

CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
05-26-2015
7:00 PM

The City Council met in regular session in the Council Chambers with the following Councilmen:

Councilman Buckman
Councilman Copeland
Councilman Hagan
Councilman Lydian
Councilman Simpson
Councilman Williams

Others present: Fire Chief Marlin Howard, Fire Supervisor Todd Spalding, Firefighter Trevor Mattingly, Police Chief Rick McCubbin, Assistant City Administrator Larry Green, Chief Financial Officer Tracy Hudson, Director of Public Works & Engineering Larry Hamilton, City Civil Engineer Jessica Filiatreau, Staff Engineer Eric Richter, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick and citizens Lanny Baker, C.R. Royalty, Joe Buckman, and Johnnie Colwell.

City Attorney Tim Butler called the meeting to order at 7:01 pm in the absence of Mayor Royalty. **COUNCILMAN LYDIAN MADE A MOTION TO APPOINT COUNCILMAN SIMPSON AS THE PRESIDING OFFICER. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY 6 TO 0.**

SALT BID – ONLINE BID

City Civil Engineer Filiatreau introduced the Salt Bid which was completed online. Cargill Incorporated was the low bid for salt in the amount of 76.50 for 200 tons. **COUNCILMAN HAGAN MADE THE MOTION TO APPROVE THE SALT BID FOR CARGILL INCORPORATED IN THE AMOUNT OF \$76.50 FOR 200 TONS, DULY SECONDED BY COUNCILMAN COPELAND. VOTE 6 TO 0.**

CHANGE ORDER #1, BILLY GILKEY, DEMAREE GUTHRIE PROJECT

Engineer Richter distributed a spreadsheet containing the information to the Council. There some areas containing obstacles (trees, roots, sheds) that we had to work through or under causing the city to go over \$21,000 of the original contract total. **COUNCILMAN HAGAN MOTIONED TO APPROVE THE CHANGE ORDER#1, BILLY GILKEY, DEMAREE GUTHRIE PROJECT IN THE AMOUNT OF \$21,011 OVER THE ORIGINAL CONTRACT TOTAL, DULY SECONDED BY COUNCILMAN LYDIAN. VOTE 6 TO 0.**

2015 RECYCLING GRANT

Assistant City Administrator Green applied for another recycling grant this year for \$30,000, for cardboard containers. Possible look at different cuts of containers to load on the front load garbage trucks. This would be more efficient for the city. **COUNCILMAN WILLIAMS MOTION TO APPROVE THE MAYOR TO SIGN THE RECYCLING CONTRACT AND ALL OTHER DOCUMENTS TO OBTAIN THE GRANT IN THE AMOUNT OF \$30,000, DULY SECONDED BY COUNCILMAN BUCKMAN. VOTE 6 TO 0.**

HISTORICAL REVIEW BOARD

The following recommendations from the Bardstown Historical Review Board were presented:

- (a) COA-15-11, Nick Kipper, Applicant/Owner, proposes to replace door, transom, and sidelight glass as well as change the porch floor to composite, at 502 North 3rd Street. Recommendation: Disapproval of the replacement of the door and transom glass. Approval of the installation of gray, composite material for porch floor, with the condition that the color be administratively approved before installation.
- (b) COA-15-13, Merima Kreso, Applicant/Owner – TABLED NO SHOW
- (c) COA-15-16, Suga Babies, Applicant, and Natalie Stone, Owner, proposes to install a bracketed sign and tables and paint the entrance door at 105 East Flaget Avenue. Recommendations: Approval of the installation of the sign, tables, and door color, as discussed and presented to the Board.
- (d) COA-15-17, Danny and Theresa Reid, Applicant/Owner, propose to install new exterior lighting at 114 West Broadway Avenue. Recommendation: Approval of the installation of the two gas lights on the wall and ceiling.
- (e) COA-15-18, Tommy and Ann Shouse, Applicant/Owner, propose to install new shutters and paint at 217 West Flaget Avenue. Recommendations: Approval of installation or shutters or no installation with the final decision being administratively approved. Approval of new paint with the condition that new colors be administratively approved.

