

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
2-8-11
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 Civil Engineer Filiatreau, City Attorney Donan, City Clerk Blincoe, The Kentucky Standard reporter Frank Johnson, WBRT/WOKH reporter Mark Hicks, WYSB reporter Tom Redmon, Jim Willett, John Ballard, Jim Donahue, Linda and Donald Elzey, David Wheatley, Johanna and Larry Lawson, Tom Bishop and Troy Jennings.

DOWNTOWN STREETScape PROJECT CHANGE ORDER NO. 4

Resident Engineer Rob Martin and Public Works and Engineering Director Hamilton presented and summarized the major items of Change Order No. 4 from the contractor. One of the main items listed was the cost to place a concrete cap on an old city well that was encountered during the construction near the Parc Billom location. Public Works and Engineering Director Hamilton said that local historians were contacted to review the history on the old well in order to possibly place a historical plaque in the area. Other change order costs included burying overhead electric through Mulberry Alley, construction on the ADA grades on some corners and other minor curb and gutter work. The total amount of the change order was an increase to the contract of \$14,853.83. **UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, CHANGE ORDER NO. 4 WAS APPROVED IN THE AMOUNT OF \$14,853.83.**

Rob Martin reported that the work on the project was about 91% complete.

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

A first reading of an ordinance on rezoning request #2344 was presented for 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. The Planning Commission recommended approval of the request. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE PLANNING COMMISSION AND FIRST READING WERE APPROVED.**

REZONING REQUEST #2347 - TULLAMORE, LLC - LIP TO R-3

A first reading of an ordinance on rezoning request #2347 was presented 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 1), from LIP, Light Industrial Commercial Park to R-3, Multi-Family Residential District. The Planning Commission recommended approval of the request. Councilman Hagan asked who approves the entrance permits to the development and was informed that if the specifications were followed, the entrance permits would be approved by the City. **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE PLANNING COMMISSION AND FIRST READING WERE APPROVED.**

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

A first reading of an ordinance on rezoning request #2348 was presented 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). Councilman Lydian voiced concern that the motion made by the Planning Commission to approve the change had not followed Robert's Rules of Order. He stated that the first motion had been made to deny the request and this motion was not withdrawn prior to the other motion to approve was presented. **COUNCILMAN LYDIAN MADE A MOTION TO TABLE THE RECOMMENDATION UNTIL FURTHER RESEARCH COULD BE DONE REGARDING THE PROCEDURES FOLLOWED BY THE PLANNING COMMISSION MEMBERS.** City Attorney Donan stated that he was not sure if the Commission adopted Robert's Rules of Order. It was also pointed out that the first motion had failed to pass by a vote of 5 to 6 before the motion to approve was made and passed by a vote of 7 to 4. Councilman Hagan commented that the Council needed to base its decision on Section 6.11, D. (3) and Section 8.2 of the Zoning Regulations which he read for clarification. Hagan pointed out that adding multi-family units would negatively impact and not blend with the unique surroundings of the current single-family homes. He also noted that residents who live there have expressed concern about the change and this would not be a benefit to the community who live there. Mayor Sheckles stated that the Council's only concern at the present time was to approve or deny the Planning Commission's recommendation.

Councilman Lydian reminded everyone that his motion was still on the floor. The Mayor asked for a second to Councilman Lydian's motion. **THE MOTION FAILED FOR LACK OF A SECOND.**

COUNCILMAN HAGAN THEN MADE A MOTION, SECONDED BY COUNCILMAN SIMPSON, NOT TO APPROVE THE RECOMMENDATION FROM THE PLANNING COMMISSION ON REZONING REQUEST #2348 BASED ON THE ZONING REGULATION SECTION 8.2, PLANNED UNIT DEVELOPMENT PROCEDURES AND REQUIREMENTS, THAT GIVES THE LEGISLATIVE BODY THE RIGHT TO IMPOSE ADDITIONAL REQUIREMENTS THAT IT DEEMS NECESSARY TO ENSURE THAT THE PROPOSED DEVELOPMENT PATTERN BLENDS WITH ITS UNIQUE SURROUNDINGS AND IS A BENEFIT TO THE COMMUNITY AT LARGE AND THAT THE UNIQUE SURROUNDINGS IN THIS AREA ARE THE SINGLE FAMILY HOMES THAT ARE NOW THERE THAT WERE NOT THERE WHEN THE ORIGINAL ZONING TOOK PLACE AND, THEREFORE, THE COUNCIL CAN IMPOSE SOME REQUIREMENTS THAT THE SURROUNDINGS NOT BE ALTERED BECAUSE IT WILL BENEFIT THE COMMUNITY AT LARGE SINCE IT WILL NOT BE DETRIMENTAL TO THOSE WHO LIVE THERE. Further discussion was held. Councilman Williams said that he would not feel comfortable voting on the recommendation until he had time to read up on the regulations and he respectfully requested that the motion be withdrawn. **COUNCILMAN HAGAN WITHDREW HIS MOTION.** Councilman Simpson said that if only the developers could present everything on a proposed development at one time, then it would eliminate all the confusion. Councilman Buckman believed that the B-1 PUD zoning put developers, residents and legislative bodies in a tough spot and stated that it was easy to see both the pros and cons to the argument. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION ON APPLICATION NO. 2348 WAS TABLED IN ORDER FOR THE COUNCIL TO RECEIVE ADDITIONAL INFORMATION TO CLARIFY THE PARTICULAR REZONING.**

