

**CITY OF BARDSTOWN  
REGULAR COUNCIL MEETING MINUTES  
04-14-2015  
7:00 P.M.**

The City Council met in a regular session in the Council Chambers with Mayor John Royalty and the following Councilmen:

Councilman Buckman  
Councilman Copeland  
Councilman Hagan  
Councilman Lydian  
Councilman Simpson  
Councilman Williams

Others present: City Attorney Tim Butler, Assistant City Administrator Larry Green, City Civil Engineer Jessica Filiatreau, Director of Public Works and Engineering Larry Hamilton, Chief Financial Officer Tracy Hudson, City Electrical Engineer Jeff Mills, Fire Chief Marlin Howard, Police Chief Rick McCubbin, Executive Assistant to the Mayor Kathy Graham, City Police Office Reece Riley, On Site Cable Supervisor Mike Piles, Nelson County Gazette Report Jim Brooks, Kentucky Standard Reporter Randy Patrick, and identified citizens Eric Ringo, Margaret Sims, Gretchen Boone and Boys Scout Troop 617 from Boston.

Mayor Royalty with the assistance of Boy Scout Stone Boone called the meeting to order. Mayor Royalty recognized Scout Troop 617 from Boston, whose members were attending in order to obtain their Merit Badge for Citizenship in the Community.

**THREE CLEARWELL WATER TANKS PAINTING AND REPAIR BID**

City Civil Engineer Filiatreau reviewed the two bids received for Three Clearwell Water Tanks. She explained epoxy paint will be used which lasts longer and is non-toxic. The project will take from 3 to 6 months to complete.

BID TAB  
Bardstown Water Treatment Plant  
Clearwell Painting & Repairs  
March 31, 2015 10:00am

<u>Contractor</u>	<u>Bid</u>
C&S Quality Services	\$321,520.00
Preferred Sandblasting & Painting	\$329,500.00

Recommend C&S Quality Services - Apparent Low Bidder  
(2) 150,000 gallon clearwell tanks and (1) 280,000 gallon clearwell tank.

**COUNCILMAN LYDIAN MOVED TO APPROVE THE C&S BID IN THE AMOUNT OF \$321,520. THE MOTION WAS DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0.**

**DRB RECOMMENDATIONS**

**COUNCILMAN HAGAN MOVED TO APPROVE DRB-218 TOOLEY RACING, FILIATREAU LANE, LOTS #2-F AND 2-G BASED ON THE SUBMITTED APPLICATION, DESIGN STANDARDS REVIEW, SITE, BUILDING, AND LANDSCAPING PLANS, AS WELL AS ANY RESTRICTIONS OR CONDITIONS THAT WERE APPLIED. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED 6 TO 0.**

**COUNCILMAN HAGAN MOVED TO APPROVE DRB-219 JACKIE WELCH, LINCOLN WAY BASED ON THE SUBMITTED APPLICATION, DESIGN STANDARDS REVIEW, SITE, BUILDING, AND LANDSCAPING PLANS, AS WELL AS ANY RESTRICTIONS OR CONDITIONS THAT WERE APPLIED. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED 6 TO 0.**

**BCS/FIRE DEPT. WHAS CRUSADE FOR CHILDREN 5K RUN AND ANNUAL STREET CONCERT**

Councilman Williams recused himself and left the meeting. **COUNCILMAN BUCKMAN MOVED TO APPROVE THE BCS/FIRE DEPT. WHAS CRUSADE FOR CHILDREN 5K RUN ON 6-15-2015 AND ANNUAL STREET CONCERT ON 7-11-2015. MOTION SECONDED BY COUNCILMAN SIMPSON, MOTION CARRIED 5 TO 0. Councilman Williams returned to the meeting.**

