filing minutes, filing ordinances, resolutions, executive orders, municipal orders, contracts, agreements, deeds and other official documents of the city, maintaining all records of council action, incurring their safe keeping, answering inquiries regarding council activities, insuring publication of ordinances, maintaining all records of the city not specifically assigned to other departments or offices and performing all other duties and responsibilities consistent with the position of City Clerk for the city.

(B) The compensation to be paid to the City Clerk shall be as set out in the Classification and Compensation Plan.

(C) The City Clerk shall be required to take the oath of office as prescribed by Section 228 of the Kentucky Constitution.

(D) No bond shall be required of the City Clerk.

(E) The City Clerk shall be appointed by the Mayor with approval of the City Council.

§ 33.02 ASSESSOR CITY ADMINISTRATOR.

(A) There is hereby created the office of City Administrator of the City of Bardstown, Kentucky.

(B) The powers and duties of this office are hereby established as follows:

(1) The City Administrator shall carry out all duties as stated in the class specifications of the city's Classification Plan and other duties lawfully delegated by appropriate order of the executive authority.

(2) The City Administrator shall have the same powers as the executive authority in carrying out such duties.

(C) The oath of office to be executed shall be that set forth in Section 228 of the Constitution of the Commonwealth of Kentucky.

(D) Compensation for this office shall be set in accordance with the City's Compensation and Classification Plan.

(E) The Personnel Policies and Procedures of the City shall apply to this office.

(F) No bond shall be required of the City Administrator.

(G) The City Administrator shall be appointed by the Mayor with approval of the City Council.

§33.03 CHIEF FINANCIAL OFFICER

(A) There is hereby created the office of Chief Financial Officer of the City of Bardstown, Kentucky.

(B) The duties and responsibilities of the Chief Financial Officer shall include, but not be limited to, the following:

(1) Serving as financial manager for the city, the Chief Financial Officer shall carry out all duties as stated in the class specification of the City's Classification Plan and other duties lawfully delegated by appropriate order of the executive authority in carrying out such duties.

(2) Approving all accounts payable, after insuring accurate invoice for services or products delivered, assisting with budget preparation and administration, supervising payroll preparation and distribution, administering all insurance programs, including liability, workers compensation, unemployment, health, life, etc., preparing reports or performing special assignments as requested, and performing all other duties and responsibilities consistent with the position of Chief Financial Officer for the City.

(C) The Chief Financial Officer shall be required to take the oath of office as prescribed by Section 228 of the Kentucky Constitution.

(D) A bond shall be required of the Chief Financial Officer ~~in the amount of \$10,000.~~

(E) The compensation to be paid to the Chief Financial shall be set out in the Classification and Compensation Plan.

(F) The Chief Financial Officer shall be appointed by the Mayor with approval of the City Council.

§ 33.04 POLICE CHIEF.

(A) There is hereby created the office of Police Chief of the City of Bardstown, Kentucky.

(B) The duties and responsibilities of the Police Chief shall include, but not be limited to, the following:

(1) Under general executive direction, plans, organizes, directs and coordinates and evaluates all activities and programs of the Police Department to protect individual rights, preserve the peace, prevent and suppress crime, protect life and property, identify and apprehend criminal offenders, and enforce regulatory measures; perform related duties as required. Formulates and enforces departmental policies, regulations, goals and program priorities. Formulates and prescribes work methods and procedures to be followed; takes necessary steps to improve police operations. Makes or reviews all duty assignments within the department. Makes recommendations to the Mayor regarding personnel appointments, promotions, demotions or dismissals. Assists and makes arrests and is required to carry and utilize firearms in the course of duty as a sworn police officer.

(C) The oath of office to be executed shall be that set forth in Section 228 of the Constitution of the Commonwealth of Kentucky.

(D) Compensation for this office shall be set in accordance with the City's Compensation and Classification Plan.

(E) The Personnel Policies and Procedures of the City shall apply to this office.

(F) No bond shall be required of the Police Chief.

(G) The Police Chief shall be appointed by the Mayor with approval of the City Council.

§ 33.05 FIRE CHIEF.

(A) There is hereby created the office of Fire Chief of the City of Bardstown, Kentucky.

(B) The duties and responsibilities of the Fire Chief shall include, but not be limited to, the following:

(1) Under general executive direction, plans, organizes, directs, coordinates and evaluates all activities and programs of the fire department to provide continuous fire safety, including suppression, inspection and prevention, for the City; performs related duties as required. Formulates departmental operating

policies and procedures following consultation with higher authority and subordinate officers to provide the highest degree of fire control and prevention with the personnel and equipment available. Responds to all major alarms; may assume control of the scene upon arrival. The Fire Chief shall appoint other officers as may be necessary for the safe and efficient operation of the department.

(C) The oath of office to be executed shall be that set forth in Section 228 of the Constitution of the Commonwealth of Kentucky.

(D) Compensation for this office shall be set in accordance with the City's Compensation and Classification Plan.

(E) The Personnel Policies and Procedures of the City shall apply to this office.

(F) No bond shall be required of the Fire Chief.

(G) The Fire Chief shall be appointed by the Mayor with approval of the City Council.

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

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

UPON MOTION OF COUNCILMAN REED, SULLY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING OF ORDINANCE NO. B2012-02 WAS APPROVED.

The Mayor thanked the firefighters who were present at the meeting for informing him of their concerns regarding the fire department. He stated that after the second reading of the ordinance, his choice is to appoint Marlin Howard as Interim Fire Chief. He will advertise for the position of Bardstown City Fire Chief and take applications and form a selection committee to review the applicants. Some of the members from the fire department present at the meeting may be asked to serve on that committee. He said that he would go through the same selection process that is used to select any other department head in the City. Any member of the City staff can apply for the position. Firefighter Marlin Howard will be Interim Chief for now and after the selection process, a new fire chief will be named.

Firefighter Justin Brown was recognized and he said that it sounded to him like the corporation's voice had been taken away. The Mayor asked him if they were not one and the same as the Bardstown Fire Department. Firefighter Greg Ashworth answered that the departments were two separate departments. He explained that a former fire chief had split the department and one was incorporated and known as the Bardstown/Nelson County Volunteer Fire Department, Inc. The Mayor again confirmed that there would be only one chief appointed by the Mayor upon the approval of the City Council. The fire chief would then have the responsibility of selecting the officers to present to the Mayor for approval.

Firefighter Marlin Howard asked if the ordinance addressed where the fire department membership could go if there were any future problems or concerns. Mayor Sheckles stated that concerns would be handled by the chief. He also pointed out; however, that the Mayor would be available to listen to concerns if the proper protocol could not be followed. The lines of communication would remain open.

Councilman Lydian stressed the importance of having a few of the members of the fire department on the search committee during the chief selection process.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 6:35 P.M.**

ATTEST:

Bobbe Blincoe, City Clerk

CITY OF BARDSTOWN

William S. Sheckles, Mayor