

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
06-10-2014
7:00 – 9:55 P.M.

With Mayor Bill Sheckles presiding, the City Council met in a regular session in the Council Chambers with the following Councilmen:

Councilman Joe Buckman
Councilman Francis Lydian
Councilman Tommy Reed
Councilman John Royalty
Councilman Bobby Simpson
Councilman Roland Williams

Others present: Assistant City Administrator Larry Green, Director of Public Works and Engineering Larry Hamilton, Chief Financial Officer Mike Abell, City Civil Engineer Jessica Filiatreau, City Electrical Engineer Jeff Mills, City Attorney Bruce Reynolds, City Clerk Barbie Bryant, Fire Chief Marlin Howard, BNC Tourism Director Dawn Przystal, The Kentucky Standard reporter Randy Patrick, Nelson County Gazette reporter Jim Brooks, WBRT-TV cameraman Collin Rogers, and citizens Michael Greenwell, Michele Thomas, Anna Thomas, Sharon Shank, Kathy Reed, Paula Pace, Michael Salsman and Tom Hamilton.

HUMAN RIGHTS COMMISSION – ESSAY CONTEST WINNER

Mayor Sheckles introduced Bardstown High School student Anna Jane Thomas, who recited her speech on the need for a Fairness Act Ordinance.

UTILITY SERVICE COMPANY CHANGE ORDER REQUEST

City Civil Engineer Filiatreau reported that the paint coatings removed from the Botland water tank were tested and contained levels of lead that must be disposed of as hazardous waste. A change order, based on the per ton cost of actual hazardous refuse material to be hauled and disposed of was presented at a cost of \$306 per ton. The change order was estimated to total \$20,502 amending and increasing the project total cost to \$131,976. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE CHANGE ORDER FROM UTILITY SERVICE COMPANY WAS APPROVED.**

2014-2015 TOURISM COMMISSION BUDGET

Mayor Sheckles presented the budget for \$749,000. Tourism Director Przystal was available to answer any questions. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE 2014-15 TOURISM COMMISSION BUDGET WAS APPROVED.**

FIRST READING – PROPOSED ORDINANCE B2014-REZONE #2419 COUNTY OF NELSON, KY

Councilman Williams introduced proposed Ordinance B2014 – Rezone #2419 County of Nelson, KY, and asked for its first reading. This ordinance will rezone 99.445 acres on the north side of Parkway Drive, approximately 0.77 mile west of Woodlawn Road (KY 605) and 0 feet south of the Bluegrass Parkway (Revised Lot #16, Nelson County Industrial Park Amended Final Plat) from I-1 (Light Industrial District) to I-2 (Heavy Industrial District). City Clerk Bryant read the proposed ordinance in summary. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, PROPOSED ORDINANCE B2014-REZONE #2419 COUNTY OF NELSON, KY, WAS APPROVED FOR FIRST READING.**

FIRST READING – PROPOSED ORDINANCE B2014-CLOSURE OF A PUBLIC STREET, W JOHN FITCH

Councilman Reed asked to be recused and left the meeting. Councilman Buckman introduced proposed Ordinance B2014 – Closure of a Public Street, W. John Fitch and asked for a first reading. This ordinance will close a portion of the public right-of-way known as W. John Fitch Avenue lying west of S. Fifth Street and east of Cathedral Manor. City Clerk Bryant read the proposed ordinance in full. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, PROPOSED ORDINANCE B2014-CLOSURE OF A PUBLIC STREET, W. JOHN FITCH, WAS APPROVED FOR FIRST READING.** Councilman Reed returned to the meeting.

LEASED ACCESS CONTRACT WITH WBRT

City Electrical Engineer Mills was contacted by WBRT Co-owner, Roth Stratton, who asked to increase their contract time with a morning time slot on Channel 19. This would be in addition to their established schedule between 6:00pm and midnight. Mills presented the Council with an “implicit fee calculation” based on several factors that include the number of customers on basic tier, number of channels on basic tier, revenue from customers per month, etc. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL’S RECOMMENDATION TO AUTHORIZE THE MAYOR TO SIGN THE LEASED ACCESS CONTRACT WITH WBRT, WAS APPROVED.**

LETTER OF REQUEST FOR THE BARDSTOWN MIDDLE SCHOOL 5K RUN/WALK

Councilman Williams asked to be recused and left the meeting. Mayor Sheckles presented the letter of request from the Bardstown Middle School Speech and Drama program for a 5K run/walk starting at the Tiger Alley and using West Stephen Foster Avenue as the cross road for the participant's route. The date will be October 18, 2014, from 8:00am until 10:00am. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE LETTER OF REQUEST FROM THE BARDSTOWN MIDDLE SCHOOL WAS APPROVED.** Councilman Williams returned to the meeting.

LETTER OF REQUEST FOR THE COX'S CREEK ELEMENTARY SCHOOL BULLDOG 5K

Mayor Sheckles presented the letter of request from the Cox's Creek Elementary School for their annual Bulldog 5K starting at Xavier Drive and using West Stephen Foster Avenue as the cross road for the participant's route. The date will be August 30, 2014, from 8:00am until 9:00am. **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE LETTER OF REQUEST FROM THE COX'S CREEK ELEMENTARY SCHOOL WAS APPROVED.**

MINUTES

The minutes from the 05-27-2014 Regular Council meeting were presented. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE MINUTES WERE APPROVED.**

