

Fiscal Court Orders

Feb. 15, 2011
REGULAR SESSION OF NELSON FISCAL COURT

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COURT MET IN REGULAR SESSION, PRESENT COUNTY JUDGE-EXECUTIVE DEAN WATTS AND THE FOLLOWING NAMED MAGISTRATES: KEITH METCALFE, SAM HUTCHINS, BERNARD ICE, JEFF LEAR AND JERRY HAHN.

RURAL SECONDARY ROAD PROGRAM

Patty Dunaway and other officials from the District Transportation Office explained the Rural Secondary Road program, as follows:

The program is funded by 22.2% of the Motor Fuel Tax receipts.

These funds are allocated to all 120 counties based on a five point formula.

Five Point Formula

1/5 Equally among all counties

1/5 Based on rural population

1/5 Based on road miles

2/5 Based on land area

Money allocated to a county is not transferable to another county.

State recommendations for rural secondary roads where they would like to see improvements made were presented as follows:

NELSON COUNTY

RURAL SECONDARY MILES- 140.026

PROJECTED ALLOTMENT- \$1,239,566

Rural Secondary Recommended Improvements 2011 - 2012

PRIORITY	ROUTE	FROM	MILE PT	TO	MILE PT	DISTANCE	DESCRIPTION	COST
1							Routine Maintenance & Traffic	\$579,400
2							County Judge Executive Expense	\$3,862
3	KY 458	US 62	2.193	KY 1086	4.079	1.886	ASPHALT RESURFACING	\$139,007
4	KY 523	KY 245	0.000	US 31E	7.844	7.844	ASPHALT RESURFACING	\$549,238
5	KY 457	235 FT NORTH OF JIM CLARK ROAD	6.850	0.814 MI NORTH OF JIM CLARK ROAD	7.420	0.570	SPOT IMPROVEMENT - MILL AND RESURFACE	\$49,900
TOTAL								\$1,321,407

On motion of Jerry Hahn, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to accept recommendations for Rural Secondary Road improvements as recommended.

Court members were also given the following list of roads recommended for improvement by members of Fiscal Court. On motion of Bernard Ice, second of Keith Metcalfe, by unanimous vote of the Court, IT IS HEREBY ORDERED to approve the list as submitted:

RS FLEX PROGRAM RECOMMENDATIONS

COUNTY NAME Nelson

TODAY'S DATE February 15, 2011

RECOMMENDED BY Dean Watts and Nelson County Magistrates

PRIORITY NO.	ROAD NAME	ROAD NUMBER	TYPE OF PROJECT	LOCATION OF PROJECT (WHERE THE PROJECT BEGINS AND ENDS)	LENGTH (MI) OF PROJECT	EST COST
1	Jim Clark	CR 1140	Resurface	BEGIN AT: Ky 457 Gong North END AT: 4,750 feet	4,750 ft.	\$ 40,095.00
2	Leigh Terrace	CR 1446	Resurface	BEGIN AT: Woodland Road END AT: Poplar Flat Cemetery Road	2,500 ft.	\$ 32,274.00
3	Brittany Drive	CR 1421	Resurface	BEGIN AT: Leigh Terrace END AT: Ky 605	598 ft.	\$ 7,726.00
4	Shady Lane	CR 1241	Resurface	BEGIN AT: Petersburg Road END AT: 4,500 feet	4,500 ft.	\$ 40,219.00

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5	Haleah Drive	CR 1315	Resurface	BEGIN AT US 31E Louisville Road END AT Preakness Lane	2,300 ft.	\$ 22,506 00
6	Preakness	CR 1602	Resurface	BEGIN AT Haleah END AT End	2,150 ft.	\$ 16,710 00
7	Greens Chapel	CR 1035	Resurface	BEGIN AT US 62 Toward END AT Timbercreek	4,474 ft.	\$ 40,000 00
8	Clarktown	CR 1137	Resurface	BEGIN AT Ky 46 END AT South 4,740 feet	4,739 ft.	\$ 40,000 00
				BEGIN AT END AT		
				BEGIN AT END AT		
				BEGIN AT END AT		
				BEGIN AT END AT		
						\$ 239,530 00

MINUTES APPROVED - FEB. 1

On motion of Sam Hutchins, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to accept the minutes of the Feb. 1 regular session of Nelson Fiscal Court as presented.

BILLS

On motion of Bernard Ice, second of Jerry Hahn, by unanimous vote of the Court, IT IS HEREBY ORDERED to authorize the County Treasurer to pay the following bills:

**Nelson County Fiscal Court
General Funds Bills for Court Approval
February 15, 2011**

Name	Memo	Account	Amount
01 General Fund			
ADP	PR charges 01-28-11	9100301 Payroll Processing	319 26
American Tire	SO 21 - axle, bearings, gears	5105340 Vehicle maintenance	676 13
American Tire	SO 41, 44	5105479 Tires	499 50
American Tire	Tire repair - Cambron	5115479 Tires	19 45
American Tire	Tire - Hilbert	5340340 Comm Svc Vehicle Main	118 64
Aqua Treat	Monthly treatment	5415329 Building Contract Services	160 00
Bardstown Ambulatory	Employee medical/random testing	9400547 Employee Medical/WC Claims	440 00
Bardstown Housing Authority	Voluntary Action Voucher	5301515 Vol Action General Assistance	182 00
Bardstown Housing Authority	Bethany Haven - Feb	5315399 Emergency Shelter for Children	300 00
Barnes, Jennifer	Sheriff office cleaning - Jan 11	5105329 Bldg Main Contracts	1,250 00
Beaven Equipment	SO 49	5105340 Vehicle maintenance	645 00
Bluegrass Uniforms Inc	Uniforms	5105481 Uniforms	274 71
Carey Sign	Magnetic decals	5105427 Supplies	160 00
City of Bardstown	Voluntary Action Voucher	5301515 Vol Action General Assistance	102 63
Coulter's Towing	SO 44	5105369 Towing Services	45 00
Danville Office	Toner	5001445 CJE Office supplies	92 50
Danville Office	Ink cartridges	5040445 Treasurer Office Supplies	50 27
Danville Office	Building inspection labels, folders, ink pens	5115445 Office Supplies	96 27
Danville Office	Receipt book	5205445 Office supplies	10 29
Ellis LLC	SO 44	5105369 Towing Services	92 00
Franklin Information Systems	On site software training	5115569 Staff Training	500 00
Galts	Gun lock timer	5105481 Uniforms	70 97
Harp Enterprises	2010 General Election	5065427 Elections Supplies	24,042 55
Hayden Reporting, Inc.	Planning Commission 012511	5001348 Court Reporter	103 85
Holt Computers	Monitor, service call	5115445 Office Supplies	249 00
Ky Employers Mutual Ins	Monthly installment	9400209 Workers Comp Insurance	2,258 78
Ky Home Electronics	Batteries for elevator telephones	5081329 Justice Center Main Contracts	119 97
KY Veterinary Board	Euthanasia Licenses (4)	5205551 Dues & Licenses	200 00
Landmark Community Newspapers	Ordinances, zoning	9100539 Advertising & Legal Notices	216 41
Lowe's	Switches for CC room, batteries, bulbs	5081329 Justice Center Main Contracts	106 48
Lowe's	Battery pack for drill, replacement switches	5090427 Supplies	78 37
Northside Funeral Home	Coroner transports	5020308 Autopsy & Services	200 00
Northside Funeral Home	Pauper burial (cremation)	5330344 Pauper Burials	1,001 00
Patrons Home Center	Cleaning supplies	5085411 Custodial Supplies	15 57
Patrons Home Center	Deadbolt lock for storage room	5105329 Bldg Main Contracts	27 99
PC Doc	Computer repairs	5105336 Equipment Repairs	140 00
Plumbers Supply Co	Bathroom repairs	5090427 Supplies	69 74
Quality Auto Glass	SO 21 windshield	5105340 Vehicle maintenance	257 00
Quick Care Oil Lube Express	Oil changes, fuel pump	5105340 Vehicle maintenance	720 34
Speedway	Fuel	5105429 Gas	2,814 99

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Springfield Laundry			
Springfield Laundry	Mats	5080411 · Courthouse Custodial Supplies	31.00
Springfield Laundry	Mats	5081411 · Justice Center Custodial Supply	485.00
Springfield Laundry	Mats	5085411 · Custodial Supplies	78.00
Springfield Laundry	Mats	5105411 · Custodial Supplies	98.50
Springfield Laundry	Mats	5205411 · Building Custodial Supplies	40.00
The Caring Place	Utilities 2010 (1/2 cost)	5415411 · Building Custodial Supplies	15.50
Thermal Equipment Service	Service ceiling AC unit, removed for cleaning and service	5341399 · Domestic Victims Shelter	3,120.00
TnStar	Cafeteria plan administration - Feb	5081329 · Justice Center Main Contracts	761.50
Vortech	Fatal plus powder	9100301 · Payroll Processing	186.50
Total 01 General Fund		5205427 · Animal feed & supplies	273.49
			43,816.15
02 Road Fund			
All State Truck Sales	Ford Dually, Truck 306	6105443 · Parts	32.61
American Tire	Shop tires, various tire repairs	6105479 · Tires	543.40
Bardstown Ambulatory	Employee medical/random testing	9400547 · Employee Medical/WC Claims	120.00
Central Salt LLC	Salt 120.50 tons	6105471 · Snow removal	8,332.58
Cintas	Uniforms	6105481 · Uniforms	744.13
Econo Signs LLC	Stop signs, brackets, straps	6105469 · Signs & Posts	1,295.16
Fastenal	Truck 303	6105443 · Parts	36.45
Hamilton, John	Ritchie Lane fence repairs	6105537 · Property damage claims	99.50
Keystops	Mystik, washer fluid	6105427 · Garage supplies	148.75
Keystops	Kerosene	6105429 · Fuel	16,682.32
Kroger	Sugar, creamer	6105427 · Garage supplies	36.45
Ky Employers Mutual Ins	Monthly installment	9400209 · Workers Comp Insurance	1,657.29
Lasco	Wire, filters	6105427 · Garage supplies	182.79
Lasco	Truck 303 lamp	6105443 · Parts	171.00
Lemieux, James	All in One Printer - reimburse purchase	6103445 · Office Supplies	152.61
Lowe's	Programmable thermostat	6103329 · Building Main Contracts	58.00
Nugent Sand Co	Sand - 390 tons	6105471 · Snow removal	2,615.82
Pro Chem	Spray grease	6105427 · Garage supplies	141.34
Total 02 Road Fund			33,034.59
03 Jail Fund			
Bardstown Ambulatory	Inmate medical - 0111	5101549 · Routine Medical	2,297.65
Bardstown Ambulatory	Employee medical/random testing	9400547 · Employee Medical/WC Claims	120.00
Clems	Food	5101425 · Food	1,626.31
Coca Cola	Inventory purchases	5101428 · Canteen Inventory	142.50
Dean Milk	Milk	5101425 · Food	1,116.63
EarthGrains	Bread	5101425 · Food	606.30
Etown Laundry	Wash cloths, sheets, pillowcases	5101437 · Linens	300.00
EZ Dispensers Inc	Trash bags, gloves	5101411 · Custodial Supplies	143.60
EZ Dispensers Inc	Beverages	5101425 · Food	490.00
Gordon Foods	Dishmachine lease	5101336 · Equipment Repairs	85.00
Gordon Foods	Cleaning supplies	5101411 · Custodial Supplies	319.16
Gordon Foods	Kitchen supplies	5101423 · Food Prep & Serving Supplies	300.49
Gordon Foods	Food	5101425 · Food	2,798.09
Gordon Foods	Canteen purchases	5101428 · Canteen Inventory	1,071.86
Gordon Foods	Teating supplies	5101549 · Routine Medical	62.35
Kerr Office Plus	Copier service	5101445 · Office Supplies	140.00
Keystops	Diesel	5101578 · Utilities	56.05
KY Cavern Water	Water	5101445 · Office Supplies	16.60
Ky Employers Mutual Ins	Monthly installment	9400209 · Workers Comp Insurance	778.99
Ky Standard	Canteen subscription	5101428 · Canteen Inventory	55.00
Lebanon Wholesale	Inventory purchases	5101428 · Canteen Inventory	335.45
Louisville Bone & Joint Specialists	Inmate medical	5101549 · Routine Medical	127.00
Maxima Supply	Inventory purchases	5101428 · Canteen Inventory	726.13
Medica	Inmate medical	5101549 · Routine Medical	610.88
Patrons Home Center	Primer, brushes, roller covers	5101329 · Building Main Contracts	46.01
Patrons Home Center	Floor sealer, finish, emulsifier	5101411 · Custodial Supplies	295.14
Thomson West	2011 Criminal law pamphlets	5101428 · Canteen Inventory	714.00
US Foodservice	Cleaning supplies	5101411 · Custodial Supplies	544.40
US Foodservice	Kitchen supplies	5101423 · Food Prep & Serving Supplies	53.88
US Foodservice	Food	5101425 · Food	3,322.83
Total 03 Jail Fund			19,302.30
04 LGEA Fund			
Cedar Creek Quarry LLC	Borders Lane	6105409 · Rock	180.20
Cedar Creek Quarry LLC	Clarktown Rd	6105409 · Rock	102.50
Cedar Creek Quarry LLC	Hamson Fork	6105409 · Rock	531.55
Cedar Creek Quarry LLC	T Bradley Ln	6105409 · Rock	410.00
Cedar Creek Quarry LLC	Wilson Creek	6105409 · Rock	129.15
Cedar Creek Quarry LLC	Withrow Creek	6105409 · Rock	1,054.06
Total 04 LGEA Fund			2,407.46
09 Ambulance Fund			
Argas Mid America	Oxygen	5140550 · Medical supplies & Materials	132.70
American Tire	Sq 33, 36, Dr Smith	5140340 · Vehicle Maintenance & Repairs	1,576.53
American Tire	Sq 33, 36, Dr Smith	5140443 · Vehicle Parts	1,162.51
Bardstown Ambulatory	Employee medical/random testing	9400547 · Employee Medical/WC Claims	60.00
Bardstown Upholstery	Replace base on chair, Sq 37 repairs	5140340 · Vehicle Maintenance & Repairs	355.00
Beaven Equipment	Sq 31 32 34 35	5140340 · Vehicle Maintenance & Repairs	420.00
Beaven Equipment	Sq 31 34 35	5140443 · Vehicle Parts	125.70
Bound Tree Medical	Medical supplies	5140550 · Medical supplies & Materials	143.58
Coulter's Towing	Dr Smith	5140340 · Vehicle Maintenance & Repairs	60.00
Danville Office	Envelopes, paper, ink cartridges, labels	5140445 · Office Supplies	323.43
Femo	Stair Chair, accessories	5140739 · EMS Equipment	2,336.60
Ferrell Gas	Propane Station I	5140578 · Utilities	410.58

