

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

4-28-09  
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: Police Chief Marksbury, Assistant City Administrator Green, Chief Financial Officer Abell, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Electrical Engineer Mills, City Attorney Donan, City Clerk Blincoe, Historic Preservation Administrator Bogert, The Kentucky Standard reporter Theresa Rice, WBRT/WOKH reporter Fred Hagan, WYSB reporter Tom Redmon, PLG-TV reporter Tom Isaac, Isaac Ferguson, Jim Hardesty, Frank Olcott, Darrell Goodlett, J.T. Webb, David Hamilton, Mike Filiatreau, Mickey Hardin, Dennis George, Sam Wheatley, Guthrie McKay, Joyce Anderson and daughter and Kevin Fox.

Mayor Heaton called the meeting to order.

**SUNDAY ALCOHOLIC BEVERAGE SALES DISCUSSION**

Brother Isaac Ferguson, Pastor of New Beginning Baptist Church, spoke in opposition to the proposed ordinance allowing Sunday liquor sales for packaged liquor stores, convenience stores and groceries. He said that he was representing the Christian community and he felt that it would have an adverse effect on the community. Frank Olcott, who manages an addiction program in Bardstown, also spoke against the issue and said that just because Jefferson County allows this type of sales does not mean that Bardstown should allow it. Others who spoke against the matter were Joyce Anderson, and Kevin Fox, who thought that the City's heritage should be considered. Nelson County Baptist Church Pastor Darrell Goodlett noted that the Council had a tough decision to make but also was opposed to the amendment. He asked the Council to consider more than just the money that would be spent in the community. Sam Wheatley, owner of the Maywood Chevron, was in favor of the amendment saying that it was a way to help the local economy. J.T. Webb with Liquor World, stated that buying alcohol on Sundays was a personal choice. Dennis George with Clark Distributing said that the City of Lebanon had faced the same issue in the past and allowed the sales on Sunday. He believed that store owners should be able to sell a legal product and try to improve their businesses in a down economy.

**SECOND READING-#2306-OLD THIRD BARDSTOWN, LLC.**

The application #2306 from Old Third Bardstown, LLC for an amended development plan and binding elements for Polo Springs Development was presented for a second reading as follows:

**ORDINANCE NO. B2009-01**

**AN ORDINANCE AMENDING AND ADOPTING AS AMENDED THE DEVELOPMENT PLAN AND BINDING ELEMENTS APPROVED WITH APPLICATION NO. 2097 OF OLD THIRD BARDSTOWN, LLC FOR POLO SPRINGS DEVELOPMENT LOCATED ON THE NORTHWEST SIDE OF PATRIOT DRIVE IN THE CITY OF BARDSTOWN.**

**WHEREAS**, the Joint City-County Planning Commission of Nelson County, Kentucky, on March 10, 2009, held a public hearing on the Application No. 2306 of Old Third Bardstown, LLC for an amended development plan and binding elements for Polo Springs development on the northwest side of Patriot Drive, approximately 480 feet northeast of New Shepherdsville Road (KY 245) and is at the end of Patriot Drive (Revised Lots 2 and 4, Minor Plat for Lou and Julie A. Harrison and Mark R. Mathis) in Nelson County.

**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 Reed and carried, the City Council approved the recommendation from the Planning and Zoning Commission to amend the development plan and binding elements to add 8 units, thereby increasing the gross density of 10.3 units per acre.

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

The development plan and binding elements 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 April 10, 2009, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council.

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.

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

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN REED	-	AYE

**THE MAYOR DECLARED ORDINANCE NO. B2009-01 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. \_\_\_\_\_, PAGE NO. \_\_\_\_\_.**

## HISTORICAL REVIEW BOARD RECOMMENDATIONS

The Historical Review Board recommendations were presented as follows:

### A. Certificates of Appropriateness

#### 1. COA #09-10 [RECOMMENDED]

Donna Monin proposes to move her hanging sign and attach it to her new location at 226 N. Third St. The sign is the same size and color. HRB gave staff the authority to approve this change, subject to submitting a COA application, on March 9.

Recommendation: To recommend approval of moving a hanging sign ("Bardstown Florist") to 226 N. Third St., as specified in this application.

