

**CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
01-23-2018
7:00 PM**

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

Councilman Joe Buckman
Councilman Kecia Copeland
Councilman David Dones
Councilman John Kelley
Councilman Bill Sheckles
Councilman Roland E. Williams

Others present: City Attorney Tim Butler, HR Director/Risk Manager Greg Ashworth, City Clerk Mary Riley, Police Chief Kim Kraeszig, Fire Department Training Officer Scott Lawson, Fire Marshal Todd Spalding, City Civil Engineer Jessica Filiatreau, Preservation Coordinator RaShae Jennings, Former Fire Chief Marlin Howard, Rich Smith with HDR, Vaughn Williams with Kenvirons, Nelson County Gazette Reporter Elijah Brooks, The Kentucky Standard Reporter Randy Patrick, a reporter from PLG-TV and Boy Scout Troop 136 from Bloomfield and Boy Scout Troop 721 from Bardstown.

Mayor Heaton called the meeting to order and asked for a moment of silence to remember the victims injured in the shooting at Marshall County High School in Benton, Kentucky. He asked that the victims' families, the staff and faculty of the High School, the Marshall County residents, and the first responders that had to react to the terrible tragedy be remembered as well.

Mayor Heaton recognized Boy Scout Troop 136 of Bloomfield and Boy Scout Troop 721 of Bardstown. Scout Masters stated their visit to the Council Meeting was for a Citizenship and Community Merit Badge.

APPOINTMENT OF FIRE CHIEF

Mayor Heaton recommended to the City Council the appointment of Billy Mattingly to the position of Fire Chief. Mayor Heaton thanked the Selection Committee and HR Director Greg Ashworth for supplying such good candidates.

COUNCILMAN SHECKLES MOVED TO APPROVE THE APPOINTMENT OF BILLY MATTINGLY TO THE POSITION OF FIRE CHIEF. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

Mayor Heaton explained that Chief Mattingly brings experience working with and running a full time Fire Department. The Mayor then administered the Oath of Office to new Fire Chief Billy Mattingly, which was followed by congratulatory applause from those in attendance.

Fire Chief Billy Mattingly addressed the Mayor and Council, stating he looks forward to working with them both.

An informal break was taken at 7:05pm to allow family and friends to exit the meeting.

At 7:07pm, Mayor Heaton resumed the agenda.

BARDSTOWN-ROWAN CREEK WASTE WATER SYSTEM IMPROVEMENTS-HDR

COUNCILMAN WILLIAMS MOVED TO APPROVE THE RECOMMENDATION TO AWARD HDR ENGINEERING THE CONTRACT TO DESIGN, BID AND CONSTRUCT THE IMPROVEMENTS TO THE ROWAN CREEK WASTE WATER SYSTEM AND THE POTTERSHP PUMP STATION. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 6 TO 0.

WATER TREATMENT PLANT CHLORAMINE CONVERSION-JUDY CONSTRUCTION

City Civil Engineer Filiatreau recommended that the award to Judy Construction be approved for \$881,500.

COUNCILMAN KELLEY MOVED TO APPROVE THE BID SUBMITTED BY JUDY CONSTRUCTION FOR THE WATER TREATMENT PLANT CHLORAMINE CONVERSION. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.

City Civil Engineer Filiatreau explained she would like to amend the KIA loan amount since the estimates she has received are higher than what was initially budgeted. When applying for the KIA loan, preliminary engineering had not begun. She would like to see the loan amount increased to \$1.129 million.

UPON MOTION BY COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL APPROVED REQUESTING AN INCREASE TO THE KIA LOAN TO ONE MILLION, ONE HUNDRED TWENTY NINE THOUSAND DOLLARS (\$1.129M).

HISTORICAL REVIEW BOARD

The Bardstown Historic Design Review Manual was amended, presented to and then approved by the State. City Attorney Butler stated Council should go on record to endorse the manual.

