

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES**

10-23-12

7:00 P.M.

The City Council met in a regular session in the Council Chambers with 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, Firefighter Justin Brown, Assistant City Administrator Larry Green, Director of Public Works and Engineering Larry Hamilton, Chief Financial Officer Mike Abell, City Civil Engineer Jessica Filiatreau, City Electrical Engineer Jeff Mills, Cable Systems Engineer Nahom Ayele, City Attorney Tom Donan, City Clerk Barbie Bryant, HRB Administrator Pen Bogert, The Kentucky Standard reporter Randy Patrick, WBRT Radio Co-Owner Roth Stratton, BRTV video cameraman Jamie Murphy, WYSB Radio Reporter Tom Redmon, and Abe Owen.

Mayor Sheckles called the meeting to order and announced that as the last order of business, the Council would go into an Executive Session pursuant to KRS 61.810 (1) (c), to discuss proposed litigation against a contractor; and 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.

Mayor Sheckles then introduced the owner of Mr. Taxi, Abe Owen, and asked that he give a brief outline on his progress to bring a taxi business to Bardstown. Mr. Owen has applied for all permits and licensing through the State and is looking at a 30-day window to set up shop. His fleet will consist of 6 vehicles with the plan to hire local employees. Mr. Taxi can also provide a touring service. After a period of questions and answers, the Mayor thanked Mr. Owen for his attendance.

2013 DUMP TRUCK BID

Chief Financial Officer Abell, for Public Works Superintendent Ben Burd, presented the bid to purchase a 2013 Dump Truck:

<u>BID TABULATION</u>	
2013 DUMP TRUCK	
Monday, October 18, 2012, 10:00 A.M.	
Kentucky Truck Sales, Inc.	----- \$105,644.00
UHL Truck Sales (Dallas Barnes)	----- \$107,103.89
Kentuckiana Premier Truck Sales (David Delbridge II)	----- \$108,428.81
RECOMMEND: Kentucky Truck Sales - \$105,644.00 (Budgeted amount: \$105,000)	

UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO ACCEPT THE BID FROM KENTUCKY TRUCK SALES IN THE AMOUNT OF \$105,644.00 WAS APPROVED.

NELSON COUNTY FISCAL COURT JOINT CONTRACT

City Civil Engineer Filiatreau presented two contracts for work to be performed by the Nelson County Road Department. The County will be reimbursed for material expenses on the project to chip seal 6100 linear feet of the City owned gravel road leading to the Jerry Riley Waste Water Treatment Plant at the end of Sutherland Lane. The County will also be reimbursed for material expenses on the project to install “gabion” basket retaining walls along Old Boston Road to stabilize the edge of the roadway. **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 EXECUTE THE CONTRACTS WITH NELSON COUNTY FISCAL COURT, WAS APPROVED. The letter from County Engineer Jim Lemieux dated October 10th detailing the work and costs, will be attached as part of each contract.**

DRB-189 FLAGET MEMORIAL HOSPITAL

The Development Review Board recommended approval on DRB-189 for Flaget Memorial Hospital to construct a 30,000 square foot medical office building at 4305 and 4359 New Shepherdsville Road (KY 245). **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD WAS APPROVED.**

DRB-190 EVELYN HAYES

The Development Review Board recommended approval on DRB-190 for Evelyn Hayes to install a 30' x 96' greenhouse on the southeast corner of New Haven Road (US 31E) and Elmcrest Drive. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD, WITH THE NECESSARY CONDITIONS, WAS APPROVED.**

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The Historical Review Board recommendations were presented as follows:

Certificates of Appropriateness

1. COA #12-63 [RECOMMENDED]

107 N. Third St.

Wilson & Muir Bank has applied for the removal of a dead honey locust tree at the drive-thru lane of their parking lot. The bank will replace the tree with a species that will be a similar size at maturity.

Recommendation: To recommend approval of the removal of a honey locust tree at Wilson & Muir Bank, 107 N. Third St., as specified in this application.

2. COA #12-64 [RECOMMENDED]

112 N. Third St.

David Hurst and Matt Floyd have submitted an application for the replacement of the entire roof with Owens-Corning 30-year Onyx Black dimensional asphalt shingles. The existing roof consists of a modern metal roof (Plantation Furniture) and an older metal roof (Mammy's Kitchen).

Recommendation: To recommend approval of the replacement of the entire roof at 112 N. Third St. with Owens-Corning 30-year Onyx Black dimensional asphalt shingles, as specified in this application.

3. COA #12-65 [RECOMMENDED]

201 S. First St.

Pen and Brenda Bogert have submitted an application for a 4' high cedar and woven wire fence to enclose a portion of the side and rear yard. The fence will extend from the north side of the house to the property line; then 104' east; 42' south; and 81' west to the rear (east) of the house. The portion of the fence facing S. First St. will consist of 4 horizontal cedar boards with 4 x 4 cedar posts and a 4' wide cedar gate. The rest of the fence will be 2" x 4" woven wire with steel posts and a 6' wide cedar gate on the south side. 6 x 6 cedar posts will brace the corners and 4 x 4 cedar posts will brace the gates. The applicants would like to allow the cedar to weather to a natural gray color since this is more in keeping with the historic character of the property.

