

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
07-08-2014
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
Councilman John Royalty
Councilman Bobby Simpson
Councilman Roland Williams - **absent**

Others present: Assistant City Administrator Larry Green, Director of Public Works and Engineering Larry Hamilton, Chief Financial Officer Mike Abell, City Electrical Engineer Jeff Mills, City Attorney Bruce Reynolds, City Clerk Barbie Bryant, Bardstown Firefighter Ernie Pyle, Police Chief Rick McCubbin, The Kentucky Standard reporter Randy Patrick, Nelson County Gazette reporter Jim Brooks, WOKH reporter Sylvia Horlander, and citizens Michael Ballard, David H. Hall, Michael Salsman, Jimmy Willett, and Bethlehem High School Principal Tom Hamilton; Benson Bell, David Wayne and Luke King with the Kentucky Department of Agriculture.

OATH OF OFFICE – POLICE DEPARTMENT

Mayor Sheckles invited Officers Dalton Pinkston and Derek Sidebottom to join him as he administered the Oath of Office. Mayor Sheckles announced that with the addition of these officers, for the first time in the history of the Police Department, it is now fully staffed. The Councilmen, along with those in attendance, joined the Mayor in a round of congratulatory applause.

ELECTRIC SYSTEM EXCAVATION CONSTRUCTION SERVICES BID

City Electrical Engineer Mills presented the bid tab for excavation services that are related to the FEMA Grant, which was given as a result of the ice storm of 2009. The residents of the Guthrie addition neighborhood near Demaree and Guthrie Drives were each notified and welcome the transition to underground electrical utility services replacing the current overhead services. The bid cost equals a \$170,000 net impact to the city budget. CFO Mike Abell confirmed that unrestricted reserve funds could be used for this capital project.

**ELECTRIC SYSTEM EXCAVATION CONSTRUCTION SERVICES
2014 BID TAB
July 2, 2014
2:00 p.m.**

Billy Gilkey Ditch Witch Co.	\$443,053.00
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Recommend: Billy Gilkey Ditch Witch Co.

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE BID FROM BILLY GILKEY DITCH WITCH COMPANY FOR \$443,053.00 TO BE COMBINED WITH THE FEMA GRANT AND \$170,000 OF UNRESTRICTED RESERVE FUNDS, WAS APPROVED.

REZONE REQUEST #2420 H & W RENTAL PROPERTIES, INC

Mayor Sheckles announced that David Wheatley withdrew his application. No discussion followed.

KY DEPARTMENT OF CONSUMERS & ENVIRONMENTAL PROTECTION (CEP)

Benson Bell, Executive Director of CEP, described the program that involves mosquito spraying and stated the department is available to provide the service to the City of Bardstown. Mayor Sheckles invited anyone interested in having their property serviced, to direct their calls to the Mayor's office.

KY LEAGUE OF CITIES CONFERENCE & EXPO

The conference will be held October 7-10, 2014, at the Galt House in Louisville, KY. City Clerk Bryant will register City Officials and Department Heads who would like to attend.

MINUTES

The minutes from the 06-24-2014 Regular Council meeting were presented. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE MINUTES WERE APPROVED.**

FIRST READING – PROPOSED ORDINANCE B2014-CLASSIFICATION & COMPENSATION PLAN

Since Councilman Williams introduced proposed Ordinance B2014 – Classification & Compensation Plan and at the Council meeting held on 06-10-2014, City Clerk Bryant gave a first reading of the proposed ordinance in summary. This ordinance amends the Authorized Positions and Grade Scale and defines two new Job Classifications. No vote was taken.

SECOND READING – ORDINANCE B2014-15 CLOSURE OF A PUBLIC STREET, W JOHN FITCH

Councilman Reed asked to be recused and left the meeting. City Attorney Reynolds stated that a public hearing was not necessary and that a second reading of Ordinance B2014-15 could be given. Michael Ballard made a statement to the Council. City Clerk Bryant presented Ordinance B2014-15 for a second reading.

ORDINANCE NO. B2014-15

AN ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY, W. JOHN FITCH AVENUE

WHEREAS, the following described portion of public right-of-way by plat of record filed in the Nelson County Clerk’s Office is in the City of Bardstown; and

WHEREAS, The City of Bardstown desires to accept the request to legally close the public street portion provided herein.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Kentucky, from and after the passage, approval and publication of this ordinance, that the public right-of-way known as W. John Fitch Avenue lying west of S. Fifth Street and east of Cathedral Manor and more particularly described in Exhibit “A” shall be closed as a public right-of-way pursuant to KRS 82.405, Sections (1) and (2).

The City makes the following findings of facts in support of the closing:

1. All of the property owners in or abutting the right-of-way are:
 - Nancy M. Stumph, 116 S. Fifth Street, Bardstown, KY
 - Bethlehem High School, 309 W. Stephen Foster Ave., Bardstown, KY
 - Nelson County Public Library, 201 Cathedral Manor, Bardstown, KY
 - Roman Catholic Bishop, 300 & 309 W. John Fitch Ave., Bardstown, KY
2. Written Notice of the proposed closing of the public right-of-way has been previously given to all of the property owners.
3. All property owners have given their written consent, duly notarized, which are attached hereto as Exhibit “B”.

