

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
3-9-10
7:00 P.M.

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

Councilman Reed
Councilman Williams
Councilman Lydian
Councilman Sheckles
Councilman Royalty
Councilman Simpson

Others present: Police Chief Marksbury, Fire Chief Mattingly, Asst. City Administrator Green, Chief Financial Officer Abell, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Attorney Donan, Drug Prevention Center Director Luckett, City Clerk Blincoe, WBRT/WOKH reporter Fred Hagan, The Kentucky Standard reporter Stephanie Hornback, WYSB reporter Tom Redmon, Smoke-free Coalition members Pat Whelan, Jayme Haslam, Judy Richardson and Kay Clark, Nelson Fiscal Court Magistrate Maynard Wimsett, Jerry Lear, Jerry Brady, Alan Brown, Sr., Alan Brown, Jr., Rod Mattingly, Carol Riker, Monica Munely, Rita Davis, Celia Whelan, Marion Brown, Kathy Wilkerson, Bob Wilkerson, Nick Lyons, Crystal Brady, James O'Bryan, and Susan Gordon.

Mayor Heaton called the meeting to order and said that due to Fire Code restrictions, the occupancy in the room must be kept at 40. Several people, both for and against the Smoke-Free Workplace Ordinance, remained outside the Council Chambers.

SECOND READING-SMOKE-FREE WORKPLACE ORDINANCE

The Mayor reported that 947 signed petitions, collected by County Magistrate Tim Hutchins at the request of the Campaign for Liberty group, had been received in opposition of the ordinance and a number of favorable responses were received from a survey conducted by the Chamber of Commerce. Additional correspondence and calls had been received at City Hall. He then presented the ordinance for a second reading. Bob Wilkerson addressed the Council with a number of questions that he wanted clarified. (See attached questions). City Attorney Donan responded to each question. Wilkerson stated that the ordinance would have an adverse effect on the City of Bardstown and the tourist industry and open the door for litigations. Alan Brown, Sr., was then recognized and he wanted to know what it would cost the City to enforce the ordinance. Mayor Heaton informed him that the cost could not be determined until after the ordinance was approved and published. However, he believed that the business owners would follow the provisions of the ordinance and it would not cause any hardship on them or on the City. He further stated that the Sunday Drink Ordinance had also been controversial but there were no negative effects noted from that ordinance. Crystal Brady asked about penalty issues. City Attorney Donan then changed the word "infraction" to "violation" in Section 13, subsection A of the ordinance. He said that this was a small change that did not affect the meaning of the ordinance. **COUNCILMAN ROYALTY MADE A MOTION TO APPROVE THE SECOND READING OF THE 100 PERCENT SMOKE-FREE WORKPLACE ORDINANCE WITH NO EXEMPTIONS AND TO ADD, AS DOCUMENT #1, THE FINDINGS FROM THE 2006 U.S. SURGEON GENERAL'S REPORT, THE HEALTH CONSEQUENCES OF INVOLUNTARY EXPOSURE TO TOBACCO SMOKE, (SEE ATTACHED), AND TO CHANGE THE WORD "INFRACTION" TO "VIOLATION" IN SECTION 13, SUBSECTION A. SAID MOTION WAS DULY SECONDED BY COUNCILMAN REED.** Councilman Lydian questioned the word change to the ordinance. City Attorney Donan responded that since it did not change the substance of the ordinance, it was allowed. Councilman Lydian asked if the addition of the U.S. Surgeon General's report necessitated going back to a first reading. The City Attorney said that there was no need to have another first reading since the report was the rationale for the motion and not a part of the ordinance itself.

MAYOR HEATON CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN REED	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN LYDIAN	-	NO
COUNCILMAN SHECKLES	-	NO
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN SIMPSON	-	NO

THE MAYOR THEN CAST AN "AYE" VOTE TO BREAK THE TIE. HE THEN DECLARED ORDINANCE NO. B2010-04 ADOPTED BY REFERENCE AND BE RECORDED IN ORDINANCE BOOK 10, PAGE NO. _____.

