

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES**

**07-09-2013
7:00 – 7:44 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 Tom Donan, Police Chief Rick McCubbin, Fire Chief Marlin Howard, The Kentucky Standard reporter Jennifer Corbett, WBRT video cameraman Jamie Murphy, Nelson County Gazette Reporter Jim Brooks, citizen Dedra Ford Keene.

MUNICIPAL ORDER NO. 2013-10, TAX ASSESSMENT MORATORIUM, 110 W FLAGET AVE

Mayor Sheckles introduced Dedra Ford Keene, owner of the upcoming Kentucky Bourbon Marketplace. Councilman Reed asked if she had obtained her liquor license and whether the building met the ADA requirements. Mrs. Ford Keene confirmed she had received her license and that the building has a small ramp in the back and access on the left side of the building off the driveway. Councilman Reed then asked what the anticipated value of the building would be upon completion of the renovation to which Mrs. Ford Keene answered approximately \$300,000.

Assistant McCann read **MUNICIPAL ORDER NO. 2013-10 RESOLUTION**

MUNICIPAL ORDER NO. 2013-10

RESOLUTION

A RESOLUTION ACCEPTING THE APPLICATION FOR AN ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 110 WEST FLAGET AVENUE, BARDSTOWN, KENTUCKY, AND EXPRESSING THE CITY'S INTENT TO GRANT AN ASSESSMENT MORATORIUM TO THE OWNER OF SAID PROPERTY UPON COMPLIANCE WITH THE CITY'S PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUMS, AS DEFINED IN KRS CHAPTER 99.595, ET. SEQ.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY:

SECTION 1

That the "Application for Assessment Moratoriums Certificate" for the property located at 110 West Flaget Avenue, Bardstown, Kentucky, is hereby accepted and further expressing the City's intent to grant an assessment moratorium to the owner of said property upon compliance with the City's property assessment and reassessment moratoriums as defined in KRS Chapter 99.595, et seq.

SECTION 2

That this order shall take effect and be in full force when passed and recorded according to law.

UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, MUNICIPAL ORDER NO. 2013-10 WAS APPROVED.

MINUTES

Mayor Sheckles presented the Regular Council Meeting Minutes for 06-25-2013. **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE MINUTES WERE APPROVED.**

The minutes from the 07-02-2013 Special Council Meeting were presented. City Attorney Tom Donan explained there were additional edits to be made to the minutes and they were not ready to be reviewed at this time. Mayor Sheckles chose to table the minutes and review them at the next Council Meeting scheduled for 07-23-2013.

FINANCIAL REPORT – FY 2014 INSURANCE, PROPERTY AND LIABILITY

Chief Financial Officer Abell explained there were two Resolutions in the packet that were to be read. Councilman Reed asked how much funding was in the Rainy Day Fund. CFO Abell indicated there was \$3,000,000 in the reserve.

MUNICIPAL ORDER NO. 2013-12, INSURANCE COVERAGE PURCHASE FY 2014

Assistant McCann read **MUNICIPAL ORDER NO. 2013-12 RESOLUTION**

MUNICIPAL ORDER NO. 2013-12

R E S O L U T I O N

WHEREAS: The City of Bardstown’s Risk Manager, Anthony Mattingly, Chief Financial Officer, Mike Abell, and Director of Public Works and Engineering, Larry Hamilton have made a recommendation that the City take the following steps related to insurance:

1. Increase the City’s General and Public Officials Liability Coverage from \$2,000,000 to \$5,000,000.
2. Delete Inland Marine insurance coverage on all construction equipment valued at \$42,000 or less.
3. Delete property insurance on those structures exposed to very little risk of damage; such as water tanks, pump stations, and the like.

WHEREAS: The Bardstown City Council discussed this recommendation at the working session held on July 2, 2013.

NOW THEREFORE BE IT RESOLVED, this 9th day of July, 2013, that the Bardstown City Council does agree with and accepts the aforesaid recommendations starting with the FY 2014 insurance coverage purchase.

UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0, MUNICIPAL ORDER NO. 2013-12 WAS APPROVED.