Recommendation: To recommend approval of the installation of a 4' high cedar and woven wire fence to enclose a portion of the side and rear yard at 201 S. First St., as specified in this application.

4. COA #12-66 [RECOMMENDED]

114 S. Third St.

McCoy Law Offices PLLC has submitted an application for two pole-mounted signs (one facing S. Third St. and the other facing W. John Fitch Ave.) The sign face will be double-sided aluminum and will be 34" wide and 28" high. It will include black lettering on a white background (see graphic). The sign will hang from a decorative metal bar about 55" from the ground. The bar will be attached to a black metal pole approx. 5' high (see graphic).

Recommendation: To recommend approval of the installation of two pole-mounted signs at 114 S. Third St., as specified in this application.

5. COA #12-67 [RECOMMENDED]

111 N. Third St.

Shaq & CoCo have decided not to remove the two awnings (approved by City Council on September 25) in front of their store. Instead they have submitted an application to install clear window film to the inside of the four front windows and door to provide UV protection. The product is 3M Sun Control Window Film, Prestige Series, PR 70. The film has very low reflectivity and is clear and removable.

Recommendation: To recommend approval of the installation of 3M Sun Control Window Film, Prestige Series, PR 70, on the inside of the four front windows at 111 N. Third St., as specified in this application, because this film meets the current preservation standards of the Kentucky Heritage Council.

6. COA #12-68 [RECOMMENDED]

120 N. Third St.

Kreso Properties LLC has applied to install an exhaust vent on the roof at the rear of the building (see aerial photo).

Recommendation: To recommend approval of the installation of an exhaust vent on the roof of 120 N. Third St., as specified in this application, with the condition that the vent be screened from view on the north, south, and west sides.

7. COA #12-52 [DENIED]

403 N. Third St.

Sidney and Brenda Hagan submitted an application to retain three replacement porch columns at 403 N. Third St. that were constructed without a COA in 2011. 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. The HRB

reviewed this application on September 18 and suggested that an appropriate solution would be to retain the replacement wood columns and replace the caps with the correct (Ionic) style caps.

The HRB then voted to table the application and review it at the next meeting in order to enable Sidney and Brenda Hagan to seek additional information about the repair/restoration of their front porch columns and caps. On October 16, the HRB again reviewed the application and information presented by Sidney and Brenda Hagan and voted unanimously to deny this application because it does not agree with Sections PO1, PO3, and PO4 of the *Bardstown Historic Design Review Manual* and does not comply with Article 15 of the Zoning Regulations.

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA #12-63 THROUGH COA #12-68 WERE APPROVED.

City Attorney Donan informed the Council that a letter for the appeal of COA#12-52 has been received. A hearing will be scheduled.

MINUTES

The minutes from the 10-09-2012 regular Council meeting were presented and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, THEY WERE APPROVED. COUNCILMAN HAGAN ABSTAINED.**

FINANCIAL STATEMENT

CFO Abell handed out the September 2012 Monthly Financial Statement. The annual audit is currently underway.

FIRST READING – PROPOSED ORDINANCE B2012- DIGITAL TO ANALOG CABLE RATES

Councilman Simpson introduced proposed Ordinance B2012-Digital to Analog Cable Rates and asked for its first reading. City Clerk Bryant read the proposed ordinance in full. City Electrical Engineer Mills asked for a deletion of a superscript (12) and a second digital set top price of \$3.95. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING OF PROPOSED ORDINANCE B2012-DIGITAL TO ANALOG CABLE RATES WAS APPROVED WITH THE CORRECTIONS.**

HUMAN RIGHTS COMMISSION STIPEND REQUEST

In a June 19, 2012 letter from Chairperson Kathy Reed, a request for a contribution in the amount of \$1,500 was tabled until a budget from the Human Rights Commission could be reviewed by the Council. The Mayor was able to present that budget. After some discussion, and **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS, THE COUNCIL AND MAYOR EACH WILL MATCH A \$750 STIPEND FROM THEIR CONTINGENCY FUNDS. THE VOTE WAS 5-1 WITH COUNCILMAN HAGAN VOTING NO.**

TRIBUNE PROGRAMMING GUIDE FOR DTA SET TOPS

City Electrical Engineer Mills recommended adding an electronic programming guide to the digital simulcast channels for use by the DTA (digital-to-analog) set-tops. The Tribune guide will allow users to see what is on at the moment, as well as the next program, with a basic description of the program. The three (3) year term includes a onetime setup fee of \$500 plus a monthly fee of \$525 per month plus \$0.03 per subscriber fee. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION TO AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WITH TRIBUNE MEDIA SERVICES FOR A THREE (3) YEAR TERM, WAS APPROVED.**

EXECUTIVE SESSION

Mayor Sheckles announced that the Council would go into an Executive Session pursuant to KRS 61.810 (1) (c), to discuss proposed litigation against a contractor; and 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 HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO EXECUTIVE SESSION AT 8:30PM.**

UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 9:17PM.

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

ADJOURNMENT

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

CITY OF BARDSTOWN

ATTEST:

Barbara Bryant, City Clerk

William S. Sheckles, Mayor