

**CITY OF BARDSTOWN  
REGULAR COUNCIL MEETING MINUTES**

**08-14-12**

**7:00 P.M.**

The City Council met in a regular session in the Council Chambers with Mayor William S. Sheckles and the following Councilmen:

Councilman Buckman  
Councilman Hagan  
Councilman Lydian  
Councilman Reed  
Councilman Simpson  
Councilman Williams

Others present: Police Chief Rick McCubbin, Interim Fire Chief Marlin Howard, Bardstown/Nelson County Fire Department Sergeant Justin Brown, Director of Public Works and Engineering Larry Hamilton, Chief Financial Officer Mike Abell, City Electrical Engineer Jeff Mills, City Attorney Tom Donan, City Clerk Barbie Bryant, Executive Assistant to the Mayor Mary McCann, Nelson County Gazette reporter Jim Brooks, The Kentucky Standard reporter Randy Patrick, BRTV co-owner Roth Stratton and student intern James Murphy, Mark Ballard, Rosetta Dodson, Joseph Sheckles, Charles Austin, Kenny Linton, Mark Sheckles, Kirk Brown, Marilyn Hagan, Wade Hagan, Wyatt Hagan, Luke Hagan and Douglas Wain.

**BOY SCOUT TROOP 147**

Mayor Sheckles called the meeting to order and recognized members of Boy Scout Troop 147, Luke, Wyatt, and Wade Hagan, who were attending the City Council meeting. Their mother, Marilyn was also in attendance.

**WIN THE WAR AGAINST VIOLENCE - PROCLAMATION**

Mayor Sheckles recognized Douglas Wain, Executive Director for a non-profit organization to help win the war against violence. Mr. Wain gave a brief presentation and was then presented with the following proclamation:

Whereas: Violence remains at an unacceptably high level and impacts the entire community regardless of belief, ethnicity, income or age; and

Whereas: Violence reduces the quality of life for victims and their families and creates unnecessary costs to individuals and businesses; and

Whereas: A reduction in violence will make the City of Bardstown a more attractive location to new businesses and residents; and

Whereas: **Win the War Against Violence**, a Kentucky non-profit organization, has announced the *2012 Ten Percent Challenge*, a violence reduction and education awareness campaign encouraging all Kentuckians to help reduce the instances of violence in the Commonwealth by ten percent in 2012.

Now, Therefore, Be It Resolved, that I, William S. Sheckles, Mayor, do hereby proclaim 2012 as

**Win the War Against Violence  
The 2012 Ten Percent Challenge**

in the City of Bardstown and ask our citizens to redouble their efforts to address and reduce violence at home and in this community in 2012.

Mayor Sheckles presented the following Municipal Orders:

**MUNICIPAL ORDER NO. 2012-07 ASSESSMENT MORATORIUM – 206 WEST FLAGET AVE**

**RESOLUTION**

**A RESOLUTION ACCEPTING THE APPLICATION FOR AN ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 206 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 206 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 LYDIAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO 2012-07 RELATING TO THE ASSESSMENT MORATORIUM FOR 206 WEST FLAGET AVENUE, WAS APPROVED.**

**MUNICIPAL ORDER NO. 2012-10 BUTTERMILK DAYS 2012**

MUNICIPAL ORDER NO. 2012-10

BUTTERMILK DAYS 2012

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 23, 2012 at noon and reopened on Sunday, August 26, 2012 at 5:00 p.m. for Buttermilk Days 2012. 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 24<sup>th</sup> at noon through Sunday, August 26th.

APPROVED AT A CITY COUNCIL MEETING HELD ON AUGUST 14, 2012.

**UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER 2012-10, WAS APPROVED.**

**MUNICIPAL ORDER NO. 2012-11 NO PARKING ON SOUTH 4<sup>TH</sup> ST**

**RESOLUTION**

Adoption of a resolution by the Bardstown City Council prohibiting parking and authorizing the installation of 'No Parking' signs on a city street in the City of Bardstown.

**WHEREAS**, the Bardstown City Council desires to promote safety for the continuous flow of traffic on South Fourth Street.

**NOW THEREFORE BE IT RESOLVED**, this 14<sup>th</sup> day of August, 2012, by the Bardstown City Council:

That parking is prohibited on the west side of South Fourth Street from Blueberry Alley south to Muir Avenue and that the City of Bardstown's Public Works Department shall install 'No Parking' signs on the west side of South Fourth Street from Blueberry Alley south to Muir Avenue.

APPROVED AT A CITY COUNCIL MEETING HELD ON AUGUST 14, 2012.

**UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER 2012-11, WAS APPROVED.**

**APPOINTMENT**

Mayor Sheckles asked for the Council's approval of his recommendation to appoint Kirk Brown to fill the unexpired term of Jessie Riley for the Property Maintenance Board of Appeals. Mr. Riley had passed away on July 20, 2012. The term will expire on December 28, 2014. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, THE APPOINTMENT WAS APPROVED.**

**BID TAB – CABLE TELEVISION INSTALLATION SERVICES**

City Electrical Engineer Mills presented the bid tab, which represents a 12 month contract, as follows:

**CABLE TELEVISION INSTALLATION SERVICES**

August 1, 2012  
2:00 P.M.

**VENDOR**

**BID PRICE**

Greycomm, LLC

\$59,578.00

Recommend: Greycomm, LLC

**UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO ACCEPT THE BID FROM GREYCOMM LLC, IN THE AMOUNT OF \$59,578.00, WAS APPROVED.**

**DIGITAL TO ANALOG CONVERTER - AGREEMENT**

City Electrical Engineer Mills presented a contract agreement with the Frankfort Plant Board, Frankfort KY to purchase six thousand (6,000) Evolution DTA converters at a cost of \$25.00 per DTA. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO AUTHORIZE THE MAYOR TO EXECUTE THE DIGITAL TO ANALOG CONVERTER AGREEMENT WITH THE FRANKFORT PLANT BOARD, WAS APPROVED.**

**NEXTEL TO SPRINT PHONE TRANSITION**

Chief Financial Officer Abell reported that Sprint is closing down the Nextel system and that the City has signed a contract with Sprint to replace the service. This new service offers better coverage at a lower cost. The purchase is from a multi-state price contract and will have a monthly cost of approximately \$1,800.

**GARBAGE TRUCK BID**

Chief Financial Officer Abell presented the following bid:



**Municipal Equipment, Inc.**  
 6305 Old Shepherdsville Road  
 Louisville, KY 40228  
 (502) 962-9527  
 FAX: (502) 962-6499  
 mequip@iglou.com

**QUOTE**

Number: 7-24-12-1  
 Date: 7-24-12  
 Page: 1

**To:**  
 City of Bardstown  
 City Hall  
 220 N 5th Street  
 Bardstown, Ky. 40004

**Ship To:**

Delivery	Sales Rep	FOB	Ship Via	Terms	Sales Tax	Excise Tax
8/15/12	Jimmy Hoben	Bardstown, Ky.	BW	Net 15 days	INCLUDED: NOT INCLUDED: x	INCLUDED: NOT INCLUDED: x

QTY	Description	Unit Price	Total Price
	We are pleased to quote the following new refuse packer trucks which can be delivered by August 15, 2012 unless sold before the City of Bardstown issues a purchase order.		
1	2012 Freightliner M2-106 chassis with 20 cubic yard New Way Cobra rear loader to meet all specifications except as noted.		\$127,900.00
1	2012 Peterbilt 337 chassis with 20 cubic yard New Way Cobra rear loader to meet all specifications except as noted.		\$131,900.00
1	2012 International 7400 chassis with 20 cubic yard Wayne Fury rear loader to meet all specifications except as noted. (Demo unit - Current Mileage: 3800)		\$127,050.00
1	2013 Kenworth T370 chassis with 20 cubic yard New Way Cobra rear loader to meet all specifications except as noted. <u>Please note that delivery cannot be made until November 2012 on this unit.</u>		\$133,400.00
	Thank you for the opportunity to serve the City of Bardstown and please let us know if you have any questions regarding the trucks we have proposed for quick delivery.		

MUNICIPAL EQUIPMENT, INC.

ACCEPTED BY

DATE

Abell recommended accepting the second lowest bid of \$127,900 for the 2012 Freightliner M2-106 since it has the same packer body as the existing fleet. Abell reminded the Council that an amendment to the FY 12-13 budget will need to be made for this purchase and for the insurance payment received for the burned garbage truck. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO ACCEPT THE BID FROM MUNICIPAL EQUIPMENT INC., IN THE AMOUNT OF \$127,900.00, AND TO LATER AMEND THE BUDGET FOR FY 12-13, WAS APPROVED.**

**CORRESPONDENCE**

Mayor Sheckles read a thank you card from Bobbe Blincoe for the retirement dinner given at Kurtz Restaurant. Councilman Reed requested that the cost of the dinner be presented at the next Council Meeting so that payment can be approved from the Mayor’s and the Council’s contingency funds; each sharing ½ the cost.

City Attorney Donan gave an update to the Council on the two most recent Open Meetings decisions received from the Attorney General’s office on appeals filed by Kevin Brumley of Open Meetings held on January 26 and February 20 of 2012. The meetings included a Special City Council meeting and a Safety Committee meeting.

