

**PLEDGE OF ALLEGIANCE - Commissioner
INVOCATION - Commissioner**

PRESIDING:

Mayor Edallen York Burtner

PRESENT:

Commissioner Rick Beach
Commissioner Shannon Cox
Commissioner Kenny Book
Commissioner Kitty Strode

City Manager Ken Kerns, City Attorney William Dykeman, and City Clerk Marilyn Rowe were present.

Upon determining that a quorum was present for the transaction of business, Mayor Burtner called the meeting to order at 5:30 pm in the Commission Chambers of City Hall.

PRESENTATION S

Kentucky Prescription Card

Robin Cooper, Chief Member Services Officer, Kentucky League of Cities (KLC), presented information relating to the Kentucky RX Card. The card offers free prescription assistance cards and is open to all residents of Kentucky. Individuals can save up to 75% off brand and generic medications at more than 56,000 pharmacies nationwide. The Kentucky RX Card is pre-activated and can be used immediately. Mr. Cooper advised the City could have cards printed with the City of Winchester logo.

On motion by Commissioner Cox, seconded by Commissioner Book, with unanimous vote, the Board approved participation in the KLC program and requested 1,000 cards printed with the City's logo.

Kentucky Legislative Update

J. D. Chaney, Chief Governmental Affairs Officer, Advocacy/Legislative, Kentucky League of Cities, presented information on items that are projected to be introduced in the 2013 Kentucky Legislative Short Session. Mr. Chaney stated information would be furnished to cities by the end of the week relating to items that will be discussed in the 2013 Session. Some of the items that will be addressed related to cities issues are as follows:

- Retirement Reform
- City Revenue Flexibility
- 911 Funding
- City Classification Reform
- Police Officer Personnel Issues
- Readdress HB 1 regarding the improper or illegal prescribing or dispensing of controlled substances as part of an effort to decrease abuse of prescription drugs

Mayor Burtner expressed his appreciation for the presentations by Mr. Cooper and Mr. Chaney.

STATEMENT OF SUPPORT

On motion by Mayor Burtner, seconded by Commissioner Cox, with unanimous vote, the Board adopted a Statement of Support for the Guard and Reserve by the City of Winchester that supports the following:

- The City of Winchester fully recognizes, honors, and enforces the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- The City of Winchester managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- The City of Winchester appreciates the values, leadership, and unique skills service

members bring to the workforce and will encourage opportunities to hire Guardsmen, Reservists, and Veterans.

- The City of Winchester will continually recognize and support our country's service members and their families in peace, in crisis, and in war.

ORDERS (General)

AN ORDER AWARDING A BID FOR DEMOLITION OF 162 MAGNOLIA STREET TO S & D CONSTRUCTION. On motion by Commissioner Beach, seconded by Commissioner Strode, with unanimous vote, the Board adopted Order No. 2012-128.

AN ORDER AWARDING A CONTRACT FOR THE INSTALLATION OF CURB AND CONCRETE FLUME ON CRAWFORD COURT. On motion by Commissioner Book, seconded by Commissioner Cox, with unanimous vote, the Board adopted Order No. 2012-129.

AN ORDER REAPPOINTING CARLEAN HEFNER TO A FOUR-YEAR TERM ON THE WINCHESTER/CLARK COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TO COMMENCE JANUARY 1, 2013 AND EXPIRE ON DECEMBER 31, 2016. On motion by Mayor Burtner, seconded by Commissioner Strode, with unanimous vote, the Board adopted Order No. 2012-130.

AN ORDER AWARDING A BID FOR THE FY2013 CRACK SEALING PROGRAM. On motion by Commissioner Beach, seconded by Commissioner Book, with unanimous vote, the Board adopted Order No. 2012-131.

AN ORDER APPOINTING ANN HUMBLE TO THE CLARK COUNTY-WINCHESTER HERITAGE COMMISSION FOR A FOUR-YEAR TERM TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2016. On motion by Mayor Burtner, seconded by Commissioner Beach, with unanimous vote, the Board adopted Order No. 2012-132.

AN ORDER REAPPOINTING CHARLES EMBRY TO A FOUR YEAR TERM ON THE HOUSING AUTHORITY OF WINCHESTER WITH SAID TERM TO COMMENCE JANUARY 1, 2013 AND EXPIRE ON DECEMBER 31, 2016. On motion by Mayor Burtner, seconded by Commissioner Strode, with unanimous vote, the Board adopted Order No. 2012-133.

