

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES**

**5-22-12
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: 2nd Assistant Fire Chief Trevor Mattingly, Asst. City Administrator Green, Chief Financial Officer Abell, Public Works and Engineering Director Hamilton, City Civil Engineer Filiatreau, City Attorney Donan, City Clerk Blincoe, Nelson County Gazette reporter Jim Brooks, The Kentucky Standard reporter Jennifer Corbett, BRTV co-owner Roth Stratton and student intern Jamie Murphy, Sam Hutchins, Chris Neal and Stephen McBride.

CHANGE ORDER NO. 1-GARDEN PARK SEWER PROJECT

City Civil Engineer Filiatreau presented the change order for the manhole rehabilitations in the Garden Park area (behind the Nelson County Justice Center) as follows:

CHANGE OF WORK ORDER NO. 1

PROJECT: Garden Park Sewer Manhole Rehabilitation Project

OWNER: City of Bardstown
220 North Fifth Street
Bardstown, Kentucky 40004

CONTRACTOR: Terra Cotta Rehab & Contracting
616 Dublin Circle
Louisville, Kentucky 40229

The Contract Documents will be modified as follows with this proposed Change Order:

- 1.) The Following manholes have hollow benches: GD-67, GD-59, GD-45, GD-38, GD-46, GD-37, GD-65, GD-31, GD-47, GD-52, GD-51, GD-50, GD-49, GD-67, GD-59, & GD-5.
 - a.) Thirteen of the listed manholes above will require: knock holes in the benches and use a concrete, fly ash, gravel mix to flow under the bench and then coat the bench with Reliner – Cost = \$480 each; Total = \$6240
 - b.) Three of the manholes listed above have half of the bench already missing. These manholes will require: Rebuild half the bench and flow concrete under the remaining bench and coat with Reliner – Cost = \$710.00 ea; Total = \$2130.
- 2.) Manholes GD-12W, GD-12X AND GD-55 will not allow the installation of an inflow dish; therefore, they will be deleted from these three manholes – (Cost = \$40 each; Total =\$120)

Change in Contract Price:

Original Contract Price:	\$40,881.45
Increase/Decrease from previous Change Orders:	\$ 0.00
Contract Price Prior to this Change Order:	\$40,881.45
Increase/Decrease for this Change Order:	\$ +8250.00

New Contract Price with this Change Order: \$49,131.45

This change order will not affect Contract Completion Date

This Contract Change Order has been reviewed and is recommended for approval by:

S/s Robin P. Mills

~~Horizon Engineering, LLC~~

Date 5/15/2012

ACCEPTED:

Owner (Authorized Signature)

Date

Contractor (Authorized Signature)

Date

Filiatreau explained that the reason for the change order was to make repairs to the flow inverts and benches for about half of the brick manholes in the Garden Park area. The repairs are needed due to wear and tear over the years. The contractors could temporarily patch the areas now but the engineering staff recommended that the repairs be completed while the contractors were on the job. Mayor Sheckles said that he personally believed that the job should be done right the first time without putting it off. Councilman Williams agreed that it should be done to help eliminate future problems. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, CHANGE ORDER NO. 1 IN THE INCREASED AMOUNT OF \$8,250.00 WAS APPROVED.**

CHANGE ORDER NO. 1-BLOOMFIELD ROAD/POTTERSHP ROAD SEWER MAIN PROJECT

The City Civil Engineer presented the change order (see attached). She explained that the additional cost for this project was due to the use of unit prices that were more accurate on the plan than on the bid tab. There had been a quantity error in the linear feet amount for driveway borings. Councilman Hagan asked why HDR Engineering had under estimated the amount and Filiatreau explained that part of the reason was because the route had been changed. There was also a time delay discussed that would not include any additional cost to the City. Councilman Simpson asked if HDR might share some of the increased costs; however, it was explained that the City was responsible to pay the contractor for what work was needed to complete the project. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 1, THE CHANGE ORDER IN AN INCREASED AMOUNT OF \$36,176.00 WAS APPROVED. COUNCILMAN SIMPSON VOTED NO.**

SECOND READING - ORDINANCE NO. B2012-07 - REZONING REQUEST #2365

A second reading of Rezoning Request #2365 was presented for Joseph and Julia Osborne as follows:

ORDINANCE NO. B2012-07

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 THE PROPERTY LOCATED IN BARDSTOWN, KENTUCKY, AS HEREINAFTER DESCRIBED FROM R-1B, SINGLE FAMILY RESIDENTIAL DISTRICT TO R-1C, SINGLE FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on April 10, 2012, held a public hearing on the Application No. 2365 of Joseph and Julia A. Osborne to rezone 0.22 acre at 112 Sylvan Drive (Lots #24 and 25, Block B, Beechwold Subdivision), from R-1B, Single Family Residential District to R-1C, Single Family Residential District.