#### 2. COA #09-11 [RECOMMENDED]

Keith Gartland of Gartland's Art Sales proposes to install a 3' x 4' hanging sign at their new location at 105 W. Flaget Ave. The sign will attach to the existing pole formerly used by Merle Norman and the colors will be the same as their present sign. The applicant also proposes to paint the façade panels of the building the same brown/burgundy color to match the sign.

Recommendation: To recommend approval of the installation of a 3' x 4' hanging sign at 105 W. Flaget Ave., as specified in this application. The applicant withdrew the proposal to paint the panels on the building façade.

#### 3. COA #09-12 [RECOMMENDED]

Ron and Chrissy Foreman propose to make the following changes to their frame house and yard at 505 N. Third St.: Remove two pine trees adjacent to the front of the house; remove one ornamental tree in the north side, and remove one small, dead tree on the south side near the fence. The two side trees will be replaced with new trees; the pine trees will be replaced with low plantings. The applicants also propose to repaint the exterior of their house with the following Benjamin Moore colors or their equivalent: body (Bleeker Beige HC-80), trim (Navajo White), door (Cottage Red 22), and shutters (Black Forest Green 46).

Recommendation: To recommend approval of the removal of trees and the exterior painting of the residence at 505 N. Third St, as specified in this application.

#### 4. COA #09-13 [RECOMMENDED]

Ann Keene proposes to make the following exterior alteration to her residence at 201 S. Third St.: adding a first floor bathroom by extending the present exterior wall about 10' into the existing carport. The wall will be covered in cement board to replicate the siding and will be painted to match the rest of the exterior. There will be no openings in the wall (please refer to scale drawings).

Recommendation: To recommend approval of the extension of the exterior wall into the existing carport at 201 S. Third St., as specified in this application.

#### 5. COA #09-14 [RECOMMENDED]

Rev. Bill Hammer, on behalf of Bishop Joseph Kurtz, proposes to replace the shingle roof on Flaget Hall with a copper standing seam roof. There will be no change in the roof profile and the style/design of the copper roof will be the same as that recently installed at 202 S. Third St. Flaget Hall originally had a tin standing seam roof before its replacement with shingles.

Recommendation: To recommend approval of the replacement of the shingle roof with a copper standing seam roof at Flaget Hall, as specified in this application.

#### 6. COA #09-15 [RECOMMENDED]

Steve and Cheryl Keeling, 517 N. Third St., propose to replace two modern iron porch posts and five modern iron carport posts with 6" x 6" cedar posts, painted to match the trim on their house. The porch posts will also have simple wood molding caps and bases.

Recommendation: To recommend approval of the replacement of wrought iron porch and carport posts with 8" x 8" cedar posts, painted as specified in this application.

#### 7. COA #09-16 [RECOMMENDED]

Steve W. Auslander proposes to raise the pitch of an existing rear flat roof of a modern commercial building at 301 W. Stephen Foster Ave. in order to enable better drainage. The change in pitch will not be visible from the front or sides. The applicant also proposes to remove an ornamental chimney located near the middle of the roofline. This is necessary because the chimney rests on the flat roof.

Recommendation: To recommend approval of raising the pitch of the existing rear roof at 301 W. Stephen Foster Ave. and removing the west ornamental chimney, as specified in this application.

#### 8. COA #09-17 [RECOMMENDED]

The Java Joint Café has submitted a proposal for outdoor dining, consisting of two round, metal 30" diameter tables, each including two chairs. They also have submitted a sign ("The Java Joint Café") to be applied on the inside of the left window. The colors for "The Java Joint" are gold with a black border; the colors for "Café" are the same as their building sign.

Recommendation: To recommend approval of the proposals for ID window signage ("The Java Joint Café") and outdoor dining at the Java Joint Cafe, as specified in this application.

#### 9. COA #08-50 [RECOMMENDED]

JTD Holdings, LLC proposes the following exterior alteration and landscape changes to the McLean House, 105 E. Stephen Foster Ave.: remove two vine-choked and decayed trees; reopen a bricked-up second-floor doorway at the rear for access to a platform and, possibly, a stairway; repaint exterior trim Timber Beam (Porter 315-6), doors and shutters Status Bronze (Sherwin Williams SW 7034); on the rear addition repaint body Timber Beam, windows and door frame Favorite Tan (Sherwin Williams SW 6157), entry door Rocky River (Sherwin Williams SW 6215), window and door grilles Timber Beam, and shutters Status Bronze.

