Fiscal Court Orders

Apr. 5, 2011
REGULAR SESSION OF NELSON FISCAL COURT

Book 35
Page 249

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.

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MINUTES CORRECTED AND APPROVED - MAR. 15

Following correction to show that the proposed jail budget was for Fiscal Year 2011-12 (Book 35, Page 239), on motion of Sam Hutchins, second of Jeff Lear, by unanimous vote of the Court members present, IT IS HEREBY ORDERED to approve the minutes of the Mar. 15 session of Nelson Fiscal Court as corrected. Magistrate Hahn was absent from this vote.

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BILLS

On motion of Bernard Ice, second of Keith Metcalfe, 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
April 5, 2011

Name	Memo	Account	Amount
01 General Fund			
ADP	PR 031111	9100301 · Payroll Processing	$ 346.56
Bachman Parts	Keith W truck	5090340 · Vehicle Maintenance	44.55
Bardstown Alarm	Alarm agreement	5085329 · Building Main Contracts	90.00
Bardstown Alarm	Alarm agreement	5087329 · Building Main Contracts	60.00
Bardstown Housing Authority	Phillips	5301515 · Vol Action General Assistance	200.00
Beaven Equipment	SO 44, 32	5105340 · Vehicle maintenance	322.40
Bethlehem High School	FY 2011 Transportation	6301370 · School Children Transport	105,214.97
Bluegrass Seed & Fertilizer	Landscaping materials	5081329 · Justice Center Main Contracts	262.50
Bluegrass Uniforms Inc.	Uniforms	5105481 · Uniforms	991.03
BMS LLC	Monthly admin fees	9400205 · Employee Health Insurance	84.00
Brite Wholesale	Ballasts, junction box	5081329 · Justice Center Main Contracts	124.36
Bumper to Bumper	Keiths truck- tie rod, hub assembly	5090340 · Vehicle Maintenance	214.27
Central Ky Community Action	Staffing for Voluntary Action	5301315 · Community Action Services	1,014.00
Cox, Kevin	In service meals	5105577 · Travel	52.48
Frazier, Sherrie	Litsey	5301515 · Vol Action General Assistance	170.00
Galls	Uniforms	5105481 · Uniforms	346.11
GBA	Ink cartridges	5090445 · Office Expense	78.36
GBA	Planning materials	5305741 · Social Services Complex	16.00
Hillyard	Cleaning and kitchen supplies	5105411 · Custodial Supplies	887.09
Hillyard	Germicidal cleaner	5205411 · Building Custodial Supplies	116.71
Humane Society	Mailings for license renewals	5205445 · Office supplies	338.17
Interstate Security Systems	Quarterly alarm agreement	5105329 · Bldg Main Contracts	99.00
Interstate Security Systems	Quarterly alarm agreement	5415329 · Building Contract Services	69.00
Kenny's Laundry	3481800	5105481 · Uniforms	22.50
Kenway	Cleaning supplies	5080411 · Courthouse Custodial Supplies	28.46
Kenway	Cleaning supplies	5081411 · Justice Center Custodial Supply	28.46
Kenway	Cleaning supplies	5085411 · Custodial Supplies	28.46
Kenway	Cleaning supplies	5415411 · Building Custodial Supplies	28.46
Ky Auditor	Fiscal Court FY10 audit	9100307 · Audit Services	8,751.70
Leo Talbott & Son, Inc.	Gas/electric rooftop unit	5105741 · Law Enforcement Renovations	8,259.00
Oracle Elevator Co	Annual maintenance contract	5080329 · Courthouse Main Contracts	375.35
Oracle Elevator Co	Annual maintenance contract	5085329 · Building Main Contracts	375.35
Patrons Home Center	Fountain, front door repairs; bulbs	5081329 · Justice Center Main Contracts	341.92
Patrons Home Center	Bolts	5085329 · Building Main Contracts	0.44
Patrons Home Center	Wheelbarrow, keys, screws	5090427 · Supplies	72.47
Patrons Home Center	Lock for filing cabinets	5105329 · Bldg Main Contracts	19.77
Patrons Home Center	Padlock	5105427 · Supplies	8.59
Patrons Home Center	Hose supplies	5205329 · Main Contracts	2.18
Patrons Home Center	Water cooler	5340427 · Comm Svc Supplies	32.99
Patrons Home Center	Pipe repairs, lock for service box	5405348 · Recreation Program Support	126.92
Patrons Home Center	Returned unneeded items	5405718 · Recreation capital	(127.23)
Patrons Home Center	Door and bathroom repairs; bulbs	5415329 · Building Contract Services	130.67
Petty Cash	Deeds & vehicle tags	5001445 · CJE Office supplies	103.09

