

**CITY OF BARDSTOWN, KENTUCKY**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**8/28/2018**  
**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, City Clerk Mary Riley, HR Director/Risk Manager Greg Ashworth, Police Chief Kim Kraeszig, Fire Chief Billy Mattingly, Police Officer Michael Clark and members of his family, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, PLG-TV reporter Matt Gordon, Pat Whelan, Frankie Hibbs III, Carmel Bowman, Michelle Hundley and Boy Scout Kobi Sparks.

**SWEARING IN OF POLICE OFFICER MICHAEL CLARK**

Police Chief Kraeszig introduced Officer Clark, sharing that he comes to the Bardstown Police Department with twelve (12) years of experience with the Nelson County Sheriff's Department. Officer Clark stated that he was excited to be here and grateful to Mayor Heaton and Chief Kraeszig for the opportunity to continue his law enforcement career.

Mayor Heaton administered the Oath of Office to Police Officer Clark which was followed by congratulatory applause.

**INPUT FROM THE PUBLIC**

Citizen Carmel Bowman addressed the Mayor and Council in regard to what she believes is a safety issue for students and pedestrians in the area of Templin Avenue and North 5<sup>th</sup> Street. She provided several examples of issues she has witnessed herself by spending time in the area and issues others have experienced. She is committed to finding a solution, one that can be immediate or temporary that would lead to a permanent solution. Bringing together the City, the school system and the state would be the ideal way to resolve the issue, she believes. Police Chief Kraeszig explained that Captain Seeyle handled the transportation detail with Louisville Metro Police and has made efforts research and address this issue. Discussion continued about possible solutions. Mayor Heaton indicated the State Transportation Cabinet would need to conduct a traffic study for a possible three-way stop sign at that intersection. Everyone agreed that this was a valid issue that needed to be addressed.

**HISTORICAL REVIEW BOARD**

The following recommendation from the Bardstown Historical Review Board was presented:

- (a) COA-18-114. Don Parrish, Applicant/Owner, requests to remove trees at 205 West Flaget Avenue.  
Recommendation: Approval to remove the proposed trees.  
**Conditions: The applicant will get staff approval for the tree to be replaced and that the second tree will not be replaced because it is right on the fence line and obstructing power lines.**
- (b) COA-18-115. Don Parrish, Applicant, Saint Joseph Parish, Owner, requests to remove trees at 310 West Stephen Foster Avenue.  
Recommendation: Approval to remove the proposed trees.  
**Conditions: The application only pertains to the removal of 14 trees, not the installation of the parking lot and the design of the parking lot.**
- (c) COA-18-116. Rick and Natalie McKay, Applicants/Owners, request to add landscaping at 214 East Flaget Avenue.  
Recommendation: Approval to add the proposed landscaping.  
**Condition: The final design of the landscape plan will be staff approved.**
- ~~(d) COA-18-117 was discussed and reviewed at a later time in the meeting.~~
- (e) COA-18-118. Derek Hutchins, Applicant/Owner, requests to add awnings at 114 North 3<sup>rd</sup> Street.  
Recommendation: Approval to install the proposed awnings.
- (f) COA-18-119. Derek Hutchins, Applicant/Owner, requests to paint the building at 114 North 3<sup>rd</sup> Street.  
Recommendation: Approval to paint the building the proposed colors.  
**Conditions: That the applicant would consider Gentleman's Gray and that the final paint color will be staff approved**

- (g) COA-18-120. James Beavers, Applicant/Owner, requests to paint the structure and features at 227 North 3<sup>rd</sup> Street.  
Recommendation: Approval to paint the building and features the proposed colors.
- (h) COA-18-121. James Beavers, Applicant/Owner, requests to remove a tree stump and add landscaping at 227 North 3<sup>rd</sup> Street.  
Recommendation: Approval to remove the tree stump and add the proposed landscaping.
- (i) COA-18-122. James Beavers, Applicant/Owner, requests to remove windows at 227 North 3<sup>rd</sup> Street.  
Recommendation: Approval to remove the windows proposed in the application.
- (j) COA-18-123. James Beavers, Applicant/Owner, requests to add siding to an addition at 227 North 3<sup>rd</sup> Street.  
Recommendation: Approval to add the proposed siding.  
**Conditions: As the siding is being removed, check with the preservation coordinator to see if any aspect of the siding can be saved underneath. If not, then the smooth side HardiePlank 4 inches or what is closest to the original size of the siding would be allowed.**
- (k) COA-18-124. David and Lisa Woody Applicant/Owner, request to repair and paint the shutters at 313 North 3<sup>rd</sup> Street.  
Recommendation: Approval to repair the shutters, gutters, and paint the building the same colors.

