

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
08-27-2013
7:04 – 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

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, Engineer Technician/GIS Coordinator Josh Cammack, City Attorney Tom Donan, City Clerk Barbie Bryant, Fire Chief Marlin Howard, Attorney David Blandford, The Kentucky Standard reporter Randy Patrick, WYSB reporter Tom Redmon, WBRT Radio Co-Owner Roth Stratton, and citizens Lanny Baker, Jeremy Walls and Ashley Patterson.

Mayor Sheckles offered his condolences to Councilman Bobby Simpson on the recent loss of his sister, Connie Werner.

MOSQUITO SPRAYING PROJECT

Mayor Sheckles introduced Ashley Patterson who asked the Council to reconsider spraying her neighborhood for mosquitoes. In 2011, her son suffered a severe asthmatic attack the morning after a spray along McGowan Avenue. She would like the Council to address the drainage issues and the refusal of property owners to maintain their yards. Ms. Patterson feels those actions would cut down on the number of mosquitoes and prevent the need to spray.

Mayor Sheckles announced that the Council would go into Executive Session at the end of the regular meeting pursuant to KRS 61.810 (1) (c), to discuss pending litigation styled Hall Contracting of Kentucky Inc., vs. City of Bardstown and Strand Associates, Inc., Nelson Circuit Court Civil Action #11-CI-55.

INTER-LOCAL AGREEMENT – E-911 DISPATCH ADDRESS POINTS

City Engineer Technician/GIS Coordinator Cammack discussed the process for mapping address points and how this partnership would benefit county and city residents. Mayor Sheckles addressed the need for E-911 Dispatch to be in compliance by the year 2015 in order to complete Phase II of the CMRS (Commercial Mobile Radio Service) Audit and continue receiving funds from cell phone use. The City of Bardstown, through GIS Coordinator Cammack, currently houses the technology and computer programs and will maintain the system for all of Nelson County. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO AUTHORIZE THE MAYOR TO SIGN THE CONTRACT FOR E-911 DISPATCH ADDRESS POINTS THROUGH AN INTER-LOCAL AGREEMENT WAS APPROVED.**

REQUEST FOR SERVICE, NALLY & HAYDON HOLDINGS, LLC

City Civil Engineer Filiatreau presented the letter from Nally & Haydon Holdings, LLC, requesting the City of Bardstown accept a new water/sewer main extension in order to provide fire protection to the Armag facility, located on Armag Avenue, Bardstown, KY. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE REQUEST FOR SERVICE BY NALLY & HAYDON HOLDINGS, LLC, WAS APPROVED.**

HISTORICAL REVIEW BOARD RECOMMENDATIONS

Mayor Sheckles presented the following Historical Review Board recommendations:

- (a) COA-13-43. Fine Arts Bardstown Society, Applicant, and Nelson County Fiscal Court, Owner, propose to install a 3.5' by 4' wall sign at 90 Court Square and two banners with the "FABS" logo on the front light posts. Recommendation: Approval of COA#13-43 under the conditions that only one banner be placed at the front of the building and one at the back of the building. The 3.5' by 4' sign approved as presented.
- (b) COA-13-44. Patricia Hord, Applicant/Owner, proposes to paint the exterior door, shutters, siding, and trim of the house at 109 South Fifth Street. Recommendation: Approval of COA#13-44 door, shutter, siding, and trim colors. Door and shutters are to be 'Sayward Pine'; trim is to be 'Woolly Thyme'; Siding is to be 'Plymouth Beige'.
- (c) COA-13-46. Dedra Ford Keene and Howard Keene, Applicant/Owners, propose to install a 42" by 42" sign at and to paint trim and 2 storm doors at 110 West Flaget Avenue. Recommendation: Approval of COA#13-46 with the conditions that the colors of the sign be staff approved before posting and that the color of the door be "Jewitt White", matching the current trim.

- (d) COA-13-47. Dedra Ford Keene and Howard Keene, Applicant/Owners, propose to remove and replace doors and windows at 110 West Flaget Avenue. Recommendation: Approval of COA#13-47 under the conditions that the west facing to be tabled until decision on design is made by the HRB. The approval of the window and door changes on the eastern portion of the building.
- (e) COA-13-48. Terri Osborne and Cindy Thomas, Applicant/Owners, propose to install a two signs at 110 North Third Street. Recommendation: Approval of COA#13-48 as presented, with the current sign to be removed and the two 21" in diameter signs to take its place with the removal of the word "Co-op" from the initial submission.
- (f) COA-13-49. Kreso Properties, Owner, and Bonnie Hamilton and Cindy Ballard, Applicants, propose to install a new awning and a new sign at 111 North Third Street. Recommendation: Approval of COA#13-49 as presented, with the change of awning and awning title and the addition of the sign in the northern most door.
- (g) COA-13-50. Norma Rapier, Applicant/Owner proposes to replace the roof at 450 East Stephen Foster Avenue. Recommendation: Approval of COA#13-50 as presented, with the shake roof to be replaced with "Black Onyx" asphalt shingles.
- (h) COA-13-27 (Amend). Becky Newton, Owner, and Shannon Escove, Applicant proposes to amend COA#13-27 to include a sign on the door at 123 North Third Street. Recommendation: Approval of Amended COA#13-27 as presented, allowing for the door sign.
- (i) COA-12-46 (Amend). JTD Holdings, Applicant/Owner, proposes to amend COA#12-46 to change the style of originally approved carport at 206-208 East Broadway. Recommendation: Approval of Amended COA#12-46 as presented, with the elimination of the bottom boards of the south facing side of the carport.
- (j) COA-09-07 (Amend). JTD Holdings, Applicant/Owner, proposes to amend COA#09-07 to change siding, window, and site plans at 206-208 East Broadway. Recommendation: Approval of Amended COA#09-07 as presented, with the elimination of picture window and right elevation bathroom window. Approval of the use of siding on all elevations with the amended color of "Sail Cloth". Approval of the addition of a 10' shed dormer.