Fiscal Court Orders

Quick Care Oil Lube Express	Oil changes, wiper blades, rotate tires	5105340 · Vehicle maintenance	237.81
RCS	Monthly agreement	5135336 · Equipment Repairs	385.00
Ron's Portrait Shoppe	Film developing	5105427 · Supplies	12.26
Simplex Grinnell	Annual test of fire extinguishers	5205329 · Main Contracts	148.00
Sublet Contractors	Mark's truck	5090340 · Vehicle Maintenance	41.87
Tatum Auto Supply	Keith's truck	5090340 · Vehicle Maintenance	8.58
Thermal Equipment Service	AC unit -Judge Simms courtroom	5081329 · Justice Center Main Contracts	302.64
Total 01 General Fund			130,887.27
02 Road Fund			
Bluegrass Seed & Fertilizer	Farmington, various roads	6105431 · Fences & ROW	204.70
BMS LLC	Monthly admin fees	9400205 · Employee Health Insurance	20.00
Bumper to Bumper	Road Tractor, Oil distributor truck	6105443 · Parts	63.95
Cardmember	Postage, mailings	6103445 · Office Supplies	46.44
Conway Heaton	Replace computer module - Mattingly truck	6105336 · Equipment repairs	170.00
GBA	File folders, pens, highlighters	6103445 · Office Supplies	41.31
Irving Materials Inc.	Withrow Creek Rd	6105457 · Bridge & Culvert Materials	157.50
Kenway	Cleaning supplies	6105427 · Garage supplies	28.46
Kroger	Sugar, creamer	6105427 · Garage supplies	26.84
Limestone Farm Lawn	Drawbars for 5525 tractors	6105443 · Parts	370.00
Municipal Equip	Chain/belt assembly - salt spreader	6105443 · Parts	2,791.22
Patrons Home Center	Paint, primer, lock, butane, alum screen	6105427 · Garage supplies	30.82
Patrons Home Center	Shovels	6105475 · Tools	19.98
Sublet Contractors	Bush hog, dually	6105443 · Parts	143.91
Tatum Auto Supply	Epoxy, fuses, plastic weld	6105427 · Garage supplies	22.85
Tatum Auto Supply	Oil distributor	6105443 · Parts	38.68
Total Truck Parts, Inc.	Saberlight LED	6105427 · Garage supplies	64.95
Truck Parts & Service	Cotter keys, pins	6105427 · Garage supplies	18.95
Truck Parts & Service	Truck 305, 303, Lowboy trailer	6105443 · Parts	701.52
Zee Medical	First aid supplies	6105594 · Crew Safety Equipment	99.95
Total 02 Road Fund			5,062.03
03 Jail Fund			
BMS LLC	Monthly admin fees	9400205 · Employee Health Insurance	4.00
Buck, James L MD	Inmate medical	5101549 · Routine Medical	116.00
CDA Inc.	Electronic Monitors	5101314 · Contracts with Other Counties	720.00
Clems	Food	5101425 · Food	2,053.53
Cochran Pharmaceuticals	Inmate medical	5101549 · Routine Medical	2,177.68
Dean Milk	Milk	5101425 · Food	1,745.50
EarthGrains	Bread	5101425 · Food	411.12
Flowers Baking Co	Bread	5101425 · Food	122.97
Flowers Baking Co	Inventory purchases	5101428 · Canteen Inventory	186.68
Interstate Security Systems	Quarterly alarm agreement	5101329 · Building Main Contracts	248.00
Maxima Supply	Inventory purchases	5101428 · Canteen Inventory	1,335.94
Patrons Home Center	Paint supplies	5101329 · Building Main Contracts	483.13
Quill Corporation	Sofa, chair - grant purchases	5101709 · Furniture & Fixtures	515.77
Robinson Textiles	Pillow covers	5101437 · Linens	255.46
Robinson Textiles	Toothbrushes, paste, combs, soap	5101453 · Prisoner Hygiene	846.94
RWH Computer Networking	Computer supplies	5101445 · Office Supplies	311.52
RWH Computer Networking	Laser printer- grant purchase	5101709 · Furniture & Fixtures	800.88
Securus	Phone cards	5101428 · Canteen Inventory	2,442.60
Total 03 Jail Fund			14,777.72
09 Ambulance Fund			
Airgas Mid America	Oxygen	5140550 · Medical supplies & Materials	249.97
American Emergency Vehicles	Lights	5140443 · Vehicle Parts	41.82
Beaven Equipment	Sq 32 33 36 38 39	5140340 · Vehicle Maintenance & Repairs	580.00
Beaven Equipment	Sq 36	5140443 · Vehicle Parts	63.00
Bloomfield Electronics	TV repair	5140336 · Equipment Maintenance & Repairs	85.00
BMS LLC	Monthly admin fees	9400205 · Employee Health Insurance	24.00
Bound Tree Medical	Medical supplies	5140550 · Medical supplies & Materials	119.76
Bumper to Bumper	Sq 32	5140443 · Vehicle Parts	66.47
Cardmember	Cell phone supplies, vacuum bags	5140336 · Equipment Maintenance & Repairs	166.55
Cardmember	Motor oil, antifreeze, tire shine	5140439 · Oil, lubes	177.46
Cardmember	Ink cartridges, binders, index tabs	5140445 · Office Supplies	90.40
Cardmember	Postage, mailings	5140563 · Postage	315.65
Cardmember	Medicare Conference (3 persons) Medicare, medicaid coding certifications	5140569 · Training	2,135.00
Cardmember	Background and drivers license checks	5140599 · Miscellaneous	258.00
Cardmember	Copy of accident report	5140723 · EMS Vehicles	10.00
Conway Heaton	Sq 33 34 36 608	5140340 · Vehicle Maintenance & Repairs	1,081.39
Conway Heaton	Sq 33 34 36 608	5140443 · Vehicle Parts	1,250.75
Creative Coach Sales	Sq 35	5140443 · Vehicle Parts	166.00

Fiscal Court Orders

Ferrell Gas	Propane Station I	5140578 · Utilities	244.00
Glove Planet	Gloves	5140550 · Medical supplies & Materials	296.00
Greenwell Bros., Inc.	Propane	5140578 · Utilities	181.94
Holt Computers	Service call	5140336 · Equipment Maintenance & Repairs	120.00
Kenny's Laundry	Alterations - EMS	5140481 · Staff Uniforms	11.45
Occupational Physician Services	Post accident screening	9400547 · Employee Medical/WC Claims	52.00
Patrons Home Center	Keys	5140334 · Building maintenance	6.93
Pat's Alterations	Uniform alterations	5140481 · Staff Uniforms	8.50
Prewitt, Joe	Labels	5140445 · Office Supplies	21.19
QuadMed Inc	Medical supplies	5140550 · Medical supplies & Materials	383.95
Tatum Auto Supply	Sq 39	5140443 · Vehicle Parts	21.98
Titan Medical Supply LLC	Glucose tests	5140550 · Medical supplies & Materials	60.00
Total 09 Ambulance Fund			8,289.16
Total			**$ 159,016.18**

Nelson County Fiscal Court
PIC Bills for Court Approval
April 5, 2011

Name	Memo	Account	Amount
13 Solid Waste Fund			
BMS LLC	Monthly admin fees	9400205 · Employee Health Insurance	$ 4.00
Buzick	Litter collection supplies	5215315 · Roadside Cleanup	23.59
Ky Truck Sales, Inc.	Truck 411	5215443 · Parts	108.05
Municipal Equip	Truck 410	5215443 · Parts	417.81
Patrons Home Center	Truck supplies	5215548 · Dead Animal Program Expense	5.58
Raben Tire Co	Tires, repairs	5215479 · Tires	336.40
St Ann 4H Club	Ky 247, Hwy 84, Spalding Hollow	5215315 · Roadside Cleanup	750.00
Tatum Auto Supply	Crimping materials	5215443 · Parts	77.43
Truck Parts & Service	Truck 406; brakes, hose, tire gauge	5215443 · Parts	860.44
U S Postal Service	Postage for delinquent accounts	5215445 · Office Supplies	440.00
Total 13 Solid Waste Fund			3,023.30
15 Landfill Fund			
BMS LLC	Monthly admin fees	9400205 · Employee Health Insurance	4.00
Cardmember	Internet equipment & svc	5210578 · Utilities	69.95
Citation Equipment	Steam-off, nozzles	5210427 · Main supplies	672.00
Etown Overhead Door	Repair shop door, cables, rollers	5210334 · Building Maintenance	350.00
Hillyard	Tissue, towels	5210445 · Office Expense	317.25
Hub City Printing	Weight tickets	5210445 · Office Expense	1,089.00
Interstate Security Systems	Quarterly alarm agreement	5210329 · Maintenance Contracts	99.00
Kentuckiana Wire Rope	Tow cable for 963 Highlift	5210443 · Parts	252.00
Kimball Midwest	Tape	5210443 · Parts	44.44
Kimberland, David	Office cleaning Mar 11	5210329 · Maintenance Contracts	340.00
Mantek	Maint supplies	5210427 · Main supplies	273.14
Midwest Construction	Access Road	5210705 · Landfill Roadways	1,700.00
Morrison, Joe	Boot allowance	5210481 · Uniforms	75.00
Tatum Auto Supply	Truck 420	5210443 · Parts	64.46
Total 15 Landfill Fund			5,350.24
97 PIC			
Hicon Construction LLC	Final payment - Parkway Drive #2	07NC006 · Parkway Drive #2	79,890.87
Kenway	Cleaning supplies	5082411 · SOB Custodial Supplies	28.46
Patrons Home Center	Sink drain repairs, halogen bulbs	5082329 · SOB Custodial Contract	26.04
Total 97 PIC			79,945.37
Total			**$88,318.91**

