

**CITY OF BARDSTOWN, KENTUCKY  
WORKING SESSION CITY COUNCIL MEETING MINUTES  
3-06-2018  
5:01 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, City Clerk Mary Riley, Assistant Police Chief Kevin Thompson, City Civil Engineer Jessica Filiatreau, Assistant Fire Chief Charles Montgomery, CFO Tracy Hudson, Staff Engineer Eric Richter, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, PLG-TV Reporter Matt Gordon and citizens Nick Kipper and Janet Tonge.

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**

**THE MINUTES OF THE 2-27-2018 REGULAR COUNCIL MEETING WERE PRESENTED AND APPROVED BY UNANIMOUS CONSENT.**

The minutes of the Tree Board meeting held on 2/26/2018 were presented to the Council.

**SECOND READING OF ORDINANCE B2018-04 CHAPTER 156: DRAINAGE CONTROL**

City Attorney Butler read the following:

**ORDINANCE NO. 2018-04**

**AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 156 DRAINAGE CONTROL 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 156: DRAINAGE CONTROL, Section Bonds, Maintenance, Assurances, and Fees, subsection 156.32 Fees and Security of the City of Bardstown's Code of Ordinances as follows:

**BONDS, MAINTENANCE, ASSURANCES, AND FEES**

**§ 156.32 FEES AND SECURITY.**

(A) [~~Land disturbance permit.~~] **Permits**

(1) **Land Disturbance Permit. A Land Disturbance Permit must be obtained from the Office of the City Engineer when land disturbance activities are to be performed for sites as defined per the City Engineering Department's Fee Schedule for Encroachment Work and Land Disturbance Activities, hereafter referred to as "Fee Schedule."** [~~A minimum performance bond of \$500 shall accompany the submittal of each land disturbance permit as required. This bond is fully refundable provided the entrance and all improvements are constructed as specified on the permit and the approved improvement plans. All areas within the public right-of-way and stormwater facilities must have vegetation established and functioning as designed before releasing the bond. This includes certifications for detention ponds and other control facilities as required. If installation of sidewalk along the public street is required, the bond amount shall include the value of the sidewalk at a minimum of \$10 per linear foot of walk. All sidewalks must meet ADA requirements.~~]

(2) [~~Moved from (B)~~] **Encroachment Permit[s]. An encroachment permit must be obtained from the Office of the City Engineer when any work is to be performed in the city right-of-way [from the Office of the City Engineer]. The permit shall cover only one specified [piece of work] encroachment activity. Such right-of-way encroachments include permanent or temporary entrances, installation or repair of sidewalks, curb cuts, ditch work, or any other activities in the public right-of-way that may impact proper drainage or damage public infrastructure.** A drawing, sketch, and/or description of the work shall be provided. [~~The applicant must provide security in the form of a bond, or certified check for the work in the amount not less than \$2,000 and shall cover the cost to put the right-of-way and/or street and its appurtenances back to its original condition. A representative from the city shall inspect the completed work and accept it prior to returning the indemnity.~~] All work must be done in

accordance with all city ordinances, regulations, and standards. Refer to Chapter 96: Streets, Curbs, and Sidewalks for more information. Future maintenance of the encroachment is the responsibility of the permit holder.

~~[(2)]~~ **(3) Time Frame.** The permit holder shall have 12 months (one year) ~~[time]~~ from date of permit ~~[issue]~~ **issuance** to construct the entrance, **encroachments**, and/or land disturbing activities in accordance with the permit. Failure to complete the work properly within this one-year time frame shall be reasons for forfeiture of the bond. If the work is not completed properly within the one-year time frame, no further permits will be issued to the permit holder until the property comes into compliance with this ordinance. **Extensions may be approved by the City Engineer or designee.**

