

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES**

08-28-12

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 Joe Buckman
- Councilman Fred Hagan
- Councilman Francis Lydian
- Councilman Tommy Reed
- Councilman Bobby Simpson
- Councilman Roland Williams

Others present: Major/Asst. Police Chief Ray Lewis, Interim Fire Chief Marlin Howard, Bardstown Fire Department Major Joe Marks, Asst. City Administrator Larry Green, Chief Financial Officer Mike Abell, City Civil Engineer Jessica Filiatreau, Director of Public Works and Engineering Larry Hamilton, City Electrical Engineer Jeff Mills, City Attorney Tom Donan, City Clerk Barbie Bryant, HRB Administrator Pen Bogert, Mainstreet Director Anne Ballard, Nelson County Gazette reporter Jim Brooks, The Kentucky Standard reporter Randy Patrick, BRTV co-owner Roth Stratton, WYSB reporter Tom Redmon, John Royalty, Mark Hicks, Richard Nest, and Mark Ballard.

DISTRIBUTION PROJECT WITH SAIC ENERGY, ENVIRONMENT & INFRASTRUCTURE, LLC

Mayor Sheckles called the meeting to order. City Electrical Engineer Mills presented the engineering agreement for professional services (Task Authorization Contract) for the Level 1 and Level 2 Distribution Projects with SAIC. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WITH SAIC ENERGY, ENVIRONMENT & INFRASTRUCTURE, LLC., IN THE AMOUNT OF \$56,665.00, WAS APPROVED.**

CHANGE WORK ORDER – SOUTH SALEM SEWER MAIN REPLACEMENT

City Civil Engineer Filiatreau presented the change of work order that was necessary to relocate and keep an existing 6” private sewer line in operation. The City of Bardstown will relocate the sewer connection once the new main is complete and tested. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO ACCEPT THE CHANGE OF WORK ORDER BY FILCON CONSTRUCTION IN THE AMOUNT OF \$611.16, WAS APPROVED.**

BID TAB – STREET RESURFACING

City Electrical Engineer Filiatreau presented the bid tab as follows:

Street Resurfacing August 22, 2012 Bid Tab				
	Bit. Surface		Milling & Text.	
<u>Bidder</u>	<u>tons</u>	<u>Price</u>	<u>Tons</u>	<u>Price</u>
Mago	3325	\$ 1.00	1055	\$ 25.00
<u>Mix Price</u> and <u>Haul</u> will be based on state price contract and provided thru Mago Construction Co.				
State mix Price=	\$67.00			
State Haul Price=	\$2.25			
Total \$/ton=	\$70.25			
<u>Recommend Mago Construction to be awarded 2012/2013 Resurfacing Contract</u>				

A copy of the streets to be resurfaced was also presented. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO ACCEPT THE BID FROM MAGO CONSTRUCTION IN THE AMOUNT OF \$70.25 / TON, WAS APPROVED.**

RESOLUTION FOR CULTURAL DISTRICT CERTIFICATION

Mainstreet Director Anne Ballard gave a brief description on the program and the following resolution was read by City Clerk Bryant:

Resolution for Cultural District Certification

A resolution authorizing certification of a cultural district for at least ten (10) years to be named:

Historic Downtown Bardstown

WHEREAS: A cultural district has been designated to assist the district and community to develop a public-private partnership to support the district, and

WHEREAS: Mayor William S. Sheckles has signed a resolution of support for the cultural district, and

WHEREAS: The Kentucky Arts Council will be petitioned to designate the cultural district.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL of Bardstown, Kentucky, that the city:

- Article 1. Endorses the submission of this application and agrees to participate in the development and financial support of said cultural district.
- Article 2. Endorses the goal of economic development of said cultural district within the context of preservation and rehabilitation of our historic buildings.
- Article 3. Endorses the goal of tourism development of said cultural district within the context of contributing to the overall visitor development goals of the city.
- Article 4. Will appoint a city official to represent the city on the governing board of said cultural district.
- Article 5. By this action, directs city staff to actively support and cooperate with the governing board to develop and maintain said cultural district.
- Article 6. By this action, requests all residents of city and especially those citizens who own property or businesses within said cultural district to support, promote and help maintain activities and events in said district.
- Article 7. Directs the Mayor to sign and submit such resolution on creation of said cultural district.

