

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
04-08-2014
7:00 – 9:55 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 - **absent**
Councilman John Royalty
Councilman Bobby Simpson
Councilman Roland Williams

Others present: Assistant City Administrator Larry Green, Director of Public Works and Engineering Larry Hamilton, Chief Financial Officer Mike Abell, City Civil Engineer Jessica Filiatreau, City Electrical Engineer Jeff Mills, City Attorney Tom Donan, Executive Assistant to Mayor Mary McCann, Police Major Ray Lewis, Fire Chief Marlin Howard, Fireman Joe Marks, The Kentucky Standard reporter Randy Patrick, Nelson County Gazette reporter Jim Brooks, BRT-TV Reporter Colin Rogers, and citizens Joyce & Tom Bischoff and Holly Bischoff.

Mayor Sheckles announced that the Council would go into Executive Session prior to the conclusion of the meeting pursuant to: KRS 61.810 (1) (g) discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the upgrading of the business.

RUN FOR THE KIDS 5K

Mayor Sheckles presented the request by the Bardstown Nelson County Volunteer Fire Department to host a 5K Run on June 7, 2014 to benefit the Crusade for Children. Mayor Sheckles also recognized Fireman Marks for his tremendous accomplishment in losing 30 pounds in three months while participating in the weight-loss program currently underway in the Fire Department. Fire Chief Howard explained the program and shared that over 350 pounds total had been lost since its inception January 1, 2014. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE RUN FOR THE KIDS 5K WAS APPROVED.**

MINUTES

The minutes from the 03-25-2014 Regular Council meeting were presented. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE MINUTES WERE APPROVED.**

SECOND READING – ORDINANCE B2014-10 SYMPSON LAKE AMENDMENTS

City Attorney Donan presented a summary of Ordinance B2014-10 for a second reading. Below is the ordinance in its full capacity:

ORDINANCE B2014-10

**AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE STYLED:
“ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE USE OF THE LAKE
LOCATED ABOUT TWO MILES WEST OF BARDSTOWN AND KNOWN AS SYMPSON LAKE AND
THE LAND ADJACENT THERETO OWNED BY THE CITY OF BARDSTOWN AND PRESCRIBING
PENALTIES FOR THE VIOLATION OF THE REGULATIONS SET OUT HEREIN”.**

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

That Chapter 91, Section 91.00 Definitions be added to the contents; Section 91.01 Adoption of Rules and Regulations; Section 91.04 Boats and Boating (C),(G), (H), (I), and (L); Section 91.06 Skiing (A), (B), (C) and (D); Section 91.11 Boating Permits (B) and Section 91.99 Penalty be amended as follows:

Section	
<u>91.00</u>	<u>Definitions</u>
91.01	Adoption of rules and regulations
91.02	Use and privilege
91.03	Regulations and limitations
91.04	Boats and boating
91.05	Restricted area
91.06	Skiing
91.07	Alcoholic beverages, controlled substances
91.08	Littering
91.09	Fishing
91.10	Swimming and picnicking
91.11	Boating permits
91.99	Penalty

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

91.00 DEFINITIONS

No-Wake or Idle Speed – minimum speed at which one can maintain directional control of the boat, but in no circumstances to exceed five (5) mph.

91.01 ADOPTION OF RULES AND REGULATIONS.

The following sections of this chapter shall govern the use of a lake containing approximately 200 acres located about two miles west of the city known as "Simpson Lake", which is under the control of the city. They shall also govern the use of the land surrounding the lake that is owned by the city.

Boating and fishing on Simpson Lake is also governed by Kentucky Revised Statutes and Kentucky Administrative Regulations, including Chapter 235 and 301 KAR 6:030.

