

CITY OF BARDSTOWN REGULAR COUNCIL MEETING MINUTES

10-27-09
7:00 P.M.

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

Councilman Reed
Councilman Williams
Councilman Lydian
Councilman Royalty
Councilman Sheckles
Councilman Simpson

Others present: Police Chief Marksbury, Fire Chief Mattingly, Asst. City Administrator Green, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Attorney Donan, City Clerk Blincoe, WBRT/WOKH reporter Fred Hagan, WYSB reporter Tom Redmon, PLG-TV Director Isaac, The Kentucky Standard reporter Stephanie Hornback, KLC Marketing Agent Marty Nemes, HRB Administrator Pen Bogert, Charlene Elizabeth Jones, Kevin Brumley, David Hall and Tom Hall.

Mayor Heaton called the meeting to order at 7:00 p.m.

KENTUCKY LEAGUE OF CITIES (KLC) AWARD

Marty Nemes, Marketing Agent for KLC, updated the Council on the changes and new leadership at the Kentucky League of Cities. He presented the City with an Unbridled Spirit sculpture for being a loyal member of the KLC Insurance Program for twenty years.

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The recommendations from the HRB October 12, 2009 meeting were presented as follows:

A. Certificates of Appropriateness

1. COA #09-44 (RECOMMENDED, WITH MODIFICATION)

Kandice Walton proposes to construct a rear, ell-shaped, frame addition to the brick building on the corner of Raspberry and Cherry Alleys. She also seeks a 27' variance in the rear setback to accommodate the addition and requests a conditional use permit for residential use. The property is zoned B-2 and has an existing non-conforming rear setback (B-2 zoning requires 30' minimum). The gable-roof addition will run 22.68' from the rear of the building and will then run 24.6' parallel to the rear property line. It will be covered in weatherboard; there will be a pair of glass-paneled doors at the rear and two small windows for the bathroom. The windows and doors will be solid wood. The applicant proposes to replace the existing red metal roof and cover the addition with a metal Snap-Lock roof, painted dark green (sample to submitted), which will match the existing roof profile. Paint colors for the siding and trim will be submitted at a later HRB meeting.

Recommendation: To recommend approval of the proposal to construct an addition to the brick building at 317 Raspberry Alley, as specified in this application, with the modification that HardiPlank may be used in place of wood siding because this is new construction. The HRB also voted to give staff authority to approve roof, siding, and trim colors and to approve door and window types.

2. COA #09-45 (RECOMMENDED)

Paul Blaine Hamilton proposes to change the color of the entrance awning at 119 W. Stephen Foster Ave. from maroon to black to match the hanging sign on the building. The awning will be the same size and material as the existing awning and the street number will be in gold.

Recommendation: To recommend approval of the proposal to install a black replacement awning at 119 W. Stephen Foster Ave., as specified in this application.

3. COA #09-46 (RECOMMENDED WITH CONDITIONS)

Franklin Hibbs III has paved the gravel/grass parking strip next to his house (north side) at 216 N. Fourth St. without first obtaining a COA. He also constructed a paved patio at the rear. There is still 41% open space remaining on the property, which exceeds the minimum 25% required by R-3 zoning.

Recommendation: To recommend approval of the construction of a rear patio and the paving of a parking strip on the north side of 216 N. Fourth St., as specified in this application with the following condition: a 2'-3' section must be removed from the center of the concrete pad and grass planted in its place, leaving two parallel concrete parking strips.

4. COA #09-47 (RECOMMENDED)

Carol Waggoner proposes to remove a non-historic chimney at the rear of her residence at 210 E. Stephen Foster Ave. The chimney, which is not visible from the street, and the rear addition were built sometime after 1951 (see enclosed 1951 Sanborn Map).

Recommendation: To recommend approval of the proposal to remove a non-historic chimney at 210 E. Stephen Foster Ave., as specified in this application.

5. COA #09-48 (POSTPONED UNTIL NOVEMBER MEETING)

Roland Gabbert proposes to replace the windows on all sides of his office at 321 W. Stephen Foster Ave. in order to provide for a quieter office and increased energy efficiency. The proposed windows are 7 Anderson 400 Series (aluminum clad/wood) for the front and Dove vinyl replacement windows for the sides and rear. The outside will be wrapped with aluminum trim. The portion of the application requesting additional parking spaces has not been submitted because a current site plan was not received by the deadline.

