

CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
08-22-2017
7:00 PM

The City Council met in regular session in the Council Chambers with Mayor Heaton and the following Councilmen:

- Councilman Buckman
- Councilman Copeland
- Councilman Dones
- Councilman Kelley
- Councilman Sheckles
- Councilman Williams

Others present: City Attorney Tim Butler, CFO Tracy Hudson, City Clerk Mary Riley, HR Director/Risk Manager Greg Ashworth, City Civil Engineer Jessica Filiatreau, Interim Police Chief CD Marksbury, Nelson County Gazette Reporter Jim Brooks, Kentucky Standard Reporter Randy Patrick, and Citizens Pat Whelan, Michael Salsman, Kentucky Bourbon Festival Executive Director Jill Hawkins and Josh Hollifield from Bartons Distillery. Planning and Zoning Executive Director Johnston arrived at 7:30 PM.

The Mayor called the meeting to order and announced that a Closed Session would be called near the end of the meeting pursuant to KRS 61.810(1)(c) Discussions of proposed or pending litigation involving a public agency.

HISTORICAL REVIEW BOARD

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

Councilman Kelley recused himself from the meeting prior to the HRB recommendation for the following:

- (a) COA-17-61. Jim Beavers, Applicant, John Kelley, Owner requests to install signage at 202 East Stephen Foster Ave.
Recommendation: Approval to install the hanging sign on the existing pole at the front of the property.

COUNCILMAN BUCKMAN MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #17-61 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 5 TO 0.

Councilman Kelley returned to the meeting.

Councilman Buckman recused himself from the meeting prior to the HRB recommendation for the following:

- (a) COA-17-51A AMENDED. Joe Buckman, Applicant, Michael Katz and Julie Talbott, Owners request to install landscaping and a pool at 202 South 3rd Street.
Recommendation: Approval to install the proposed landscaping with the following conditions:

Conditions: After the pool is complete and the landscaping is complete, if the pool is not completely hidden from view from the street or alley in every viewpoint that the applicant will work with the Preservation Coordinator to change the design to make sure that the pool is completely hidden from view.

COUNCILMAN WILLIAMS MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #17-51A AMENDED WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 5 TO 0.

Councilman Buckman returned to the meeting.

Councilman Dones recused himself from the meeting prior to the HRB recommendation for the following:

- (a) COA-17-62. Don Parrish, Applicant, Archdiocese of Louisville, Owner, requests to remove trees at 310 West Stephen Foster Avenue.
Recommendation: Approval to remove the Holly Trees and one Pine tree.

COUNCILMAN SHECKLES MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #17-62 AMENDED WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 5 TO 0.

Councilman Dones returned to the meeting.