**KENTUCKY BOURBON FESTIVALS SPIRITS GARDEN REQUEST**

Councilman Lydian and Councilman Hagan asked for input from Chief McCubbin and Chief Howard. Neither had any issues with expanding the Kentucky Bourbon Festival grounds to include all fenced-in areas for alcohol drinks. **COUNCILMAN HAGAN MOVED TO APPROVE THE ALLOWANCE OF ALCOHOL ON THE ENTIRETY OF THE KENTUCKY BOURBON FESTIVAL GROUNDS. MOTION SECONDED BY COUNCILMAN BUCKMAN, MOTION CARRIED 6 TO 0.**

**MINUTES**

**THE MINUTES FOR THE 03-24-2015 COUNCIL MEETING AND 04-06-2015 SPECIAL COUNCIL MEETING WERE APPROVED BY UNANIMOUS CONSENT.**

**PROPOSED ORDINANCE B2015 – REPEAL TAX EXEMPT FOR MANUFACTURING ESTABLISHMENTS**

Councilman Hagan introduced the ordinance and asked for its first reading. Acting City Clerk Kathy Graham read the ordinance to repeal in its entirety Ordinance 808 and its amendments. No vote was taken

**PROPOSED ORDINANCE B2015 – REZONE #2437 JANICE C. ADAMS**

Councilman Williams introduced the ordinance and asked for its first reading. City Attorney Butler read the ordinance in full to rezone property located at 971 Bloomfield Road (US 62) from R-2 (Two-Family Residential District) to B-3 (Regional Retail Business District). No vote was taken.

**PROPOSED ORDINANCE B2015 – SOLID WASTE AMENDMENTS**

Councilman Buckman introduced the ordinance and asked for its first reading in full. Acting City Clerk Graham read the ordinance which reflects how customers will be billed monthly for garbage services. No vote was taken.

**PROPOSED ORDINANCE B2015 – COMBINED UTILITIES SYSTEM AMENDMENTS**

Councilman Buckman introduced the ordinance and asked for its first reading in full. Acting City Clerk Graham read the ordinance which outlines in full the monthly billing procedures for all utilities, cable and internet services. No vote was taken.

**PROPOSED ORDINANCE B2015 – WATER AMENDMENTS**

Councilman Hagan introduced the ordinance and asked for its first reading in full. Acting City Clerk Graham read the ordinance which reflects how customers will be billed monthly for water services. No vote was taken.

**PROPOSED ORDINANCE B2015 - WASTERWATER AMENDMENTS**

Councilman Hagan introduced the ordinance and asked for its first reading in full. Acting City Clerk Graham read the ordinance which reflects how customers will be billed monthly for sewer services. No vote was taken.

**PROPOSED ORDINANCE B2015 – ELECTRICITY AMENDMENTS**

Councilman Simpson introduced the ordinance and asked for its first reading in full. Acting City Clerk Graham read the ordinance which reflects how customers will be billed monthly for electricity services. No vote was taken.

**PROPOSED ORDINANCE B2015 – CABLE TELEVISION AMENDMENTS**

Councilman Simpson introduced the ordinance and asked for its first reading in full. Acting City Clerk Graham read the ordinance which reflects how customers will be billed monthly for cable and internet services. No vote was taken.

**ORDINANCE B2015-03 ZONING REGULATIONS AMENDMENTS**

Mayor Royalty asked for the second reading for Ordinance B2015-03. Acting City Clerk Graham read the ordinance in full.

**ORDINANCE NO. B2015 – 03**

**AN ORDINANCE RELATING TO AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING REGULATIONS FOR THE CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY, BY AMENDING ARTICLE 5 DEFINITIONS AND ARTICLE 9 GENERAL ZONING DISTRICT REGULATIONS.**

**WHEREAS:** Pursuant to KRS 100.211 (2), on 02-24-2015, the Joint City-County Planning Commission held a public hearing and subsequently on 02-24-2015, the Planning Commission unanimously voted to recommend approval of the proposed amendments to the Zoning Regulations for All of Nelson County; and

**WHEREAS:** The proposed Zoning Regulations Amendments will address the Fence Height Revision and Zoning Compliance Permit Exception, as well as, the Accessibility Improvements Definition and Setback Exception.

