

**CITY OF BARDSTOWN**  
**REGULAR COUNCIL MEETING MINUTES**  
**1-25-11**  
**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 Buckman  
Councilman Hagan  
Councilman Lydian  
Councilman Williams  
Councilman Reed  
Councilman Simpson

Others present: Asst. Police Chief McCubbin, Asst. City Administrator Green, Public Works and Engineering Director Hamilton, Chief Financial Officer Abell, City Electrical Engineer Mills, City Attorney Donan, City Clerk Blincoe, Historical Review Board Preservation Administrator Bogert, Nelson County Magistrate Sam Hutchins, The Kentucky Standard reporter Frank Johnson, WBRT/WOKH reporter Mark Hicks, WYSB reporter Tom Redmon, Michelle Armstrong with Cracker Barrel Country Store, Inc., Bill Newcomb, George Ballard and Jim Willett.

**HISTORICAL REVIEW BOARD RECOMMENDATIONS**

Mayor Sheckles reported that COA #10-58, requested by Newcomb Oil to remove and relocate a building at 118 E. Stephen Foster Avenue, had been denied by the Historical Review Board and would be removed from the agenda. City Attorney Donan explained that according to paragraph 15.6 of the Zoning Regulations relating to the Historic District, "The Administrative Officer shall issue no permits for the construction, alteration, moving of any structure or premises, or change in exterior appearance of any structure without being authorized under Section 15.61 of the regulations". The City Attorney clarified that there was a hearing conducted under Section 15.61 which provided that if denial is recommended, it requires that the applicant file an appeal with the City Council, if desired. Donan also commented that everyone was under the false impression that it would automatically come to the Council and since the applicant has not filed an appeal, the Council did not have anything to consider at the meeting.

The other recommendation from the Historical Review Board was then presented as follows:

Certificates of Appropriateness

**COA #10-62 [RECOMMENDED]**

The Archdiocese of Louisville proposes to build an 11,785 square foot, two-story Fellowship Hall and adjacent parking spaces in the area bounded north by the Recreation Center, east by Flaget Hall, and south by St. Joseph School. The first story will be built into the hill on the site so that the only second story, for the most part, will be visible above ground level. The building will be brick veneer with limestone accents and will have an asphalt shingle roof. Dumpster and condenser units will be located and screened on the northeast corner of the building. An additional 86 parking spaces will be constructed to the west of the existing parking lot and the entrance from W. Stephen Foster Ave. will be moved to the west of the present parking lot entrance.

Recommendation: To recommend approval of the application to construct the St. Joseph Fellowship Hall at 320 W. Stephen Foster Ave., as specified in this application.

Staff Approvals [AFFIRMED]

1. On November 16 staff approved the replacement of the three wood windows at the rear of 207 W. Broadway (Apt. B-1) with vinyl clad windows. These three windows face the inner courtyard, are not visible from any public way, and are located in a non-historic building (1980's).
2. On December 3 Chair Don Parrish and staff approved a window sign and hanging sign for Lisa's Barber Shop at 100 W. Flaget Ave.

Pen Bogert  
Preservation Administrator

**UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE HISTORICAL REVIEW BOARD WAS APPROVED.**

Mayor Sheckles announced that the Council would be going into an Executive Session prior to the end of the meeting.

**DEVELOPMENT REVIEW BOARD-DRB #166 - CRACKER BARREL COUNTRY STORE, INC.**

The recommendation from the Development Review Board on DRB #166 for Cracker Barrel Country Store, Inc., to construct an 8,960 square foot restaurant at 10 Old Filiatreau Lane, Lot #2, Culpeper/Lowe's Division, was presented. The Board recommended approval with the following conditions:

1. The DRB waived the requirement of a customer entrance on the south elevation;
2. The parking layout was approved with the condition that shrubbery, minimum 3-foot height at maturity, be planted along the front parking area to minimize view from Springfield Road (US 150);
3. The landscaping plan must be revised to show the additional shrubbery as described in Item #2 above and submitted for administrative review and approval;
4. The lighting plan must be revised to show maximum light intensity of less than one foot candle at the property line and submitted for administrative review and approval; and
5. The building elevations must be revised to show split-face CMU on the chimney.

**UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD WAS APPROVED WITH THE CONDITIONS.**

**DRB #169 - FLETCHER ENTERPRISES**

The recommendation from the Development Review Board was presented on DRB #169 for Fletcher Enterprises to construct a 30' x 62' commercial structure on Lot #5 of Kenmore Industrial Park on Wildcat Lane. The DRB recommended approval with the following conditions:

1. If this building is converted to any other use, additional parking and unloading/loading area may be required. A revised site plan will be required for any changes.
2. As Bradford Pears are not suitable urban trees, it is recommended that a more suitable canopy tree be used based on location and soil type.
3. All security lighting must be completely downlit.
4. The HVAC unit must be screened with wood fencing and/or landscaping at height sufficient to completely screen from public view.

