

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
05-28-2013
7:00 – 9:35 P.M.

With Mayor Bill Sheckles presiding, the City Council met in a regular session in the Council Chambers with the following Councilmen:

Councilman Joe Buckman
Councilman Francis Lydian
Councilman Tommy Reed
Councilman John Royalty
Councilman Bobby Simpson
Councilman Roland Williams

Others present: Assistant City Administrator Larry Green, Director of Public Works and Engineering Larry Hamilton, City Civil Engineer Jessica Filiatreau, Chief Financial Officer Mike Abell, City Attorney Tom Donan, City Clerk Barbie Bryant, Fire Chief Marlin Howard, BNC Volunteer Fire Department Chairman Neal Pyle, The Kentucky Standard reporter Randy Patrick, PLG-TV13 reporter Tom Isaac, WBRT video cameraman Jaime Murphy, and citizens Janice Lear, Mark Sheckles, Joseph Sheckles, Kenny Linton, Allen Ice and Jimmy Willett.

DAR & THE ONE ROOM SCHOOL HOUSE LOG CABIN

Janice Lear, with the John Fitch DAR Chapter, made a presentation on the condition of the One Room School House Log Cabin located on South Second Street near the Pioneer Cemetery. Mayor Sheckles asked Councilman Royalty to work with Ms. Lear on construction bids to help repair the cabin. Repairs should not exceed \$6,000.

BARDSTOWN-NELSON COUNTY VOLUNTEER FIRE DEPARTMENT CONTRACT AMENDMENT

The two-year contract, to begin on July 1, 2013, was amended to reflect the costs and responsibilities related to part-time employee staffing would not exceed \$60,000.00 the first year. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE AMENDED CONTRACT WAS APPROVED.**

LEASE AGREEMENT WITH CENTRAL KY COMMUNITY ACTION HEAD START (CKCAC)

A five-year lease agreement, beginning on July 1, 2013, to use approximately 6200 square feet of the City of Bardstown's Education Complex (COBEC) was presented. The Gym, concession stand and gym related facilities are excluded from the lease. **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE CKCAC 5-YEAR LEASE AGREEMENT, WITH MONTHLY PAYMENTS OF \$2,589.00, WAS APPROVED.**

TOWN CREEK SEWER TREATMENT PLANT CHANGE ORDER NO. 2

City Civil Engineer Filiatreau presented the second change order in the amount of \$7,675.00 for the agreement with Cleary Construction to relocate approximately 140 linear feet of 10" PVC force main with new pipe adjacent to existing bio-tower, to allow room for installation of the 36" gravity main. She described the condition of the relocation and explained that the pipeline work has been completed. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 1, CHANGE ORDER NO.2 BY CLEARY CONSTRUCTION WAS APPROVED. Councilman Simpson voted no.**

ROBINSON PIPE CLEANING COMPANY AMENDMENT NO. 1

City Civil Engineer Filiatreau reported that the original contract with Robinson Pipe Cleaning Company to camera and clean sewer lines had come in under budget. She would like to amend the contract to add camera and cleaning for approximately 18,938 linear feet of additional pipeline in Springhill Subdivision, Marvin Downs Lane, Camelot Subdivision, McDonald's and the OKH Golf Course. The additional cost to the contract shall not exceed an amount equal to \$20,000. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE CONTRACT AMENDMENT NO. 1 WITH THE ROBINSON PIPE CLEANING COMPANY WAS APPROVED.**

HISTORICAL REVIEW BOARD RECOMMENDATIONS

Mayor Sheckles presented the following Historical Review Board recommendations:

Certificates of Appropriateness

- (a) COA-13-25. JTD Holdings LLC, Applicant/Owner, propose to demolish a portion of a contributing historic structure at 207-211 West Stephen Foster Avenue.
- (b) COA-13-26. Josh Blackmon, Applicant/Owner, proposes to install a 6' wood privacy fence and extend concrete driveway/parking at 208 East Flaget Avenue.
- (c) COA-13-27. Shannon Escove, Applicant, and Becky Newton, Owner, propose to install a projecting sign and window sign at 123 North Third Street.

(d) COA-13-28. Diabetes & Nutrition Care Center, Applicant, and Bardstown Property Management, Owner, propose to install a projecting sign at 120 West Stephen Foster Avenue.

(e) COA-13-29. St. Joseph Elementary School, Applicant, and Roman Catholic Archdiocese of Louisville, Owner, propose to install new windows throughout original building at 320 West Stephen Foster Avenue.

