

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
08-12-2014
7:00 – 8:25 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 – **joined the meeting at 7:45pm**
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 Electrical Engineer Jeff Mills, Staff Engineer Eric Richter, City Civil Engineer Jessica Filiatreau, City Attorney David Bruce Reynolds, City Clerk Barbie Bryant, Fire Chief Marlin Howard, Police Chief Rick McCubbin, The Kentucky Standard reporter Randy Patrick, PLG-TV13 reporter Mathew Fogle, Nelson County Gazette reporter Jim Brooks, and WOKH reporter Sylvia Horlander,

MUNICIPAL & CONTRACTOR SEALING PRODUCTS, INC. – CHANGE ORDER #1

Director of Public Works and Engineering Hamilton presented Change Order #1 that submitted a new contract time for a completion date of August 15, 2014. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, CHANGE ORDER #1 FROM MUNICIPAL & CONTRACTOR SEALING PRODUCTS, INC., WAS APPROVED.**

DRB-209 KENRAY ENTERPRISES LLC

The Development Review Board met, reviewed and recommended approval of the site, building, landscaping and lighting plans for the 48' x 40' (1920 square feet) commercial building on Portland Avenue, Lot #A-3, in the John Rowan Industrial Park. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD, WITH CONDITIONS, WAS APPROVED.**

2014 BARDSTOWN ARTS, CRAFTS & ANTIQUES FAIR

The Mayor presented a letter from Samantha Brady, Main Street Coordinator, requesting street closings and closing times for the 2014 Arts Crafts & Antiques Fair to be held on October 11 and 12, 2014.

PROPOSED STREET CLOSINGS:

- Fifth Street running north and south from West Stephen Foster to West Broadway (except for the entrance and exit to St. Joseph Church parking lot).
- Fourth Street running north and south from 113 N. Fourth (K of C Building) to Broadway. To close the intersection at Fourth and Flaget, up to the City Parking Lot on Flaget Avenue, to allow tables to be set up for pedestrians to sit and eat. Traffic can be directed through the alleys to the City parking lot to get to Flaget and Fourth Street.
- Xavier Drive running east and west.
- The 200 block of Flaget Avenue running east and west between Fourth and Fifth Streets.

PROPOSED STREET CLOSING TIMES:

- New closing request – to help with safety and organization, a request to be able to close Fifth Street on Friday evening along with the other streets. This may encourage more overnights and the possibility of new events that coincide with the fair.
- Flaget, Fourth Street, Fifth Street and Xavier Drive, Friday, October 10th at 6:00pm until Sunday, October 12th at 8:00pm.

UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE STREET CLOSINGS AND CLOSING TIMES WERE APPROVED.

Fire Chief Howard had distributed a letter to the Council that requested the City's fire trucks be allowed to drive along the streets where the vendors set up before the event start time. He explained this act would ensure that the vendors have allowed sufficient space to maneuver the trucks if an incident should occur. Mayor Sheckles and Chief Howard will relay this request to the Main Street Director, Samantha Brady.

LETTER OF REQUEST FOR THE NEW LIFE CENTER 5K RUN/WALK

Mayor Sheckles presented the letter of request from the New Life Center for a 5K run/walk starting at Tiger Alley and using West Stephen Foster Avenue as the cross road for the route. The date will be November 27, 2014 (Thanksgiving Day) from 8:00am until 10:00am. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE LETTER OF REQUEST FOR THE NEW LIFE CENTER 5K WAS APPROVED.**

MINUTES

The minutes from the 07-22-2014 Regular Council meeting were presented. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 5 TO 0, THE MINUTES WERE APPROVED.**

FIRST READING – PROPOSED ORDINANCE B2014-CHAP 95, FIRE PREVENTION AMENDMENTS

Councilman Simpson introduced proposed Ordinance B2014 – Chapter 95, Fire Prevention Amendments and City Clerk Bryant gave a first reading of the proposed ordinance in summary. This ordinance amends the Kentucky Standards of Safety (Fire Prevention Code) and identifies a penalty for non-compliance per KRS227.331. No vote was taken.

FIRST READING – PROPOSED ORDINANCE B2014-CHAPTER 31, MAYOR AMENDMENTS

Councilman Buckman introduced proposed Ordinance B2014 – Chapter 31, Mayor Amendments and City Clerk Bryant gave a first reading of the proposed ordinance in summary. This ordinance eliminates the term – Mayor Pro Tem. No vote was taken.

FIRST READING – PROPOSED ORDINANCE B2014-REZONE #2421, COUNTY OF NELSON

Councilman Williams introduced proposed Ordinance B2014 – Rezone #2421, County of Nelson and City Clerk Bryant gave a first reading of the proposed ordinance in summary. This ordinance rezones 219.93 acres on the south side of Parkway Drive, 0 feet west of Woodlawn Road (KY 605) and on the east and west side of Flowers Baking Co. of KY, LLC (Lot #6, 12, 14, 13A and Revised Lot #13, Nelson County Industrial Park Amended Final Plat) from I-1 (Light Industrial District) and A-1 (Agriculture District) to I-2 (Heavy Industrial District). No vote was taken.

