

**CITY OF BARDSTOWN**  
**REGULAR COUNCIL MEETING MINUTES**  
**3-23-10**  
**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, Asst. City Administrator Green, Chief Financial Officer Abell, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Attorney Donan, City Clerk Blincoe, Historical Review Board Administrator Bogert, WBRT/WOKH reporter Fred Hagan, The Kentucky Standard reporter Stephanie Hornback, Smoke-free Coalition member Pat Whelan, Kevin Brumley and Richard Nest.

Mayor Heaton called the meeting to order.

**SECOND READING-REZONING #2328 - R-4 TO B-3**

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

A second reading of the ordinance was presented as follows:

**ORDINANCE NO. B2010-06**

**AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP, ENTITLED, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN, AND NELSON COUNTY, KENTUCKY" BY CHANGING THE DISTRICT CLASSIFICATION OF THE PROPERTY LOCATED IN BARDSTOWN, KENTUCKY, AS HEREINAFTER DESCRIBED FROM R-4, MULTI-FAMILY RESIDENTIAL DISTRICT TO B-3, REGIONAL RETAIL BUSINESS DISTRICT.**

**WHEREAS**, the Joint City-County Planning Commission of Nelson County, Kentucky, on February 23, 2010, held a public hearing on the Application No. 2328 of C.R. & Joyce Royalty and Greg Royalty and Salt River Electric Cooperative 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).

**WHEREAS**, the City Council members conducted a review of the record and evidence presented before the Joint City-County Planning Commission of Nelson County, Kentucky; and

**UPON MOTION OF** Councilman Williams, duly seconded by Councilman Sheckles and carried, the City Council approved the recommendation stated from the Planning and Zoning Commission to approve the rezoning request. (Councilmen Royalty and Simpson recused themselves from the meeting and vote).

**NOW THEREFORE**, be it ordained by the Bardstown City Council that:

Boundaries of the district as shown on district map, entitled, "**ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY**" are hereby amended for reasons adopted and all of which are made a part hereof as if fully set out herein, including the letter of recommendation dated March 1, 2010, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property is described as follows:

**"Tract #1** - Beginning at an iron pin 33 ft. from the center of North Fourth Street and corner to Potts; thence with Potts N 71 degrees 45'47" W 89.7 ft. to an iron pin corner to Potts and Hammonds; thence with Hammonds N 17 degrees 45'39" E 47.82 ft. to an iron pin in East line of Hammonds and corner to Tract 2 of Logan Miller Estate Division; thence with Tract 2 S 72 degrees 42'50" E 89.65 ft. to a railroad spike corner to Tract 2 and 33 ft. from center of North Fourth Street; thence with r/w of said street S 18 degrees 01'01" 49.3 ft. to the point of beginning containing **0.1 acre**."

**"Tract #2** - Beginning at an iron pin corner to REA parking lot and 33 feet from the center of North Fourth Street; thence with r/w of said street S 18 degrees 01'01" W 71.16 ft. to a railroad spike 33 ft. from center of said street and corner to Tract 1 of Logan Miller Estate Division; thence with Tract 1 N 72 degrees 42'50" W 89.65 ft. to an iron pin corner to Tract 1 and in east line of Hammonds property; thence with Hammonds N 17 degrees 53'53" E 49.32 ft. to an iron pin corner to Hammonds and REA lot; thence with REA lot S 70 degrees 27'36" E 26.96 ft. to a post corner to REA; thence with REA N 22 degrees 07'21" E 24.42 ft. to a post, corner to REA; thence with REA S 71 degrees 21'29" E 61.32 ft. to the point of beginning containing **0.13 acre**."

**"Existing parking lot** - Beginning in the above street corner, hence with the south line of Brashear Avenue N 73-33 W 88.60 ft. to a post corner with Willie Lamar in the street line; hence with Willie Lamar S 14-16 W 67.40 ft. to a post corner with Logan Miller in Lamars line; hence with Logan Miller S 73-14 E 25-1/2 ft. to a post, N 16-36 E 24.60 ft. to a post, and S 73-41 E. 61.1 ft. to a post corner with Logan Miller in the west line of 4<sup>th</sup> Street; hence with the west line of 4<sup>th</sup> Street N 15-00 E 42.88 ft. to the beginning, containing **0.105 acre**." (TOTAL: **0.335 acre**)

This ordinance shall be in full force and effect following publication as required by law.

This ordinance or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

A summary of this ordinance shall be published according to KRS 83A.060.

**UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SHECKLES, MAYOR HEATON CALLED THE ROLL AND THE FOLLOWING VOTED:**

COUNCILMAN REED	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN SHECKLES	-	AYE

**THE MAYOR THEN DECLARED ORDINANCE NO. B2010-06 ADOPTED AND BE RECORDED IN ORDINANCE BOOK 10, PAGE NO. \_\_\_\_\_.**

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

## HISTORICAL REVIEW BOARD RECOMMENDATIONS

The recommendations were presented as follows:

### A. Certificates of Appropriateness

#### 1. COA #10-11 [RECOMMENDED]

JTD Holdings, LLC, 213 W. Broadway, proposes to demolish a 9' x 28' historic wooden shed at the rear of 114-116 E. Broadway. The applicant states that it cannot be put to any reasonable use because it is beyond repair. The shed will be replaced with grass.

Recommendation: To recommend approval of the proposal to demolish a 9' x 28' historic wooden shed at the rear of 114-116 E. Broadway, as specified in this application.

#### 2. COA #10-12 [RECOMMENDED]

Bardstown Baptist Church proposes to replace the present internally-lit double-sided sign on N. Third St. The existing sign face will be removed and replaced with a painted aluminite sign board with a changeable reader board (see attached graphic). The sign will have a black and gold border. The background color will be maroon and lettering will be cream color. The sign will be lit by small spotlights on each side.

Recommendation: To recommend approval of the proposal to replace the present internally-lit double-sided sign on N. Third St. with an externally lit sign and reader board, as specified in this application.

#### 3. COA #10-13 [RECOMMENDED WITH CONDITION]

EGS Real Estate proposes to erect a 6' high wood, dog-eared privacy fence on three sides of the lot at the rear of 105 Court Square (opposite the Old Jail wall). The existing metal gate at the corner of the lot will be retained.

Recommendation: To recommend approval of the proposal to erect a 6' high wood, dog-eared privacy fence on three sides of the lot at the rear of 105 Court Square, as specified in this application, with the condition that the existing metal corner gate be replaced with a wood gate matching the height of the new fence.

#### 4. COA #10-14 [RECOMMENDED]

Derek Cook, 202 W. Flaget Ave., proposes to remove a dead tree, install an air conditioning unit on the east side of the house (facing N. Fourth St.), add gravel to two existing gravel driveway strips, and add low shrubs along the perimeter of the house.

Recommendation: To recommend approval of the proposed site alterations at 202 W. Flaget Ave., as specified in this application.

#### 5. COA #10-15 [RECOMMENDED]

Betty Kelley (Jack & Jill Children's Boutique, LLC), 117 N. Third St., proposes to install the following signs: white lettering ("Jack & Jill Children's Boutique") on the front of the existing awning; add the same signage in white lettering on the inside of the store window at the bottom; and move the existing approved hanging sign from the former store location on W. Flaget Ave. to the rear of 117 N. Third St.

Recommendation: To recommend approval of the proposal to install window and awning signs and a rear hanging sign at 117 N. Third St., as specified in this application.

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

**UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS WERE APPROVED ALONG WITH THE CONDITION ON ITEM NO. 3.**

## MINUTES

The minutes from the 3-9-10 regular City Council meeting were then presented. Councilman Lydian said that he had a problem with the addition of the U.S. Surgeon General's report to the Smoke-Free Workplace Ordinance. He believed that it added new language to the ordinance discussion and, therefore, the ordinance would need to have another first reading. Upon request for a legal opinion on the question, City Attorney Donan informed the Council that the supporting documentation did not change the wording of the ordinance whatsoever, and it was simply noted as the rationale or the premise for the Council's decision to pass the ordinance. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 1, THE MINUTES WERE APPROVED. (COUNCILMAN LYDIAN VOTED NO).**

## JANUARY, 2010 FINANCIAL REPORT

Chief Financial Officer Abell said that the Council could contact him with any questions about the January, 2010 Financial Report. He said that the water and sewer revenues were right on target and the health insurance costs had stabilized.

He then reported that he would have a recommendation available at the next Council meeting for the financial advisor to handle the City's bond refinancing projects.

## KENTUCKY RURAL WATER ASSOCIATION ANNUAL MEETING-LAKE FEES

The City Civil Engineer requested that the Sympson Lake boat fees be waived during the fishing tournament planned for the Kentucky Rural Water Association meeting in May. After discussion, **COUNCILMAN SIMPSON MADE A MOTION TO AUTHORIZE FREE BOATING DAYS FOR ONE AND ALL ON THE SAME DAYS AS THE FISHING TOURNAMENT IS HELD. SAID MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS, CARRIED BY A VOTE OF 6 TO 0, AND APPROVED.**

## RECREATION BOARD MEETING

Councilman Reed reported that the Recreation Board meeting would be held on Thursday, March 25, 2010 at 7:00 p.m.