Councilman Buckman asked to be recused from the discussion and left the Council room at 7:40pm. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA #09-07 AND COA #12-46 WERE APPROVED WITH THE RECOMMENDED CONDITIONS SET FORTH BY HRB.**

Councilman Buckman returned to the meeting. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA'S #13-43, #13-44, #13-46, #13-47, #13-48, #13-49, #13-50, AND #13-27 WERE APPROVED WITH THE RECOMMENDED CONDITIONS SET FORTH BY HRB. Councilman Buckman abstained on COA'S #13-48 AND #13-49.**

AUDIT FOR FY 2012-2013

Each member of the Council and the Mayor were given auditor Percy and Grey's "Fraud and Related Party Questionnaire" and CFO Abell gave a brief explanation. The questionnaire is to be mailed back directly to Percy and Grey or brought into City Hall and given to the auditor, who will be on site throughout the week.

MINUTES

The minutes from the 08-13-2013 Regular Council meeting were presented. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MINUTES WERE APPROVED.**

SECOND READING – ORDINANCE B2013-14 REZONE #2396 CEES AND DEES, LLC AND RIGGS HOMES, LLC

City Clerk Bryant presented the summary of Ordinance B2013-14 for a second reading. Below is the ordinance in its full capacity:

ORDINANCE NO. B2013 – 14

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 8.0 ACRES ON THE NORTH SIDE OF TEMPLIN AVENUE (KY 1430) AND IS 0 FEET WEST OF LINCOLN WAY AND APPROXIMATELY 0.15 MILE EAST OF AIRPORT ROAD (KY 2737) FROM B-1/PUD (NEIGHBORHOOD BUSINESS DISTRICT – PLANNED UNIT DEVELOPMENT) TO R-1T (SINGLE FAMILY TOWNHOUSE DISTRICT).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on July 09, 2013, held a public hearing on the Application No. 2396 to rezone 8.0 acres on the north side of Templin Avenue (KY 1430) and is 0 feet west of Lincoln Way and approximately 0.15 mile east of Airport Road (KY 2737) from B-

1/PUD (Neighborhood Business District – Planned Unit Development) to R-1T (Single Family Townhouse 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 recommended that any restrictions or conditions that may have been agreed to by the applicant and the Planning Commission be applied.

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 July 30, 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 point, 25 ft. from the center of Lincoln Way and 30 ft. from the center of Templin Avenue; thence with the r/w line of Templin Avenue N 60-23-40 W 250.23 ft.; N 59-57-17 W 102.22 ft.; N 59-19-42 W 324. 44 ft.; N 58-41-03 W 44.98 ft.; N 56-28-18 W 192.51 ft. to a point, on the north r/w line of Templin Avenue, corner to Cees & Dees, LLC; thence leaving the road with Cees & Dees, LLC, N 29-36-20 E 165.24 ft. to a point; thence N 70-11-17 E 65.84 ft. to a point; thence N 29-36-20 E 150.00 ft., to a point; thence S 60-23-40E 809.86 ft, to a point; thence S 52-06-15 E 10.68 ft.; to a point; thence S 29-42-46 E 164.32 ft. to a point, on the west r/w line of Lincoln Way; thence with said r/w S 75-34-25 W 37.91 ft.; thence S 66-00-54 W 66.42 ft.; thence S 49-08-27 W 50.93 ft.; thence S 35-36-09 W 43.36 ft.; thence S 29-22-47 W 130.29 ft. to the point of beginning containing 8.0 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 WILLIAMS, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

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

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2013-14 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING –ORDINANCE B2013-15 REZONE #2398 THE MARY MAY HOUSE, LLC AND KEENE’S CLEANERS, INC.

