

**CITY OF BARDSTOWN**  
**REGULAR COUNCIL MEETING MINUTES**

3-24-09  
7:00 P.M.

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

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

Others present were: Assistant Police Chief Strunk, Fire Chief Mattingly, Assistant City Administrator Green, Chief Financial Officer Abell, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Electrical Engineer Mills, Electric Superintendent Miller, Preservation Administrator Bogert, City Attorney Donan, City Clerk Blincoe, The Kentucky Standard reporter Jenny Blandford, WBRT/WOKH reporter Fred Hagan, WYSB reporter Tom Redmon and PLG-TV reporter Tom Isaac.

Mayor Heaton called the meeting to order.

**BID TAB - APPARATUS-MOUNTED VEHICLE EXHAUST REMOVAL SYSTEMS**

The bid tab was presented as follows:

**BID TAB**

8 – Apparatus-Mounted Vehicle Exhaust Removal Systems  
10:00 a.m., February 20, 2008  
Opened and Read at 11:00 a.m.

BIDDER	AMOUNT
Smoke Blotter, Inc.	\$62,400.00
Ward Diesel Filter Systems	\$65,000.00

Fire Chief Mattingly recommended that Ward Diesel Filter Systems be awarded the bid and distributed a handout to the Council explaining his recommendation. He reported that the cheaper Smoke Blotter, Inc. systems would require the purchase of a battery charging system for the trucks at an additional total cost of \$4500.00 to \$5000.00. This would more than negate the savings on the lower priced systems. City Attorney Donan advised that Smoke Blotter, Inc. had not been responsive to the bid specifications. The City will pay a match of 10 percent for three units and the Fire Department Corporation will pay a 10 percent match for five units. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE FIRE CHIEF TO ACCEPT THE BID FROM WARD DIESEL FILTER SYSTEMS WAS APPROVED IN THE AMOUNT OF \$65,000.00.**

**HISTORICAL REVIEW BOARD RECOMMENDATIONS**

The recommendations were presented as follows:

A. Certificates of Appropriateness

1. COA #09-06 (RECOMMENDED)

Frank R. Smith, 218 N. Fourth St., and Ann Hite, 212-214 N. Fourth St., propose to remove an American Elm tree that is located on the property line between Mr. Smith's residence and a residence at 203 W. Broadway owned by Ms. Hite (see photos). Phillip Grubbs, City Arborist, examined the tree on February 9 and stated that it is partially rotted, is prone to Dutch Elm disease, and poses a hazard to Mr. Smith's residence. Mr. Smith has agreed to replace the tree with an oak. Mr. Bogert gave staff approval on February 13 to remove the tree because of the hazard to Mr. Smith's residence.

Recommendation: To recommend approval of the removal of an American Elm tree on the property line between Mr. Smith's residence and a residence at 203 W. Broadway owned by Ms. Hite, as specified in this application.

2. COA #09-07 (RECOMMENDED)

JTD Holdings, LLC, proposes to build six condos along Strawberry Alley, east and north of 206 E. Broadway, as specified in the site plan approved by City Council on October 28, 2008 (COA #08-43). This proposal consists of two parts: A general plan showing the location, scale, and height of each of the six buildings and a detailed plan for the construction of a two-story brick condo at the corner of the tract and adjacent to 206 E. Broadway. Each of the condos conforms to the footprint shown in the site plan and each building faces south, with the roofline perpendicular to Strawberry Alley. The buildings on each end will be two stories (29 1/2') with an 8/12 pitch and the other four buildings will each be 1 1/2 stories (22') with a 10/12 pitch, as shown in the submitted drawings. Some of the buildings will be clad in brick and others will be clad in siding. Details of the other architectural elements (windows, doors, porticos, exterior materials, etc.) for each of the other five buildings will be submitted for review on an individual basis. The submitted drawings for the two-story building include:

1. brick exterior

2. façade: four 6/6 second floor Marvin Integrity clad windows with single jack arches, brick sills, and wood shutters; three 6/9 first floor Marvin Integrity clad windows with single jack arches, brick sills, and wood shutters; six-panel front door with three-light transom; front concrete steps with black metal railings.