WHEREAS, the City Council members conducted a review of the record and evidence presented before the Joint City-County Planning Commission of Nelson County, Kentucky; and

UPON MOTION OF Councilman Reed, duly seconded by Councilman Williams and carried, the City Council approved the recommendation stated from the Planning and Zoning Commission to approve the rezoning request. The motion included any restrictions or conditions that may have been agreed to by the applicant and the Planning Commission.

NOW THEREFORE, be it ordained by the Bardstown City Council that:

Boundaries of the district as shown on district map, entitled, "**ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY**" are hereby amended for reasons adopted and all of which are made a part hereof as if fully set out herein, including the letter of recommendation dated April 30, 2012, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property is described as follows:

Beginning at a stake in the west line of Sylvan Drive at the northeast corner of Lot No. 23, Block B, Beechwold Subdivision, as shown by plat recorded in Deed Book 124, Page 463 in the Nelson County Clerk's Office; then with the North line of said Lot No. 23 N 75-45 West 200 feet to a stake at the northeast corner of Lot No. 41; thence North 28-30 East 50 feet to the southwest corner of Lot No. 26; thence with the south line of Lot No. 26 South 75-45 East 200 feet to a stake in the west line of Sylvan Drive; thence with the west line of Sylvan Drive South 28-30 West 50 feet to the point of beginning, being Lots No. 24 and 25, Block B, Beechwold Subdivision, above identified containing 0.22 acres.

This ordinance shall be in full force and effect following publication in summary as required by law.

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

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS, MAYOR SHECKLES CALLED THE ROLL AND THE FOLLOWING VOTED:

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

THE MAYOR THEN DECLARED ORDINANCE NO. B2012-07 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The Historical Review Board recommendations were presented as follows:

Certificates of Appropriateness

1. COA #12-23 [RECOMMENDED]

Sugar Buzz has submitted an application for outdoor dining in front of 111 N. Third St. They propose to place a round cast aluminum table (28" high, 24" diameter) and 2 matching chairs as per submitted drawing, in front of their store. The table and chairs will be sand color and will extend about 3' from the wall, leaving more than the minimum required unobstructed sidewalk space as per the Outdoor Dining Design Guidelines.

Recommendation: To recommend approval of one table and two chairs for outdoor dining in front of Sugar Buzz at 111 N. Third St., as specified in this application.

2. COA #12-24 [RECOMMENDED]

Janice Przystal has applied to replace a wood privacy fence with an aluminum fence at the rear of 203 N. Fifth St. The new fence will be black aluminum "New Haven" style, 54" high. The fence is not visible from the street.

Recommendation: To recommend approval of the installation of a 54" high black aluminum fence at the rear of 203 N. Fifth St., as specified in this application.

3. COA #12-25 [RECOMMENDED]

Bardstown Baptist Church has applied to change the color of three exterior doors – two facing N. Third St. and one facing W. Brashear Ave. The existing color is brown and the proposal is to change the color to Sherwin Williams "Real Red" #SW6868. This is a close match to the front door of the Episcopal Church of the Ascension.

Recommendation: To recommend approval of changing the color of three exterior doors of Bardstown Baptist Church to Sherwin Williams "Real Red" #SW6868, as specified in this application.

4. COA #12-26 [RECOMMENDED]

The Knights of Columbus propose several exterior alterations to their building at 111 N. Fourth St.: Paint doors Benjamin Moore "Black Forest Green" #46 to match color of the Marketplace Bldg. at 120 W. Stephen Foster Ave.; add door trim to match Marketplace Bldg.; screen gas meter in front (N. Fourth St.) with wood picket fence; paint rear of building Benjamin Moore "Richmond Bisque" #54. Existing doors and rear wall are gray.

Recommendation: To recommend approval of a low wood picket fence in front of the gas meter and exterior alterations to the Knights of Columbus building at 111 N. Fourth St., as specified in this application.

5. COA #12-27 [RECOMMENDED]

Tom Donan (Daniel Linebaugh House, LLC) proposes to replace a triangular area of wood siding with cement board at the rear of an addition to his building at 205 E. Stephen Foster Ave. The replacement siding will be painted Benjamin Moore "Oregon Trail" #1230.

Recommendation: To recommend approval of the replacement of wood siding with cement board, to be painted Benjamin Moore "Oregon Trail" #1230, as specified in this application.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS WERE APPROVED.

