

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
1-27-09
7:00 P.M.

The City Council met in a regular session in the Council Chambers with Mayor J. Richard Heaton and the following Councilmembers:

Councilmember Reed
Councilmember Williams
Councilmember Lydian
Councilmember Sheckles
Councilmember Royalty
Councilmember Simpson

Others present were: Police Chief Marksbury, Assistant City Administrator Green, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Attorney Donan, City Clerk Blincoe, PLG-TV reporter Isaac, Boaters Group representatives, Dr. Harry Spalding and Historical Review Board Administrator Bogert.

Mayor Heaton called the meeting to order.

STORM MODE

The Mayor informed the Council that due to the current winter storm, City Hall would be operating in 'Storm Mode' during the emergency. Public Works and Engineering Director Hamilton gave an update on a few electrical outages in the area.

BID TAB-CABLE TV CONSTRUCTION (BLOOMFIELD REBUILD)

Director Hamilton presented the bid tab to upgrade the City of Bloomfield's cable TV as follows:

BID TAB
CITY OF BARDSTOWN
Cable Television – Bloomfield Rebuild
January 22, 2009

| | | |
|-------------------------|-----------|-------------|
| STANDAFER & SONS, LLC | Bid Total | \$71,221.78 |
| SHEPHERD COMMUNICATIONS | Bid Total | \$72,415.06 |
| THE FISHEL COMPANY | Bid Total | \$77,111.46 |
| CK CABLE CONSTRUCTION | Bid Total | \$77,397.00 |
| J.E.REEDY, INC. | Bid Total | \$84,993.14 |

RECOMMEND: Standafer & Sons, LLC \$71,221.78

Bid Packages were mailed to the following:

Universal Communications
J.E. Reedy, Inc.
Standafer & Sons, LLC
Fishel Co.
CK Cable Construction
Shepherd Commnicatins

Public Notice was advertised in the Kentucky Standard

UPON MOTION OF COUNCILMEMBER SHECKLES, DULY SECONDED BY COUNCILMEMBER WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE BID FROM STANDAFER & SONS WAS APPROVED IN THE AMOUNT OF \$71,221.78.

PLANNING COMMISSION'S FY 2009/2010 BUDGET

Mayor Heaton stated that if there were any questions concerning the Planning Commission's upcoming budget, the Council should contact Janet Johnston, Planning & Zoning Administrator or Mark Mathis, Secretary/Treasurer.

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The recommendations were presented as follows:

A. Certificates of Appropriateness

1. COA #09-01 [RECOMMENDED]
109 S. Fifth St.

Emmanuel Ballard, on behalf of owner Peggy Evans, proposes to alter the brick parapet wall on the south side of 109 S. Fifth St. because its design causes water damage to the interior and exterior walls. The existing parapet wall is a modern addition of about 12 courses to the original wall. The applicant proposes to lower the wall by making it even with the angle of the existing gable of the rear wing of the house, adding a tapered rakeboard to match those on the gable of the original house, adding appropriate flashing, and repairing and tuckpointing the wall below (see attached photos).

Recommendation: To recommend approval of the exterior alteration at 109 S. Fifth St., as specified in this application.

2. COA #09-03 [RECOMMENDED]

Kreso Corp., 218 N. Third St. proposes to construct a two-story brick building at the rear of 212-214 N. Third St. This building will partially replace the existing one-story brick building on the site and will retain the existing one-story south wall. The brick and second floor windows will match those of the existing building. The new building will extend west to connect to the Melody Theatre building. The applicant also proposes to construct new doors in the sides of the Arco and Melody theaters for access and service at the rear of the buildings [see attached drawings]. Recommendation: To recommend approval of new construction of a two-story building at the rear of 212-214 N. Third St. and to construct new doors and a serviceway to connect the old Arco and Melody theaters at the rear, as specified in this application.

