

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
09-23-2014
7:00 – 8:20 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 Electric Engineer Jeff Mills, City Civil Engineer Jessica Filiatreau, City Attorney David Bruce Reynolds, City Clerk Barbie Bryant, Police Chief Rick McCubbin, Fire Chief Marlin Howard, Executive Assistant to the Mayor Michelle Riordan, Nelson County Magistrate Jeff Lear, Nelson County E-911 Dispatch Director Debbie Carter, The Kentucky Standard reporter Randy Patrick, Nelson County Gazette reporter Jim Brooks, WOKH reporter Sylvia Horlander, and citizen Dave Colvin.

BID TAB – HORIZONTAL BALER

Assistant City Administrator Green reported that three (3) companies had submitted bids. However, more research is necessary before a recommendation can be made to the Council. The bid will be re-submitted at the next Council meeting.

DRB-212 EL JIMADOR #2

The Development Review Board met, reviewed and recommended approval of the site, building, landscaping and lighting plans for the 6,100 square foot restaurant on West John Rowan Boulevard (KY 245) and Morton Avenue, revised Lot #1. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD, WAS APPROVED.**

HISTORICAL REVIEW BOARD RECOMMENDATIONS

Mayor Sheckles presented the following Historical Review Board recommendations:

- (a) COA-14-62. Newcomb Oil Company, LLC, Applicant/Owner, proposes to replace 10 light fixtures at 122 East Stephen Foster Avenue. Recommendation: Denial of the proposed lighting due to the photometric plan not meeting historic district and city lighting guidelines.
- (b) COA-14-63. Amy Hurst, Applicant/Owner proposes to replace awning material at 305 North Third Street. Recommendation: Approval of the navy blue material with the condition that the amount of signage be reduced to two, counting the awning signs as one sign.
- (c) COA-14-64. Brown and Company, CPA's, Applicant/Owner, proposes to install parking spaces at 442 East Stephen Foster Avenue. Recommendation: **This application has been tabled as requested by the Applicant.**
- (d) COA-14-65. M&D Properties, LLC, Applicant/Owner, proposes to paint front door at 201 East Stephen Foster Avenue. Recommendation: Approval of the paint color, Urbane Bronze, to be applied to the front door.
- (e) COA-14-66. Archdiocese of Louisville, Owner, and St. Vincent de Paul, Applicant propose to install a new sign at 300 North Second Street. Recommendation: The approval of the proposed signage, to be 18" by 24" with blue lettering and white background.
- (f) COA-14-67. Archdiocese of Louisville, Owner, and St. Vincent de Paul, Applicant propose to install two new signs, a mailbox, and a block wall screen at 310 North Second Street. Recommendation: The approval for the signs, to be 18" by 24" with blue lettering and white background. The approval of mailbox and wall with the condition that the designs be administratively approved.
- (g) COA-14-36. William Lockett, Owner, and Choice Radio Central Corporation, Applicant, requests approval for existing tower at 101 North Third Street. Recommendation: **No recommendation may be given for this project due to restrictions from Article 15.61. More than 60 days has passed since being tabled, and quorum was not possible for this meeting. The decision is that of the City Council, on this matter.**
- (h) COA-14-58. Rick Mattingly, Applicant/Owner, proposes to paint the exterior of the building at 229 North Third Street. Recommendation: The Approval of the two choices for building color and of trim color to be administratively approved.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, COA 14-36 WAS TABLED.

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA'S #14-63, #14-65, #14-66, #14-67, AND #14-58 WERE APPROVED WITH THE RECOMMENDED CONDITIONS SET FORTH BY HRB.

CORRESPONDENCE

The following three (3) requests to use the front lawn of City Hall and/or side streets were presented:

- Bardstown Rotary Club, Kids Day Festival on 09-25-2014
- KORT Rehab Services, October fit on 10-04-2014
- Allison Mattingly, Zombie Walk on 11-01-2014

UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE REQUESTS WERE APPROVED.