6. COA #09-49 (RECOMMENDED)

Catherine Clements proposes to paint the front and one side door at 131 N. Third St. Black Forest Green (Benjamin Moore). She also proposes to place two 12" x 8" (maximum) ID signs ("The Peacock on Third") on the inside of the two doors and to replace the lettering on the front awning with "The Peacock on Third" in white, using the existing font.

Recommendation: To recommend approval of the proposal to install door and awning signage at 131 N. Third St., as specified in this application.

C. Staff Approvals

1. On 9/14 staff gave approval to Ed Seay to remove a small diseased tree at the rear of his residence at 111 W. John Fitch Ave.

2. On 9/23 staff gave approval for removal of a damaged maple tree at the north side of Spalding Hall by the entrance to Xavier's. The tree will be replaced.

Pen Bogert, for Don Parrish, Chair of the Bardstown Historical Review Board

Councilman Royalty had questions about the late fee assessments for owners who fail to obtain the necessary permits. HRB Administrator Bogert reported that at the present time, the fees could not be fairly assessed in all cases; however, the fees were being reviewed for amendments. The Mayor said that the present rules allow the HRB to impose a fee but they do not require the HRB to do so. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATIONS FROM THE HRB ON ITEMS 1, 2, 3, 4, AND 6 WERE APPROVED.**

The HRB recommended all elements in Phase II of the Bardstown Streetscape Project that were presented at its Special Meeting held on October 20, 2009 with modifications as follows:

Old Courthouse Building

- Reduce the amount of landscaping and resubmit a rendering showing reduced landscaping around the building and landscaping height in relation to the building.
- Replace the planned six Robin Hill Serviceberry trees with six Tree Lilacs.

Courthouse Square

- Replace the existing cobblestones at Parc Billom with brick pavers.
- Add more benches to Parc Billom.
- Add at least one more tree to Parc Billom.
- Remove the existing water fountain at Parc Billom.
- Replace the planned tree on the south side of the Old Library Building with a smaller species.
- Recreate the existing historic cheekwalls and install them by the new concrete steps at the John Fitch Monument.
- Add trees and benches around the John Fitch Monument area.
- Eliminate the planned tree in front of the east side of Talbott Tavern.
- Add one parking space on the east side of Talbott Tavern.
- Retain the historic brick pavers on the east side of Talbott Tavern and replace them, if necessary, with matching historic brick pavers.
- Retain the historic limestone curbing on the southwest and southeast corners for decorative purposes.
- Add one parking space in front of the McLean House.
- Replace the existing concrete on the west side of the McLean House with brick pavers.

100 Block of East Stephen Foster Avenue

- Eliminate the planned tree in front of the Chapeze House.
- Remove and replace the concrete sidewalk in front of #114 and #116 E. Stephen Foster Ave. with concrete.

100 Block of West Stephen Foster Avenue

- Eliminate the planned trees in front of #119 (formerly Waddy Oil Co.), # 113 (formerly McCoy Law Office), the Jailer's Inn, and the planned tree directly in front of the north side of the Talbott Tavern.

Pen Bogert, for Don Parrish, Chair of the Bardstown Historical Review Board

David Hall was recognized and spoke regarding his written request to the Mayor and Council to have a "cone test" performed on the proposed plan's traffic flow around the Courthouse to see if large trucks could handle the reduced two-lane width. He challenged the Council to observe the traffic around Court Square so that they could see the difficulty level. Mayor Heaton explained that he had talked with the state transportation officials and this test to create the outer radius with cones could not be done; however, they are comfortable with the design.

UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO APPROVE ALL ASPECTS OF PHASE II OF THE BARDSTOWN STREETScape PROJECT WITH THE MODIFICATIONS WAS APPROVED.

DEVELOPMENT REVIEW BOARD RECOMMENDATIONS

DRB-155 was presented for Boone, Inc., for a 9,600 square foot building and 131,196 square foot outdoor sales/display lot for a heavy equipment sales, lease and rental business at the end of Schuler Drive, Lots 23-26, Schuler Industrial Drive. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD WAS APPROVED WITH THE STATED CONDITIONS.**

DRB-156 was presented for Flaget Healthcare Systems for a 2,800 square foot addition onto the existing medical office building at 4359 New Shepherdsville Road (KY 245). **UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD WAS APPROVED WITH THE NECESSARY CONDITIONS.**

MINUTES

The minutes from the 10-13-09 regular City Council meeting were then presented and **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