3. COA #09-02 [RECOMMENDED]

Kreso Corp., 218 N. Third St., proposes to demolish a portion of a one-story brick building at the rear of 212-214 N. Third St. The applicant proposes to retain the existing south brick wall and remove the roof and the west and north walls in order to construct a 2-story brick building in its place. Recommendation: To recommend approval of the partial demolition of a one-story building at the rear of 212-214 N. Third St., as specified in this application.

B. Property Maintenance, 111 E. John Fitch Ave.

Staff requested on December 19, 2008, that Mr. Thomas M. Brackett meet with the HRB at its January 12, 2009, meeting to discuss his plans “to improve the condition of his property” as required by Section 15.9 of the Zoning Regulations. The HRB affirmed this action at its December 8, 2008, meeting. This building is a two-story frame residence that was built circa 1872. It is a contributing structure (NR #129) to the Bardstown National Historic Register District.

Action Taken: The HRB requested that Mr. Brackett take the following actions: Take immediate steps to cover areas exposed by the removal of siding; cover the areas along the foundation to prevent damage from weather and animals; apply for a COA, to be reviewed by HRB at its February 9 meeting, for the repair of the foundation of the house; complete the foundation repairs by July 1, 2009; present to the HRB at its July 13, 2009 meeting, results of the foundation repairs and his plans for the repair of weatherboard siding and painting the exterior of the house. Mr. Brackett agreed to take these actions.

C. Staff Approvals

1. City parking lot, rear of Chapeze House. [AFFIRMED]
Staff gave approval on January 7 for the removal of two locust trees.

2. 301 W. Stephen Foster Ave. [AFFIRMED]
Staff gave approval on January 7 for two flush-mounted ID signs (“DX To Go”) because the business was already open and needed signage immediately.

Pen Bogert, for Don Parrish, Chair of the Bardstown Historical Review Board

Administrator Bogert answered questions concerning the changes to be done to the old Arco and Melody theater buildings located at 212-214 N. Third Street. **UPON MOTION OF COUNCILMEMBER SHECKLES, DULY SECONDED BY COUNCILMEMBER ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD WERE APPROVED.**

CORRESPONDENCE

The Mayor presented a note of appreciation from Rita Riley with the Mainstreet Committee thanking the City and City employee Phillip Grubbs for assisting with the ‘Santa On The Square’ activities during Christmas.

MINUTES

The Mayor reported that the previously approved minutes from the 12-23-08 City Council meeting needed to be corrected to show that Councilmember Reed had abstained on the vote taken for the second reading to designate 3.38 acres for Bluegrass Capital Holdings, LLC located at 1012 Granite Drive (Lot 1B, Bedrock Manor) as LIP/PUD, Option #1, Light Industrial Commercial Park. **UPON MOTION OF COUNCILMEMBER LYDIAN, DULY SECONDED BY COUNCILMEMBER ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE MINUTES WERE APPROVED AS CORRECTED.**

The minutes from the 1-13-09 regular Council meeting were then presented and **UPON MOTION OF COUNCILMEMBER WILLIAMS, DULY SECONDED BY COUNCILMEMBER REED AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

TELECOMMUNICATIONS EXCISE TAX APPEAL

The Mayor reported that an Executive Session would not be needed at the end of the meeting. He and City Attorney Donan then updated the Council on the Department of Revenue's final ruling to deny the City's CATV franchise refund amount of approximately \$83,000.00. City Attorney Donan said that the Board of Tax Appeals recently held in favor of Lexington on the issue; however, the Department of Revenue has appealed that decision to the Circuit Court in Franklin County. Attorney Linda Ain will file an administrative appeal to preserve the Bardstown's rights and will make a request to hold the matter in abeyance until the Lexington case is decided. The Council concurred.

NEIGHBORHOOD STABILIZATION PROGRAM RESOLUTION

Mayor Heaton presented a resolution to authorize him to execute all documents necessary for the execution of the application for the Department of Local Government's Neighborhood Stabilization Program Grant as follows:

CITY OF BARDSTOWN, KENTUCKY

**RESOLUTION
NEIGHBORHOOD STABILIZATION PROGRAM**

WHEREAS, the City of Bardstown is desirous of promoting and enhancing neighborhood stabilization and homeownership within its boundaries,

THEREFORE BE IT RESOLVED by the Bardstown City Council:

1. That the submission of an application for Neighborhood Stabilization Program Grant funds not exceeding \$ _____ for activities, including acquisition, rehabilitation, and housing financing, is hereby authorized. The application will be submitted to the Kentucky Department for Local Government.