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Holt Computers Ky Employers Mutual Ins Ky Home Electronics Lowe's Med Tech Medical Services Newcomb Newcomb Prewitt, Joe Quality Auto Glass Quality Auto Glass Sam's Club Sam's Club Sam's Club Select-Tech Inc USI House Account Vidacare Total 09 Ambulance Fund	Computer - shift leader office Monthly installment Couplers, plugs, cable wire Programmable thermostat Cots - repair and maint Fuel Kerosene Patient transport - Macon GA Sq 39 Sq 39 Kitchen supplies Ink cartridges, paper TV and mounts (2), scanner - for new Station II office Strobes, locking handles, outlet/cover, brackets Medical supply/vend machine IV equipment	- 3739 · EMS Equipment 9400209 · Workers Comp Insurance 5140336 · Equipment Maintenance & Repairs 5140334 · Building maintenance 5140336 · Equipment Maintenance & Repairs 5140429 · Fuel & Oil 5140578 · Utilities 5140577 · Staff travel 5140340 · Vehicle Maintenance & Repairs 5140443 · Vehicle Parts 5140411 · Custodial supplies 5140445 · Office Supplies 5140739 · EMS Equipment 5140443 · Vehicle Parts 5140550 · Medical supplies & Materials 5140739 · EMS Equipment	689.00 5,068.16 27.85 29.00 33.80 6,710.75 200.31 34.15 80.00 163.81 296.77 198.43 748.38 390.53 300.00 1,132.72 <hr/> 23,210.28
Total			\$ 121,770.79

**Nelson County Fiscal Court
PIC Bills for Court Approval
February 15, 2011**

Name	Memo	Account	Amount
13 Solid Waste Fund			
All State Truck Sales	Truck 412	5215443 · Parts	88.82
American Tire	Pickup truck	5215479 · Tires	547.20
Bardstown Ambulatory	Employee medical/random testing	9400547 · Employee Medical/WC Claims	60.00
Elbs LLC	Truck 414	5215336 · Equipment Repair	506.25
Galeton	Rain jackets, pants	5215594 · Crew Safety Equipment	556.25
Keystops	Fuel	5215429 · Fuel & Lubricants	16,337.05
Ky Employers Mutual Ins	Monthly installment	9400209 · Workers Comp Insurance	2,620.15
Lasco	Truck repairs	5215548 · Dead Animal Program Expense	880.00
Republic Diesel	Truck - engine repairs	5215548 · Dead Animal Program Expense	2,196.41
Salt River	Garbage billing services	5215320 · Collection Contracts	9,275.28
Springfield Laundry	Uniforms	5215481 · Employee uniforms	382.40
Total 13 Solid Waste Fund			<hr/> 33,449.81
15 Landfill Fund			
Cedar Creek Quarry LLC	Rock	5210571 · Landfill Repairs	1,218.53
Duplicator Sales & Service Inc	Monthly copy charge	5210445 · Office Expense	27.90
Gordon Foods	Coffee	5210445 · Office Expense	24.80
Keystops	Fuel	5210429 · Fuel & Lubricants	8,926.58
Ky Employers Mutual Ins	Monthly installment	9400209 · Workers Comp Insurance	3,070.74
Lasco	Truck 413	5210443 · Parts	744.29
McCoy & McCoy	Monitoring	5210324 · Environmental Monitoring	167.50
Patrons Home Center	Sprayer	5210427 · Main supplies	46.49
Quality Auto Glass	Backhoe safety glass	5210336 · Equipment Repairs	360.00
Scott-Gross Co	Contact tips	5210443 · Parts	15.00
Springfield Laundry	Cleaning supplies	5210427 · Main supplies	82.40
Springfield Laundry	Uniforms	5210481 · Uniforms	281.20
Whayne Supply	Compactor	5210443 · Parts	142.92
Total 15 Landfill Fund			<hr/> 15,108.35
23 Occupational Tax Fund			
Danville Office	Binder, clips, computer cleaner	5047445 · OLF Office supplies	38.49
Total 23 Occupational Tax Fund			<hr/> 38.49
97 PIC			
Corvin's Furniture	Tile, flooring	5082741 · State Ofc Bldg renovation	972.00
Gilkeys Ditch Witch Service	Remove traffic island at Plaza	5085329 · Building Main Contracts	500.00
Lowe's	Wall repairs in bathroom	5082329 · SOB Custodial Contract	12.61
Plumbers Supply Co	Bathroom repairs	5082329 · SOB Custodial Contract	89.03
Springfield Laundry	Mats	5082411 · SOB Custodial Supplies	24.50
Total 97 PIC			<hr/> 1,598.14
Total			<hr/> \$ 50,194.79

**NELSON COUNTY FISCAL COURT
PAID BILLS FOR COURT APPROVAL
February 15, 2011**

Fund/Vendor	Description	Account	Amount
Landfill Fund			
Kimball Midwest	Bolts, screws, gloves, pliers, torch	5210443 · Parts	278.14
Less Discount			(2.78)
TOTAL PAID BILLS			<hr/> \$ 275.36

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**Nelson County Fiscal Court
Additional Bills for Court Approval
February 15, 2011**

Name	Memo	Account	Amount
01 General Fund			
ADP	End of month reporting	9100301 Payroll Processing	7 30
Bartley, William O	Repair vacuum	5080329 Courthouse Main Contracts	100 00
Brain Manufacturing Inc.	Bags	5020427 Coroner Supplies	384 00
City of Bardstowm	Voluntary Acton Voucher	5301515 Vol Acton General Assistance	150 00
KY Veternary Board	Agency Renewal	5205551 Dues & Licenses	50 00
Lawson Products	Bit set	5090427 Supplies	45 44
Leo Talbott & Son, Inc.	Air handler, V Belts	5085329 Building Main Contracts	260 00
Leo Talbott & Son, Inc.	AC	5115329 Building Main Contracts	133 00
Liberty Flag Co	Flags	5080411 Courthouse Custodial Supplies	545 97
Liberty Flag Co	Flags	5081411 Justice Center Custodial Supply	647 98
Ronnie's Custom Care	Monthly cleaning	5081329 Justice Center Main Contracts	4,000 00
SecureNet	Security system - Humane Society	5205329 Main Contracts	39 95
Total 01 General Fund			6,363 64
02 Road Fund			
Bowman Signs	Adhesive remover	6105427 Garage supplies	15 00
Clark's Excavating & Trucking	Haul sand	6105471 Snow removal	1,085 40
Clark's Excavating & Trucking	Plow snow	6105471 Snow removal	1,827 50
J & G Equip	Contract snow removal	6105471 Snow removal	715 00
J Edinger	Truck 305 - air tailgate cylinder	6105443 Parts	106 90
Kimball Midwest	Torch, lubncants, grease, sealant	6105427 Garage supplies	161 22
Lawson Products	Hand cleaner, silicone, drill bits, nuts	6105427 Garage supplies	299 96
Total 02 Road Fund			4,210 98
03 Jail Fund			
Hardin Co Detention Center	Inmate housing	5101314 Contracts with Other Counties	2,688 00
Leo Talbott & Son, Inc.	Rooftop units, air filter	5101329 Building Main Contracts	198 00
Total 03 Jail Fund			2,886 00
13 Solid Waste Fund			
D & R Oil Co Inc	Garage supply	5215427 Garage supplies	33 60
Franke, Joseph T	Boot allowance	5215481 Employee uniforms	75 00
Lasco	Exhaust pipe, cable, clamp	5215548 Dead Animal Program Expense	188 22
MTS Safety	Gloves	5215594 Crew Safety Equipment	33 62
Republic Diesel	Bumper, filters, clutch hub, heater core, paint	5215443 Parts	574 76
Republic Diesel	Truck - engine repairs	5215548 Dead Animal Program Expense	711 83
Tatum Auto Supply	Truck 410	5215443 Parts	101 93
Tatum Auto Supply	Fuel injector kit	5215548 Dead Animal Program Expense	67 12
Truck Parts & Service	Tire patching	5215443 Parts	89 20
Total 13 Solid Waste Fund			1,875 28
15 Landfill Fund			
Earthmoving Equipment	Highlift	5210336 Equipment Repairs	1,066 00
Whayne Supply	Backhoe, Compactor	5210443 Parts	226 59
Total 15 Landfill Fund			1,292 59
Total			\$ 16,628.49

PLANNING AND ZONING - REZONING ORDINANCE (FIRST READING)

#2346 - Jesse Earl and Deborah Lynn Newton and Susan Cox Development, LLC

County Judge-Executive Dean Watts presented in open Court for first reading the following proposed ordinance amending the zoning map for Nelson County, which change was presented in accordance with the zoning regulations and has been reviewed and recommended for approval by the Joint City-County Planning and Zoning Commission as evidenced by written notice to that effect.