NELSON COUNTY FISCAL COURT
PAID BILLS FOR COURT APPROVAL
April 5, 2011

Fund/Vendor	Description	Account	Amount
General Fund			
Bachman Auto Group	4 Chevy Impalas	5105723 · Law Enforcement Vehicles	$ 79,916.00
BP	Fuel	5105429 · Gas	3,046.50
Road Fund			
County Clerk	Deed releases - Allen Rd, Icetown Rd	6105431 · Fences and Right of Way	40.00

Lawson Products	Washers, screws, bolts	6105427 · Garage supplies	143.24
Lawson Products	Safety vests	6105594 · Crew Safety Equipment	141.37
Lawson Products	Pliers	6105475 · Tools	46.46
Less Discount			(3.04)
Landfill Fund			
Kimball Midwest	Clamps, discs, terminals, torch	5210443 · Parts	264.76
Less Discount			(1.02)
Lawson Products	Air coupler, drill set	5210443 Parts	237.46
Less Discount			(2.25)
OLF Fund			
Road Fund	FY 11 Appropriation	4909 02 · Transfers to Road	50,000.00
EMS Fund	FY 11 Appropriation	4909 09 · Transfers to EMS	50,000.00
TOTAL PAID BILLS			**$ 183,829.48**

Nelson County Fiscal Court

Additional Bills for Court Approval

April 5, 2011

Name	Memo	Account	Amount
01 General Fund			
ADP	PR 032811	9100301 · Payroll Processing	$ 331.71
Bardstown Housing Authority	Bethany Haven - Apr	5315399 · Emergency Shelter for Children	300.00
Bardstown Super Vac	Sweeping parking lot	5081329 · Justice Center Main Contracts	500.00
Bardstown Super Vac	Sweeping parking lot	5415329 · Building Contract Services	100.00
Brite Wholesale	Ballasts	5081329 · Justice Center Main Contracts	387.10
Buzick	Ceiling tiles	5080329 · Courthouse Main Contracts	41.90
Economy Pest Control	Portable toilets April 2011	5405348 · Recreation Program Support	230.00
Ellis LLC	Towing service - Cambron vehicle	5115340 · Vehicle Maintenance	65.00
Hall, Thomas	Legal services	5310332 · Public Defender Contract	250.00
Patrons Home Center	Light bulbs	5080329 · Courthouse Main Contracts	105.48
Patrons Home Center	Front door repairs	5081329 · Justice Center Main Contracts	35.99
Patrons Home Center	Glue - step repair	5085329 · Building Main Contracts	4.58
Patrons Home Center	Cord ends, drill bit	5090427 · Supplies	17.16
Quick Care Oil Lube Express	SO 21 oil change	5105340 · Vehicle maintenance	34.95
Ronnie's Custom Care	Monthly cleaning	5081329 · Justice Center Main Contracts	4,000.00
Smith, Karen	March 2011	5415329 · Building Contract Services	850.00
Sublet Contractors	Front door repairs	5081329 · Justice Center Main Contracts	31.64
Watts, Joseph D.	Mileage reimb. 0111-0311	5001577 · CJE Travel	176.00
Total 01 General Fund			7,461.51
02 Road Fund			
Buzick	Measuring wheel	6103445 · Office Supplies	64.99
GBA	Paper	6103445 · Office Supplies	54.00
GBA	Return ink cartridges	6103445 · Office Supplies	(194.32)
Truck Parts & Service	Storage box	6105427 · Garage supplies	5.95
Total 02 Road Fund			(69.38)
03 Jail Fund			
EarthGrains	Bread	5101425 · Food	87.00
Patrons Home Center	Water fountain repairs; rec area screen maint	5101329 · Building Main Contracts	25.25
Total 03 Jail Fund			112.25
15 Landfill Fund			
Citation Equipment	Credit memo due to overcharge	5210427 · Main supplies	(316.00)
Total 15 Landfill Fund			(316.00)
97 PIC			
Patrons Home Center	Mold removal	5082329 · SOB Custodial Contract	67.79
Patrons Home Center	Cleaning supplies	5082411 · SOB Custodial Supplies	39.55
Total 97 PIC			107.34
Total Additional Bills			**$ 7,295.72**

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Regular session of Nelson Fiscal Court was recessed and a meeting of the Nelson County Public Properties Corporation was called into session.

CHAIRMAN DEAN WATTS CALLED TO ORDER A MEETING OF THE NELSON COUNTY PUBLIC PROPERTIES CORPORATION, PRESENT CHAIRMAN WATTS AND THE FOLLOWING NAMED MEMBERS: KEITH METCALFE, SAM HUTCHINS, BERNARD ICE, JEFF LEAR AND JERRY HAHN.

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Representing the firm of Rubin & Hays, Chip Sutherland and Christian L. Juckett explained the 2002 bonds issued related to financing of the Justice Center in Nelson County, with the Nelson County Public Properties Corp. being the entity that issued the bonds but the State being the entity that is responsible for paying the bonds. State is encouraging the County to issue new bonds by writing a check to the County for 25% of whatever savings are generated, at closing. At this time it is anticipated that savings will amount to about $120,000.

Following discussion, motion was made by Sam Hutchins, second by Jeff Lear, to release the existing Series 2002 bonds issued for Courthouse construction and equipping. Motion passed by unanimous vote of the members.

The following resolution was approved on motion of Jeff Lear, second of Sam Hutchins, and by affirmative vote of all members:

RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NELSON COUNTY PUBLIC PROPERTIES CORPORATION AUTHORIZING (1) THE ISSUANCE OF ITS FIRST MORTGAGE REFUNDING REVENUE BONDS (COURT FACILITIES PROJECT), SERIES 2011 FOR THE PURPOSE OF FINANCING THE COST TO REFUND CERTAIN OUTSTANDING BONDS OF THE CORPORATION; (2) THE EXECUTION OF CERTAIN DOCUMENTS IN ORDER TO SECURE THE SERIES 2011 BONDS; AND (3) THE SALE, EXECUTION AND DELIVERY OF SAID SERIES 2011 BONDS, THE PROCEEDS OF WHICH ARE TO BE APPLIED TO PAY THE COSTS OF SAID REFUNDING.

WHEREAS, the Nelson County Public Properties Corporation (the "Corporation") desires to issue, sell and deliver its Nelson County Public Properties Corporation First Mortgage Refunding Revenue Bonds (Court Facilities Project), Series 2011, in the maximum principal amount of $8,998,000, dated the date of initial delivery thereof (the "Series 2011 Bonds"), for the purpose of financing the cost, not otherwise provided of refunding the (i) Nelson County Public Properties Corporation First Mortgage Revenue Bonds (Court Facilities Project), Series 2002, dated February 15, 2002, in the original principal amount of $11,005,000 (the "Series 2002 Bonds") and (ii) Nelson County Public Properties Corporation First Mortgage Revenue Bonds (Courthouse Facility Project), Series 2002B, dated October 1, 2003, in the original principal amount of $375,000 (the "Series 2002B Bonds"), which bonds were issued for the purpose of the construction and equipping of a courthouse facility located in Bardstown, Kentucky (the "Project") for the County of Nelson, Kentucky (the "County") and the Kentucky Administrative Office of the Courts (the "AOC"), and

WHEREAS, in that connection the Corporation desires to enter into a Mortgage Deed of Trust (the "Mortgage"), dated as of May 1, 2011, with Town & Country Bank and Trust Company, Bardstown, Kentucky (the "Trustee"), authorizing and securing said Series 2011 Bonds, and a Lease Agreement (the "Lease"), dated as of May 1, 2011, with the County and the AOC, whereby the County and the AOC agree to lease said Project from the Corporation for an initial period ending June 30, 2011, with options to renew thereafter from year to year for periods of one year at a time, at an annual rental sufficient to pay the principal and interest requirements of the Series 2011 Bonds and to pay all related expenses,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NELSON COUNTY PUBLIC PROPERTIES CORPORATION AS FOLLOWS:

1. That for the purpose of paying the costs of the Project, the Corporation hereby authorizes and approves the issuance of its Nelson County Public Properties Corporation First Mortgage Refunding Revenue Bonds (Court Facilities Project), Series 2011, dated the date of initial delivery thereof, in the maximum principal amount of $8,998,000, bearing interest payable semiannually on June 1 and December 1 in each year after the delivery thereof to the successful purchaser, and maturing on June 1 in each of the years, 2012 through 2023 inclusive.