3. east side: attic vent; two 6/6 second floor windows with single jack arches and brick sills; two 6/6 first floor windows with single jack arches and brick sills.

4. west side: paneled door and attic vent.

Applicant states in an attachment that there will be only the minimum number of windows on the east side required by code, in order to ensure privacy for both the condo owner and neighborhood residents.

Recommendation: To recommend approval of the general plan for six condos on Strawberry Alley (as specified in the applicant's submitted drawing) and the construction of a two-story brick condo adjacent to 206 E. Broadway, as specified in this application.

3. COA #09-08 (RECOMMENDED)

Lawrence Ballard III proposes to remove a Water Maple tree that is located on his property at 216 E. Stephen Foster Ave. Phillip Grubbs, City Arborist, examined the tree on February 25 and stated that it is a "moderate risk" to the buildings at both 212 and 216 E. Stephen Foster Ave. because there is significant rot in both large forks of the tree and pruning will not be possible. Mr. Bogert gave staff approval on February 25 to remove the tree because of the hazard to both buildings. Mr. Ballard will replace the tree with a Sugar Maple.

Recommendation: To recommend approval of the removal of a Water Maple tree at 216 E. Stephen Foster Ave., as specified in this application.

4. COA #09-09 (WITHDRAWN)

Nick Kipper, acting for James B. Taylor, proposes to remove a Tulip Polar tree that is located adjacent to his house at 502 N. Third St. He states that large branches of the tree have fallen on his roof and balcony (which he plans to restore) several times and believes that the tree, therefore, poses a potential hazard to his house. He plans to replace the tree with an Armstrong Maple. Phillip Grubbs, City Arborist, inspected the tree on February 25 and recommended that the tree be carefully pruned, instead of removed, and that the tree was healthy and did not pose an immediate hazard to the house.

**Recommendation:** The applicant withdrew this application in order to obtain an independent assessment of his tree by a certified arborist. The application will be resubmitted for HRB review at a later date.

5. COA #08-52 (RECOMMENDATION)

Franklin Hibbs III received approval from City Council on December 23, 2008, for the rehabilitation of the exterior of his building at 216 N. Fourth St. with the condition that he submit his plans for the front doorway and transom, front panels, and side doorway to the HRB for review. Mr. Hibbs proposes to construct double doors with a five-light transom on the front and a single door on the north side, as part of the rehabilitation of his building at 216 N. Fourth St. The front doors will be wooden with two recessed flat panels. The transom will be in line with the top and bottom of the approved windows, but will have narrower wood-clad grilles. The side door will be wooden with four lights and two recessed flat panels to match the original door. Mr. Hibbs also proposes to light the front doorway with recessed lighting installed above the doorway and to light the side doorway with a gooseneck-type light installed above the doorway.

**Recommendation:** To recommend approval of the installation of lighting, double front doors with transom, and a side door, as specified in this application.

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

**UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATIONS ON ITEMS 1, 2, 3, AND 5 WERE APPROVED.**

**NEW HAVEN SCHOOL REQUEST**

Mayor Heaton presented a letter from Bryan Hurst, football coach with the New Haven Middle School, requesting that the City donate two reels of electrical conduit for the school to use to run electric lines to the light poles from their new facility. A discussion followed. Chief Financial Officer Abell reported that when working with another local government, the City was not required to bid the surplus property. City Electrical Engineer Mills said that the City could not use the conduit and that it had been written off on the last audit. The conduit was approximately five years old and had some bad spots in it about every 30 feet. Councilman Royalty asked about the liability issues. City Attorney Donan advised that he would write a disclosure to be included with the donation if approved. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE DONATION OF THE TWO REELS OF ELECTRICAL CONDUIT 'AS IS' WAS APPROVED WITH THE DISCLOSURE.**

**MINUTES**

The minutes from the 3-10-09 regular Council meeting were then presented and Councilman Simpson made a correction to his motion on page 2 regarding the Town Creek Interceptor Project. He asked that the minutes show that he made the motion to approve the monetary contribution of \$27,600 on behalf of the U.S. Fish and Wildlife Service to the Indiana Bat Conservation Fund administered by the Kentucky Natural Lands Trust because he felt that the City's back was against the wall. He also wanted to keep the project moving in a timely manner and meet the Agreed Order requirements. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE MINUTES WERE APPROVED WITH THE CORRECTION.**

**LEGISLATION UPDATES**

Mayor Heaton updated the Council on the following:

HB-117 was passed and sent to the Governor to be signed into law. This is the legislation that will allow CERS agencies to reach their full employer contribution obligations over a 10-year period instead of the 5-year time frame currently required.