Said proposed ordinance was read in open Court in resume form and a full copy of the proposed ordinance is as follows:

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP ENTITLED "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY"

BY CHANGING THE DISTRICT CLASSIFICATION OF PROPERTY LOCATED IN NELSON COUNTY AS HEREINAFTER DESCRIBED FROM P-1 (PROFESSIONAL OFFICE DISTRICT) TO BE REZONED AS B-3 (REGIONAL RETAIL BUSINESS DISTRICT).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky,

on January 11, 2011 held a public hearing under the provisions of KRS Chapter 100, and after

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careful consideration, the Commission on January 25, 2011, voted to approve and recommend the amendment to the Fiscal Court of Nelson County.

WHEREAS, the Court held a first reading on February 15, 2011, and after due advertisement held a second reading and adoption on _____, 2011, and after due consideration,

UPON MOTION OF _____, SECONDED BY _____, AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED,

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF NELSON COUNTY, COMMONWEALTH OF KENTUCKY:

SECTION I: Boundaries of the district as shown on district map entitled "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY" be and the same are hereby amended for reasons adopted and stated in the recommendation of the Joint City-County Planning Commission all of which is made a part hereof as if fully set out herein, including the letter of recommendation dated January 27, 2011, from the said Joint City-County Planning Commission of Nelson County to the Nelson County Fiscal Court, so that the following described property of Jesse Earl and Deborah Lynn Newton (Applicant/Owner) and Susan Cox Development, LLC (Co-Applicant/Developer), is presently P-1, Professional Office District be and the same is placed as B-3, Regional Retail Business District and said property is described as follows:

Being Lots 6 and 7 of Labate Suidivision, as shown on plat recorded in Plat Cabinet 1, Slot 404, in the Clerk's Office of the Nelson County Court containing 2.02 acres.

SECTION II: The above rezoning is subject to the following binding element:

A. Susan Cox Development, LLC agrees to limit the uses to B-1 uses not to exceed 10,000 square feet in the proposed site regarding the development of a new Dollar General.

SECTION III: This Ordinance becomes effective immediately upon passage by the Fiscal Court of Nelson County.

SECTION IV: This Ordinance shall be published in the Kentucky Standard newspaper by title and summary within 30 days after adoption.

SECTION V: This Order or parts of Orders in conflict herewith are repealed to the extent of such conflict.

After a first reading, motion was made by Bernard Ice, second by Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED that legal notice advertising the second reading and possible adoption of the proposed ordinance be published in The Kentucky Standard in accordance with KRS 424.

DEVELOPMENT REVIEW - DRB-165 SC DEVELOPMENT LLC

On motion of Bernard Ice, second of Keith Metcalfe, by unanimous vote of the Court, IT IS HEREBY ORDERED to approve DRB-165 by SC Development LLC with the strong recommendation that the Development Review Board's

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second condition for approval (that the faux brick windows presented on plans be eliminated) be removed from the list of conditions and that the faux brick windows be included at the time of construction.

Judge/Executive Dean Watts
Nelson County Fiscal Court
One Court Square
Bardstown, KY 40004

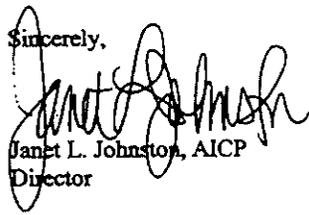
RE: DRB-165, SC Development LLC
Boston Road, Lots #6 & 7, Labate Subdivision

Dear Judge Watts and Magistrates:

On February 8, 2011, the Development Review met to consider the building design, materials, and colors, and site, landscaping, and lighting plans for a 9,100 square foot retail store (Dollar General) on Boston Road, Lots #6 & 7, Labate Subdivision. The DRB recommended approval of DRB-165 with the conditions as discussed and outlined in the meeting minutes, a copy of which is attached hereto.

Enclosed are copies of the DRB minutes, review, and plan application and submittals. If you have any questions, please feel free to contact me.

Sincerely,


Janet L. Johnston, AICP
Director

Minutes
Development Review Board
February 8, 2011 11:00 a.m.
Fiscal Court Room, 2nd Floor, Old Courthouse Building
One Court Square
Bardstown, Kentucky

Members Present

Ed Brown
Ann Hite
David Mattingly
Wes Parrish
Ben Wathen

Members Absent

Others Present

see attached sign-in sheet
Janet Johnston, Director

Chairman Ben Wathen called the DRB meeting to order at 11:00 a.m.

Chairman Wathen indicated that the minutes from the January 11, 2011 meeting were included in the DRB member's packets. Mr. David Mattingly made the motion to approve the meeting minutes as presented. Mr. Ed Brown seconded the motion. The motion carried 4-0.

Action on DRB Applications

DRB-165 SC Development LLC (Applicant/Developer) & Jesse & Deborah Newtown

(Owners). Chairman Wathen stated that SC Development LLC proposes to construct a 9,100 square foot retail store (Dollar General) on Boston Road (US 62), Lots #6 and 7, Labate Subdivision. Mrs. Robin Mills, Horizon Engineering, appeared on behalf of the Applicant. Chairman Wathen stated that the DRB needed to address the 3 items listed on the staff review. He stated that the DRB needed to review and consider the proposed buffering along the west and east sides adjoining residential uses. Mrs. Johnston indicated that she was concerned that the privacy fencing extended to far into the front yard and would diminish the visibility of the store from the roadway. The DRB agreed to reduce the length of the fence to begin at the back of the first parking space, approximately 30 feet back, and then extend the hollies on the east side to the fence. The DRB reviewed the proposed lighting. Mrs. Johnston indicated that the maximum height of pole lighting was 25 feet. The DRB reviewed building design, materials, and colors. After discussing about the building's length and design, the DRB agreed to eliminate the faux brick windows. The DRB agreed to waive the parking layout with the condition that the proposed hollies be minimum 2 feet in height at planting and minimum 3 feet in height at maturity. After further discussion, Mr. David Mattingly made the motion to recommend approval of the submitted building design, materials, and colors and site, landscaping, and lighting plans with the following conditions:

- (1) The parking layout is approved with the condition that the proposed row of shrubbery along south side of front parking lot be planted at minimum 2 feet in height at planting and be minimum 3 feet in height at maturity;
- (2) The faux brick windows should be eliminated;
- (3) The pole lighting must be limited to maximum 25 feet in height; and,
- (4) The privacy fence on the east and west sides should be set back and start at the back side of the front parking spaces, and the shrubbery must be extended along the parking lot on the east side.

Ms. Hite seconded the motion. The motion carried 4-0.

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ORDINANCE AMENDING THE DISTILLED SPIRITS ORDINANCE (SECOND READING)

AN AMENDED ORDINANCE RELATING TO THE REGULATION OF THE SALE OF DISTILLED SPIRITS AND WINE BY THE DRINK, SALE OF PACKAGED LIQUOR AND MALT BEVERAGES WITHIN THE TERRITORIAL LIMITS OF NELSON COUNTY, KENTUCKY.

WHEREAS, the County of Nelson has passed three ordinances relating to the regulation of the sale of distilled spirits and wine by the drink and malt beverages, and

WHEREAS, the County of Nelson desires to repeal Ordinance Nos. 410.1, 410.2 and 410.201, and

WHEREAS, the Court after due advertisement held a first reading on February 1, 2011, and a second reading and adoption on Feb. 15, 2011, after due consideration, upon motion of Sam Hutchins and seconded by Jeff Lear and a vote being had, the County Judge announcing motion carried.

ORDINANCE NO. 920.376-2 as amended and adopted August 4, 2009, recorded in Book 34, Page 265 is hereby Amended as follows:

NOW THEREFORE, by it ordained by the Fiscal Court of Nelson County, Commonwealth of Kentucky:

SECTION 1: REPEAL PREVIOUS ORDINANCES.

That Ordinance Nos. 410.1, 410.2 and 410.201 are hereby repealed.

SECTION 2: AID TO ECONOMIC GROWTH.

The fiscal court, after due consideration, hereby determines that

- A. An economic hardship exists within the boundary confines of Nelson County; and
- B. That permitting the sale of distilled spirits and wine by the drink on certain premises can aid the economic growth therein.

SECTION 3: DEFINITIONS.

As used in this Ordinance, unless the context requires otherwise, words, phrases and terms shall be defined as provided in KRS 241.010.

SECTION 4: TERRITORY APPLICATION.

In as much as the incorporated cities in the County of Nelson have the ability to adequately police the licensed premises in their respective areas, the establishments governed under the provisions of this Ordinance herein, relating to the sale of distilled spirits and wine by the drink or the sale of malt beverages in any restaurant or other similar establishment where such is not allowed by Section 9(C) below, shall include only those unincorporated areas located in the confines of Nelson County where the sale of distilled spirits and wine is not prohibited otherwise by law or is not prohibited by KRS 242.230 relating to dry territories. Section 9(C) below shall apply to all areas of Nelson County except those cities which have passed an ordinance regulating the sale of alcohol on Sunday.

SECTION 5: LICENSES.

- A. A license issued by the County of Nelson shall be required before an establishment can sell distilled spirits and wine by the drink.
- B. No additional County license shall be necessary for any convenience store, grocery store and/or packaged liquor store to sell alcohol on Sunday as provided herein; provided such stores meet the requirements of all other laws governing the sale of alcohol.
- C. No additional County license shall be necessary for any business licensed to serve only malt beverages or any licensed winery operating within the county which serves only wine to sell such products allowed by its license on Sunday.

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SECTION 6: REQUIREMENT FOR THE ISSUANCE OF A DISTILLED SPIRITS AND WINE LICENSE BY THE DRINK LICENSE.

A. The license to sell distilled sprits and wine by the drink for consumption on premises shall only be issued to hotels, motels or inns containing not less than fifty (50) sleeping units and having a dining facility for not less than one hundred (100) persons or bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons.

B. In no event shall a license be issued for any qualified restaurant or any dining facility in a hotel, motel or inn, unless the applicant can demonstrate to the county alcohol administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total gross receipts of such restaurant or dining facility for the license period.

SECTION 7: SUNDAY SALES LICENSE.

An establishment may obtain a license to sell distilled spirits and wine by the drink on Sunday provided it meets all the following criteria:

- A. It meets all the criteria for the issuance of a distilled spirits and wine by the drink license provided in Section 6 above, and
- B. It has been licensed to sell distilled spirits and wine by the drink, and
- C. It has paid the license fee provided below.

SECTION 8. MALT BEVERAGE ONLY RETAILERS AND WINERIES.

Any business licensed to sale only malt beverages or a licensed winery selling only wine shall be allowed to serve such beverages on Sunday pursuant to the Hours of Operation section of this Ordinance.

SECTION 9: LICENSE REGULATORY FEES.

The following fees are established for the following licenses:

- A. License to sale distilled spirits and wine by the drink \$500.00 per year;
- B. Sunday sale add-on license to sell distilled spirits and wine by the drink \$150.00 per year.

SECTION 10: HOURS OF OPERATION.

A. Except as provided in paragraph B and C below no establishment shall sell or give away any malt beverages or distilled spirits and wine by the drink between the hours of Midnight and 6:00 a.m. or anytime during the twenty four hours of Sunday or during the hours the polls are open on an Election Day.

