

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 279

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.

\*\*\*

\*\*\*\*\*

\*\*\*

MINUTES APPROVED - APR. 5

On motion of Sam Hutchins, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to approve the minutes of the Apr. 5 session of Nelson Fiscal Court as presented.

\*\*\*

\*\*\*\*\*

\*\*\*

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 19, 2011**

Name	Memo	Account	Amount
<b>01 General Fund</b>			
American Tire	Alignment - Keith	5090340 · Vehicle Maintenance	\$ 59.95
American Tire	SO 26	5105479 · Tires	428.96
Aqua Treat	Monthly treatment	5415329 · Building Contract Services	160.00
Bardstown Ambulatory	Employee medical/random testing	9400547 · Employee Medical/WC Claims	120.00
Bardstown Schools	Student transportation FY 11	6301370 · School Children Transport	3,887.63
Barrie, Jennifer	Sheriff office cleaning - Mar 11	5105329 · Bldg Main Contracts	1,000.00
Beaven Equipment	SO 28, 49	5105340 · Vehicle maintenance	374.00
Bluegrass Uniforms Inc.	K Riley	5105481 · Uniforms	60.99
City of Bardstown	Voluntary Action Voucher	5301515 · Vol Action General Assistance	159.05
Danville Office	Envelopes, toner	5001445 · CJE Office supplies	343.48
Danville Office	File Folders, ink cartridges	5040445 · Treasurer Office Supplies	64.15
Danville Office	Toner, ribbon	5115445 · Office Supplies	114.98
Duplicator Sales & Service Inc	Monthly copy charge	5205445 · Office supplies	1.10
Galls	Snow, Allison	5105481 · Uniforms	53.32
Harp Enterprises	2011 Primary Election - partial billing	5065427 · Elections Supplies	3,000.00
Hayden Reporting, Inc.	Planning Commission 032211	5001348 · Court Reporter	174.40
Holt Computers	Monitor, antivirus software	5090445 · Office Expense	254.00
Holt Computers	Antivirus software, move files for Don	5115445 · Office Supplies	210.00
Interstate Security Systems	Quarterly alarm agreement	5415329 · Building Contract Services	69.00
Joe Hill's	2 Push Mowers	5340427 · Comm Svc Supplies	559.90
KACo Unemployment	2011 Unemployment Premium	9400208 · Unemployment Insurance	9,052.12
Ky Employers Mutual Ins	Monthly installment	9400209 · Workers Comp Insurance	2,258.78
Landmark Community Newspapers	FY10 audit report	9100539 · Advertising & Legal Notices	2,614.76
Landmark Community Newspapers	Ordinances, bids, student transp.	9100539 · Advertising & Legal Notices	443.50
Leo Talbott & Son, Inc.	Pneumatic control system	5085329 · Building Main Contracts	662.39
Leo Talbott & Son, Inc.	Furnace	5115329 · Building Main Contracts	326.12
Leo Talbott & Son, Inc.	Heat pumps; water heater	5415329 · Building Contract Services	365.00
Lowe's	Bulbs	5081329 · Justice Center Main Contracts	64.95
Lowe's	Grinding tools, respirator masks	5090427 · Supplies	116.87
Lowe's	Hose repairs	5205329 · Main Contracts	9.30
Lowe's	Air Hose	5205411 · Building Custodial Supplies	29.96
Manning Equipment	Lift cable for Russells truck	5340427 · Comm Svc Supplies	44.40
MVP Garden Center & Nursery	Mulch	5081329 · Justice Center Main Contracts	966.00
Northside Funeral Home	Coroner transports	5020308 · Autopsy & Services	800.00
Northside Funeral Home	Pauper burial (cremation)	5330344 · Pauper Burials	950.00
PB Electronics	Radar testing	5105336 · Equipment Repairs	45.00
Quick Care Oil Lube Express	Oil changes, air filters, brakes, filter housing	5105340 · Vehicle maintenance	811.97
SecureNet	Security system - Humane Society	5205329 · Main Contracts	39.95
Sheriff	Fees for summons, transports, fiscal court	5015199 · Sheriff Fees Payable	2,636.34
Speedway	Fuel	5105429 · Gas	3,642.31
Springfield Laundry	Mats	5080411 · Courthouse Custodial Supplies	31.50
Springfield Laundry	Mats	5081411 · Justice Center Custodial Supply	486.00
Springfield Laundry	Mats	5085411 · Custodial Supplies	85.00
Springfield Laundry	Mats	5105411 · Custodial Supplies	102.00
Springfield Laundry	Mats	5205411 · Building Custodial Supplies	42.00
Springfield Laundry	Mats	5415411 · Building Custodial Supplies	15.50
Sublet Contractors	Tool box patching - Marks truck	5090340 · Vehicle Maintenance	175.00
TriStar	Cafeteria plan administration - Apr	9100301 · Payroll Processing	177.00
<b>Total 01 General Fund</b>			<b>38,088.63</b>

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 280

## 02 Road Fund

Allied Central	Cups, towels	6105427 · Garage supplies	150.00
American Tire	670A Grader - repair	6105479 · Tires	65.71
Bardstown Ambulatory	Employee medical/random testing	9400547 · Employee Medical/WC Claims	60.00
Cintas	Uniforms	6105481 · Uniforms	888.70
Econo Signs LLC	Various street signs	6105469 · Signs & Posts	181.34
Holt Equipment	670A Grader	6105443 · Parts	49.45
Hydraulic Specialists	Grader - cylinder repair	6105336 · Equipment repairs	368.50
Kerr Office Plus	Service call for copy machine, toner	6103445 · Office Supplies	247.38
Keystops	Fuel	6105429 · Fuel	14,116.40
Keystops	Bulk oil purchase	6105439 · Lubricants	2,834.79
Kroger	Sugar, creamer	6105427 · Garage supplies	23.76
Ky Employers Mutual Ins	Monthly installment	9400209 · Workers Comp Insurance	1,657.29
Lasco	Filters, red gauge wire	6105427 · Garage supplies	285.33
Nugent Sand Co	Sand - 154.84 tons	6105471 · Snow removal	1,548.71
Ockerman, Terry	Snow removal	6105471 · Snow removal	750.00
Quality Auto Glass	Gradall windshield	6105336 · Equipment repairs	410.00
Sherman Dixie	Bennetts Lane	6105457 · Bridge & Culvert Materials	480.96
Taylor Battery Company Inc	Battery-CAT 433B rollier	6105443 · Parts	115.07
<b>Total 02 Road Fund</b>			<b>24,233.39</b>

## 03 Jail Fund

Bardstown Ambulatory	Inmate medical	5101549 · Routine Medical	1,914.00
Bardstown Ambulatory	Employee medical/random testing	9400547 · Employee Medical/WC Claims	70.00
Bob Barker	Inventory purchases	5101428 · Canteen Inventory	425.94
Ciems	Food	5101425 · Food	1,256.62
Coca Cola	Inventory purchases	5101428 · Canteen Inventory	190.00
Concept Communications	Portable radio	5101709 · Furniture & Fixtures	240.00
Dean Milk	Milk	5101425 · Food	1,377.86
Diamond Pharmacy Services	Inmate medical	5101549 · Routine Medical	1,305.17
Flowers Baking Co	Bread	5101425 · Food	156.75
Gordon Foods	Cleaning supplies	5101411 · Custodial Supplies	1,621.12
Gordon Foods	Kitchen supplies	5101423 · Food Prep & Serving Supplies	157.60
Gordon Foods	Food	5101425 · Food	2,477.50
Gordon Foods	Canteen purchases	5101428 · Canteen Inventory	519.87
Hardin Co Detention Center	Inmate housing	5101314 · Contracts with Other Counties	896.00
KY Cavern Water	Water	5101445 · Office Supplies	24.25
Ky Employers Mutual Ins	Monthly installment	9400209 · Workers Comp Insurance	778.99
Lebanon Wholesale	Inventory purchases	5101428 · Canteen Inventory	305.20
Leo Talbott & Son, Inc.	HVAC unit, rooftop units	5101329 · Building Main Contracts	604.00
Madma Supply	Inventory purchases	5101428 · Canteen Inventory	1,325.39
Medica	Inmate medical	5101549 · Routine Medical	151.01
US Foodservice	Cleaning supplies	5101411 · Custodial Supplies	1,182.42
US Foodservice	Kitchen supplies	5101423 · Food Prep & Serving Supplies	442.62
US Foodservice	Food	5101425 · Food	5,428.14
US Foodservice	Inmate medical	5101549 · Routine Medical	58.30
<b>Total 03 Jail Fund</b>			<b>22,908.75</b>

## 04 LGEA Fund

Cedar Creek Quarry LLC	Bear Creek Way	6105409 · Rock	103.62
Cedar Creek Quarry LLC	Hahn Ridge	6105409 · Rock	48.25
Cedar Creek Quarry LLC	Mailbox pulloffs	6105409 · Rock	51.63
Cedar Creek Quarry LLC	St Thomas Court	6105409 · Rock	105.85
<b>Total 04 LGEA Fund</b>			<b>309.35</b>