DEVELOPMENT REVIEW BOARD RECOMMENDATION

A recommendation for approval of the site, building, landscaping, and lighting plans was presented from the Development Review Board for DRB-182 From Chris Neel for 31E Easy Storage, a mini-warehouse development on Cathedral Manor (US 31E). Councilman Buckman voiced concern that the Council should pay special attention to what the City ordinance required for streetscapes and what type buildings were allowed to be constructed near the gateways into the City. He also was concerned that the Council did not get a copy of the updated site plans. Councilman Hagan suggested that the matter be tabled; however, Chris Neel, who was in the audience, left the Council Chambers to retrieve a copy of the site plan for the Council's review. During the wait, the Mayor continued with the meeting agenda.

MINUTES

Mayor Sheckles presented the minutes from the 5-8-12 regular City Council meeting and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

SECOND READING-ORDINANCE B2012-06-CHAPTER 130-OFFENSES AGAINST MUNICIPAL REGULATIONS

A second reading of the ordinance was presented and City Attorney Donan highlighted the revisions to Chapter 130 of the City's Code of Ordinances including the addition of a subchapter allowing for indoor firing ranges in the City. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN REED, 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 DECLARED ORDINANCE NO. B2012-06 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

DEVELOPMENT REVIEW BOARD RECOMMENDATION - CONTINUED

Chris Neel returned with the site/landscaping plans for DRB-182, the mini-warehouses, and Councilmen Buckman, Hagan and Lydian reviewed the contents. The Mayor said that the property owner had followed the necessary guidelines received from the Development Review Board. City Attorney Donan informed Councilman Buckman that he could make a motion to add conditions to the plan if he so desired. After additional comments, **COUNCILMAN REED MADE A MOTION TO APPROVE THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD ON DRB-182. SAID MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND APPROVED BY A VOTE OF 6 TO 0.**

CEMETERY COMMITTEE REPORT

Councilman Simpson reported on the Cemetery Committee meeting that was held on 5-16-12 and informed the Council that Mary Rosenbaum wanted to

donate a concrete bench to the cemetery that had been in her family since the 1920's. The committee would be deciding on the placement of the bench. The family of Martha King had also requested to place a bench on a gravesite by their family's lot. The committee will review the area prior to a decision being made. He then reported that Volinda Walters had donated \$100.00 to the cemetery in appreciation of the work of the City Groundskeeper and the cemetery personnel. The committee discussed the possibility of purchasing a new backhoe and sharing the cost with two other City departments.

FINANCE COMMITTEE MEETING

Chief Financial Officer Abell reported on the Finance Committee meeting that was held on 5-14-12 and said that the members reviewed the draft Request for Qualifications (RFQ) for City Auditor services prior to its publication. Qualifications will be accepted until May 31, 2012. The City staff from all departments has reviewed the entire list of City assets and recommended assets that should be eliminated from the list. This inventory should be completed every 5 or 6 years according to the auditors. The committee also defined a Capitalization Policy. Abell reported that the Bardstown Industrial Development Corporation had requested that the City increase its annual contribution to their organization. Mayor Sheckles said that the request was still in the discussion stage. He further reported that the telecommunications lawsuit had been settled and the City of Bardstown would benefit from that court case.

The Mayor said that the Council should receive the draft FY 2012-2013 City Budget by the end of the week. The budget will then be discussed at the 6-5-12 Working Session.

FIRE DEPARTMENT REPORT

Second Assistant Fire Chief Trevor Mattingly reported that the training for the department had been going well.

CITY PROJECTS UPDATE

The Mayor updated the Council on the completed West Broadway Water Main Project and he and Councilman Buckman commended the Public Works Department for a job well done. Mayor Sheckles received a few phone calls complimenting the workers on the sewer line construction project on the Monin property.

RECREATION BOARD MEETING

Councilman Reed announced that the Recreation Board would meet on Thursday, May 24, 2012 at 6:00 p.m. in the Council Chambers.

POLICY FOR FLYING AMERICAN FLAG AT HALF MAST

Councilman Williams discussed the possibility of creating a policy or criteria to use in order to fly the American flag at half mast in the City of Bardstown. He gave an example of a person who had recently passed away who he felt should have been recognized in this way by the City. Assistant City Administrator Green said that he will check with other cities on their policies and report back to the Council at the next meeting.

OLD KENTUCKY HOME MIDDLE SCHOOL BUILDING

Councilman Hagan asked about the status of the swap of real estate with the Nelson County School Board. The Mayor informed him that as soon as the fuel was removed from the tank, the agreement would be signed. The County had done a great job of cleaning up the building. The City Attorney said that there will be a time frame after the closing to complete all the requirements of the sale.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:05 P.M.**

CITY OF BARDSTOWN

ATTEST:

Bobbe Blincoe, City Clerk

William S. Sheckles, Mayor