2. That the President and the Secretary of the Corporation be and they are hereby authorized and instructed to execute, upon the approval of the County Attorney, for and on behalf of the Corporation, the Lease and the Mortgage securing the Series 2011 Bonds, and to execute, sell and deliver a sufficient number of said Series 2011 Bonds to accomplish the purposes set out in said instruments.

3. That the Series 2011 Bonds authorized by such Mortgage shall be sold pursuant to a publicly advertised bid in accordance with requirements of KRS Chapter 58.

4. That said bids shall be received in the County Judge/Executive's office, Bardstown, Kentucky, or such other place as may be designated. The President of the Corporation is hereby authorized to accept the successful bid, determine the exact rates of interest which said Series 2011 Bonds shall bear, and whether said rates of interest may be either a fixed rate or rates or a variable rate based on a percentage of an easily identifiable and calculable index formula. The interest rates on the Series 2011 Bonds shall be automatically set at the rates set out on the back of the Bid Form of the successful bid, without the necessity of any further action by the Corporation's Board of Directors fixing said rates, provided however that the successful bid shall not have a net interest cost in excess of 7% per annum.

5. That said published notice shall require that bids be upon terms of cash at not less than 98.5%, and shall permit bidders to specify one or more interest rates in a multiple of 1/8%, 1/10% or 1/20%. All Series 2011 Bonds of the same maturity shall bear the same and single interest rate from the date thereof to maturity. The Corporation shall reserve the right to reject any and all bids and to waive any informality or irregularity in the bidding.

6. That the Secretary is authorized, in connection with such sale, to distribute to any interested party upon request, the Official Statement and the Official Terms and Conditions of Bond Sale giving a more detailed description of the Series 2011 Bonds and setting forth terms and conditions calculated to bring about uniformity in bidding. Uniform Bid Forms shall also be prescribed, to the same effect.

7. That suggested forms of the "Official Terms and Conditions of Bond Sale", the "Official Statement" and the "Bid Form", having been prepared and submitted to this Board of Directors, and the same having been examined and considered by the Corporation and the County and found to be in order, the same are hereby approved and may be used for the purposes hereof, and copies of same are hereby made a part of this Resolution and of the records of the meeting at which this Resolution is adopted.

8. That the Corporation will furnish the final approving legal opinion of Rubin & Hays, Municipal Bond Attorneys, Louisville, Kentucky, and will furnish printed or typewritten bond forms.

9. That the President and Secretary of the Corporation be and they are hereby authorized and instructed to execute any and all other instruments deemed either necessary or desirable to carry out the plan of financing set out in the foregoing instruments.

10. That the County, in its Resolution requesting the Corporation to issue the Series 2011 Bonds, has certified that it does not reasonably anticipate issuing "qualified tax-exempt obligations" during the calendar year in which the Series 2011 Bonds are being issued in excess of $10,000,000, and, that the Corporation, by the adoption of this Resolution, certifies that it does not reasonably anticipate issuing "qualified tax-exempt obligations" during the calendar year in which the Series 2011 Bonds are being issued in excess of $10,000,000, and, therefore, the Corporation does hereby designate the Series 2011 Bonds as "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

11. That this Resolution shall be effective immediately.

Introduced, Read and Adopted on April 5, 2011.

NELSON COUNTY PUBLIC
PROPERTIES CORPORATION

By _____
President

Attest:

By _____
Secretary

Certificate of Secretary

I, the undersigned, hereby certify that I am the duly qualified and acting Secretary of the Nelson County Public Properties Corporation, that the foregoing Resolution is a true copy of a Resolution introduced, read, enacted and adopted at a properly convened meeting of said Corporation on April 5, 2011, signed by the President of said Corporation, and attested under seal by me as Secretary, as shown by the official records in my custody and under my control, and that said Resolution appears as a matter of public record in the official records of said Corporation.

I further certify that said meeting was duly held in accordance with all applicable requirements of Kentucky law, including KRS 61.810, 61.815, 61.820 and 61.823, that a quorum was present at said meeting, that said Resolution has not been modified, amended, revoked or repealed, and that same is now in full force and effect.

IN WITNESS WHEREOF, I have hereto set my hand as Secretary of the Corporation this April 5, 2011.

By _____
Secretary

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On motion of of Bernard Ice, second of Keith Metcalfe, by affirmative vote of all members, IT IS HEREBY ORDERED to adjourn the April 5 meeting of the Nelson County Public Properties Corporation.

_____
DEAN WATTS, CHAIRMAN

_____
BERNARD ICE, SECRETARY

DISTRICT HEALTH DEPARTMENT

Linda Sims and representatives of the District Health Board presented an overview of Health Department role and services within the communities they serve, this to inform Court members of the various programs administered by the local health departments.

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ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE (FIRST READING)

County Judge-Executive Dean Watts presented in open Court for first reading the following proposed ordinance amending the Flood Damange Prevention ordinance for Nelson County.

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

AN AMENDED ORDINANCE RELATING TO ARTICLE 16: FLOOD DAMAGE PREVENTION ORDINANCE OF ZONING REGULATIONS FOR BARDSTOWN, BLOOMFIELD, FAIRFIELD, AND NEW HAVEN AND NELSON County, KENTUCKY

WHEREAS, the County of Nelson desires to amend Article 16: Flood Damage Prevention Ordinance, and

WHEREAS, the Court after due advertisement held a first reading on April 5, 2011, and a second reading and adoption on April 19, 2011, after due consideration, upon motion of _____ and seconded by _____ and a vote being had, the County Judge announcing motion carried,

16.1 **Statutory Authorization, Findings of Fact, Purpose, & Objectives.**

A. **Statutory Authorization.** The General Assembly of the Commonwealth of Kentucky has in Kentucky Revised Statutes Chapter 100 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky, hereby adopts the following floodplain management ordinance, as follows:

B. **Findings of Fact.**

(1) The flood hazard areas of Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.
(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

C. **Statement of Purpose.** It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;
(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;
(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage, and;
(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

D. **Objectives.** The objectives of this ordinance are to:

(1) Protect human life and health;
(2) Minimize expenditure of public money for costly flood control projects;
(3) Minimize the need for rescue and relief efforts associated with flooding and

generally undertaken at the expense of the general public;
(4) Minimize prolonged business interruptions;
(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;
(6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding;
(7) Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area; and,
(8) Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

16.2 Definitions. Unless specifically defined below, words or phrases used in Article 16 shall be interpreted to give these regulation the meaning they have in common usage and to give their most reasonable application.

