

**CITY OF BARDSTOWN  
REGULAR COUNCIL MEETING MINUTES**

**2-28-12  
7:00 P.M.**

The City Council met in a regular session in the Council Chambers with Mayor William S. Sheckles and the following Councilmen:

Councilman Buckman  
Councilman Hagan  
Councilman Lydian  
Councilman Williams  
Councilman Reed  
Councilman Simpson

Others present: Police Chief McCubbin, Interim Fire Chief Howard and daughter, Asst. City Administrator Green, Chief Financial Officer Abell, Public Works and Engineering Director Hamilton, City Electrical Engineer Mills, City Civil Engineer Filiatreau, City Attorney Donan, City Clerk Blincoe, Nelson County Gazette reporter Jim Brooks, BRTV Managing Partner Roth Stratton, WYSB reporter Tom Redmon, The Kentucky Standard Editor Lisa Tolliver, Nelson County Magistrate Sam Hutchins, Bill Conway, Pat Conway, Neal Pyle, Ernie Pyle, Billy Hutchins and a few members of Boy Scout Troop 142.

Mayor Sheckles called the meeting to order.

**BOY SCOUT CITIZENSHIP BADGE**

The Mayor recognized Tim Hutchins, leader of Boy Scout Troop 142, who said that the scouts were attending the meeting in order to receive a Citizenship badge, one of the requirements for earning their Eagle Badge.

**INDOOR FIRING RANGE**

Patrick Hayden, owner of Keene's Depot and The Kentucky Gun Company, explained that he was planning to move the location of his businesses in approximately three to six months to a building on Filiatreau Lane within the City limits because of increased sales and plans for an indoor firing range. Hayden requested that the Council amend the ordinance that restricts the firing of weapons in the City limits in order for him to expand his business to add a shooting range that is safe and regulated by EPA and OSHA standards. Police Chief McCubbin reported that the indoor firing ranges were extremely popular and if it meets the criteria, it should not be an issue. The Bardstown Police Department could also utilize the facility instead of traveling to Elizabethtown for training. Hayden said that the shooting range would be designed according to the National Shooting Sports Foundation recommendations. The Mayor asked that City Attorney Donan review the request for a recommendation to the Council.

**EXECUTIVE SESSION**

The Mayor announced that the Council would go into an Executive Session pursuant to KRS 61.810 (1) (f), to hold discussions which might lead to the appointment of an individual employee without restricting that employee's right to a public hearing if requested. He also said that there would probably be no action taken after the Executive Session.

**BULK CHEMICALS BID TABS**

City Civil Engineer Filiatreau presented with details he bid tabs for the Water and Wastewater Treatment Plants and recommended approval of the bids highlighted on the bid tabs. (See attached). She further explained the bids on Bioxides Plus since a couple of bids that appeared to be lower bids were not equivalent to the specified product. She then answered a few questions from the Council and in response to a question from Councilman Williams, Filiatreau reported that the City's treated water supply was safe and meets all regulatory requirements. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE LOW BIDS WERE APPROVED FOR THE SPECIFIED PRODUCTS.**

**HISTORICAL REVIEW BOARD RECOMMENDATIONS**

The Historical Review Board recommendations were presented as follows:

Certificates of Appropriateness

1. COA #12-04 [RECOMMENDED]

Johnson Home Improvement, on behalf of owner Frank Souza, proposes to extend a shed roof at the rear of 111 East Broadway. The existing shed roof, now covered with wood shingles, will be removed and replaced with a longer metal shed roof that is supported by two wooden posts. The new roof structure will have a 3/12 pitch, 2 x 6 rafters and 2 x 6 ceiling joists. The roof will be constructed with 26 gauge steel panels to simulate a standing seam roof. The roof will be supported by two 8" "Colonial Tapered Round" wooden posts (see catalog page.). Posts and trim will be painted to match the house.

Recommendation: To recommend approval of the construction of a shed roof at the rear of 111 E. Broadway, as specified in this application.

2. COA #12-05 [RECOMMENDED]

Ghunshyum Patel, owner of the Days Inn franchise at 523 N. Third St., has applied to replace the Days Inn sign. The replacement sign will read "Downtown Super Inn" and will not change the dimensions of the original sign. The existing Days Inn icon of a rising sun will be retained at the top of the

sign but will be modified to incorporate the word "Downtown" and will have a red stripe underneath instead of the present yellow stripe. The words "Super Inn" will replace "Days Inn." (see graphic).

