

CITY OF BARDSTOWN, KENTUCKY
WORKING SESSION CITY COUNCIL MEETING MINUTES
2-06-2018
5:00 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 - **absent**
Councilman Bill Sheckles
Councilman Roland E. Williams

Others present: City Attorney Tim Butler, City Clerk Mary Riley, Police Chief Kim Kraeszig, HR Director/Risk Manager Greg Ashworth, City Civil Engineer Jessica Filiatreau, Fire Department Chief Billy Mattingly, Fire Department Assistant Chief Charles Montgomery, CFO Tracy Hudson, Electrical Superintendent Jeff Miller, Staff Engineer Eric Richter, Systems Engineer Nahom Ayele, Parks and Recreation Director Daniel Jeffries, Preservation Coordinator RaShae Jennings, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, a reporter from PLG-TV and CEO of Bardstown Bourbon Company David Mandell and colleagues.

The Mayor called the meeting to order and announced that an Executive Session would be called near the end of the meeting pursuant to KRS 61.810(1)(b) Deliberations on the future acquisition or sale of real property by a public agency when publicity would be likely to affect the value of the property.

MINUTES

Two corrections to the minutes were suggested by the Mayor and Councilman Williams. They included removing the word “injured” from the paragraph that summarized the moment of silence for the victims of the shooting at Marshall County High School in Benton, Kentucky. This would confirm recognition of all that suffered as a result of the tragic event, not just those injured. In addition, the description of the electronic signs that are being amended in the Sign Ordinance needed to be reversed to reflect that interior signs were being amended to mirror the guidelines of the exterior electronic signs.

COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE 01-23-2018 REGULAR COUNCIL MEETING MINUTES AS AMENDED. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 5 TO 0.

The minutes of the Street and Solid Waste Committee meeting held on 1/23/2018 along with the minutes of the Recreation Committee meeting held on 1/25/2018 were presented to the Council for review. No vote was required.

FIRST READING OF ORDINANCE B2018-03 CHAPTER 98: SIGN REGULATIONS

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

SUMMARY OF ORDINANCE B2018-03

SIGN REGULATIONS

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED IN ITS ENTIRETY AN ORDINANCE RELATING TO CHAPTER 98 SIGN REGULATIONS OF THE CITY OF BARDSTOWN’S CODE OF ORDINANCES.

Amend Section 98.05 Definitions as follows:

To add definitions of Campus, Campus Directional sign, Campus Master Sign Plan and Open/Closed Window Sign.

To amend the definition of “Window Sign, Interior” to clarify sign types not considered window signs or temporary.

To amend the definition of “Sign Administrator” to clarify that the Mayor of Bardstown designates the sign administrator.

Amend section 98.06 (B) (2) “computation of area of multi-faced signs” to clarify how back to back signs are treated.

Amend section 98.06 (B) (3) (b) to strike “is equal to elevation of the normal grade at the base of the sign” to clarify and applying to calculations of sign height.

Amend section 98.07 (F) to add “Changeable copy and internally illuminated signs are not considered interior window signs”

Amend section 98.10 (E) to clarify and correct the reference to section 98.11 (C) (b) (4)

Amend section 98.11 (B) (2) to strike “interiorly” and add “internally” as related to signs internally illuminated.

Amend section 98.11 signs requiring permits, subsections: (C) (b) (ii) (1) (a) (i); (C) (b) (ii) (1) (b) (i); (C) (b) (ii) (1) (c) (i); and (C) (b) (ii) (1) (d) (i) to add the following language “free standing signs may have two faces provided that the two faces are either parallel to each other or at an angled not greater that 60 degrees.”

Add section 98.11 (C) (b) (ii) (9) “Changeable Copy Window Signs” which provides requirements for those signs so defined limiting the type of display and its ability to distract the motoring public.

Add section 98.11 (C) (b) (ii) (10) “Open/closed Window Signs” to provide requirements and restrictions for signs so defined.

Add section 98.11 (C) (b) (ii) (11) “Campus Signs” to provide for signage to be permitted by way of a campus master signage plan. This section provides for the process of submitting a master sign plan and the criteria under which a master sign plan is evaluated and approved.

Amend section 98.11, subsections (C) (b) (ii) (1) (c) (ii) (c) and (C) (b) (ii) (1) (d) (ii) (c) to strike “seventy” and add “one hundred” square feet as the allowed maximum sign size.

Amend section 98.11 (C) (b) (ii) (5) “Landmark signs, provided” to add subsection (c) “Such signs shall be a substitute for, or in lieu of, one (1) permitted sign for the principal use”

This ordinance will also readopt in full Section 98 “Signs” of the Bardstown Code of Ordinance as amended.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF BARDSTOWN, KENTUCKY:

That from and after the passage, approval, and publication of this Ordinance, Chapter 98: Sign Regulations is amended and readopted in its entirety. (See Attached).

This summary was certified by Timothy Butler, City Attorney.

The complete text of the ordinance is available from the City Clerk at 220 North 5th Street, Bardstown, KY.

SECOND READING OF ORDINANCE B2018-02 CHAPTER 53: WASTEWATER

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] <u>1.71</u>
Chromium, Hexavalent	0.14
Copper	0.74
Cyanide, Amenable	[0.16] <u>0.23</u>
Iron	[25.0]
Lead	0.28
Mercury	0.001
Molybdenum	[0.57] <u>1.49</u>
Nickel	[2.89] <u>1.13</u>
Selenium	[0.14] <u>0.08</u>
Silver	0.43
Zinc	[2.61] <u>1.48</u>

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

Customers Located Outside City Limits

Discharge	Base Debt	/1,000 gal	OM&R Minimum Charge
<u>Service</u>	<u>Debt Service</u>	<u>Charge</u>	
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] 250 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] 250 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.