Pursuant to the above findings of fact, the Bardstown City Council hereby determines that the right-of-way of W. John Fitch Avenue shall be closed and that the owners on and abutting the former right-of-way of W. John Fitch Avenue have agreed to said closing.

BE IT FURTHER ORDAINED that the Mayor of the City of Bardstown is hereby authorized to execute any and all documents, sales contracts, deeds, forms, application and statements to transfer said property to Bethlehem High School, adjoining property owner. Bethlehem High School shall pay all expenses associated with the property transfer, surveys and subdivision plat if necessary.

BE IT FURTHER ORDAINED that the Mayor of the City of Bardstown and/or his designate be and is authorized and directed to take all steps necessary to perfect this Ordinance, including but not limited to execution and delivery of a Quit Claim Deed to the appropriate surrounding property owners.

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

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

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

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2014-15 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

Bethlehem High School principal Hamilton and their legal representative, Jim Willett, acknowledged that they understood they would be responsible for maintaining that portion of the street closed at their request and they also acknowledged the fact that passage of the ordinance would not grant them any ownership rights in the affected land. Councilman Reed returned to the meeting.

SECOND READING – ORDINANCE B2014-19 CEMETERY AMENDMENTS

City Clerk Bryant presented Ordinance B2014-19 for a second reading.

ORDINANCE NO. B2014-19

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

NOW, THEREFORE, BE IT ORDAINED and enacted by the City of Bardstown, Commonwealth of Kentucky, that Section 92.02 How Divided and Sold; Fees and Charges and Section 92.09 Enclosure of Lots; Interments (D) be amended to read as follows:

CHAPTER 92: CEMETERY

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/rows and sold at the following rates:

- | | | |
|-----|--|--------|
| (A) | Single lot in sections 1-6 and
Sections 13 – 18 | \$ 500 |
| | All other single lots/rows | \$ 450 |
| (B) | Baby Grave <u>or Cremation Grave</u> | \$ 150 |
| (C) | Opening and closing for grave | \$ 400 |
| (D) | Opening and closing grave for urn <u>cremation</u> | \$ 150 |
| (E) | Opening and closing for baby grave | \$ 150 |

Full graves purchased prior to actual need shall be refunded at ½ the cost of the current price upon transfer to the City of Bardstown. Receipt of the original purchase shall accompany the request for refund. No cremation or baby grave purchased prior to actual need will be refunded.

92.09 ENCLOSURE OF LOTS; INTERMENTS.

(D) One full burial and two cremations are allowed on a 4' x 9' sized or larger grave space. **A Second Rite of Interment Agreement shall be used for each cremation under subsection (D).** Double depth interments are not permitted. Scattering of remains in the Cemetery is prohibited.

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

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

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

COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN REED	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2014-19 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SPECIAL PERMIT – SMOKIN EM ALL BBQ, MOBILE FOOD VENDOR

The Mayor presented a Special Permit for Mobile Food Vendor Smokin Em All BBQ, who will travel to Bardstown once a week and use the parking lot of Buzick's Lumber. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE SPECIAL PERMIT WAS APPROVED.**

COMMITTEE REPORTS

Councilman Simpson reported an Electric and Cable TV Committee meeting was held on July 1, 2014. Repairs to the digger truck have been made. City Electrical Engineer Mills added that a detailed presentation of the "Video on Demand" program was given.

Councilman Reed announced a Recreation Board meeting would be held on Thursday, July 10, 2014 at 6:00pm; a quorum was not available for the June 26th scheduled meeting. The B.A.N.D. meeting will be held on July 15, 2014, at 6:30pm in the Council Chambers.

Councilman Royalty had received complaints from residents on Kings Court about the new sewer line that was installed. Public Works and Engineering Director noted that the area would be re-graded and re-seeded, as needed.

STAFF REPORTS

City Electrical Engineer Mills announced the SEC Network will launch on August 14th. To make space for the network, customers will need to rescan their TV's. A press release will be forthcoming.

Assistant City Administrator Green reported that the amended over-time policy for part-time employees will affect the budget in the amount of \$346.50. Councilman Reed appreciated the update.

CEMETERY DEEDS

Two Bardstown Cemetery deeds were presented; one grave site for Derrick Wayne Jenkins and two grave sites for Melissa A. Metcalf and Nicholas A. Metcalf. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, THE DEEDS WERE APPROVED.**

5-YEAR STAFF ANNIVERSARIES

Mayor Sheckles announced that Michael Leake, Public Works, will celebrate 10 years with the City and that Major Ray Lewis, Police Department, celebrates 25 years on the force.

ADJOURNMENT

There being no further business to discuss and **UPON MOTION OF COUNCILMAN REED, 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