

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
06-25-2013
7:00 – 8:15 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 - **absent**
Councilman John Royalty
Councilman Bobby Simpson
Councilman Roland Williams

Others present: Assistant City Administrator Larry Green, Director of Public Works and Engineering Larry Hamilton, City Civil Engineer Jessica Filiatreau, Chief Financial Officer Mike Abell, City Electrical Engineer Jeff Mills, City Attorney Tom Donan, City Clerk Barbie Bryant, Police Chief Rick McCubbin, Fire Chief Marlin Howard, BNC Volunteer Fire Department Chairman Neal Pyle and Treasurer Stacey Faulkner, Director of Tourism Dawn Przystal, The Kentucky Standard reporter Jennifer Corbett, WBRT video cameraman Collin Rogers and WBRT co-owner Roth Stratton, Linda Mackay with TNT Fireworks, citizens Cayce Humpkey and Josh and Lindsay Blackmon.

2013-2014 TOURISM COMMISSION BUDGET

Mayor Sheckles presented the budget. Tourism Director Przystal was available to answer any questions. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE 2013-14 TOURISM COMMISSION BUDGET WAS APPROVED.**

TOWN CREEK SEWER TREATMENT PLANT CHANGE ORDER NO. 3

City Civil Engineer Filiatreau presented the third change order in the amount of \$4,320.00. She described the change order as a balancing change order for the actual 645 linear feet installed footage of the 36” sewer pipe based on the unit price schedule given in the bid. An estimated 625 linear feet was given in the bid. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, CHANGE ORDER NO.3 BY CLEARY CONSTRUCTION WAS APPROVED.**

208 EAST FLAGET / STRAWBERRY ALLEY IMPROVEMENT REQUEST

Director of Public Works and Engineering Hamilton explained the procedure and permit process for this request. Once the improvements are made by the Blackmon’s, the City will assume the maintenance of the alley. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0, THE REQUEST BY JOSH AND LINDSAY BLACKMON TO IMPROVE STRAWBERRY ALLEY WAS APPROVED.**

HISTORICAL REVIEW BOARD RECOMMENDATIONS

Mayor Sheckles presented the following Historical Review Board recommendations:

- (a) COA-13-32. Fred Noe, Owner, and Matt Wooldridge (Henry Contractors), Applicant, propose to remove and replace roof at 416 North Third Street. Recommendation: Approval of roof removal and replacement as submitted.
- (b) COA-13-36. Nathan Jones, Applicant, and Sandy Mayberry, Owner, propose to install a sign at 100 West Flaget Avenue. Recommendation: Approval of sign as submitted.
- (c) COA-13-37. Simply B Boutique, Applicant, and Robert Smotherman, Owner, request approval of paint color on front door at 97 West Flaget Avenue. Recommendation: Approval of the paint color chosen by the Applicant.
- (d) COA-13-08. Simply B Boutique, Applicant, and Robert Smotherman, Owner, amend COA-13-08 to relocate window sign at 97 West Flaget Avenue. Recommendation: Approval of the relocation of submitted signs.
- (e) COA-13-38. First Federal Savings Bank, Applicant/Owner, proposes to reconstruct a drive-thru canopy at 315 North Third Street. Recommendation: Approval of the reconstruction using the materials, colors, and plans submitted.
- (f) COA-13-34. Newcomb Oil Company, Applicant/Owner, proposes to remove carport at 118 East Stephen Foster Avenue. Recommendation: Approval of carport demolition.
- (g) COA-13-33. Newcomb Oil Company, Applicant/Owner, proposes a site alteration at 118 and 122 East Stephen Foster Avenue. Recommendation: Approval of site alterations as submitted to and discussed with the HRB. Approval of administrative decisions concerning aesthetic alterations.

UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA'S #13-08, #13-32, #13-33, #13-34, #13-36, #13-37, AND #13-38 WERE APPROVED WITH THE RECOMMENDED CONDITIONS SET FORTH BY HRB.

MINUTES

The minutes from the 06-11-2013 Regular Council meeting were presented. UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE MINUTES WERE APPROVED.

2013-2014 KY PRIDE FUND RECYCLING GRANT

Mayor Sheckles thanked Assistant City Administrator Green for his work to secure a recycling grant in the amount of \$9,480.00. This will be the third year the City has received the grant.

FIRST READING – PROPOSED ORDINANCE B2013- ALCOHOLIC BEVERAGE AMENDMENTS SB13

Councilman Lydian introduced proposed Ordinance B2013-Alcoholic Beverage Amendments SB13 and asked for its first reading. City Attorney Donan read the proposed ordinance in full. Due to the passage of Kentucky Senate Bill 13, statutory changes that affect state and local ABC laws, licenses and licensing fees needed to be revised. City Attorney Donan gave credit to KLC Attorney Andrea Shindlebower for her help with the necessary ordinance changes.

Mayor Sheckles discussed the businesses in the City that have renewed their liquor licenses. The penalty phase will begin after July 1, 2013. City Clerk Bryant and Police Chief McCubbin will contact the businesses whose fees have not been paid.