Recommendation: To recommend approval of the removal of two trees, exterior painting, and the reopening of a bricked-up second floor doorway at the McLean House, as specified in this application.

#### 10. COA #08-52 [RECOMMENDED]

Franklin Hibbs III proposes to remove a dead tree at the rear of his property at 216 N. Fourth St., replacing it with a smaller tree, and also proposes to paint the exterior of the building in the following Valspar colors: panels (Belle Grove Bluff, 3006-10B), windows and transom (La Fonda Ecry 3006-8C), and doors (Hubbell House Clayo, 2006-9B).

Recommendation: To recommend approval of the exterior painting of the building at 216 N. Fourth St. and the removal of a tree at the rear of the property, as specified in this application.

#### 11. Streetscape Plan [RECOMMENDED]

The HRB will review and make a recommendation on Phase I of the Streetscape Plan (100 and 200 blocks of N. Third St.) . Design elements to be reviewed include: sidewalk materials and design; street lighting; landscaping; trash receptacles; benches; signage; and traffic light design.

Recommendation: To recommend approval of Phase I of the Streetscape Project, as specified in this proposal, according to construction review documents submitted on February 27, 2009, cut sheets submitted by Ken O'Dea of Vivian Llambi Associates on March 9, and bench selection proposed by Mayor Heaton on March 23. The HRB recommended approval with the following conditions: add buff color to the new concrete pavement; enlarge the size of the scored concrete squares; and eliminate all trees in the 100 and 200 blocks of N. Third St.

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

The Mayor requested that Item No. 11 be tabled so that the Council could review the final plans on the Streetscape Project at the next Working Session to be held on May 5, 2009. The Council concurred.

**UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD ON ITEMS NO. 1 THROUGH NO. 10 WERE APPROVED AND ITEM NO. 11 WAS TABLED.**

### REQUEST FOR STOP SIGNS/SPEED LIMIT SIGNS

Mayor Heaton presented a written request from some residents along Purcell and Caldwell Avenues asking for a three-way stop at Caldwell and Butler, a four-way stop at Purcell and Caldwell and installation of speed limit signs in the area. The speed limit on these streets is 30 MPH. The Police and Engineering Departments will review the area and return to the Council with a recommendation.

Councilman Royalty mentioned the hazardous intersection by The Huddle House, the Pawn Shop and Save-A-Lot off East John Rowan Blvd. It was noted that these streets are not City streets. The

Mayor said that this area might possibly be helped after the street improvements are completed at the intersection of KY 245 and US 62.

Councilman Simpson said that he had received a number of requests for a stop sign at Allison and East Daugherty. This will be also be reviewed by the Police and Engineering Departments for a recommendation.

#### MINUTES

The minutes from the 4-14-09 regular City Council meeting were then presented and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

#### RATE STUDY WITH KENTUCKY RURAL WATER AUTHORITY

Chief Financial Officer Abell updated the Council on the rate study and said that he was gathering the necessary information to give to the Kentucky Rural Water Authority. After the study is completed, he will present a recommendation to the Council. He reported that the City was definitely facing many cost increases in the Water, Sewer and Garbage Departments. Mandated capital improvements were also affecting these costs.

#### STREETSCAPE PHASE I AND II AND DOWNTOWN WATERLINE PROJECT

Assistant City Administrator Green reported that the City received a grant in the amount of \$600,000 plus for the improvements for Phase I of the Streetscape Plan and has applied for more than two million in funds for Phase II that includes Court Square and two blocks of Stephen Foster Avenue. This grant will not be awarded until July. It would be more cost effective and less disruptive to downtown to do this work and the waterline improvements at the same time. Public Works and Engineering Director Hamilton agreed that it would be more economical. A grant application has been sent for federal funds for the Downtown Waterline Project. Mayor Heaton said that it was better to wait to see what grants were awarded prior to beginning the work.