2. That the Mayor is authorized to sign the grant application, statement of assurances and other documents necessary for the execution of the application and development of the project.
3. That the Lincoln Trail Area Development District is authorized to prepare the application on behalf of the City and if funded, to assist in the administration of the project.

This resolution was adopted by a vote of the Council at a _____, 2009 meeting.

UPON MOTION OF COUNCILMEMBER LYDIAN, DULY SECONDED BY COUNCILMEMBER ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE RESOLUTION (MUNICIPAL ORDER NO. 2009-03) WAS APPROVED.

KENTUCKY HOMELAND SECURITY GRANT RESOLUTION

The following resolution/Municipal Order No. 2009-02 was then presented in order to apply for funds to purchase tasers for the Bardstown Police Department:

**RESOLUTION 2009-02
City of Bardstown, Kentucky**

A RESOLUTION OF THE CITY OF BARDSTOWN, KENTUCKY AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR AND, UPON APPROVAL, TO ENTER INTO AN AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY (KOHS), TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY KOHS TO FACILITATE AND ADMINISTER THE PROJECT AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT.

WHEREAS, the City of Bardstown, Kentucky (city) desires to make an application for Law Enforcement Protection Program funds for a project to be administered by Kentucky Office of Homeland Security;

WHEREAS, it is recognized that an application for and approval of Kentucky Office of Homeland Security funds impose certain obligations and responsibilities upon the city;

NOW, THEREFORE, be it resolved this 27 day of January, 2009, by the City of Bardstown, Kentucky, Nelson County, Kentucky,

The Mayor is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by KOHS for the furtherance of the above-referenced project and to act as the authorized correspondent for said project.

UPON MOTION OF COUNCILMEMBER SIMPSON, DULY SECONDED BY COUNCILMEMBER ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE RESOLUTION WAS APPROVED.

Police Chief Marksbury reported that certified trainer Sgt. Chris Brandon would be in charge of the taser training. Councilmember Lydian requested a copy of the Police Department's Taser Policy.

REAPPOINTMENT

The Mayor said that he would like to reappoint Steven Hamilton to another four-year term on the Bardstown Housing Authority. **UPON MOTION OF COUNCILMEMBER WILLIAMS, DULY SECONDED BY COUNCILMEMBER REED AND CARRIED BY A VOTE OF 6 TO 0, THE REAPPOINTMENT WAS APPROVED.**

THE LT. GENERAL HAL MOORE PARKWAY

Dr. Harry Spalding spoke to the Council about proclaiming a section of U.S. Highway 150 from mile point 0.00, the old Courthouse in the center square of Bardstown, to mile point 2.285, immediately past the Bluegrass Parkway Interchange, as "The Lt. Gen. Hal Moore Parkway". Lieutenant General Moore graduated from St. Joe Preparatory School and West Point Academy and was a distinguished leader in the United States Army. His service in the Vietnam War was dramatized in the movie, "We Were Soldiers". The designation of the highway would be an honorary title and would not change the current name of the street. This stretch of highway travels in front of Moore's childhood home. A resolution on the proposed project will be presented at the next City Council meeting.

WATER PROJECTS PRIORITIZED

Public Works and Engineering Director Hamilton summarized three projects that could be done by postponing the Botland Water Tank Painting Project for a year. He then recommended the award of a \$15,500 contract with River Restoration.org for a preliminary design and cost estimate for the rubble dam restoration that would comply with the requirements of the Corps of Engineers. This would enable the City to apply for a possible Outdoor Recreational Grant.