MINUTES

The minutes from the 09-09-2014 Regular Council meeting were presented. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE MINUTES WERE APPROVED.**

SECOND READING – ORDINANCE B2014-26 REZONE #2422, SALEM REALTY, INC

City Attorney Reynolds presented the summary of Ordinance B2014-26 for a second reading. Below is the ordinance in its full capacity:

ORDINANCE NO. B2014 – 26

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 1.332 ACRES AT 1102 NORTH THIRD STREET (US 31E) FROM A-1 (AGRICULTURE DISTRICT) TO B-3 (REGIONAL RETAIL BUSINESS DISTRICT).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on August 12, 2014, held a public hearing on the Application No. 2422 to rezone 1.332 acres at 1102 North Third Street (US 31E) from A-1 (Agriculture District) to B-3 (Regional Retail Business District); and

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 City of Bardstown, Kentucky, 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 September 2, 2014, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property as described:

“Beginning at a found steel rebar in the right of way line of US 31E, (30’ from center of road), corner to the Church of Christ, (DB 159, Page 471 and plat recorded in DB 199, Page 334), thence, with the road 99.87’ S 3 degrees 29’08” W to a found steel rebar, corner to the Commonwealth of Kentucky, Department of Military Affairs, (DB 254, Page 354), thence, leaving the road with the Commonwealth of Kentucky, 286.50’ S 86 degrees 21’26 W, to a set ½” steel rebar, thence, 180.80’ N 82 degrees 54’01” W to a found steel rebar, corner to the Church of Christ, (DB 159, Page 471), thence, with the church, 91.05’ N 7 degrees 19’ 52” E to a found steel rebar, thence, 401.44’ N 83 degrees 36’00” E to a found steel rebar, hence 72.55’ S 57 degrees 00’ 30” E to the point of beginning containing 1.332 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 as required by law.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED, 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. B2014-26 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

SECOND READING – ORDINANCE B2014-27 PROPERTY TAX

City Clerk Bryant presented Ordinance B2014-27 for a second reading.

ORDINANCE NO. B2014 – 27

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, 2014 TO JUNE 30, 2015.

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

1. That there be and hereby is levied the sum of \$0.1820 on each ONE HUNDRED dollars of real property subject to taxation, the sum of \$0.1962 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, 2014 to June 30, 2015.
2. All monies hereinafter collected for taxes due for the year 2014-2015 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 WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

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

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2014-27 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

MUNICIPAL ORDER M2014-16 RECREATION AGREEMENT TERMINATION AND M2014-17 E-911 DISPATCH AGREEMENT TERMINATION

City Clerk Bryant presented the following two orders:

MUNICIPAL ORDER NO. M2014-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY AUTHORIZING THE EXECUTION OF A TERMINATION LETTER BETWEEN THE CITY OF BARDSTOWN AND THE NELSON FISCAL COURT REGARDING THE CURRENT AGREEMENT ESTABLISHING A JOINT RECREATION BOARD.

WHEREAS, every resident of the City of Bardstown is taxed by Nelson County on real property and tangible property at the same rate as every other resident in Nelson County; and

WHEREAS, last year, the City of Bardstown paid \$368,000 of the \$494,000 cost of operating recreational opportunities for every resident of Nelson County, thereby effectively subsidizing county residents; and

WHEREAS, the City Council believes that the current agreement is not equitable for residents of Bardstown; and

WHEREAS, Section 5. CONTRACT TERMINATION of the agreement provides for termination of the contract, “at the end of any fiscal year, upon written notice by either to the other at least (90) days prior to thereto”; and

WHEREAS, the City of Bardstown desires to terminate the current agreement that established a joint recreation board, effective June 30, 2015; and

WHEREAS, the City of Bardstown desires to negotiate a new agreement in a timely manner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bardstown, Kentucky, that a letter to the Nelson Fiscal Court be issued with a request to terminate the current Agreement, Establishing a Joint Recreation Board, effective June 30, 2015 and that steps be taken to negotiate a new agreement that will provide for equal treatment of all residents of Bardstown and Nelson County.