A Zone - Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

Accessory structure (Appurtenant structure) - A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Accessory use - A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

Addition (to an existing structure) - Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

A1-30 and AE zones - Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood. Base flood elevations (BFEs) are determined.

AH zone - An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding). Base flood elevations are shown.

AO zone - An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain) Flood depths are shown.

Appeal - A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or from the floodplain administrator's ruling on a request for a variance.

AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones - Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

A99 zone - That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a Federal flood protection system under construction. No base flood elevations are determined.

Area of shallow flooding - A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

B and X zones (shaded) - Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood.

Base flood - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement - That portion of a structure having its floor subgrade (below ground level) on all four sides.

Building - A walled and roofed structure that is principally aboveground; including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definition for structure.

C and X (unshaded) zones - Areas determined to be outside the 500-year floodplain.

Community - A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) - A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

Community Flood Hazard Area (CFHA) - An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

Critical facility - Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

D zone - An area in which the flood hazard is undetermined.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or ~~permanent~~ storage of materials or equipment.

Elevated structure - A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

Elevation Certificate - A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this ordinance.

Emergency Program - The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Enclosure - That portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

Encroachment - The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction - Any structure for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "Existing structures".

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky based on specific technical base flood elevation data which established the area of special flood hazards.

Expansion to an existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Five-Hundred Year Flood - The flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

Flood, Flooding, or Flood Water: (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See Mudslides. (2) The condition resulting from flood-related erosion. See flood-related erosion.

Flood Boundary and Floodway Map (FBFM) -A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

Flood Hazard Boundary Map (FHBM) -A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

Flood Insurance Rate Map (FIRM) - A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

Flood Insurance Study - The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

Floodplain or flood-prone area - Any land area susceptible to being inundated by flood waters from any source.

Floodplain Administrator - The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

Floodplain Management Regulations - This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodproofing Certificate - A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the "regulatory floodway".

Floodway fringe - That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

Freeboard - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, etc.

Fraud and victimization - As related in Section 16.5, **Appeals and Variance Procedures**, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to

one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Functionally dependent use facility - A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Governing body - The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

Hazard potential - The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

Highest adjacent grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure - Any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) By an approved state program as determined by the Secretary of the Interior, or (b) Directly by the Secretary of the Interior in states without approved programs.

Increased Cost of Compliance (ICC) – Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to $30,000 for the cost to elevate, floodproof, demolish, or remove the building. ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

Kentucky Revised Statute 151.250 - Plans for dams, levees, etc. to be approved and permit issued by cabinet – (Environmental and Public Protection Cabinet). (1) Notwithstanding any other provision of law, no person and no city, county, or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstructions which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply. (2) No person, city, county or other political subdivision of the state shall commence the filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above. (3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch, or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Kentucky Bureau of Surface Mining through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

Letter of Map Change (LOMC) – Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's include the following categories: (1) **Letter of Map Amendment (LOMA)** – A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA. (2) **Letter of Map Revision (LOMR)** - A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. (3) **Letter of Map Revision – Fill (LOMR_F)** – A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

Levee - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System - A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a levee system to be recognized, the following criteria must be met: (1) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised). (2) All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

Limited storage - An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

Lowest adjacent grade - The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

Lowest Floor - The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle" (see Recreational Vehicle).

Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map - The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

Map Panel Number - The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value - The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.

Mean Sea Level (MSL) - The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a community's FIRM. For purposes of this ordinance, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

Mitigation - Sustained actions taken to reduce or eliminate long-term risk to people and property

from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

Mudslide (i.e. mudflow) - Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e. mudflow) area management - The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

Mudslide (i.e. mudflow) prone area - An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

National Flood Insurance Program (NFIP) - The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) - As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM's. Refer to FIRM legend panel for correct datum.)

New Construction - Structures for which the start of construction commenced on or after the effective date of Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky's floodplain management regulations and includes any subsequent improvements to such structures.

New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky's adopted floodplain management ordinances.

Non-Residential – Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

North American Vertical Datum (NAVD) – As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM's and Digitally Referenced FIRM's (DFIRM's). (Refer to FIRM or DFIRM legend panel for correct datum.)

Obstruction - Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred Year Flood (100-Year Flood) (see Base Flood) - The flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA.

Participating Community - A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Pre-FIRM Construction - Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Post-FIRM Construction - Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Probation - A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a $50 surcharge.

Subrogation - An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

Substantial Damage - Means any damage to a building for which the cost of repairs equals or exceeds fifty percent of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss. For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences. The term does not apply to: (a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or (b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantial Improvement - Means any combination of reconstruction, alteration, or improvement to a building, taking place during a ~~5-year~~ 1-year period in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not apply to: (a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or (b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure," or (c) Any building that has been damaged from any source or is categorized as repetitive loss.

Substantially improved existing manufactured home parks or subdivisions - Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Suspension - Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

Utilities - Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

Variance - Relief from some or all of the requirements of this ordinance.

Violation - Failure of a structure or other development to fully comply with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

Water surface elevation - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watershed - All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

X zone - The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone - A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

16.3 General Provisions.

A. **Lands to Which This Ordinance Applies.** This ordinance shall apply to all Special Flood Hazard Areas (SFHA) applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Cities of Bardstown, Bloomfield, ~~Fairfield,~~ and New Haven and Nelson County, Kentucky.

B. **Basis for Establishing the Special Flood Hazard Areas**. ~~The Flood Insurance Study (FIS), and/or accompanying Flood Insurance Rate Maps (FIRMs) and/or Flood Hazard Boundary Maps (FHBMs) prepared by the Federal Emergency Management Agency and the Federal Insurance Administration (FIA) for the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky, and dated November 5, 1980 wherein Special Flood Hazard Areas (SFHA) are identified, are adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky by the Floodplain Administrator and are enacted by Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky pursuant to statutes governing land use management regulations. The Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM), and/or Flood Hazard Boundary Maps (FHBMs) are permanent records of Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky and are on file and available for review by the public during regular business hours at the Joint City-County Planning Commission of Nelson County, One Court Square, Old Courthouse Building, 2nd Floor, Bardstown, Kentucky.~~
The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Nelson County, Kentucky and Incorporated Areas, dated May 24, 2011, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations, and for those land areas acquired by the Cities of Bardstown, Bloomfield, Fairfield, and New Haven through annexation. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended by Nelson County Fiscal Court, Bardstown City Council, Bloomfield City Council, Fairfield City Commission, and New Haven City Commission pursuant to statues governing land use management regulations. The FIS and/or FIRM are permanent records of the Cities of Bardstown, Bloomfield, Fairfield and New Haven and Nelson County and are on file and available for review by the public during regular business hours at the Joint City-County Planning Commission office in Bardstown, Kentucky.

C. **Establishment of Development Permit**. A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the special flood hazard areas (SFHA). See Section 16.4B for instructions and explanation. Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

D. **Compliance**. No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky from taking such lawful action as is necessary to prevent or remedy any violation.

