

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
2-22-11
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: Public Works and Engineering Director Hamilton, Chief Financial Officer Abell, City Electrical Engineer Mills, City Civil Engineer Filiatreau, City Attorney Donan, City Clerk Blincoe, HRB Administrator Bogert, The Kentucky Standard reporter Stephanie Hornback, WBRT/WOKH reporter Mark Hicks, WYSB reporter Tom Redmon, Jim Willett, John B. Ballard, Tom Ballard, Jack Kelley, Pat Whelan, Dennis and Lisi Lockwood, Anita and Tom Bishop, Bette Donahue, Jim Donahue, Linda and Donald Elzey, Richard Nest, David Wheatley, Johanna and Larry Lawson, Sam Hutchins, Joe Koenig and Troy Jennings.

CB RICHARD ELLIS (CBRE) CONTRACT

Mayor Sheckles reported on a proposed contract with CB Richard Ellis (CBRE), a marketing firm that will be used by the City and County to promote the location of new businesses to the Wilson Industrial Park and Nelson County Industrial Park. The 12-month contract allows local realtors to be involved. City Attorney Donan reviewed the contract. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR WAS AUTHORIZED TO EXECUTE THE BASIC REAL ESTATE CONTRACT WITH CB RICHARD ELLIS (CBRE).**

MOWING BID TAB FOR CITY OWNED PROPERTIES

Councilman Simpson presented the mowing bid tab as follows:

MOWING SERVICES BID TAB	
Tuesday, January 25, 2011	
10:00 AM	
<u>BIDDER</u>	<u>TOTAL AMOUNT</u>
Ward Brothers Mowing & Tree Service, LLC	\$1,729.00
Cecil Lawn Service, LLC	1,465.00
E T Landscape & Construction, LLC	1,417.50
Willett's Lawn & Landscape	1,325.00
Robbie's Mowing Service	1,320.00
Murphy's Lawn Mowing Service	1,095.00
Oliver's Lawn Care	950.00
Mama's Touch Nursery & Landscaping	930.00
RECOMMENDED: MAMA'S TOUCH NURSERY & LANDSCAPING - \$930.00	

Councilman Simpson reported that the Cemetery Committee recommended approval of the bid from Mama's Touch Nursery & Landscaping. The contract is a two-year contract for mowing the Bardstown Cemetery, Presbyterian Cemetery and around water towers and areas by City Hall. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE LOW BID FROM MAMA'S TOUCH NURSERY & LANDSCAPING IN THE AMOUNT OF \$930.00 PER MOWING WAS APPROVED.**

SIGN PROPOSAL

A letter was presented from Mark Hurst requesting to install a business sign on City property near Keystone Avenue. The sign would consist of a list of businesses located in the area. Councilman Lydian spoke up and said that he believed that it would set a bad precedent to locate signage on public rights-of-way and other business owners would ask to do the same thing. The Council concurred.

SECOND READING - REZONING REQUEST #2344 - CITY OF BARDSTOWN - R-3 TO R-1C

A second reading of an ordinance on rezoning request #2344 was presented as follows:

ORDINANCE NO. B2011-01

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP, ENTITLED, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN, AND NELSON COUNTY, KENTUCKY" BY CHANGING THE DISTRICT CLASSIFICATION OF THE PROPERTY LOCATED IN BARDSTOWN, KENTUCKY, AS HEREINAFTER DESCRIBED FROM R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO R-1C, SINGLE FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on January 11, 2011, held a public hearing on the Application No. 2344 from the City of Bardstown to rezone 3.14 acres at 801 Allison Avenue from R-3, Multi-Family Residential District to R-1C, Single Family Residential 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 Hagan, duly seconded by Councilman Simpson and carried, the City Council approved the recommendation stated from the Planning and Zoning Commission to approve the rezoning request.