AN ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SERVICES TO BE PERFORMED FOR GOVERNMENTAL AGENCIES BETWEEN THE CITY OF WINCHESTER, KENTUCKY AND KENTUCKY TRANSPORTATION CABINET TO PURCHASE BRINE SALT. On motion by Commissioner Book, seconded by Commissioner Cox, with unanimous vote, the Board adopted Order No. 2012-134.

AN ORDER REAPPOINTING MARSHALL DESHIELDS, ROY HUDSON, AND DAVID LAWRENCE TO THE WINCHESTER LICENSING BOARD FOR TERMS TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013. On motion by Mayor Burtner, seconded by Commissioner Strode, with unanimous vote, the Board adopted Order No. 2012-135.

AN ORDER REAPPOINTING LEWIS WILLIAN TO THE WINCHESTER/CLARK COUNTY PARKS AND RECREATION BOARD FOR A FOUR-YEAR TERM WITH SAID TERM TO COMMENCE ON JANUARY 1, 2013 AND EXPIRE ON DECEMBER 31, 2016. On motion by Mayor Burtner, seconded by Commissioner Book, with unanimous vote, the Board adopted Order No. 2012-136.

AN ORDER ACCEPTING A DEED TO 20 LINCOLN STREET BY THE CITY OF WINCHESTER. On motion by Commissioner Book, seconded by Commissioner Strode, with unanimous vote, the Board adopted Order No. 2012-137.

AN ORDER APPROVING AN AGREEMENT WITH BOYLE COUNTY EMS FOR EMT TRAINING PROGRAM. On motion by Commissioner Beach, seconded by Commissioner

Cox, with unanimous vote, the Board adopted Order No. 2012-138.

PERSONNEL ORDERS

AN ORDER ACCEPTING THE RETIREMENT OF KENNETH KERNS, CITY MANAGER (Administration) . On motion by Mayor Burtner, with extreme regret, seconded by Commissioner Strode, with unanimous vote, the Board adopted Order No. 2012-139.

The Board stated that Mr. Kerns would be missed and appreciated the work he had done for the City of Winchester.

AN ORDER RECLASSIFYING KEVIN MCLENDON FROM PATIENT TRANSFER SPECIALIST TO PATIENT TRANSFER SPECIALIST PARAMEDIC (Fire Department). On motion by Commissioner Book, seconded by Commissioner Beach, with unanimous vote, the Board adopted Order No. 2012-140.

AN ORDER ACCEPTING THE RESIGNATION OF ANDREW CIZEK FIREFIGHTER III/PARAMEDIC . On motion by Commissioner Cox, seconded by Commissioner Strode, with unanimous vote, the Board adopted Order No. 2012-141.

OLD BUSINESS

Downtown Residential Parking Ordinance

On motion by Commissioner Book, seconded by Commissioner Strode, with unanimous vote, the Board approved amending Division 5. Downtown Residential Parking Permit Program of the Winchester Code of Ordinances to allow the issuance of two parking permits for a \$50 yearly fee if the building is being used as a business and residence by the owner.

Address Changes on Crawford Court

On motion by Commissioner Beach, seconded by Commissioner Book, with unanimous vote, the Board approved the recommendations of the Winchester/Clark County Addressing Committee to change addresses on Crawford Court.

Fireworks Ordinance

The Board discussed the changes recommended by the City Manager and the Fire Department as follows:

- Change selling dates from June 26 to July 5 to June 27 to July 6
- Change selling times from 10:30 pm to 11:00 pm
- **Change shooting times to 11:00 pm to match City’s noise ordinance**
- Remove Fireworks from Mercantile, retail 6(a) and create a separate section for fireworks license/permit for both transient merchants and existing businesses who sell type 2 (aerial) (audible ground) fireworks. Both transient merchants and existing businesses would be required to follow the same requirements for transient merchants in the current fireworks ordinances.
- Amend section 11-4(c)(2) to require all transient merchants and existing businesses purchasing a license permit under 9-57 F(5) to display the Kentucky Fire Marshal registration placard and the City of Winchester fireworks license permit
- Require all transient merchants and existing businesses to post at least one sign that reads “**You must be 18 years of age to purchase and/or discharge fireworks**” and “**Fireworks cannot be discharged within 200 feet of any structure, vehicle, or any other person within the City limits**”
- All applicable codes and requirements must be met by the Fire Marshal before sales can begin
- Any reference to M-6(a) relating to fireworks to be changed to F-5(a), (b), or (c)
- Add to Section 11-4 (c) that sale of Class C Consumer 1.4G, Type 2 & 3 fireworks, are not permitted to be sold in multi-tenant buildings (i.e. strip malls, multiple storied buildings)
- Add to Section 11-4 (c) that sale of Class C Consumer 1.4G, type 2 & 3 fireworks shall

