

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES**

**6-22-10
7:00 P.M.**

The City Council met in a regular session in the Council Chambers with the following Councilmen:

- Councilman Reed
- Councilman Williams
- Councilman Lydian
- Councilman Sheckles
- Councilman Simpson
- Councilman Royalty - Absent

Others present: Police Chief Marksbury, Chief Financial Officer Abell, Assistant City Administrator Green, Public Works and Engineering Director Hamilton, City Electrical Engineer Mills, City Attorney Donan, City Clerk Blincoe, HRB Administrator Bogert, The Kentucky Standard reporter Stephanie Hornback, WBRT/WOKH reporter Will Osbourne and Smoke-Free Coalition member Pat Whelan.

INTERLOCAL AGREEMENT-FIRST DRAFT-BLOOMFIELD/BARDSTOWN SEWER

Chief Financial Officer Abell presented a first draft of the agreement that would allow the City of Bardstown to treat the City of Bloomfield's sewage. This agreement was an updated version of one approved by both cities some four years ago. City Attorney Donan and Bloomfield's City Attorney Jim Willett will review the draft for approval. Abell said that the agreement would be contingent upon financing availability for both cities.

MUNICIPAL AID AGREEMENT RESOLUTION/MUNICIPAL ORDER NO. 2010-24

The Mayor presented a resolution/Municipal Order No. 2010-24 that would allow the City to receive its share of the gasoline tax which will be credited to the street maintenance fund as follows:

MUNICIPAL ORDER NO. 2010-24

RESOLUTION

Incorporated City of BARDSTOWN

Resolution adopting and approving the execution of a Municipal Aid Co-op Program Contract between the Incorporated City and the Commonwealth of Kentucky Transportation Cabinet, Department of Rural and Municipal Aid for the fiscal year beginning July 1, 2010, as provided in the Kentucky Revised Statutes and accepting all streets referred to therein as being streets which are a part of the Incorporated City.

Be it resolved by the Legislative Body of the Incorporated City that:

The Legislative Body of the Incorporated City does hereby accept all streets referred to in said Contract as being city streets which are a part of the Incorporated City; and

The Legislative Body of the Incorporated City does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated; and

The Chief Executive Officer of the said Incorporated City is hereby authorized and directed to sign said Contract as set forth on behalf of the Legislative Body of BARDSTOWN, and the City Clerk of BARDSTOWN is hereby authorized and directed to certify thereto.

The vote taken on said Resolution, the result being as follows:

AYES

NAYS

Councilman Reed _____
Councilman Williams _____
Councilman Lydian _____
Councilman Sheckles _____
Councilman Simpson _____

**COMMONWEALTH OF KENTUCKY) SS:
INCORPORATED CITY OF BARDSTOWN**

I, Bobbe Blincoe, City Clerk of BARDSTOWN certify that the foregoing is a true copy of the Order above. Given under my hand and seal of office this the 22 day of June, 2010.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, MUNICIPAL ORDER NO. 2010-24 WAS APPROVED.

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The recommendations were presented as follows:

A. Certificates of Appropriateness

1. COA #09-55 (Amended) [RECOMMENDED WITH CONDITION]

The HRB on December 14, 2009 recommended approval for the replacement of an existing metal roof at 226 N. Third St. with a new metal roof, painted Burnished Slate. The new roof was installed but it is unpainted and the unpainted drip edge covers most of the wood gable trim. The applicant has submitted an amended application because the roof does not comply with the recommendation of the HRB and approval by City Council. The applicant requests that he be permitted to retain the unpainted roof.

Recommendation: To recommend approval of the new unpainted metal roof at 226 N. Third St. as specified in this application, with the following condition: the drip edges of the roof be painted the same color as the house trim color.

2. COA #10-26 [RECOMMENDED]

Sandra Stucker has placed an 8' x 12' wooden shed on the concrete pad between her rear garage and Cherry Alley. She requests approval to keep the shed. It is not visible from the street and meets setback requirements. This application was tabled at the May 10 HRB meeting.

Recommendation: To recommend approval of the accessory building placed at the rear of 205 S. Third St. as specified in this application.

