

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES**

09-25-12

7:00 P.M.

The City Council met in 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: Police Chief Rick McCubbin, Interim Fire Chief Marlin Howard, Bardstown Firefighter Ernie Pyle, Asst. City Administrator Larry Green, Chief Financial Officer Mike Abell, City Civil Engineer Jessica Filiatreau, Director of Public Works and Engineering Larry Hamilton, Cable Systems Engineer Nahom Ayele, City Attorney Tom Donan, City Clerk Barbie Bryant, HRB Administrator Pen Bogert, Bardstown Nelson County Volunteer Fire Department Chair Neal Pyle and Treasurer Stacey Faulkner, Nelson County Gazette reporter Jim Brooks, Kentucky Standard reporter Randy Patrick, BRTV Video Recorder Jaime Murphy, Sandy Mayberry and Joe Ballard.

CHANGE WORK ORDER #2 – SOUTH SALEM SEWER MAIN REPLACEMENT

City Civil Engineer Filiatreau presented the change of work order #2 that will raise Manhole T1 by one concrete barrel section due to the steep grade of the slope. The City of Bardstown will provide the precast barrel section. The cone section will be removed from the manhole and the barrel section will be set and the cone section will be reset. **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 #2 BY FILCON CONSTRUCTION IN THE AMOUNT OF \$750.00, WAS APPROVED.**

SECOND READING – ORDINANCE NO. B2012-20 REZONING #2370 FOR BARDSTOWN MILLS, INC.

Councilman Hagan presented a second reading of the ordinance as follows:

ORDINANCE NO. B2012-20

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 APPROXIMATELY 2.02 ACRES AT 1393 WITHROW COURT FROM I-2 (Heavy Industrial District) TO B-4 (General Business District).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on August 14, 2012, held a public hearing on the Application No. 2370 of Bardstown Mills, Inc to rezone 2.02 acres at 1393 Withrow Court (portion of Revised Tract #2, Amended Minor Plat for BIDC Industrial Park Division) from I-2 (Heavy Industrial District) to B-4 (General Business 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

UPON MOTION OF Councilman Fred Hagan, duly seconded by Councilman Joe Buckman and carried, the City Council approved the recommendation stated from the Planning and Zoning Commission to approve the request. The motion included any restrictions or conditions that may have been agreed to by the applicant and the Planning Commission.

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 September 4, 2012, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property is described in attachment A.

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

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

ATTACHMENT A

Beginning at a point, corner to Bardstown Mills, and 30 ft. from the center of Withrow Court; thence with said Withrow Court N 39-23-01 E 48.08 ft., to a point; thence N 41-49-09 E 10.70 ft. to a point, 30 ft. from the center of Withrow Court, corner to Bardstown Mills; thence leaving the road with Bardstown Mills S 53-52-18

E 413.74 ft. to a point, corner to Bardstown Mills, in the line of Bardstown Warehousing, Inc.; thence with Bardstown Warehousing, Inc. S 40-26-52 W 369.56 ft. to a point, corner to Bardstown Warehousing, Inc., on the north r/w line of KY Hwy 245; thence with said r/w N 53-50-31 W 194.64 ft., to a point, on said r/w line, corner to Bardstown Mills; thence leaving said r/w, with Bardstown Mills N 36-09-29 E 310.00 ft. to a point, corner to Bardstown Mills; thence N 53-57-20 W 195.22 ft. to the point of beginning, containing 2.02 acres.

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. B2012-20 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

HISTORICAL REVIEW BOARD RECOMMENDATIONS

Mayor Sheckles presented the following Historical Review Board recommendations:

Certificates of Appropriateness

1. COA #12-50 [TABLED]

111 W. Halstead Ave.

Daniel Bennett has painted the exterior of his residence at 111 W. Halstead Ave. without review or a permit. The color of the brick exterior has been repainted in a brick red and the door trim has been repainted a slate color with a band of yellow painted on the brick surrounding the doorway (see photo).

2. COA #12-51 [RECOMMENDED]

109 W. Flaget Ave.

Barbara's Interior Design has submitted an application for visual elements to be retained at the front of her store at 109 W. Flaget Ave. The visual elements consist of two gold and black fabric panels mounted on wrought iron rods that are attached to both sides of the doorway.