## 09 Ambulance Fund

Airgas Mid America	Oxygen	5140550 · Medical supplies & Materials	93.47
American Tire	Sq 34, 35	5140340 · Vehicle Maintenance & Repairs	576.00
American Tire	Sq 34, 35	5140443 · Vehicle Parts	193.08
American Tire	Sq 35, 38, Hazmat 3 trailer	5140479 · Tires	226.67
Bardstown Ambulatory	Employee medical/random testing	9400547 · Employee Medical/WC Claims	355.00
Beaven Equipment	Sq 34	5140339 · Radio Maintenance & Repairs	222.00
Concept Communications	Repair pagers	5140339 · Radio Maintenance & Repairs	250.00
Danville Office	Paper, ink cartridges, toner, labels, forms	5140445 · Office Supplies	215.32
Gateway EDI LLC	Collection fees	5140320 · Collection services	39.00
Hahn, Rodney	Boot allowance	5140481 · Staff Uniforms	75.00
Ky Employers Mutual Ins	Monthly installment	9400209 · Workers Comp Insurance	5,068.15
Ky Home Electronics	USB cables	5140445 · Office Supplies	19.99
Lowe's	Programmable thermostat w/cover	5140334 · Building maintenance	57.48
Lowe's	Coffee pot	5140411 · Custodial supplies	11.99
Modern Lease	Medical supply/vend machine	5140550 · Medical supplies & Materials	300.00
Mohawk Medical	Medicine and supplies	5140550 · Medical supplies & Materials	264.29
Newcomb	Fuel	5140429 · Fuel & Oil	8,145.22
QuadMed Inc	Medical supplies	5140550 · Medical supplies & Materials	503.38
Quality Auto Glass	SO 35 windshield repair	5140340 · Vehicle Maintenance & Repairs	39.95

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 281

Russells Furniture & Mattress	Station II	5140739 · EMS Equipment	527.96
Sam's Club	Kitchen supplies	5140411 · Custodial supplies	205.16
Select-Tech Inc	Sq 35. 36	5140443 · Vehicle Parts	98.00
Select-Tech Inc	Insurance claim- 2010 Ford E450 030311	5140723 · EMS Vehicles	1,730.00
<b>Total 09 Ambulance Fund</b>			<b>19,217.11</b>
<b>Total</b>			<b>\$ 104,757.23</b>

**Nelson County Fiscal Court  
PIC Bills for Court Approval  
April 19, 2011**

Name	Memo	Account	Amount
<b>13 Solid Waste Fund</b>			
American Legion Post 121	S 3rd Street, Robin Drive, Payne Ave, 4th St	5215315 · Roadside Cleanup	\$ 250.00
Balltown Community Development	Clarktown Rd	5215315 · Roadside Cleanup	250.00
Bardstown Church of God	Lenore Road	5215315 · Roadside Cleanup	500.00
Bethany Baptist Church	Plum Run Road	5215315 · Roadside Cleanup	250.00
Bethlehem Soccer Boosters	Hwy 245 Bypass	5215315 · Roadside Cleanup	250.00
Boy Scout Troop 721	Bellwood Rd	5215315 · Roadside Cleanup	250.00
Campbell's Chapel AME Zion Church	Hwy 62 Chaplin Rd	5215315 · Roadside Cleanup	250.00
Girl Scout Troop #1328	Pottershop Loop	5215315 · Roadside Cleanup	125.00
Heritage Heart Dancers	Hwy 62 Chaplin Rd	5215315 · Roadside Cleanup	250.00
Hospice of Nelson County	Burba Road	5215315 · Roadside Cleanup	375.00
Humane Society	Roberts Road	5215315 · Roadside Cleanup	375.00
Knights of Columbus	Hwy 31E New Haven Rd	5215315 · Roadside Cleanup	375.00
March of Dimes	Hobbs Lane	5215315 · Roadside Cleanup	250.00
Nelson Co 4H Shooting Sports	Hwy 62 Bloomfield Rd	5215315 · Roadside Cleanup	250.00
Nelson Co High School - Cheerleaders	Hwy 31E New Haven Rd	5215315 · Roadside Cleanup	375.00
Nelson Co Youth Soccer Assoc	Burba Road	5215315 · Roadside Cleanup	125.00
New Haven 8th Grade	BG Parkway interchange, Boston	5215315 · Roadside Cleanup	250.00
New Haven Youth Football	BG Pkway Interchange, Bloomfield	5215315 · Roadside Cleanup	500.00
New Hope Fire District	Jim Clark Rd	5215315 · Roadside Cleanup	250.00
New Hope Ladies Auxillary	Jim Clark Rd	5215315 · Roadside Cleanup	250.00
Southwest Nelson Football	BG Pkway Interchange, New Haven Rd	5215315 · Roadside Cleanup	250.00
Special Olympics of Nelson Co	Barnes Road, Wheeler Rd, Airport Rd	5215315 · Roadside Cleanup	562.50
St Catherine 8th Grade	Higdon Loop, Halisy Loop, Quarry Loop	5215315 · Roadside Cleanup	250.00
St Gregory School	Hwy 245, Samuels Loop, Ben Irvin Rd	5215315 · Roadside Cleanup	1,000.00
St Thomas Mens Club	Ky 46	5215315 · Roadside Cleanup	500.00
St Thomas Youth Group	Eddie Miles Rd	5215315 · Roadside Cleanup	250.00
TOPS	Sutherland Lane	5215315 · Roadside Cleanup	250.00
American Tire	Tires	5215479 · Tires	2,192.34
Debrov's	Tarp	5215443 · Parts	62.81
Galeton	Safety vests	5215594 · Crew Safety Equipment	280.00
Keystops	Fuel	5215429 · Fuel & Lubricants	15,109.69
Ky Employers Mutual Ins	Monthly installment	9400209 · Workers Comp Insurance	2,620.14
Republic Diesel	O-rings, shaft seal, filters	5215443 · Parts	214.98
Republic Diesel	E-brake handle, gasket set	5215548 · Dead Animal Program Expense	178.51
Salt River	Garbage billing services	5215320 · Collection Contracts	9,266.88
Salt River	1st Q 2011 - 6985 delinquent accounts	5215320 · Collection Contracts	3,143.25
Springfield Laundry	Uniforms	5215481 · Employee uniforms	507.00
TAPCO	Contracted services - 4 weeks	5215366 · Bulky Item Pickup	9,040.00
Truck Parts & Service	Hose, clamps, flextube, tire patches	5215443 · Parts	429.97
<b>Total 13 Solid Waste Fund</b>			<b>51,858.07</b>
<b>15 Landfill Fund</b>			
Bardstown Ambulatory	Employee medical/random testing	9400547 · Employee Medical/WC Claims	60.00
Cedar Creek Quarry LLC	Access Road	5210705 · Landfill Roadways	3,476.30
Cintas First Aid & Safety	First aid supplies	5210594 · Crew Safety Equipment	49.47
Duplicator Sales & Service Inc	Monthly copy charge	5210445 · Office Expense	42.16
Earthmoving Equipment	Compactor	5210336 · Equipment Repairs	1,447.00
Etown Overhead Door	Shop overhead door	5210334 · Building Maintenance	370.00
Ferguson Waterworks	Wash station repairs	5210334 · Building Maintenance	29.57
Keystops	Fuel, oil	5210429 · Fuel & Lubricants	10,833.63
Ky Employers Mutual Ins	Monthly installment	9400209 · Workers Comp Insurance	3,070.73
Ky Environment/Div Waste Management	Quarterly fee	5210314 · Environmental Remediation Fee	22,916.78
Lasco	826C Compactor	5210336 · Equipment Repairs	2,128.08
Lasco	Oil dry	5210427 · Main supplies	32.00
Lasco	Truck 402 - charges minus core, returns	5210443 · Parts	(56.53)
McCoy & McCoy	Monitoring	5210324 · Environmental Monitoring	2,054.75
Ouill Corporation	Trash bags, cartridges, clipboard	5210445 · Office Expense	148.96

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 282

Republic Diesel	826C Compactor- engine repairs	5210336 · Equipment Repairs	4,758.03
Republic Diesel	Highlift, 370 Compactor, Pump repairs	5210443 · Parts	833.30
Ri Tec Industrial Products	BlasterDZ cleaner	5210427 · Main supplies	380.00
Sprigg, Thomas	Boot allowance	5210481 · Uniforms	75.00
Springfield Laundry	Cleaning supplies	5210427 · Main supplies	117.14
Springfield Laundry	Uniforms	5210481 · Uniforms	351.50
Whayne Supply	826C- engine repair	5210336 · Equipment Repairs	1,317.16
Whayne Supply	CAT 963 - Drive gears, bearings	5210717 · Landfill Equipment	5,119.54
<b>Total 15 Landfill Fund</b>			<b>59,554.57</b>
<b>23 Occupational Tax Fund</b>			
BNC Air	July-Dec 2010	6201507 · Air Board Contribution	2,400.00
Danville Office	Pens	5047445 · OLF Office supplies	8.08
<b>Total 23 Occupational Tax Fund</b>			<b>2,408.08</b>
<b>97 PIC</b>			
Lowe's	Mold test kits	5082411 · SOB Custodial Supplies	29.94
Springfield Laundry	Mats	5082411 · SOB Custodial Supplies	38.25
<b>Total 97 PIC</b>			<b>68.19</b>
<b>Total</b>			<b>\$ 113,888.91</b>

**NELSON COUNTY FISCAL COURT  
PAID BILLS FOR COURT APPROVAL  
April 19, 2011**

Fund/Vendor	Description	Account	Amount
<i>EMS Fund</i>			
MRugged Mobile Technology	Mobile Data Grant Purchases	5140703 · Mobile Data Grants	19,002.82
	Less Discount		(570.00)
<b>TOTAL PAID BILLS</b>			<b>\$ 18,432.82</b>