SECOND READING – ORDINANCE B2013-08, AMENDED BUDGET FOR FY 2012-2013.

City Clerk Bryant presented Ordinance B2013-08 for a second reading.

ORDINANCE NO. B2013 – 08

AN ORDINANCE AMENDING ORDINANCE NO. B2012-12 THE CITY OF BARDSTOWN'S BUDGET ORDINANCE FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013.

WHEREAS an annual budget for Fiscal Year 2012 – 2013 was adopted by the City Council of the City of Bardstown on June 26, 2012, and

WHEREAS there have been unanticipated changes in both revenues and expenditures during that period of time;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN THAT:

Section I.

The annual budget for the fiscal year 2012-2013 be and is hereby amended as follows:

- 1) Self Insurance Fund, Fund 15: Increase Insurance Recovery Revenue, line 4670, by \$200,000 and increase expense line 5600, Claims, by \$200,000.
- 2) Bond Sinking Fund # 45: Increase expense line 7520, Interest, by \$3,399 and decrease the Excess Revenue line by \$3,399.
- 3) Construction Fund, # 54: Add fund to the budget as final bills for the water plant and Bloomfield Road/Pottershop Road Force Main Projects were paid in FY 13. Increase Revenue line 4690 (KIA) by \$154,000 and increase Expense Line 7300, Water Plant, by \$92,251; and increase Expense Line 7302, Force Main, by \$61,115.
- 4) Combined Utilities Fund, Fund 45, Department 05, Garbage, Increase Expense Line 7180, Construction Equipment, by \$128,000 to pay for replacement of a fire damaged truck.

Section II.

All ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict. This ordinance shall be in full force and effect following publication in summary as required by law.

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

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN BUCKMAN	-	AYE

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2013-08 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING - B2013-09, FY 2013-2014 ANNUAL BUDGET

City Clerk Bryant presented Ordinance B2013-09 for a second reading.

ORDINANCE NO. B2013 - 09

AN ORDINANCE ADOPTING THE CITY OF BARDSTOWN, KENTUCKY, ANNUAL BUDGET FOR THE FISCAL YEAR, JULY 1, 2013, THROUGH JUNE 30, 2014, ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY GOVERNMENT.

WHEREAS, an annual budget proposal and message has been prepared and delivered to the City Council; and,

WHEREAS, the City Council has received such budget proposal and made desired modifications;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BARDSTOWN:

Section I

That the annual budget for the fiscal year beginning July 1, 2013, and ending June 30, 2014, is hereby adopted as attached hereto; and

Section II

That this ordinance shall become effective upon approval and publication in summary as required by law.

Before the vote was taken, Councilman Buckman made the following statement: Our function, here as City Councilmen, is to use financial and human resources to provide services and civil order for residents. I believe we failed our citizens when we did not budget enough money to fund a well educated and qualified person for the ever so important HRB director position.

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

COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN ROYALTY	-	NAY
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN SIMPSON	-	NAY

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2013-09 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING - B2013-10, REZONING #2394 DIXIE HIBBS AND STEPHEN HIBBS

City Clerk Bryant presented Ordinance B2013-10 for a second reading.

ORDINANCE NO. B2013 - 10

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 0.59 ACRES AT 540 OLD BLOOMFIELD PIKE FROM P-1 (PROFESSIONAL OFFICE DISTRICT) TO B-4 (GENERAL BUSINESS DISTRICT).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on May 14, 2013, held a public hearing on the Application No. 2394 for Dixie Hibbs and Stephen Hibbs to rezone 0.59 acres at 540 Old Bloomfield Pike from P-1 (Professional Office District) to B-4 (General Business 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 Williams, duly seconded by Councilman Simpson and carried, the City Council approved upon first reading the recommendation stated from the Planning and Zoning Commission to approve the 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 June 03, 2013, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property as described:

“Beginning at an existing iron pin in the west line of R. J. Corman Railroad Corp. Inc., in the south r/w line of Old Bloomfield Pike; thence with the south line of said road through the following calls: N 51-44-41 E 24.48 ft.; N 54-47-24 E 58.01 ft.; N 56-43-06 E 54.84 ft.; N 57-40-14 E 86.85 ft. to an existing iron pin, in the south line of said road, corner to Town Creek Development Inc.; thence leaving the road with Town Creek Development Inc. S 31-06-44 E 97.04 ft. to an existing iron pin; thence S 23-32-27 W 146.17 ft. to an existing iron pin, corner to Town Creek Development Inc., in the line of R. J. Corman Railroad Corp. Inc.; thence with the line of said railroad N 62-38-03 W 200.00 ft. to the point of beginning containing 0.59 acres.”

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.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2013-10 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING - B2013-11, REZONING #2395 PHILLIP LEWIS AND JOHN LEWIS

City Attorney Donan presented Ordinance B2013-11 for a second reading.