Recommendation: To recommend approval of the installation of a new sign reading "Downtown Super Inn" at 523 N. Third St., as specified in this application.

**3. COA #12-06 [RECOMMENDED]**

Susan Christensen proposes to construct an attached pergola to the south side of her townhouse at 211 N. Fourth St. to cover part of her patio. The pergola will be 10' x 14' and will extend 10' to just short of the Blackberry Alley line. This will require a 10' variance from the minimum side setback requirement (10'). The pergola will be constructed of western red cedar, stained to match the color of the townhouse, and will include 8 x 8 posts attached to the concrete with Simpson ties, 4 x 8 beams, and 2 x 8 rafters. A Sunbrella motorized canopy will be installed on the underside of the pergola.

Recommendation: To recommend approval of the construction of a pergola attached to the south side of 211 N. Fourth St., as specified in this application.

**4. COA #12-07 [RECOMMENDED]**

JTD Holdings LLC proposes to remove the corrugated metal siding from the sides and rear of the Dempsey Building at 211 W. Stephen Foster Ave. The rain collection boxes will be saved and reused. Once the metal siding is removed, the applicant will apply to replace the siding with another type of siding/covering.

Recommendation: To recommend approval of the removal of corrugated metal siding from 211 W. Stephen Foster Ave., as specified in this application.

**5. COA #12-08 [RECOMMENDED]**

JTD Holdings LLC proposes to construct a four-bay, two-story, Colonial style, double-door duplex at 208 E. Broadway. This site was approved (COA #09-07) by City Council for the construction of a brick residence on March 24, 2009. The applicant wishes to void COA #09-07 and build the duplex on this site. The duplex will measure approx. 32' on the front and 27' on the side. The foundation will be concrete block with stucco above grade. The siding will be CertainTeed cement board with color to be Cabot Chestnut semi-solid stain (see sample). The gable roof will be parallel to Broadway and will be covered in GAF Royal Sovereign 3-tab "Weathered Gray" shingles. The façade will feature four windows on the second story and double doors flanked by one window on the first story. The front and bedroom egress windows will be Marvin Integrity SDL 3' x 5' x 4" (see spec sheet). All other windows will be Quaker Manchester Series. The front doors will be 36" x 96" six-panel metal doors, including 3-light transoms. The side doors will be 2-panel, 9-light metal doors. The trim will be wrapped in aluminum. Trim color will be Benjamin Moore HC-110 Wethersfield Moss. Gutters will be half-round with round downspouts. There will also be an area reserved for trash receptacles. Included in this application is a proposal to pour a concrete pad for the previously approved carport on the west side of the property.

Recommendation: To recommend approval of the construction of a two-story duplex and the pouring of a concrete pad for a carport at 208 E. Broadway, as specified in this application with the condition that the texture and color of the cement board siding will be submitted for review at a later meeting.

Councilman Buckman recused himself from the meeting and left the Council Chambers.

**UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD ON ITEMS NO. 4 AND NO. 5 WERE APPROVED.**

Councilman Buckman returned to the Council Chambers.

**UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD ON ITEM NOS. 1, 2 AND 3 WERE APPROVED.**

**DEVELOPMENT REVIEW BOARD RECOMMENDATION**

The Development Review Board recommended approval on DRB-180 for Flaget Hospital for the building design, materials and colors and site, landscaping and lighting plans for a 3,600 square foot modular storage building on the property located at 4305 New Shepherdsville Road in Bardstown. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD WAS APPROVED ALONG WITH THE CONDITION INCLUDED IN THE DRB MINUTES THAT THE CONVERSION WOULD TAKE THREE YEARS AND UPON EXPIRATION OF THE THREE-YEAR LEASE, THE MODULAR STORAGE BUILDING WOULD BE REMOVED.**

**MINUTES**

The minutes from the 2-14-12 regular Council meeting were presented and **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

**SECOND READING - CEMETERY ORDINANCE AMENDMENT**

The second reading of the Cemetery Ordinance amendment was presented as follows:

**ORDINANCE NO. B2012-03**

**AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE CONTAINED IN THE BARDSTOWN CODE OF ORDINANCES, CHAPTER 92: CEMETERY.**

**THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAIN THAT** Section 92: CEMETERY, 92.02, HOW DIVIDED AND SOLD; FEES AND CHARGES, Section 92.04, PUBLIC WORKS DIRECTOR DUTIES TO MAINTAIN, and Section 92.05, CEMETERY COMMITTEE, be amended as follows:

**CHAPTER 92: CEMETERY**

Section

- 92.01 Location
- 92.02 How divided and sold
- 92.03 Office of the Cemetery Sexton; duties
- 92.04 Public Works ~~Director~~ **Superintendent** duties to maintain
- 92.05 Cemetery Committee
- 92.06 Deed of purchase
- 92.07 Transfer of lots
- 92.08 Land marks to lots
- 92.09 Enclosure of lots; interments

- 92.10 Debris from erecting monuments
- 92.11 Rules and regulations
- 92.12 Perpetual care and maintenance trust fund

§ 92.02 HOW DIVIDED AND SOLD; FEES AND CHARGES.

