

**CITY OF BARDSTOWN, KENTUCKY**  
**SPECIAL CITY COUNCIL MEETING MINUTES**  
**12-29-2015**  
**7:00 PM**

The City Council met in special session in the Council Chambers with Mayor Royalty and the following Councilmen:

Councilman Buckman  
Councilman Copeland  
Councilman Hagan  
Councilman Lydian  
Councilman Simpson  
Councilman Williams

Others present: Director of Public Works & Engineering Larry Hamilton, City Electrical Engineer Jeff Mills, Chief Financial Officer Tracy Hudson, Human Resource Director Larry Green, City Civil Engineer Jessica Filiatreau, City Clerk Barbie Bryant, City Attorney Tim Butler, Police Chief Rick McCubbin, Firefighter Scott Lawson, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, Nelson County Magistrate Jeff Lear, E-911 Dispatch Director Debbie Carter and citizens Margaret Sims, C.R. Royalty, Lanny and Cecilia Baker, Sam Wheatley, Guthrie McKay, Howard Keene, Chandler Young, Pastor Freddie Riggs and Linda Gray with Percy and Gray CPA.

**PUBLIC WORKS WASH BAY ADDITION – CHANGE ORDER #1**

City Civil Engineer Filiatreau presented the following change order request from McMichael Construction Company in the amount of \$8,496.13:

**The Contract Documents will be modified as follows with this proposed Change Order:**

The design-build project documents asked for the wash bay addition to match the existing building roof line. Once building shop drawings were submitted the proposed building addition did not have enough clear space for the City's new garbage truck. The City wishes to store the front load garbage truck in the new bay to keep it out of the weather. This creates a change in work specification by adding approximately two feet (2') in building height to obtain fourteen feet (14') overhead door opening clearance. The building package then became cheaper to finish out the ends of the building with a framed fourteen by fourteen (14'x14') clear opening. If it was left as a "lean to" condition, the extra height created greater winds loads, thus more expense for a heftier building. This change results in additional material and labor costs in order to meet the City's needs. This change will allow for overhead doors if needed in the future.

Change in Contract Price

1. Extra labor cost for building erection per change	\$ 1,847.00
2. Extra cost for footer and stem wall at building ends	\$ 1,600.00
3. Additional cost of building package per change	<u>\$ 5,049.13</u>
<u>Total Increase this Change Order</u>	<u>\$ 8,496.13</u>

**COUNCILMAN WILLIAMS MOVED TO ACCEPT THE CHANGE ORDER #1 REQUEST IN THE AMOUNT OF \$8,496.13. THE MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0.**

**HISTORICAL REVIEW BOARD**

The following recommendations from the Bardstown Historical Review Board were presented:

- (a) COA-15-59. Lewis and Paulette Korody, Applicant/Owner, propose to keep the paint color of the roof and replace the asphalt shingles at 512 North 3<sup>rd</sup> Street. Recommendation: Approval of the roof paint color and replacement of the asphalt shingles with cedar shakes, with the condition that the cedar shakes will be replaced with the exact same size and will be left natural.
- (b) COA-15-65. Anthony Torres, Applicant/Owner, requests Conditional Approval to paint the front door black, of the landscaping, a sidewalk addition, and a concrete border addition at 305 South 5<sup>th</sup> Street. Recommendation: Approval of the sidewalk addition, concrete border, landscaping, and front door color.
- (c) COA-15-66. Lanny and Cecelia Baker, Applicant/Owner, proposes to replace the metal roof with the same dark green shingles that are currently on the addition to the house at 216 East Flaget Avenue. Recommendation: Approval of the roof replacement with Owens Corning Chateau Green, with the condition that if the two roof vents were to be removed to contact the Preservation Coordinator.
- (d) COA-15-67. Tom Durbin Applicant, Rosemary Hurst Owner, propose to remove the chimney on the west side of the house and replace it with a fake brick to look like the original at 104 E. Broadway Street. Recommendation: Approval of the replacement and reconstruction of the chimney, with the condition that the brick material be presented to the Preservation Coordinator.

COUNCILMAN HAGAN MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #15-59, COA #15-65, COA #15-66 AND COA #15-67 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.

**MINUTES**

THE MOTION TO APPROVE THE REGULAR COUNCIL MEETING MINUTES OF 12-08-2015 WAS APPROVED BY UNANIMOUS CONSENT. Councilman Williams recused his consent based on his absence at that meeting.

**FY 2014-2015 ANNUAL AUDIT REPORT**

Linda Gray, with Percy and Gray CPA, gave a brief outline of the presented audit to the Council. Notes of concern were mentioned for the E-911 Dispatch special fund.