City Clerk Bryant presented the summary of Ordinance B2013-15 for a second reading. Below is the ordinance in its full capacity:

ORDINANCE NO. B2013 - 15

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 110 WEST FLAGET AVENUE AS B-2 PLANNED UNIT DEVELOPMENT (PUD) FOR A USE SERVING ALCOHOL BY THE DRINK (SECTION 6.12D – OPTION #2).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on July 09, 2013, held a public hearing on the Application No. 2398 to rezone 110 West Flaget Avenue to B-2 Planned Unit Development (PUD) for a use serving alcohol by the drink (Section 6.12D – Option #2).

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 recommended that any restrictions or conditions that may have been agreed to by the applicant and the Planning Commission be applied.

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 July 30, 2013, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property as described:

“Beginning at the inside of the sidewalk on north side of West Flaget Avenue and at the west edge of Mulberry Alley, at a point which is the junction of the north side of the sidewalk on the north side of

Flaget and the west side of Mulberry Alley; thence with the west side of Mulberry Alley to the south side of Blackberry Alley; thence with the south side of Blackberry Alley west 60 feet and 3 inches; thence south to an iron pipe in the north edge of the sidewalk on the north side of West Flaget Avenue; thence with the north side of West Flaget Avenue 60 feet and 3 inches to the beginning.”

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 LYDIAN, DULY SECONDED BY COUNCILMAN BUCKMAN, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

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

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2013-15 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING –ORDINANCE B2013-16 PROPERTY TAX RATE COMPENSATING

City Clerk Bryant presented Ordinance B2013-16 for a second reading.

ORDINANCE NO. B2013 – 16

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE STYLED “AN ORDINANCE LEVYING TAX ON PROPERTY SUBJECT TO TAX IN THE CITY OF BARDSTOWN: FIXING RATES THEREON AND DESIGNATING THE FUNDS AND PURPOSES FOR WHICH EXPENDITURES ARE AUTHORIZED FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014.

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

1. That there be and hereby is levied the sum of \$0.1830 on each ONE HUNDRED dollars of real property subject to taxation, the sum of \$0.1830 on each ONE HUNDRED dollars of personal property subject to taxation, and the sum of \$0.24 on each ONE HUNDRED dollars of motor vehicle and water craft subject to taxation in the City of Bardstown for the fiscal year July 1, 2013 to June 30, 2014.
2. All monies hereinafter collected for taxes due for the year 2013-2014 and all years prior thereto shall be allocated to the General Fund for the general expenses of city government including, but not limited to, recreation, police and fire protection, general government, and the maintenance of streets and highways.
3. Collection of property tax bills of TEN DOLLARS (\$10.00) or less may be waived by the Chief Financial Officer.
4. All taxpayers whose taxes are not paid by the last day of October or by the thirtieth day after the mailing of the tax bill, whichever is later, shall pay a penalty of TEN PERCENT (10%) of the amount of taxes due and unpaid and in addition thereof shall pay interest on the unpaid taxes at the rate of ONE PERCENT (1%) per month or part thereof until paid.
5. A 2% Convenience Fee is levied on any credit card transaction payment of property tax bills.

This Ordinance shall be in full force upon its publication and all ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict.

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

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

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2013-16 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

COMMITTEE REPORTS

Councilman Simpson gave an update on the meeting that was held August 14, 2013. Troop 721 Boy Scout member Luke Wathen is proposing a project to update the Old Gazebo. This will help him reach the status of Eagle Scout.

Sexton Bryant announced that a Special Cemetery Committee meeting will be held on Friday, August 30, 2013 @ 8:30am in the Mayor's Conference Room of City Hall.

Councilman Simpson also reported on the Safety Committee meeting that was held on Monday, August 26th, which included an update on the new training facility for the Fire Department; a presentation by Risk Manager Anthony Mattingly and a report from Police Chief McCubbin on recent "gang" activity.

CEMETERY DEEDS

Seven (7) Bardstown Cemetery deeds were presented; two grave sites for James Leo and Gail Holt Downs, two grave sites for Russell and Annis Douglas, two grave sites for Joe and Connie Werner, one grave site for Carolyn Hardin, one grave site for Brenda Woodcock, one grave site for Paulette Lucas, and a transfer of four grave site positions for Etta Tungate Spalding. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE DEEDS WERE APPROVED.**

STAFF REPORTS

Fire Chief Howard thanked the community for their cooperation during fire hydrant testing. There have been several fire hydrant locations that needed the removal of shrubs and decorative landscaping.

Mayor Sheckles thanked City Departments for their help and assistance during the Annual Buttermilk Days Festival.

EXECUTIVE SESSION

Mayor Sheckles announced that the Council would go into Executive Session pursuant to KRS 61.810 (1) (c), to discuss pending litigation styled Hall Contracting of Kentucky Inc., vs. City of Bardstown and Strand Associates, Inc., Nelson Circuit Court Civil Action #11-CI-55. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO EXECUTIVE SESSION AT 8:15PM.**

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 9:20PM.

The minutes will reflect that no action was taken during the Executive Session.

ADJOURNMENT

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

CITY OF BARDSTOWN

ATTEST:

William S. Sheckles, Mayor

Barbara Bryant, City Clerk