E. **Abrogation and Greater Restrictions**. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. **Interpretation**. In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered minimum requirements;
(2) Liberally construed in favor of the governing body; and,
(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

G. **Warning and Disclaimer of Liability**. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Cities of Bardstown, Bloomfield Fairfield, and New Haven and Nelson County, Kentucky, any officer or employee, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

H. **Enforcement, Violation Notice, and Penalties**.

(1) Civil Offense: If, at any time, development occurs which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, such development shall constitute a civil offense.

(2) Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this ordnance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

(3) Notice of Citation: Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

(4) Penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than five hundred dollars ($500) or imprisoned for not more than five (5) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

16.4 Administration.

A. **Designation of Local Administrator.** The Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky hereby appoints the Director/Administrator of the Joint City-County Planning Commission of Nelson County to administer, implement, and enforce the provisions of this ordinance by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

B. **Establishment of Development Permit.** A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in Section 16.3B. Application for a Development Permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

(1) **Application Stage.**

(a) Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or

(b) Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed;

(c) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section ~~16.4B(2)~~ 16.5B(2) and ~~16.4D(2)~~ 16.5D(2);
(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) **Construction Stage.** Upon placement of the lowest floor, **and before construction continues**, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. **Duties and Responsibilities of the Local Administrator.** The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

(1) **Permit Review**: Review all development permits to ensure that:

(a) Permit requirements of this ordinance have been satisfied;
(b) ~~All other required state and federal permits have been obtained. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.~~ All other required state and federal permits have been obtained; review proposed development to assure that all necessary permits have been reviewed from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972 33 U.S.C.1334;
(c) Flood damages will be reduced in the best possible manner;
(d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

(2) **Review and Use of Any Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 16.3B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section ~~16.4~~16.5. Any such information shall be submitted to the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky for adoption.

(3) **Notification of Other Agencies**:

(a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse, and
(b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and
(c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(4) **Documentation of Floodplain Development.** Obtain and maintain for public inspection and make available as needed the following:

(a) Certification required by Section ~~16.4B(1)~~ 16.5B(1) (lowest floor elevations) as shown on a completed and certified **Elevation Certificate**. Verify and record

the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 16.4B(2);

(b) Certification required by Section ~~16.4B(2)~~ 16.5B(2) (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodprooofing certificate. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 16.4B(2);

(c) Certification required by Section ~~16.4B(3)~~ 16.5B(3) (elevated structures).

(d) Certification of elevation required by Section ~~16.4E(1)~~ 16.5E(1) (subdivision standards),

(e) Certification required by Section ~~16.4H(5)~~ 16.5B(5) (floodway encroachments),

(f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(g) Review certified plans and specifications for compliance;

(h) Remedial Action. Take action to remedy violations of this ordinance as specified in Section 16.3H.

(5) **Map Determinations**. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

(a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section ~~16.4C(2)~~ 16.6C(2);

(b) When base flood elevation data or floodway data have not been provided in accordance with Section 16.3B, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Section ~~16.4~~ 16.5;

(c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Section ~~16.4B(2)~~ 16.5B(2) a floodproofing certificate;

(d) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

(6) **Right of Entry.**

(a) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this ordinance.

(b) If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

(c) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

(d) When the administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this ordinance.

(7) **Stop Work Orders**. Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(8) **Revocation of Permits.**

(a) The administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The administrator may revoke a permit upon determination by the administrator

that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(9) **Liability.** Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this ordinance shall be defended by the department of law until the final termination of the proceedings.

(10) **Expiration of Floodplain Construction Permit.** A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within one hundred and eighty (180) calendar days from the date of its issuance by the Floodplain Administrator.

Section 16.5 Provisions for Flood Hazard Reduction.

A. **General Construction Standards.** In all Special Flood Hazard Areas the following provisions are required:

(1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or fame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
(3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
(5) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
(6) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
(8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
(10) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;
(11) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

B. **Specific Standards.** In all special flood hazard areas where base flood elevation data have been provided, as set forth in Section 16.3B, the following provisions are required:

(1) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than at or above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section ~~16.4B(3)~~ 16.5B(3).

(a) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
(b) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated at or above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include

but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)a, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries(and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

(c) In all other Zones, elevated at or above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(2) **Non-residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Section ~~16.4B(1)~~ 16.5B(1) or together with attendant utility and sanitary facilities:

(a) Be floodproofed below an elevation at or above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;
(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
(c) Have the lowest floor, including basement, mechanical equipment, and ductwork, elevated no lower than at or above the level of the base flood elevation, or;
(d) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 16.4B(1)(c).
(e) Manufactured homes shall meet the standards in Section ~~16.4B(4)~~ 16.5B(4).
(f) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials below an elevation at or above feet above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

(i) Be certified by a registered professional engineer or architect; or
(ii) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. **The bottom of all openings shall be no higher than one foot above grade.** Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(3) **Elevated Structures.** New construction or substantial improvements of elevated structures on columns, posts, or pilings (e.g.) that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
(ii) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,

(iii)Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,

(c) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms.

(4) **Standards for Manufactured Homes and Recreational Vehicles.**

(a) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

(i) On individual lots or parcels,
(ii) In expansions to existing manufactured home parks or subdivisions,
(iii)In new manufactured home parks or subdivisions, or,
(iv)In substantially improved manufactured home parks or subdivisions, or
(v) Outside of a manufactured home park or subdivision,
(vi)In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood.

(b) All Manufactured homes must be:

(i) Elevated on a permanent foundation, and
(ii) Have its lowest floor elevated no lower than at or above the level of the base flood elevation, and,
(iii)Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(c) Excepting manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(i) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

(aa) The lowest floor of the manufactured home is elevated no lower than at or above the level of the base flood elevation, or
(bb) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

(d) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:

(i) Be on the site for fewer than 180 consecutive days,
(ii) Be fully licensed and ready for highway use, or
(iii)Meet the permit requirements for new construction of this ordinance, including anchoring and elevation requirements for "manufactured homes".

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(5) **Floodways.** Located within areas of special flood hazard established in Section 16.3B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;

If ~~Section 4B(5)~~ 16.5B(5) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of Section ~~16.4~~ 16.5

(6) **Standards for Utilities.**

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(i) Infiltration of flood waters into the systems, and
(ii) Discharge from the systems into flood waters.

(b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

C. **Standards for Streams without Established Base Flood Elevation (Unnumbered A Zones and/or Floodways.** Located within the special flood hazard areas established in Section 16.3B, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

(1) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
(2) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with Section 16.3B.

D. **Standards for Shallow Flooding Zones.** Located within the special flood hazard areas established in Section 16.3B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 – 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall:

(a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.

(2) All new construction and substantial improvements of non-residential structures shall:

(a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
(b) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Section ~~16.4B(2)~~ 16.5B(2).

E. **Standards for Subdivision Proposals.**

(1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;
(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
(4) In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall be provided.

(5) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

F. **Standards for Accessory Structures in All Zones Beginning with the Letter "A".** For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

(1) Structure must be non-habitable;
(2) Must be anchored to resist floatation forces;
(3) Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;
(4) Built of flood resistant materials below a level at or above the base flood elevation;
(5) Must elevate utilities above the base flood elevation;
(6) Can only be used for storage or parking;
(7) Cannot be modified for a different use after permitting.