CORRESPONDENCE

Mayor Sheckles read a letter from Johnny Warren, Managing Director of The Stephen Foster Drama Association, who expressed thanks for the Council's continued support. He stated that the contribution would allow the association to continue its marketing efforts and sustain the legacy of Stephen Foster and provide a tourism and entertainment venue for years to come.

MINUTES

The minutes from the 1-25-11 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.**

BOSTON WATER STATION

The Mayor reported that he had talked with a resident in the Boston area and received a petition signed by a number of residents requesting that the Boston water station remain open. He informed the resident that the City would obtain the parts necessary to repair the equipment and it would remain open. Public Works and Engineering Director Hamilton said that the parts had been ordered and the staff decided to keep the quarter machine in place and not change the system. Warning signs will be posted at the station to make sure that customers use the correct change.

REAPPOINTMENT

Mayor Sheckles reported that he wanted to reappoint Don Beeler to another four-year term on the Housing Authority. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE REAPPOINTMENT WAS APPROVED.**

ELECTRIC/CABLE TV REPORT

City Electrical Engineer Mills reported that R.W. Beck Engineers will provide load forecasting services in the amount of \$4,600.00 as per Kentucky Utilities requirements. This is a budgeted item.

Councilman Lydian reported that some property owners wanted to know when cable TV and Internet services would be available for Manton Road and Pottershop Road. Chief Financial Officer Abell said that he had talked with Bruce Reed and informed him that the area did not meet the 20 homes per mile requirement for services. He turned over their request to the Cable TV staff to study for a possible contribution offer at a later time. There was no promise of if and when the area could be added to the system. City Electrical Engineer Mills further discussed the details of what the department would need to consider before the extension of services. The City's Rural Extension Policy adopted in 1992 does not include a refunding mechanism for participation. The build to Chaplain will be the next large project to present to the Council for consideration. Public Works and Engineering Director Hamilton said that since the density requirements have been met from Bloomfield to Chaplin, that should be the next build to be considered according to the Franchise Agreement.

CHEMICAL BIDS

City Civil Engineer Filiatreau reported that the chemical bids for the Water and Wastewater Treatment Plants would be received on February 24, 2011.

ENGINEERING DEPARTMENT

The Public Works and Engineering Director reported that work continues on the rights-of-way for the proposed water and sewer lines.

At the next Working Session in March, the staff will discuss the Division of Water's post construction requirements for storm water quality issues. The City's ordinance will need to be amended to implement these new rules regarding the drainage requirements needed for compliance. These rules were mandated from EPA down through the state.

Hamilton reported that Sympson's Lake was up approximately 18 inches from a low of 14.2 feet which is about as low as it has been in the last ten years. He said that Kenvirons was still working on the raw water report and should have something to discuss with the Council within the next month. The Council will have the opportunity to review the study prior to it being presented to the Corps of Engineers.

CEMETERY COMMITTEE MEETING

Councilman Simpson announced that there would be a Cemetery Committee meeting held on Wednesday, February 9, 2011 at 8:30 a.m. in the Mayor's Conference Room at City Hall.

CITY STAFF FIVE-YEAR ANNIVERSARIES

Mayor Sheckles reported that Geronimo Afable with the Water Plant and Crystal Wallin with the Meter Department would both celebrate their ten-year anniversaries and James F. "Bony" Fultz would celebrate his fifteen-year anniversary with the City's Public Works Department this month.

CITY DAY/CITY NIGHT

Mayor Sheckles reminded the Council about the City Day/City Night activities that will be held on February 9, 2011 at the Frankfort Convention Center.

REPORTER FRANK JOHNSON LEAVING

Councilman Buckman reported that this would be Frank Johnson's last meeting with the City Council. Frank had been the reporter assigned to cover the Council's meetings for The Kentucky Standard. He will be leaving to go back to St. Louis. The Mayor and Council thanked him for his time with the Council.

REGIONAL WASTEWATER

Public Works and Engineering Director Hamilton briefly spoke about regional wastewater which would mainly affect the County.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:35 P.M.**

ATTEST:

Bobbe Blincoe, City Clerk

CITY OF BARDSTOWN

William S. Sheckles, Mayor