COUNCILMAN BUCKMAN MOVED TO ENDORSE THE BARDSTOWN HISTORIC DESIGN REVIEW MANUAL AMENDMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

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

Councilman Kelley recused himself from the meeting at 7:23pm prior to the HRB recommendation for the following:

- 1. COA-18-01. Old Bardstown Village Inc, request permission to park a military vehicle at 202 and 204 East Broadway Street.
Recommendation: Approval to park the military vehicle at the proposed location.

COUNCILMAN BUCKMAN MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #18-01. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 5 TO 0.

Councilman Kelley returned to the meeting at 7:25pm.

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

- 1. COA-18-02. Troy Dennison, requests to build a structure at 112 North 3rd Street.
Recommendation: Approval to build the structure with the following conditions:
Conditions: **The board is approving the metal standing seam roof and black color, the metal security door on the structure because it is not viewable from the parking lot or alley and for security purposes, they are approving the window design with the wood windows that are either six over six or four over four with all equal glass panels, approval for the tongue and groove wood siding with the stain proposed, the design for the wood and folding doors of the bar, two ceiling fans for the patio area, black gutters, and the design, placement and size of the structure.**
- 2. COA-18-03. Finn Davis Rental LLC., requests to build an addition at 214 East Flaget Street.
Recommendation: Approval for the structure and modifications with the following conditions:
Conditions: **The design, size, and size the addition, the removal of the vinyl siding and to replace what is rotted with wood siding that matches the original, the round wooden post on the porch that will match the drawing submitted, opening up the front porch, the shifting of the steps according to the design plan, the side door as submitted, the black two tab roof shingles, the new wood windows that are two over two match in dimension and size to the original, the lighting for the garage lamppost, front porch and side porch, and any adjustment to the porch materials or other small amendments can be conditionally approved by the preservation coordinator.**

COUNCILMAN WILLIAMS MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #18-02 AND COA #18-03 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0.

MINUTES

THE MINUTES FOR THE 01-09-2018 REGULAR COUNCIL MEETING WERE APPROVED BY UNANIMOUS CONSENT.

2016-2017 CITY AUDIT

UPON MOTION BY COUNCILMAN DONES, DULY SECONDED BY COUNCILMAN SHECKLES, THE 2016-2017 AUDIT WAS APPROVED AS PRESENTED AT THE PREVIOUS COUNCIL MEETING ON 01-09-2018. MOTION CARRIED 6 TO 0.

FIRST READING OF ORDINANCE B2018 – CHAPTER 53 WASTEWATER

Councilman Sheckles introduced the proposed ordinance and City Attorney Butler read the following summary.

ORDINANCE NO. 2018-02

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 53 WASTEWATER OF THE CITY OF BARDSTOWN’S CODE OF ORDINANCES

THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY DOES ORDAIN AS FOLLOWS:

That amendments be made to Chapter 53: WASTEWATER Section 53.024 PROHIBITED DISCHARGES (B), 53.066 RESTRICTED DISCHARGES (J) , § 53.121 DEBT SERVICE, DEPRECIATION AND MINIMUM

USAGE CHARGE and **53.123 INDUSTRIAL OM&R CHARGE (A)** of the City of Bardstown's Municipal Code as follows:

53.024 – PROHIBITED DISCHARGES

(B) Any waters or wastes having a pH lower than ~~[5.5]~~ **6.0** or higher than ~~[10.0]~~ **9.0** or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities, i.e., wood, glass, ashes, sand, cinders, unshredded garbage, paper products, such as cups, dishes, napkins and milk containers, **wipes of any kind including those labeled as flushable, etc.**

(Ord. 477, passed 7-24-91; Am. Ord. 584, passed 5-23-95) Penalty, see § 53.999.