G. **Critical Facilities.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

16.6 **Appeals and Variance Procedures.**

A. **Nature of Variances.** The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. It is the duty of the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. **Designation of Boards of Adjustment.** The Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky hereby designate their respective Board of Adjustment to hear and decide appeals and requests for variances from the requirements of this ordinance.

C. **Duties of Boards of Adjustment.**

(1) The Boards of Adjustment shall hear and decide requests for variances from the requirements of this ordinance and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this ordinance.
(2) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Nelson Circuit Court, as provided in Kentucky Revised Statutes.

D. **Appeals/Variance Procedures.** In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

(1) Danger that materials may be swept onto other lands to the injury of others;
(2) Danger to life and property due to flooding or erosion damage;
(3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
(4) Importance to the community of the services provided by the proposed facility;
(5) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
(6) Availability of alternative locations which are not subject to flooding or erosion damage;

(7) Compatibility of the proposed use with existing and anticipated development;
(8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
(9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
(10) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
(11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

E. **Conditions for Variances.** Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(1) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
(2) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky believes will both provide relief and preserve the integrity of the local ordinance.
(3) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.
(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;
(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this ordinance); and
(c) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(6) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request.
(7) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections ~~6.3-A through 6.3-E~~ 16.61)(1-11) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

F. **Variance Notification.** Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and;
(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Nelson County Clerk Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
(3) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

G. **Historic Structures.** Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

H. **No Impact Certification within the Floodway**. Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.

16.7 **Severability.**

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

After a first reading, motion was made by Jeff Lear, second by Sam Hutchins, 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.

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BOARD APPOINTMENTS

**NORTHEAST NELSON FIRE BD. - P. J. MILBURN

Pursuant to the relative Kentucky Revised Statues, **P. J. Milburn** is hereby appointed to the **Northeast Nelson Fire Department Board** for a term in accordance to the Bylaws or governing Regulations in place.

Dean Watts

Dean Watts
Nelson County Judge Executive

April 5, 2011
Date

On motion of Jerry Hahn, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to approve the appointment of P. J. Milburn to the Northeast Nelson Fire District Board.

**ETHICS BOARD - BRAD METCALF

Pursuant to the relative Kentucky Revised Statues, **Brad Metcalf** is hereby appointed to the **Joint Ethics Board** for a term in accordance to the Bylaws or governing Regulations in place.

Dean Watts

Dean Watts
Nelson County Judge Executive

April 5, 2011
Date

On motion of Sam Hutchins, second of Bernard Ice, by unanimous vote of the Court, IT IS HEREBY ORDERED to approve the appointment of Brad Metcalf to the Joint Ethics Board.

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PAROCHIAL SCHOOL TRANSPORTATION FUNDING

The following resolution is approved on motion of Bernard Ice, second of Keith Metcalfe, and by affirmative vote of all Court members:

Resolution

THAT Nelson County, Kentucky, acting through its Legislative Body, pursuant to KRS 158.115, provided funding for the fiscal year 2010/11 for costs of transportation for non-public school students;

By agreement between the Nelson County School System and Bardstown Independent School System, Nelson Fiscal Court uses established formula for computing the costs per student. Bethlehem High School is reimbursed for actual costs by documented invoices.

The total estimate from Nelson County's General Fund for the fiscal year 2010/11 is $210,000.

THAT the Nelson County Fiscal Court hereby authorizes and directs the County Judge/Executive to apply for reimbursement.

Dean Watts
County Judge/Executive

4-5-11
Date

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DEPARTMENT REPORTS

**EMS

MONTHLY REPORT - Joe Prewitt presented his regular report as follows:

4/2/2011

Monthly EMS Run Totals
As of March, 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
Bardstown Area	337	55	392	3802	$ 234,706.10	$ 1,933,618.20	$ 508.58
Bloomfield Area	20	5	25	264	$ 16,317.50	$ 148,921 30	$ 564 10
New Haven Area	22	4	26	243	$ 16,235.40	$ 144,447.60	$ 594 43
Boston Area	4	0	4	75	$ 2,867.60	$ 42,682 50	$ 569.10
Cox's Creek Area	7	4	11	135	$ 4,926 70	$ 53,186.80	$ 393 98
TOTAL	390	68	458	4619	$ 275,053.30	$ 2,322,856.40	$ 514.02
Average Per Day	12 6	2 2	14.8	16 5	$ 8,872 70	$ 6,477 60	
Collections (YTD)						$ 1,267 781 00	
Collection Per Run						$ 280 55	
Cost Per Run						$ 338 79	
Difference						$ (58.24)	

Previous Year 2010	Totals	463	4274	$ 256,789.60	$ 2,344,856.80
Previous Year Difference		5	346	$ 20,263.70	$ (22,042.40)
Previous Year 2009	Totals	479	4341	$ 262,946.80	$ 2,336,113.80
Difference Above Current Year		-31	33	$ (7,893.70)	$ (2,234.80)
Previous Year 2008		504	4342	$ 264,534.60	$ 2,344,678.80
Difference Above Current Year		-47	177	$ (10,482.70)	$ (21,821.80)
Previous Year 2007	Totals	516	4188	$ 282,833.80	$ 1,788,847.80
Difference Above Current Year		-58	344	$ (7,779.70)	$ 572,008.40

Monthly Summary
March ,11

	Beginning Mileage	Ending Mileage	GALLONS (Actual)	LOADED MILES (PER TRIP)	TOTAL TRIP MILES	DEAD MILES	Actual Monthly Miles	Down Gasoline: Actual Monthly MPG	Fuel Cost: Fuel Cost: 33.36 $3.79 Mileage after 10-8	Total All Miles X Fuel Cost	Dead Miles + 10-8 Miles X Fuel Cost	Loaded Miles X Fuel Cost
Squad 31	6,888.0	7,184.0	33.0	146.0	282.0	136.2	384.0	6.2	12.0	$131.34	$44.30	$71.44
Squad 32	120,616.6	121,886.0	376.0	1,886.2	2,186.0	1,891.8	3,186.4	8.5	1,837.4	$1,492.88	$888.98	$488.00
Squad 33	199,238.0	201,227.0	130.0	466.8	836.0	379.2	1,269.0	16.0	464.0	$617.40	$161.04	$181.66
Squad 34	194,163.0	196,378.0	122.0	483.1	762.9	369.8	1,236.0	10.0	463.1	$486.86	$142.80	$160.66
Squad 35	128,486.0	132,303.0	346.0	678.3	1,441.8	771.5	1,886.0	8.1	843.2	$878.86	$388.63	$338.62
Squad 36	166,127.7	168,121.0	364.0	1,888.3	2,088.9	1,888.8	2,883.3	9.8	912.4	$1,212.18	$488.62	$437.62
Squad 37	170,738.0	182,383.2	284.6	1,848.8	2,057.8	1,888.6	2,867.2	8.7	488.4	$1,172.11	$482.82	$481.15
Squad 38	170,884.0	175,814.0	442.0	1,786.0	3,066.4	1,888.6	6,818.0	11.3	1,344.6	$1,788.16	$444.88	$436.86
Squad 39	187,884.0	188,636.0	84.0	188.0	338.1	188.1	838.0	6.0	316.0	$374.12	$83.16	$88.86
Squad 41	228,881.0	228,888.0	26.0	11.5	13.0	1.5	188.0	6.0	176.0	$188.12	$8.84	$8.46
Squad 42	288,271.0	289,637.0	72.0	311.4	622.5	311.1	786.0	16.5	143.5	$388.66	$116.83	$116.83
Medic 1	78,677.0	78,286.0	19.0	6.0	3.0	3.0	188.0	8.0	186.0	$72.01	$1.16	$0.80
Medic 6	166,638.0	166,988.0	11.5	6.0	3.0	3.0	338.0	29.5	338.0	$43.80	$0.30	$0.30

Total All

WRECKED AMBULANCE - Prewitt reported that check has been received for a portion of the cost of repairing the wrecked ambulance; however, total repair will be about $4,000 over original estimates.