have 50 feet separation from adjacent buildings and structures

On motion by Commissioner Strode, seconded by Commissioner Cox, with unanimous vote, the Board adopted the recommendations as listed above and requested the City Attorney prepare an ordinance to reflect the changes.

Mike Honaker was present.

NEW BUSINESS

Request from Bluegrass Regional Mental Health-Mental Retardation Board, Inc.

The Board reviewed the request from the Bluegrass Regional Mental Health-Mental Retardation Board, Inc. to waive the interest and penalty on the September 2012 payroll taxes.

On motion by Commissioner Cox, seconded by Commissioner Beach, with unanimous vote, the Board approved abating the penalty for September 2012 payroll taxes, one time only, but not interest for the Bluegrass Regional Mental Health-Mental Retardation Board, Inc.

Set Date for Swearing in Ceremony for Newly Elected City Commissioners

It was the consensus of the Board to conduct the swearing in ceremony for the newly elected City Commissioners at the December 18, 2012 4:30 pm Special City Commission meeting. Mayor Burtner requested that City Manager Kerns contact the Clark County School Board and invite the newly elected School Board members to also be sworn in on December 18, 2012.

Set Date for the Employee Christmas Breakfast

On motion by Commissioner Cox, seconded by Commissioner Beach, with unanimous vote, the Board set the date for the Employee Christmas Breakfast as Wednesday, December 19, 2012 from 7:30 - 9:00 am.

Reschedule January 1, 2013 City Commission Meeting

On motion by Mayor Burtner, seconded by Commissioner Strode, with unanimous vote, the Board approved the request to cancel the January 1, 2013 meeting and reschedule for January 8, 2013.

COMMITTEE REPORTS

Commissioner Beach stated that he and Commissioner Cox will be attending the 2nd Revenue meeting with Clark County Commissioners next Thursday at 5:00 pm at the Clark County Courthouse.

GENERAL COMMENTS FROM MAYOR, CITY COMMISSIONERS, AND CITY MANAGER

Commissioner Beach stated it had been brought to his attention that some alleys were not getting plowed when Public Works was out clearing streets in the winter. Commissioner Beach requested this issue be discussed at the Public Works Committee meeting to determine what the City's policy is for clearing alleys. Commissioner Beach stated he needed this information in order to address questions from citizens.

Commissioner Strode expressed her appreciation to the Public Works Department for their assistance in putting up the Christmas Lights downtown in time for the Downtown Christmas Open House.

Commissioner Cox stated it is time for the Salvation Army Bell Ringing during the holiday

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season and anyone that wishes to volunteer to contact him. Commissioner Cox noted the George Rogers Clark High School ROTC will be covering the Black Friday weekend.

Mayor Burtner made the following remarks:

- Stated he had been advised that the Downtown merchants had done well over the Downtown Christmas Open House and commended Winchester Municipals Utilities for the excellent job in collecting the overflowing trash containers after the event
- Advised that he appreciated all the activities that the schools had planned to honor veterans
- Stated the Purple Heart Memorial Bridge signage had been installed at Exit 96 and noted the bridge intersects with the section of I-64 that is designated as Purple Heart Memorial Trail
- Commended the George Rogers Clark High School ROTC for all the assistance they provide the City in various activities

City Attorney William Dykeman expressed his appreciation to City Manager Ken Kerns for his service to the City over the past 6 ½ years.

With no further business, on motion by Commissioner Book, seconded by Commissioner Cox, with unanimous vote, the meeting was adjourned.

/s/ Edallen York Burtner

Edallen York Burtner, Mayor

ATTEST:

/s/ Marilyn Rowe

Marilyn Rowe, City Clerk

Approved as presented at the December 4, 2012 City Commission Meeting