

**CITY OF BARDSTOWN, KENTUCKY  
WORKING SESSION CITY COUNCIL MEETING MINUTES  
8-7-2018  
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  
Councilman Bill Sheckles  
Councilman Roland E. Williams

Others present: City Attorney Tim Butler, City Clerk Mary Riley, Director of Parks and Recreation Daniel Jeffries, City Civil Engineer Jessica Filiatreau, Police Captain Kevin Thompson, Fire Chief Billy Mattingly, Kentucky Bourbon Festival Executive Director Jill Hawkins, Nelson County Gazette Reporter Elijah Brooks, The Kentucky Standard Reporter Randy Patrick, PLG-TV Reporter Matt Gordon, and citizen Betty Kelley Hart.

**MINUTES**

**THE MINUTES FROM THE 7-24-2018 REGULAR COUNCIL MEETING AND THE 7-30-2018 PUBLIC HEARING WERE APPROVED BY UNANIMOUS CONSENT.**

**KENTUCKY BOURBON FESTIVAL 2018 STREET CLOSURE REQUEST & LAWN LAYOUT**

**UPON MOTION BY COUNCILMAN KELLEY, DULY SECONDED BY COUNCILMAN COPELAND, THE 2018 KENTUCKY BOURBON FESTIVAL STREET CLOSURE REQUEST AND LAWN LAYOUT WAS APPROVED. MOTION CARRIED 6 TO 0.**

**RECREATION DEPARTMENT GYMNASIUM HVAC UNIT BID ON 8-6-2018**

**COUNCILMAN WILLIAMS MADE A MOTION TO ACCEPT THE RECOMMENDATION TO AWARD THE GYMNASIUM HVAC UNIT BID TO FRANK’S HEATING AND AIR COMPANY. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.**

**2018 STREET RESURFACING BID ON 8-2-2018**

**UPON MOTION BY COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN COPELAND, THE 2018 STREET RESURFACING BID WAS AWARDED TO MAGO CONSTRUCTION COMPANY AND THE PRICE PER TON OF \$81.00 WAS APPROVED. MOTION CARRIED 6 TO 0.**

**OAK TRACE SUBDIVISION WATER & SEWER SERVICE REQUEST**

**COUNCILMAN COPELAND MADE A MOTION TO ACCEPT THE WATER AND SEWER MAINS IN THE OAK TRACE SUBDIVISION INTO THE CITY’S SYSTEM. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 5 TO 0. Councilman Buckman abstained from voting.**

**MOBILE FOOD VENDOR APPLICATION – KENTUCKY BBQ COMPANY**

City Clerk Riley explained that the Kentucky BBQ Company would submit the required Property Owner Consent Form once he received approval from the Council and could solicit locations, dates and times.

**COUNCILMAN SHECKLES MADE A MOTION TO APPROVE THE MOBILE FOOD VENDOR APPLICATION SUBMITTED BY THE KENTUCKY BBQ COMPANY. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.**

**CEMETERY DEEDS**

**THE CEMETERY DEED FOR TWO GRAVES FOR MIKE BOONE WAS APPROVED BY UNANIMOUS CONSENT.**

**FIRST READING OF ORDINANCE B2018 Chapter 101 Murals**

Mayor Heaton provided background information about how discussion of this ordinance began. Councilman Sheckles introduced the ordinance and asked that it be read in summary. City Attorney Butler read the following:

**SUMMARY OF ORDINANCE NO. B2018 Chapter 101 Murals**

This ordinance will:

To add Section 101 to the City of Bardstown’s Code of Ordinances entitled “Murals”, regulating the size, placement and location of and administrative process to allow murals within the City limits of Bardstown.

Section 101.1 and 101.2 provide information concerning the purpose and applicability of the ordinance.

Section 101.3 provides standards and guidelines as related to: permits required; installation and time requirements for murals; location, design and style of murals; and maintenance of murals.

Section 101.4 provides administrative requirements for review and approval of mural applications.

Section 101.99 provides requirements and regulations regarding violations, enforcement and penalties and states as follows:

A. Violations.

- a. Murals Forfeited. Any mural installed after adoption of this Ordinance, except in conformance with these requirements, shall be considered in violation of this Ordinance. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing the mural the full cost of removal of the mural.
- b. Violations. Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by state law:
  - i. To install, create, erect, or maintain any mural in a way that is inconsistent with any plan or permit governing such mural or the lot on which the mural is located.
  - ii. To install, create, erect or maintain any mural requiring a permit without such a permit.
  - iii. To install, create, or erect any mural for which a permit has expired; and where no additional mural permit has since been issued.
  - iv. To fail to remove any mural that is installed or maintained in violation of this Ordinance.
- c. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this Ordinance.

B. Enforcement.

- a. The City Sign Administrator shall have the authority to issue citations for violations of this Ordinance but shall not have powers of peace officers to make arrests or carry deadly weapons. A person receiving a citation shall appear before the City Sign Administrator within seven (7) days or as stated on the citation.
- b. Any violation or attempted violation of this Ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the City shall include, but are not limited to the following:
  - i. Issuing a stop-work order for any and all work on any mural;
  - ii. Seeking an injunction or other order of restraint or abatement that requires the removal of the mural or the correction of the non-conformity; and,
  - iii. In the case of a mural that poses an immediate danger to the public health or safety, take such measures as are available to the City under the applicable building codes or other ordinances.
- c. All the remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part hereof, the remedy shall remain available for other violations or other parts of the same violation.

C. Penalties.

- a. Violation of the provisions of the Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day such violation continues shall be considered a separate offense.
- b. The owner and also, if applicable, the person placing the mural, who commits, participates in, or maintains the violation may be found guilty of a separate offense and suffer the penalties herein provided.
- c. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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

That from and after the passage, approval, and publication of this Ordinance, Chapter 101: Murals is adopted in its entirety. (See Attached).

This summary was certified by Timothy Butler, City Attorney.

The Council discussed the implications of adopting an ordinance that would not allow the regulation of content and the general concern for murals with offensive or vulgar language.

**COUNCILMAN WILLIAMS MADE A MOTION TO TABLE THIS ORDINANCE UNTIL FURTHER RESEARCH COULD BE COMPILED BY STAFF AND THE BOURBON CAPITAL COMMUNITY ALLIANCE. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 6 TO 0.**

**COUNCIL COMMENTS**

Councilman Dones asked Fire Chief Mattingly about the tornado warning system that had traditionally been tested at 6:00pm each evening but was not sounding regularly. The warning siren did sound for an exceptionally long time recently and it caused some concern in the community since there had been inclement weather earlier in the afternoon. Fire Chief Mattingly indicated he would research the details and email the Council with additional information.

**MAYOR'S REPORT**

Mayor Heaton explained that the Council would be presented with amendments to the liquor ordinance to bring the City's ordinance into compliance with recent changes to State Statues. They could also expect a letter from the Bourbon Capital Community Alliance requesting the Council consider moving the service by the drink start time to an earlier time on Sundays. Recently, Louisville and Lexington moved their service start time to an earlier time and with tourist interest from the Bourbon Trail and distillery interest in hosting brunch that included alcohol service, the Mayor believes it may be time discuss this change.

**ADJOURNMENT**

**COUNCILMAN SHECKLES MOVED TO ADJOURN THE MEETING AT 5:54PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.**

**CITY OF BARDSTOWN**

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J. Richard Heaton, Mayor

**ATTEST:**

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Mary Riley, City Clerk