**Nelson County Fiscal Court  
Additional Bills for Court Approval  
April 19, 2011**

Name	Memo	Account	Amount
<b>01 General Fund</b>			
ADP	PR 040811	9100301 · Payroll Processing	\$ 366.70
BP Gas	Fuel	5105429 · Gas	4,645.37
International Code Council	Annual dues	5115551 · Dues & Certifications	125.00
Landmark Community Newspapers	Delinquent tax bills	9100539 · Advertising & Legal Notices	276.13
Petty Cash	Petty Cash	5115445 · Office Supplies	23.11
Salt River Electric	Set pole - District 4	6105578 · Utilities	135.00
<b>Total 01 General Fund</b>			<b>5,571.31</b>
<b>13 Solid Waste Fund</b>			
American Cancer Society	Hwy 245, Templin	5215315 · Roadside Cleanup	500.00
Bardstown Community Tennis Assoc	Nelsonville Rd	5215315 · Roadside Cleanup	500.00
Bardstown High School Softball	Hwy 605 Woodlawn Rd	5215315 · Roadside Cleanup	250.00
Bardstown Middle School Softball	Hwy 605 Woodlawn Rd	5215315 · Roadside Cleanup	250.00
Bardstown Women's Club	Hwy 245	5215315 · Roadside Cleanup	250.00
Bethlehem HS Girls Volleyball	Bellwood Road	5215315 · Roadside Cleanup	250.00
Bloomfield Baptist Church	Murrays Run	5215315 · Roadside Cleanup	250.00
Boston School	Hwy 62 Boston Road	5215315 · Roadside Cleanup	750.00
Boy Scout Troop 439	Greens Chapel	5215315 · Roadside Cleanup	375.00
Boy Scout Troop 617	Hwy 62 Boston Road	5215315 · Roadside Cleanup	250.00
Boy Scout Troop 996	Monks Road	5215315 · Roadside Cleanup	250.00
Cox's Creek Baptist	Murrays Run	5215315 · Roadside Cleanup	250.00
Cub Scout Pack 617	Hwy 62 Boston Rd	5215315 · Roadside Cleanup	250.00
Kwanis Club	Hwy 150	5215315 · Roadside Cleanup	300.00
Kristen Spalding Memorial	Sullivan Lane	5215315 · Roadside Cleanup	250.00
Nelson Co 4H Sport Fishing	Pottershop Rd	5215315 · Roadside Cleanup	250.00
Nelson Co High Boys Soccer	Hwy 31E, Iceltown Rd	5215315 · Roadside Cleanup	750.00
Nelson Co High Project Graduation	Pottershop Rd	5215315 · Roadside Cleanup	250.00
Nelson Co Little League	Wilkerson Rd	5215315 · Roadside Cleanup	250.00
St Thomas Senior Citizens	Ritchie Lane & Quarry Lane	5215315 · Roadside Cleanup	500.00
Team Up! Family Resource Center	Hwy 62, Hwy 56 Bloomfield	5215315 · Roadside Cleanup	750.00
The Village FRYSC	Hwy 52 New Haven	5215315 · Roadside Cleanup	500.00
Venture Crew 147	Bellwood Road	5215315 · Roadside Cleanup	250.00
TAPCO	Contracted services - 6 days	5215366 · Bulky Item Pickup	3,840.00
<b>Total 13 Solid Waste Fund</b>			<b>12,265.00</b>
 <b>Total Additional Bills</b>			<b>\$ 17,836.31</b>

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 283

## RESOLUTION - REVENUE BONDS RELATED TO JUSTIC CENTER

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

**RESOLUTION OF THE FISCAL COURT OF THE COUNTY OF NELSON, KENTUCKY, AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE NELSON COUNTY PUBLIC PROPERTIES CORPORATION AND THE ADMINISTRATIVE OFFICE OF THE COURTS; AUTHORIZING THE EXECUTION OF ANY OTHER INSTRUMENTS NECESSARY TO CARRY OUT A PLAN OF FINANCING FOR THE COST TO REFUND CERTAIN OUTSTANDING BONDS OF THE CORPORATION ISSUED TO FINANCE THE COST TO CONSTRUCT AND EQUIP THE COURTHOUSE FACILITY; AND EVIDENCING THE AGREEMENT OF THE COUNTY TO ACCEPT A CONVEYANCE OF THE COURTHOUSE FACILITY FROM THE CORPORATION AFTER THE RETIREMENT OF ALL BONDS ISSUED BY SAID CORPORATION TO FINANCE SAID REFUNDING.**

WHEREAS, the County of Nelson, Kentucky (the "County"), desires to finance the refunding of 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"), and

WHEREAS, the Nelson County Public Properties Corporation (the "Corporation"), has been duly organized under the laws of the Commonwealth of Kentucky, pursuant to a Resolution of this Fiscal Court to act as an agency and instrumentality of the County, in order to enable the Corporation to assist the County in financing the Project, pursuant to a plan, and

WHEREAS, the Corporation and the County have been advised that the Series 2002 Bonds and the Series 2002B Bonds may be refunded at a significant interest savings which will be beneficial to the Corporation, the County and the Kentucky Administrative Office of the Courts (the "AOC"), and

WHEREAS, it is contemplated that the Corporation will issue, sell and deliver 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 Series 2002 Bonds and the Series 2002B Bonds (the "Refunding Program"), and that the Corporation will lease the Project to the County and the AOC, under such terms and such rentals as will be sufficient to pay the principal and interest requirements of the Series 2011 Bonds, and

WHEREAS, it is necessary that the County execute a Lease Agreement as to the Project, in which the Corporation is the Lessor and the County and the AOC are the Lessees, and,

WHEREAS, under said plan of financing, the County will be entitled to obtain a reconveyance of said property, with all improvements thereon, after all of the Series 2011 Bonds have been retired,

NOW, THEREFORE, BE IT RESOLVED BY THE FISCAL COURT OF THE COUNTY OF NELSON, KENTUCKY, AS FOLLOWS:

1. That the Nelson County Public Properties Corporation, which has been heretofore authorized as an agency of the County, pursuant to Chapter 58 of the Kentucky Revised Statutes and an adopted Resolution of this Fiscal Court, shall be and is authorized to proceed as an agency of the County, and to authorize the issuance, sale, and delivery of its Series 2011 Bonds, in the maximum principal amount of \$8,998,000, secured by a mortgage lien and revenue pledge against the Project, the cost of which, not otherwise provided, is to be financed through the application of the proceeds of the Series 2011 Bonds.

2. That the proposed form of Lease Agreement (the "Lease") among the County, the AOC and the Corporation, is hereby approved, and the County Judge/Executive and the Fiscal

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 284

Court Clerk are authorized to execute the Lease on behalf of the County and to deliver same to the Secretary of the Corporation, upon the description and sources of title being inserted as to the properties upon which the Project shall be located.

3. That this Fiscal Court specifically agrees that as and when all Series 2011 Bonds constituting an encumbrance against said property have been retired, whether through rentals payable by the County or otherwise, under which circumstances the Lease requires that said property be reconveyed by the Corporation to the County, such reconveyance from the Corporation to the County will be accepted by the Fiscal Court of the County, and all of the terms and conditions of the Lease so providing are hereby specifically approved within the meaning of the Internal Revenue Code of 1986, as amended (the "Code").

4. That this Fiscal Court hereby officially records its intention to renew, on an annual basis, the lease of said property described in the Lease, and to provide for the payment of the rentals specified in the Lease until all of the Series 2011 Bonds have been retired, in order to enable the County to obtain fee simple title to the property, it being understood that this statement of intention is not and cannot (under Section 157 of the Kentucky Constitution) be legally binding on the County or on this Fiscal Court.

5. That the sale of said Series 2011 Bonds by publicly advertised bid pursuant to Chapter 58 of the Kentucky Revised Statutes is hereby authorized and approved in accordance with a Resolution duly adopted by the members and Board of Directors of the Corporation.

6. That this Fiscal Court hereby specifically approves the execution by the officers of the Corporation of a Mortgage Deed of Trust (the "Mortgage") from the Corporation to Town & Country Bank and Trust Company, Bardstown, Kentucky (the "Trustee"), authorizing and securing said proposed Series 2011 Bonds, substantially in the form examined and considered by this Fiscal Court, upon the same descriptions being inserted, hereinbefore referred to as the descriptions to be inserted in the Lease, and further approves the execution of any supplemental or amended mortgages in connection therewith as may be deemed appropriate in order to carry out the plan of financing contemplated herein.

7. That the County Judge/Executive and the Fiscal Court Clerk and the appropriate officers of said Corporation (constituting an agency and instrumentality of the County) are hereby authorized, requested and directed to execute any and all other and further instruments and to take all other appropriate legal action as may be deemed reasonably necessary or desirable to carry out the plan of financing represented by the instruments referred to above, with a view toward compliance with all applicable Kentucky Statutes and court decisions and with a view toward assuring that the receipt of interest on said Series 2011 Bonds will be excluded from gross income for Federal income tax purposes and exempt from all Federal income taxes and that the principal of said Series 2011 Bonds will be exempt from all Kentucky ad valorem taxes.

8. That the County hereby 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, that the Corporation, by the adoption of its 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 County does hereby designate the Series 2011 Bonds as "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code.

9. That all Ordinances, Orders, Resolutions, motions or parts thereof in conflict herewith are hereby repealed, and this Resolution shall take effect and be in force immediately after its passage, approval and publication.

Introduced, read, and adopted by the Fiscal Court of the County of Nelson, Kentucky, at a duly convened meeting held on April 5, 2011, signed by the County Judge/Executive indicating his approval, attested under seal by the Fiscal Court Clerk.