- (f) COA-15-19, Rick and Donna Molyneaux, Applicant/Owner, proposes to make exterior alterations and replace windows at 220-222 West Broadway Avenue. Recommendation: Approval of the replacement of materials with the condition that AL1 be materials used be administratively approved.
- (g) COA-15-20, Julie Metcalfe, Applicant/Owner, proposes to install a window sign at 303B North 3rd Street. Recommendation: Approval of the installation of the window sign as presented in alignment with the design guidelines.
- (h) COA-15-21, DAK Homes (David Kilner), Applicant, and Charles Jemley, Owner, proposes to paint and repair the roof and replace window sashes at 117 West Broadway Avenue. Recommendation: Approval of the installation of the double-hung, wood sashes, as discussed with the Board. Approval of red roof paint/treatment, only.
- (i) COA-15-22, DAK Homes (David Kilner), Applicant, and Charles Jemley, Owner, proposes to add a new addition at 117 West Broadway Avenue. Recommendation: Approval of the addition with the condition that an approximately 1' distance remain between the brick addition and the stucco garage, that the smooth side of the cement board be facing out, and that all zoning setbacks be met.
- (j) COA-15-23, Davis Cosmetics, Applicant, and Laura Escher-Howell, Owner, propose to install a bracketed sign at 115 East Flaget Avenue. Recommendation: Approval of the installation of the new sign, as presented to the Board.
- (k) COA-15-24, St. John A.M.E. Zion, Applicant/Owner, proposes to install three handicap access ramps at 217-219 East Brashear Avenue. Recommendation: Approval of the installation of the three, concrete ramps with the condition that the railing will match the black, iron that is currently on the church and that if layout of ramp at the rear of the house changes, it should be administratively approved.
- (l) COA-15-25, Joe Buckman Enterprises Applicant, and Suzanne Hayden, Owner, propose to install a pergola at 213 North 4th Street. Recommendation: Approval of the installation of the red cedar pergola.
- (m) COA-14-78(a) AMENDED, Scarlett Hibbs, Applicant/Owner, requests to amend the approved addition and garage at 106 East Broadway Avenue. Recommendation: Approval of the installation of the red cedar pergola.
- (n) COA -15-10 AMENDED, Darrell Hawkins, Applicant/Owner, proposes to leave the porch off of the house at 302 South 3rd Street. Recommendation: Approval of the amendment to not rebuild porch with the condition that only a step down to the sidewalk be replaced, not a concrete pad as previously approved.

COUNCILMAN BUCKMAN MOVED TO APPROVE THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #15-11, COA #15-16, COA #15-17, COA #15-18, COA #15-19, COA #15-20, COA #15-21, COA #15-22, COA #15-23, COA #15-24, COA #15-25, COA #14-78(a) AMENED, AND COA #15-10 AMENDED. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

MINUTES

THE MINUTES OF THE CITY COUNCIL MEETING FOR 05-12-2015 WERE APPROVED BY UNANIMOUS CONSENT.

FINANCIAL REPORT

PRESIDING OFFICER COUNCILMAN SIMPSON ADVISED THERE WOULD BE A SPECIAL COUNCIL MEETING ON WEDNESDAY, 05-27-2015, AT 5:00 PM IN THE COUNCIL CHAMBERS TO REVIEW THE FINANCIAL REPORT.

PROPOSED ORDINANCE B2015 – FY2014-15 AMENDED BUDGET

Before introducing the proposed ordinance Councilman Williams asked if we could discuss the Safety Committee since some of the results are part of the ordinance. Councilman Buckman informed the Council of the imminent separation of the city/joint fire department. Councilman Buckman stated all avenues were exhausted to come to an agreement on the City side with no response or proposals from the Corporation. Councilman Williams asked if he could get a copy of this and discuss since he was not aware of some of the issues. Discussion from the Safety Committee is the reasoning for wanting to amend the 2014-15 budget. Councilman Williams introduce the ordinance and asked for its first reading. Acting City Clerk Graham read the ordinance in full which will allow the Bardstown City Fire Department to purchase needed equipment before the current City/Corporation contract expires. No vote was taken.

B2015-12 CHAPTER 94 NUISANCE ORDINANCE AMENDMENTS

ORDINANCE NO. B2015 - 12

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE CONTAINED IN THE BARDSTOWN CODE OF ORDINANCES, CHAPTER 94: NUISANCES.