91.04 BOATS AND BOATING.

- C. No boat shall be greater in length than 20 feet. ~~and no motor of greater horsepower than 200 horsepower (as determined from the factory name plate rating of all motors)~~ shall be permitted.
- G. No boat shall be operated without more passengers than is reasonably safe considering existing circumstances and no more than six (6) persons shall occupy any boat at any time.
- H. No boating ~~shall operate at greater than a~~ **above no-wake or idle speed in areas identified by buoys, specifically near the boat dock at Ben Irvin Road,** ~~shall be permitted in any area, between official sunset of each day and 10:00 a.m.; when entering or departing a launching area; or and in Rodgers Run Branch or in other areas~~ so marked.
- I. No **jet skies,** hydroplanes or racing boats or hulls shall be allowed on the lake at anytime.
- L. Boating and public access to the lake and designated city property around the lake, shall be daily, only from one hour before sunrise until one hour after sunset.**

91.06 SKIING.

- A.** No person shall engage in water skiing, unless two persons of age of 16 years or more are in the boat towing such skier.
- B.** Skiers shall wear life jackets of a type approved by the U.S. Coast Guard, **and must abide by all laws and regulations concerning water skiing.**
- C.** **A person shall not water ski or tow a person water skiing within 2,000 feet of the dam, or in waters posted or marked as a no skiing, wake speed only, or restricted area.**
- D.** **Water skiing is permitted only between 10:00am and sunset.**

91.11 BOATING PERMITS

B. Fees for permits

(1) **Permits for all boats shall cost:** ~~Boats without motors or boats with electric motors, which shall include fishing privileges for all occupants:~~

<u>Nelson</u> County residents	\$10 <u>50</u> per year
Nonresidents	25 <u>100</u> per year

(2) **Permits shall include fishing privileges for all occupants.** ~~Boats with motor of 10 HP or less, which shall include fishing privileges for all occupants (issuance of this permit shall be limited to 125 permits for each calendar year)~~

County residents	\$15 per year
Nonresidents	30 per year

~~(3) Boats with a motor in excess of 10 horsepower but not more than 85 horsepower, which shall include fishing privileges for all occupants (issuance of this permit shall be limited to 145 permits for each calendar year)~~

County residents	\$35 per year
Nonresidents	70 per year

~~(4) Boats with motors in excess of 85 horsepower but not more than 200 horsepower, which shall include fishing privileges for all occupants (issuance of permits shall be limited to 25 per calendar year):~~

County residents _____ \$50 per year
Nonresidents _____ 100 per year

~~(3).~~(5) All **Nelson** county residents over 65 years of age shall be given free boating and fishing privileges.

~~(4).~~(6) All licenses **permits** shall expire on December 31, of each year and shall be non-transferable.

(5). Licenses will be issued in duplicate, and shall be affixed to the outside of the bow area of the boat on both sides in plain view.

91.99 PENALTY.

Any person violating any provision of this chapter for which no other penalty is provided shall be deemed to have committed a violation and shall be subject to a fine of not less than \$25 **\$100** nor more than ~~\$100~~ **\$500** for each offense, and any person convicted of such violation shall not be permitted on the lake or the city property surrounding the lake for a period of 30 days following such conviction, and all violations of the regulations herein pertaining to boating shall be reported to the Kentucky Division of Boating.

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 in summary as required by law.

UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN SIMPSON, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN BUCKMAN	-	NAY

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2014-10 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

APPOINTMENTS

Mayor Sheckles recommended the reappointment of Clara Mackin Fulkerson to the Wickland Board for a one year term. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE REAPPOINTMENT OF CLARA MACKIN FULKERSON TO THE WICKLAND BOARD WAS APPROVED.**

MUNICIPAL ORDER NO. M2014-05

Mayor Sheckles presented the following Municipal Order to Establish a Quarterly Schedule for Committee Meetings. Assistant McCann read the Municipal Order in its entirety.

MUNICIPAL ORDER NO. M2014-05

WHEREAS, the Mayor and the Bardstown City Council wish to establish regular meeting schedules on a quarterly basis for the **SAFETY COMMITTEE**, the **ELECTRIC AND CABLE TV COMMITTEE** and the **CABLE TELEVISION PROGRAMMING COMMITTEE**.

NOW THEREFORE, be it ordered by the City Council of the City of Bardstown, Commonwealth of Kentucky:

1. That the Safety Committee of the City Council whose members are: Chairman Councilman Bobby Simpson, Councilman Roland Williams, Councilman Francis Lydian, Police Chief Rick McCubbin and Fire Chief Marlin Howard shall have regularly scheduled meetings on the second Monday of March, June, September and December each year at 5:00pm in the Mayor's Conference Room of City Hall located at 220 North Fifth Street.
2. That the Electric and Cable TV Committee of the City Council whose members are: Chairman Councilman Bobby Simpson, Councilman Roland Williams, Councilman John Royalty, City Electrical Engineer Jeff Mills and Electric Superintendent Jeff Miller shall have regularly scheduled meetings on the first Tuesday of

January, April, July and October each year at 4:00pm in the Council's Chamber located on the second floor at 116 North Fifth Street.