ADOPTED ON THIS DAY _____ OF _____.

William S. Sheckles, Mayor

Date

ATTEST

Barbara Bryant, City Clerk

UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO AUTHORIZE THE MAYOR TO EXECUTE THE RESOLUTION FOR CULTURAL DISTRICT CERTIFICATION, WAS APPROVED.

HISTORICAL REVIEW BOARD RECOMMENDATIONS

Councilman Buckman stated that he had no personal financial interest attached to the application COA #12-49 that proposed to erect a WAVE-3 TV camera on the roof of the Johnson Building. The COA was denied by HRB. Mayor Sheckles then presented the following Historical Review Board recommendations:

Certificates of Appropriateness

1. COA #12-37 [RECOMMENDED]

Sandra and Herb Stucker propose to repaint the exterior of their residence at 205 S. Third St. The color choices are Valspar 3007-8B Baked Scone (siding), 3007-8C Churchill Hotel Ivory (trim), and 3007-8A Carolina Inn Brass (shutters). Actual color samples will be submitted at the meeting.

Recommendation: To recommend approval of the repainting of the exterior of the residence at 205 S. Third St., as specified in this application.

2. COA #12-40 [RECOMMENDED]

Hospice of Nelson County proposes to install two signs at their location at 202 W. Stephen Foster Ave. (Medica Bldg.): a 5 ½' x 3" placard on the existing Medica Pharmacy free-standing sign on W. Stephen Foster Ave.; a 17" x 36" flush-mounted sign to the right of the Hospice main entrance. Colors will be blue and red as submitted in the attached graphic.

Recommendation: To recommend approval of the installation of two signs at 202 W. Stephen Foster Ave., as specified in this application.

3. COA #12-41 [RECOMMENDED WITH CONDITIONS]

Todd A. Johnson proposes the following exterior alteration to the front porch of his property at 512 N. Third St.: replace the existing 5 wood tapered columns, their wood bases, and their Ionic-style plaster capitals with composite Tuscan columns, capitals, and bases. The two deteriorated center columns, with their broken plaster capitals, have already been removed to facilitate the replacement of the front beam. The proposed replacement columns are not tapered.

Recommendation: To recommend approval of exterior alterations to the front porch of 512 N. Third St., as specified in this application with the following conditions: repair the two center tapered wood columns with matching materials and replace the capitals on each of the five columns with Scamozzi (Ionic) style capitals.

4. COA #12-42 [RECOMMENDED]

Bill and Donna Ellis propose the following amendments to COA #12-18 (approved April 24, 2012): raise the roof line to a point just under the peak of the roof of the main house; add two 3' x 6' six-over-six windows to the south side of the second floor (replacing the proposed vent); construct one 36" x 42" window, a single door, and a second window on the first floor, south side (in place of the original design for 3 windows and French doors); extend the entire addition 64" to the south; construct a brushed concrete driveway along the east side of the house to a point about 6' beyond the proposed extended addition. There are no window/door changes to the west or east sides of the addition.

Recommendation: To recommend approval of the exterior alterations and site alteration to 211 W. Flaget Ave., as specified in this application.

6. COA #12-43 [RECOMMENDED]

WBRT Radio proposes to replace their existing pole-mounted sign with a new 29" x 29" double-sided sign that will be attached to the existing pole. Please see attached graphic for design and colors.

Recommendation: To recommend approval of the replacement hanging sign at WBRT Radio, 106 S. Third St., as specified in this application.

7. COA #12-44 [RECOMMENDED]

WBRT Radio proposes to reduce the height of the front picket fence (only that portion parallel to the street) from the existing 43" to 21 ½" to allow a better view of the building and landscaping. The existing center gate will be removed and the two center posts will be shortened as well.

Recommendation: To recommend approval of the reduction in the height of the front picket fence at WBRT Radio, 106 S. Third St., as specified in this application .

8. COA #12-45 [RECOMMENDED]

JTD Holdings LLC proposes to install 3" plantation shutters on the interior of the front door and adjoining two windows of the former hair salon at the front of 207 W. Stephen Foster Ave. The shutters will be painted antique white. Although the shutters will be installed on the interior, they will be a noticeable change when viewed from the street.