FIRST READING - CLASSIFICATION PLAN/COMPENSATION PLAN ORDINANCE AMENDMENT

Assistant City Administrator Green updated the Council on additional changes to the ordinance that would require another first reading. The changes included a change in departments for the Lake Patrol position and an amendment to the Sanitation Worker I job classification. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING WAS APPROVED AS AMENDED.**

RESOLUTION OF ASSIGNEE/MUNICIPAL ORDER NO. 2009-18

The Assistant City Administrator presented a resolution/Municipal Order No. 2009-18 required for receipt of the Kentucky Infrastructure Authority (KIA) grant funds as follows:

MUNICIPAL ORDER NO. 2009-18

EXHIBIT 1
RESOLUTION OF ASSIGNEE
WX21179017
PROJECT ID #339N-2008

RESOLUTION OF THE CITY OF BARDSTOWN (ASSIGNEE) ACCEPTING ASSIGNMENT OF THE GRANT FROM GRANTEE NELSON COUNTY FISCAL COURT, AUTHORIZING AMENDMENT OF THE LOCAL BUDGET, AND AUTHORIZING A REPRESENTATIVE TO SIGN ALL RELATED DOCUMENTS

WHEREAS, the General Assembly has appropriated funds for infrastructure projects in the 2008-2010 Budget of the Commonwealth; and
WHEREAS, the Assignee has previously determined that it is in the public interest to acquire and construct certain facilities and improvements to the Assignee's utility system (the "Project"); and
WHEREAS, the Assignee desires to utilize funding from the Kentucky Infrastructure Authority (the "Authority"), originally designated for the Grantee, Nelson County Fiscal Court, for the purpose of acquisition and construction of the Project.
NOW, THEREFORE, BE IT RESOLVED by the City of Bardstown as follows:

SECTION 1. That the Assignee hereby accepts assignment of the grant award and assumes responsibility for carrying out the terms of the Agreement between the Grantee and the Authority substantially in the form on file with the Grantee, in order to receive that portion of the necessary financing to the Assignee for the acquisition and construction of the Project.

SECTION 2. That Mayor J. Richard Heaton is hereby authorized, directed and empowered by the Assignee to execute the Agreement and all other necessary documents or agreements, and to otherwise act on behalf of the Assignee to implement the Project.

SECTION 3. That the Assignee hereby includes in its annual budget the receipt and expenditures of funds subject to the Agreement with the Authority.

SECTION 4. This Agreement shall take effect immediately upon passage.

ADOPTED on OCTOBER 27, 2009.

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2009-18 WAS APPROVED AND THE MAYOR WAS AUTHORIZED TO SIGN THE NECESSARY GRANT DOCUMENTS.

BARDSTOWN HOUSING AUTHORITY REQUEST

Mayor Heaton read a request from the Bardstown Housing Authority to have access to cross over the alley that adjoins North Kennett Avenue and West Broadway with black top surface for parking only. The Housing Authority will maintain this area at all times. The plans were reviewed by the Council and a short discussion followed. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE REQUEST WAS APPROVED SUBJECT TO REVIEW BY PLANNING AND ZONING AND CITY ENGINEERS.**

APPOINTMENT

The Mayor reported that he wanted to appoint Johnny Ward, the new manager of Stephen Foster-The Musical, to replace Betty Kelley on the Tourist Commission for a three-year term. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, THE APPOINTMENT WAS APPROVED.**

BARDSTOWN'S ACTIVE NEIGHBORHOODS DELEGATION (BAND) PRESENTATION

Councilman Williams gave a Power Point presentation on BAND and summarized its primary purposes. The delegation will serve as the vehicle for neighborhoods and their residents to take a leading role in improving the quality of life for their neighborhoods and Bardstown. It will provide a centralized forum for sharing methods and tools for neighborhood and community improvements; develop neighborhood plans identifying issues, establishing actions to address those issues, setting priorities for action, identifying resources for action, and taking action; provide information to neighborhoods about city programs, policies, and resources; and, act as a liaison with city government and other local agencies and departments. The City has been divided into nine (9) divisions and each division will have no more than four (4) neighborhood representatives on BAND. The Divisions are: #1 Fairgrounds, #2 Bloomfield Road Corridor, #3 KY 245 East - Woodlawn Road Corridor, #4 My Old Kentucky Home - Wickland Corridor, #5 Halstead - Henrytown, #6 Upper Historic District, #7 Lower Historic District - US 31E South Corridor, #8 Maple Hill, and #9 Templin - KY 245 West Corridor. He discussed the neighborhood and delegate eligibility requirements and possible future ideas. All interested citizens were asked to contact a member of the City Council or call City Hall if they would like to serve as a delegate.