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 January 27, 2011, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property is described as follows:

"Beginning at a large post at the East end of Forest Avenue, in the East line of Allison Street; then with the East line of Allison Street, North 17-3/4 degrees East 406.0 feet to an iron stake; then South 72-1/4 degrees East 354.1 feet to a stake in the west line of an alley; then with the West line of said alley South 17-3/4 degrees West 370.14 feet to a stake at the Southeast corner of Lot No. 6, Block "M" in Henry Addition, as shown on plat recorded in Deed Book No. 75, page 153, in the Office of The Clerk of the County Court of Nelson County, Kentucky; then with the South line of Lot No. 6, North 78 degrees West 356 feet to the point of beginning, containing 3.154 acres."

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

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

UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN SIMPSON, MAYOR SHECKLES 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

THE MAYOR THEN DECLARED ORDINANCE NO. B2011-01 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

SECOND READING - REZONING REQUEST #2347 - TULLAMORE LLC - LIP TO R-3

A second reading of an ordinance on rezoning request #2347 was presented as follows:

ORDINANCE NO. B2011-02

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP, ENTITLED, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN, AND NELSON COUNTY, KENTUCKY" BY CHANGING THE DISTRICT CLASSIFICATION OF THE PROPERTY LOCATED IN BARDSTOWN, KENTUCKY, AS HEREINAFTER DESCRIBED FROM LIP, LIGHT INDUSTRIAL PARK TO R-3, MULTI-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on January 11, 2011, held a public hearing on the Application No. 2347 for Tullamore, LLC to rezone 5.30 acres on the northeast corner of Ireland Avenue and Filiatreau Lane and approximately 670 feet south of Schuler Drive (Lots #12 & 13, Schuler Industrial Park Amended Final Plat, Phase I) from LIP, Light Industrial Park to R-3, Multi-Family Residential 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 Reed, duly seconded by Councilman Williams and carried, the City Council approved the recommendation stated from the Planning and Zoning Commission to approve the rezoning request.

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 January 27, 2011, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property is described as follows:

"Being Lot No. 12 of the Schuler Industrial Park, Phase I, as depicted upon the Plat thereof, of record in Plat Cabinet 7, Slot 89; and, Amended Final Plat thereof, of record in Plat Cabinet 7, Slot 122, all in the Office of the Clerk of Nelson County, Kentucky containing **3.16 acres.**"

"Being Lot No. 13 of the Schuler Industrial Park, Phase I, as depicted upon the Amended Final Plat of the Schuler Industrial Park, Phase I, appearing of record in Plat Cabinet 7, Slot 122, in the Office of the Clerk of Nelson County, Kentucky containing **2.14 acres.**"

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

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

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS, MAYOR SHECKLES 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

THE MAYOR THEN DECLARED ORDINANCE NO. B2011-02 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