A tract of land described in § 92.01 shall be divided and set apart as heretofore, to wit: (See copy of plat filed with Sexton.) The cemetery is laid off in lots of the following sizes, and sold at the following rates:

(A)	Single lot in Sections 1 - 6 and Sections 13 - 18 All other single lots	\$ 400. <b>500.</b> \$ 350. <b>450.</b>
(B)	Opening and closing for grave	\$ 250. <b>400.</b>
(C)	<del>Double Opening for grave</del>	<del>\$ 250. plus time and materials.</del>
(D)	<del>Sodding graves</del>	<del>\$ 100.</del>
(E) <b>(C)</b>	Opening grave for urn	\$ 400. <b>150.</b>
(F) <b>(D)</b>	Baby grave	\$ 50. <b>150.</b>
(G) <b>(E)</b>	Opening baby grave	\$ 400. <b>150.</b>

92.04 PUBLIC WORKS DIRECTOR SUPERINTENDENT DUTIES TO MAINTAIN.

The Public Works ~~Director~~ **Superintendent** of the city shall cause the boundaries of lots, walks and avenues to be preserved, and shall have charge of all the property of the cemetery and premises; shall plant, maintain and remove trees and other growth on the cemetery property through the Department of Public Works or by independent contractors. (Ord. 519, passed 12-8-92)

92.05 CEMETERY COMMITTEE.

The Sexton and the Public Works ~~Director~~ **Superintendent** shall at the request of the Cemetery Committee of the City Council meet with the Committee at their regularly scheduled meetings and at the any special called meeting and shall make available for inspection by the Committee all records and information concerning the management of the cemetery. Upon request, they shall also consult and advise the Cemetery Committee as to proposed changes to this chapter which governs the Bardstown Cemetery. (Ord. 519, passed 12-8-92)

This ordinance or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

This Ordinance shall be in full force upon publication as required by law.

**UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:**

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN REED	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN BUCKMAN	-	AYE

**MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2012-03 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. \_\_\_\_, PAGE NO. \_\_\_\_\_.**

**KENTUCKY INFRASTRUCTURE AUTHORITY ASSISTANCE AGREEMENT**

A resolution from the Kentucky Infrastructure Authority (KIA) was presented to authorize the Mayor and City Clerk to execute documentation for the City to enter into an Assistance Agreement with KIA for the Industrial Park Waterline Project. The resolution/municipal order was presented as follows:

**MUNICIPAL ORDER NO. 2012-03**

**RESOLUTION**

**RESOLUTION OF THE CITY OF BARDSTOWN, KENTUCKY APPROVING AND AUTHORIZING AN ASSISTANCE AGREEMENT BETWEEN THE CITY OF BARDSTOWN, KENTUCKY AND THE KENTUCKY INFRASTRUCTURE AUTHORITY.**

WHEREAS, the City Council ( the "Governing Authority") of the City of Bardstown, Kentucky ("Governmental Agency") has previously determined that it was in the public interest to acquire and construct certain facilities and improvements to the Governmental Agency's Water System (the "Project"); and

WHEREAS, the Governmental Agency has made application to the Kentucky Infrastructure Authority (the "Authority") for the purpose of providing monies to permanently finance the construction of the Project; and

WHEREAS, in order to obtain such monies, the Governmental Agency is required to enter into an Assistance Agreement with the authority;

NOW, THEREFORE, BE IT RESOLVED by the City of Bardstown, Kentucky, as follows:

SECTION 1. That the Governing Authority hereby approves and authorizes the Assistance Agreement between the Governmental Agency and the Authority substantially in the form on file with the Governmental Agency for the purpose of providing the necessary financing to the Governmental Agency for the Project.

SECTION 2. That the Mayor and City Clerk of the Governmental Agency be and hereby are authorized, directed and empowered to execute necessary documents or agreements, and to otherwise act on behalf of the Governmental Agency to effect such financing.