**MINUTES**

The minutes from the 07-24-2012 regular Council meeting were presented and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

**FINANCIAL REPORT**

Chief Financial Officer Abell explained that the report gave a fiscal picture of the year, pre-audit. Councilman Lydian had questions concerning the percentage of spending versus the budget. Abell will research and respond.

**FIRST READING – B2012-18 ORDINANCE AMENDMENT FOR ANNEXATION OF NELSON COUNTY HIGH SCHOOL**

City Attorney Donan explained that a typo in the legal description for Ordinance B2012-08 was noted by the State and returned for correction. The original plat was correct. It can be used and re-submitted. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING OF ORDINANCE NO. B2012-18 WAS APPROVED.**

**FIRST READING – B2012-19 ORDINANCE AMENDMENT FOR ANNEXATION OF THOMAS NELSON HIGH SCHOOL**

City Attorney Donan explained that a typo in the legal description for Ordinance B2012-09 was noted by the State and returned for correction. The original plat can also be used and re-submitted. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING OF ORDINANCE NO. B2012-19 WAS APPROVED.**

**FIRST READING – B2012-17 CLASSIFICATION/COMPENSATION PLAN ORDINANCE AMENDMENT**

Mayor Sheckles presented the changes and additions to the Classification and Compensation Plan. Councilman Hagan, Simpson and Williams indicated that the Committee Meetings held on August 1<sup>st</sup> and 2<sup>nd</sup> had given them important information on several new positions. Although the amendment continued to be discussed, no action was taken. Mayor Sheckles suggested calling a Finance Committee meeting to discuss the plan in more detail.

**SECOND READING – B2012-15 CHAPTER 51 SOLID WASTE ORDINANCE AMENDMENT**

A second reading was presented on the Solid Waste Ordinance Amendment as follows:

**ORDINANCE NO. B2012-15**

**AN ORDINANCE AMENDING AND ADOPTING AS AMENDED SECTION 51.03, COLLECTION OF SOLID WASTE, B, UNIVERSAL COLLECTION; SECTION 51.09, FEES/CHARGES, A, AND 51.12, UNOCCUPIED RESIDENCES AND BUILDINGS OF CHAPTER 51: SOLID WASTE MANAGEMENT, OF THE CITY OF BARDSTOWN CODE OF ORDINANCES.**

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Bardstown, Kentucky, that Section 51.03, B., Section 51.09, (A) and Section 51.12 be amended as follows:

**SECTION 51.03 COLLECTION OF SOLID WASTE**

B. Universal Collection. Every dwelling unit, commercial enterprise, or other waste producing entity within the City shall subscribe to the waste collection services authorized by this chapter. Every dwelling unit in the City and every commercial, industrial and institutional producer served by the City’s collection service shall be billed by the City and shall make payment to the City. **The charges for those producers who do not have either a City water or electric account for the address being served shall be billed to and paid by the landlord.**

**SECTION 51.09 Fees/Charges**

(A) The collection of solid waste and refuse from residences and commercial establishments shall be divided into the following classes and subject to the rates specified for each class:

	<u>Rate Per Month</u>
<b><u>Class I</u></b> For collection from a dwelling unit 3 can, or equivalent, maximum:	\$13.25
<b><u>Class II</u></b> For collection from small commercial, institutional, or industrial facilities not using <b><u>individual</u></b> dumpsters, 3 can, or equivalent, maximum:	- \$15.80

**Class III**  
For collection from Multiple Housing **or Multi-unit Commercial** Facilities, in addition to the per dwelling Unit **or class II fees** established above, the owner may provide a dumpster for use by the facility occupants at the following dumpster rental fees.

	<u>Rate Per Month</u>
(1) 1 yard dumpster	\$8.83
(2) 2 yard dumpster	\$8.83
(3) 3 yard dumpster	\$11.04
(4) 4 yard dumpster	\$13.25
(5) 6 yard dumpster	\$17.67
(6) 8 yard dumpster	\$24.29

**SECTION 51.12 UNOCCUPIED RESIDENCES AND BUILDINGS**

The service and service charge shall be terminated upon presentation of satisfactory proof to the Director that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof. Occupancy for any part of a month shall constitute occupancy for an entire month. **Satisfactory proof for any producer who has an individual water meter shall be the producer's request that water be disconnected.**

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

This Ordinance shall be in full force upon publication as required by law.