Recommendation: To recommend approval of the installation of interior plantation shutters on the front door and adjoining windows at 207 W. Stephen Foster Ave., as specified in this application.

9. COA #12-46 [RECOMMENDED]

JTD Holdings LLC proposes the following changes to the Strawberry Row project at 208 E. Broadway: construct a 9' 6" porch landing 4' 6" high and extending 4'6" out from the building under construction at 208 E. Broadway. The landing will include two 12" brick pilasters, 2" square wood spindles, 6" x 6" wood posts, 2" x 8" treated deck framing, and treated tongue & groove steps and deck. The spindles, railings, and posts will be painted to match the house trim. The deck and steps will be painted SW Pier.; construct a 54" high black aluminum fence with 4' gate between 206 and 208 E. Broadway; construction of a carport for 8 vehicles. The carport will have a black metal standing seam shed- roof and will be supported by treated 8" x 8" wood posts 8' high. The ends will be partially enclosed with gapped wood bands made with treated wood (see drawing). The ends will not be painted in order to allow weathering and the planting of vegetation. There will be a gutter on the west side and four goose-neck light fixtures on the east side. The entire carport will be approx. 18' x 72'.

Recommendation: To recommend approval of the construction of a front porch, rear carport, and fence at ~~208 E. Stephen Foster Ave.~~, (corrected to reflect address of 208 E Broadway) as specified in this application.

10. COA #12-47 [RECOMMENDED]

McCoy Properties LLC proposes to have Frank Welch install storm windows on the two front windows at 113 W. Stephen Foster Ave. These storm windows will be full glass with white trim, similar to those installed at Mann & Greenwell, 212 S. Third St. in 2010 (COA #10-55).

Recommendation: To recommend approval of the installation of storm windows on the two front windows at 113 W. Stephen Foster Ave., as specified in this application.

11. COA #12-48 [RECOMMENDED]

Bill and Donna Ellis propose to amend the staff approval affirmed by the HRB on September 13, 2010, to leave the top turbine at 103 E. Stephen Foster Ave. unpainted because periodic chemical cleaning of the turbine will remove the paint.

Recommendation: To recommend approval to leave the top of the exhaust turbine at 103 E. Stephen Foster Ave. unpainted as specified in this application.

Mayor Sheckles ask the Council to begin with COA's #8 and #9; Councilman Buckman excused himself from the meeting at 7:30pm.

UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA #12-45 AND #12-46 WERE APPROVED.

Councilman Buckman returned to the meeting.

UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA'S #12-37, #12-40, #12-41, #12-42, #12-43, #12-44, #12-47 AND #12-48 WERE APPROVED.

CORRESPONDENCE

Mayor Sheckles presented the letter from MADD, requesting the close of city streets during their annual 5K run/walk scheduled for October 20, 2012. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE REQUEST WAS APPROVED.**

Mayor Sheckles also presented the letter from the Bardstown Arts, Crafts and Antiques Fair requesting the close of city streets during their annual event on October 13 and 14, 2012. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE REQUEST WAS APPROVED.**

HRB Administrator Bogart explained the revised HRB Meetings and Deadline schedule. The change from the second Monday to the third Tuesday for meetings will help applicants reduce review time and should speed up the approval process.

MINUTES

The minutes from the 08-14-2012 regular Council meeting were presented and **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

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

Councilman Hagan presented proposed Ordinance B2012-17 and read the summary for first reading. Councilman Reed had some reservations about the 2% merit raise and that some employees' salaries exceed their pay grade. Councilmen Reed and Simpson expressed their concern with a full-time position for a Stock Utilities Clerk. They would like the position to be part-time. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 4 TO 2, THE FIRST READING OF ORDINANCE NO. B2012-17 WAS APPROVED. COUNCILMEN REED AND SIMPSON VOTED NO.**

FIRST READING – PROPOSED ORDINANCE B2012-COMP/4%/SAME, TAX RATE

CFO Abell gave an overview of the proposals. The tax rates were discussed, but no action was taken. A Finance Committee meeting will be scheduled. A public hearing will be held prior to a second reading and adoption.