53.066 – RESTRICTED DISCHARGES

(J) The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system subject to any compliance schedule as established in the Industrial Wastewater Discharge Permit. ~~[All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or federal regulations subject to any compliance schedule as established in the Industrial Wastewater Discharge Permit.]~~ All significant industrial users must comply with these limitations where they are more stringent than applicable state or federal regulations.

Parameter	Maximum Daily Concentration (mg/)
Arsenic	0.18
Cadmium	0.06
Chromium, Total	[2.77] 1.71
Chromium, Hexavalent	0.14
Copper	0.74
Cyanide, Amenable	[0.16] 0.23
Iron	[25.0]
Lead	0.28
Mercury	0.001
Molybdenum	[0.57] 1.49
Nickel	[2.89] 1.13
Selenium	[0.14] 0.08
Silver	0.43
Zinc	[2.61] 1.48

(Ord. 477, passed 7-24-91; Am. Ord. 675, passed 9-14-99; Am. Ord. B2006-13, passed 6-6-06; Am. Ord. B2011-14, passed 8-23-11) Penalty, see § 53.999.

§ 53.121 DEBT SERVICE, DEPRECIATION AND MINIMUM USAGE CHARGE.

(A) All users of the sewerage system shall be assessed a monthly debt service charge per user and a debt service charge for flow. All flow charges shall be based on water meter readings, ~~[except for industrial users having approved flow measuring and recording devices installed in control manholes.]~~

(B) High Volume Industrial users may request approval for flow measuring and recording devices installed in control manholes. Those industrial users shall be assessed flow charges on the basis of measured wastewater flow. **Metering devices, their location, calibration, etc. must approved by the City in accordance with Industrial User Permit requirements and conditions of this ordinance. Approval is made on a case by case basis that meet at least one of the criteria listed below. The City may require a sewer flow measuring device in instances described in a. or c.**

- a. **The industrial user does not use potable water in its process and thus discharges more water to the sewer system than it purchases.**
- b. **The industrial user uses over 1,000,000 gallons of potable water per month but discharges less than 50% of the water to the sanitary sewer system.**

- c. **The industrial user has large permitted outdoor sewer treatment facilities that allow stormwater to enter the sewer system thus discharging more volume of water to the sewer system than it purchases.**

(C) The following service rates are hereby established:

Debt Service - All Customers

Per Customer Fee - \$6.50/month
 Debt Service Rate for Flow - \$0.36/1,000 gallons

(Ord. 477, passed 7-24-91; Am. Ord. 584, passed 5-23-95; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98, Am. Ord. 669, passed 6-22-99; Am. Ord. B2006-11, passed 6-6-06)

§§ 53.123 INDUSTRIAL OM&R CHARGE.

(A) The city shall assess users, who discharge wastewater that differs significantly from domestic wastewater, charges proportionate to the quantity and quality of wastewater discharged. The quantity and quality of the wastewater shall be monitored and analyzed in a manner and at a frequency acceptable to the city, but not less than annually. Separate rates of charge shall be established by the city for costs related to flow volume, BOD, suspended solids, ammonia-nitrogen and for any other Parameter established by the city. The following ceiling limits are established: for BOD 1,400 mg/l (milligrams per liter), for TSS 1,400 mg/l, and for Ammonia 140 mg/l. The following monthly OM&R charge rates are hereby established for discharges to the public sewer:

INDUSTRIAL RATE SCHEDULE

Customers Located Inside City Limits

Discharge Service	Base Debt	/1,000 gal Charge	OM&R Minimum Charge	
Base Minimum/2,000 gal	\$6.50	\$0.36	\$4.40	\$10.48/per month
Over Minimum/1,000 gal	---	\$0.18	\$1.81	(* \$17.25 \$1.99/1,000 gal (* \$4.34)

Customers Located Outside City Limits

Discharge Service	Base Debt	/1,000 gal Charge	OM&R Minimum Charge	
Base Minimum/2,000 gal	\$6.50	\$0.36	\$4.40	\$18.94/per month
Over Minimum/1,000 gal	---	\$0.18	\$1.81	\$5.66/1,000 gal

Format Sewer Industrial Discharge Surcharge Table as follows:

INDUSTRIAL CUSTOMER WASTEWATER LOADING SURCHARGE RATES

No surcharge rate will be charged for wastewater with a strength less than 250 mg/l BOD, 250 mg/l TSS, and 20 mg/l ammonia-nitrogen.