ORDINANCE NO. B2013 - 11

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 2.97 ACRES AT 1449 NORTH THIRD STREET (US 31E) FROM A-1 (AGRICULTURE DISTRICT) AND B-3 (REGIONAL RETAIL BUSINESS DISTRICT) TO R-4 (MULTI-FAMILY RESIDENTIAL DISTRICT).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on May 14, 2013, held a public hearing on the Application No. 2395 for Phillip Lewis and John Lewis to rezone 2.97 acres at 1449 North Third Street (US 31E) from A-1 (Agriculture District) and B-3 (Regional Retail Business District) to R-4 (Multi-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 Buckman, duly seconded by Councilman Royalty and carried, the City Council approved upon first reading the recommendation stated from the Planning and Zoning Commission to approve the 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 June 03, 2013, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property as described:

“Beginning at a set ½ inch rebar with cap stamped “WOLF 3742” (set rebar henceforth) in the east right-of-way line of Bardstown Road, corner to a tract of land conveyed to William L. Wickliffe and Margaret C. Wickliffe of record in Deed Book 135, Page 233 in the Office of the Clerk of Nelson County, Kentucky; thence, leaving the east right-of-way line of Bardstown Road and running with the south line of said Wickliffe, south 85 degrees 28’14” east 335.24 feet to a set rebar, corner to said Wickliffe; thence with the east line of said Wickliffe, north 04 degrees 30’37” east 30.00 feet to a found 5/8 inch rebar with cap stamped “HIBBS 2981” (found rebar henceforth), corner to said Wickliffe and a tract of land conveyed to Kentucky RSA #4 Cellular General Partnership of record in Deed Book 476, Page 192 in the Clerk’s Office aforesaid; thence with the south line of said Cellular General Partnership, north 71 degrees 51’ 28” east 164.42 feet to a found rebar; thence, south 85 degrees 29’ 00” east 432.76 feet to a found rebar, corner to said Cellular General Partnership; thence

with the east line of said Cellular General Partnership, south 05 degrees 18'40" west 186.94 feet to a found rebar, corner to said Cellular General Partnership; thence, with the north line of said Cellular General Partnership, adjoining a tract of land conveyed to Charles E. and Elaine G. Keeling of record in Deed Book 325, Page 305 at approximately 28 feet and a tract of land conveyed to Tycar Investments, LLC. of record in Deed Book 451, Page 656 at approximately 678 feet, north 84 degrees 40'53" west 916.87 feet to a set rebar, corner to said Tycar Investments, LLC and in the east right-of-way line of Bardstown Road; thence, with the east right-of-way line of Bardstown Road, North 04 degrees 08'13" east 80.75 feet to the point of beginning, having an area of 2.977 acres."

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.

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

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN BUCKMAN	-	AYE

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2013-11 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING - B2013-12, WATER AMENDMENT – CONTRACT WATER SERVICES

City Clerk Bryant presented Ordinance B2013-12 for a second reading.

ORDINANCE NO. B2013 - 12

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 52 WATER OF THE CITY OF BARDSTOWN'S CODE OF ORDINANCES.

THE CITY COUNCIL FOR THE CITY OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAIN AS FOLLOWS:

That Chapter 52 WATER, Section 52.01 RATES (B) of the Bardstown Municipal Code, be amended to read as follows:

§ 52.01 RATES

(B) Contract Water Service. The rate and conditions charged for all water sold by the city to customers under agreement shall be modified according to the terms of said agreement(s) and, where applicable, approved by the Kentucky Public Service Commission as governed by law. The rates charged for water under the wholesale contracts shall be ~~\$1.70~~ **\$2.00** per one thousand gallons for all metered consumption. The effective date of said rate modification shall be September 1, ~~2003~~ **2013**; the rate modification shall apply to water meter readings made in September for billing due October 1, ~~2003~~ **2013**.

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2013-12 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

NEW APPOINTMENTS AND RE-APPOINTMENTS

Mayor Sheckles recommended the re-appointment of Anne Hamilton for a 3-year term to the Cable TV Programming Committee and the new appointment of Bambi Jo Harris to fill the unexpired term of David Herring on the Property Valuation Board. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE RE-APPOINTMENT AND NEW APPOINTMENT WERE APPROVED.**

FIREWORKS PERMIT

The application from the Bernheim Cheer Boosters was withdrawn.

STAFF REPORTS

Mayor Sheckles read an article from the publication *KFA Smoke Signals II* that gave praise to Fire Chief Howard and his staff for an excellent two day training event. The event covered the live fire training burn of the house on North Third Street.

CEMETERY DEEDS

Two Bardstown Cemetery deeds were presented; one grave site for Catherine Satterly Frey and two grave sites for Tammy Lynn and James Andrew Johnson. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE DEEDS WERE APPROVED.**

ADJOURNMENT

There being no further business to discuss and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE MEETING WAS ADJOURNED.**

CITY OF BARDSTOWN

William S. Sheckles, Mayor

ATTEST:

Barbara Bryant, City Clerk