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

- (a) COA-17-60. Mike and Amy Deaton, Applicants/Owners, request to demolish a garage and a shed at 108 East Broadway Street.
Recommendation: Approval to demolish the two sheds at the rear of the property.
- (b) COA-17-63. Troy Dennison, Applicant/Owner requests to install fencing at the rear of the property at 112 North 3rd Street.
Recommendation: Approval to install the proposed fence.
- (c) COA-17-76. Troy Dennison, Applicant/Owner requests to keep the installed signs at 129 North 3rd Street.
Recommendation: Approval to keep two signs with the following conditions:
Condition: The applicant will remove the Moses Black off the two window signs and redesign the window size to say bourbon tavern, bourbon beer, and wine in however format he chooses. He will resubmit that to the Preservation Coordinator for approval and he would be allowed to keep both the hanging sign and the door sign.
- (d) COA-17-64. John and Patsy Cecil, Applicants/Owners requests to install new windows at 111 North 5th Street.
Recommendation: Approval to install the proposed windows.
- (e) COA-17-65. Edward Seay, Applicant/Owner requests to construct a screened patio at 111 West John Fitch Ave.
Recommendation: Approval to install the proposed screened in back porch.
- (f) COA-17-66. Mrs. Kelsie Hamilton, Applicant/Owner requests to construct a garage addition, expand the driveway, and walkway at 218 East Stephen Foster Ave.
Recommendation: Approval to install the proposed garage, expand the driveway, and walkway as proposed.
- (g) COA-17-67. Fred and Pat Hagan, Applicants/Owners, request to receive approval for an addition at 215 East Flaget Street.
Recommendation: Approval of the proposed addition with all details submitted.
- (h) COA-17-68. Annette Filiatreau, Applicant/Owner, requests to install cement board siding 215 South 5th Street.
Recommendation: Denial to install cement board siding.
- (i) COA-17-69. Annette Filiatreau, Applicant/Owner, requests to install shutters at 215 South 5th Street.
Recommendation: Approval to install shutters with the following conditions:
Conditions: The board and batten shutters with the tongue and groove and without the crossbar are approved for the basement windows only. Louvered shutters are the only shutters approved for the main body of the house. The final color of the shutters will be staff approved.
- (j) COA-17-70. Annette Filiatreau, Applicant/Owner, requests to install lighting at 215 South 5th Street.
Recommendation: Approval to install lighting with the following conditions:
Conditions: There will be one light on the front of the house between the large window and the door, one on the corner with the pole on the Muir Street, and then one is approved beside the rear door on the back porch to match the other lighting.
- (k) COA-17-71. Annette Filiatreau, Applicant/Owner, requests to screen in a porch at 215 South 5th Street.
Recommendation: Approval to screen in the back porch with the following conditions:
Conditions: The approval is only two screen in the back porch and to repair the deck with the stairs with the same materials, design and dimensions.
- (l) COA-17-74. Annette Filiatreau, Applicant/Owner, requests to repair the brick and install a driveway at 215 South 5th Street.
Recommendation: Approval to re-surface only the existing driveway and to repair the walkway with matching materials.
- (m) COA-17-75. Annette Filiatreau, Applicant/Owner, requests to replace the windows at 215 South 5th Street.
Recommendation: The windows condition will be evaluated with the following conditions:
Condition: That the final approval for the replacement of the windows will be based on the recommendation of Frank Welsh and the Preservation Coordinator will give final approval of what should be done with the windows.

COUNCILMAN WILLIAMS MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #17-60, COA #17-63, COA #17-76, COA #17-64, COA #17-65, COA, #17-66, #17-67, COA #17-69, COA #17-70, COA #17-71, COA #17-74, AND COA #17-75 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.

WATER AND SEWER REQUEST FOR PEDDLERS MALL ON GRANITE DRIVE

COUNCILMAN SHECKLES MOVED TO ACCEPT THE WATER AND SEWER SERVICE EXTENSION FOR THE PEDDLERS MALL ON GRANITE DRIVE INTO THE CITY’S SYSTEM ONCE THEY MEET THE STATE AND LOCATE REQUIRMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

CERS SEPARATION FROM KENTUCKY RETIREMENT SYSTEM

Risk Manager / HR Director Ashworth referred to the letter provided to the Council explaining the reasons he is requesting the support from Council of Senate Bill 226. The proposed resolution is symbolic in nature and is intended to show support for SB 226 and the separation of County Employees Retirement System (CERS) from the Kentucky Retirement System (KRS)

RESOLUTION R2017-05 CERS SEPARATION

City Attorney Butler read the resolution as follows:

R2017-05
RESOLUTION

WHEREAS, The City of Bardstown has employees invested in the County Employees Retirement System;

WHEREAS, the County Employees Retirement System is currently funded at 62 percent, a higher funded ratio than it was prior to passage of SB2;

WHEREAS, the Kentucky Employees Retirement System is the worst funded system in the U.S. and was noted by R.V. Kuhns, Inc. as being set to undergo financial hurdles of “persistent funding shortfalls, elevated contribution levels, unsustainable payout ratios and in the worst-case scenario, the potential for the complete depletion of the asset base”;

WHEREAS, total assets of the County Employees Retirement System are about \$12 billion, 73 percent of the total Kentucky Retirement Systems’ assets;

WHEREAS, administrative costs for the Kentucky Retirement Systems have increased 245 percent since 2000, and the County Employees Retirement System pays 63 percent of those costs;

WHEREAS, separation of the County Employees Retirement System would result in the creation of a new nine-member board whose sole responsibility would be the management of the County Employees Retirement System;

WHEREAS, the current 17-member Kentucky Retirement Systems Board of Trustees has only six seats for County Employees Retirement System representatives, and the Kentucky Retirement Systems Board of Trustees Investment Committee has no representative from the County Employees Retirement System;

WHEREAS, separation of the County Employees Retirement System from the Kentucky Retirement Systems would mean local control of local pensions and would ensure the needs of the County Employees Retirement System are met so it can continue its current path of growth for years to come;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bardstown supports the separation of the County Employees Retirement System from the Kentucky Retirement Systems.