Councilman Buckman asked to be recused from the discussion and left the Council room at 7:35pm. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATION FOR COA #13-25 WAS APPROVED WITH THE RECOMMENDED CONDITIONS SET FORTH BY HRB.**

Councilman Buckman returned to the meeting. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS FOR COA'S #13-26, #13-27 #13-28 AND #13-29 WERE APPROVED WITH THE RECOMMENDED CONDITIONS SET FORTH BY HRB.**

SPECIAL PERMIT-FIREWORKS

The Mayor presented a Special Permit for the Buttermilk Days Foundation to sell fireworks in the Wilson & Muir Shopping Center parking lot. He also presented Special Permits for Kentucky Jail Ministries to sell fireworks in three locations; Busy Bee Chevron parking lot, Wal-mart parking lot and the Burger King parking lot. The dates will be June 21st through July 5th. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE SPECIAL PERMITS WERE APPROVED.**

MUNICIPAL ORDER NO. 2013-09 MEMORANDUM OF AGREEMENT

Director of Public Works and Engineering Hamilton presented the municipal order for the 2013 Memorandum of Agreement which authorizes Mayor Bill Sheckles and MWH Global, Inc., Representative Brown Thornton to execute the agreements for Cumberland River Hydropower Plant equipment projects as follows:

MUNICIPAL ORDER NO. 2013-09

RESOLUTION

A RESOLUTION OF THE CITY OF BARDSTOWN, KENTUCKY, APPROVING THE 2013 MEMORANDUM OF AGREEMENT FOR CUMBERLAND RIVER HYDROPOWER PLANT EQUIPMENT PROJECTS (2013 LT MOA SUB-AGREEMENT #4) AND AUTHORIZING EXECUTION OF FINAL AGREEMENT.

WHEREAS, the City of Bardstown, Kentucky, (City) executed a contract dated December 31, 1996 with the U.S. Department of Energy, acting by and through the Southeastern Power Administration (SEPA), for purchase of power from the Cumberland hydropower projects; and

WHEREAS, the City and other Cumberland River SEPA customers entered into a Long-Term Memorandum of Agreement (LT MOA), dated August 1, 2011 with the U.S. Army Corps of Engineers and SEPA, for the express purpose of providing funds, through normal SEPA rate revenues, for the rehabilitation of certain hydropower facilities on the Cumberland River; and

WHEREAS, the City is a member of a Project Coordination Committee (PCC) that governs the use of funds, reviews and approves sub-agreements for additional funding, and reviews and approves ballots for project management purposes; and

WHEREAS, the City will have the opportunity to review all LT MOA-related documents prior to execution and will receive a copy of all finalized agreements.

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City Council authorizes the Mayor to execute the 2013 LT MOA Sub-Agreement #4 in its final form.

2. The City Council appoints Mr. Brown Thornton, of MWH Global, Inc, as Project Coordination Committee representative for the City, and authorizes him to sign sub-agreements, ballots, and certain documents directly related to LT MOA on the behalf of the City, as required.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2013-09 WAS APPROVED.

NOTE: Mayor Sheckles asked for a moment of silence in honor of Police Officer Jason Ellis, who died on May 25, 2013, in the line of duty.

MINUTES

The minutes from the 05-14-2013 Regular Council meeting were presented. **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE MINUTES WERE APPROVED.**

FIRST READING – PROPOSED ORDINANCE B2013- CABLE TV RATES AMENDMENTS

Councilman Simpson introduced proposed Ordinance B2013-Cable TV Rates Amendments and asked for its first reading. City Attorney Donan read the proposed ordinance in summary. The rates will increase Basic CATV Service by \$2.00 per month and Expanded CATV Service by \$3.00 per month. Additional increases to digital tier and premium channels were also introduced. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE CABLE TV RATES AMENDMENTS WERE APPROVED ON FIRST READING.**

FIRST READING – PROPOSED ORDINANCE B2013- CONTRACT WATER SERVICE RATES AMENDMENT

Councilman Williams introduced proposed Ordinance B2013-Contract Water Service Rates Amendment and asked for its first reading. City Clerk Bryant read the proposed ordinance in full. The rate charged for water under the wholesale contract will be \$2.00 per one thousand gallons for all metered consumption with an effective date of September 1, 2013 for billing due October 1, 2013. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE CONTRACT WATER RATES AMENDMENT WAS APPROVED ON FIRST READING.**

SECOND READING – ORDINANCE B2013-07, REZONING #2389 HERITAGE PROPERTIES, LLC.

City Clerk Bryant presented Ordinance B2013-07 for a second reading.