MUNICIPAL ORDER NO. 2013-13, SELF INSURANCE FOR PROPERTY

Assistant McCann read **MUNICIPAL ORDER NO. 2013-13 RESOLUTION**

MUNICIPAL ORDER NO. 2013-13

R E S O L U T I O N

WHEREAS: The City of Bardstown’s Risk Manager, Anthony Mattingly, Chief Financial Officer, Mike Abell, and Director of Public Works and Engineering, Larry Hamilton have recommended that the City self-insure some its property risks; and

WHEREAS: Such a Self Insurance Fund can be grown through the payment of proposed insurance premiums into the fund; and

WHEREAS: Such a fund needs an initial funded balance; and

WHEREAS: Should a department suffer a loss to an insured item covered by the self-insurance fund, the department shall pay from its budget the first \$10,000 toward the repair and/or replacement of the damaged property and the fund shall pay the balance, as a transfer into the department’s budget; and

WHEREAS: The Bardstown City Council discussed this recommendation at the working session held on July 2, 2013.

NOW THEREFORE BE IT RESOLVED, this 9th day of July, 2013, that \$500,000 of the City’s FY 2013 Unrestricted Reserves be budgeted, via a budget amendment to be adopted at a later date, to a Property Self-Insurance Fund; and

BE IT FURTHER RESOLVED, that for each item deleted from the initial proposed FY 14 schedule of insured items, the responsible department shall pay to the Self Insurance Fund the Kentucky League of Cities’ Insurance Services insurance cost quote for that item. Payments of similar amounts for similar equipment or property shall be paid into the self-insurance fund each succeeding year until the self-insurance fund shall have a total balance of \$1,000,000.

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, MUNICIPAL ORDER NO. 2013-13 WAS APPROVED.

MUNICIPAL ORDER NO. 2013-11, BUTTERMILK DAYS 2013

Assistant McCann read **MUNICIPAL ORDER NO. 2013-11 BUTTERMILK DAYS 2013**

MUNICIPAL ORDER NO. 2013-11

BUTTERMILK DAYS 2013

A Municipal Order authorizing that South Third Street be closed starting at the entrance of St. Monica's parking lot south to McGee Street on Thursday, August 22, 2013 at noon and reopened on Sunday, August 25, 2013 at 5:00 p.m. for Buttermilk Days 2013. A "no-thru-traffic" barricade will be placed at the corner of South Third Street and Payne Street to facilitate the smooth flow of traffic.

There will be no parking allowed on Payne Street on Friday, August 23, 2013 at noon through Sunday, August 25, 2013.

UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, MUNICIPAL ORDER NO. 2013-11 WAS APPROVED.

CONTRACT WATER SERVICES – CITY OF LEBANON JUNCTION

Mayor Sheckles referenced the letter sent by Lebanon Junction Mayor James Sweat. Director of Public Works and Engineering Hamilton gave a brief overview of how the cancellation of the contract with Lebanon Junction would impact the City of Bardstown. He discussed the location of the water line and projected the City of Bardstown would obtain the water line lying within Nelson County and approximately 67 new customers located along the line. Mayor Sheckles explained that no money would change hands and that he believes cancelling the contract would provide better water pressure for the Lebanon Junction community and improve fees for the Nelson County residents. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE COUNCIL APPROVED THE MAYOR TO PROCEED WITH THE CONTRACT TERMINATION.**

SECOND READING – ORDINANCE B2013-13 ALCOHOLIC BEVERAGES AMENDMENT SB13

City Attorney Tom Donan presented Ordinance B2013-13 for a Second Reading.

ORDINANCE NO. B2013 - 13

AN ORDINANCE AMENDING CHAPTER 114: ALCOHOLIC BEVERAGES OF THE CITY OF BARDSTOWN'S CODE OF ORDINANCES

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

That Sections 114.01 DEFINITIONS; 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE; 114.26 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE Subsection (A) and 114.40 HOURS OF SALE Subsection (D), be amended as follows:

114.01 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CATERER (MALT BEVERAGE, DISTILLED SPIRITS AND WINE)." A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (**malt beverage**, distilled spirits and wine) to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guests.

~~**"CATERER (MALT BEVERAGE)."** A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (malt beverages) to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guests.~~

~~**"RETAIL LIQUOR DRINK SAMPLING LICENSE and RETAIL LIQUOR PACKAGE SAMPLING LICENSE."** A license that allows customers to sample distilled spirits and/or wine at a **Distillery, NO-2** retail liquor drink, **QUOTA retail drink** or a **QUOTA** retail liquor package establishment that have met certain requirements.~~

~~**"SOUVENIR RETAIL PACKAGE LICENSE."** A souvenir retail liquor license may be issued to any licensed Kentucky state distiller that has a gift shop or other retail outlet on its premises, if the distillery is located in wet territory. **Any licensed Kentucky distiller that is located in wet territory and that has a gift shop or other retail outlet on its premises may conduct the activities permitted under this section as a part of its distiller's license.**~~