THE CITY OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAIN THAT: Section 94.03 CERTAIN CONDITIONS DECLARED A NUISANCE, (L) Junk, Scrap Metal, Motor Vehicles and (M) Open Burning, be amended as follows:

CHAPTER 94: NUISANCES

94.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

It shall be unlawful for the owner, occupant, or person having control or management of any land within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(L) ~~Junked~~ [~~scrap metal,~~] motor vehicles. [~~The storage of unlicensed motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city for such purposes.~~] **The location or presence of any junked, abandoned, discharged, dismantled, partially dismantled, immobile or otherwise non-operating motor vehicle or vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved for more than 10 days, within the city limits shall be deemed a public nuisance and it shall be unlawful for any person, whether as owner, tenant, occupant, lessee, firm or corporation to cause or maintain such a public nuisance or allow the same to be placed, located, maintained or exist upon his or their own real property. If such public nuisance is not abated by the owner or occupant after notice is given in accordance with this chapter, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof may be stored and disposed of by the city in compliance with KRS 376.275.**

(M) Open Burning. The open burning of leaves, brush, construction materials, or other debris without specific authorization from the Chief of the Bardstown [~~Nelson County Volunteer~~] Fire Department or his designee. **Violations may result in a \$100.00 fine per occurrence.**

All ordinances in conflict herewith are hereby amended to the extent of such conflict. This ordinance shall take effect and be in force upon its passage and publication as required by law.

COUNCILMAN HAGAN MOVED TO APPROVE ORDINANCE B2015-12 CHAPTER 94 NUISANCE ORDINANCE AMENDMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAM.

THE PRESIDING OFFICER CALLED THE ROLL AND THE FOLLOWING VOTED:

- COUNCILMAN BUCKMAN - AYE
- COUNCILMAN WILLIAMS - AYE
- COUNCILMAN HAGAN - AYE
- COUNCILMAN LYDIAN - AYE
- COUNCILMAN COPELAND - AYE
- COUNCILMAN SIMPSON - DID NOT VOTE

THE PRESIDING OFFICER THEN DECLARED ORDINANCE NO. B2015-12 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

B2015-13 REZONE 2438 BARDSTOWN MEDICAL BUILDING

ORDINANCE NO. B2015 – 13

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP, ENTITLED, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN, AND NELSON COUNTY, KENTUCKY" BY DESIGNATING ABOUT 1.0 ACRE AT 202 SOUTH 4TH STREET FROM R-3 (MULTI-FAMILY RESIDENTIAL DISTRICT) TO P-1 (PROFESSIONAL OFFICE DISTRICT).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on April 28, 2015, held a public hearing on the Application No. 2438 to rezone about 1.0 acre at 202 South 4th Street from R-3 (Multi-Family Residential District) to P-1 (Professional Office District); and

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 recommended that any restrictions or conditions that may have been agreed to by the applicant and the Planning Commission be applied.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Kentucky, 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 May 7, 2015, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property as described:

“Beginning at the southwest corner of Fourth and Graves Streets and running west to an alley; thence south with the said alley to a wire fence; thence east with the said wire fence to another wire fence; thence north with the last named wire fence to a slat fence; thence with slat fence east to Fourth Street; thence north to the beginning.”

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

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

THE PRESIDING OFFICER CALLED THE ROLL AND THE FOLLOWING VOTED:

- COUNCILMAN BUCKMAN - AYE
- COUNCILMAN WILLIAMS - AYE
- COUNCILMAN LYDIAN - AYE
- COUNCILMAN COPELAND - AYE
- COUNCILMAN SIMPSON - DID NOT VOTE

COUNCILMAN HAGAN RECUSED HIMSELF FROM THE VOTE.

THE PRESIDING OFFICER THEN DECLARED ORDINANCE NO. B2015-13 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

COMMITTEES AND STAFF

Councilman Williams reported on the Finance Committee meeting from 05-11-2015. City Electrical Engineer Mills clarified some concerns of hiring 1 to 2 additional for the sweeps. Director of Public Works & Engineering Hamilton stated the City would conceivably save money over a 5 year period. City Electrical Engineer Mills answered Councilman Hagan’s concern on the miscellaneous line item in the budget. City Electrical Engineer Mills stated too many items to qualify as an individual line item. Mayor Royalty reported the need for an additional police car in the budget (from 4 to 5 cars, insurance to pay part of one from accident). Informed the committee of the need to replace hand guns for the police department (Glock’s currently used are faulty). Risk Manager Ashworth to full-time due to KLS insurance concerns and adding building maintenance.

Councilman Lydian reported on 05-13-2015 discussed the budget. Municipal Order of M2015-13 Cemetery Rules and Regulations will be presented next.