Councilman Hagan reported that one condition had been omitted from the letter of recommendation and it was located on page 2 of the staff report as follows:

No outdoor storage or outdoor sales/display areas are proposed. The site plan shows future trash collection area behind the building. Any future outdoor storage and/or sales/display areas and trash collection areas must be completely screened and gated. A revised site plan and screening/gating materials must be submitted.

**UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD WAS APPROVED WITH THE FIVE CONDITIONS.**

#### **MINUTES**

The minutes from the 1-11-11 regular Council meeting were then presented and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

#### **FINANCIAL REPORT**

Chief Financial Officer Abell reported that there may be the need to amend the City budget due to increases to the budgeted expenses in the Cable TV/Internet Department and the bond sale. He also said that he was concerned with whether the Occupational License Tax collection would meet what had been budgeted.

Abell asked that the Council contact him if they had questions regarding the December, 2010 Financial Report that was previously distributed with the agenda.

#### **APPOINTMENT - LOCAL EMERGENCY MANAGEMENT DIRECTOR**

Mayor Sheckles said that per KRS 398.070(3), he wanted to appoint Joe Osbourne as the Local Emergency Management Director. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE APPOINTMENT WAS APPROVED.**

#### **RECREATION BOARD**

Councilman Reed reported that the Recreation Board was planning to meet on Thursday, January 27<sup>th</sup> at 6:00 p.m.; however, since there was a training planned with the Planning Commission from 5:00 p.m. to 7:00 p.m. the same night, he was not sure whether the meeting would be held as scheduled or at a different time.

#### **KENTUCKY INFRASTRUCTURE AUTHORITY (KIA) RESOLUTION**

Assistant City Administrator Green presented the following resolution to be adopted as Municipal Order No. 2011-02 for an assistance agreement for the 3.5 million dollar loan application with KIA for the water plant:

### **MUNICIPAL ORDER NO. 2011-02**

#### **RESOLUTION**

#### **RESOLUTION OF THE CITY OF BARDSTOWN, KENTUCKY APPROVING AND AUTHORIZING AN ASSISTANCE AGREEMENT BETWEEN THE CITY OF BARDSTOWN, KENTUCKY, AND THE KENTUCKY INFRASTRUCTURE AUTHORITY.**

**WHEREAS**, the City Council ("the Governing Authority") of the City of Bardstown, Kentucky ("Governmental Agency") has previously determined that it was in the public interest to acquire and construct certain facilities and improvements to the Governmental Agency's Water System (the "Project"); and

**WHEREAS**, the Governmental Agency has made application to the Kentucky Infrastructure Authority (the "Authority") for the purpose of providing monies to permanently finance the construction of the project; and

**WHEREAS**, in order to obtain such monies, the Governmental Agency is required to enter into an Assistance Agreement with the Authority;

**NOW, THEREFORE, BE IT RESOLVED** by the City of Bardstown, Kentucky, as follows:

SECTION 1. That the Governing Authority hereby approves and authorizes the Assistance Agreement between the Governmental Agency and the Authority substantially in the form on file with the Governmental Agency for the purpose of providing the necessary financing to the Governmental Agency for the Project.

SECTION 2. That the Mayor and City Clerk of the Governmental Agency be and hereby are authorized, directed and empowered to execute necessary documents of agreements, and to otherwise act on behalf of the Governmental Agency to effect such financing.

SECTION 3. That this resolution shall take effect at the earliest time provided by law.

ADOPTED on January 25, 2011

**UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE RESOLUTION/MUNICIPAL ORDER NO. 2011-02, WAS APPROVED.**

**WATER REPORT**

Public Works and Engineering Director Hamilton reported that the lake level was low. The Water Plant had been working with one unit down due to the construction project and it has placed capacity at approximately 6 MGD. During the next two or three months, the staff will be watching the lake levels closely and could possibly begin pumping from the river. Once the unit is back up and running, the capacity at the plant should be where it was prior to construction. He further updated the Council on the raw water study.

**CITY DAY/CITY NIGHT**

Mayor Sheckles reminded the Council about the City Day/City Night activities that will be held on February 9, 2011 from 4:30 p.m. to 8:00 p.m. at the Frankfort Convention Center.

**CEMETERY COMMITTEE MEETING**

City Clerk Blincoe announced that the Cemetery Committee was scheduled to meet on Wednesday, February 9, 2011 at 8:30 a.m. in the Mayor's Conference Room at City Hall.

**EXECUTIVE SESSION PURSUANT TO KRS 61.810 1. (b) and KRS 61.810 1. (c)**

The Mayor said that the Council needed to go into Executive Session (1) pursuant to KRS 61.810 1. (b), to discuss the future acquisition or sale of real property, and (2) pursuant to KRS 61.810 1. (c), to discuss proposed litigation for or against the City of Bardstown. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO AN EXECUTIVE SESSION AT 7:38 PM.**

**UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL RECONVENED INTO THE REGULAR SESSION AT 8:27 PM.**

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

**ADJOURNMENT**

Being no further business to discuss and **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:28 P.M.**

**ATTEST:**

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Bobbe Blincoe, City Clerk

**CITY OF BARDSTOWN**

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William S. Sheckles, Mayor