~~**"SPECIAL PRIVATE CLUB LICENSE NO-3 RETAIL DRINK LICENSE"** A license issued to any nonprofit social, fraternal, military, or political organization ~~or club~~, **or entity** which for more than two years prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded.~~

~~**"SPECIAL TEMPORARY DISTILLED SPIRITS AND WINE LICENSE."** A license that may be issued to any regularly organized fair, exposition, racing association, or other party, when a necessity exists that shall authorize the licensee to exercise the privileges of a distilled spirits, ~~and wine~~ **and malt beverage Quota** retail drink licensee at designated premises for a specified and limited time, not to exceed 30 days. All restrictions and prohibitions apply, ~~ing to a distilled spirits and wine retail drink licensee shall apply also to a special temporary distilled spirits and wine licensee.~~~~

~~"SPECIAL TEMPORARY MALT BEVERAGE LICENSE." A license that may be issued to any regularly organized fair, exposition, racing association, or other party when a necessity exists that shall authorize the licensee to exercise the privileges of a malt beverage licensee at designated premises for a specified and limited time, not to exceed 30 days. All restrictions and prohibitions applying to a malt beverage licensee shall apply also to a special temporary malt beverage licensee.~~

~~"SUPPLEMENTARY CATERER'S LICENSE (DISTILLED SPIRITS AND WINE)." A caterer's license issued to any "liquor by the drink" or "liquor by the package" licensee.~~

~~"SUPPLEMENTARY CATERER'S LICENSE (MALT BEVERAGES)" A caterer's license issued to any "malt beverage" licensee.~~

114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE

(A) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to the traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.

(B) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license therefore:

DISTILLED SPIRITS AND WINE LICENSES

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
Distillers	243.030(1) 243.070	243.120 243.130	June 30	\$140.00
<u>Distillers + Souvenir Retail Package</u>	<u>243.030(1) 243.070</u>	<u>243.120 243.130</u>	<u>June 30</u>	<u>\$290.00</u>
Wholesalers	243.030 (6) (5)	243.160 243.170	June 30	\$410.00
<u>Quota Retail Package</u>	243.030 (7) (6)	243.240	June 30	\$210.00
<u>NQ-2 Retail Restaurant-Drink</u>	243.250 Includes beer		June 30	\$420.00 <u>\$490.00</u>
<u>Quota Retail Drink</u>	243.030 (8) (7)	243.250	June 30	\$420.00
<u>NQ-3 Retail Drink Special Private Club</u>	243.030 (17) (7) Includes beer	243.270 260	June 30	\$420.00 <u>\$300.00</u>
Caterer (Distilled Spirits, and Wine and Malt Beverage)	243.030 (25) (14)	243.033	June 30	\$100.00 <u>\$150.00</u>
Supplementary Caterer	241.010	243.033	June 30	\$ 50.00
*Wine by Drink		243.260	June 30	\$ 70.00
**Limited Sunday Drink (attach proof of 50% food sales)	243.030 (18) (13)	244.290	June 30	\$180.00
Special Temporary (Special Event)	243.030 (16) (12)	243.260	June 30	\$ 50.00 <u>distilled spirits and wine</u> <u>\$25.00 beer</u> (Per Event)
<u>Souvenir Retail Package</u>	243.030(26)	243.030	June 30	\$150
Souvenir Retail Package Sunday Sales	Ordinance No.B2007-07		June 30	No Charge
***Sampling Retail Drink	244.050(2)	243.250	June 30	\$ 25.00
***Sampling Retail Package	244.050(2)	243.240	June 30	\$ 25.00
****Retail Package Sunday Sales	Ordinance No. B2009-03		June 30	No Charge

MALT BEVERAGE LICENSES

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
Brewers	243.040 (1) 243.070	243.150	June 30	\$140.00
Distributors	243.040 (3)	243.150	June 30	\$140.00
Retailers (New Applicant/ Renewal) <u>NQ Retail Package</u> <u>NQ-4 Retail Drink</u> <u>NQ-4 Retail Drink +</u> <u>NQ Retail Package</u>	243.040 (4), 243.070, 243.040 (4)	243.280 <u>243.088</u>	June 30	\$ 70.00 <u>\$ 70.00</u> <u>\$120.00</u>
Caterer	241.010	243.033	June 30	\$ 50.00
Supplementary Caterer	241.010	243.033	June 30	\$ 25.00
****Retailers Sunday Sales (Convenience Stores and Grocery Stores)	Ordinance No.B2009-03		June 30	No Charge
Special Temporary (Special Event)	243.040 (7)	243.290	June 30	\$ 25.00 (Per Event)