COUNTY OF NELSON, KENTUCKY

By   
County Judge/Executive

Attest:

  
Fiscal Court Clerk

# Fiscal Court Orders

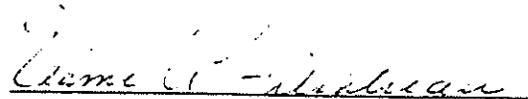
Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 285

## CERTIFICATE OF FISCAL COURT CLERK

I, the undersigned, am the duly qualified and acting Fiscal Court Clerk of the County of Nelson, Kentucky, do hereby certify that the foregoing is a true, complete, and correct copy of a Resolution that was introduced, read and adopted by said Fiscal Court, executed by the County Judge/Executive and attested by the Fiscal Court Clerk, and that said Resolution has been duly recorded in the official records of the County, as shown by the official records of said Fiscal Court in my custody and under my control.

WITNESS my hand as Fiscal Court Clerk of said County this April 5, 2011.

  
Fiscal Court Clerk

\*\*\*

\*\*\*\*\*

\*\*\*

PROCLAMATION - RELAY FOR LIFE

## Proclamation

### *Nelson County Relay For Life Day*

WHEREAS the Relay For Life is the American Cancer Society's signature fund-raising event, bringing communities together in hope, celebration and memory and

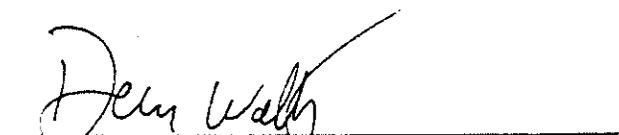
WHEREAS because the Relay For Life is a community event, everyone is encouraged to participate and

WHEREAS this year 570,000 Americans are expected to die of cancer, which is more than 1500 people a day and more than 1.3 million new cases of cancer are expected to be diagnosed and

WHEREAS the mission of the American Cancer Society is the nationwide, community-based, voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service,

THEREFORE, I, Dean Watts, Nelson County Judge-Executive do hereby declare Friday, May 13, 2011 as Relay For Life Day in Nelson County and urge all residents of Nelson County to join in this year's celebration.

Done on this day by my hand,

  
Dean Watts- Judge/Executive

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 286

## ORDINANCE AMENDING FLOOD PREVENTION ORDINANCE (SECOND READING)

KOC NUMBER 920.426-7

### 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;

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 287

- (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.

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 288

**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 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.

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 289

**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.

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 290

**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

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 291

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 SFHA.

**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

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 292

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.)

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 293

**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.

**Program Deficiency** - A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

**Public Safety and Nuisance** - Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational Vehicle** - A vehicle that is: (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) Designed to be self-propelled or permanently towable to a light duty truck; and (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regular Program** - The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 294

insurance are available based upon risk zones and elevations determined in a FIS.

**Regulatory 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. See Base Flood.

**Remedy a violation** - The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

**Repair** - The reconstruction or renewal of any part of an existing structure.

**Repetitive Loss** - Flood-related damages sustained by a structure on two or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of \$1000.00 or more over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

**Riverine** - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Section 1316** - That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Sheet flow area** - see "Area of shallow flooding".

**Special flood hazard area (SFHA)** - That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 - A30, AH, AO, or AR.

**Start of Construction** (includes substantial improvement and other proposed new development) - The date a zoning compliance permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

**Structure** - A walled and roofed building that is principally above ground; including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See Building.

**Subdivision** - Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.

**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

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 295

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 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

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 296

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, and New Haven and Nelson County, Kentucky.

- B. Basis for Establishing the Special Flood Hazard Areas.** 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.

# Fiscal Court Orders

- (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 ordinance 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.

# Fiscal Court Orders

**(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 16.5B(2) and 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: 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 16.5. 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

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 299

- 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 16.5B(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 16.5B(2) (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodproofing 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 16.5B(3) (elevated structures),
  - (d) Certification of elevation required by Section 16.5E(1) (subdivision standards),
  - (e) Certification required by Section 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 16.6C(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 16.5;
  - (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 16.5B(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

# Fiscal Court Orders

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;

# Fiscal Court Orders

- (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 16.5B(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 16.5B(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 16.5B(4).
  - (f) All new construction and substantial improvement with fully enclosed areas

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 302

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.

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 303

(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 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 16.5

(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.

# Fiscal Court Orders

**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 16.5B(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

# Fiscal Court Orders

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.

# Fiscal Court Orders

- (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 16.6D(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.

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

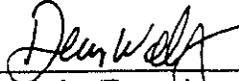
Book 35  
Page 307

## 16.7 Severability.

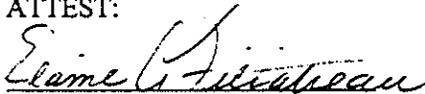
This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so 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.

Adopted this 19 day of April, 2011, by 5 ayes and 0 nays.

NELSON FISCAL COURT

  
\_\_\_\_\_  
County Judge/Executive

ATTEST:

  
\_\_\_\_\_  
Nelson County Court Clerk

The foregoing ordinance was approved after a motion by Magistrate Sam Hutchins and on second of Magistrate Bernard Ice.

\*\*\*

\*\*\*\*\*

\*\*\*

## PLANNING AND ZONING - REZONING ORDINANCES (FIRST READING)

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

Said proposed ordinances were read in open Court in resume form and full copies of the proposed ordinances are as follows:

#2345 Billy Gilkey

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

BY CHANGING THE DISTRICT CLASSIFICATION OF PROPERTY LOCATED IN NELSON COUNTY AS HEREINAFTER DESCRIBED FROM A-1, AGRICULTURAL DISTRICT TO BE REZONED AS R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on March 8, 2011 held a public hearing under the provisions of KRS Chapter 100, and after careful consideration, the Commission on March 22, 2011, voted to approve and recommend the amendment to the Fiscal Court of Nelson County.

WHEREAS, the Court held a first reading on April 20, 2011, and after due advertisement held a second reading and adoption on \_\_\_\_\_, 2011, and after due consideration,

UPON MOTION OF \_\_\_\_\_, SECONDED BY

\_\_\_\_\_, AND A VOTE BEING HAD AND THE

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 308

COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED,

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

SECTION I: Boundaries of the district as shown on district map entitled "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY" be and the same are hereby amended for reasons adopted and stated in the recommendation of the Joint City-County Planning Commission all of which is made a part hereof as if fully set out herein, including the letter of recommendation dated March 25, 2011, from the said Joint City-County Planning Commission of Nelson County to the Nelson County Fiscal Court, so that the following described property of Thomas L. Walker, is presently A-1, Agricultural District be and the same is placed as R-1A, Single Family Residential District and said property is described as follows:

Beginning at a point in the south right-of-way line of Old Nazareth Road, comer to Barnes Family, LLC; thence with the west line of said Barnes, south 17 degrees 39'10" west 408.54 feet to a point in the west line of said Barnes, a new comer to Thomas L. Walker; thence with a new line across said Walker through the following calls: north 83 degrees 51'03" west 44.57 feet to a point; thence, north 06 degrees 08'57" east 400.16 feet to a point, comer to Walker and in the south right-of-way line of said road, thence with the south right-of-way line of said road, south 83 degrees 55'36" east 126.05 feet to the point of beginning, having an area of 0.784 acres or 34,142.7 square feet.

Point of reference being the common comer on the south side of Old Nazareth Road between Barnes Family, LLC and Thomas Walker; thence with the south right-of-way line of said road, north 83 degrees 55'36" west 260.05 feet to the point of beginning, said point being in the south right-of-way line of said road, a new comer to Thomas L. Walker; thence leaving the south right-of-way line of said road and running with a new line across said Walker through the following calls: south 06 degrees 08'57" west 399.98 feet to a point; thence, north 14 degrees 37'22" west 139.02 feet to a point; thence with a curve to the left having a radius of 50.00 feet and a chord bearing north 08 degrees 09'08" west 90.02 feet to a point; thence, north 17 degrees 40'00" east 186.49 feet to point in the south right-of-way line of said road, comer to said Walker; thence with the south right-of-way line of said road, south 83 degrees 55'36" east 34.30 feet to the point of beginning, having an area of 0.375 acres or 16,325.6 square feet.

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

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

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

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

#2349 Thomas L. Walker

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

BY CHANGING THE DISTRICT CLASSIFICATION OF PROPERTY LOCATED IN

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 309

NELSON COUNTY AS HEREINAFTER DESCRIBED FROM A-1, Agricultural District TO BE REZONED AS B-1, NEIGHBORHOOD DISTRICT.

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on March 8, 2011 held a public hearing under the provisions of KRS Chapter 100, and after careful consideration, the Commission on March 22, 2011, voted to approve and recommend the amendment to the Fiscal Court of Nelson County.

WHEREAS, the Court held a first reading on April 20, 2011 and after due advertisement held a second reading and adoption on \_\_\_\_\_, 2011, and after due consideration,

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

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

SECTION I: Boundaries of the district as shown on district map entitled "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY" be and the same are hereby amended for reasons adopted and stated in the recommendation of the Joint City-County Planning Commission all of which is made a part hereof as if fully set out herein, including the letter of recommendation dated March 25, 2011, from the said Joint City-County Planning Commission of Nelson County to the Nelson County Fiscal Court, so that the following described property of Billy Gilkey, is presently A-1 Agricultural District be and the same is placed as B-1, Neighborhood District and said property is described as follows:

Beginning at an existing iron pin, corner to Revolution, LLC (DB 415 pg 294), and 20 ft. from the center of Henpeck Road; thence with the north r/w of Henpeck Road N 66-17-36 W 171.28 ft.; N 63-06-21 W 142.50 ft.; N 56-40-29 W 69.87 ft. to a 1/2" iron pin (set) "HIBBS 2981n, in the center of the old road, 20 ft. from the center of Henpeck Road, corner to Guy O. & Carol J. Fulkerson (DB 407 pg 456); thence with Fulkerson, along the old road N 23-08-51 E 236.47 ft. to a 3/4" iron pin (set) "HIBBS 2981", in the center of the old road, corner to Fulkerson, in the south r/w line of KY Hwy 245, New Shepherdsville Road; thence with said r/w S 45-44-21 E 45.49 ft.; S 51-05-20 E 358.26 ft. to an existing iron pin, in said r/w line, corner to Revolution, LLC; thence with Revolution, LLC S 25-06-18 W 146.17 ft. to the point of beginning containing 1.73 acres."