3. That the Cable Television Programming Committee whose members, appointed by the Mayor and subject to the approval of the City Council, are: Chair Davis "Tiger" Huston, Guthrie McKay and Anne Hamilton shall have regularly scheduled meetings on the first Wednesday of January, April, July and October each year at 11:00am in the Mayor's Conference Room of City Hall located at 220 North Fifth Street.

UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, MUNICIPAL ORDER NO. M2014-05 WAS APPROVED.

NEW BUSINESS

Mayor Sheckles presented the KBC-LEO Spring Summit Sponsorship form and explained the City of Bardstown would be hosting the 10th Annual Summit from April 25 – 26, 2014. He proposed the Council make a contribution from the Councils' Contingency Fund. **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 3 TO 2, A BRONZE LEVEL SPONSORSHIP IN THE AMOUNT OF \$500 WAS APPROVED. COUNCILMEN ROYALTY AND SIMPSON VOTED NO.**

COMMITTEE REPORTS

Councilman Simpson reported that the Electric and Cable Committee met on April 1, 2014 and discussed the need for a new digger truck and the current underground projects that were in progress. City Electrical Engineer Mills clarified the work being completed behind Mammy's Kitchen and the need for a change order.

Councilman Buckman provided a summary of the Street and Solid Waste Committee meeting held on April 2, 2014. Items discussed at that meeting included the new recycling program, the City's goals regarding a bike and sidewalk path and the street resurfacing program for 2014-15. City Civil Engineer Filiatreau indicated she was working on compiling a list of the streets in the most need of repair and that more patch work is expected after the extreme winter temperatures.

City Electrical Engineer Mills presented the details of the CATV Programming Committee meeting held on April 2, 2014 and the recent VIACOM contract negotiations. **UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE COUNCIL AUTHORIZED THE MAYOR TO ENTER INTO THE CONTRACT WITH VIACOM.**

Mayor Sheckles presented the Mobile Food Vendor Special Permit Application submitted by White Castle System, Inc. He indicated the American Cancer Relay for Life event would be the beneficiary of the proceeds earned on May 9, 2014 from 5:00 – 7:30 PM. The food truck will be located on East Broadway, just south of the Bardstown High School track.

CEMETERY DEEDS

One Bardstown Cemetery deed was presented; three grave sites for Tanya and Kenny Campbell. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE DEED WAS APPROVED.**

STAFF REPORTS

Chief Financial Officer Abell reported that the water meter conversion project is anticipated to be completed by July 1, 2014. He is in the process of obtaining an electric meter quote.

Director of Public Works and Engineering Hamilton reported on the status of the Bill of Sale for the purchase of the 8 foot water main pipe connecting the City of Bardstown's water plant to Lebanon Junction, which will include the addition of service to 67 residents.

City Electrical Engineer Mills shared a price comparison between the City of Bardstown's cable services and Time Warner Television in Louisville. He reported on the rate differences.

Assistant City Administrator Green provided an update on the new recycling program. He explained the reason for the change in the hours of operation and commended employee Bobbie Young for her success in educating the public and assisting with bailing. The material being dropped off at the new site appears to be much cleaner than the unattended collection trailers. Increased signage is planned.

EXECUTIVE SESSION

Mayor Sheckles announced that the Council would go into Executive Session pursuant to: KRS 61.810 (1) (g) discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the upgrading of the business. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE COUNCIL WENT INTO EXECUTIVE SESSION AT 7:55PM.**

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 9:50PM.

The minutes will reflect that no action was taken during the Executive Session.

ADJOURNMENT

There being no further business to discuss and **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0, THE MEETING WAS ADJOURNED.**

CITY OF BARDSTOWN

William S. Sheckles, Mayor

ATTEST:

Barbara Bryant, City Clerk