**(4) Bonds. A minimum performance bond shall accompany the submittal of each permit as required. Bond values shall be no less than \$500 as described in the Fee Schedule and shall be an amount sufficient enough to cover the cost of the improvements as approved by the City Engineer. Such items to be bonded may include, but are not limited to, erosion control measures and their maintenance, construction of stormwater facilities as described in this chapter, all encroachment work including entrances, sidewalks, curb cuts, utility crossings, etc. The bond is fully refundable provided all improvements are constructed as specified on the permit and the approved improvement plans. The design engineer shall submit certifications for detention ponds and other control facilities, as required, to the Office of the City Engineer. A representative from the City shall inspect the completed work to ensure all areas within the public right-of-way and stormwater facilities have vegetation established and are functioning as designed before releasing the bond.**

~~[(3)]~~ **(5) Permit Fees.** All land disturbance **and encroachment** permits shall have ~~[an Administrative Fee as follows with a minimum fee of \$10:]~~ **a Permit Fee to cover administrative and inspection costs shall be not less than \$50 and no more than \$5,000. All Permit Fees are due at the time of application and shall be assessed according to the Fee Schedule.**

~~[(a) Non-living/Non-commercial areas \_\_\_\_\_ \$10  
\_\_\_\_\_(i.e. Decks, garages, storage bldgs.  
\_\_\_\_and the like) \_\_\_\_\_ no bond required]~~

~~[(b) Mobile home/Residential living area \_\_\_\_\_ \$50  
\_\_\_\_additions/commercial (up to 5,000 sq. ft.)]~~

~~[(c) Residential/Commercial (greater than \_\_\_\_\_ \$100  
\_\_\_\_5,000 sq. ft.)]~~

**(6) Late Fee. A Late Fee shall be assessed to permits when construction activities begin prior to the Land Disturbance Permit being issued. The Late Fee shall be equal and in addition to the original Permit Fee (i.e. Late Fee = Original Permit Fee; Revised Permit Fee = Late Fee + Original Permit Fee).**

~~[(B) [Moved to (A) (2)] Review Fees. Projects that must go through the plan review process shall be charged a Review Fee per the Fee Schedule. Review fees shall be not less than \$50 and no more than \$5,000. All Review Fees are due at the time of plan submittal. No permits shall be issued until all review fees have been paid. [Encroachment permits. An encroachment permit must be obtained when any work is to be performed in the city right of way from the Office of the City Engineer. The permit shall cover only one specified piece of work. A drawing, sketch, and/or description of the work shall be provided. The applicant must provide security in the form of a bond, or certified check for the work in the amount not less than \$2,000 and shall cover the cost to put the right of way and/or street and its appurtenances back to its original condition. A representative from the city shall inspect the completed work and accept it prior to returning the indemnity. All work must be done in accordance with all city ordinances, regulations, and standards. Future maintenance of the encroachment is the responsibility of the permit holder.]]~~

**(1) For new residential, commercial, and industrial developments that require a SWPPP and/or SWMP per this ordinance, review fees shall be assessed according to the Fee Schedule.**

**(2) Review of development plans where infrastructure will be taken over by the City of Bardstown and become part of the public road and/or utility systems (i.e. water, sewer, street, etc.), additional plan review fees shall be assessed according to the Fee Schedule.**

**(3) Resubmittal Fee. Incomplete plans and/or submittal packages will not be reviewed until all required documents have been received by the City. Plans and/or documents of the submittal package requiring major revisions may be assessed a Resubmittal Fee equal to one half (1/2) the original Review Fee. Revisions that take place after approval and issuance of the Land Disturbance Permit may be assessed the same Resubmittal Fee.**

**(C) Recording Fees. For sites that require documents to be recorded by the Nelson County Clerk's office, recording fees will be charged per the Nelson County Clerk's Fee Schedule for Land Records. Such documents may include, but are not limited to, deed of easements, maintenance agreements, subdivision agreements, etc. The City will handle recording on behalf of the permittee and will collect fees at the time of plan submittal.**

~~(C)~~ **(D)** Establishment of storm water management fund.

(2) All revenues collected from the storm water management fee from grants, permit fees, and other charges collected under the Storm Water Management Program, shall be deposited to the Fund. The City Council may make additional appropriations to the Fund. All disbursements from the Fund shall be for the purposes of the Fund as set forth in division ~~(D)~~ **E**.