Discharge	[Minimum Charge] <u>Surcharge Rate</u>
BOD Loading/pound	
{If less than 700 mg/l}	[\$0.1834/per pound]
If [700] <u>250</u> to 1,400 mg/l	[\$0.2751/] <u>\$0.31 per pound</u>
If more than 1,400 mg/l	[\$0.3668/] <u>\$0.62 per pound</u>
TSS Loading/pound	
{If less than 700 mg/l}	[\$0.2583/per pound]
If [700] <u>250</u> to 1,400 mg/l	[\$0.3875/] <u>\$0.28 per pound</u>

If more than 1,400 mg/l	[\$0.5166/] <u>\$0.56 per pound</u>
Ammonia>Loading	
{If less than 700 mg/l}	[\$0.9518/per pound]
If {700} 20 to {1,400} 140 mg/l	[\$1.4227/] <u>\$0.97 per pound</u>
If more than {1,400} 140 mg/l	[\$1.9036/] <u>\$1.94 per pound</u>

(Ord. 477, passed 7-24-91; Am. Ord. 584, passed 5-23-95; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98; Am. Ord. 669, passed 6-22-99; Am. Ord. 674, passed 9-14-99; Am. Ord. B2006-11, passed 6-6-06; B2006-27, passed 10-24-06; Am. Ord. B2009-11, passed 6-24-09; Am. Ord. B2011-11, passed 6-28-11)

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This Ordinance shall take effect and be in force immediately upon its passage, approval, and publication as required by law.

REPORTS OF STAFF AND COMMITTEES

Councilman Sheckles presented the drafted minutes and provided a brief overview of the Water and Wastewater Committee, which met on January 17, 2018.

Councilman Copeland presented a summary about KLC City Day and City Night.

SIGN ORDINANCE AMENDMENTS

Mayor Heaton explained the need for updating the current sign ordinance and described the factors that prompted the amendments. The changing nature of the distillery business, with many of the larger companies becoming destination locations where the public is entertained and the venue is hospitality focused, has prompted the need for additional signage to address several issues. The larger distilleries, referred to as a “Campus” in the ordinance, are zoned I2 which is the same for all distilleries over 50 acres. They are in need of directional and wayfair signage to correctly route the public, the employees and the delivery drivers. Safely navigating the public around the Campus to the tasting rooms, gift shops and restaurants while still effectively running the distillery is vital. Another category addressed in the amendments is exterior electronic signage. The verbiage used is the same for interior electronic signs that prohibit visual distractions and require static copy for at least a minute before changing. The draft will be placed in the proper ordinance format and presented for First Reading at the next Council meeting.

COUNCIL COMMENTS

Councilman Williams announced there will be a Recreation Committee meeting Thursday, January 25, 2018 at 5:00 p.m. in the Council Chambers.

Councilman Kelley addressed the Boy Scout Troops to explain the process of passing an ordinance and clarify what occurred during this Council meeting.

Councilman Copeland presented information on a grant from the National Trust with a deadline of January 31st, 2018.

CEMETERY DEEDS

THE MOTION TO APPROVE THE CEMETERY DEEDS FOR STACY FESTERVAN, ANGELA CARMICHAEL AND ROGER LEWIS WERE APPROVED BY UNANIMOUS CONSENT.

ADJOURNMENT

COUNCILMAN SHECKLES MOVED TO ADJOURN THE MEETING AT 8:00PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

CITY OF BARDSTOWN

J. Richard Heaton, Mayor

ATTEST:

Mary Riley, City Clerk