Recommendation: To recommend approval of the visual elements placed at 109 W. Flaget Ave., as specified in this application, because they do not obscure architectural details and do not dominate the façade of the building.

3. COA #12-52 [TABLED]

403 N. Third St.

Sidney Hagan has submitted an application on behalf of Louise Hagan to retain three replacement porch columns at 403 N. Third St. that were constructed without a COA. The replacement columns are similar to the original rotted wood columns, but the caps are Corinthian style, not the original Ionic style. The applicant has stated that their contractor was advised by his supplier that the caps were as close as they could get to the original design. Their contractor has advised them that the columns would be damaged by attempting to replace the caps because the caps are cemented to the columns.

4. COA #12-53 [RECOMMENDED]

115 E. Broadway

Joe Ballard and Caitlin Kelly have applied for the removal of two holly trees that are located on the front corners of their residence at 115 E. Broadway.

Recommendation: To recommend approval of the removal of two holly trees at 115 E. Broadway, as specified in this application.

5. COA #12-54 [RECOMMENDED]

111 N. Third St. (rear) and 317 Raspberry Alley

Pink Boutique and The Shed have applied to place a 18" x 2' A-frame sign for their businesses at the corner of Raspberry Alley and N. Third St. The sign will direct people to their stores, both of which are located out of sight of N. Third St. It will be placed so as to not block either the alley entrance or the sidewalk.

Recommendation: To recommend approval of the placement of an A-frame sign near the entrance of Raspberry Alley, as specified in this application.

6. COA #12-55 [RECOMMENDED]

216 E. Stephen Foster Ave.

Britt Chavanne proposes to paint the front door of her residence Benjamin Moore Heritage Red and to install a copper gas lantern on each side of the front and rear doorways. She also will reinstall the original wood shutters on the front four windows and repair/restore them with matching materials as necessary or appropriate.

Recommendation: To recommend approval of the repainting of the front door, the repair/restoration of the original wood shutters, and the installation of two copper gas lanterns at 216 E. Stephen Foster Ave., as specified in this application.

7. COA #12-57 [RECOMMENDED]

111 N. Third St.

Bonnie Hamilton has applied for the placement of two decal window signs (“ShaQ & CoCo”) at 111 N. Third St. The signs measure 3’ x 2’ and will be placed in the lower corners of the two store windows. The applicant has also applied to remove the awnings to allow more natural light and to expose more of the building’s architecture.

Recommendation: To recommend approval of the installation of two window signs at 111 N. Third St. and the removal of two awnings, provided that application is made by the building owner to remove the third awning in front of Sugar Buzz.

8. COA #12-58 [RECOMMENDED]

211 N. Third St.

The Episcopal Church of the Ascension has submitted a landscaping plan to replace the landscaping around the church with Foster Holly, Boxwood, White Dogwood, Hydrangea, Vinca, and Day Lillies (see plan).

Recommendation: To recommend approval of the landscaping plan for the Episcopal Church of the Ascension, as specified in this application.

9. COA #12-59 [RECOMMENDED]

206 E. Broadway

JTD Holdings LLC has submitted a new site plan with the following proposals: reduce the number of buildings at Strawberry Row from six to five, enlarge the three buildings in the middle to 33.5’ x 27.5’, change the orientation of these three buildings from south to west, remove the previously proposed 4’ sidewalk on the alley side (east), install picket fencing, and construct a 6’ x 4 ½’ deck on the east side of the building fronting on Broadway.

Recommendation: To recommend approval of the reduction of proposed buildings from six to five, to change the orientation of the three center buildings from south to west and increase their width by 1’ to 33.5’ x 27.5’, and to construct a 6’ x 4 ½’ deck with steps on the east side of building #3.

10. COA #12-60 [RECOMMENDED]

106 W. Flaget Ave.

Pioneer Credit Company has applied for two signs: a window sign with white letters (“Pioneer Credit Financial Services”) and a sign (“Pioneer Credit”) on the edge of the existing awning.

Recommendation: To recommend approval of the window and awning signs at 106 W. Flaget Ave., as specified in this application.