COUNCILMAN BUCKMAN MOVED TO ADOPT ORDINANNCE B2018-02 CHAPTER 53: WASTEWATER AS READ IN SUMMARY. THE MOTION WAS DULY SECONDED BY CONCILMAN SHECKLES.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

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

MAYOR HEATON THEN DECLARED ORDINANCE NO. B2018-02 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

PLANNING & ZONING RECOMMENDATIONS

City Attorney Butler explained that as a result of legislation adopted in late 2016 by the previous City Council, the process by which Zoning Amendments are approved has changed. Unless a member of the Council elects to address a specific Zoning Map Amendment application, the recommendations of the Planning and Zoning Commission will become effective within 21 days. If a Zoning Amendment is brought before the Council at the request of a Council member, it will take a majority vote of the entire legislative body, or four (4) votes, to over-ride the recommendations presented. At this time, no Council member chose to discuss a specific Zoning Amendment application, therefore allowing the recommendations by the Planning Commission to stand. City Attorney Butler indicated that in the future, City Clerk Riley would distribute the applications to the Council, who will respond to her individually regarding their interest in placing the item on the next Council meeting agenda.

MAYOR’S REPORT

Mayor Heaton shared a large color photo of the proposed monument to be dedicated to the five (5) Fallen Police Officers and two (2) Fallen Police Dogs from Nelson County. Assistant Sheriff Ramon Pineroa explained it will be placed to the left of the Sheriff’s Station on Plaza Drive in an area that will be redone specifically for the placement of the monument. The Mayor recommended that the City match the \$2,788 contribution that was made by the Nelson County Fiscal Court.

UPON MOTION BY CONCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN DONES, THE COUNCIL APPROVED THE CONTRIBUTION OF \$2,788 TO ERECT THE MONUMENT FOR THE FALLEN POLICE OFFICERS WITH THE FUNDS BEING TAKEN FROM BOTH THE COUNCIL’S AND MAYOR’S CONTINGENCY FUNDS. MOTION CARRIED 5 TO 0.

Mayor Heaton announced the Bardstown-Nelson County Tourist and Convention Commission has hired Mike Mangeot as the new Executive Director. Mr. Mangeot brings with him extensive experience in tourism and marketing from his positions in Frankfort, including his most recent position as Commissioner of Travel and Tourism. He has been involved with several state and national tourism related organizations

CEMETERY DEEDS

THE MOTION TO APPROVE THE CEMETERY DEED FOR PRENTISS CALBERT WAS APPROVED BY UNANIMOUS CONSENT.

REAPPOINTMENTS

Mayor Heaton presented the recommendation to reappointment Kevin Smith to the Tourist Commission and Wes Parrish to the Development Review Board.

UPON MOTION BY COUNCILMAN SHECKES, DULY SECONDED BY COUNCILMAN BUCKMAN, KEVIN SMITH WAS REAPPOINTED TO THE TOURIST COMMISSION AND WES PARRISH WAS REAPPOINTED TO THE DEVELOPMENT REVIEW BOARD. EACH APPOINTMENT CARRIES A THREE (3) YEAR TERM. MOTION CARRIED 5 TO 0.

RESOLUTION 2018-02 WESBANCO LEASE-PURCHASE: BREATHING APPARATUSES FOR FIRE DEPARTMENT

Mayor Heaton explained the intention to protect the City’s unrestricted reserves and not spend the full cash amount over the two (2) year term. Instead, the financing of the equipment (230,000) was bid to all banks in the City over a three (3) year term. Chief Financial Officer Hudson briefly discussed the process and City Attorney Butler summarized the details of the Resolution. It was not necessary to read aloud the entire Resolution since the Council had it before them in their meeting material.

UPON MOTION BY COUNCILAM DONES, DULY SECONDED BY COUNCILMAN SHECKLES, THE COUNCIL ADOPTED RESOLUTION 2018-02 AS PRESENTED. MOTION CARRIED 5 TO 0.

PERSONNEL

HR Director/Risk Manager Ashworth reported that a new Police Officer was sworn in last week. Officer Matthew Glass brings 22 (twenty-two) years of experience in law enforcement to the Bardstown Police Department.

EXECUTIVE SESSION

COUNCILMAN WILLIAMS MOVED TO GO INTO EXECUTIVE SESSION PURSUANT TO KRS 61.810(1)(b) DISCUSSIONS ON THE FUTURE ACQUISITION OR SALE OF REAL PROPERTY BY A PUBLIC AGENCY WHEN

PUBLICITY WOULD BE LIKELY TO AFFECT THE VALUE OF THE PROPERTY. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0. Time was 5:38 PM.

COUNCILMAN SHECKLES MOVED TO COME OUT OF EXECUTIVE SESSION AND CONTINUE WITH THE REGULAR MEETING AT 6:18 PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 5 TO 0.

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

ADJOURNMENT

COUNCILMAN WILLIAMS MOVED TO ADJOURN THE MEETING AT 6:19PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0.

CITY OF BARDSTOWN

J. Richard Heaton, Mayor

ATTEST:

Mary Riley, City Clerk