**AMENDED BUDGET REQUEST FROM E-911 DISPATCH BOARD**

COUNCILMAN HAGAN MOVED TO REJECT THE AMENDED BUDGET PROPOSAL FROM THE E-911 DISPATCH BOARD THAT WAS PRESENTED AT THE 12-15-2015 FINANCIAL COMMITTEE MEETING. THE MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0.

**COMMITTEE AND STAFF REPORTS**

Councilman Simpson asked City Electric Engineer Mills to recap the meetings that were held by the Electric and Cable Committee and the Cable TV Programming Committee. The updates gave an outline to the cable and Internet rate changes that would be introduced for a first reading.

Councilman Williams reported that CFO Hudson gave an overview of the Finance Committee Meeting earlier in tonight's meeting. He did want to go on record to state that the Mayor made it clear in the Finance Committee Meeting that he wanted to work together with the County Fiscal Court regarding E-911 Dispatch.

**PROPOSED ORDINANCE B2015 – CABLE TV RATES AMENDMENT**

Councilman Simpson introduced the ordinance that will reduce the Basic Cable Service Rate, introduce a new "family friendly" tier and increase the rate and speeds for internet service. City Attorney Butler gave the first reading. No votes were taken.

**ORDINANCE B2015-36 COUNCIL MEETING TIME CHANGE**

City Clerk Bryant gave the second reading for the ordinance.

**ORDINANCE NO. B2015 – 36**

**AN ORDINANCE AMENDING ORDINANCE NO. B2013-21 CHANGING THE TIME OF THE REGULAR MEETINGS OF THE CITY COUNCIL.**

**WHEREAS:** The Regular Meetings of the Bardstown City Council are held on the second and fourth Tuesdays of each month in the Council Chambers on the campus of City Hall in Bardstown, Kentucky; and

**WHEREAS:** After discussion at the 12-01-2015 Working Session, the members of the City Council showed a consensus to amend the time of the regular meetings to 5:00pm.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BARDSTOWN, COMMONWEALTH OF KENTUCKY, THAT:**

The Regular Meetings of said City Council are to be held on the second and fourth Tuesdays of each month in the Council Chambers on the campus of City Hall in Bardstown, Kentucky at [~~7:00~~] **5:00** pm.

All ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict. This ordinance shall be in full force and effect following publication in summary as required by law.

COUNCILMAN LYDIAN MOVED TO DENY ORDINANCE B2015-36 COUNCIL MEETING TIME CHANGE. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND.

**THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:**

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN COPELAND	-	AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-36 DENIED.

**ORDINANCE B2015-37 ALCOHOL BEVERAGE AMENDMENTS**

City Clerk Bryant gave the second reading for the ordinance in summary. The full contents are below:

**ORDINANCE NO. B2015 – 37**

**AN ORDINANCE AMENDING CHAPTER 114:  
ALCOHOLIC BEVERAGES OF THE CITY OF BARDSTOWN’S CODE OF ORDINANCES**

**THE CITY OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAINS AS FOLLOWS:**

That Sections 114.01 DEFINITIONS, 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE and 114.20 HOURS OF SALE Subsections (A), (D) and (E), be amended as follows:

§ 114.01 DEFINITIONS.

“SPECIAL SUNDAY RETAIL DRINK LICENSE.” A license for holders of a quota retail drink license ~~[or]~~ a NQ-2 retail drink license or a NQ-3 retail drink license that have applied to the state director and met all other legal requirements for obtaining a special Sunday retail drink license. ~~[that are restaurants with at least 100 seating for dinner and receive at least 50% of its gross annual income from the sale of food; or holders of a NQ-3 retail drink license which:~~

- ~~(1) Have dining facilities with a minimum seating capacity of 100 people at tables;~~
- ~~(2) Are non-profit, eleemosynary organizations with a membership of at least 200; and~~
- ~~(3) Have been in existence for a period of at least two (2) years.]~~

§ 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.

**\*\*Special Sunday Retail Drink ~~{(attach proof of 50% food sales)}~~ \$180**

**\*\*Special Sunday retail drink (hours of operation shall be 1:00 p.m. - 12:00 midnight) ~~{Available holders of a Quota Retail Drink License or a NQ-2 Retail Drink License that are restaurants with at least 100 seating for dining and receive at least 50% of its gross annual income from the sale of food; or holders of a NQ-3 Retail Drink License which: (a) have dining facilities with a minimum seating capacity of 100 people at tables; (b) are non-profit, eleemosynary organizations with a membership of at least 200; and (c) have been in existence for a period of at least two (2) years.}~~**

**\*\*\*\* - Quota retail package and NQ retail package license holders. (Hours of operation shall be ~~[1:00 p.m.] 6:00 a.m.~~ – 12:00 midnight on Sundays.) (Liquor stores, convenience stores and grocery stores).**

§ 114.40 HOURS OF SALE.