EMS COMMITTEE MEETING - The following report was presented re the EMS Committee meeting prior to the call to order of the meeting of Nelson Fiscal Court:

1) Facility improvements to Station 1, including installation of a furnace in the bays to try to keep the area warm, were noted; however, garage doors are old and uninsulated and allow warmth to escape. Bids have been received to replace the doors; cost will be about $4,600. On motion of Sam Hutchins, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to proceed with replacement of Station 1 garage doors.

2) Minor remodeling re a training room was suggested.

3) In upstairs area, what is now an open room for all EMS personnel should be separated into male and female quarters, this for consideration for the next budget cycle.

4) Bloomfield Station has been located for years in an apartment-type building that was previously the old Houghlin Funeral Home. It is costly and has resulted in complaints about ambulance parking, etc. Change in ownership and other factors have brought about a chance to move to the old Coulter Shell Station/Car Wash, with building having been remodeled to fit EMS needs and giving access to a bay where some ambulances can be parked. Rent will be equal to the amount that was going to be charged at the old location; move should take place within the next fifteen to thirty days. Lease will be prepared and brought back to next Court meeting.

5) For next budget, committee discussed needs for new ambulances, as well as need for purchase of certain EMS equipment. Following description of defibrillators now being used by the local EMS and need for in-house ownership of this equipment, on motion of Jerry Hahn, second of Sam Hutchins, by unanimous vote of the Court, IT IS HEREBY ORDERED to authorize the purchase of one defibrillator, one stair chair, and one regular cot by Nelson County EMS.

6) Fees charged as compared to Medicare's "usual customary charge" were explained by Joe Prewitt; necessity of fee increases in order to be in line for Medicare rate increases is important in being able to keep up with costs of operating this service. Prewitt proposed and recommended to Court members that a rate increase be made this year so that Medicare will give the local service a reasonable rate increase based on its usual customary charge. Information provided to Court members will be considered for action at the next Court meeting.

7) EMA grant is available through the State whereby 50% of the Emergency Management office can be funded; Nelson County has chosen not to participate in this grant funding in the past. Nelson County qualifies for up to $27,000, a 50/50 match grant; recommendation is now being made that adjustments be made to the local office and grant application be made in order to help offset costs that are incurred during times of emergency. Following further explanation of how grant is funded and of statutory requirements that Nelson County already has in place, on motion of Sam Hutchins, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to authorize that application be made for the State-funded Emergency Management grant as described.

**JAIL

Jailer Dorcas Figg presented her regular report as follows:

NELSON COUNTY JAIL

	Total	Hardin Co	HIP	State	W-End	In House
MARCH						
Wed. 16	122	5	4	20	13	100
Thur. 17	133	5	4	21	14	110
Fri. 18	128	5	3	21	9	111
Sat. 19	120	5	3	25	4	108
Sun. 20	121	5	4	25	5	107
Mon.21	122	5	4	25	9	104

Tue. 22	120	5	4	24	9	102
Wed. 23	115	5	5	20	9	96
Thur. 24	113	5	5	20	8	95
Fri. 25	116	5	5	21	8	98
Sat. 26	119	6	4	21	5	104
Sun. 27	112	6	4	21	6	97
Mon. 28	114	6	3	21	7	98
Tue. 29	114	6	3	21	7	98
Wed. 30	115	7	3	21	6	99
Thur. 31	116	7	3	21	8	98
APRIL						
Fri. 01	125	7	3	21	7	108
Sat. 02	118	7	3	21	7	101
Sun. 03	112	7	3	21	6	96
Mon. 04	112	7	3	21	6	96
Tue. 05	113	7	3	21	6	97

Dorcas also reported that the recent State inspection had resulted in waivers on three items, each dealing with the original construction of jail facilities: size of kitchen, size of administrative office, and lack of secure door between administrative office and main section of the jail. Other issues have been corrected.

**LANDFILL/SOLID WASTE

Brad Spalding reported to Court members that legislation related to a core charge on tires had resulted only in establishment of a committee for further study, etc. He also informed Court members that the compacter engine had to be rebuilt; purchase of another will have to be considered the next couple of years. Bulky-item report was presented as follows:

Nelson County Bulky Item
(5 weeks)

	2011	2010
Cubic Yards	4,213	3,151.2
Tons	827	593
Metal (tons)	0	0
Tires	4,581	6,152
Disposal Cost	$35,904	$26,839

**ROAD DEPARTMENT

ON-GOING - County Engineer Jim Lemieux reported on bulky-item work, Bush Hog scheduling for beginning or mowing, on-going work orders for road repairs, and receipt of permits for various projects.

BIG SPRINGS SUBDIVISION SIDEWALKS - Citing a court-ordered auction of Big Springs subdivision properties, Court members were told of a letter of credit in the amount of about $9,000 to guarantee construction of the remaining sidewalks. Sellers have asked that the county release the letter of credit and accept $1,000 in cash from each individual purchaser of the lots. On motion of Sam Hutchins, second of Keith Metcalfe, by unanimous vote of the Court, IT IS HEREBY ORDERED to release the letter of credit held on

Big Springs Subdivision contingent on receipt of cash bonds for each lot (twelve) by purchasers of those lots, this to be paid prior to transfer of deeds.

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ON-GOING

Court members held discussion concerning 1) error, including correction, as construction has begun on the Fairgrounds Pavilion; 2) plans for old library building layout; 3) opinions on pavers; and 4) problems being experienced with newer asphalt that has been put down on various roads.

SURPLUS AMBULANCE - Judge Watts announced that high bid for the old ambulance came in at $1,401. On motion of Keith Metcalfe, second of Jerry Hahn, by unanimous vote of the Court, IT IS HEREBY ORDERED to award bid and allow Judge Watts to transfer the county's surplus ambulance to Culver's Used Car and Salvage.

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MAGISTRATE TO CONDUCT MEETINGS

On motion of Sam Hutchins, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to approve Bernard Ice as the Court member who would conduct meetings of Nelson Fiscal Court in the event the County Judge-Executive is not available for that service.

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Following report from Sheriff Campbell on progress on new police vehicles, and from Joe Prewitt regarding FCC regulations re radio requirements anticipated for implementation within the next couple of years, on motion of Sam Hutchins, second of Jeff Lear, and by affirmative vote of all Court members, IT IS HEREBY ORDERED to adjourn the Apr. 5 session of Nelson Fiscal Court.

DEAN WATTS, NELSON COUNTY JUDGE-EXECUTIVE

ELAINE A. FILIATREAU, NELSON COUNTY CLERK