The Mayor thanked Councilmen Williams, Reed and Simpson for their work on the development of Bardstown's Active Neighborhoods Delegation.

MUNICIPAL ORDERS NOS. 2009-16 AND 2009-17 (NEIGHBORHOOD STABILIZATION PROGRAM)

Assistant City Administrator Green presented the Procurement Standards and URA Policy, Guideform Residential Antidisplacement and Relocation Assistance, required for the Neighborhood Stabilization Program. These procurement standards and URA Policy will be adopted as Municipal Order No. 2009-16 and Municipal Order No. 2009-17 as follows:

MUNICIPAL ORDER NO. 2009-16

**NEIGHBORHOOD STABILIZATION PROGRAM
PROCUREMENT STANDARDS**

All procurements made by City of Bardstown involving the expenditure of local and State funds for the 2009 NSP Program will be made in accordance with the following procurement standards.

Procurement transactions, regardless of method or dollar value, will maximize open and free competition. The City shall not engage in procurement practices that may be considered restrictive in trade.

Purchases will be reviewed by the Treasurer/Fiscal Officer to prevent duplication and to insure that costs are reasonable.

1. Methods for Procurement

Procurements shall be made by one of the following methods: (a) small purchase procedures, (b) competitive sealed bids, (c) competitive negotiation, (d) non-competitive negotiation.

A. SMALL PURCHASES

For purchases of less than \$50, efforts will be made to get the lowest and best price, but written records of such efforts are not necessary.

Purchases that cost more than \$50 but less than \$20,000 require quotations of rate, price, etc., but no legal advertisement is required. The City will solicit responses from at least three vendors. If written responses are not available, a statement explaining the procurement will be prepared and filed. If quotations are obtained via telephone, a memorandum will be prepared setting forth the date the calls were made, parties contacted, and prices obtained.

The City will make the award to the lowest responsive and responsible source, and enter into a contract formalizing the scope of work and terms of compensation.

B. COMPETITIVE SEALED BIDS

Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services other than those personal or professional exceeds \$20,000, an Invitation for Bids (IFB) notice will generally be prepared. Per KRS 424.120, this notice will be published at least once in a qualifying official newspaper of general circulation within the community. This newspaper notice will appear not less than seven (7) days and not more than twenty-one (21) days before the due date for bid proposals. In addition, the City must also solicit sealed bids from responsible prospective suppliers by distributing a copy of such notice to them.

The IFB will include a general description of the goods or services to be procured, the bid deposit and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest bid price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language that calls to the attention of bidders all applicable requirements that must be complied with such as Equal Opportunity and encouragement of Local, Female and Minority owned businesses to bid.

Sealed bids will be opened in public at the time and place stated in the IFBs. The City will tabulate the bids at the time of bid opening. The results of the tabulation and the bid documents will be evaluated by the review committee, which will make recommendations to the City. The City will make a firm fixed-price contract award in writing to the lowest responsive and responsible bidder. After the City makes the bid award, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

The City may cancel an Invitation for Bid or reject all bids if it is determined in writing that such is in the best interests of the City. The City may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

In the event that all bids exceed available funds, the City may enter into negotiations with bidders in accordance with KRS 45A.375.

C. COMPETITIVE NEGOTIATION

The City will utilize competitive negotiations, regardless of contract amount, upon a written determination that:

1. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid price or the lowest evaluated bid price (in other words, bidding is not feasible).
2. The services to be procured are professional or personal in nature.

With the exception of procurement of certain professional services (principally engineering services), competitive negotiations will proceed as follows:

1. Proposals will be solicited through a qualifying official newspaper advertisement; additionally, a Request for Proposal (RFP) may be prepared and mailed to qualified vendors. The newspaper advertisement must be published at least seven (7) days and not more than twenty-one (21) days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor except for engineering services.
2. Award must be made to the offeror whose proposal is determined by the review committee to be most advantageous to the program, with price and other factors considered. Evaluations must be based on the factors set forth in the Request for Proposal and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

For the procurement of architectural/engineering (A/E) professional services, an alternative to RFPs may be used. The City may publish a Request for Qualifications. RFQs are handled in a similar method to RFPs with the exception that cost is not a factor in the initial evaluation. A review committee will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the selection committee will negotiate cost. If the committee is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The committee will maintain a written record of all such negotiations.