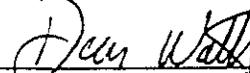
B. Any establishment who has been issued a Sunday sales license add-on as provided in Section 7 above shall be allowed to sell distilled spirits and wine by the drink and malt beverages from the hours of 1:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt establishments from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky.

C. Convenience stores, grocery stores, restaurants, wineries and packaged liquor stores which have been granted a Restaurant Wine License, Small Farm Winery License, Retail Beer License and/or a Distilled Spirits and Wine Retail Package License by the Commonwealth of Kentucky shall be eligible to operate between the hours of 1:00 p.m. to 12:00 a.m. on Sunday.

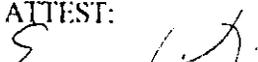
SECTION 11: PENALTY.

Any person who by himself or acting through other divisions or individually violates any provision of this ordinance shall be subject to the penalty as prescribed by KRS 244.990, and/or other applicable statutes.

NELSON COUNTY FISCAL COURT


County Judge Executive

ATTEST:



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ORDINANCE AMENDING BUILDING CODE ORDINANCE (SECOND READING)

COMMONWEALTH OF KENTUCKY
COUNTY OF NELSON
NELSON FISCAL COURT
ORDINANCE NO. _____

**An Amended Ordinance relating to the Creation of the Nelson County
Department of Code Enforcement and the Adoption of the Kentucky
Building Code and the Kentucky Residential Code**

WHEREAS, the Nelson County Fiscal Court desires to ensure the safety and security of homes and other structures which are constructed in Nelson County, and the persons who occupy and utilize same; and

WHEREAS, KRS 198B.060(1) requires Nelson County to employ sufficient code enforcement personnel to enforce the Kentucky Building Code and the Kentucky Residential Code as adopted by the Kentucky Board of Housing, Buildings and Construction, and further requires that all buildings constructed in Nelson County shall be built in compliance with said 2007 Kentucky Building Code, Kentucky Residential Code and 2006 International Building Code, 2007 Kentucky Residential Code and 2006 International Residential Code and referenced standards located within same codes and including all future amendments and updates and permits the application of said Kentucky Residential Code to Single family dwellings, two family dwellings, and townhouse without the necessity of local ordinances and

WHEREAS, KRS 198B.060(2) grants to local governments the responsibility for the examination and approval or disapproval of plans and specifications for certain buildings, and for the issuance of and revocation of building permits, licenses, and certificates of occupancy for same, as well as the responsibility to inspect all buildings pursuant to the provisions of KRS Chapter 198B and the Kentucky Building Code and the Kentucky Residential Code.

WHEREAS, it is the intention and desire of the Nelson Fiscal Court to cooperate with the Kentucky Department of Housing, Buildings and Construction; and

WHEREAS all electrical equipment, electrical apparatuses and associated wiring work and all plumbing equipment and associated piping work being currently inspected by the Nelson County Code Enforcement Office to comply with all the 2005 National Electric Code (NEC) (as promulgated by the International Fire Protection Association) and Kentucky State Plumbing Law, Regulations, and Codes issued by the Department of Housing Buildings and Construction.

NOW, THEREFORE, BE IT ORDAINED and AMENDED by the Fiscal Court of

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Board of Housing, Buildings and Construction, Commonwealth of Kentucky, including all periodic amendments and updates thereto, are hereby adopted for full application on all building construction in Nelson County as an Ordinance of Nelson County of the Commonwealth of Kentucky as if set out at length herein.

THAT a copy of said Kentucky Building Code, Kentucky Residential Code, and the National Electric Code together with a copy of all other rules and regulations adopted or referenced there under and listed standards, updates and amendments for reference are on file in the Office of the Nelson County Clerk and the clerk shall at all times keep a copy of said building codes. Copies of all codes and referenced standards shall also be available in the Office of Nelson County Code Enforcement for reference

Section 3. Designated Enforcement Officer

THAT the Nelson County Department of Code Enforcement is hereby created for the purpose of enforcing the standards and provisions set forth under the Kentucky Building code, the Kentucky Residential Code, the National Electric Code and other applicable County Ordinances.

THAT the Fiscal Court of Nelson County shall approve, designate, employ, or contract for the local enforcement agent(s) necessary to operate the Department of Code enforcement. All inspections shall be performed by persons who are certified by the Kentucky Department of Housing, Buildings and Construction and employed by the Department of Code Enforcement of Nelson County, Kentucky.

Nelson County, Commonwealth of Kentucky:

Section 1. Definitions.

THAT the definitions of terms as set forth in KRS 198B.010, KRS 198B.650 and where specifically exempted by KRS 198B.674 are adopted to the extent necessary for the interpretation, application or enforcement of the provisions of this Ordinance.

Section 2. Adoption of the Kentucky Building Code, the Kentucky Residential Code and National Electric Code.

THAT the 2007 Kentucky Building Code, 2006 International Building Code, the 2007 Kentucky Residential Code, 2006 International Residential Code and the 2005 National Electrical Code as promulgated in 815 KAR 7:120, 815 KAR 7:125 and 815 KAR 35:015 by the Kentucky

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THAT the Fiscal Court of Nelson County hereby establishes that all applicable policies and procedures, as well as staffing and offices for the Department of Code enforcement shall be established under the direction and supervision of the Fiscal Court of Nelson County.

Section 4. Extended Application

THAT the application of the Kentucky Residential Code is extended to require permits, inspections, and certificates of occupancy for the construction or alteration of all detached one and two family dwellings and multiple single-family dwellings (townhouses), not more than three stories high with separate means of egress and their accessory structures constructed or to be constructed in Nelson County, as authorized by KRS 198B.060(1).

Section 5. Permits and Fees

A.) THAT all permit requirements, forms, etc., and all fees for permits and inspections shall be established by the Fiscal Court of Nelson County, in consultation with said Department of Code Enforcement, and in accordance with the applicable Codes.

B.) THAT all fees for permits and inspections shall be based on the building size to be inspected and THAT Inspection fees shall be based on a minimum of three separate site inspections with written reports provided for work which complies (or does not comply) with the applicable Building Codes:

Total fees for three inspections shall be as follows:

A. Single Family Residential And Manufactured Housing

1. Base fee = \$189.00
2. Building Alterations/Additions = \$63.00 per site visit & report.
3. Mechanical Permit and inspection fee = Fees set per State
4. Inspection of Manufactured Housing footer/foundation system to include deck and egress stairs. = \$63.00
5. Additional site visits (required due to failed site inspections) = \$32.00 per follow-up of a failed inspection.
6. Prefabricated Accessory Structures 200 sq. feet or smaller – no fee
7. Fences (6 feet or taller) = \$33.00

B. Non Single Family Residential and townhouses (cents per square foot) specialized systems as listed under Section 121, 2007 Kentucky Building Code

1. Assembly = 8.5
2. Business = 7.5
3. Day care centers = 7.5

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4. Educational = 7.5
5. Frozen food plants = 6.5
6. High hazard = 7.5
7. Industrial factories = 6.25
8. Institutional = 8.5
9. Mercantile = 7.5
10. Warehouses = 5.5
11. All other non single family residential = 6.5

12. Alterations and repairs. Plan review fees for alterations and repairs not otherwise covered by this fee schedule shall be calculated and multiplying the cost for the alterations or repairs by 0.0025; or calculated by multiplying the total area being altered or repaired by the cost per square foot of each occupancy type as listed in Table 121.3.1, whichever is less. The total square footage shall be determined by the outside dimensions of the area being altered or repaired. The minimum fee for review of plans and inspections under this section shall be \$200.00.

13. Mechanical Permit and Inspection fee of \$100.00 for the first \$10,000 total estimated cost of the Heating, Ventilation and Air Conditioning systems installations with a cost of .01 cents per one hundred dollars of construction cost for all Mechanical construction system installation estimates in excess of \$10,000. The minimum fee permitting and inspections under this section shall be \$100.00 dollars.

14. Temporary structures including tents 20 feet by 20 feet in size and larger one time inspection.

Note: The code enforcement officer may visit each site numerous times to advise and review ongoing work at no additional cost.

C. Electrical permit and inspection fees Residential and Accessory Structures:

1. Single Family up to 3,000 sq. feet = \$131.00 (3 inspections)
2. Single Family over 3,000 sq. feet = \$168.00 (3 inspections)
3. Mobile or Manufactured Homes = \$47.00 (1 inspection)
4. Detached Garage = \$47.00 (1 inspection)
5. Detached Garage = \$94.00 (2 inspections)
6. Detached Garage With New electrical Service = \$131.00 (3 inspections)
7. Room Additions Without Service Change = \$94.00(2 inspections)
8. Room Additions With Service Change = \$131.00 (3 inspections)
9. Duplex = \$189.00 (3 inspections ea.)

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Section 8. Interpretation and Application

THAT this Ordinance shall be interpreted and applied in a manner that is consistent with the provisions of KRS Chapter 198B, including all Administrative regulations issued pursuant thereto, and so as to implement and carry out the duties and privileges of Nelson County as set forth therein.

Section 10. Inconsistent Ordinances Repealed

THAT all Ordinances which are hereafter found or are determined to be in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 11. Severability

THAT, should any part or section of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, all other parts or sections of this ordinance which are not found to be unconstitutional or otherwise invalid shall survive and remain in full force and effect.

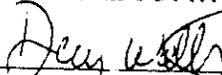
Section 12. Effective Date

THAT this Ordinance shall take effect and be in full force upon passage and publication.

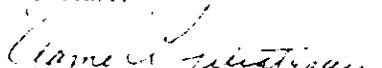
Given First Reading at a Regular Meeting of the Fiscal Court of Nelson County, Kentucky on the 1st day of February, 2011.

Adopted this 15th day of February, 2011, by 5 ayes and 0 nays.

NELSON FISCAL COURT


County Judge/Executive

ATTEST:


Nelson County Court Clerk

JUSTICES OF PEACE - KEITH METCALFE AND JEFF LEAR

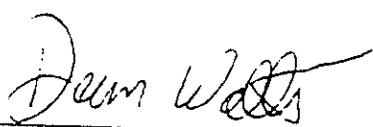
COMMONWEALTH OF KENTUCKY

NELSON COUNTY FISCAL COURT

ORDER

Under the provisions of KRS 402.050 (1) (b) as County Judge/Executive of Nelson County, it is hereby ORDERED, that Justice of the Peace, Esquire Ballard Keith Metcalfe, be and is hereby authorized to solemnize marriages upon proper request in the County of Nelson.

Entered this 7th day of February, 2011.


Dean Watts, County Judge/Executive
Nelson County, KY

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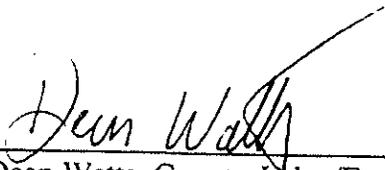
COMMONWEALTH OF KENTUCKY

NELSON COUNTY FISCAL COURT

ORDER

Under the provisions of KRS 402.050 (1) (b) as County Judge/Executive of Nelson County, it is hereby ORDERED, that Justice of the Peace, Esquire Jeffrey G. Lear, be and is hereby authorized to solemnize marriages upon proper request in the County of Nelson.

Entered this 15th day of February, 2011.