FIRST READING - REZONING #2328 - R-4 TO B-3

(Councilman Royalty and Councilman Simpson recused themselves from the meeting and vote).

A first reading was presented on rezoning application #2328 from C.R. and Joyce Royalty and Greg Royalty and Salt River Electric Cooperative Corporation to rezone 0.23 acre at 312-316 North Fourth Street (Tracts #1 & #2, Division of Land for Logan Miller Estate) and 0.105 acre at the southwest corner of North Fourth Street and West Brashear Avenue (existing parking lot) from R-4, Multi-Family Residential District to B-3, Regional Retail Business District. The Planning Commission recommended approval of the request. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 4 TO 0, THE RECOMMENDATION FROM THE PLANNING COMMISSION AND FIRST READING WERE APPROVED.**

(Councilman Royalty and Councilman Simpson returned to the Council Chambers).

BID TAB-SANITARY SEWER EXTENSION-BARDSTOWN SWIMMING POOL

City Civil Engineer Greenwell presented the bid tab as follows to allow for the City pool to be drained into the sanitary sewer system:

BID RESULTS
SEWER EXTENSION BARDSTOWN SWIMMING POOL
Friday, March 5, 2010
10:00 A.M.

CONTRACTOR

Roby's Grade and Drain
Breeding Brothers
Southern Kentucky Construction
Garrison Construction Co., Inc.
Hicon Construction,LLC

BID PRICE

\$29,594.00
\$36,842.00
\$48,063.50
\$52,644.95
\$76,056.10

RECOMMEND: Roby's Grade and Drain - \$29,594.00

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, ROBY'S GRADE AND DRAIN WAS APPROVED IN THE AMOUNT OF \$29,594.00 CONTINGENT UPON OBTAINING AN EASEMENT FROM ST. JOSEPH PARISH.

Councilman Simpson and Councilman Royalty agreed that the City may need to look at obtaining the equipment to do this type of job in-house. Public Works and Engineering Director Hamilton said that the staff would possibly be pursuing the purchase of a track hoe.

BID TAB-SEWER FLOW MONITORING - EQUIPMENT AND LABOR

The City Civil Engineer presented the bid tab and recommended approval of the low bid received from Gripp, Inc. (See attached Documents #2 and #3). This bid is for six meters with a possibility of purchasing additional meters. Public Works and Engineering Director Hamilton said that this purchase would be used to determine the inflows to the system and other data for the Sanitary Sewer Evaluation Study (SSES). UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE BID FROM GRIPP, INC., IN THE AMOUNT OF \$68,985.00 WAS APPROVED TO ASSIST THE CITY WITH THE SSES WORK FOR THREE MONTHS PLUS TRAINING, ALONG WITH RETAINING THE SIX METERS, RAIN GUAGE AND SOFTWARE.

MINUTES

The minutes from the 2-23-10 regular City Council meeting were then presented and UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.

MUNICIPAL ORDER NO. 2010-14-HAZARD LITIGATION PLAN RESOLUTION

Municipal Order No. 2010-14 was presented as follows:

MUNICIPAL ORDER NO. 2010-14

CITY OF BARDSTOWN, (NELSON COUNTY), KENTUCKY
Lincoln Trail Regional Hazard Mitigation Plan
Resolution

WHEREAS, certain areas of the **City of Bardstown, Kentucky** are subject to periodic flooding, tornados, severe winter storms, severe thunderstorms and other natural hazards that have potential to cause damages to people and properties within the area; and

WHEREAS, the **City of Bardstown** desires to prepare and mitigate for such natural hazards; and

WHEREAS, under the Disaster Mitigation Act of 2000, the United States Federal Emergency Management Agency (FEMA) requires that local jurisdictions have in place a FEMA-approved Hazard Mitigation Plan as a condition of receipt of certain future Federal mitigation funding after November 1, 2004; and

WHEREAS, the **Lincoln Trail Regional Hazard Mitigation Plan** was developed in accordance with the regulations of the Disaster Mitigation Act of 2000 and the guidance provided by the Federal Emergency Management Agency; and