SECOND READING – ORDINANCE NO. B2012-18 AMEND ANNEXATION FOR NELSON COUNTY HIGH SCHOOL

City Attorney Donan presented a second reading of the ordinance as follows:

ORDINANCE NO. B2012-18

AN ORDINANCE AMENDING THE LEGAL DESCRIPTION IN THE ORDINANCE ANNEXING INTO THE CITY OF BARDSTOWN LAND LOCATED ON THE NORTH SIDE OF BLOOMFIELD ROAD AT THE INTERSECTION WITH WOODLAWN ROAD EAST OF BARDSTOWN, IN NELSON COUNTY, KENTUCKY CONTAINING 57.0 ACRES.

WHEREAS, the City Council has expressed its desire and intent to annex certain unincorporated territory located in Nelson County, Kentucky, herein called the "Annexation Area" into the City of Bardstown; and

WHEREAS, all of the owners, in fee simple, through a written document, have pursuant to KRS 81A.412, agreed to annexation by the City of the unincorporated "Annexation Area", which is more fully described below, and

WHEREAS, the territory annexed, approximately 57.0 acres of land located along the North side of Bloomfield Road at its intersection with Woodlawn Road East near Bardstown, in Nelson County, Kentucky, is of urban character or suitable for urban development and no part of the area to be annexed is included within the boundary of another incorporated city, and the City has declared it desirable to annex the proposed unincorporated territory; and

WHEREAS, it is the intent of the City to so annex, and

WHEREAS, it is deemed beneficial and necessary to the welfare of the City of Bardstown for its orderly growth and economic development to annex the property described below into the City, and

WHEREAS, the said owners of record of the subject property to be annexed have consented in writing to the proposed annexation as shown by their consents dated as follows: April 13, 2010, and therefore, pursuant to KRS 81A.412, there is no requirement for a notification ordinance as required by KRS 81A.420 (1) or notice requirements KRS 81A.425 or a waiting period of 60 days as provided by KRS 81A.420 (2) prior to enacting a final ordinance annexing the subject area; and

WHEREAS, this ordinance is authorized by KRS 81A.412; and

WHEREAS, this ordinance corrects an error in the written legal description in Ordinance B2012-08 to conform to the plat adopted in Ordinance B2012-08 and attached to this Ordinance.

NOW THEREFORE, PURSUANT TO THE AUTHORITY IN CHAPTER 81A OF THE KENTUCKY REVISED STATUTES AND OTHER APPLICABLE LAW, BE IT ORDAINED BY THE CITY OF BARDSTOWN:

I. The City of Bardstown has declared the following described property, by reason of present use or potential, or both, to

be urban in character and/or suitable for development for urban purposes without reasonable delay, therefore, the City finds it desirable to annex the proposed unincorporated territory and said property is hereby annexed into the territorial limits of the City of Bardstown, a fourth class municipality, pursuant to the provisions of KRS 81A.412 et seq.:

THE PROPERTY TO BE ANNEXED IS MORE FULLY DESCRIBED AS FOLLOWS:

I. The territory described below, a map of which is attached to this ordinance as Exhibit A and is fully incorporated into this ordinance, is hereby annexed into the City of Bardstown: A certain tract of land located on the north side of Bloomfield Road, at the intersection with Woodlawn Road, east of Bardstown, in Nelson County, Kentucky, and more particularly described as follows:

Beginning at a point, on the south side of Bloomfield Road, about 250 ft. east of Wildcat Lane, corner to the existing corporate limits; thence with the existing corporate limits N 02-21-06 E 1341.31 ft.; thence S 75-26-10 E 452.65 ft.; thence N 72-39-56 E 833.60 ft.; thence N 70-57-38 W 422.82 ft., to a point, in the existing corporate limits line; thence leaving said line with a new corporate limit line, N 31-37-38 E 428.07 ft.; thence S 53-30-25 E 373.37 ft.; thence S 49-31-33 E 290.54 ft.; thence S 57-53-27 E 273.96 ft.; thence S 69-02-31 E 136.10 ft.; thence S 83-10-59 E 164.63 ft. to the west line of Eastland Subd.; thence with said subd. S 23-45-32 W 171.16 ft.; thence S 23-15-57 W 243.92 ft.; S 02-15-16 E 161.45 ft.; thence S 82-52-20 E ~~W~~ 82.47 ft.; thence S 23-37-16 W 482.30 ft. , to a point, on the south side of Bloomfield Road; thence with said road S 75-29-42 W 361.72 ft.; thence S 77-23-33 W 491.61 ft.; thence S 79-38-36 W 232.69 ft.; thence S 79-51-41 W 700.12 ft. to the point of beginning, containing 57.0 acres.