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

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

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

After a first reading, motion was made by Jeff Lear, second by Jerry Hahn, by unanimous vote of the Court, IT IS HEREBY ORDERED that legal

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 310

notice advertising the second reading and possible adoption of the proposed ordinance be published in The Kentucky Standard in accordance with KRS 424.

\*\*\*

\*\*\*\*\*

\*\*\*

## OLD COURTHOUSE REPAIRS

On motion of Jeff Lear, second of Sam Hutchins, by unanimous vote of the Court, IT IS HEREBY ORDERED award a contract for repair of the Old Courthouse Building, and to authorize that the County Judge-Executive sign necessary documents, to Dixie Restoration Co. as bid at \$79,870. This project is for Courthouse exterior mortar repairs and possible other additional maintenance as deemed necessary.

\*\*\*

\*\*\*\*\*

\*\*\*

## DEPARTMENT REPORTS

### \*\*ROAD DEPARTMENT

GRANT FOR RESURFACING COUNTY ROADS - The following agreement between the County of Nelson and the Kentucky Transportation Cabinet and resolution re various county roads is approved on motion of Bernard Ice, second of Jeff Lear and by affirmative vote of all Court members:

NELSON COUNTY  
RESURFACING VARIOUS  
COUNTY ROADS  
\$200,000 - FD39 FUNDS

## AGREEMENT BETWEEN COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS AND NELSON COUNTY

THIS AGREEMENT, entered into by and between the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, hereinafter referred to as the "Department," and Nelson County, 113 East Stephen Foster, Bardstown, KY 40004, hereinafter referred to as the "County".

### WITNESSETH:

WHEREAS, the parties hereto desire to resurface various county roads in Nelson County, which shall hereinafter be referred to as the "Project";

WHEREAS, the County desires to be the lead agency and perform this Project to enhance the safety and reliability of roadway connections for the commuting public;

WHEREAS, the County shall refer to the applicable state requirements listed in the Interim Project Development Guide for Local Public Agencies and any future revisions for assistance in complying with this Agreement;

WHEREAS, the County has asked the Department for funding assistance for costs incurred during this Project;

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 311

**WHEREAS**, the **Department** agrees this is a worthwhile **Project** and is willing to reimburse the **County** up to \$200,000 in state contingency funding (FD39) for the completion of this **Project**; and

**WHEREAS**, any cost in excess of the reimbursement funding (\$200,000) for this **Project** will be the responsibility of the **County**.

**NOW, THEREFORE**, in consideration of these premises and the mutual covenants contained herein, the parties hereby agree as follows:

1. The **Department** agrees to reimburse the **County** up to \$200,000 for completion of work by the **County**, or consultants, contractors, or subcontractors hired by the **County**, under the obligations of this Agreement for the following **Project**:

To resurface the following various county roads:

- (CR 1140) Jim Clark Road from 1.8 miles north of KY 457 extending northerly for approximately 0.9 mile
- (CR 1106) Pottershop Road from Ed Brent Lane extending northerly for approximately 1.198 miles to Pottershop Loop
- (CR 1249) Mt. Moriah Road from 0.37 mile northeast of KY 61 extending northeasterly for approximately 0.585 mile to the end of the paved portion of Mt. Moriah Road
- (CR 1242D) Edwards Avenue from KY 61 extending southwesterly for approximately 0.311 mile to Petersburg Road
- (CR 1313) Whitesides Road from US 31E extending northeasterly for approximately 0.814 mile to the low water crossing over Kimbly Run
- (CR 1035) Green Chapel Road from 0.73 mile northeast of Timber Creek Road extending northerly for approximately 0.881 mile to Ockerman Lane

This **Project** is designed to enhance the reliability of the highway network and safety for motorists in the area providing safe connections. The **County** may choose to resurface any of the roads listed above at their own discretion, however, any ineligible costs, costs in excess of \$200,000 or any road not listed above is the responsibility of the **County**.

2. The **Department** has authorized up to \$200,000 in state contingency funding (FD39) for all eligible expenses for this **Project**. This funding shall be made available for reimbursement to the **County** for all eligible expenses to the **Project**. The **County** shall be responsible for all eligible costs above the \$200,000 as well as any costs deemed ineligible for reimbursement from this **Project**. Any additional funding obligated for the completion of this **Project** shall be evidenced in writing by both parties with a Supplemental Agreement.
3. This Agreement is contingent upon the continued availability of appropriated funding. If the funding appropriated for the **Project** becomes unavailable for any reason including: the Kentucky General Assembly's failure to appropriate the funding, by operation of law or as the result of a reduction in funding, further reimbursement of **Project** expenditures may be denied, the **Project** may be cancelled, the timeline extended or the scope amended by the

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 312

**Department** either in whole or in part without penalty. Denial of further reimbursement, **Project** cancellation, extension or amendment because of an interruption in the appropriated funding is not a default or breach of this Agreement by the **Department** nor may such denial, cancellation, extension or amendment give rise to any claim against the **Department**.

4. The effective date of this Agreement is the date of signature by the Secretary of the **Department's** Transportation Cabinet. The Term of Eligible Reimbursement under this Agreement shall be three (3) years from the date of its execution unless extended or amended by written Agreement in accordance with the provisions of KRS 45A. Any and all funding obligated for any phase of this **Project** shall be available to reimburse the **County** for eligible work activities completed and costs incurred prior to expiration.
5. The **County** shall follow state specifications for each necessary phase of this **Project**. The **County** shall adhere to all state regulations, including KRS 45A, KRS 176, KRS 177, and all terms of this Agreement for activities related to this **Project** as lead agency. The **County** will obtain any required permits, licenses or easements required to initiate, perform, and complete work and provide documentation to the **Department's** District 4 Office in Elizabethtown. In addition, the **County** is responsible to meet all other requirements and adhere to all regulations necessary to qualify for the receipt of these state funds. Concurrence must be obtained by the **County** through the **Department's** District 4 Chief District Engineer in Elizabethtown prior to the awarding of any contract for work or materials to be used on this **Project**.
6. Should the **Project** require any design services, the **County** agrees to use only licensed consultants who are pre-qualified to do work for the **Department** or to use a licensed Professional Engineer registered in the Commonwealth of Kentucky that demonstrates sufficient experience and knowledge in the type of work and receives the approval of the **Department's** District 4 Chief District Engineer in Elizabethtown. The **County** shall be responsible for all **Project** design activities, which may be completed either by the **County's** staff or a consultant that is to be selected based on qualifications. All design work to be contracted must comply with all legal advertisement and selection requirements including, but not limited to, the Model Procurement Code provisions of KRS 45A and KRS 424. The **County** shall submit and obtain concurrences to the **Department's** District 4 Chief District Engineer in Elizabethtown final design plans, specifications, and a total estimate prior to any construction. When applicable, the **County** must obtain any necessary permits or easements to allow for work to be accomplished on this **Project** and adhere to the Uniform Relocation Assistance (URA) and Real Property Acquisitions Policies Act.
7. Should the **Project** require the acquisition of any interest in real property by the **County** and the **County** does not have the authority to acquire property by eminent domain, the applicability of the Uniform Relocation Assistance (URA) and Real Property Acquisitions Policies Act shall be limited to the following requirements: (1) Prior to making an offer for the property, the property owner shall be advised in writing that should negotiations fail to result in an amicable agreement, the **County** will not be able to acquire the property, and (2) The property owner shall be informed in writing of what the **County** believes to be the fair market value of the property based upon a fair market value appraisal approved prior to any

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 313

offer by the **Department**, Division of Right of Way and Utilities. The **County** shall ensure that all real property acquisition, relocation assistance, and property management are completed in a fair, equitable and approved manner consistent with all state laws and regulations governing the acquisition of real property for public use using highway funding. In all real property acquisitions, concurrence must be obtained through the **Department's** Division of Right of Way and Utilities and shall be subject to review and approval by the **Department**.