3. COA #10-29 [RECOMMENDED WITH CONDITION]

Bill and Donna Ellis have applied for a site alteration and an alteration to an approved 5-space parking area at 103 E. Stephen Foster Ave. The alterations include: replacing the existing asphalt driveway with colored concrete that matches the color of the outdoor dining patio; cover the 5-space parking area with the same colored concrete, instead of with grassy pavers (grassy pavers were applied for by the applicants and recommended by the HRB on June 9, 2009); and altering the elevations of the sidewalk and the end of the driveway to eliminate the trough between the street and sidewalk.

Recommendation: To recommend approval of the parking lot alteration and site alterations at 103 E. Stephen Foster Ave., as specified in this application, with the following condition: the colored concrete be stamped and colored to match the outdoor dining patio.

4. COA #10-30 [RECOMMENDED]

Brown & Co. CPA, 442 E. Stephen Foster Ave, has applied to replace their current free-standing sign with a new sign that is about 1' taller (see photos).

Recommendation: To recommend approval of the proposed freestanding sign at 442 E. Stephen Foster Ave., as specified in this application.

5. COA #10-31 [RECOMMENDED]

Lee Smithkier (for Gladys H. Smith) proposes to expand a 12' wide gravel parking area at the rear of 206 E. Stephen Foster Ave. at Raspberry Alley to a 31' x 43' gravel parking area for 2-3 vehicles (see site plan and photos).

Recommendation: To recommend approval of the proposed expanded gravel parking area at the rear of 206 E. Stephen Foster Ave., as specified in this application.

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

UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD WERE APPROVED INCLUDING THE CONDITIONS ON ITEMS NO. 1 AND NO. 2.

DRB-161 - BARDSTOWN ELECTRONICS - COMMERCIAL BUILDING

A recommendation for approval with conditions and waiver was presented from the Development Review Board on DRB-161 from Bardstown Electronics for a 4,075 square foot commercial building on Lot #1, Old Kentucky Home Industrial Park, northeast corner of Banjo and Bloomfield Road (US 62). The conditions and waivers were:

1. Three (3) additional canopy trees must be planted on the site;
2. The requested parking waiver is granted to allow more than 80 percent of the required parking between the building elevations and roadways and to not require any additional berming or landscaping;
3. Four (4) foot wide sidewalks must be provided along the sides of the building, rather than the grassy planting areas;
4. The side (Banjo Street) elevation must have recessed brick "faux" windows as shown on the revised elevation, and the customer entrance on this elevation is waived;
5. Full-cutoff fixtures and recessed canopy/awning lights must be used; and,
6. Metal awning color must be submitted for administrative approval prior to the issuance of a Zoning Compliance Permit.

UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD WAS APPROVED WITH THE ADDED CONDITIONS AND WAIVERS.

MINUTES

The minutes from the 6-8-2010 regular Council meeting were presented and the Mayor asked that the motion be clarified on page 2 under the heading SPARE CONDUIT to read that the spare conduit would be added to the entire Downtown Streetscape project at the light locations while the ditches were open. The water sleeve will be added from Park Billom to the Courthouse. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE MINUTES WERE APPROVED WITH THE CLARIFICATION.**

The minutes from the 6-15-2010 special Council meeting were presented and Councilman Williams asked that the entire paragraph under the heading MAYOR PRO-TEM on page 4 be moved to show that it occurred prior to the first reading and discussion of the FY 2010-2011 Budget Ordinance. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, THE MINUTES WERE APPROVED WITH THE CORRECTION.**

SECOND READING - ORDINANCE NO. B2010-10 - FY 2009-2010 AMENDED BUDGET ORDINANCE

Chief Financial Officer Abell reported that the amended budget affected the Cable TV and Internet Departments of the City. The second reading of the ordinance was presented as follows:

ORDINANCE NO. B2010-10

AN ORDINANCE AMENDING ORDINANCE NO. B2009-14 THE CITY OF BARDSTOWN'S BUDGET ORDINANCE FOR THE FISCAL YEAR JULY 1, 2009 THROUGH JUNE 30, 2010.