FIRST READING-REZONING REQUEST #2348-TULLAMORE, LLC-AMENDMENT TO DEVELOPMENT PLAN

A first reading of an ordinance was presented on rezoning request #2348 for Tullamore, LLC for an amendment to a previously approved development plan for the B-1 (PUD) to reclassify 5.45 acres from Single-Family Residential to Multi-Family Residential on the southeast corner of Ireland Avenue and Dorchester Lane and approximately 377 feet west of Filiatreau Lane (Lots #33-39, Tullamore Estates, Amended Phase I and Phase IIB). This rezoning request was tabled at the last Council meeting. Councilman Hagan repeated his views about denying the request and said that the Council should decide to leave the development as zoned previously. Councilman Buckman disagreed and said that the intent of the PUD was to allow for mixed use of the development. He was also concerned that the developer would be prohibited from developing the land the way he wanted to develop it. He said that the property mentioned in the request was located off to the side from the single-family homes and not directly in the middle of them. Councilman Reed said that he hoped the Tullamore residents understood that the PUD provided a lot of flexibility even if it is left B-1 PUD. Councilman Williams was concerned because the PUD leaves too much open for interpretation and should be reviewed. City Attorney Donan pointed out that this was the first time that the Planning Commission had been presented with a developer requesting a change after homes had been constructed on the property. **COUNCILMAN HAGAN THEN MADE THE FOLLOWING MOTION: "I MAKE A MOTION TO DENY THE PROPOSED LAND USE CHANGE NO. 2348. MY MOTION IS BASED ON THE TESTIMONY AND EVIDENCE IN THE OFFICIAL FILE, INCLUDING THE MINUTES FROM THE PUBLIC HEARING AND PLANNING COMMISSION MEETING AND ARTICLE 8.2 OF THE ZONING REGULATIONS WHICH COVERS PLANNED UNIT DEVELOPMENT. BY REFERENCE IN THE PUBLIC MEETING AND PLANNING COMMISSION MEETING, THIS ZONING REGULATION IS PART OF THOSE RECORDS. AS A BASIS FOR MY MOTION, I FIND THAT THE AREA AFFECTED BY THIS PROPOSED USE IS UNIQUE IN THAT THERE IS A TWO-ACRE LAKE WITHIN THE AREA AND THERE HAVE BEEN SIGNIFICANT CHANGES IN THE AREA SINCE THE ORIGINAL PUD WAS APPROVED IN THE FORM OF SINGLE-FAMILY RESIDENCES CONSTRUCTED ON THE PUD. DENIAL WILL ENSURE THAT THE PROPOSED DEVELOPMENT PATTERN BLENDS WITH ITS UNIQUE SURROUNDINGS AND IS A BENEFIT TO THE COMMUNITY AT LARGE. I RECOMMEND THAT THE LAND USE REMAIN SINGLE-FAMILY RESIDENCES TO BLEND WITH THE UNIQUE SURROUNDINGS OF SINGLE-FAMILY HOMES THAT DID NOT EXIST AT THE TIME OF THE ORIGINAL ZONING IN 2002, AND TO BENEFIT THE COMMUNITY THAT WOULD BE MOST DIRECTLY AND ALMOST SOLELY IMPACTED BY THIS PROPOSED CHANGE--THAT IS THE CURRENT RESIDENTS OF TULLAMORE, WHO HAVE INDICATED THAT A LAND USE CHANGE WOULD NEGATIVELY IMPACT THEM. SAID MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON. A short discussion followed in which Councilman Williams asked when it would be appropriate for a developer to request a zoning change. Councilman Buckman commented that it seems that the entire system needs to be overhauled. THE MOTION THEN CARRIED BY A VOTE OF 5 TO 1, AND WAS APPROVED. COUNCILMAN BUCKMAN VOTED NO.**

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The recommendations were presented as follows:

Certificates of Appropriateness

1. COA #11-01 [TABLED]

John and Cynthia Metcalf have applied for "replacement of exterior windows, request retroactive approval for windows installed in September of 2009," at 111 E. Brashear Ave. In September, 2009, the applicants replaced fifteen original 1/1 wood sash windows (6 in front, 4 on each side, and 1 in rear) with 12/12 vinyl-clad windows. This alteration was done without a COA. Staff was informed of this on February 9, 2010, and on February 10 Janet Johnston issued a Notice of Violation and Stop Work Order and staff requested the Metcalfs to file a COA application. The Metcalfs requested two filing extensions, which were granted. Finally, having been given three opportunities to submit a COA application, the Planning Commission pursued legal action in Circuit Court against the applicants in June. The court ordered the parties to participate in mediation, the result of which was an agreement by the applicants on January 18, 2011, to submit a COA application.

Recommendation: To table this application for further study until the next regular HRB meeting.

2. COA #11-02 [RECOMMENDED]

Family Medical Center, 201 S. Fifth St., has applied for the following signs: install a 5' x 4' green awning over a rear doorway, facing the parking lot, with "Physicians to Children" in black letters on a gold background; replace sign at rear of building with #1 (see attachment); install new 54" x 3 1/2' sign, with pediment, on right north wall facing John Fitch Ave. with #2 (see attachment); and replace sign on left north wall facing John Fitch Ave. with 54" x 4' sign, with pediment (see #3).

Recommendation: To recommend approval of the proposed new and replacement signs at Family Medical Center, 201 S. Fifth St., as specified in this application.