**COUNCILMAN DONES MADE A MOTION TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #18-114, #18-115, #18-116, #18-118, #18-119, #18-120, #18-121, #18-122, #18-123 AND #18-124 WITH THE CONDITIONS SET FORTH BY THE HRB. HIS MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.**

Councilman Buckman recused himself and left the room at 7:36pm.

- (d) COA-18-117. JTD Holdings, Applicant/Owner, requests to add a wood garbage storage bin at 202 South 3<sup>rd</sup> Street.  
Recommendation: Approval to install the proposed garbage bin.  
**Condition: The design of the garbage pen holder is the amended design that was proposed to the board and that it will be painted to match the color of the house.**

**COUNCILMAN KELLEY MADE A MOTION TO ACCEPT THE RECOMMENDATION FROM THE HISTORICAL REVIEW BOARD FOR COA #18-117, WITH THE CONDITIONS SET FORTH BY THE HRB. HIS MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 5 TO 0.**

Councilman Buckman returned to the meeting at 7:37pm.

**AMENDMENT TO ZONING SECTION 7.2 – MANUFACTURED HOME SUBDIVISION DISTRICT**

City Attorney Butler explained the difference between a mobile home park and a mobile home subdivision. This minimal change to the zoning ordinance would remove the restriction of having a dimensional width of eighteen (18) feet when finished. The change will be presented in ordinance form at the next meeting.

**MINUTES**

**THE MINUTES FOR THE 8/14/2018 REGULAR COUNCIL MEETING WERE APPROVED BY UNANIMOUS CONSENT.**

**FIRST READING OF ORDINANCE B2018 – CHAPTER 114 ALCOHOLIC BEVERAGES**

Councilman Sheckles introduced the ordinance that would update and clarify the various liquor licenses offered by the City. Attorney Butler gave the first reading. No votes were taken.

**FIRST READING OF ORDINANCE B2018 – PROPERTY TAX RATE**

Councilman Williams introduced the ordinance that would establish the property tax rate to be levied on personal and tangible property in 2018. Attorney Butler gave the first reading. A public hearing is required to be held prior to the Second Reading of this ordinance. The hearing is scheduled for Tuesday, September 11, 2018, immediately prior to the regularly scheduled council meeting. No votes were taken.

**SECOND READING OF ORDINANCE B2018-15 REPEALING OF CODE ENFORCEMENT BOARD**

City Attorney Butler read the following ordinance in full:

**ORDINANCE NO. B2018-15**

**AN ORDINANCE REPEALING IN ITS ENTIRETY AN ORDINANCE STYLED: CODE ENFORCEMENT BOARD.**

**WHEREAS**, on November 10, 2015 Ordinance number B2015-28 was adopted and provided for the creation of a code enforcement board for the City of Bardstown as well as providing administrative and procedural guidelines for enforcement actions and proceedings before said code enforcement board; and

**WHEREAS**, enabling legislation under Kentucky Revised Statutes has been amended since the adoption of the above referenced ordinance without those changes being incorporated into the ordinance; and

**WHEREAS**, the City of Bardstown’s Code Enforcement Board as originally constituted no longer has a quorum of members, and

**WHEREAS**, the need for regulatory enforcement through a code enforcement board has not been as efficient or effective as anticipated in terms of generating regulatory compliance and thus the need for such enforcement through a code enforcement board is not as desirable or necessary as when the ordinance was originally adopted.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Bardstown, that the Code Enforcement Board ordinance, enacted on November 10, 2015, and any and all amendments enacted regarding that ordinance are hereby repealed in their entirety, and the Bardstown Code Enforcement Board designated thereunder hereby dissolved.

All ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict.