WHEREAS an annual budget for Fiscal Year 2009-10 was adopted by the City Council of the City of Bardstown on June 24, 2009, and

WHEREAS there have been unanticipated changes in both revenues and expenditures during that period of time;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BARDSTOWN THAT:

Section 1.

The annual budget for the fiscal year 2009-2010 be and hereby is amended as follows:

- 1) Combined Utilities Fund: Increase anticipated total revenues from \$29,025,300 to \$29,706,500 and increase authorized expenditures from \$28,505,229 to \$29,186,429 specifically for the Cable and Internet Departments, where current year revenues will be more than budgeted and expenses will likewise be more than originally budgeted.

Section II.

That this ordinance shall be published and shall become effective on June 30, 2010.

A copy of the complete amended budget is available for inspection in the Office of the City Clerk during regular office hours.

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

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

THE MAYOR DECLARED ORDINANCE NO. B2010-10 ADOPTED BY REFERENCE AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

FY 2010-2011 BUDGET ORDINANCE DISCUSSION

A discussion was held on the proposed vehicle purchases for the Cable TV Department, the Electric Department and the Sewer Department that had been frozen at the previous special Council meeting held on June 15th. Mayor Heaton recommended that the bucket truck in the Cable TV Department be purchased since there would be a substantial savings in Contract Services for the upcoming year. COUNCILMAN SIMPSON THEN MADE A MOTION THAT LINE ITEM 7190 (CONSTRUCTION EQUIPMENT) IN THE CABLE TV DEPARTMENT BUDGET BE "UNFROZEN" AND THAT THE PURCHASE OF A BUCKET TRUCK FOR THAT DEPARTMENT BE INCLUDED IN THE ADOPTED BUDGET; THAT LINE ITEM 7140 OF THE CABLE TV DEPARTMENT BUDGET BE REDUCED FROM \$44,000 TO \$24,000 AND LINE ITEM 8990, RESERVE FOR EMERGENCIES, BE INCREASED TO \$97,631. SAID MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN AND APPROVED BY A VOTE OF 5 TO 0.

FIRST READING - FY 2010-2011 BUDGET ORDINANCE

The FY 2010-2011 Budget Ordinance was then presented for a second reading as follows:

ORDINANCE NO. B2010-11

AN ORDINANCE ADOPTING THE CITY OF BARDSTOWN, KENTUCKY, ANNUAL BUDGET FOR THE FISCAL YEAR, JULY 1 2010, THROUGH JUNE 30, 2011, ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY GOVERNMENT.

WHEREAS, an annual budget proposal and message has been prepared and delivered to the City Council; and,

WHEREAS, the City Council has received such budget proposal and made desired modifications;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BARDSTOWN:

Section I:

That the annual budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011, is hereby adopted as attached hereto; and

That, due to the need to pay Streetscape and Water Plant expenses and then seek reimbursement, and the resultant heavy demand on cash flow, the Mayor and CFO are hereby authorized to temporarily use the cash of other City funds, specifically the Lagoon Fund, the Land Acquisition Fund, and the Depreciation Reserve Fund, to meet the cash flow needs, reimbursing the other funds upon receipt of grant and loan reimbursements.

Section II

That this ordinance shall become effective upon approval and publication as required by law.

A copy of the complete budget is available for inspection in the office of the City Clerk.

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

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

THE MAYOR THEN DECLARED ORDINANCE NO. B2010-11 ADOPTED BY REFERENCE AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

MOSQUITOE SPRAYING

The Mayor announced that the state would be spraying for mosquitoes at 9:15 p.m. after the meeting and Councilmen Williams, Simpson, Reed and Sheckles would be assisting with the work. Mayor Heaton thanked Councilman Royalty, who was away on vacation, for organizing the event with the state.

DUMPSTER LOCATION

Councilman Sheckles reported that a resident at 111 West Broadway had complained about the dumpster location behind his residence. Assistant City Administrator Green said that the dumpster had been moved from behind Kreso's Restaurant because the owners were remodeling. Since none of the business owners wanted the dumpster on their property, it had been moved to the alley on leased property of the City. Green said that he would check on the location and ask other property owners in the vicinity if they would be interested on locating the dumpster on their property.