FIRST READING – PROPOSED ORDINANCE B2014-WATER AMENDMENTS

Councilman Royalty introduced proposed Ordinance B2014 – Water Amendments and asked for a first reading. This ordinance will increase the tap on fees for in-town and out-of-town new meter customers. City Clerk Bryant read the proposed ordinance in full. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, PROPOSED ORDINANCE B2014-WATER AMENDMENTS, WAS APPROVED FOR FIRST READING.**

FIRST READING – PROPOSED ORDINANCE B2014-ALCOHOLIC BEVERAGES AMENDMENTS

Councilman Lydian introduced proposed Ordinance B2014 – Alcoholic Beverages Amendments and asked for a first reading. This ordinance will allow the sale of distilled spirits, wines and malt beverages during the hours of 6am to 6pm on election days. City Clerk Bryant read the proposed ordinance in full. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, PROPOSED ORDINANCE B2014-ALCOHOLIC BEVERAGES AMENDMENTS, WAS APPROVED FOR FIRST READING.**

FIRST READING – PROPOSED ORDINANCE B2014-BICYCLES AMENDMENTS

Councilman Simpson introduced proposed Ordinance B2014 – Bicycles Amendments and asked for a first reading. This ordinance will eliminate the need to license a bicycle or require training to ride a bicycle. City Clerk Bryant read the proposed ordinance in summary. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, PROPOSED ORDINANCE B2014-BICYCLES AMENDMENTS, WAS APPROVED FOR FIRST READING.**

FIRST READING – PROPOSED ORDINANCE B2014-AMENDED BUDGET FY 2013-14

Councilman Reed introduced proposed Ordinance B2014 – Amended Budget FY 2013-14 and asked for a first reading. This ordinance will help balance unanticipated changes in both revenues and expenditures that have occurred throughout the fiscal year. City Clerk Bryant read the proposed ordinance in full. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, PROPOSED ORDINANCE B2014-AMENDED BUDGET FY 2013-14, WAS APPROVED FOR FIRST READING.**

FIRST READING – PROPOSED ORDINANCE B2014-ANNUAL BUDGET FY 2014-15

Mayor Sheckles opened the floor to discussion before the first reading. Councilman Reed introduced proposed Ordinance B2014 – Annual Budget FY 2014-15 and asked for a first reading. City Clerk Bryant read the proposed ordinance in full. **THE FIRST READING VOTE WAS BUCKMAN, LYDIAN AND WILLIAMS – AYES; ROYALTY, REED, SIMPSON - NAYS.**

SPECIAL PERMIT-FIREWORKS

The Mayor presented a Special Permit for the Bardstown Church of God to sell fireworks in the Lowe's Shopping Center parking lot. The dates will be June 24th through July 5th. He also presented a Special Permit for the Humane Society of Nelson County to sell fireworks in the Walmart Shopping Center parking lot. The dates will be June 17th through July 8th. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE SPECIAL PERMITS WERE APPROVED.**

RETURN CHECK FEE

Mayor Sheckles presented the following Municipal Order to establish a return check fee policy.

MUNICIPAL ORDER NO. M2014-09

RESOLUTION

WHEREAS: The City of Bardstown incurs over 500 returned paper checks and 120 returned E-checks for payment of utility and cable/internet services and;

WHEREAS: The City of Bardstown wishes to access a fee to cover the cost of processing a returned paper check or E-check.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bardstown, KY that an amount of \$50.00 will be charged for each returned check or E-check.

UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER M2014-09 WAS APPROVED.

MUNICIPAL AID CO-OP PROGRAM

Mayor Sheckles presented the following Municipal Order:

MUNICIPAL ORDER NO. M2014-10

R E S O L U T I O N

City of Bardstown of Bardstown, Kentucky

Resolution adopting and approving the execution of a Municipal Aid Co-op Program Contract between the City of Bardstown and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid for the fiscal year beginning July 1, 2014, as provided in the Kentucky Revised Statutes and accepting all streets referred to therein as being streets which are a part of the City of Bardstown.

BE IT RESOLVED by the Legislative Body of the City of Bardstown that:

The Legislative Body of the City of Bardstown does hereby accept all streets referred to in said Contract as being city streets which are a part of the City of Bardstown; and

The Legislative Body of the City of Bardstown does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated; and

The Chief Executive Officer of the said City of Bardstown is hereby authorized and directed to sign said Contract as set forth on behalf of the Legislative Body of Bardstown, and the City Clerk of Bardstown is hereby authorized and directed to certify thereto.

The vote taken on said Resolution, the result being as follows:

	<u>AYES</u>	<u>NAYS</u>
<u>Councilman Buckman</u>	<u>X</u>	_____
<u>Councilman Royalty</u>	<u>X</u>	_____
<u>Councilman Lydian</u>	<u>X</u>	_____
<u>Councilman Williams</u>	<u>X</u>	_____
<u>Councilman Reed</u>	<u>X</u>	_____
<u>Councilman Simpson</u>	<u>X</u>	_____

COMMITTEE REPORTS

City Clerk Bryant reported that a Special Cemetery meeting was held on June 5th to clarify the cemetery rules and regulations through municipal order that would address the embellishment of areas around monuments. The need to update the ordinance for cremation grave cost and refund policy was also addressed.

CEMETERY DEEDS

Two Bardstown Cemetery deeds were presented; one grave site for William Feltner and one grave site for Anne Hutchins. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE DEEDS WERE APPROVED.**

STAFF REPORTS

Director of Public Works and Engineering Hamilton wanted to publicly compliment the Cable Department for completing the Digital-to-Analog (DTA) project with such success and very few complaints.

ADJOURNMENT

There being no further business to discuss and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED.**

CITY OF BARDSTOWN

William S. Sheckles, Mayor

ATTEST:

Barbara Bryant, City Clerk