~~(D)~~ **(E) Purposes of the Fund. The Fund shall be used for the following purposes:**

(Ord. 432, passed 5-16-90; Am. Ord. B2006-8, passed 5-23-06; Am. Ord. B2011-19, passed 9-27-11)

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.

I certify that this summary was prepared by Timothy Butler, City Attorney.

**COUNCILMAN WILLIAMS MOVED TO ADOPT ORDINANCE B2018-04 CHAPTER 156: DRAINAGE CONTROL AS READ IN SUMMARY. THE MOTION WAS DULY SECONDED BY CONCILMAN BUCKMAN.**

**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. B2018-04 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. \_\_\_\_\_.**

**SECOND READING OF ORDINANCE B2018-05 CHAPTER 51: SOLID WASTE MANAGEMENT**

City Attorney Butler read the following:

**ORDINANCE NO. B2018-05**

**AN ORDINANCE AMENDING AND ADOPTING AS AMENDED SECTION 51.02 STORAGE OF SOLID WASTE (C); SECTION 51.03 COLLECTION OF SOLID WASTE (A)(1), (D)(2), and (J); AND SECTION 51.09 FEES/CHARGES (C) OF CHAPTER 51: SOLID WASTE MANAGEMENT, OF THE CITY OF BARDSTOWN CODE OF ORDINANCES.**

**NOW THEREFORE, BE IT ORDAINED** by the City of Bardstown, Kentucky, that Sections 51.02 and 51.03, be amended as follows:

**§ 51.02 STORAGE OF SOLID WASTE**

(C) Standards for residential storage containers. Residential solid waste containers shall be containers of not more than 35 gallons nor less than ten gallons in nominal capacity. **The weight of any container and its contents shall not exceed 40 pounds. Containers that are larger than that described above will not be lifted therefore all waste must be bagged. No loose material will be picked up.** Containers shall be leak proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable devices or features that facilitate lifting and deposit into the collection vehicle. Disposable solid waste containers may be used for yard waste only, and shall be disposable plastic or paper bags with a capacity of ten to 35 gallons. All solid waste containers shall be of a type originally designed and manufactured for outdoor storage of solid waste.

**§ 51.03 COLLECTION OF SOLID WASTE**

(A) City responsibility defined. The city shall provide for the collection of solid waste as follows:

(1) The city provides normal curbside solid waste collection, special bulky item pickup, tree limb pickup, and leaf collection. Loose leaves are collected during a publicly announced and defined time period in the Fall, as needed. ~~[Recyclable cardboard is collected at three designated locations; Public Parking Lot on West Flaget Avenue, Farmer's Market Lot on East Flaget Avenue and the]~~ **Recyclable items are collected at the** Guthrie Opportunity Center on Nutter Drive during business hours.

(D) City solid waste collection services and items that shall be placed at the collection point for each service.

(2) Special bulky rubbish and tree limb collection. Customers must call City Hall to request tree limbs or bulky item pickup. Tree limbs shall be no larger than six (6) inches in diameter and ten (10) feet long. Neither tree limbs nor bulky rubbish waste material shall be stacked in more than one pile that exceeds four (4) cubic yards which is approximately the size of a pickup load. Such items shall be placed at the collection point only on the regularly scheduled day of the week for normal collection. Bulky items or yard waste shall not be picked up from alleyways except where alleyways are wider than ten (10) feet. In the event of a storm related emergency the Mayor may order an exception to the quantity and weight limits stated above. The duration of the emergency status shall be defined by the Mayor or by the City Council as necessary.