SECTION 3. That this resolution shall take effect at the earliest time provided by law

**COUNCILMAN HAGAN MADE A MOTION TO APPROVE THE MUNICIPAL ORDER NO. 2012-03 WHICH IS A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE DOCUMENTATION FOR THE CITY TO ENTER INTO AN ASSISTANCE AGREEMENT WITH THE KENTUCKY INFRASTRUCTURE AUTHORITY. SAID MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN, CARRIED BY A VOTE OF 6 TO 0, AND APPROVED.**

#### **REAPPOINTMENTS**

The Mayor said that he wanted to reappoint Todd Johnson to another four-year term on the Planning Commission; Guthrie McKay to another three-year term on the Cable TV Programming Committee and Clara Mackin Fulkerson to another one-year term on the Wickland Board. **COUNCILMAN WILLIAMS MADE A SUMMARY MOTION TO APPROVE THE REAPPOINTMENTS. SAID MOTION WAS DULY SECONDED BY COUNCILMAN REED, CARRIED BY A VOTE OF 6 TO 0 AND APPROVED.**

#### **WATER AND WASTEWATER COMMITTEE**

Councilman Hagan explained that the Water and Wastewater Committee did not meet on February 21, 2012 as planned since the public announcement had not been posted. He said that he will review the Water and Wastewater Long Term Plan and effects on the upcoming budget at the Working Session to be held on March 6, 2012 at 5:00 p.m.

Mayor Sheckles said that Linda Gray with Peercy and Gray would also attend the Working Session to review the City Audit with the Council.

#### **RECREATION BOARD MEETING**

Councilman Reed reported on the Recreation Board meeting that was held on March 23, 2012 and said that the soccer program has been doing extremely well. Baseball continues to do well and they are expanding their leagues. The football program has revamped its board and the head coach from each area school is supposed to be on the football board or send a representative to serve. It will now be a board consisting of eleven members. The indefinite suspension of one of the football coaches had been changed to a one-year suspension.

#### **CITY ORDINANCES CONCERNING POSSESSION OF FIREARMS**

City Attorney Donan addressed a letter received from attorney Christopher D. Hunt regarding the City ordinances pertaining to possession of firearms. The Mayor said that the City ordinances were in order and the correct signs are posted on City-owned buildings according to the concealed weapons law. Donan informed the Council that a response to the letter was not necessary.

#### **INSURANCE CONSULTING PROPOSALS**

Assistant City Administrator Green reported on the breakdown of costs and fees of the proposals received from Sherrill Morgan, Brown and Brown and Wells Fargo. Mayor Sheckles then recognized Pat Conway with Wells Fargo who spoke to the Council about his proposal.

#### **FIRE DEPARTMENT**

Interim Fire Chief Howard announced that there had been fourteen more runs in the fire department this month since he last reported. He then updated the Council on the 21 updated radios purchased with the Homeland Security grant. He also reported on the Lock Box Program.

#### **INDUSTRIAL PARK WATERLINE PROJECT**

Public Works and Engineering Director Hamilton reported that the project construction should proceed on March 1, 201

#### **CEMETERY DEEDS**

Councilman Reed recused himself from the meeting and left the Council Chambers.

A Bardstown Cemetery deed was presented for Thomas and Linda Reed and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 5 TO 0, THE DEED WAS APPROVED.**

Councilman Reed returned to the Council Chambers.

Deeds were then presented for the following: Ronald and Dorothy Jennette, Joseph Dennis Ritchie, Paul and Martha Draper, James and Barbara Young, Robert and Ruth Sallee, Elizabeth Boblitt, Mary Ann Hardin, Kathy Chesser, Thomas and Clara Lyvers, James and Elizabeth Breeden, Anna Jean Barlow, Alex Barlow and Kenneth and Patricia Sweeney. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE DEEDS WERE APPROVED.**

**EXECUTIVE SESSION PURSUANT TO KRS 61.810 (1) (f)**

Mayor Sheckles announced that the Council needed to go into an Executive Session pursuant to KRS 61.810(1) (f) to hold discussions which might lead to the appointment of an individual employee without restricting that employee's right to a public hearing if requested. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO EXECUTIVE SESSION AT 7:55 P.M.**

**UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 8:45 P.M.**

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

The Council reconvened into the regular session at 8:46 p.m.

**ADJOURNMENT**

Being no further business to discuss and **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:47 P.M.**

**ATTEST:**

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Bobbe Blincoe, City Clerk

**CITY OF BARDSTOWN**

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William S. Sheckles, Mayor