#### FIRST READING - ALCOHOLIC BEVERAGE ORDINANCE AMENDMENT (SUNDAY SALES FOR BEER RETAILERS/RETAIL PACKAGE LICENSEES

The Council discussed four separate ordinances and agreed to combine all the amendments into one ordinance prior to the vote. Councilman Simpson was concerned because he did not have a problem with alcohol sales on Sunday but he had a problem with changing the hours allowed for the sales. Councilman Reed said that what he had problems with was not broken down to a separate issue. Councilman Sheckles stated that these Sunday sales would not be a major issue for the City. People would not change their habits just because the ordinance was adopted. A number of Councilmen spoke about the reasons that they were in favor of the ordinance and Mayor Heaton said that changing the time for Sunday sales would allow the City to be in line with the County and state laws. Councilman Reed and Councilman Royalty said that they knew that people could get alcohol on Sundays illegally. This ordinance could help eliminate these illegal sales. Councilman Williams said that if people had problems with addiction, they would still get alcohol no matter what day it was. The Mayor added that he had worked with people in recovery programs in the past and this ordinance would not make a difference to addictive behaviors. He felt that it was an issue of fairness since other businesses could sell their products seven days a week. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING WAS APPROVED.** Councilman Reed clarified his vote by saying that the ordinance as a whole would be beneficial to the community. Councilman Simpson stated that he changed his position on the times allowed for sales because of consistency. It would be in line with the County and the State laws. Councilman Reed pointed out that the state did not have a fee for Sunday sales for convenient stores, grocery stores and packaged liquor stores so the City could not charge a fee to issue these licenses. He said that he would not be in favor of raising the yearly fees at this time. Councilman Royalty agreed.

#### KU RATE INCREASE

Mayor Heaton announced that Kentucky Utilities would be increasing the rate charged to the City payable in July this year. The City's electric rates would need to be raised to meet this cost increase.

#### FIRST READING - ALCOHOLIC BEVERAGE ORDINANCE AMENDMENT-FEE SCHEDULE

A first reading was then presented updating the fee schedule for alcoholic beverage sales for the City of Bardstown to be consistent with the state fees. These fees will be in effect on July 1, 2009. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING WAS APPROVED.**

#### SEWER LINE REPAIR REQUEST LETTERS

City Civil Engineer Greenwell reported that approximately 300 letters would be mailed asking property owners to repair their sewer lines to help keep rain and ground water out of the City's sewer system. A sample letter was distributed to the Council. Some residents have defects in their sewer lines that cause extra water to get into the system causing overflows. The homeowners would be asked to correct the problems by the end of the year. The letters, along with a photograph showing the location of the problem, will be sent out soon.

#### ILLEGAL DUMPING/TRASH COMPLAINT

Kevin Fox, 140 Limestone, updated the Council on the illegal dump site and that he was pleased with the plans to correct this problem. He then distributed copies of letters he exchanged with the Bardstown Housing Authority. He asked that some sort of plan be set in place to deal with the trash problem coming from the Housing Authority. Mayor Heaton affirmed that he and the County Judge and solid waste representatives would be meeting to address this problem.

**CEMETERY DEEDS**

Cemetery deeds were presented for John Portman, Mr. and Mrs. John Sproul, Jr., and Terry and Shirley Lawson. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, THE DEEDS WERE APPROVED.**

**BUDGET DRAFT**

Chief Financial Officer Abell reported that the Council should receive the budget draft by the end of May or the first of June for review.

**WINE AND CHEESE TASTING FESTIVAL**

Councilman Reed announced that the Wine and Cheese Tasting event would be held on May 30, 2009 and sponsored by the Rotary Club.

**KENTUCKY UTILITIES (KU) MAINTENANCE AGREEMENT**

Public Works and Engineering Director Hamilton mentioned that the City Attorney was reviewing an agreement that was up for renewal with KU for service work to the City's electric substations. Mayor Heaton asked the staff to report back on the cost of last year's contract and obtain the City Attorney's opinion prior to approval.

**ADJOURNMENT**

Being no further business to discuss and **UPON MOTION OF COUNCILMAN SIMPSONED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:50 PM.**

**CITY OF BARDSTOWN**

**ATTEST:**

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J. Richard Heaton, Mayor

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Bobbe Blincoe, City Clerk