**NOW THEREFORE, THE CITY OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I**

That Article 5 DEFINITIONS is hereby amended to create the definition of Accessibility Improvement and amend the definition of Structure as set forth in the documents attached hereto, made a part hereof and incorporated by reference as if fully set forth:

**Accessibility Improvement: An unroofed and open structure, including a ramp or chairlift, that (1) allows a person with a physical disability access to a dwelling and (2) is exterior to a dwelling.**

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground, but not including fences up to ~~[sixty (60) inches]~~ **seven (7) feet** in height, or poles and appurtenances thereto used for the provisions of public utilities; includes buildings and mobile homes.

**SECTION II**

That Article 9 GENERAL ZONING DISTRICT REGULATIONS, 9.8 Special Yard Provisions (D) is hereby amended to create an exception for Accessibility Improvements as set forth in the documents attached hereto, made a part hereof and incorporated by reference as if fully set forth:

**D. Accessibility Improvement Exceptions: Accessibility improvements may extend or project within ten (10) feet of front and rear property lines and within five (5) feet of side property lines. The accessibility improvement shall be permitted only for the access of a disabled resident of the dwelling and shall be removed if the dwelling is no longer occupied by a disabled resident. Accessibility improvements shall not be considered impervious area in the calculation of minimum open space. A variance shall not be required for accessibility improvements meeting these standards; however, the property owner shall be required to obtain a Zoning Compliance Permit to ensure compliance with these standards.**

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.

**COUNCILMAN BUCKMAN MOVED TO APPROVE ORDINANCE B2015-03, DULY SECONDED BY COUNCILMAN SIMPSON.**

**THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:**

COUNCILMAN COPELAND	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN SIMPSON	-	AYE

**MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-03 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. \_\_\_\_\_.**

**COMMITTEE AND STAFF REPORTS**

Councilman Buckman gave a report on the Street and Solid Waste Committee meeting that was held on Wednesday, April 1, 2015, 4:00pm in the Mayor’s Conference Room located at City Hall. Discussions on the street maintenance that needs to be done and the older trucks in Public Works, also the increase of Worker’s Compensation claims filed for the Solid Waste Department employees.

Councilman Williams gave a report on the Parks & Recreation Committee meeting that was held on Thursday, March 26, 2015 in the Council Chambers. The baseball, softball, football, and soccer leagues have experienced an increase in registrations. The playground equipment has been ordered and we received a discount on the purchase, and the inter-local agreement is due to expire. The Recreation Board also established new baseball field tournament rental fees.

City Electrical Engineer Mills gave a report on the Cable TV Programming Committee meeting that was held on Wednesday, April 1, 2015 in the Council Chambers. Discussed were the following topics : that the Smithsonian Channel may be in question regarding availability; that a flyer will be in the next mailing to highlight an increased cost for this channel. Mills also discussed the Master Services Agreement and Task Authorization between consultant NewGen Strategies and Solutions, LLC and the City for the Cumberland River SEPA Hydropower Projects.

Assistant City Administrator Green reported on the Classification and Compensation Plan. Paul Combs will attend the Finance Committee Meeting on Thursday to make a presentation.

Fire Chief Howard addressed the Consulting Agency for Scope of Work on the merger of the Fire Departments. He wanted to keep the Council and the public informed about the steps being taken to investigate a possible merger. The agreement between the City and the Bardstown Nelson County Volunteer Fire Department, made during the term of former Mayor Bill Sheckles, describing how the two agencies would cooperate financially, is set to expire June 30<sup>th</sup>.

Police Chief McCubbin gave a report on information that was provided at an earlier council meeting regarding the police response time. The issue is the alarm companies are holding calls for 9 to 10 minutes before contacting the police department. There was confusion as to dispatch delaying the calls to the police department.