COUNCILMAN KELLEY MOVED TO APPROVE RESOLUTION R2017-05 CERS SEPARATION. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 5 TO 0. Councilman Williams abstained.

DRB-249 – PLEASANT DREAMS PEDDLERS MALL

COUNCILMAN KELLEY MOVED TO APPROVE DRB-249 PLEASAND DREAMS PEDDLERS MALL. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 6 TO 0.

MINUTES

Councilman Kelley made the following corrections to the minutes for 08-08-2017:

COUNCILMAN WILLIAMS MOVED TO APPROVE MUNICIPAL ORDER M2017-12 COUNCIL TRAVEL/TRAINING POLICY AMENDMENT. THE MOTION WAS SECONDED BY COUNCILMAN ~~WILLIAMS~~ SHECKLES AND CARRIED BY A VOTE OF 6 TO 0.

COUNCILMAN KELLEY THEN MOVED TO APPROVE THE REGULAR SESSION MEETING MINUTES FOR 08-08-2017 AS CORRECTED. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

ANNOUNCEMENTS

CFO Hudson indicated that Auditor Linda Gray would be at City Hall next week and doing field work next month.

SECOND READING OF ORDINANCE B2017-12 CABLE / INTERNET RATE AMENDMENTS

City Attorney Butler read the ordinance as follows:

ORDINANCE NO. B2017 -12

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE STYLED: “AN ORDINANCE RELATING TO THE OPERATION OF A MUNICIPAL OWNED CABLE TELEVISION COMMUNICATIONS SYSTEM TO PROVIDE SERVICE TO RESIDENTS AND CUSTOMERS WITHIN THE CITY OF BARDSTOWN AND NELSON COUNTY, KENTUCKY, AUTHORIZING THE EXPENDITURE OF MONEY FROM THE 1984 BOND SALE AND FROM THE GENERAL FUND TO PURCHASE THE SYSTEM AND THE CREATION OF A DEPARTMENT WHICH SHALL BE CALLED THE BARDSTOWN CABLE TV DEPARTMENT”.

THE CITY OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAIN THAT Section 54.04(D)(1), 54.04(F)(1)(a), 54.04(F)(2)(a), and 54.04(I)(1, 2) be amended as follows:

SECTION 54.04 INSTALLATION AND RECONNECTION CHARGES, SUBSCRIBER RATES, AND MISCELLANEOUS SERVICE CHARGES.

(D) All subscribers, except for multiple-use subscribers, and educational/charitable/institutional subscribers, shall pay the following charges for the services as listed:

(1) Basic CATV Service

- | | |
|------------------------------|--|
| Programming Charge: | \$7.12 \$7.12 \$8.24 /month, plus: |
| (a) Within Corporate Limits | \$10.00 \$10.00 \$7.00 /month |
| (b) Outside Corporate Limits | \$14.75 \$14.75 \$11.75 /month |

This is the minimum CATV programming service level and may include local and distant broadcast signals, public, educational and governmental channels, home shopping network(s), and local origination channel(s).

Effective ~~February 1, 2016~~ **September 1, 2017**, the retail rate for Basic **CATV Service** under this section 54.04(D)(1), shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to ~~February 1, 2016~~ **September 1, 2017**.

(F) Multiple-use subscribers, and educational/charitable/institutional subscribers, shall pay the following charges for the services as listed:

(1) Multiple-use (Bulk) subscribers shall pay the following charges for services as listed:

(a) Basic CATV Service

- | | |
|------------------------------|--|
| Programming Charge: | \$7.12 \$7.12 \$8.24 /month, plus: |
| (a) Within Corporate Limits | \$10.00 \$10.00 \$7.00 /month |
| (b) Outside Corporate Limits | \$14.75 \$14.75 \$11.75 /month |

plus \$1.00 per month per additional outlet; required on all outlets.

This is the minimum CATV programming service level and may include local and distant broadcast signals, public, educational and governmental channels, home shopping network(s), and local origination channel(s).

Effective ~~February 1, 2016~~ **September 1, 2017**, the retail rate for Basic CATV Service under this section 54.04(F)(1), shall further be modified to reflect any increases

or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016 **September 1, 2017**.