Dean Watts, County Judge/Executive
Nelson County, KY

ORDINANCE AMENDING ORDINANCE RE JOINT CODE OF ETHICAL CONDUCT (FIRST READING)

County Judge-Executive Dean Watts presented in open Court for first reading the following proposed ordinance amending the ordinance related to the joint code of ethical conduct. Said proposed ordinance was read in open Court in resume form and a full copy of the proposed ordinance is as follows:

**AN ORDINANCE AMENDING AND ADOPTING AS
AMENDED AN ORDINANCE STYLED:
ORDINANCE NO. _____**

An Ordinance Relating to the Establishment, Regulation and Administration of a single Joint Code of Ethical Conduct applicable to the elected and appointed officials, certain employees and agencies of the Cities of Bardstown, Fairfield, and the County of Nelson, in the Commonwealth of Kentucky.

WHEREAS, the General Assembly of the Commonwealth of Kentucky has enacted legislation requiring this city/county to enact and enforce a code of ethics governing the conduct of city/county officers and employees beginning no later than January 1, 1995; and

WHEREAS, the officials of this city/county are committed to the operation of a city/county government that manifests the highest moral and ethical standards among its officers and employees and desire to comply with all requirements of the Commonwealth's local government ethics law;

NOW THEREFORE, Be it ordained by the Board of Commissioners for the City of Fairfield, Kentucky; and

Be it ordained by the Council for the City of Bardstown, Kentucky; and

Be it ordained by the Fiscal Court of Nelson County, Commonwealth of Kentucky,

That the following be and the same is hereby adopted as the applicable Code of Ethical Conduct and requirements for all elected and appointed officials and certain employees and agencies for each of the respective governmental bodies:

SECTION 1. Title. This ordinance shall be known and may be cited as the "Code of Ethical Conduct of the Cities of Bardstown, Fairfield and County of Nelson."

SECTION 2. Findings. The legislative body of the Cities of Bardstown, Fairfield, and County of Nelson and declare that:

(A) Public office and employment with the city/county are public trusts.

(B) The vitality and stability of the government of this city/county depends upon the public's confidence in the integrity of its elected and appointed officers and employees. Whenever the public perceived a conflict between the private interest and public duties of a city/county officer or employee, that confidence is imperiled.

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(C) The government of this city/county has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its officers and employees aware of the standards which the citizenry rightfully expects them to comply with while conducting their public duties.

SECTION 3. Purpose And Authority.

(A) It is the purpose of this ordinance to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the city/county shall be clearly established, uniform in their application and enforceable, and to provide the officers and employees of the city/county with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

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(B) It is the further purpose of this ordinance to meet the requirements of KRS 65.210 to 65.300 as enacted by the 1994 Kentucky General Assembly.

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(C) This ordinance is enacted under the power vested in the city/county by KRS 82.082 and pursuant to requirements of KRS 65.003.

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SECTION 4. Definitions. As used in this ordinance, unless the context clearly requires a different meaning:

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(A) "BUSINESS." Means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.

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(B) "BOARD OF ETHICS." Means the Joint Board of Ethics of the Cities of Bardstown, Fairfield, and the County of Nelson, Kentucky which is created and vested by this ordinance with the responsibility of enforcing the requirements of the city/county's code of ethics.

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(C) "CITY/COUNTY." Refers respectively to the cities of Bardstown, Fairfield, and the County of Nelson, Kentucky.

Deleted: (C) "CANDIDATE." Any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the county clerk or secretary of state or is nominated for office by a political party or files a declaration of intent to be a write-in candidate with the County Clerk or Secretary of State

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(D) "CITY/COUNTY AGENCY." Means any board, commission, authority, nonstock corporation, or other entity created, either individually or jointly, by this city/county.

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(E) "EMPLOYEE." Means any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city/county. The term "employee" shall not include any contractor or subcontractor or any of their employees.

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(F) "FAMILY MEMBER." Means a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

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(G) "IMMEDIATE FAMILY MEMBER." Means a spouse, an unemancipated child residing in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.

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(H) "OFFICER." Means any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following:

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- (1) The Mayor.
- (2) The County Judge/Executive.
- (3) A legislative body member.
- (4) The City Clerk.
- (5) The City Attorney.
- (6) The County Clerk.
- (7) The County Attorney.
- (8) The City Manager.
- (9) The City Administrator.
- (10) The Deputy Judge/Executive.
- (11) The County Sheriff.
- (12) The Chief of Police.
- (13) The County Jailer.
- (14) The County Coroner.
- (15) The County Surveyor.
- (16) Any person who occupies a nonelected office created under KRS 83A.080.
- (17) A member of the governing body of any city/county agency who has been appointed to the governing body of the agency by the city or county.
- (18) The County Constable.

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STANDARDS OF CONDUCT

SECTION 5. Conflicts Of Interest In General. Every officer and employee of the city and county and every city/county agency shall comply with the following standards of conduct:

(A) No officer or employee, or any immediate family member of any officer or employee, shall have an interest in a business or engage in any business, transaction or activity which is in substantial conflict with the proper discharge of the officer's or employee's public duties.

(B) No officer or employee shall intentionally use or attempt to use his or her official position with the city/county to secure unwarranted privileges or advantages for himself or herself or others.

(C) No officer or employee shall intentionally take or refrain from taking any discretionary action or agree to take or refrain from taking any discretionary action or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action on any matter before the city/county in order to obtain a financial benefit for any of the following:

- (1) The officer or employee.
- (2) A family member.
- (3) An outside employer.
- (4) Any business in which the officer or employee, or any family member has a financial interest.
- (5) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

(D) Every officer or employee who has a substantial financial interest, as defined in subsection (A) through (C) of this section, which the officer or employee believes or has reason to believe may be affected by his participation, vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the governing body of the city/county or city/county agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

SECTION 6. Conflicts Of Interest In Contracts.

(A) No officer or employee of the county or any county agency shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the county or a county agency including, but not limited to the following:

(1) No magistrate, while a member of the Fiscal Court shall:

(a) Become interested in or receive benefits or emoluments from any contract let by the fiscal court of his county with relation to the building of roads or any internal improvements;

(b) Work or supervise work, for compensation, on any public road, bridge, culvert, fill, quarry pit or any other road work or internal improvement under any contract made with the fiscal court; or

(c) Furnish, for compensation, any material to the county to be used in the construction of any road or bridge or other internal improvement.

(2) No County Judge/Executive or county attorney shall, directly or indirectly, receive any benefits or emoluments from, furnish any material or other thing of value to be used in, or be interested in any contract let by the fiscal court for the construction of any roads, bridges or parts thereof, or any other public or internal improvement.

(3) Any officer who violates any of the provisions of this section shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned in the county jail not less than ten (10) nor more than forty (40) days or both, and shall forfeit his office.

(B) No officer or employee of the city or any city agency shall directly or indirectly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city or a city agency including, but not limited to the following:

(1) The prohibition in this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to the office, or before an employee was hired by the city or city agency.

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provided that if the contract is renewable, the prohibition shall apply to any renewal of the contract that occurs after the officer is elected or appointed, or after the employee is hired, unless the provisions of paragraph (3) of this subsection are satisfied:

(2) The prohibition in this section shall not apply if the contract is awarded after public notice and competitive bidding, unless the officer or employee is authorized to participate in establishing the contract specifications, or awarding, or managing the contract, in which case the provisions of paragraph (3) of this subsection shall be satisfied:

(3) The prohibition in this section shall not apply if the following requirements are met:

(a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the governing body of the city or city agency.

(b) The disclosure is made a part of the official record of the governing body of the city or city agency before the contract is executed;

(c) A finding is made by the governing body of the city or city agency that the contract with the officer or employee is in the best interests of the public and the city or city agency because of price, supply, or other specific reasons; and

(d) The finding is made a part of the official record of the governing body of the city or city agency before the contract is executed.

(C) Violation of this section is a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section. Additionally, violation of this section shall be grounds for removal from office or employment, in accordance with applicable provisions of law.

SECTION 7. Receipt Of Gifts. No officer or employee of the city/county or any city/county agency shall directly or indirectly through any other person or business, solicit or accept any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence or could reasonably be expected to influence the officer or employee in the performance of his or her public duties. Excluded from this section are the following:

(A) Gifts received from relatives.

(B) Gifts accepted on behalf of the city county and transferred to the city county.

(C) Reasonable travel and travel-related expenses, cost of admission, food and beverages, and entertainment furnished in connection with certain specified public events, appearances, ceremonies, economic development activities, or fact-finding trips related to official government business.

(D) Usual and customary loans made in the ordinary course of business.

(E) Awards presented in recognition of public service.

SECTION 8. Use Of City/County Property, Equipment And Personnel.

(A) No officer or employee of the city/county shall use or permit the use of any city/county time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless:

(1) The use is specifically authorized by a stated city/county policy.

(2) The use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public.

SECTION 9. Representation Of Interests Before City/County Government.

(A) No officer or employee of the city/county or any city/county agency shall represent any person or business, other than the city/county, in connection with any cause, proceeding, application or other matter pending before the city/county or any city/county agency.

(1) This prohibition does not apply where the officer or employee specifically discloses their position with the City or County on the record at a public meeting of the Agency, and that the Agency makes a specific finding, on the record that despite the

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conflict, it is in the best interests of the Agency and the public to allow the specific representation to occur.

(B) Nothing in this section shall prohibit an employee from representing another employee or employees where the representation is within the context of official labor union or similar representational responsibilities.

(C) Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning his or her own interest.

(D) No elected officer shall be prohibited by this section from making any inquiry for information on behalf of a constituent, if no compensation, reward or other thing of value is promised to, given to, or accepted by the officer, whether directly or indirectly, in return for the inquiry.

SECTION 10. Misuse Of Confidential Information. No officer or employee of the city/county or any city/county agency shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business. Information shall be deemed confidential if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its use or disclosure.

SECTION 11. Post-Employment Restriction. No officer or employee of the city/county or any city/county agency shall appear or practice before the city/county or any city/county agency with respect to any matter on which the officer or employee personally worked while in the service of the city/county or city/county agency for a period of one (1) year after the termination of the officer's or employee's service with the city/county or city/county agency.

SECTION 12. Honoraria.

(A) No officer or employee of the city/county or a city/county agency shall accept any compensation, honorarium or gift with a fair market value greater than \$100 in consideration of an appearance, speech or article unless the appearance, speech or article is both related to the officer's or employee's activities outside of municipal service and is unrelated to the officer's or employee's service with the city/county.

(B) Nothing in this section shall prohibit an officer or employee of the city/county or any city/county agency from receiving and retaining from the city/county or on behalf of the city/county actual and reasonable out-of-pocket expenses incurred by the officer or employee in connection with an appearance, speech or article, provided that the officer or employee can show by clear and convincing evidence that the expenses were incurred or received on behalf of the city/county or city/county agency and primarily for the benefit of the city/county or city/county agency and not primarily for the benefit of the officer or employee or any other person.

FINANCIAL DISCLOSURE

SECTION 13. Who Must File. The following classes of officers and employees of the city/county and city/county agencies, shall file an annual statement of financial interests with the Board of Ethics:

(A) All elected city/county officials.

(B) Members of the city/county planning and zoning commission and boards of adjustment, tourist commission, historic review board and the Bardstown Industrial Development Corporation.

(C) Members of the Board of Ethics created by this ordinance.

(D) Non-elected officers, department heads, and employees of the city/county or any city/county agency who are authorized to make purchases of materials or services or award contracts, leases or agreements involving the expenditure of more than One Thousand Five Hundred Dollars (\$1,500).

SECTION 14. When To File Statements; Amended Statements.

(A) The initial statement of financial interests required by this section shall be filed with the Board of Ethics, or the administrative official designated as the custodian of its records by the Board of Ethics, no later than 5:00 p.m. April 1, 1995. All subsequent statements of financial interest shall be filed no later than 5:00 p.m. on December 31 each year, provided that:

(1) An officer or employee newly-appointed to fill an office or position of employment with the city/county or a city/county agency file his or her initial statement no later than thirty (30) days after the date of the appointment.