II. The provisions of this ordinance are hereby declared to be severable and, if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

III. Ordinance B2012-08 shall reflect the corrected legal description as set forth above.

IV. This ordinance is adopted pursuant to KRS 83A.060 and said Ordinance shall be in full force and effect upon the signature, recordation, and publication in accordance with KRS 83A.060 and KRS Chapter 424.

UPON MOTION OF COUNCILMAN HAGAN, 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 HAGAN	-	AYE
COUNCILMAN BUCKMAN	-	AYE

MAYOR SHECKLES THEN PROCLAIMED ORDINANCE NO. B2012-18 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING – ORDINANCE NO. B2012-19 AMEND ANNEXATION FOR THOMAS NELSON HIGH SCHOOL

City Attorney Donan presented a second reading of the ordinance as follows:

ORDINANCE NO. B2012-19

AN ORDINANCE OF THE CITY OF BARDSTOWN, KENTUCKY ANNEXING INTO THE CITY OF BARDSTOWN LAND LOCATED ON THE SOUTH SIDE OF TEMPLIN AVENUE ABOUT 3 MILES WEST OF THE INTERSECTION OF KY HWY 245 AND US HWY 31-E, IN NELSON COUNTY, KENTUCKY, CONTAINING 115.16 ACRES.

WHEREAS, the City Council has expressed its desire and intent to annex certain unincorporated territory located in Nelson County, Kentucky, herein called the “Annexation Area” into the City of Bardstown; and

WHEREAS, all of the owners, in fee simple, through a written document, have pursuant to KRS 81A.412, agreed to annexation by the City of the unincorporated “Annexation Area”, which is more fully described below, and

WHEREAS, the territory annexed, approximately 115.16 acres of land located about three miles West of the intersection of KY Highway 245 and US Highway 31-E near Bardstown, in Nelson County, Kentucky, is of urban character or suitable for urban development and no part of the area to be annexed is included within the boundary of another incorporated city, and the City has declared it desirable to annex the proposed unincorporated territory; and

WHEREAS, it is the intent of the City to so annex, and

WHEREAS, it is deemed beneficial and necessary to the welfare of the City of Bardstown for its orderly growth and economic development to annex the property described below into the City, and

WHEREAS, the said owners of record of the subject property to be annexed have consented in writing to the proposed annexation as shown by their consent dated as follows: April 13, 2010, and therefore, pursuant to KRS 81A.412, there is no requirement for a notification ordinance as required by KRS 81A.420 (1) or notice requirements KRS 81A.425 or a waiting period of 60 days as provided by KRS 81A.420 (2) prior to enacting a final ordinance annexing the subject area; and

WHEREAS, this ordinance is authorized by KRS 81A.412; and

WHEREAS, this ordinance corrects an error in the written legal description in Ordinance B2012-09 to conform to the plat adopted in Ordinance B2012-09 and attached to this Ordinance.

NOW THEREFORE, PURSUANT TO THE AUTHORITY IN CHAPTER 81A OF THE KENTUCKY REVISED STATUTES AND OTHER APPLICABLE LAW, BE IT ORDAINED BY THE CITY OF BARDSTOWN:

I. The City of Bardstown has declared the following described property, by reason of present use or potential, or both, to be urban in character and/or suitable for development for urban purposes without reasonable delay, therefore, the City finds it desirable to annex the proposed unincorporated territory and said property is hereby annexed into the territorial limits of the City of Bardstown, a fourth class municipality, pursuant to the provisions of KRS 81A.412 et seq.:

THE PROPERTY TO BE ANNEXED IS MORE FULLY DESCRIBED AS FOLLOWS:

I. The territory described below, a map of which is attached to this ordinance as Exhibit A and is fully incorporated into this ordinance, is hereby annexed into the City of Bardstown:

A certain tract of land located on the south side of Templin Avenue, about 3 miles west of the intersection of Ky Hwy 245 and US Hwy 31-E, in Nelson County, Kentucky, and more particularly described as follows:

Beginning at a point, on the south side of Templin Ave, adjoining the existing corporate limits, said point being about 260 ft. east of the intersection with Ky Hwy 245; thence with the existing corporate limits S 47-52-29 E 248.16 ft.; thence S 50-35-42 E 213.06 ft. to a point, on the south side of Templin Ave, corner to the existing corporate limits and Land Enterprises Inc.; thence leaving the existing corporate limits, with Land Enterprises Inc. and a new corporate limit line S 38-08-09 W 612.60 ft.; thence S 03-40-04 E 2196.14 ft.; thence N 88-47-33 W 638.48 ft.; thence N 88-44-59 W 1054.77 ft.; thence N 88-42-50 W 1000.47 ft. to a point, corner to Land Enterprises Inc. and Gene Bell; thence with Bell N 08-06-02 W ~~155.99~~ **115.99** ft.; thence N 53-46-01 E 613.39 ft.; thence N 59-41-29 E 553.02 ft.; thence N 03-07-38 W 403.07 ft.; thence N 02-47-55 W 712.18 ft.; thence N 03-32-28 W 235.46 ft. to a point, corner to Bell and Joseph Hutchins Jr.; thence with Hutchins N 45-16-10 E 864.17 ft. to a point, corner to Hutchins and Ricky Payton; thence with Payton and Tronzo S 84-31-04 E 924.46 ft.; thence N 29-18-56 E 333.89 ft. to the point of beginning, containing 115.16 acres.

II. The provisions of this ordinance are hereby declared to be severable and, if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

III. Ordinance B2012-09 shall reflect the corrected legal description as set forth above.

IV. This ordinance is adopted pursuant to KRS 83A.060 and said Ordinance shall be in full force and effect upon the signature, recordation, and publication in accordance with KRS 83A.060 and KRS Chapter 424.

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 DECLARED ORDINANCE NO. B2012-19 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

NOTICE OF VIOLATION FOR JERRY L. RILEY WASTE WATER TREATMENT PLANT

A technical violation that occurred three months in a row (11-2011, 12-2011, and 01-2012), caused by excessive amounts of rain that interfered with the plant's ability to remove 85% of suspended solids, was issued on August 22, 2012. A written Corrective Action Plan (CAP) is required by the 17th of September. The Division of Enforcement stated that the recommended fine of \$7,000 may be negotiated.

The Water and Wastewater Committee had met on August 27, 2012 to discuss this notice of violation. They also discussed the yearly Wastewater Treatment Plant Audits that had been reported favorably.

STREET AND SOLID WASTE COMMITTEE

Councilman Lydian reported that a meeting was held on August 27, 2012. Topics discussed included the 2012-2013 Street Resurfacing List and Culvert Replacement List, along with the 5-Year Nelson County Solid Waste Plan. All Councilmen and the Mayor received the 5-year plan. City Civil Engineer Filiatreau reported on the MS4 Program Audit by the State which included the progress of CDP Engineering for stormwater inventory and mapping.

STAFF REPORTS

Asst. Police Chief Lewis reported that very few police situations were created during the 2012 Buttermilk Festival. Mayor Sheckles spoke of the record crowds and how the weather played a role in the record breaking attendance numbers.

Interim Fire Chief Howard wanted to thank the Public Works Department for their assistance with the hydrant testing over the past several months. That testing will soon come to a close. He also wanted to thank citizens who allowed the clearing of area around hydrants to allow access without delay.

CFO Abell reported that the Pay-by-Phone program is on a dry run this week and should be available to customers by mid-September.

Civil Engineer Filiatreau reported that an area of Old Bloomfield Pike, directly in front of Boone’s Butcher Shop, will be shut down on Wednesday and Thursday of this week for short periods of time due to sanitary sewer repairs.

CEMETERY DEEDS

Four (4) Bardstown Cemetery deeds were presented; Nancy Wayne, Robert Timothy Cecil, Sheryl Clark & Daniel Decker, and Justin & Janna Borders. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE DEEDS WERE APPROVED.**

MISCELLANEOUS

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE DECISION TO ALLOW \$617.35 OF THE COUNCIL’S CONTINGENCY FUND BE APPLIED TOWARD PAYMENT FOR THE RETIREMENT DINNER OF BOBBE BLINCOE, WAS APPROVED.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN BUCKMAN 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