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

**COUNCILMAN SHECKLES MOVED TO ADOPT ORDINANCE B2018-15 AS READ IN FULL. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND.**

**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. B2018-15 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. \_\_\_\_\_.**

**SECOND READING OF ORDINANCE B2018-16 REPEALING OF CODE ENFORCEMENT CIVIL PENALTIES OR FINES**

City Attorney Butler read a summary of the ordinance. The full ordinance is provided below.

**ORDINANCE NO. B2018-16**

**AN ORDINANCE REPEALING B2015-29 ANIMALS, B2015-30 DRAINAGE CONTROL, B2015-31 NUISANCES, B2015-32 OCCUPATIONAL LICENSES, B2015-33 PROPERTY MAINTENANCE, B2015-34 SIGNS, B2015-35 SOLID WASTE MANAGEMENT AND AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 51 SOLID WASTE MANAGEMENT, CHAPTER 90 ANIMALS, CHAPTER 94 NUISANCES, CHAPTER 98 SIGNS, CHAPTER 117 OCCUPATIONAL LICENSES, CHAPTER 155 PROPERTY MAINTENACE, AND 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 51: Solid Waste Management, Section 51.99 Penalty, CHAPTER 90: Animals, Section 90.99 Penalty, CHAPTER 94: Nuisances, Section 94.99 Penalty, CHAPTER 98: Signs, Section 98.99(D) Penalties, CHAPTER 117: Occupational Licenses, Section 117.99 Penalties, CHAPTER 155: Property

Maintenance, Section PM-106.2. Penalty, and CHAPTER 156: Drainage Control, Section 156.99 Penalty of the City of Bardstown's Code of Ordinances as follows:

**§ 51.99 PENALTY.**

Any person who shall violate any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than \$50 and not more than \$250; provided, that each days' violation thereof shall be a separate offense for the purpose hereof. Violators of this chapter may be issued a citation by the officer in charge of enforcement. ~~[In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in §§ 34.20 through 34.33 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense.]~~

(Ord. B2005-22, passed 7-26-05; Am. Ord. B2015-35, passed 12-8-15)

**§ 90.99 PENALTY.**

(A) Any person, firm, or corporation violating the provisions of §§ 90.10 and 90.24 shall be deemed guilty of a violation and shall be subject to a fine of not less than \$10 nor more than \$100 for each offense, and each day that the violation continues shall constitute a separate offense. Violators of this chapter may be issued a citation by the officer in charge of enforcement. ~~[In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided in §§ 34.20 through 34.33 in the amount of no less than \$25 nor more than \$100 for the first offense, no less than \$50 nor more than \$200 for the second offense and no less than \$100 nor more than \$300 for any subsequent offense.]~~

(B) Sections 90.01 through 90.03, 90.11 through 90.13, and 90.20 through 90.23 shall be enforced by citation issued to the owners of any dogs not under restraint, or the owner of any animal is in violation of the above listed sections of this chapter. If any violation continues, each day the violation continues shall be deemed a separate offense and shall be separately disposed of in the manner set out above. Upon conviction for a first offense, the penalty shall constitute and be prescribed as a violation, subject to a fine of not more than \$250. Second and subsequent offenses shall constitute and be prescribed as a misdemeanor, subject to a fine of not more than \$250, imprisonment not exceeding 90 days, or both. Violators of this chapter may be issued a citation by the officer in charge of enforcement. ~~[In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided in §§ 34.20 through 34.33 in the amount of no less than \$25 nor more than \$100 for the first offense, no less than \$50 nor more than \$200 for the second offense and no less than \$100 nor more than \$300 for any subsequent offense.]~~

(Ord. 162, passed 7-11-78; Am. Ord. B2015-29, passed 12-8-15)

**§ 94.99 PENALTY.**

(A) Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, on conviction thereof, be fined not less than \$10 nor more than \$500 or imprisoned for not more than 30 days or both, and in addition shall pay all costs and expenses involved in the case. Each day a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking any other lawful action as is necessary to prevent or remedy any violation. Violators of this chapter may be issued a citation by the officer in charge of enforcement. ~~[In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in §§ 34.20 through 34.33 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense.]~~

(B) Violators of this chapter may be issued a citation by the officer in charge of enforcement. ~~[In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in §§ 34.20 through 34.33 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense.]~~

(Ord. 654, passed - - ; Am. Ord. 729, passed 8-24-01; Am. Ord. 777, passed 7-8-03; Am. Ord. B2015-31, passed 12-8-15)