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(B) The Board of Ethics may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

(C) In the event there is a material change in any information contained in a financial statement that has been filed with the Board, the officer or employee shall, no later than ~~thirty~~ (90) days after becoming aware of the material change, file an amended statement with the Board.

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(D) In the event there has been no change in any information in the most recent financial statement filed with the Board the officer or employee may comply with the annual filing of the financial statement by filing with the Board's custodian a statement dated and signed setting out "There are no changes in any information contained in my financial statement dated _____ (insert appropriate date)."

SECTION 15. Form Of The Statement Of Financial Interest. The statement of financial interests shall be filed on a form prescribed by the Board of Ethics or the administrative official designated by the Board of Ethics. The Board, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than March 1, 1995 and subsequent years no later than October 1 of each year. The failure of the Board or the designated administrative official to deliver a copy of the form to any officer or employee shall not relieve the officer or employee of the obligation to file the statement.

SECTION 16. Control And Maintenance Of The Statements Of Financial Interests.

(A) The Board of Ethics shall be the "official custodian" of the statements of financial interests and shall have control over the maintenance of the statements of financial interests. The statements of financial interests shall be maintained by the Board of Ethics, or the administrative official designated by the Board of Ethics as the "custodian" as public documents, available for public inspection immediately upon filing.

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(B) All statements of financial interests shall be retained by the Board, or the designated administrative official, for a period consistent with that authorized by the Kentucky Archives and Records Commission.

SECTION 17. Contents Of The Financial Interests Statement.

(A) Nothing in this section shall be construed to require any officer or employee to disclose any specific dollar amounts nor the names of individual clients or customers of businesses listed as sources of income.

(B) The statement of financial interests shall include the following information for the preceding calendar year:

(1) The name, current business address, business telephone number, and home address of the filer.

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(2) The title of the filer's office, or position of employment.

(3) The occupation of the filer and the filer's spouse.

(4) Information that identifies each source of income of the filer and the filer's immediate family members exceeding Five Hundred Dollars (\$500) during the preceding calendar year and the nature of the income (e.g., salary, commission, dividends, retirement fund distribution, etc.)

(5) The name and address of any business located within the state in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of five percent (5%) ownership interest or more.

(6) The name and address of any business located outside of the state, if the business has engaged in any business transactions with the city/county during the past three (3) years, or which is anticipated to engage in any business transactions with the city/county, in which the filer or any member of the filer's immediate family had at any time during the preceding calendar year an interest of five percent (5%) ownership interest or more.

(7) A designation as commercial, residential, or rural and the location of all real property within the county, other than the filer's primary residence, in which the filer or any member of the filer's immediate family had during the preceding calendar year an interest of Ten Thousand Dollars (\$10,000) or more.

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(8) Each source by name and address of gifts or honoraria having a fair market value of One Hundred Dollars (\$100) or more from any single source, excluding gifts received from family members, received by the filer or any member of the filer's immediate family during the preceding calendar year.

(9) The name and address of any creditor owed more than Two Thousand Dollars (\$2,000), except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for person, family or household purposes (e.g., credit cards, auto loans, etc.)

SECTION 18. Noncompliance With Filing Requirements.

(A) The Board of Ethics, or the designated administrative official, shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement by the due date, files an incomplete statement, or files a statement in a form other than that prescribed by the Board. The notice shall specify the type of failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for a violation.

(B) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under subsection (A) within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed Twenty-Five Dollars (\$25) per day, up to a maximum total civil fine of Five Hundred Dollars (\$500). Any civil fine imposed by the Board under this section may be recovered by the city/county in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

(C) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

NEPOTISM

SECTION 19. Nepotism Prohibited.

(A) No officer or employee of the city/county or a city/county agency shall advocate, recommend or cause the employment, appointment, promotion, transfer or advancement of a family member to a paid office or position of employment with the city/county or a city/county agency.

(B) No officer or employee of the city/county or a city/county agency shall supervise or manage the work of a family member.

(C) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group and the family member benefits to no greater extent than any other similarly situated member of the class or group.

(D) The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibitions, but which existed prior to adoption of this ordinance and to the County Attorney's appointment of an assistant county attorney who is licensed to practice law in the Commonwealth of Kentucky.

ENFORCEMENT

SECTION 20. Board Of Ethics Created.

(A) There is hereby created a Board of Ethics which shall have the authorities, duties, and responsibilities as set forth in this ordinance to enforce the provisions of this ordinance.

(B) The Board of Ethics shall consist of five (5) members who shall be appointed by the executive authority of each city and the county, with the county having one (1) appointee, the City of Bardstown having one (1) appointee, the County and the City of Bardstown having two (2) appointees jointly, and the City of Fairfield having one (1) appointee, subject to the approval of the respective legislative body. The initial members of the Board of Ethics shall be appointed within sixty (60) days of the effective date of this ordinance. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city/county or any city/county agency. The members shall serve for a term of three (3) years; except that with respect to the members initially appointed two (2) members shall be appointed for a term of one (1) year (such two (2) appointments shall be one (1) by the City of Bardstown and one (1) by the County), two (2) members shall be appointed for a term of two (2) years such two (2) appointments shall be jointly appointed by the City of Bardstown and

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the County), and one (1) member shall be appointed for a term of three (3) years (such one (1) appointment to be made by the City of Fairfield). Thereafter, all appointments shall be for a term of three (3) years. No more than three (3) of the members shall be of the same political party. Each member of the Board of Ethics shall have been a resident of Nelson County for at least one (1) year prior to the date of the appointment and shall reside in Nelson County throughout the term in office. The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. The members may be re-appointed for any number of consecutive terms.

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(C) A member of the Board of Ethics may be removed by the executive authority subject to the approval of the legislative body for misconduct, inability or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the executive authority and the legislative body.

(D) Vacancies on the Board of Ethics shall be filled within sixty (60) days by the executive authority, subject to the approval of the legislative body. If a vacancy is not filled by the executive authority within sixty (60) days, the remaining members of the Board of Ethics shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.

(E) Members of the Board of Ethics shall serve without compensation unless otherwise approved by the legislative body, but shall be reimbursed for all necessary and reasonable expenses incurred in the performance of their duties.

(F) The Board of Ethics shall, upon the initial appointment of its members and annually thereafter, elect a chairperson from among the membership. The chairperson shall be the presiding officer and a full voting member of the Board.

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(G) Meetings of the Board of Ethics shall be held, as necessary, upon the call of the chairperson or at the written request of a majority of the members.

(H) The presence of four (4) or more members shall constitute a quorum and the affirmative vote of four (4) or more members shall be necessary for any official action to be taken. Any member of the Board of Ethics who has a conflict of interest with respect to any matter to be considered by the Board shall disclose the nature of the conflict, shall disqualify himself or herself from voting on the matter and shall not be counted for purposes of establishing a quorum.

(I) Minutes shall be kept for all proceedings of the Board of Ethics and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

SECTION 21. Funding.

(A) Members of the Board of Ethics shall serve at no salary. Expenses incurred in conducting the business of the Board will be divided among the three governments using the following formula: Nelson County - 75.38%; Bardstown - 23.58%; and Fairfield - 1.04%.

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(B) The Board's office of record shall be at a location designated from time to time by the Board, however, such location shall be owned or leased by the city or county government. The official records of the Board shall be kept and maintained at such location in a secure manner and in the exclusive care, custody and control of a designated custodian. Such records, unless otherwise classified as confidential, are to be made available only upon written request and during usual business hours fixed by the Board.

SECTION 22. Facilities And Staff. Within the limits of the funds appropriated by the legislative body in the annual budget, the city/county shall provide the Board of Ethics, either directly or by contract or agreement, with the facilities, materials, supplies and staff needed for the conduct of its business.

SECTION 23. Power And Duties Of The Board Of Ethics. The Board of Ethics shall have the following powers and duties:

(A) To initiate on its own motion, receive and investigate complaints, hold hearings, and make findings of fact and determinations with regard to alleged violations of the provisions of this ordinance.

(B) To refer any information concerning violations of this ordinance to the executive authority of the city/county, the city/county legislative body, the governing body of any city/county agency, the county attorney, or other appropriate person or body, as necessary.

(C) To enforce the provisions of this ordinance with regard to all officers and employees of the city/county and city/county agencies who are subject to its terms by issuing appropriate orders and imposing penalties authorized by this ordinance.

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(D) To control and maintain all statements of financial interests that are required to be filed by this ordinance and to insure that the statements are available for public inspection in accordance with the requirements of this ordinance and the Kentucky Open Records Act.

(E) To develop and submit any reports regarding the conduct of its business that may be required by the executive authority or the legislative body of the city/county.

(F) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of this ordinance, provided that the rules, regulations, and actions are not in conflict with the provisions of this ordinance or any state or federal law.

SECTION 24. Filing And Investigation Of Complaints.

(A) All complaints alleging any violation of the provisions of this ordinance shall be submitted to the Board of Ethics, or the administrative official designated by the Board of Ethics at the location designated by the Board. All complaints shall be in writing, signed by the complainant, and shall meet any other requirements established by the Board of Ethics. The Board of Ethics shall acknowledge receipt of a complaint to the complainant within ten (10) working days from the date of receipt. The Board shall forward within ten (10) working days to each officer or employee of the city/county or city/county agency who is the subject of the complaint a copy of the complaint and a general statement of the applicable provisions of this ordinance.

(B) Within thirty (30) days of the receipt of a proper complaint, the Board of Ethics shall conduct a preliminary inquiry concerning the allegations contained in the complaint. The Board shall afford a person who is the subject of the complaint an opportunity to respond to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations.

(C) All proceedings and records relating to a preliminary inquiry being conducted by the Board of Ethics shall be consistent with the Kentucky Open Meetings and Open Records Act until a final determination is made by the Board except:

(1) The Board may turn over to the Commonwealth's Attorney or County Attorney evidence which may be used in criminal proceedings.

(2) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the Board may publicly confirm the existence of the inquiry, and, at its discretion, make public any documents which were issued by either party.

(D) The Board shall make a determination based on its preliminary inquiry whether the complaint is within its jurisdiction and, if so, whether it alleges a minimal factual basis to constitute a violation of this ordinance. If the Board concludes that the complaint is outside of its jurisdiction, frivolous or without factual basis, the Board shall immediately terminate the inquiry, reduce the conclusion to writing, and transmit a copy of its decision to the complainant and to all officers or employees against whom the complaint was filed.

(E) If the Board of Ethics concludes, based upon its preliminary inquiry, that the complaint is within its jurisdiction and contains allegations sufficient to establish a minimal factual basis to constitute a violation, the Board shall notify the officer or employee who is the subject of the complaint and may:

(1) Due to mitigating circumstances such as, lack of significant economic advantage or gain by the officer or employee, lack of economic loss to the city/county and its taxpayers, or lack of significant impact on public confidence in city/county government issue, in writing, a reprimand to the officer or employee concerning the alleged violation and provide a copy of the reprimand to the executive authority and governing body of the city/county or city/county agency, if agreed to by the officer or employee; or

(2) Initiate a hearing to determine whether there has been a violation.

(F) Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this ordinance by an officer or employee of the city/county or any city/county agency shall be guilty of a Class A misdemeanor.

SECTION 25. Notice Of Hearings. If the Board of Ethics determines that a hearing regarding allegations contained in the complaint is necessary, the Board shall issue an order setting the matter for a hearing within thirty (30) days of the date the order is issued, unless the alleged violator petitions for and the Board consents to a later date. The order setting the matter for hearing, along with a copy of any pertinent regulations of the Board relating to the hearing shall be sent to the alleged violator within twenty-four (24) hours of the time the order setting a hearing is issued.