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

COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN REED	-	AYE
COUNCILMAN SIMPSON	-	AYE

**MAYOR SHECKLES THEN PROCLAIMED ORDINANCE NO. B2012-15 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. \_\_\_\_\_, PAGE NO. \_\_\_\_\_.**

**SECOND READING – B2012-16 CHAPTER 53 WASTEWATER ORDINANCE AMENDMENT**

A second reading was presented on the Wastewater Ordinance Amendment as follows:

**ORDINANCE NO. B2012-16**

**AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 53 WASTEWATER OF THE CITY OF BARDSTOWN'S CODE OF ORDINANCES.**

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

That Chapter 53, WASTEWATER, Section 53.120 USER FEES and Section 53.122 OM&R CHARGES: DOMESTIC WASTEWATER AND COMMERCIAL WASTEWATER (B) be amended to read as follows:

**§ 53.120 USERS FEES.**

All persons discharging wastewater into the sewerage system shall be charged for the use of such facilities. The charges shall be assessed monthly either by class or by quantity and quality of wastewater, at the discretion of the city, and shall be a combination of debt service charge and OM&R charge as described below.

**The charges for those renters who do not have either a City water or electric account for the address being served shall be billed to and paid by the landlord.**

**§ 53.122 OM&R CHARGES: DOMESTIC WASTEWATER AND COMMERCIAL WASTEWATER.**

(B) For multiple unit residential and commercial buildings where each unit does not have separate metering devices, the owner shall be responsible to pay for sewer service according to the rates as listed above for metered consumption and further pay monthly minimum sewer charges for each unit after the first unit. The monthly minimum sewer charges for each unit may be paid by owner or tenant as requested by the owner - **provided the tenant has a city water or electric account on to which the minimum sewer charge can be placed.**

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

All ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict.

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

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN REED	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN BUCKMAN	-	AYE

**MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2012-16 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. \_\_\_\_\_, PAGE NO. \_\_\_\_\_.**

**OLD BUSINESS**

Mayor Sheckles presented a Flag Lowering Policy that could be used by the City of Bardstown. Councilman Williams asked what protocol is used when a former employee of the City passes away. The decision is usually left to the Mayor's discretion. At this time, the City remembers the person by planting a tree in their honor.

**SAFETY COMMITTEE MEETING**

Councilman Simpson, Chair of the Safety Committee, presented drafted minutes from the meeting held on August 1, 2012. Councilman Hagan and Williams agreed the meeting was beneficial to discuss in detail the two new positions in the Police Department. Councilman Simpson would like to schedule Committee meetings on a quarterly basis.

**ELECTRIC / CABLE COMMITTEE MEETING**

Councilman Simpson, Chair of the Electric / Cable Committee, presented drafted minutes from the meeting held on August 2, 2012. The committee met at the City Shop, located on Kelly Drive, and was able to see what inventory would be controlled through a new position for a Utilities Stock Clerk. Councilman Simpson also thanked City Electrical Engineer Mills for providing a 5-Year Plan for the Electric Department. Although a \$2.00 fee had been considered, Chief Financial Officer Abell explained that a fee would not be charged to customers who want to pay their bills by using the new Pay-By-Phone feature.

**CEMETERY COMMITTEE MEETING**

Councilman Simpson, Chair of the Cemetery Committee, reported on the review of requests for bench placements. Fence replacement is needed at the Presbyterian Cemetery around the back portion that separates the cemetery from the properties on Westview Drive. He also reported on a new excavator that was purchased and will be used by the Sewer, Water and Cemetery Departments.

**B.A.N.D. COMMITTEE MEETING**

Councilman Williams, Chair of the BAND (Bardstown's Active Neighborhood Delegation) Committee, presented drafted minutes from the July 23, 2012 meeting. Members representing Nelson County's EMS, Central Dispatch and Bardstown's Recreation Departments were available for presentations. He also thanked City staff for their help with complaints and concerns by BAND members.

**STAFF REPORTS**

Mayor Sheckles introduced the new Executive Assistant to the Mayor, Mary McCann. She took the position after Barbie Bryant was appointed as the City Clerk.

Police Chief McCubbin gave an update on traffic for Highway 245 at the entrance to the new Thomas Nelson High School.

Interim Fire Chief Howard will have internal housekeeping issues to discuss with Mayor Sheckles. He asked that a Safety Committee meeting be scheduled in the near future.

**MISCELLEANOUS**

Councilman Buckman reported that the WAVE TV Weather Camera project was given to Oldham County. However, he has been approached once again and will present the project to the Historical Review Board in a special meeting to be held next week.

**CITY (FIVE-YEAR) ANNIVERSARY**

Mayor Sheckles announced that Pam Bose would be celebrating her fifteen-year anniversary with the City's Engineering Department this month, along with Carl Lewis, who will celebrate his fifteen-year anniversary with the Public Works Department.

**ADJOURNMENT**

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

**ATTEST:**

\_\_\_\_\_  
Barbara Bryant, City Clerk

**CITY OF BARDSTOWN**

\_\_\_\_\_  
William S. Sheckles, Mayor