(A) Except as provided in division (D), no premises for which there has been granted a license for the sale of distilled spirits or wine at retail by the drink or by the package shall be permitted to remain open for any purpose between 1:00 a.m. and ~~[8:00] 6:00~~ a.m., ~~[or at any time during the 23 hours of a Sunday after 1:00 a.m.] Monday through Saturday.~~ However, that premise shall be permitted to remain open during the hours the polls are open on primary, or regular, local option, or special election day. (KRS 244.290)

(D) ~~[Facilities receiving a minimum of 50% of its income from the sale of food and meeting the requirements of KRS 243.072 shall be eligible to receive a Special Sunday Retail Drink License.]~~ The hours of operation for a ~~[facility] premise [holding] that has been granted~~ a Special Sunday Retail Drink License shall be the hours of 1:00 p.m. to 12:00 midnight on Sundays. This subsection does not exempt retailers from reserving all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (KRS 244.290)

A premise which has been granted a Souvenir Package Sunday Sale License shall be eligible to operate between the hours of 12:00 noon to 12:00 midnight on Sunday. Convenience stores, grocery stores and packaged liquor stores which have been granted a NQ Retail Malt Beverage Package License and/or a Quota Retail Package License shall be eligible to operate between the hours of ~~[1:00 p.m.] 6:00 a.m.~~ to 12:00 midnight on Sunday.

(E) Private clubs which meet the requirements below shall be eligible to receive a Special Sunday Retail Drink License. The hours of operation for a facility holding a Special Sunday retail drink license shall be the hours of 1:00 p.m. to 12:00 midnight on Sundays. This division does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the state (KRS 244.290). Eligible private clubs are those which have been granted all appropriate licenses for the sale of distilled spirits, wine and malt beverages which:

- ~~{(1)}~~ [~~Having dining facilities with a minimum seating capacity of 100 people at tables;~~]
- ~~{(2)}~~ **(1)** Are non-profit, eleemosynary organizations with a membership of at least 200; and
- ~~{(3)}~~ **(2)** Have been in existence for a period of at least two years.

All ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict. This ordinance shall be in full force and effect following publication as required by law.

**COUNCILMAN HAGAN MOVED TO APPROVE ORDINANCE B2015-37 ALCOHOL BEVERAGE AMENDMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON.**

**THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:**

COUNCILMAN COPELAND	-	NAY
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN SIMPSON	-	AYE

**MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-37 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. \_\_\_\_\_.**

**NEW APPOINTMENTS AND RE-APPOINTMENTS**

**COUNCILMAN WILLIAMS MOVED TO APPROVE THE NEW APPOINTMENTS OF MARGARET SIMS, ONE YEAR TERM, SCOTT FRINK, TWO YEAR TERM, ANN ROSALIE BALLARD, TWO YEAR TERM, THERESA MADDOX, THREE YEAR TERM AND JIM DITTMEIER, THREE YEAR TERM TO THE NEWLY FORMED CODE ENFORCEMENT BOARD. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 1. Councilman Copeland voted no.**

**COUNCILMAN BUCKMAN MOVED TO APPROVE THE NEW APPOINTMENT OF BETH BARKLEY TO FILL THE UNEXPIRED TERM OF THOMAS CURTIS TO THE HISTORICAL REVIEW BOARD. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0.**

**COUNCILMAN LYDIAN MOVED TO APPROVE THE RE-APPOINTMENT OF CHRISTINA BRADFORD TO THE JOINT ETHICS BOARD. THE MOTION WAS DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0.**

**CEMETERY DEEDS**

**THE MOTION TO APPROVE THE CEMETERY DEEDS FOR BETTY CAROTHERS, RICHARD MOLYNEAUX, BRYAN HALL, JORDAN HICKMAN, AND LILA AND ROBERT FOSTER WAS APPROVED BY UNANIMOUS CONSENT.**

**ANNOUNCEMENTS**

The Council agreed that there would not be a Working Session for Tuesday, January 05, 2016.

**ADJOURNMENT**

**THE MOTION TO ADJOURN WAS APPROVED BY UNANIMOUS CONSENT.**

**CITY OF BARDSTOWN**

\_\_\_\_\_  
John Royalty, Mayor

**ATTEST:**

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Barbara Bryant, City Clerk