FIRST READING – PROPOSED ORDINANCE B2014-SIGN ORDINANCE AMENDMENTS

Councilman Lydian introduced proposed Ordinance B2014 – Sign Ordinance Amendments and City Clerk Bryant gave a first reading of the proposed ordinance. This ordinance amends the definition of temporary signs. During the discussion, Councilman Buckman requested the proposed ordinance be tabled, but later withdrew his request. No vote was taken.

Councilman Reed joined the meeting.

SECOND READING –ORDINANCE B2014-21 CHAPTER 36, FIRE DEPARTMENT AMENDMENTS

City Clerk Bryant presented the summary of Ordinance B2014-21 for a second reading. Below is the ordinance in its full capacity:

ORDINANCE NO. B2014-21

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE PERTAINING TO CHAPTER 36, DEPARTMENTS, OF THE CITY OF BARDSTOWN'S CODE OF ORDINANCES FOR THE CITY OF BARDSTOWN, KENTUCKY.

WHEREAS: The Bardstown Fire Department is the main agency that deals with open burnings within the city limits and would respond to fire calls within the city limits and being that the Bardstown Fire Chief gives the authorization for open burnings, the department would be aware if the dispatched call was in fact an authorized burn or an illegal burn.

WHEREAS: The City of Bardstown desires to implement a fair and equitable procedure by which to collect fees from insurance companies and non-taxpayers outside the City of Bardstown limits and outside the Bardstown-Nelson County Volunteer Fire Department Service area and establish a billing system in accordance with State and Federal laws, regulations, and guidelines.

NOW, THEREFORE, BE IT ORDAINED by the City of Bardstown, Commonwealth of Kentucky:

That the Index of Chapter 36 be amended to read as follows:

Section

Fire Department

- 36.10 Reaffirmation of existence; purpose; policies and procedures
- 36.11 Equipment; members
- 36.12 Relationship to Bardstown/Nelson County Volunteer Fire Department, Inc.
- 36.13 Chain of Command
- 36.14 Duties of the chief
- 36.15 Paid full and part-time firefighters
- 36.16 Volunteer firefighters
- 36.17 Compensation

- 36.18 Fire alarms
- 36.19 Chief and ~~[assistant]~~ **deputy** chief to report their absence
- 36.20 Chief to have power and privilege of policeman
- 36.21 Duty of police to assist at fires
- 36.22 Right-of-way of fire department; vehicles following fire Apparatus too closely
- 36.23 Parking or blocking any fire station, parking lot, access to fire grounds, fire lanes, fire hydrants, sprinkler system hook-ups
- 36.24 False Alarms
- 36.25 Open Burnings**
- 36.26 User fees for the deployment of Public Safety Services**
- 36.99 Penalty**

That Chapters 36.14, 36.18, 36.19, 36.22, 36.23 and 36.24 be amended as follows:

36.14 DUTIES OF THE CHIEF

(B) The Chief shall be responsible for the plans, preparations, procedures, practice, and training in regard thereto, and may as Chief of the fire department, **or his appointed designee(s)**, perform or cause to be performed all other actions authorized by law, ordinance, regulation, or as may be included in his/her job description.

(C) The Chief shall keep on file at the department headquarters, an inventory list of all property belonging to the department, also ~~[a daily log book in which shall be entered all fire department matters in the order that they may occur, including names of members reporting for drills or fires, data concerning fires, supplies purchased, etc. The daily log book shall contain a complete and brief history of the operations of the department for ready reference]~~ **the Chief of the department shall be responsible for keeping accurate records as to training, department responses and daily duties.**

(D) The Chief shall be present at the regular monthly meetings of the City Council ~~[and submit such bills and payrolls from the fire department that are to be paid. At the end of each fiscal year, he shall submit a typewritten report covering all department matters].~~

36.18 FIREALARMS

The fire alarm signals shall be ~~[by electric siren operated as provided in the fire department house]~~ **handled and transmitted by the Nelson County Dispatch Center.**

36.19 CHIEF AND ~~[ASSISTANT]~~ DEPUTY CHIEF TO REPORT THEIR ABSENCE.

The Chief or ~~[assistant]~~ **Deputy** Chief shall not leave the city **for extended periods of time** without reporting to the mayor. During such absences a competent officer shall be notified and left in charge of the department.

36.22 RIGHT-OF-WAY OF FIRE DEPARTMENT; VEHICLES FOLLOWING FIRE APPARATUS TOO CLOSELY.

(C) Any person violating the provisions of this section shall be fined any sum not exceeding ~~[\$15]~~ **\$200.**

36.23 PARKING OR BLOCKING ANY FIRE STATION PARKING LOT, ACCESS TO FIRE GROUNDS, FIRE LANES, FIRE HYDRANTS, SPRINKLER SYSTEM HOOK-UPS.