**(a.) The intent of the bulky rubbish collection service is to pick-up the occasional broken appliance or furniture item NOT to relieve any renter, land lord, or property owner the responsibility of moving unwanted or left items from a move or eviction. No set-outs will be picked up. See (K) Solid waste subject to specific rules.**

**(b.) Tree limbs collection is intended for typical landscaping maintenance, broken limbs after a storm, minor trimming etc. The service is not to be used to remove debris from major tree trimming activities, whole tree removal, or relieve a professional tree service the responsibility of hauling away that which has been cut.**

(J) Prohibitions. The following items shall not be deposited in solid waste containers and shall not be collected by the city:

- (1) Hazardous waste such as syringes, used needles, vials or petroleum products;
- (2) Liquid waste such as paint, poisons, acids, explosives, caustics, infectious or biohazard waste materials;
- (3) Tires or car parts;
- ~~(3)~~ **(4) Construction and demolition waste of such size and weight that would cause damage to equipment, such as rolls of carpet or pads;**
- (5) Batteries; and
- (6) Any burning or smoldering materials;
- (7) Items left by tenants or eviction;**
- (8) Professional cut tree limbs, trunks, root balls, etc.**

§ 51.09 FEES/CHARGES

**(C) Cardboard Collection. The City has added the service of cardboard collection for businesses. The City will rent 9 yard cardboard containers to businesses and charge for each pickup. The following collection rates are based upon emptying the cardboard container and delivering the cardboard to the recycling center.**

**Monthly Cardboard Rental Fee = \$5.42**

|                                |                                      |
|--------------------------------|--------------------------------------|
| <b><u>Pickups per week</u></b> | <b><u>Monthly Collection Fee</u></b> |
|--------------------------------|--------------------------------------|

|                 |                        |
|-----------------|------------------------|
| <b><u>1</u></b> | <b><u>\$70.02</u></b>  |
| <b><u>2</u></b> | <b><u>\$140.05</u></b> |
| <b><u>3</u></b> | <b><u>\$210.07</u></b> |

**Cost per pickup = \$16.28**

- (1) The cardboard must be broken down and stacked neatly into the containers. No trash is permitted to be disposed of in the cardboard container. Excessive trash may lead to added charges. SEE CLASS V EXTRA LABOR FEE in this section.**
- (2) The availability of cardboard containers may determine the ability of service. All revenue from the sale of the collected cardboard goes to Communicare. Other policies may be adopted to maintain and improve the collaborative cardboard recycling efforts.**

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.

I certify that this summary was prepared by Timothy Butler, City Attorney.

**COUNCILMAN SHECKLES MOVED TO ADOPT ORDINANCE B2018-05 CHAPTER 51: SOLID WASTE MANAGEMENT AS READ IN SUMMARY. THE MOTION WAS DULY SECONDED BY CONCILMAN WILLIAMS.**

**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. B2018-05 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. \_\_\_\_\_.**

**ELECTRIC DISTRIBUTION TRANSFORMER BID**

Staff Engineer Richter provided an overview of the transformers being quoted, to include residential and commercial. He discussed the specific projects and also the overall growth of the City that has created the need for additional transformers, and he explained the recommendations being made due to price versus quality.

**UPON MOTION BY COUNCILMAN KELLEY, DULY SECTIONDED BY COUNCILMAN DONES, THE COUNCIL APPROVED THE RECOMMENDATION OF BROWNSTOWN AND CAPE ELECTRIC AS THE AWARDED BIDDERS FOR THE ELECTRIC DISTRIBUTION TRANSFORMER BID. MOTION CARRIED 6 TO 0.**

**RIGHT-OF-WAY IMPROVEMENT REQUEST – GOOSEBERRY ALLEY OFF SOUTH 2<sup>ND</sup> STREET**

Mayor Heaton explained the improvement project on Gooseberry Alley, off South 2<sup>nd</sup> Street that would improve access to a new parking lot being added to the Red Rose Inn Bed & Breakfast, located at 209 East Stephen Foster Avenue.

**UPON MOTION BY COUNCILMAN DONES, DULY SECTIONDED BY COUNCILMAN KELLEY, THE COUNCIL APPROVED THE REQUEST BY DAVID AND SUSAN HURST, THE OWNERS OF THE RED ROSE INN, TO MAKE IMPROVEMENTS IN THE CITY’S RIGHT-OF-WAY ON GOOSEBERRY ALLEY OFF SOUTH 2<sup>ND</sup> STREET. MOTION CARRIED 6 TO 0.**

**COUNCIL COMMENTS**

Councilman Copeland reported that March is Women's History Month and asked the Mayor and City Council to join the National Foundation for Women Legislators (NFWL) in Celebrating Women in Public Office Day on March 19. There is a proclamation template that the City can customize and adopt to show support for this cause.