11. COA #12-61 [RECOMMENDED]

216 W. Stephen Foster Ave.

Bundles has submitted an application for an oval, flush-mounted sign to be attached to the south wall of their store. The sign will measure 5’ 5” x 3’ 4” and will be constructed with ¼” aluminum. It will have a white background with blue and black lettering and an icon of a stork.

Recommendation: To recommend approval of a flush-mounted sign on the south side of 216 W. Stephen Foster Ave., as specified in this application.

12. COA #12-62 [RECOMMENDED]

Studio TLC has applied for an A-frame sign and a double-sided hanging sign in front of 208 N. Third St. The hanging sign will measure 4’ x 5’ and attach to the fixture formerly used by Olive Branch Christian Store. It will have a maroon background, black border, and vintage white lettering. The A-frame sign will measure 2’ x 2’.

Recommendation: To recommend approval of the proposed A-frame and hanging signs at 208 N. Third St., as specified in this application.

Mayor Sheckles ask the Council to begin with #8, COA #12-58 and #9, COA #12-59; Councilman Buckman excused himself from the meeting at 7:08pm.

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA’S #12-58 AND #12-59 WERE APPROVED.

Councilman Buckman returned to the meeting at 7:12pm.

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA’S #12-51, #12-53, #12-54, #12-55, #12-57, #12-60, #12-61 AND #12-62 WERE APPROVED WITH THE STIPULATION THAT COA #12-57 CONTINGENCIES ARE MET.

CORRESPONDENCE

Mayor Sheckles presented the letter from Rotary President Paul McCoy requesting the use of City Hall’s front yard during their annual “Kids Day” scheduled for September 27, 2012. The agreement has been signed and the certificate showing proof of insurance has also been received. **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, THE REQUEST WAS APPROVED.**

Mayor Sheckles also revisited the decision by the Energy and Environment Cabinet to fine the Jerry Riley Waste Water Treatment Plant in the amount of \$7,000 for violations that occurred in 2011 and 2012. He countered the amount of the fine and the Cabinet responded with a reduced amount of \$6,000.

City Civil Engineer Filiatreau reported on the Division of Water's inspection that was performed at the Water Plant on September 13, 2012. The plant received a rating of "No Violations Observed." The letter has been posted on the City's web site for public viewing.

MINUTES

The corrected minutes from the 09-11-2012 Public Hearing were presented and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

The minutes from the 09-11-2012 Regular Council meeting were presented and **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

The minutes from the 09-18-2012 Special Council meeting were presented and **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

MUNICIPAL ORDER NO. 2012-14 SALE OF TIME WARNER CABLE STOCK

Chief Financial Officer Abell reported that several years ago we sold cable programming to a company that served the New Haven area. When they were bought by Time Warner, they owed us a bill that Time Warner converted into stock. CFO Abell presented the following municipal order:

MUNICIPAL ORDER NO. 2012-14

RESOLUTION

A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXECUTE ALL DOCUMENTATION FOR THE SALE OF TIME WARNER CABLE STOCK.

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

That thirty-four (34) shares of Time Warner Cable Stock be sold and that the Chief Financial Officer, Mike Abell, is hereby authorized to execute all related documentation in the sale of said stock.

UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2012-14 RELATING TO THE SALE OF 34 SHARES OF TIME WARNER STOCK, WAS APPROVED.

MUNICIPAL ORDER NO. 2012-12 ARTS, CRAFTS AND ANTIQUE FAIR

Mayor Sheckles presented the following municipal order:

MUNICIPAL ORDER NO. 2012-12

ARTS, CRAFTS & ANTIQUE FAIR 2012

A Municipal Order authorizing the following street closings for the 2012 Arts, Crafts and Antique Fair:

- North Fifth Street running north and south from West Stephen Foster to Broadway (except for the entrance and exit to St. Joseph Church parking lot).
- North Fourth Street running north and south from 113 N. Fourth (K of C Building) to West Broadway (Intersection of Fourth and Flaget Avenue is partially closed. Thru traffic is accessible. Traffic will continue on a right turn only from Fourth to Flaget Avenue. The parking area next to Crume's Drug Store is accessible from Fourth and adjacent alleys).
- Xavier Drive running east and west.
- The 200 block of West Flaget Avenue running east and west between North Fourth and North Fifth Street.