SB-46 was sent to the Governor to be signed. The bill clarifies that cities do not have to pay overtime on the \$3,100 state supplement for overtime hours included in the regular work schedule of firefighters. Chief Financial Officer Abell and Fire Chief Mattingly reported that this legislation should not affect the City since it addresses scheduled overtime.

Other bills of possible interest were briefly mentioned.

**DOWNTOWN STREETScape PROJECT PRESENTATION**

Mayor Heaton and City Electrical Engineer Mills gave a PowerPoint presentation updating the Council on the construction plans for Phase I of the project from Court Square north to Broadway. Lighting and landscaping plans, signage, sidewalk and crosswalk construction and permit requirements were discussed in detail. Mayor Heaton reported that he sent a letter to the downtown property owners and tenants explaining the construction process. It is predicted that each quarter block construction will take two or three weeks to complete. The Mayor said that these changes were subject to approval by the downtown business owners. A 16-inch waterline project will precede this construction.

**16-INCH WATERLINE PROJECT**

Public Works and Engineering Director Hamilton reported on the project and said that he met with the engineers to discuss possible traffic control and work hour restrictions. He is working on obtaining a project schedule from the contractor that the Highway Department will approve. A public meeting will be held after those decisions are made. The 16-inch waterline will start at Broadway south around the courthouse and west on Stephen Foster Avenue to Cathedral Manor. The 8-inch line will remain in place. If that line fails, the 16-inch can be tapped into and should eliminate any problems. It will loop downtown and should help with the fire flows. Hibbs Engineering will coordinate the work with the sidewalk construction. The TEA 21 Grant funds in the amount of \$639,000 will be used to assist with Phase I of the project. Assistant City Administrator Green reported that an application had been sent to the state requesting funds to help with Phase II and Phase III of the Downtown Streetscape project.

**2009 RECYCLING GRANT APPLICATION**

Assistant City Administrator Green reported that the grant application will be submitted to the State Division of Solid Waste by April 1, 2009 to use for additional recycling equipment for FY

2009-2010. If awarded, a baler, trailer, a can crusher and air handler would be purchased for next year's recycling demands. While discussing the needed equipment, Public Works and Engineering Director Hamilton spoke favorably on the trailer design created by Public Works Superintendent Mike Burba. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR WAS AUTHORIZED TO SIGN THE GRANT APPLICATION FOR AN AMOUNT NOT-TO-EXCEED \$50,000.00 AND IF APPROVED, THE CITY WOULD FURNISH IN-KIND SERVICES FOR A 20 PERCENT MATCH.** Green said that the next step for recycling would be to get the industries involved with the program.

**FINANCE DEPARTMENT**

Chief Financial Officer Abell updated the Council on the February, 2009 Financial Report that had been distributed.

**BORE WORK FOR THE TOWN CREEK INTERCEPTOR PROJECT**

Public Works and Engineering Director Hamilton reported that the bore under US 150 was complete and the bore work under KY 245 would begin soon.

**CURB AND GUTTER PROJECT**

The Mayor commented on the curb and gutter project on South Fourth Street and that it was a nice improvement to the City.

**CORPS OF ENGINEERS PERMITTING PROCESS**

Public Works and Engineering Director Hamilton announced that a meeting would be held on May 20, 2009 for local engineers to receive training on the permitting process.

**CEMETERY DEED**

A cemetery deed was presented for William Christopher Kidd and **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED 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 WILLIAMS, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:28 PM.**

**ATTEST:**

**CITY OF BARDSTOWN**

\_\_\_\_\_  
J. Richard Heaton, Mayor

\_\_\_\_\_  
Bobbe Blincoe, City Clerk