3. COA #11-03 [RECOMMENDED]

Main Street has submitted promotional signs, similar to those used for Third on Third promotions in 2010. The signs read "OPEN" in either red or blue letters on a white background. They may be permanently displayed.

Recommendation: To recommend approval of blue "OPEN" signs for Main Street downtown promotion program, as specified in this application.

Councilman Reed and Councilman Hagan had some questions regarding the promotional signs in Item #3. Another concern was voiced on the lack of a timetable for the signs since store owners might not be consistent with displaying and removing the signs. Councilman Reed suggested giving the matter a nine or twelve-month trial period. **UPON MOTION OF**

COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS ON ITEMS 2 AND 3 WERE APPROVED AND THE PROMOTIONAL SIGN PROJECT IN ITEM NO. 3 WILL BE REVIEWED AFTER ONE YEAR.

CORRESPONDENCE

Mayor Sheckles presented a letter from former County Clerk Phyllis Mattingly thanking the City for her retirement proclamation and for all the well wishes she received.

MINUTES

The minutes from the 2-8-11 regular Council meeting were then presented and **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

APPOINTMENT/REAPPOINTMENT

The Mayor said that he wanted to reappoint Clara Mackin Fulkerson to another one-year term on the Wickland Board and appoint Dixie Hibbs to be the Bardstown representative on the newly formed Lincoln Byway Corridor Management Advisory Committee. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE REAPPOINTMENT AND APPOINTMENT WERE APPROVED.**

CEMETERY COMMITTEE

Councilman Simpson reported on the Cemetery Committee meeting that was held on February 9, 2011. The committee reviewed the mowing bid tab in order to make a recommendation to the Council to accept the bid from Mama's Touch Nursery and Landscaping. There will be a cemetery cleanup held on March 12, 2011 at 10:00 a.m. at the Bardstown Cemetery. In case of bad weather, the cleanup will be held on March 19, 2011. The Men's Group with the Faith Fellowship Worship Center will be assisting with the project.

INTERIM POLICE CHIEF McCUBBIN

Mayor Sheckles announced that he had appointed Assistant Police Chief Rick McCubbin as Interim Police Chief because of the upcoming retirement of Police Chief C.D. Marksbury. Due to a small medical emergency, the Interim Police Chief was not in attendance at the meeting; however, he will return for light duty on Wednesday.

ASSISTANT CITY ADMINISTRATOR ABSENT

The Mayor asked the Council to keep Assistant City Administrator Larry Green's mother in their prayers since she suffered a mild heart attack on Monday. The Assistant City Administrator was taking a few days off to be with her in Florida.

SYMPSON LAKE/RAW WATER STUDY

Public Works and Engineering Director Hamilton reported that the lake was up about three feet since the recent rainfall. The lake had previously been down approximately fourteen feet. He then informed the Council that the engineer with Kenviron would be meeting with the staff on Monday to review the figures for the Raw Water Study prior to a draft report being presented to the Council. The draft report should be available within the next couple of months.

Responding to a question from Councilman Lydian, the Public Works and Engineering Director said that a low of seventeen feet would be the critical level at the lake. If that occurred, the valve could be opened at the bottom of the lake and the water diverted to be treated or you could pump water from the surface to the intake structure to get it to a level high enough to run into the treatment plant. At that level, the lake would still contain about forty feet of water at the deepest part of the lake.

RECREATION BOARD MEETING

Councilman Reed reported that the Recreation Department Board would meet on Thursday, February 24, 2011 at 6:00 p.m.

LEAF REMOVAL

Councilman Buckman thanked the City staff for removing the leaves from the City Hall lawn. Mayor Sheckles said that he would pass the thanks on to staff members: Phillip Grubbs, Billy Curtsinger and George Pis for a job well done.

CEMETERY DEEDS

Cemetery deeds were presented for Carl Foster and Orville Beavers in the Bardstown Cemetery and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

ADJOURNMENT

Being no further business to discuss and UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:40 P.M.

ATTEST:

Bobbe Blincoe, City Clerk

CITY OF BARDSTOWN

William S. Sheckles, Mayor