(2) Educational/Charitable/Institutional subscribers shall pay the following charges for services as listed:

(a) Basic CATV Service

Programming Charge: ~~\$7.12~~ **\$8.24**/month, plus:

(a) Within Corporate Limits ~~\$10.00~~ **\$7.00**/month

(b) Outside Corporate Limits ~~\$14.75~~ **\$11.75**/month

This is the minimum CATV programming service level and may include local and distant broadcast signals, public, educational and governmental channels, home shopping network(s), and local origination channel(s).

Effective February 1, 2016 **September 1, 2017**, the retail rate for Basic CATV Service under this section 54.04(F)(2), shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016 **September 1, 2017**.

(I) Cable Modem Internet Service

(1) Residential service:

~~{6 Mb/s \$28.25 per month}~~

~~{10 Mb/s \$33.25 per month}~~

~~{20 Mb/s \$43.25 per month}~~

~~{40 Mb/s \$53.25 per month}~~

10 Mb/s \$31.25 per month

25 Mb/s \$36.25 per month

50 Mb/s \$46.25 per month

100 Mb/s \$56.25 per month

Customers may rent a modem from the City at a cost of \$3.00 per month or may provide their own modem meeting City specifications.

(2) Commercial service costs depend on the number of users and the bandwidth (speed) requested. Commercial customers may rent the modem at a cost of \$3.00 per month, or may provide their own modem meeting City specifications. The monthly rates for commercial services are:

~~{Up to 5 users, at 20 Mb/s \$ 53.25 per month}~~

~~{Up to 25 users, at 40 Mb/s \$ 73.25 per month}~~

~~{Up to 25 users, at 80 Mb/s \$113.25 per month}~~

~~{Over 25 users, and/or over 80 Mb/s (by contract)}~~

Up to 5 users, at 50 Mb/s \$56.25 per month

Up to 25 users, at 80 Mb/s \$76.25 per month

Up to 25 users, at 100 Mb/s \$116.25 per month

Over 25 users, and/or over 100 Mb/s (by contract)

This ordinance, including the rates and charges, shall be in full force and effect following publication in summary as required by law and put into effect and collected from and after the close of business August 31, 2017, i.e. for bills due on or after September 01, 2017.

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

COUNCILMAN WILLIAMS MOVED TO APPROVE ORDINANCE B2017-12 CABLE / INTERNET RATE AMENDMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN KELLEY	-	AYE
COUNCILMAN COPELAND	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN DONES	-	AYE

MAYOR HEATON THEN DECLARED ORDINANCE NO. B2017-12 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

CITY COUNCIL MEMBER COMMENTS

Councilman Copeland reminded the Council of the Buttermilk Days Festival being held August 24 – 26, 2017 and invited all to attend. She also reported that she was invited to apply for the National Trust and, as a result of the application and paper she submitted, she has been selected to participate in the Diversity Scholarship Program. It will include an all-expense paid trip to attend the conference in Chicago in November.

Mayor Heaton announced there would be a Working Session on Tuesday, September 5, 2017 with a Tax Rate Hearing immediately before the meeting at 4:45 PM.

CEMETERY DEEDS

THE CEMETERY DEEDS FOR THOMAS W. AND BARBARA L. HALL WERE APPROVED BY UNANIMOUS CONSENT.

CLOSED SESSION

COUNCILMAN WILLIAMS MOVED TO GO INTO CLOSED SESSION PURSUANT TO KRS 61.810(1)(C) DISCUSSIONS OF PROPOSED OR PENDING LITIGATION INVOLVING A PUBLIC AGENCY. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0. Time was 7:01pm.

Councilman Copeland recused herself from the Closed Session.

All attendees left the Council Chambers except for City Attorney Butler and City Clerk Riley.

COUNCILMAN DONES MOVED TO COME OUT OF THE CLOSED SESSION AND CONTINUE WITH THE REGULAR MEETING AT 9:00PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN KELLEY AND CARRIED BY A VOTE OF 5 TO 0.

The minutes will reflect that no action was taken during the closed session.

ADJOURNMENT

COUNCILMAN WILLIAMS MOVED TO ADJOURN THE MEETING AT 9:02PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0.

CITY OF BARDSTOWN

J. Richard Heaton, Mayor

ATTEST:

Mary Riley, City Clerk