D. NON-COMPETITIVE NEGOTIATIONS

Non-competitive negotiations may be used for procurements in excess of \$20,000 when sealed bidding or competitive negotiations are not feasible. The City may purchase goods and services through non-competitive negotiations when it is determined in writing that competitive negotiation or bidding is not feasible and that one of the following circumstances applies:

1. An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures, or
2. The product or service can be obtained only from one source, or
3. Only one satisfactory proposal is received through RFP or RFQ, or
4. The state has authorized the particular type of non-competitive negotiation (e.g., - the procurement of services by an Area Development District).

Procurement by non-competitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. The Commonwealth of Kentucky must approve all procurements by non-competitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.

II. CONTRACTS

Generally, all procurement in excess of \$500 will be memorialized and supported by a written contract. Where it is infeasible or impractical to prepare a contract, a written finding to this effect will be prepared and a purchase order regarding the transaction will also be prepared. The contractual provisions required by "The Common Rule" will be included in all contracts and purchase orders.

III. DOCUMENTATION

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data, and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is infeasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to insure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost (including the issue of reasonableness of cost) and basis for payment.

IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES

Efforts will be made and documented to solicit participation of locally owned, minority owned, female owned and small businesses. Where feasible, evaluation criteria will include a factor with an appropriate weight for these firms. A list of locally owned, minority owned, female owned and small businesses and also minority businesses located within the trade region shall be maintained and utilized when issuing IFBs, RFPs and RFQs. This list shall also be consulted when making small purchases.

V. CODE OF CONDUCT

A. CONFLICT OF INTEREST

No elected official, employee or designated agent of the City will participate or have an interest in the selection or in award or administration of any procurement transaction if a conflict of interest, real or apparent, exists.

A conflict of interest occurs when the official, employee or designated agent of the City, partners of such individuals, immediate family members within a first degree relationship by affinity or consanguinity, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the firms selected for an award.

B. ACCEPTANCE OF GRATITUDES

No elected official, employee or designated agent of the City shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, subcontractors or potential subcontractors.

C. PENALTIES

Any elected official, employee or designated agent of the City who knowingly and deliberately violates the provisions of this code will be open to civil suit without the legal protection of the City. Furthermore, such a violation of these procurement standards is grounds for dismissal by the City.

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the City.

MUNICIPAL ORDER NO. 2009-17

URA Policy

GUIDEFORM RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN UNDER SECTION 104 (d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED.

The City of Bardstown will replace all occupied and vacant occupied low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606 (b) (1).

All replacement housing will be provided within three years of the commencement of the demolition of rehabilitation relating to conservation. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Bardstown will make public notice and submit to the Department of Local Government the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms that will be provided as replacement dwelling units);
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.

The City of Bardstown will provide relocation assistance, as described in 570.606 (b) (2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the City of Bardstown will take the following steps to minimize the displacement of persons from their homes:

The City of Bardstown, in its efforts to provide Neighborhood Stabilization in housing, will avoid displacement and relocations of any housing units. Specifically, the acquisition and rehabilitation of existing, un-occupied single family homes, using Federal funds, will not require any displacement or relocations since no occupied units will be eligible for purchase/participation.

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE MUNICIPAL ORDERS WERE APPROVED.

CEMETERY DEED

A cemetery deed for Alfred and Brenda Ciarlante was presented and **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED.**

POLICE DEPARTMENT REPORT

Police Chief Marksbury announced that there would be a Halloween Event held at Dean Watt's Park on Friday, October 30, 2009 from 5:00 p.m. until 8:00 p.m. In case of rain, the event will be held at the Recreation Department by City Hall.

EXECUTIVE SESSION PURSUANT TO KRS 61.810 (1)(C)

Mayor Heaton announced that the Council needed to go into an Executive Session pursuant to KRS 61.810 (1) (c), to discuss proposed or pending litigation. **UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO AN EXECUTIVE SESSION AT 8:50 PM.**

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 9:25 PM.

The minutes will reflect that no official action was taken during the Executive Session.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 9:26 PM.**

CITY OF BARDSTOWN

ATTEST:

J. Richard Heaton, Mayor

Bobbe Blincoe, City Clerk