8. The **County** must obtain encroachment permits to allow for work to be accomplished on state owned right-of-way from the **Department's** District 4 Office in Elizabethtown. The **County** acknowledges that the **Department** will require the placement of a restrictive easement approved by and in favor of the **Department** in the chain of title of any real property acquired or improved pursuant to the **Project**. If the owner of any real property acquired or improved pursuant to the **Project** is not the **Department** or the **County**, the owner shall sign and be made a party to this Agreement and the owner hereby acknowledges, covenants and consents to the placement of a restrictive easement for perpetual maintenance of the property acquired or improved pursuant to the **Project** in the chain of title in favor of the **Department** prior to final reimbursement by the **Department**.
9. The **County** shall either adopt in writing the **Department's** written Policies and Procedures for Right of Way Acquisition and Relocation Assistance or present its own written Policies and Procedures for approval by the **Department's** Division of Right of Way and Utilities. The **County** shall conduct all appraisals and appraisal reviews using personnel meeting the **Department's** minimum qualifications and listed on the **Department's** pre-qualified appraiser and reviewer list. If the **County** chooses to use an acquisition consultant on all or any portion of the **Project**, the selection of the consultant shall be in accordance with the **Department's** Division of Right of Way Guidance Manual. All appraisals must be reviewed and approved by the **Department's** Central Office review appraisers, failure to do so will result in the **Project** being ineligible for funding reimbursement. The **County** shall provide property management in accordance with approved procedures and be responsible for the abatement of any asbestos containing materials and removal of contaminated soils pursuant to applicable state laws and regulations. The **County** shall provide the **Department** necessary assurance that all real property has been acquired and all displaced individuals, businesses, non-profit organizations and farms have been offered relocation assistance according to applicable state laws and regulations. The **County** shall provide the **Department** necessary documentation for review and approval at various stages of the acquisition process, as described in the **Department's** Right of Way Relocation Assistance Guidance Manual.
10. When conducting a utility relocation, KRS 177.035 and KRS 179.265 determine the necessity of payment for utility companies. Identification of utility or railroad facilities in conflict with the **Project**, the execution of a remedy for said conflict and oversight of the execution, and all work related to the **Project** shall be done in accordance with the Cabinet's Standards, Specifications, Standard Drawings, and Utilities and Rails Manual. Utility relocations shall be designed by the utility company and shown on the **Project's** survey and general plan sheets. The impacted utility company, with its regular construction or

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 314

maintenance personnel, and/or with an approved contractor or subcontractor, will furnish all engineering, administration, labor, and materials to make and complete all necessary adjustments of its facilities to accommodate the **Project**. Correspondence pertaining to utility or railroad coordination must be provided to both contracted parties. If a conflict of interest arises between the obligated party and a utility company, the unobligated party shall intercede to provide the utility coordination. The completed relocation shall be inspected to document the proper installation of the facilities. Upon full execution of the utility relocation for the **Project**, three (3) sets of as-built plans for each utility company that completes facility relocation on the project prior to the construction letting, a utility impact note defining the utilities identified in the **Project**, relocations that have been performed, incomplete relocations, and completion schedules for the incomplete work must be provided.

11. State construction criteria for the type of work shall be followed, including but not limited to the **Department's** Highway Design Manual, the **Department's** Standard Drawings, the **Department's** Standard Specifications for Road and Bridge Construction, the **Department's** Drainage Manual, the **Department's** Structural Design Manual, the American Association of State Highway Transportation Officials' (AASHTO) "Policy on Geometric Design of Highways and Streets", and the FHWA Manual on Uniform Traffic Control Devices (MUTCD). All work performed shall be in accordance with the **Department's** Standard Specifications for Road and Bridge Construction, edition 2008 as revised, and as provided in Subsection 105.01 of said Specifications. All materials furnished shall be in accordance with Subsection 106 of said Specifications to include all **Department** List of Approved Materials. These standards, specifications, and criteria are incorporated in this Agreement by this reference.
12. The **County** agrees to use only licensed contractors and subcontractors who are pre-qualified to do work for the **Department** for any necessary construction services. The **County** shall be responsible for all **Project** construction activities, which may be completed either by the **County's** staff or through the advertisement, opening of bids, selection, and contracting for contractor services in accordance with the Model Procurement Code provisions of KRS 45A and KRS 424. Specific requirements defined within KRS 45A require that the award be made to the lowest responsive bidder meeting the criteria of responsibility established by the **Department**. The contractor affirms that it is properly authorized under the laws of the Commonwealth of Kentucky to conduct business in this state and will remain in good standing to do business in the Commonwealth of Kentucky for the duration of any contract awarded. The contractor shall maintain certification of authority to conduct business in the Commonwealth of Kentucky during the term of this contract. Such registration is obtained from the Secretary of State, who will also provide the certification thereof. The **County** must receive **Department** approval for all change orders and shall have approval of the appropriate governing authority, but shall not increase the funding obligated to the **County** as a result of this Agreement.
13. The **County** shall be responsible for all aspects of administration, measuring, testing, and inspections to ensure the materials and work meets the **Department's** specifications of the construction contract. This includes providing daily, on-site inspection of the contractor's work activities and processing all of the paper work associated with the construction contract, including any change orders. The **Department** shall have access to the **Project** area and

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 315

may conduct field reviews of the **Project** at any time. These field reviews are intended to verify status of the **Project**, performance of the contractor, adequacy of the **County** oversight, conformance with all laws, regulations, and policies and provide assistance to the **County** as may be necessary.

14. The **County** may submit to the **Department's** District 4 Office in Elizabethtown current billings reflecting the actual cost of work incurred during any given work period, which will be paid within a reasonable time after receipt by the **Department**; however, in no event is the **County** to submit billings for work performed for less than a thirty (30) day period. All charges to the **Project** shall be supported by properly executed invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the charge. The **Department** may require additional documentation at their discretion.
15. The **County** is responsible for ensuring that all **Project** construction activities have been completed and are responsible for providing all of the necessary paperwork as required by the construction contract. The **County** will conduct a field inspection to verify completion of the work in conformance with the Agreement. This documentation must be provided to the **Department's** District 4 Chief District Engineer in Elizabethtown prior to final payment of the **Project**. When both the **County** and the **Department** accept the field work as complete, the **County's** project manager shall certify the **Project** was constructed in accordance with the plans and specifications and that all funding authorized on this **Project** has been used to reimburse for materials, equipment, or labor as intended and at the location agreed herein by both parties. Upon receipt of the **Department's** Final Acceptance Report, the **County** will issue the final payment to the contractor with an official Release of Contractor form for signature. Within 30 days, the **County** shall provide the **Department** with a copy of the official Release of Contractor form, as well as proof of payment, which includes cancelled checks.
16. This Agreement and the maintenance responsibilities herein shall survive in perpetuity the cancellation or termination of all or any portion of the **Project**, and shall survive the completion of and acceptance of the **Project**. To protect the public interest and maintain the original intent, the **County** agrees to maintain in an acceptable condition all facilities improved by the **Project** to the condition existing at the time of the Final Acceptance Report in perpetuity. In the event that the **Project** improvements are not maintained as a public facility, the **County** shall reimburse the **Department** for all costs incurred and for all funding expended pursuant to the **Project**, including any applicable interest.
17. The **County** shall maintain for a period of three (3) years all records of materials, equipment, and labor costs involved in the performance of work of said **Project**. In order to obtain reimbursement from the **Department** for constructing said **Project**, the **County** shall submit to the **Department's** District 4 Office in Elizabethtown documented invoices of materials, equipment, and labor used on the **Project**, including certification that the work was accomplished on a publicly maintained facility.
18. No member, officer, or employee of the **Department** or the **County** during his tenure or for one (1) year thereafter shall have any financial interest, direct or indirect, in this Agreement or the proceeds thereof as identified in KRS 45A.340. The **Department** and the **County**

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 316

- shall comply with the requirements of the Executive Branch Code of Ethics KRS Chapter 11A. The **County** warrants that no person, elected official, selling agency or other organization has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. No member, officer, or employee of the **Department** or **County** shall collude or lobby on behalf of this **Project** without penalty, including but not limited to suspension or debarment.
19. To the extent permitted by law, the **County** shall indemnify and hold harmless the **Department** and all of its officers, agents, and employees from all suits, actions, or claims of any character arising from any injuries, payments or damages received or claimed by any person, persons, or property resulting from implementation of any phase of the **Project** or occurring on or near the **Project** site.
20. The **County** hereby acknowledges it is responsible to inform any entity it intends to hire or use as a contractor, as defined in KRS 45A.030(9), that the contracting agency, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any of the contractor's books, documents, papers, records, or other evidence, which are directly pertinent to this Agreement for the purpose of financial audit or program review. Furthermore, any of the contractor's books, documents, papers, records or other evidence provided to the contracting agency, the Auditor of Public Accounts, or the Legislative Research Commission which are directly pertinent to the Agreement shall be subject to public disclosure provisions of KRS 61.870 to KRS 61.884 regardless of the proprietary nature of the information.
21. The **Department** reserves the right to cancel this Agreement at any time deemed to be in the best interest of the **Department** by giving thirty (30) days written notice of such cancellation to the **County**. If the Agreement is cancelled under this provision, the **Department** shall reimburse the **County** according to the terms hereof to the date of such cancellation. Any dispute concerning a question of fact in connection with the work not disposed of by Agreement between the **County** and the **Department** shall be referred to the Secretary of the Transportation Cabinet of the Commonwealth of Kentucky, or his duly authorized representative, whose decision shall be final. Any proposed change or extension to this Agreement shall be at the mutual consent of the **County** and the **Department** and be evidenced in writing.
22. It is understood and agreed by these parties that if any part of this contract is held by the courts to be illegal or in conflict with any law of the Commonwealth of Kentucky, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular part, term, or provision held to be invalid.
23. The **County** will pass a resolution authorizing the Judge/Executive to sign this Agreement on behalf of the **County**. A copy of that resolution shall be attached to and made a part of this Agreement.

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 317

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their officers thereunto duly authorized.

NELSON COUNTY

COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET

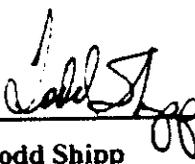
  
\_\_\_\_\_  
Dean Watts  
Judge/Executive

\_\_\_\_\_  
Michael W. Hancock  
Secretary

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO FORM & LEGALITY

  
\_\_\_\_\_  
Todd Shipp  
Office of Legal Services

DATE: 3/29/11

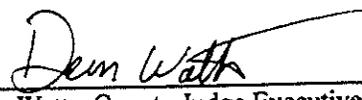
### RESOLUTION

Whereas, Nelson Fiscal Court has received an agreement to blacktop various County roads in the amount of \$200,000;

Therefore, Nelson Fiscal Court authorizes the County Judge Executive to sign all documents related to said agreement.

Approved this 19<sup>th</sup> day of April, 2011 by unanimous vote of the Fiscal Court.