INTRODUCED, SECONDED AND ADOPTED at a duly convened meeting of the City Council of the City of Bardstown, Kentucky, held on the 23rd day of September, and on the same occasion signed in open session by the Mayor and members of the City Council, attested under seal by the City Clerk, ordered to be filed and indexed as required by law, and declared to be in full force and effect according to law.

MUNICIPAL ORDER NO. M2014-17

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF BARDSTOWN, KENTUCKY**

**AUTHORIZING THE EXECUTION OF A TERMINATION LETTER BETWEEN THE CITY OF
BARDSTOWN AND THE NELSON COUNTY FISCAL COURT
REGARDING THE CURRENT AGREEMENT TITLED
INTERLOCAL COOPERATION AGREEMENT – NELSON COUNTY, KY / CITY OF BARDSTOWN,
KY – EMERGENCY DISPATCH.**

WHEREAS, every resident of the City of Bardstown is taxed by Nelson County on real property and tangible property at the same rate as every other resident in Nelson County; and

WHEREAS, residents of the City of Bardstown, through their City property taxes, fund an additional 40% of the E-911 Dispatch costs not covered by the E-911 fee; and

WHEREAS, the City Council believes that the current agreement is not equitable for residents of Bardstown; and

WHEREAS, TERMINATION of the agreement provides that either the County of City, “shall give the other party written notice 365 days prior to the intended termination date”; and

WHEREAS, the City of Bardstown wishes to terminate the current agreement that established the Inter-local Emergency Dispatch Services, effective September 24, 2015; and

WHEREAS, the City of Bardstown desires to negotiate a new agreement in a timely manner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bardstown, Kentucky, that a letter to the Nelson County Fiscal Court be issued with a request to terminate the current Inter-local Emergency Dispatch Services Agreement, effective September 24, 2015 and that steps be taken to negotiate a new agreement that will provide for equal treatment of all residents of Bardstown and Nelson County.

INTRODUCED, SECONDED AND ADOPTED at a duly convened meeting of the City Council of the City of Bardstown, Kentucky, held on the 23rd day of September, and on the same occasion signed in open session by the Mayor and members of the City Council, attested under seal by the City Clerk, ordered to be filed and indexed as required by law, and declared to be in full force and effect according to law.

UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER M2014-16 AND M2014-17 WERE APPROVED.

COMMITTEE REPORTS

Councilman Simpson reported on the Safety Committee meeting that was held on September 08, 2014. Fire Department; request for the placement of a hydrant at the new Substation located near the 150 Quick Stop, and the retirement of Billy Mattingly. Police Department: sewer repairs were needed.

Councilman Reed reported on the Recreation Board meeting that was held on September 18, 2014. A request from the Soccer League for help with irrigation of the fields was discussed. The end of season figures for the public pool showed a loss that was slightly more than reported last season.

Assistant City Administrator Green announced that the Sign Committee would meet on Wednesday, September 24, 2014, 4:00pm in the Council Chambers.

Councilman Buckman requested that the Mayor's compensation be considered with the ongoing research for the City's current Classification and Compensation Plan project.

STAFF REPORTS

City Civil Engineer Filiatreau and DPWE Hamilton will travel to Frankfort to report on the City's Wet Weather Overflow and SSES programs.

CFO Abell reported the utility software program would get an upgrade and become functional in January of 2015. The audit is currently ongoing.

Fire Chief Howard thanked his crew for their work and participation during the Kentucky Bourbon Festival. He also gave an overview of tasks completed and ongoing in the fire department.

Police Chief McCubbin reported that a new police officer has been hired, James Eric Williams. He will replace Officer Buck Snellen, who is retiring effective October 1, 2014.

Mayor Sheckles recognized the attendance of 4th District Magistrate Jeff Lear and congratulated E-911 Dispatch Director Debbie Carter on her award as "Kentucky Dispatch Director of the Year."

ADJOURNMENT

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

CITY OF BARDSTOWN

William S. Sheckles, Mayor

ATTEST:

Barbara Bryant, City Clerk