Councilman Copeland also shared information about a program called Fresh Stop Market that helps people gain access to fresh fruits and vegetables. Customers can pre-pay and that allows farmers to be paid in advance, reducing the risk they have with other farmers markets. Payment can be made using the WIC supplemental nutrition program and also the SNAP – food stamps assistance program. Councilman Copeland will be picking up pre-ordered bags of food for anyone who wants to participate. Her goal is to establish the program in the City of Bardstown.

**MAYOR’S REPORT**

Mayor Heaton discussed the recent announcement of the closure of the American Greetings plant in February 2019. While layoffs had already been announced for March and April, the complete closure of the plant that employees over 400 people came as quite a shock to the community. According to the plant manager, the loss of a major contract with the Dollar Tree was the catalyst for the closure. Mayor Heaton reminded the community that the majority of the employees will have a year to prepare for the closure, and that many new companies were expanding or opening in Nelson County that would equate to a demand for skilled industrial workers. He listed several distilleries and automobile manufacturers that were expanding or opening in the next month. While the Mayor spoke of this plant closure as terrible news, he also believes that there will be people in the coming months that will be grateful there is a viable workforce available.

**REAPPOINTMENTS**

**UPON MOTION BY COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN KELLEY, AND CARRIED BY A VOTE OF 6 TO 0, GUTHRIE MCKAY WAS REAPPOINTED TO THE CABLE TV PROGRAMMING COMMITTEE FOR A THREE (3) YEAR TERM.**

UPON MOTION BY COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN COPELAND, AND CARRIED BY A VOTE OF 6 TO 0, CLARA MACKIN FULKERSON WAS REAPPOINTED TO THE WICKLAND BOARD FOR A ONE (1) YEAR TERM.

**CEMETERY DEEDS**

THE CEMETERY DEEDS FOR MICHAEL WILLIAMS AND MARY LARKIN WERE APPROVED BY UNANIMOUS CONSENT.

**FIRST READING OF ORDINANCE B2018-06 CLASSIFICATION AND COMPENSATION PLAN**

Councilman Williams introduced Ordinance B2018-06 and asked it to be read aloud. City Attorney Butler read the following summary:

**SUMMARY OF ORDINANCE B2018-06**

**AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE STYLED: “AN ORDINANCE CREATING CLASSIFICATION PLAN AND COMPENSATION PLAN.”**

This Ordinance amends Ordinance B2016-10, B2016-15, B2017-11, B2017-14, B2018-01 and CHAPTER 35, EMPLOYMENT POLICIES, THE **CLASSIFICATION PLAN AND COMPENSATION PLAN** of the municipal code by: amending the number of Authorized Positions, their title and pay grade and setting the ranges for pay grades for City employees for Fiscal year 2017-2018 and subsequent years.

The amendments and additions reflecting number of positions, title, and pay grade respectively are:

POLICE DEPARTMENT:

| # of Positions     | Title                                                           | Grade            |
|--------------------|-----------------------------------------------------------------|------------------|
| [1] <del>(2)</del> | Administrative Assistant / Property Room Technician (Part-Time) | 106              |
| [1]                | <del>[Crime Scene Technician (Part-Time)]</del>                 | <del>[105]</del> |

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

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

I certify that this summary was prepared by Timothy Butler, City Attorney.

**EXECUTIVE SESSION**

**COUNCILMAN SHECKLES 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 COPELAND AND CARRIED BY A VOTE OF 6 TO 0. TIME WAS 5:45 PM.**

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

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

**ADJOURNMENT**

**COUNCILMAN SHECKLES MOVED TO ADJOURN THE MEETING AT 6:35PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 6 TO 0.**

CITY OF BARDSTOWN

\_\_\_\_\_  
J. Richard Heaton, Mayor

ATTEST:

\_\_\_\_\_  
Mary Riley, City Clerk