WHEREAS, to assist cities and counties in meeting this requirement, the Lincoln Trail Area Development District has facilitated the development of a multi-jurisdictional Hazard Mitigation Plan covering member jurisdictions of the **Lincoln Trail Region** including the **City of Bardstown, Kentucky**; and

WHEREAS, the **City of Bardstown** has participated in the Hazard Mitigation Planning Process:

NOW, therefore, be it resolved that the **Bardstown City Council** hereby:

1. Adopts the Lincoln Trail Regional Hazard Mitigation Plan as the official Hazard Mitigation plan of the **City of Bardstown, Kentucky**; and
2. Vests the **Lincoln Trail Area Development District** with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Develop an addendum to this Hazard Mitigation Plan if the jurisdiction's unique situation warrants such an addendum.
3. Appoints the **Lincoln Trail Regional Mitigation Council** to assure that the Hazard Mitigation Plan be reviewed according to the Plan Maintenance Procedures in section 3.5 of the plan and that any needed adjustment to the plan be developed and presented to the **Nelson County Mitigation Committee and to the Bardstown City Council** for consideration.
4. Agrees to consider any other official actions as may be reasonably necessary to carry out the objectives of the Lincoln Trail Regional Hazard Mitigation Plan for the **City of Bardstown, Kentucky**.

UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2010-14 WAS APPROVED.

MUNICIPAL ORDER NO. 2010-15 - RESOLUTION FOR KENTUCKY OFFICE OF HOMELAND SECURITY

Police Chief Marksbury presented the following Municipal Order to apply for funds to be used to purchase backup weapons for the Police Department for approximately \$10,000.00:

MUNICIPAL ORDER NO. 2010-15

RESOLUTION CITY OF BARDSTOWN

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, 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 9th day of March 2010, by the City of Bardstown, 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 COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2010-15 WAS APPROVED.

NEW PROPOSED AGREED ORDER UPDATE

Public Works and Engineering Director Hamilton updated the Council on the Agreed Order proposed by the Kentucky Division of Water that was discussed at a meeting in Frankfort on March 4, 2010. The state had two primary concerns: getting Bloomfield connected to the City's sewer system and implementing the Sanitary Sewer Evaluation Study. The state also acknowledged that the work would be done subject to funding possibilities. Once funding is obtained, the Bloomfield Road force main will be ready for bid and design approval. Horizon, Inc., will be assisting the City with some of the work on the 30,000 feet of sewer evaluation. The measurement of peak flows will be studied first and then the televising will enable the staff to find flaws in the system. A draft agreed order has been received for review. Hamilton and Greenwell then gave a progress report on the smoke-testing project and letters to customers.

REQUEST FOR PROPOSALS-BOND REFINANCING

Chief Financial Officer Abell reported that he would be advertising for RFPs from companies for the City's bond refinancing project. He will have a recommendation for the Council at a later date.

KENTUCKY RURAL WATER ASSOCIATION ANNUAL MEETING

The City Civil Engineer reported that the Kentucky Rural Water Association would again hold its annual meeting in Bardstown in May. He then requested that the group use Sympson's Lake for a small fishing tournament and that fees be waived for the association's members. More information will be presented at the next Council meeting.

LAKE PATROL

The Public Works and Engineering Director reported that the City will advertise for a new Lake Patrolman for Sympson's Lake.

CITY FIVE-YEAR ANNIVERSARIES

Mayor Heaton recognized Tonda Lockett, who will celebrate her ten-year anniversary with the Drug Prevention Center this month, and Mike Pile, who will celebrate his twenty-year anniversary with the Cable TV Department.

EXECUTIVE SESSION

The Mayor announced that the Council needed to go into Executive Session pursuant to KRS 61.810 (1)(c), to discuss proposed or pending litigation. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO EXECUTIVE SESSION AT 8:30 P.M.**

UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 8:50 P.M.

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

CEMETERY DEED

A cemetery deed was presented for Eric Hutchins for two graves in the Bardstown Cemetery and **UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE DEED WAS APPROVED.**

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:58 P.M.**

CITY OF BARDSTOWN

ATTEST:

Bobbe Blincoe, City Clerk

J. Richard Heaton, Mayor