**MUNICIPAL ORDER M2015-09 CITY PARKING LOT & SPECIAL PERMIT FOR MOBILE FOOD VENDOR - KONA ICE**

Mayor Royalty informed the Council that the approval to use the City Hall parking lot by Kona Ice would allow the Special Permit for the Mobile Food Vendor. Acting City Clerk Graham read the Municipal Order

**MUNICIPAL ORDER NO. M2015-09**

**BARDSTOWN CITY HALL**

A Municipal Order authorizing the parking lot of Bardstown City Hall, located at 220 N. 5<sup>th</sup> Street, to be declared as a public place for the purpose and location of mobile food vending activities per Ordinance B2014-03. The Bardstown City Council determined this location to be suitable from the standpoint of the health and safety of the public, and proper from the standpoint of site characteristics as a location in which mobile food vending activities may be allowed. On April 21, 2015 from 12:00 noon – 2:00 pm, the parking lot of Bardstown City Hall will be allowed to house the Mobile Food Vendor known as Kona Ice.

**COUNCILMAN HAGAN MOVED TO APPROVE MUNICIPAL ORDER M2015-09 AND THE SPECIAL PERMIT FOR MOBILE FOOD VENDOR KONA ICE TO USE THE CITY HALL PARKING LOT. THE MOTION WAS SECONDED BY COUNCILMAN WILLIAMS AND CARRIED 6 TO 0.**

**MUNICIPAL ORDER M2015-10 TAX MORATORIUM 602 BLOOMFIELD ROAD**

Acting City Clerk Graham read Municipal Order M2015-10.

**MUNICIPAL ORDER NO. M2015-10**

**A MUNICIPAL ORDER ACCEPTING THE APPLICATION FOR AN ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 602 BLOOMFIELD ROAD, BARDSTOWN, KENTUCKY, AND EXPRESSING THE CITY'S INTENT TO GRANT AN ASSESSMENT MORATORIUM TO THE OWNER OF SAID PROPERTY UPON COMPLIANCE WITH THE CITY'S PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUMS, AS DEFINED IN KRS CHAPTER 99.595, ET. SEQ.**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KY:

**SECTION 1**

That the “Application for Assessment Moratorium Certificate” for the property located at 602 Bloomfield Road, Bardstown, Kentucky, is hereby accepted and further expressing the City’s intent to grant an assessment moratorium to the owner of said property upon compliance with the City’s property assessment and reassessment moratoriums as defined in KRS Chapter 99.595, et seq.

## **SECTION 2**

That this order shall take effect and be in full force when passed and recorded according to law.

**COUNCILMAN HAGAN MOVED TO APPROVE MUNICIPAL ORDER M2015-10. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED 6 TO 0.**

## **MUNICIPAL ORDER M2015-11 STREETS STANDARDS AND GUIDELINES**

Acting City Clerk Kathy Graham read the Municipal Order.

### **MUNICIPAL ORDER M2015-11**

#### **City of Bardstown Street Standards and Guidelines**

WHEREAS: The City of Bardstown (“City”) has previously adopted the Subdivision Regulations for Nelson County’s latest revisions which address minor differences in street width requirements for the City of Bardstown and Nelson County; and

WHEREAS: In an effort to have consistency within the community for public street design, construction and acceptance and to assist a private developer in the design and construction of sub-division roadways.

The City of Bardstown does hereby order that the following street standards and guidance documents be adopted:

- “General Provisions for the Design & Construction of Public Roadways” - latest revision
- “Guidelines for the Release of Performance Bonds and the Acceptance of Roadways into the Nelson County Roadway Maintenance System” - latest revision

Where the above guidance documents are silent, the City of Bardstown will refer to the Kentucky Department of Highways’ Standard Specifications for Road and Bridge Construction, as well as, design standards.