NELSON FISCAL COURT

  
\_\_\_\_\_  
Dean Watts, County Judge Executive

### BIDS FOR SALT

Road Salt Reverse Auction Bids  
Nelson County      thru the Kentucky Association of Counties (KACO)  
1 April 2011 - 10:30 A.M. est.  
[www.ordisonline.com/kaco](http://www.ordisonline.com/kaco)

Company	Unit Bid \$/Ton - Delivered	Est. Quantity Tons	Estimated Cost if 100% purchased
North American Salt Overland Park, KS	\$69.18	1500	\$103,770.00
Central Salt LLC Elgin, IL	\$66.40	1500	\$104,100.00
MORTON SALT	\$70.42	1500	\$105,630.00
Cargill Deicing, Inc. North Olmsted, OH	\$71.95	1500	\$107,925.00

Road Salt Costs	Price per ton	Tons delivered Estimated	Comments
Year 2005-2006	\$41.50	300	
Year 2006-2007	\$42.25	600	
Year 2007-2008	\$43.05	750	
Year 2008-2009	\$59.20	1200	used ~ 500 tons sand
Year 2009-2010	\$57.00	1000	used ~ 500 tons sand
Year 2010-2011	\$59.16	1493	~ 1750 tons sand

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 318

On motion of Bernard Ice, second of Jerry Hahn, by unanimous vote of the Court, IT IS HEREBY ORDERED to contract with Northa American Salt Company and to authorize the County Judge-Executive to sign related documents.

ROUTINE MAINTENANCE - Jim Lemieux reported that bulky-item pickup was completed last week, that bushhog work will begin tomorrow, that pothole repairs are on-going, on a waterline break damage to Hardin Leslie Rd., and on various clean-up jobs.

PAVING MACHINE - Discussion was held concerning possible purchase of an 8 ft. wide paving machine to be used for patching. It has been determined that the State's 5 ft. machine used on a trial basis a few months ago did not do an adequate job. During discussion, need for training and work crews needed to operate the machine were noted. Following discussion, Court members suggested that Jim Lemieux look into cost of renting a machine such as the one proposed for purchase, rental to include an operator who can train county crews, in order to ascertain quality of machine and to see the practicality of putting county crews on such a machine, particularly in light of the amount spent annually on blacktop using the current method of patching.

### \*\*LANDFILL/SOLID WASTE

Landfill Engineer Brad Spalding gave Court members a summary of the bulky item cleanup program from its beginning in 1997:

### BULKY ITEM CLEANUP SUMMARY

1997		
	TONS	LANDFILL COST
FEB	155	\$6,600
MAR	820	\$29,288
APR	304	\$12,960
<b>TOTALS</b>	<b>1079</b>	<b>\$48,868</b>

1998		
	TONS	LANDFILL COST
FEB	234	\$11,036
MAR	633	\$23,554
APR	53	\$1,920
<b>TOTALS</b>	<b>920</b>	<b>\$36,510</b>

1999		
	TONS	LANDFILL COST
FEB	264	\$11,015
MAR	965	\$31,683
APR	348	\$14,393
<b>TOTALS</b>	<b>1,578</b>	<b>\$57,093</b>
Tires	8,473	

2002			
	TONS		LANDFILL COST
FEB	157		\$6,289
MAR	1,189		\$40,591
APR	1,245		\$48,318
MAY	39		\$759
<b>TOTALS</b>	<b>2,898</b>		<b>\$97,968</b>
	*Hours	\$/Hr	Labor Cost
Labor	8,016	12.4	\$74,888
Trucking Cost			\$11,980
<b>TOTAL COST</b>			<b>\$183,554</b>

Labor calculated with 18 men working 8 hour days for 47 working days  
Tires 8,024

2003			
	TONS		LANDFILL COST
FEB	54		\$1,500
MAR	1,080		\$42,118
APR	1,002		\$43,549
<b>TOTALS</b>	<b>2,137</b>		<b>\$87,283</b>
	*Hours	\$/Hr	Labor Cost
Labor	5,376	13.02	\$88,988
Trucking Cost			\$17,883
<b>TOTAL COST</b>			<b>\$178,220</b>

Labor calculated with 18 men working 8 hour days for 42 working days  
Metal Recycled: 2000 Cubic Yards  
Tires 3,010

2004			
	TONS		LANDFILL COST
FEB	264		\$13,490
MAR	1,238		\$52,437
APR	240		\$9,921
<b>TOTALS</b>	<b>1,740</b>		<b>\$75,848</b>
	*Hours	\$/Hr	Labor Cost
Labor	4,088	13.67	\$84,892
Trucking Cost			\$21,078
<b>TOTAL COST</b>			<b>\$182,917</b>

Labor calculated with 18 men working 8 hour days for 32 working days  
Metal Recycled: 802 Cubic Yards  
Tires 3,080

2007			
	TONS		LANDFILL COST
FEB	159		\$5,062
MAR	795		\$32,599
APR	310		\$12,628
<b>TOTALS</b>	<b>1,264</b>		<b>\$48,879</b>
	*Hours	\$/Hr	Labor Cost
Labor	3,840	15.65	\$80,088
Trucking Cost			\$17,832
<b>TOTAL COST</b>			<b>\$128,807</b>

Labor calculated with 18 men working 8 hour days for 30 working days  
Metal Recycled: 45 Cubic Yards  
Tires 3,360

2008			
	TONS		LANDFILL COST
FEB	0		\$8,715
MAR	1,162		\$35,799
APR	203		\$6,251
<b>TOTALS</b>	<b>1,365</b>		<b>\$48,784</b>
	*Hours	\$/Hr	Labor Cost
Labor	3,200	16.12	\$81,884
Trucking Cost (Estimated)			\$16,128
<b>TOTAL COST</b>			<b>\$116,486</b>

Labor calculated with 16 men working 8 hour days for 25 working days  
Metal Recycled: 0 Cubic Yards  
Tires 6,123

2008			
	TONS		LANDFILL COST
FEB	98		\$5,091
MAR	644		\$30,263
APR	316		\$13,486
<b>TOTALS</b>	<b>1,068</b>		<b>\$48,843</b>
	*Hours	\$/Hr	Labor Cost
Labor	5,120	16.6	\$84,892
Trucking Cost (Estimated)			\$16,128
<b>TOTAL COST</b>			<b>\$148,963</b>

Labor calculated with 16 men working 8 hour days for 40 working days  
Metal Recycled: 0 Cubic Yards  
Brush Pickup = 15,183 Cubic Yards  
Tires 4,757

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 319

2000			
	TONS	LANDFILL COST	
FEB	488		\$16,063
MAR	1,082		\$41,565
APR	287		\$9,115
<b>TOTALS</b>	<b>1,857</b>		<b>\$67,343</b>
	*Hours	\$/hr	Labor Cost
Labor	3820	11.21	\$43,843
Tires	11,544		

2001			
	TONS	Landfill Cost	
FEBRUARY	187		\$8,951
MARCH	1,294		\$49,500
APRIL	382		\$12,055
<b>TOTALS</b>	<b>1,872</b>		<b>\$71,406</b>
	Hours	\$/hr	Labor Cost
Labor	5,120	\$11.80	\$60,416.00
			Total Cost \$131,821.30

Labor calculated with 16 men working 8 hours/day for 40 days  
Tires 9,530

2005			
	TONS	LANDFILL COST	
FEB	250		\$10,225
MAR	852		\$37,320
<b>TOTALS</b>	<b>1,102</b>		<b>\$47,545</b>
	*Hours	\$/hr	Labor Cost
Labor	3,840	13.97	\$53,846
Trucking Cost			\$10,825
<b>TOTAL COST</b>			<b>\$112,018</b>

Labor calculated with 16 men working 8 hour days for 30 working days  
Metal Recycled: 488 Cubic Yards  
Tires 2,680

2006			
	TONS	LANDFILL COST	
FEB	182		\$4,200
MAR	1,094		\$50,558
APR	478		\$20,890
<b>TOTALS</b>	<b>1,752</b>		<b>\$75,658</b>
	*Hours	\$/hr	Labor Cost
Labor	4,100	14.67	\$60,027
Trucking Cost			\$16,028
<b>TOTAL COST</b>			<b>\$152,880</b>

Labor calculated with 16 men working 8 hour days for 32.5 working days  
Metal Recycled: 288 Cubic Yards  
Tires 8,319