**98.99(D) Penalties.**

(1) Violation of the provisions of the chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$50 nor more than \$500. Each day such violation continues shall be considered a separate offense. Violators of this chapter may be issued a citation by the officer in charge of enforcement. ~~[In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in §§ 34.20 through 34.33 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense.]~~

(Ord. B2008-13, passed 8-12-08; Am. Ord. B2015-34, passed 12-8-15)

**§ 117.99 PENALTY**

(E) The city may enforce the collection of the occupational tax due under § 117.03 and any fees, penalties, and interest as provided in divisions (A), (B), (C), and (D) of this section by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this chapter. Violators of this chapter may be issued a citation by the officer in charge of enforcement. ~~[In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in §§ 34.20 through 34.33 in the amount of no less than \$50 nor more than \$200 for the first offense, no less than \$75 nor more than \$250 for the second offense and no less than \$100 nor more than \$300 for any subsequent offense.]~~

(Ord. B2011-12, passed 8-2-11; Am. Ord. B2015-32, passed 12-8-15)

**§ 155.02 ADDITIONS, INSERTIONS AND CHANGES BY THE BUILDING OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL, INC.**

**Section PM-106.2. PENALTY**

Any person found guilty of a violation of any provision of this chapter shall be guilty of a Class B misdemeanor. Violators of this chapter may be issued a citation by the officer in charge of enforcement. ~~[In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided in §§ 34.20 through 34.33 in the amount of no less than \$50 nor more than \$150 for the first offense, no less than \$75 nor more than \$200 for the second offense and no less than \$100 nor more than \$250 for any subsequent offense.]~~

(Ord. 572, passed 2-14-95; Am. Ord. B2015-33, passed 12-8-15)

**§ 156.99 PENALTY.**

Any person, firm, or corporation who violates or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than \$25, nor more than \$250, and in addition shall pay all costs and expenses involved in the case. Violators of this chapter may be issued a citation by the officer in charge of enforcement. ~~[In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided in §§ 34.20 through 34.33 in the amount of no less than \$50 nor more than \$150 for the first offense, no less than \$75 nor more than \$200 for the second offense and no less than \$100 nor more than \$250 for any subsequent offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.]~~

(Ord. 432, passed 5-16-90; Am. Ord. B2006-8, passed 5-23-06; Am. Ord. B2011-19, passed 9-27-11; Am. Ord. B2015-30, passed 12-8-15)

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 DONES MOVED TO ADOPT ORDINANCE B2018-16 AS READ IN FULL. THE MOTION WAS DULY SECONDED BY COUNCILMAN 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. B2018-16 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. \_\_\_\_\_.**

**SECOND READING OF ORDINANCE B2018-17 CLASSIFICATION AND COMPENSATION PLAN**

Mayor Heaton and HR Director/Risk Manager Ashworth explained that since there were at least two more additions to the ordinance that are ready to be added, it would be most efficient to table the ordinance for now. Once the new positions are added, the ordinance can be presented to the Council for First Reading. This will save taxpayer dollars by only having one publication in the newspaper, as opposed to two.

**COUNCILMAN KELLEY MADE A MOTION TO TABLE ORDINANCE B2018-17. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 6 TO 0.**

**TAX ASSESSMENT MORATORIUM – 204 EAST STEPHEN FOSTER AVENUE**

**COUNCILMAN KELLEY MADE A MOTION TO APPROVE THE TAX ASSESSMENT MORATORIUM FOR THE PROPERTY LOCATED AT 204 EAST STEPHEN FOSTER AVENUE. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.**

**COUNCIL COMMENTS**

Councilman Buckman shared that the Historic Review Board (HRB) voted to move the deadline to submit a Certificate of Appropriateness (COA) application to the first business day of the month. This change will not go into effect until January 2019.

Councilman Copeland explained that she had served as an Ambassador to Bardstown for the Kentucky Mainstreet Directors Conference that Bardstown hosted the previous week. Lisa Thompson with the National Trust toured the Historic District and was quite impressed with the community, also providing suggestions based on her position and experience.

**ADJOURNMENT**

**COUNCILMAN SHECKLES MOVED TO ADJOURN THE MEETING AT 8:16 PM. 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