HISTORIC PRESERVATION PROGRAM - INTERN STUDENTS

Historical Review Board Administrator Pen Bogert reported that Mark Fluehr, a graduate student in the Historic Preservation program at the University of Kentucky, and Madelynn Ringo, an undergraduate in the UK Architecture School, had worked from May 10th to June 28th as interns in his office. They researched and inventoried three historic neighborhoods: 1. Carden Addition - the residential area bounded by West Beall, North Third, Barber, and North Fourth. They photographed each house and did a deed search for each property back to the time the area was platted in 1911. They also researched at the library the prior history of the area before it was platted and efforts to advertise and sell lots in 1911; 2. Henrytown - All buildings were photographed and representative examples of buildings were selected for a thorough deed search. The original 1909 plats and early marketing efforts were researched at the Courthouse Annex and at the Library, and

3. Hickmantown - Historic African-American neighborhood on W. Brashear between Fourth and Fifth. All buildings were photographed and titles to all properties were searched back to the first African-American owners in the 1860's.

CITIZEN ASSISTANCE

Police Chief Marksbury thanked those people who helped police apprehend a man who allegedly robbed KFC and Arby's last week. The public kept police officers informed of the man's whereabouts during the pursuit.

PAULY ZARB - DOWNTOWN STREET CONCERT

Chief Marksbury reported that no streets would be closed during the Downtown Street Concert set for Saturday, June 26, 2010. City Electrical Engineer Mills said that Pauly Zarb had requested that the stage be positioned by the rear of the Crystal Building which would face residential property. The Mayor said that he would check with Rita Riley, Downtown Mainstreet Coordinator, on the matter.

NELSON COUNTY COMMUNITY CLINIC WALK/RUN

Police Chief Marksbury reported on the fundraiser and the new route that the entrants followed on Saturday, June 26, 2010. The 5-K run event was successful and lasted about one hour.

WORKNOW KENTUCKY PROGRAM

Assistant City Administrator Green reported that the City has three temporary workers through the program which is funded by the American Reinvestment and Recovery Act of 2009. One worker has been assigned to the Administrative Department; one worker assigned to the Public Works Department and one worker will assist the City Groundskeeper. Ashley Roach with the state Unemployment Office is in charge of the program and there is no charge to the City.

NEW RECYCLING BALER

Green then reported that the new baler had been delivered and the new building for Nelson County Industries was being wired for all of the balers that will be used for the recycling program.

DOWNTOWN STREETScape PROJECT - CHANGE ORDER NO 1.

Public Works and Engineering Director Hamilton presented a change order for the project in the total amount of \$9,442.59. The changes involve making the area meet the Americans with Disabilities Act (ADA) requirements. Concrete work will be completed from the Five-Star on East Stephen Foster Avenue by the Wilson and Muir Parking lot to the John Fitch Memorial and Luckett building. The work concerns the slope and granite pavers used to alert the blind about entering a congested area. This work was not included in the original plans. The other change concerned the size of the water service line for the Hurst Drugstore building. (A copy of the change order is attached). **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, CHANGE ORDER NO. 1 IN THE AMOUNT OF \$9,442.59 WAS APPROVED.**

SEWER DEFECTS/REPAIRS

Hamilton distributed a copy of a 'Notice of Violation' letter that would be mailed to approximately 100 property owners who have not yet repaired defects to their private sewer service lateral sewer line that connects their plumbing to the City main. The deadline for repairs will be August 16, 2010.

FIREWORKS PERMITS

Fireworks special permits were presented for the River of Life Apostolic Church for a booth in the Kroger parking lot and for the New Jerusalem Church for a booth to be setup at 302 Culpeper. The booths will be open from June 23 through July 5, 2010. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE SPECIAL PERMITS WERE APPROVED.**

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE MEETING WAS ADJOURNED AT 8:20 P.M.**

ATTEST:

Bobbe Blincoe, City Clerk

CITY OF BARDSTOWN

J. Richard Heaton, Mayor