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SECTION 26. Hearing Procedure.

(A) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall not apply to hearings conducted by the Board of Ethics; however, the hearings shall be conducted in accordance with this section and in accordance with any additional rules and regulations adopted by the Board so as to afford all parties the full range of due process rights required by the nature of the proceedings.

(B) Prior to the commencement of the hearing, the alleged violator, or his or her representative, shall have a reasonable opportunity to examine all documents and records obtained or prepared by the Board in connection with the matter to be heard. The Board shall inform the alleged violator, or his or her representative, of any exculpatory evidence in its possession.

(C) All testimony in a Board hearing shall be taken under oath, administered by the presiding officer. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel. All witnesses shall have the right to be represented by counsel.

(D) Any person whose name is mentioned during the hearing and who may be adversely affected thereby may appear personally before the Board, with or without counsel, to give a statement regarding the adverse mention, or may file a written statement regarding the adverse mention for incorporation into the record of the proceeding.

(E) All hearings of the Board of Ethics shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.

(F) After the conclusion of the hearing, the Board of Ethics shall, as soon as practicable, begin deliberations in executive session for the purpose of reviewing the evidence before it and making a determination whether a violation of this ordinance has been proven. Within thirty (30) days after completion of the hearing, the Board shall issue a written report of its findings and conclusions.

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(G) If the Board concludes in its report that no violation of this ordinance has occurred, it shall immediately send written notice of this determination to the officer or employee who was the subject of the complaint and to the party who filed the complaint.

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(H) If the Board concludes in its report that in consideration of the evidence produced at the hearing there is clear and convincing proof of a violation of this ordinance, the Board may:

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(1) Issue an order requiring the violator to cease and desist the violation.

(2) In writing, publicly reprimand the violator for the violations and provide a copy of the reprimand to the executive authority and governing body of the city/county or city/county agency with which the violator serves.

(3) In writing, recommend to the executive authority and the governing body that the violator be sanctioned as recommended by the Board, which may include a recommendation for discipline or dismissal or removal from office.

(4) Issue an order requiring the violator to pay a civil penalty of not more than One Thousand Dollars (\$1,000.00).

(5) Refer evidence of criminal violations of this ordinance or state laws to the County Attorney or Commonwealth's Attorney of the jurisdiction for prosecution.

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SECTION 27. Appeals. Any person who is found guilty of a violation of any provision of this ordinance by the Board of Ethics may appeal the finding to the circuit court of the county within thirty (30) days after the date of the final action of the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the clerk of the court all evidence considered by the Board at the public hearing.

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SECTION 28. Limitation Of Actions. Except when the period of limitation is otherwise established by state law, an action for a violation of this ordinance must be brought within one (1) year after the violation is discovered.

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SECTION 29. Advisory Opinions.

(A) The Board of Ethics may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical facts and circumstances, upon its own initiative and shall render an advisory opinion when requested by any officer or employee of the city/county or a city/county agency who is covered by this ordinance.

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(B) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions.

(C) A written advisory opinion issued by the Board shall be binding on the Board in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the Board if they had existed at the time the opinion was rendered. However, if any fact determined by the Board to be material was omitted or misstated in the request for an opinion, the Board shall not be bound by the opinion.

(D) A written advisory opinion issued by the Board shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this ordinance for actions taken in reliance on that opinion.

SECTION 30. Reprisals Against Persons Disclosing Violations Prohibited.

(A) No officer or employee of the city/county or any city/county agency 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, deter, prevent, interfere with, coerce, or discriminate against any person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics or any other agency or official of the city/county or the Commonwealth any facts or information relative to an actual or suspected violation of this ordinance.

(B) This section shall not be construed as:

(1) Prohibiting disciplinary or punitive action if an officer or employee of the city/county or any city/county agency 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 the Kentucky Open Records Act, 61.870 to 61.884.

(c) Is confidential under any other provision of law.

SECTION 31. Penalties.

(A) Except when another penalty is specifically set forth in this ordinance, any officer or employee of the city/county or any city/county agency who is found by the Board of Ethics to have violated any provision of this ordinance shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed One Thousand Dollars (\$1,000.00), which may be recovered by the city/county in a civil action in the nature of debt if the offender fails to pay the penalty within a prescribed period of time.

(B) In addition to all other penalties which may be imposed under this ordinance, any officer or employee of the city/county or any city/county agency who is found by the Board of Ethics to have violated any provision of this ordinance shall forfeit to the city/county or the city/county agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city/county in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

(C) In addition to all other penalties which may be imposed under this ordinance, a finding by the Board of Ethics that an officer or employee of the city/county or any city/county agency is guilty of a violation of this ordinance shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the executive authority of the city/county or city/county agency or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this ordinance shall be taken in accordance with all applicable ordinances and regulations of the city/county and all applicable laws of the Commonwealth.

SECTION 32. Severability. If any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provision of this ordinance shall continue in full force and effect.

SECTION 33. Conflicting Ordinances Repealed. All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

~~Deleted:~~ The request for an advisory opinion shall remain confidential as consistent with the Kentucky Open Meetings and Open Records Act unless confidentiality is waived, in writing, by the requestor.

(C) The Board may adopt regulations, consistent with the Kentucky Open Records Law, to establish criteria under which it will issue confidential advisory opinions. All other advisory opinions shall be public documents, except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.

(D) The confidentiality of an advisory opinion may be waived either:

(1) In writing by the person who requested the opinion.

(2) By majority vote of the members of the Board, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The Board may vote to make public the advisory opinion request and related materials.

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SECTION 34. Effective Date. This ordinance shall take full force and effect immediately upon publication as required by KRS 83A.060.

SECTION 35. The Mayors of the Cities of Bardstown and Fairfield and the County Judge/Executive of Nelson County, Kentucky having called a special meeting of their respective legislative bodies for the purpose of reviewing the Ethics Code; and the Mayors and the County Judge/Executive respectively, then and thereupon, advised their legislative bodies that the law requires that an Ethics Code be adopted on or before January 21, 1995, and in the absence of same, government funds could be withheld and, that the state government could impose its own Ethics Code upon the applicable officials; and, thereupon announced that it was imperative that immediate action be taken and that an emergency does exist and, that the within amended ordinance be adopted without compliance, otherwise to statutory procedures.

Adopted this ____ day of _____, 2010, by ____ ayes and ____ nays.

Deleted: 09

NELSON FISCAL COURT

County Judge/Executive

ATTEST:

Nelson County Court Clerk

After a first reading, motion was made by Keith Metcalfe, second by Bernard Ice, by unanimous vote of the Court, IT IS HEREBY ORDERED that legal notice advertising the second reading and possible adoption of the proposed ordinance be published in The Kentucky Standard in accordance with Kentucky statute.

SHERIFF'S FINAL SETTLEMENT FOR 2010

On motion of Sam Hutchins, second of Jerry Hahn, by unanimous vote of the Court, IT IS HEREBY ORDERED to accept the following final settlement for 2010 for Sheriff Mike Newton, this pending audit:

**2010 NELSON COUNTY TAX SETTLEMENT
MIKE NEWTON, NELSON COUNTY SHERIFF**

CHARGES

Real Estate			
Tangible	2,296,306,757.00 @	0.00143	3,283,718.66
Tangible	153,014,584.00 @	0.00166	254,004.21
Fire Acres	11,045,329.00 @	0.00015	1,656.80
Bank Deposit Taxes	29,213.00 @	0.02	584.26
LSG			163,580.13
Added Real Estate			830.32
Added Tangibles	144,150.00 @	0.00143	206.13
Exon Fire Acres	@	0.02	0.00
Exon Real Estate	@	0.02	0.00
Exon. Tangibles	988,940.00 @	0.00143	1,414.18
Distilled Spirits	1,850,000.00 @	0.00166	3,071.00
Franchise			366,140.59
Penalties & Interest			53,139.95
Total			4,128,346.24

CREDITS

Discounts on LSG & UDV Reserves			16.61
Discounts - Real Estate, ETC.			
Exon. Real Estate			67,479.38
Exon. Tangibles	9,658,294 @	0.00143	13,811.36
Exon Fire Acres	246,586 @	0.00166	409.33
Exon Boats/Air	0 @	0.02	0.00
Delinquent Land Sales	3,200,000 @	0.00015	480.00
	194,329,496 @	0.00143	277,891.18

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Delinquent Tangibles	4,178,106 @	0.00166	6,835.85
Delinquent Inv./Fin. Goods	2,556,968 @	0.00166	4,244.57
Delinquent Boats/Air	1,956,000 @	0.00015	293.40
Delinquent Timberland	1,363 @	0.02	27.26
			371,588.74

Payments To County

October	2,504,803.25	Charges	4,128,346.24
November	307,232.86	Credits	371,588.74
December	778,051.58	Commissions	159,662.19
January		Net Due	3,597,095.31
February		Refunds	7,007.59
March			3,590,087.72
April			
Total	3,590,087.69		-0.03

Mike Nason
Sheriff of Nelson County

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15th DAY OF February 2011.

Steta S. Cecil
NOTARY

My commission expires August 16, 2011.

DEPARTMENT REPORTS

**EMS

Joe Prewitt presented his regular report as follows:

Monthly EMS Run Totals
As of January, 2011

Areas	Monthly Completed Runs	Monthly Non-Transport	Monthly Total Calls	Year-To-Date Calls	Monthly Charges	Year-To-Date Charges	Average Charge per Run
Bardslow Area	366	40	406	2974	\$ 241,758.30	\$ 1,683,415.80	\$ 566.04
Bloomfield Area	17	8	25	209	\$ 12,484.80	\$ 115,193.60	\$ 551.17
New Haven Area	23	7	30	196	\$ 16,794.00	\$ 114,785.00	\$ 585.54
Boston Area	9	1	10	67	\$ 6,575.70	\$ 37,359.70	\$ 557.81
Cox's Creek Area	9	3	12	118	\$ 5,830.40	\$ 43,086.40	\$ 371.43
TOTAL	424	59	483	3662	\$ 283,443.00	\$ 1,993,829.90	\$ 569.75
Average Per Day	13.7	1.9	15.6	16.6	\$ 9,143.30	\$ 9,273.66	
Collections (YTD)						\$ 997,520.00	
Cost Per Run						\$ 280.04	
Difference						\$ 327.36	
						\$ (47.32)	

Previous Year 2010	Totals	463	538	\$ 279,344.00	\$ 1,850,647.80
Change From Current Year		-39	285	\$ 2,888.00	\$ 177,273.80

Previous Year 2009	Totals	441	526	\$ 288,444.00	\$ 1,888,488.80
Change From Current Year		-17	33	\$ 2,888.00	\$ 183,714.30

Previous Year 2008	Totals	484	588	\$ 288,378.00	\$ 1,864,888.80
Change From Current Year		-60	174	\$ 21,558.00	\$ 186,122.80

Previous Year 2007	Totals	462	548	\$ 221,188.00	\$ 1,801,888.80
Change From Current Year		-38	310	\$ 62,260.00	\$ 21,000.00