ORDINANCE NO. B2013-07

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP, ENTITLED, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN, AND NELSON COUNTY, KENTUCKY" BY DESIGNATING 5.58 ACRES AT 113-119 GREYSTONE COURT (LOTS 11A, 11B, 12A AND 12B, RESERVE AT WOODLAWN), 101-107 GREYSTONE COURT (LOTS 14A, 14B, 15A AND 15B, RESERVE AT WOODLAWN), 100-110 GREYSTONE COURT (LOTS 16A, 16B, 17A, 17B, 18A AND 18B, RESERVE AT WOODLAWN), 120-142 GREYSTONE COURT (LOTS 21A, 21B, 22A, 22B, 23A, 23B, 24A, 24B, 25A 25B, 26A AND 26B, RESERVE AT WOODLAWN) AND 137-139 AVONDALE DRIVE (LOTS 27A AND 27B, RESERVE AT WOODLAWN) FROM R-1T (SINGLE FAMILY TOWNHOUSE DISTRICT) TO R-4 (MULTI-FAMILY RESIDENTIAL DISTRICT).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on April 9, 2013, held a public hearing on the Application No. 2389 for Heritage Properties, LLC, to rezone 5.58 acres at 113-119 Greystone Court (Lots 11A, 11B, 12A and 12B, Reserve at Woodlawn), 101-107 Greystone Court (Lots 14A, 14B, 15A and 15B, Reserve at Woodlawn), 100-110 Greystone Court (Lots 16A, 16B, 17A, 17B, 18A and 18B, Reserve at Woodlawn), 120-142 Greystone Court (Lots 21A, 21B, 22A, 22B, 23A, 23B, 24A, 24B, 25A 25B, 26A and 26B, Reserve at Woodlawn) and 137-139 Avondale Drive (Lots 27A and 27B, Reserve at Woodlawn) from R-1T (Single Family Townhouse District) to R-4 (Multi-Family Residential District).

WHEREAS, the City Council members conducted a review of the record and evidence presented before the Joint City-County Planning Commission of Nelson County, Kentucky; and

UPON MOTION OF Councilman _____, duly seconded by Councilman _____ and carried, the City Council approved upon second reading the recommendation stated from the Planning and Zoning Commission to approve the request. The motion included any restrictions or conditions that may have been agreed to by the applicant and the Planning Commission.

NOW THEREFORE, be it ordained by the Bardstown City Council that:

Boundaries of the district as shown on district map, entitled, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY" are hereby amended for reasons adopted and all of which are made a part hereof as if fully set out herein, including the letter of recommendation dated April 30, 2013, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property as described:

“Being Lots 11A, 11B, 12A, 12B, 14A, 14B, 15A, 15B, 16A, 16B, 17A, 17B, 18A, 18B, 21A, 21B, 22A, 22B, 23A, 23B, 24A, 24B, 25A 25B, 26A, 26B, 27A and 27B of Reserve at Woodlawn, to Bardstown, Nelson County, Kentucky as shown on plat recorded in Plat Cabinet 12, Slot 50, in the Office of the Nelson County Clerk.”

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.

COUNCILMAN WILLIAMS MADE A MOTION TO DENY THE PROPOSED REZONING CHANGE NO. 2389 BASED ON THE TESTIMONY AND EVIDENCE IN THE PUBLIC HEARING, TRANSCRIPT FROM THE JOINT CITY-COUNTY PLANNING COMMISSION MEETING MINUTES, AS WELL AS IN THE OFFICIAL FILE. THE MOTION WAS BASED ON THE FACT THAT THE REZONING REQUEST WAS NOT IN AGREEMENT WITH THE TOTAL GOALS & OBJECTIVES OF THE COMPREHENSIVE PLAN AND THE REQUEST DOES NOT “ENSURE COMPATIBILITY OF LAND USES WITH EXISTING SURROUNDING DEVELOPMENT.” SAID MOTION WAS SECONDED BY COUNCILMAN BUCKMAN. THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

**COUNCILMAN BUCKMAN - AYE
COUNCILMAN ROYALTY - AYE
COUNCILMAN LYDIAN - AYE
COUNCILMAN WILLIAMS - AYE
COUNCILMAN REED - AYE
COUNCILMAN SIMPSON - AYE**

THE MOTION TO DENY WAS 6-0.

FY 2013-14 BUDGET

Mayor Sheckles announced that the budget would be discussed during the Working Session on June 4, 2013, at 5:00pm. He then opened the floor to questions or concerns about the budget. Councilmen Simpson, Reed and Royalty had specific items for CFO Mike Abell to research prior to the Working Session.

COMMITTEE REPORTS

Councilman Reed announced that the Recreation Board held a meeting on May 23, 2013. He reported that soccer, baseball and preparations for opening the pool are underway.

CEMETERY DEEDS

Two Bardstown Cemetery deeds were presented; one grave site for Kimberly Wilson and a transfer of one grave site from the estate of Rev. Charles Baker to Lanny (and Ceceilia) Baker. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE DEEDS WERE APPROVED.**

ADJOURNMENT

There being no further business to discuss and **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED.**

CITY OF BARDSTOWN

ATTEST:

Barbara Bryant, City Clerk

William S. Sheckles, Mayor