* ~~Wine by drink in connection with a restaurant operation where whiskey by the drink is not available.~~

** Limited Sunday Liquor Drink (Hours of operation shall be 1:00 pm–12:00 am) – Available to holders of **Quota Retail Liquor Drink, NQ-2 Retail Drink or NQ-3 Retail Drink** Licenses. ~~that are restaurants with at least 100 seating for dining and receive at least 50 % of its gross annual income from the sale of food or Private clubs which have been granted all appropriate licenses for the sale of distilled spirits, wine and malt beverages which: (a) Have dining facilities with a minimum seating capacity of 100 people at tables; (b) Are non profit, eleemosynary organizations with a membership of at least 200; and (c) Have been in existence for a period of at least two (2) years.~~

*** Sampling – Available **license** holders that are ~~retail drink and retail package sales~~ **Distillery, Quota Retail Package, Quota Retail Drink or NQ-2 Retail Drink** that notify Office of Alcoholic Beverage Administrator 7 days in advance before conducting a sampling event. A sampling event is limited to a period not to exceed 4 consecutive hours between 12 noon and 8 p.m. Each sample size shall not exceed one (1) ounce of wine and one-half (1/2) ounce of distilled spirits. A customer must be limited to no more than six (6) wine and two (2) distilled spirits samples per day. All samples must be provided free of charge and at the licensed premises.

**** Limited Sunday **Quota Retail Package and Malt Beverage Retailers NQ-4 Retail Package license holders.** (Hours of operation shall be 1:00 pm – 12:00 am on Sundays). ~~Available to holders of Retail Package and Malt Beverage Retail licenses.~~ (Liquor Stores, Convenience Stores and Grocery Stores).

§ 114.26 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

(A) As prohibited in KRS ~~243.230~~ **243.088, KRS 243.230 and KRS 243.280**, no city license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold for from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than \$5,000 of food, groceries, and related products valued at cost.

§ 114.40 HOURS OF SALE.

(D) Facilities receiving a minimum of fifty (50%) of its income from the sale of food and meeting the requirements of KRS ~~242.185(3)~~ **243.072** shall be eligible to receive a Sunday Retail Drink License. The hours of operation for a facility holding a ~~Sunday~~ **NQ-2 Retail Drink License** shall be the hours of 1:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (KRS 244.290) A premise which has been granted a Souvenir Package Sunday Sale License shall be eligible to operate between the hours of 12:00 noon to 12:00 midnight on Sunday. Convenience stores, grocery stores and packaged liquor stores which have been granted a **NQ-4 Retail Beer Malt Beverage Package License** and/or a ~~Distilled Spirits and Wine~~ **Quota Retail Package License** shall be eligible to operate between the hours of 1:00 p.m. to 12:00 a.m. on Sunday.

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 REED, DULY SECONDED BY COUNCILMAN SIMPSON, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

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

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2013-13 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

COMMITTEE REPORTS – ELECTRIC AND CABLE DRAFT MINUTES

Councilman Simpson referred to the draft of the 07-02-2013 Electric and Cable Committee Meeting Minutes and told the Council that they discussed the City's 5 Year Plan which includes the expansion of services. Councilman Simpson also reported the DTA transition began on Monday, 07-08-2013. Councilman Lydian expressed concern that the batteries he received for his DTA remote were corroded. Chief Financial Officer Abell explained a large shipment of batteries had arrived at City Hall to replace any that were corroded. The Electric and Cable Committee is scheduled to meet quarterly at 4:00 PM, prior to the Working Session.

STAFF REPORTS

Councilman Reed reminded the Council that the next B.A.N.D meeting would be held on Monday, July 29, 2013 at 7:00PM in the Council Chambers. Jan Johnston-Crowe, Director of the Joint City-County Planning Commission of Nelson County, will be making a presentation to the committee members. Councilman Reed encouraged the other Councilmen to attend and to bring members of the community to increase involvement.

Mayor Sheckles announced that he will be attending the graduation ceremony for Officer Shannon Hall. Her graduation from the Law Enforcement Academy will be on Friday, 07-12-2013 in Richmond, Kentucky.

CITY STAFF ANNIVERSARIES

Mayor Sheckles announced the 10-year anniversary for Chris Hildesheim of the Water Department and the 5-year anniversary for Charles Yocum of the Public Works Department.

ADJOURNMENT

There being no further business to discuss and **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN BUCKMAN 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