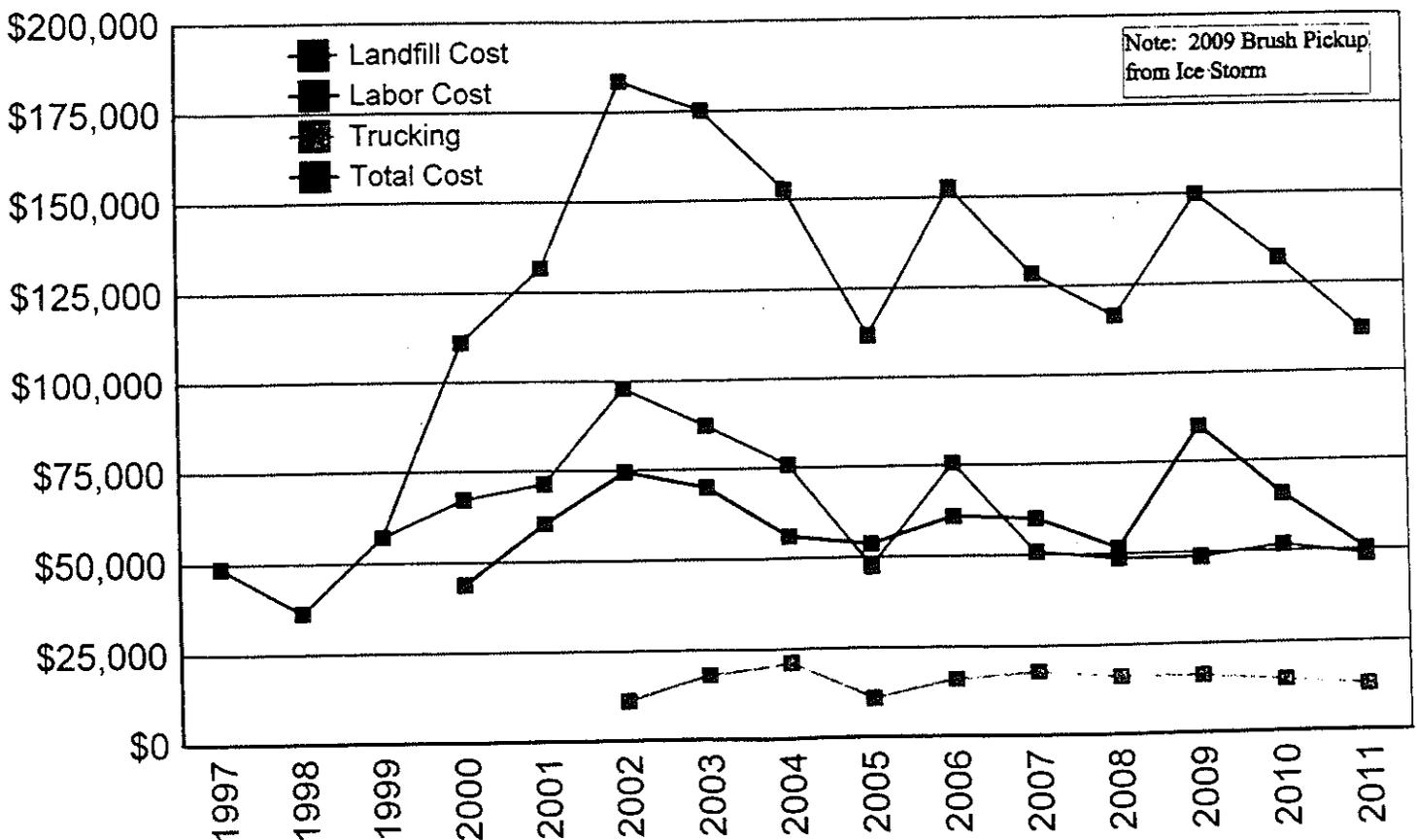
2010			
	TONS	LANDFILL COST	
MAR	888		\$38,482
APR	217		\$13,273
<b>TOTALS</b>	<b>888</b>		<b>\$51,755</b>
	*Hours	\$/hr	Labor Cost
Labor	3,820	16.78	\$64,778
Trucking Cost			\$14,892
<b>TOTAL COST</b>			<b>\$132,146</b>

Labor calculated with 14 men working 8 hour days for 35 working days  
Metal Recycled: 0 Cubic Yards  
Tires 10,411

2011			
	TONS	LANDFILL COST	
MAR	788		\$39,288
APR	228		\$9,525
<b>TOTALS</b>	<b>1,014</b>		<b>\$48,813</b>
	*Hours	\$/hr	Labor Cost
Labor	3,000	16.78	\$50,340
Trucking Cost			\$12,999
<b>TOTAL COST</b>			<b>\$112,041</b>

Labor calculated with 15 men working 8 hour days for 25 working days  
Metal Recycled: 0 Cubic Yards  
Tires 5,363

## Bulky Item Summary



Annual survey will be presented in about a month.

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 320

## JAIL

Jailer Dorcas Figg presented her regular report as follows:

### NELSON COUNTY JAIL

	Total	Hardin Co	HIP	State	W-End	In House
APRIL						
Wed. 06	120	7	2	21	8	103
Thur. 07	112	7	2	21	8	95
Fn. 08	101	7	2	20	8	84
Sat. 09	100	7	2	20	5	96
Sun. 10	103	7	2	20	6	88
Mon.11	107	7	2	20	6	92
Tue. 12	102	7	2	19	7	86
Wed. 13	101	7	2	20	9	83
Thur. 14	110	7	2	19	11	90
Fn. 15	113	7	2	20	10	94
Sat. 16	115	7	2	20	5	101
Sun. 17	110	7	2	20	6	95
Mon. 18	105	7	2	20	6	90
Tue. 19	120	7	2	23	8	103

### NELSON COUNTY JAIL

STATE SENTENCED	
CI	14
CD	9
SENTENCED TO JAIL	7
COMMUNITY SERVICE	5
WORK RELEASE	5
HIP	1
WEEKENDS	2
CIRCUIT WAITING COURT	38

#### MARCH DAILY AVERAGE

	Mandays	Average
CI	400	12
CD	278	8
NELSON	2974	95
TOTAL	3652	117

TOTAL OF 47 HAS NOT BEEN SENTENCED

#### NUMBER OF DAYS INMATES SERVED F/ MARCH 2011

ARRIVALS	MALE	FEMALE	TOTAL	DAYS		DAYS
				INMATES		
				1	111	16
	167	49	216	2	49	7
				3	10	9
RELEASES				4	9	1
	168	56	224	5	7	3
				6	11	8
SENTENCED INMATES				7	8	2
DISTRICT COURT				8	8	1
WEEKENDS		7		9	3	1
JAIL		19		10	4	1
WAITING COURT		9		11	6	2
HIP		0		12	2	0
WORK RELEASE		0		13	4	1
C/S		6		14	4	2
TO BE RELEASED APRIL		6		15	6	3
						31
						61

\*\*\*

\*\*\*\*\*

\*\*\*

### SPECIAL MEETING

Judge Watts announced that a special meeting will be called at 9:00 a.m. at the Nelson Fiscal Court Room on Tuesday, April 26.

\*\*\*

### ON-GOING

**\*\*BURNED-OUT HOUSE** - Discussion was held concerning the status of a burned-out house on Old Nazareth Rd. Court members were advised by the County Attorney that the property is in foreclosure and that the county's hands are tied at this time; he suggested that authority/responsibility related to safety, etc. could lie with bankruptcy trustees. He also reported that two insurance companies are involved in this situation and there are questions concerning payment for fire damage. He hopes that when attorneys for all entities involved in this matter come together, the situation can be resolved.

**\*\*DISPATCH CENTER** - Commenting about the Dispatch Center's need for upgrades needed to be able to handle cell phone E-911 calls, and noting the desire for professionally trained staff to serve the Dispatch Office on a 24-hour basis, the following letter was given to Court members by Judge Watts:

# Fiscal Court Orders

Apr. 19, 2011  
REGULAR SESSION OF NELSON FISCAL COURT

Book 35  
Page 321

## NELSON COUNTY DISPATCH CENTER

214 Nelson County Plaza  
Bardstown, KY 40004  
[ncdispatch@bardstowncable.net](mailto:ncdispatch@bardstowncable.net)

Telephone (502) 348-3211

Fax (502) 348-4285

Dean Watts, Judge/Executive  
Nelson County and  
Nelson County Fiscal Court  
1 Court Square- 2<sup>nd</sup> Floor  
Bardstown, KY 40004

Dear Judge/Executive and Nelson County Fiscal Court,

The Nelson County Dispatch Center is funded primarily by Nelson County Fiscal Court and Bardstown City Council making up 63 % of its operational revenues. There have been some recent changes in the administration of the Center and upon audit and review we have learned the FY 2010/2011 budget submitted and approved by the two governing bodies June 2010 was inaccurate.

The combined contributions for the City and County FY 2010/2011 should have been \$492,400.00. The breakdown is 40 % to Bardstown City equaling \$196,960.00 and 60% to The County of Nelson equaling \$295,440.00.

It appears the FY 2010/2011 budget for the Nelson County Dispatch Center which was approved by The Nelson County Fiscal Court showed the amount for The City of Bardstown to be \$196,400.00 and for the County of Nelson \$278,000.00. This leaves the dispatch budget in a deficit of (\$18,000.00).

The error discloses an increase necessity to be met of \$520.00 from the City of Bardstown and \$17,440.00 from the County of Nelson.

On behalf of the Nelson County Dispatch Board, I respectfully ask you to amend your budgets to reflect this oversight in order to enable us to meet all The Central Dispatch's financial responsibilities remaining this fiscal year 2010/2011.

The Nelson County Dispatch Center is experiencing some changes and has taken grasp of some infancy deficiencies. Be assured, the board is diligently working toward efficiency within the organization as we will not rest until the Dispatch Center's Phase II compliance goal is met. This goal will allow The Central Dispatch Center to receive county cell phone subscriber's surcharge that is currently being disbursed to The Kentucky State Police. Expenditure control is a priority as the E-911 Dispatch Board reconciles any unnecessary budgeted allowance within future plans.

Sincerely,



Fredrick DeWitt, Chairman  
Nelson County E-911 Dispatch Board  
477 Fifth Street  
New Haven, KY 40051  
(502) 827-2165

\*\*NORTH NELSON WATER - Magistrate Jeff Lear reported having attended a meeting of the North Nelson Water District Board and complimented that group on their foresight on addressing water issues and needs in their area, particularly their pro-active purchase of water from the Louisville Water Company and developing infrastructure related to that activity and in encouraging communication between water providers within the County.

\*\*\*

\*\*\*\*\*

\*\*\*

On motion of Keith Metcalfe, second of Bernard Ice, by unanimous vote of the Court, IT IS HEREBY ORDERED to adjourn the Apr. 19 session of Nelson Fiscal Court.

DEAN WATTS, NELSON COUNTY JUDGE-EXECUTIVE

ELAINE A. FILIATREAU, NELSON COUNTY CLERK