## CEMETERY CLEANUP

Councilman Simpson reminded everyone of the cemetery cleanup to be held at the Bardstown Cemetery on Saturday, March 27, 2010 at 10:00 a.m.

## POLICE ARREST

Police Chief Marksbury reported on the arrests made after two men tried to sell marijuana to representatives of the Greater Hardin County Narcotics Task Force in the Walmart parking lot. The arrests were made after a foot chase through the woods near Flowers Foods.

**Qk4 CONTRACT - STREETScape PROJECT**

Assistant City Administrator Green reported that now that the grant agreement was signed by the state, the contract with Qk4 could be executed. Public Works and Engineering Director Hamilton said that the contract was for resident engineering services in the amount of \$199,672.00. Qk4 was the selected company to do the work. The contract will be paid with federal stimulus funds after certain procedures are followed. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR WAS AUTHORIZED TO EXECUTE THE Qk4 CONTRACT CONTINGENT UPON RECEIVING A 'NOTICE TO PROCEED' FROM THE STATE TRANSPORTATION CABINET.**

The pre-bid conference on the project will be held on Friday, April 2, 2010 at 10:00 a.m. in the Nelson Fiscal Courtroom.

**LEASED ACCESS**

Public Works and Engineering Director Hamilton reported that WBRT Radio had requested leased access on the City's Cable TV system. WBRT, or any other entity, can lease access to a specified channel for their programming subject to meeting certain criteria and the payment of a fee. City Electrical Engineer Mills is working with the City Attorney in developing a contract and application form for this program. Additional information will be forthcoming.

**MOSQUITO SPRAYING**

Councilman Royalty announced that the State Department of Agriculture would begin spraying for mosquitoes the first week in May. He said that the City would be divided into four sections before the work begins. Royalty also informed the staff that while the state is in the area, the retention ponds would also be treated.

**'NO PARKING' SIGN NEEDED**

Councilman Reed reported that a 'No Parking' sign was needed near the fire hydrant by Dr. Patrick and Dr. McClellan's office located at 115 South Fifth Street. There has been a number of cars reported parking by the hydrant in the yellow-striped no parking area on South Fifth Street near West John Fitch Avenue. Police Chief Marksbury said that this had become a problem.

**CITY CIVIL ENGINEER RETIRING**

The Mayor announced that City Civil Engineer George Greenwell would be retiring on May 31, 2010. The City will go ahead and advertise for his position so that Greenwell can still be at the City during the transition.

**EXECUTIVE SESSION**

The Mayor announced that the Council needed to go into Executive Session pursuant to KRS 61.810 (1) (b), to discuss the future acquisition or sale of real property and pursuant to KRS 61.810 (1) (c), to discuss proposed, pending or potential litigation. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO EXECUTIVE SESSION AT 7:50 P.M.**

**UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 8:15 P.M.**

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

**'NO PARKING' SIGN APPROVED**

**UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED TO INSTALL A 'NO PARKING FROM HERE TO CORNER' SIGN IN FRONT OF PATRICK AND MCCLELLAN'S OFFICE LOCATED AT 115 SOUTH FIFTH STREET.**

**COOMBS DISMISSAL**

City Attorney Donan stated that Larry Coombs, former City police officer, has challenged his dismissal on procedural grounds. Through his attorneys, Mr. Coombs has alleged that the City did not follow KRS 15.520, commonly referred to as the Police Officer's Bill of Rights, prior to his termination. The attorney representing the City, Rob Hudson, has reviewed the documentation and advised the City on this matter. He has negotiated a settlement on behalf of the City and the City's insurance carrier to settle this dispute by paying Mr. Coombs \$14,500.00 which represents his approximate back wages and benefits to this point plus an additional \$2,500.00 to his attorney for fees and costs. The City has also agreed to withdraw its appeal of the unemployment decision granting him unemployment benefits. The City Attorney requested a motion to approve the settlement agreement. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR WAS AUTHORIZED TO EXECUTE A SETTLEMENT AGREEMENT ON BEHALF OF THE CITY AND ITS INSURANCE CARRIER TO SETTLE THE CLAIMS ASSERTED BY LARRY COOMBS.**

The City Attorney also wanted to state that the claim by Mr. Coombs was covered by the City's insurance policy. Mayor Heaton added that it was subject to the City paying its \$5,000.00 deductible.

**ADJOURNMENT**

Being no further business to discuss and **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:30 P.M.**

CITY OF BARDSTOWN

ATTEST:

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Bobbe Blincoe, City Clerk

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J. Richard Heaton, Mayor