(B) Any person violating the provisions of this section shall be fined any sum not exceeding ~~[\$15]~~ **\$200.**

36.24 FALSE ALARMS

(B) Any person violating the provisions of this section shall be fined any sum not exceeding ~~[\$15]~~ **\$200.**

And Chapters 36.25, 36.26 and 36.99 be added as follows:

36.25 OPEN BURNINGS

A. No person shall cause the open burning of leaves, brush, construction materials, or other debris without specific authorization from the Chief of the Bardstown Fire Department or his appointed designee(s).

B. Any person violating the provisions of this section shall be fined any sum not exceeding \$200.

36.26 USER FEES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES

A. The City of Bardstown’s Fire Department shall establish fees for the delivery of Fire Department services, personnel, supplies and equipment to the scene. The rate of the user fees shall be that which is the usual, customary and reasonable costs, which includes any services, personnel supplies and equipment and may fluctuate based on the needs of the incident.

B. The user fees shall be filed to the insurance companies, representing an add-on-cost of the claim for damages.

C. The City may make rules or regulations and from time to time may amend, revoke or add rules and regulations not inconsistent with this Ordinance as it may deem necessary or expedient in respect to billing for these fees or the collection thereof.

D. If any part of this section is declared to be unenforceable or unconstitutional for any reason then the same shall not affect the validity of the remainder of this section.

E. Citizens that reside in the Bardstown City limits and the Bardstown-Nelson County Volunteer Fire Department’s service area shall be exempt from any user fees.

1. Fee Schedule

- a. Simple Extrication: <15 min \$100**
- b. Extended Extrication: >15 min \$200**
- c. Hazmat (Cars and Trucks <30 gal) \$150**
- d. Hazmat (Cars and Trucks >30 gal) Up to \$500**
- e. Car Fire (Engine Compartment only) \$125**
- f. Car Fire (Extension in pass. Comp) \$250**
- g. Large Truck Fire Up to \$500**
- h. Technical Rescue Up to \$500**
- i. Traffic Control \$50/hr per truck & \$25/hr per man**
- j. Itemized Expendable Items Actual Cost**

F. User fees shall be paid within 60 days of the invoiced date.

G. Any person violating the provisions of this section shall be fined any sum not exceeding \$500.

36.99 PENALTY

Any person, firm or corporation violating any provision of this chapter or failing to comply with any of its requirements shall constitute a misdemeanor and upon conviction thereof, be fined not less than \$50 nor more than \$500, 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.

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 as required by law.

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

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

MAYOR SHECKLES THEN DECLARED ORDINANCE NO. B2014-21 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

APPOINTMENT TO BNC TOURIST AND CONVENTION COMMISSION

The Mayor recommended the appointment of Sheila Osborne to the Bardstown Nelson County Tourist and Convention Commission. She will fill the unexpired term of Lynne Grant on behalf of the Hospitality Association. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE APPOINTMENT WAS APPROVED.**

STAFF REPORTS

City Electrical Engineer Mills reported that several ads have run in the Kentucky Standard concerning the SEC Network launch that will take place on August 14th. It emphasized the need for customers to rescan their TV's. He also reported on the Cable TV Programming Committee meeting where the addition of the Tennis Channel, Major League Baseball Network and MavTV were recommended due to the "meltdown" that caused vacancies in the digital tiers.

Police Chief McCubbin reported on the recent complaints about panhandling and flagrancys in the downtown area.

DPWE Hamilton gave an update on the contract re-negotiations with Kentucky Utilities. The settlement documents and the amended wholesale power supply agreement have been submitted for approval to FERC. He also gave an update on the road closure for US Highway 245. From August 17th through the 21st, US Highway 245 will be closed (both lanes) from US 62 (Bloomfield Rd) to a short distance beyond the railroad tracks. The repaving of North 3rd Street will begin in a couple of weeks.

City Civil Engineer Filiatreau distributed a sheet that outlined the streets that would be resurfaced in FY 2014-15.

CEMETERY DEEDS

Two Bardstown Cemetery deeds were presented; one grave site for Anton Mason and one grave site for Cathy Feltner. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE DEEDS WERE APPROVED.**

5-YEAR STAFF ANNIVERSARIES

Mayor Sheckles announced that Chuck Montgomery, Bardstown Fire Department, will celebrate 15 years with the City.

COMMITTEE REPORTS

Councilman Simpson announced that a Cemetery Committee meeting would be held on Wednesday, August 13, 2014 at 8:30am in the Mayor's Conference Room of City Hall.

Mayor Sheckles announced that the Kentucky Department of Agriculture will spray for mosquitoes in the City limits on Wednesday (08-13-2014) night, beginning at 10:00pm.

Councilman Williams inquired if the Bardstown Fire Department had been represented at the funeral of a first responder in Elizabethtown. Chief Howard responded that several members did attend the service.

ADJOURNMENT

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

CITY OF BARDSTOWN

William S. Sheckles, Mayor

ATTEST:

Barbara Bryant, City Clerk