With Exceptions as follows:

#### **“General Provisions for the Design & Construction of Public Roadways”**

1. Section I - Street Lighting – exclude (to meet City requirements)
2. Section k - Stormwater, Drainage Plan & Encroachments – See separate City Ordinance
3. Attachments p. 15 & p. 16 - Exclude Typical County Street Section and use Typical City Street Section
4. Attachments p. 17 - Amend Title to say City Street Section when lot > or = 100’ with the street width revised to City standard of 12’ for curb and gutter section. Guidelines fall back to Subdivision Regulations.
5. Attachments p. 18 - Follow City notations and add “Typical sidewalk detail must also conform to ADA requirements including ramps and drive approaches and cross slopes.”
6. Attachments p. 19 - Exclude private road street requirements
7. Attachments p. 20 - To be included as applicable. (no City Street design for speeds > 50 mph)

“Guidelines for the Release of Performance Bonds and the Acceptance of Roadways into the ~~Nelson County~~ City of Bardstown Roadway Maintenance System”

1. The City of Bardstown’s requirements for the performance of street construction is contained within the Standard Subdivision Agreement that must be signed by the owner and the City. The Standard Subdivision Agreement is secured with a Letter of Credit.
2. When working in the City of Bardstown, the Letter of Credit is to be secured with the City and not Nelson County Fiscal Court. All other language that refers to the Nelson County Road Department (NCRD) or Nelson County Engineer (NCE) is to be substituted with Bardstown Public Works Department or City Civil Engineer.

When working in the City of Bardstown, the above adopted guidelines are to be followed in addition to all ordinances and other requirements of the City. If any provisions of these rules and guidelines are found to be in conflict with existing City Ordinances, the City Ordinance shall govern. In addition, the City of Bardstown has requirements with respect to stormwater as a result of being a Municipal Separate Storm Sewer System (MS4), having a KPDES Permit with the Kentucky Division of Water. See City of Bardstown Code of Ordinance Book, Chapter 96. Streets, Curbs and Sidewalks, and Chapter 156. Drainage Control.

**COUNCILMAN WILLIAMS MOVED TO APPROVE MUNICIPAL ORDER M2015-11. THE MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED 6 TO 0.**

**POLICE K-9 CONSIDERATION**

Councilman Buckman gave a brief history about the K-9 program which began in 1991. The K-9 program is self-supporting due to the ability of the dogs to help locate drugs. Police Officer Reece Riley, on approval from Chief McCubbin, will purchase a K-9 through the help of a grant. With two-thirds of the money raised, Councilman Buckman asked the Council to fund the remainder of the money in the amount of \$5,700.00. No motion was presented.

**CITY COUNCIL MEMBER COMMENTS**

Councilman Copeland asked Councilman Hagan if the Annexation Committee was going to meet again and remove the distilleries from the annexation plan. She also wanted a better understanding of the late fees in the amount of \$3.50 on utility bills. Chief Financial Officer Hudson stated the late fees had not been increased in 10 years. Councilman Copeland reported the dumpsters at Ashberry Apartments were overflowing per the owners of the building. City Civil Engineer Filiatreau will have Public Works Supervisor Ben Burd look into the issue of hazardous wastes found at the dumpster.

**CEMETERY DEEDS**

**THE MOTION TO APPROVE THE CEMETERY DEEDS FOR DANIEL & SHEILA BERRY AND JOSEPH & ROSETTA DODSON WAS APPROVED BY UNANIMOUS CONSENT**

**ANNOUNCEMENTS**

Mayor Royalty announced the anniversaries of the following employees – 20 years for Margaret Berry - Meter Department, 10 years for Fireman Trevor Mattingly and 10 years for Police Officer Jason Woodson.

**ADJOURNMENT**

**THE MOTION TO ADJOURN WAS APPROVED BY UNANIMOUS CONSENT.**

**CITY OF BARDSTOWN**

\_\_\_\_\_  
John Royalty, Mayor

**ATTEST:**

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Barbara Bryant, City Clerk