PROPOSED STREET CLOSING TIMES:

- Saturday, October 13, 2012 at 5:00am until Sunday, October 14, 2012 at 8:00pm
- Flaget, Fourth Street and Xavier Drive, Friday at 6:00pm until Sunday at 8:00pm

Issues concerning sidewalks and fire truck access were discussed. Mayor Sheckles had reviewed the situations with the Mainstreet Director when they previously met for the Bourbon Festival. The issues should not be a concern for the fair.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2012-12 RELATING TO THE CLOSING OF STREETS DURING THE 2012 ARTS, CRAFTS AND ANTIQUE FAIR, WAS APPROVED.

MUNICIPAL ORDER NO. 2012-13 AREA DESIGNATION UPDATE FOR CITIES

Director of Public Works and Engineering Hamilton presented the following municipal order which indicates that Bardstown will participate in the Nelson County Solid Waste Management Area Plan:

MUNICIPAL ORDER 2012-13

AREA DESIGNATION UPDATE FOR CITIES

A resolution affirming continuation of single county or regional area designation status:

WHEREAS, The City of Bardstown desires to actively participate in the Nelson County Solid Waste Management Area; and

WHEREAS, the City of Bardstown realizes that development of a solid waste management plan is prerequisite to updating designation as a solid waste management area; and

WHEREAS, the City of Bardstown finds it is in its best interest to participate in the development of a solid waste management plan with Nelson County; and

WHEREAS, this resolution is part of the update process for solid waste management area designation.

NOW THEREFORE BE IT RESOLVED that the update for area designation is hereby approved by the City Council for the City of Bardstown, Kentucky on this 25th day of September, 2012.

UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2012-13 RELATING TO THE AREA DESIGNATION UPDATE FOR CITIES, WAS APPROVED WITH THE NECESSARY CORRECTIONS.

FIRST READING – PROPOSED ORDINANCE B2012- CABLE SPEED

Cable Systems Engineer Ayele reported that several commercial businesses had requested a higher speed and more band width. A new tier for up to 25 users, at 30 MB/s at a monthly cost of \$109.90 was proposed. Councilman Simpson introduced proposed Ordinance B2012-CABLE SPEED and asked for its first reading. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING OF ORDINANCE NO. B2012-CABLE SPEED WAS APPROVED.**

SECOND READING – ORDINANCE NO. B2012-21 PROPERTY TAX RATE FOR FY 2012-2013

Councilman Williams presented a second reading of the ordinance as follows:

ORDINANCE NO. B2012-21

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, 2012 TO JUNE 30, 2013.

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 \$0.1870 on each ONE HUNDRED dollars of real property subject to taxation, the sum of \$0.1870 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, 2012 to June 30, 2013.
2. All monies hereinafter collected for taxes due for the year 2012-2013 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.

READ THE FIRST TIME, the 11th day of September, 2012.

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON, 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. B2012-21 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

TAXI CAB PROPOSED ORDINANCE

Assistant City Administrator Green presented a drafted ordinance for taxi cab service in the City of Bardstown. A Lexington company had contacted Mayor Sheckles. Since the ordinance was originated in 1948 and last updated in 1997, Green looked at several cities to see what changes needed to be made to make it current. Councilman Hagan and Buckman questioned the need to “set” rates. Councilman Lydian questioned if a company can work out of its home. Signage was another subject briefly discussed. Green will continue to do research and report back.

RECREATION COMMITTEE

Councilman Reed reported that a meeting scheduled for Thursday may not have a quorum, due to the Rotary Club’s Kids Day event.

STAFF REPORTS

Police Chief McCubbin reported that only a few arrests were made during the 2012 Bourbon Festival. He commented that this year’s attendance was the largest he had witnessed.

Interim Fire Chief Howard reported that the Life Safety Inspector visited several local businesses during the Bourbon Festival with favorable results.

CFO Abell reported that the Pay-by-Phone program hit a hick-up when the local 348 number the partner wanted to assign could not be used. An 800 number will be used instead. He and several city employees attended a “users’ conference at the Utility Billing Software Company we contract with. Abell has received two proposals for the Automated Meter Reading projects.

CEMETERY DEEDS

One Bardstown Cemetery deed was presented for Frank Kerby. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE DEED WAS APPROVED.**

ADJOURNMENT

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