Monthly Summary
Jan. 11

Request	Beginning Balance	Ending Balance	BALLOWS (Actual)	LOANS (Per TFC)	TOTAL YTD BAL.	DEAD BAL.	Actual Monthly Sales	Actual Monthly TFC	Change After Available	Total All Sales X Paid Cost	Cost Minus 10-0 Minus X Paid Cost	Actual Sales X Paid Cost
Request 31	1,488.0	4,338.0	218.0	1,188.0	2,388.0	1,181.0	2,838.0	12.3	841.0	3738.33	3276.31	3288.18
Request 32	121,888.0	128,788.0	232.0	778.0	1,888.0	328.0	2,181.0	8.1	882.0	3777.38	3388.86	3284.84
Request 33	188,388.0	198,473.0	198.0	841.0	1,878.0	337.0	2,188.0	11.8	818.0	3888.33	3388.86	3288.86
Request 34	188,888.0	184,841.0	81.0	188.0	388.0	188.0	488.0	8.8	118.0	3178.88	384.47	388.82
Request 35	128,882.0	128,838.0	387.0	818.0	1,888.0	888.0	2,887.0	6.7	888.0	3188.13	3348.04	3488.84
Request 36	184,238.0	184,888.0	281.0	888.0	1,818.0	818.0	2,883.0	8.8	1,847.0	3874.88	3312.88	3288.77
Request 37	174,134.0	178,887.0	273.0	1,838.0	1,874.0	844.0	2,773.0	18.2	788.0	3814.88	3311.34	3338.78
Request 38	181,888.0	188,188.0	388.0	1,888.0	2,181.0	1,188.0	3,882.0	18.8	881.0	3888.83	3387.34	3318.38
Request 39	187,878.0	187,818.0	88.0	178.0	388.0	183.0	848.0	6.7	182.0	3288.88	381.38	387.38
Request 41	228,881.0	228,888.0	38.0	33.0	71.0	38.0	188.0	8.8	118.0	388.38	317.73	318.88
Request 42	287,832.0	288,822.0	18.0	34.0	81.0	17.0	188.0	18.8	138.0	383.88	38.78	311.38
Month 1	78,388.0	78,811.0	18.0	8.0	8.0	8.0	218.0	13.8	218.0	388.48	38.88	38.88
Month 8	188,888.0	188,838.0	4.8	8.0	8.0	8.0	48.0	18.8	48.0	312.88	38.88	38.88

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HAZARDOUS MITIGATION GRANT - Joe Prewitt explained a grant whereby the local Emergency Management office has sent a letter to the State citing its intent to apply for a hazardous mitigation grant for funds to purchase a generator which would provide backup power to the Sheriff/City Police offices, EOC and Dispatch Center; generator's estimated cost is \$87,692.00, with Federal government to contribute 75%, State government to contribute 12%, and local match to be 13% or \$11,399. State has approved letter of intent. Following discussion, on motion of Sam Hutchins, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to authorize that the County Judge-Executive may sign any documents related to this grant:

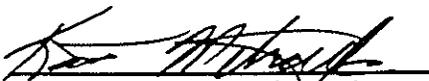
IX Designation of Applicant's Agent Resolution

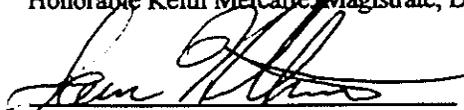
Be it resolved by the Fiscal Court of Nelson County, that the Honorable Dean Watts, Nelson County Judge Executive, is hereby authorized to execute for and in behalf of Nelson County Fiscal Court, a public entity established under the laws of the State of Kentucky, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President Disaster Relief Fund.

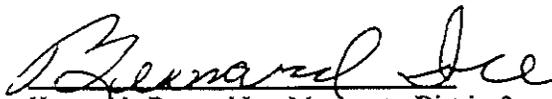
That Nelson County Fiscal Court a public entity established under the laws of the State of Kentucky, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurance and agreements printed on the reverse side hereof.

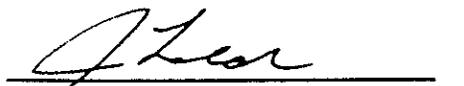
Passed and approved this 15th day of February 2011.

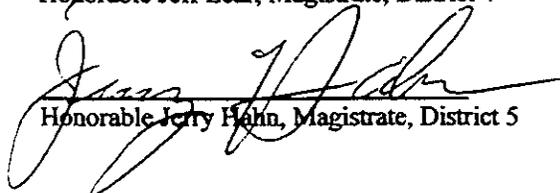

Honorable Dean Watts, Judge Executive


Honorable Keith Metcalfe, Magistrate, District 1


Honorable Sam Hutchins, Magistrate, District 2


Honorable Bernard Ice, Magistrate, District 3


Honorable Jeff Lear, Magistrate, District 4

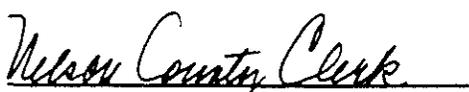

Honorable Jerry Hahn, Magistrate, District 5

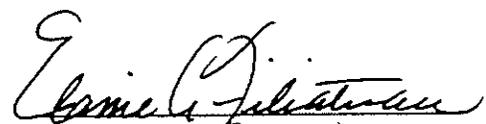
CERTIFICATION

I, ELAINE A FILIATRAN, duly appointed and CLERK of The County of Nelson do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Fiscal Court of Nelson County, Kentucky.

On the 15 day of FEB, 2011.

Date: 2-15-2011


(Official Position)


(Signature)

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****JAIL**

Jailer Dorcas Figg told Court members of a recent inspection by the Department of Corrections. She presented her report as follows:

NELSON COUNTY JAIL							NELSON COUNTY JAIL	
FEBRUARY	Total	Hardin Co	HIP	State	W-End	In House	C/S	
Wed. 02	134	6	3	22	10	115	TO BE RELEASED FEBRUARY	3
Thur. 03	139	4	2	20	10	123		8
Fri. 04	134	4	2	22	9	119	STATE SENTENCED	
Sat. 05	122	4	2	23	7	109	CI	15
Sun. 06	126	4	2	23	6	114	CD	6
Mon. 07	122	4	2	23	12	104	SENTENCED TO JAIL	8
Tue. 08	124	4	2	23	12	106	COMMUNITY SERVICE	3
Wed. 09	128	4	2	23	10	112	WORK RELEASE	5
Thur. 10	126	4	2	23	11	109	HIP	1
Fri. 11	130	5	2	21	11	112	WEEKENDS	1
Sat. 12	126	5	2	21	7	112	CIRCUIT WAITING COURT	47
Sun. 13	129	5	2	21	5	117		
Mon. 14	123	5	2	21	13	103		
Tue. 15	122	5	1	22	13	103		

TOTAL OF 53 HAS NOT BEEN SENTENCED

NUMBER OF DAYS INMATES SERVED F/ JANUARY 2011

JANUARY DAILY AVERAGE			DAYS	INMATES	DAYS	
	Mandays	Average				
CI	367	11	1	100	16	3
CD	275	8	2	39	17	4
NELSON	3465	111	3	19	18	8
TOTAL	4107	132	4	24	19	3
			5	12	20	6
			6	8	21	5
			7	2	22	2
			8	4	23	4
			9	7	24	4
			10	6	25	3
			11	4	26	6
			12	6	27	1
			13	0	28	1
			14	5	29	4
			15	2	30	0
					31	68

NEW ARREST AND RELEASES F/ JANUARY 2011			
ARRIVALS	MALE	FEMALE	TOTAL
	165	64	229
RELEASES	MALE	FEMALE	TOTAL
	165	65	229

SENTENCED INMATES	
DISTRICT COURT	
WEEKENDS	12
JAIL	21
WAITING COURT	6
HIP	1
WORK RELEASE	2

****LANDFILL/SOLID WASTE**

Brad Spalding reported as follows: 1) Tires collected during the past couple of bulky-item pickups have been hauled off for disposal, which has proved to be more cost-effective than trying to dispose of them at the landfill. Quotes will be brought back for Fiscal Court review. 2) Latest bid on garbage truck advertised on the internet is at \$7,550; the AP loader has not yet met reserve. 3) Annual solid waste report is upcoming; roadside cleanup will occur after spring break.

****ROAD DEPARTMENT**

REGULAR MAINTENANCE - Jim Lemieux reported on snow removal, boom mowing, access road work off Nat Rogers Rd, work on pull-offs, work on the Fredericksburg Rd. bridge, work on installation of electrical conduits at Dean Watts Park, Grade-All work, and on status of sand/salt supplies.

BULKY-ITEM - Quotes for help with bulky-item pickup:

2011 Bulky Item Pickup			
Contractor	Unit Price Quoted	Estimated Time Required	Total Estimated Cost
	02/11/11	6 wkx7 hr/dayx 2 trucks=420Hrs	
TAPCO, Inc.	\$40.00	420	\$16,800.00
Clerk Excavating	\$41.90	420	\$17,598.00

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On motion of Bernard Ice, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to award contract for bulky-item hauling to TAPCO, Inc. as bid.

GRADER ENGINE REPAIR - On motion of Jeff Lear, second of Sam Hutchins, by unanimous vote of the Court, IT IS HEREBY ORDERED to approve engine repair on the 20-year old grader, quoted at \$17,253.00.

STREET LIGHTS - Street light policy was discussed, specific to request for street lights at new access roads to HWY 31-E. Budget will be looked at for future action on lights. Problem with lights being shot out was also noted.

SURPLUS PROPERTY

On motion of Bernard Ice, second of Jerry Hahn, by unanimous vote of the Court, IT IS HEREBY ORDERED to declare the following as surplus property (with the exception of the '99 Ford Crown Vic); the ambulance will be advertised for sale through the internet and all other vehicles will be sold for scrap.

Surplus Property

YEAR	MAKE	MODEL	VIN
1999	FORD	CROWN-VIC	2FAFP71W32043107
2000	FORD	CROWN VIC	2FAFT71W 62043107
2001	FORD	CROWN VIC	2FAP71WBX 6157912
2000	CHEVY	IMPALA	2G1WF55K 61406520
2002	CHEVY	IMPALA	2G1WF55K 8203011
2001	FORD	AMBULANCE	1FDXE45F 5101111
1995	CHEVY	K3500	1GCHK39K 7001407
	PTO WINCH	GARWOOD IND	DETROIT 12Y4524
	10' ROTARY CUTTER	JOHN DEERE	1508 W01508E0

INDUSTRIAL PARK MARKETING - CB RICHARD ELLIS

Judge Watts explained to Court members that discussion has been held concerning possibility of marketing the county's industrial park property through a national firm. Flower Foods was brought to Nelson County in part because of contacts between BIDC and CB Richard Ellis. After discussion, members of Nelson Fiscal Court agreed by consensus that Nelson Fiscal Court work in conjunction with BIDC for contracting with CB Richard Ellis as a means of marketing Nelson County's Industrial Park property. Commenting during the decision to move forward with this idea, Magistrate Hutchins asked that there be clarity in certain provisions of their contract as the County moved forward with CB Richard Ellis. On motion of Sam Hutchins, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to move forward with a contract with CB Richard Ellis as described, with clarification of certain provisions within the contract.

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EQUIPMENT AND GROUNDS - OLD LIBRARY BUILDING

Recommendations from the Equipment and Grounds Committee, following meeting this morning prior to meeting of Nelson Fiscal Court, are to consider moving Planning and Zoning Office and Code Enforcement Office to the second floor of the old library building, which would put offices requiring permits in the same building, and to look into leasing the first floor and the basement of the old library to St. Catharine College and to FABS (Arts). Magistrate Lear noted that the residents of Nelson County should have priority on choice of location within the building; however, explanation was given that layout of the second floor is already in place for accomodating Planning and Zoning and Code Enforcement. Discussion was held regarding recommendations and possibilities.

On motion of Bernard Ice, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to adjourn the Feb. 15 session of Nelson Fiscal Court.

DEAN WATTS, NELSON COUNTY JUDGE-EXECUTIVE

ELAINE A FILIATREAU, NELSON COUNTY CLERK