Chief McCubbin distributed the annual report for the police department. No new additions.

Director of Public Works & Engineering Hamilton asked that it be put on record, St. John A.M.E. Zion Church has painted parking spots on the roadway to the stop sign at East Brashear Avenue. There are several parking spots along with a handicap spot painted on the roadway to the stop sign. There should be 20 feet from the stop sign to allow for visual view of oncoming traffic. We are looking to see if it violates any rules. City Civil Engineer Filiatreau questioned placing a handicap spot on the street with no ramp to access. Councilman Williams asked if we could look to see if we could make it work.

MUNICIPAL ORDER M2015-13 CEMETERY RULES AND REGULATIONS

MUNICIPAL ORDER M2015-13

THE BARDSTOWN CITY COUNCIL OF BARDSTOWN, KENTUCKY HEREBY AMENDS THE FOLLOWING RULES AND REGULATIONS FOR THE BARDSTOWN CEMETERY AS RECOMMENDED BY THE BARDSTOWN CEMETERY COMMITTEE:

**BARDSTOWN CEMETERY
Rules and Regulations**

1. No person shall leave any animal unfastened in the cemetery grounds. No person shall enter the grounds with intoxicating liquors, or drive faster than 15 miles per hour, or ride or drive on the grass, or write on or otherwise injure or deface any monument, headstone, fence, or other structure.
2. No person shall plant nor pluck any flower, either wild or cultivated, any tree, shrub or plant therein, or remove any tree, shrub, plant or flower without the consent of the Public Works Superintendent or City Groundskeeper. Cemetery staff may have the authority to remove plants, trees, shrubs or other vegetation, if need be, to maintain and beautify the cemetery.

3. All graves in the cemetery shall be kept flat without any mounds.

4. All vases or other arrangements that are permanently secured to a monument are considered acceptable. Real or artificial flowers are permitted in those vases. Should real or artificial flowers become faded, detached, ragged, worn in appearance or damaged by any other means, the Cemetery staff may remove the flowers after notifying owners who have previously contacted the office of the Sexton.

5. The grassed area surrounding monuments shall be maintained solely under the supervision of the Public Works Superintendent or City Groundskeeper. No embellishments to the grassed areas surrounding the monuments are permitted by the owners of the deeded lot. During the dates of November 1st through January 15th, all fixed arrangements are allowed near or on the monument. January 16th through October 31st, no flower arrangements, toys, balloons, eternal flames, shepherd's hooks or other loose articles shall be placed on the monument or in or on the ground that would cause debris or hinder safety, maintenance or mowing.

6. All funeral home temporary markers placed on new burials will be removed after 60 days. All funeral home temporary markers placed prior to March 15, 2015, will be removed.

[6] 7. The perpetual maintenance, care, and embellishment of the cemetery before and after the purchase of a deeded lot, are under the supervision of the Public Works Superintendent or City Groundskeeper. Maintenance of the cemetery will be conducted on a monthly basis, except during the mowing season.

COUNCILMAN WILLIAMS MOTIONED TO APPROVE MUNICIPAL ORDER M2015-13 CEMETERY RULES AND REGULATIONS AS LISTED, DULY SECONDED BY COUNCILMAN HAGAN. VOTE 6 TO 0.

SPECIAL PERMIT – FIREWORKS

Presiding Officer Councilman Simpson motioned to approve the Fireworks Special Permits for Kentucky Jail Ministries and Bardstown Church of God. **MOTION ADOPTED BY UNANIMOUS CONSENT.**

COUNCIL COMMENTS

Councilman Williams brought a safety concern regarding a blind spot when turning off Elmcrest to Highway 62. Director of Public Works & Engineering Hamilton informed Councilman Williams they are aware of the issue. A sign has been placed blocking the view for motorists exiting from Elmcrest. Historical Preservation Coordinator Hawkins in contact with E'town Department of Transportation to increase the height of the sign.

ANNOUNCEMENTS

Presiding Officer Councilman Simpson indicated there would be a Special Council Meeting on 06-02-2015, at 4:30 pm, followed by a working session.

ADJOURNMENT

THE MOTION TO ADJOURN WAS APPROVED BY UNANIMOUS CONSENT.

CITY OF BARDSTOWN

John Royalty, Mayor

ATTEST:

Kathy Graham, Acting City Clerk