Hamilton then recommended building a new 16-inch water main during construction of phase I of the streetscape project to augment the fire flows for the downtown area. The line would run from Broadway along Third Street downtown to Wilson & Muir Bank and around the Courthouse by Talbott Tavern and down to Bethlehem High School. Hamilton recommended the approval of a design proposal in the amount of \$16,875 received from Hibbs Engineering.

A proposal from Kenvirons in the amount of \$15,000 was recommended to update the Raw Water Study and to identify a water line along the proposed US 31E route to Salt River as an alternative to other raw water options. The river could be the most economical solution for the City.

Councilmember Williams asked if the 16-inch line would help the residents on South Third Street. These customers may possibly be helped by the upgrade and with a future extension to that area.

Representatives from the Boaters Group organization were informed to contact the Mayor, Asst. City Administrator or Public Works and Engineering Director with information concerning available grants for the Water Park Project.

UPON MOTION OF COUNCILMEMBER SIMPSON, DULY SECONDED BY COUNCILMEMBER WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION ON THE PROPOSAL FROM RIVER RESTORATION.ORG (JASON CAREY) IN THE AMOUNT OF \$15,500, THE RECOMMENDATION ON THE PROPOSAL FROM HIBBS ENGINEERING IN THE AMOUNT OF \$16,875, AND THE RECOMMENDATION ON THE PROPOSAL FROM KENVIRONS IN THE AMOUNT OF \$15,000 WERE APPROVED.

SAFETY COMMITTEE REPORT

Councilmember Sheckles reported that the committee recommended funding the cost, after grant money, for all police officers to have tasers. The committee also recommended that further study be done on the Street Crime Unit Proposal from Detective Coombs. The Bike Patrols and Foot Patrols will begin in early spring and continue through October. There are now nine full-time fire fighters and one part-time position filled. Sheckles announced that a grant had been received in the amount of \$58,500 to provide exhaust removal systems on the fire trucks that would help eliminate harmful odor and gases.

POLICE DEPARTMENT REPORT

Police Chief Marksbury reported on an indoor drug operation at a house on Purcell Avenue. The rental house had damage amounting to approximately \$15,000 to \$20,000.

He reported that the electric was out at the radio transmitter tower location on Caney Fork Road and a transformer was out on Bloomfield Road.

HISTORIC DISTRICT DIGITAL PHOTOS

Historical Review Board Administrator Pen Bogert reported that the 387 properties located in the Historic District were now available on digital photos. Mayor Heaton commended his work on the project.

TE GRANT

Assistant City Administrator Green informed the Council that he would be sending in the intent to apply for the next phase of the TE (Transportation Enhancement) Grant. He also reported that work is being done on the signage requirements for the Agreed Order received from the Department for Environmental Protection's Division of Enforcement.

WATER TREATMENT PLANT CLEARWELL EXPANSION AND FILTER RENOVATION PROJECT

City Civil Engineer Greenwell reported that the state had a few questions regarding the submitted design. These questions were addressed and approval is pending.

PUBLIC WORKS/STREET/GARBAGE CREWS

The City Civil Engineer reported that City crews had started plowing and salting roads at midnight and worked through the day. They will continue working on the roads tonight. He commended the employees for their dedication and professionalism. Public Works and Engineering Director Hamilton added that the Garbage Department crews should be commended for a job well done during these bad weather conditions.

(THE CITY COUNCIL CHAMBERS POWER WENT OUT AT APPROXIMATELY 8:30 P.M.)

CEMETERY DEEDS

Cemetery deeds were presented for Linda and Richard Price, Lynn Cheser and Connie Allen. **UPON MOTION OF COUNCILMEMBER LYDIAN, DULY SECONDED BY COUNCILMEMBER SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

RECREATION COMMITTEE MEETING

Councilmember Reed said that he would report on the meeting at the next Council meeting.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMEMBER WILLIAMS, DULY SECONDED BY COUNCILMEMBER SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:20 PM.**

ATTEST:

CITY OF BARDSTOWN

J. Richard Heaton, Mayor

Bobbe Blincoe, City Clerk