

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES

6-23-09
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: Asst. City Administrator Green, Police Chief Marksbury, Fire Chief Mattingly, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Electrical Engineer Mills, Chief Financial Officer Abell, Electric Superintendent Miller, City Attorney Donan, City Clerk Blincoe, The Kentucky Standard reporter Stephanie Hornback, WBRT/WOKH reporter Fred Hagan, WYSB reporter Tom Redmon, Kevin Douglas, Kevin Brumley and Vicki Renisch.

Mayor Heaton called the meeting to order at 7:00 p.m.

MAGO BOOSTER PUMP STATION PROJECT

Public Works and Engineering Director Hamilton reported that the contractor had requested and the engineer recommended a time extension for the project due to unavoidable delays. Approximately 60 days would be added to the project with no financial impact in costs. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE CONTRACT TIME EXTENSION WAS APPROVED.**

WATER MAIN EXTENSION REQUEST-LYDIAN LOOP

Kevin Douglas, Kevin Douglas Construction, was in attendance to withdraw his water main extension request to a new home located at 514 Old Boston Road. He will review the matter with the Engineering Department for other options.

GARBAGE TRUCK BID REVIEW

Chief Financial Officer Abell reported that the bid awarded to Jeff Jones Chevrolet for the garbage truck on April 14, 2009 in the amount of \$102,705.00 could not be honored since General Motors was no longer making the truck to supply the dealer. Abell recommended that the Council approve the second low bid from Peterson Truck Center in the amount of \$103,815.00. Peterson has the truck in stock. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED TO ACCEPT THE BID FROM PETERSON IN THE AMOUNT OF \$103,815.00.**

FIRST READING-TANNERY HILL REZONING AMENDMENT

City Attorney Donan reported that since no binding elements had been placed on the original unrestricted R-1B and R-3 zoning for the property, the conditions could not be placed on the previous rezoning ordinance (B2009-05) passed by the Council. The ordinance would need to be amended. The first reading of the amended ordinance was presented to rezone 24.4 acres (Tannery Hill Development) on the east side of South First Street, 0 feet south of East Stephen Foster Avenue (US 150) and 0 feet east of John Fitch Avenue from B-1, Neighborhood Business District to R-1B, Single Family Residential District and R-3, Multi-Family Residential District eliminating the Binding Elements. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING WAS APPROVED.**

SECOND READING-ZONING REGULATIONS TEXT AMENDMENT

The second reading was presented as follows:

ORDINANCE NO. B2009-06

AN ORDINANCE OF THE CITY OF BARDSTOWN AMENDING SECTION 6.12A, PRINCIPAL USES PERMITTED, CENTRAL BUSINESS DISTRICT OF THE ZONING REGULATIONS TO ALLOW UPPER-STORY HOUSING IN THE B-2 ZONING DISTRICT ONLY IN THE CITY OF BARDSTOWN.

THE CITY OF BARDSTOWN, KENTUCKY DOES ORDAIN AS FOLLOWS:

That from and after the passage, approval, and publication of this Ordinance, the text of Section 6.12A (Principal Uses Permitted, Central Business District) of the Zoning Regulations be amended to read as follows (as recommended in the attached Exhibit A):

Upper-story housing (only applicable to B-2 zoning in the City of Bardstown): Where commercial structures have 2 or more stories, the first story shall be used only for office and commercial uses permitted in P-1, B-1 and B-2, and upper stories (2nd story and above) may be used for office and commercial uses permitted in P-1, B-1 and B-2 and/or dwelling units.

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

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

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

MAYOR HEATON THEN DECLARED ORDINANCE NO. B2009-06 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 #09-25 [RECOMMENDED]

Dulce M. Salas, proprietor of Rincon Restaurant at 204 N. Third St. has submitted an application for outdoor dining at the front of the building. The proposal includes space for 4 round 24" black metal tables and 2 chairs per table. The chairs will also be matching black metal and the seats will either be black or dark gray.

Recommendation: To recommend approval of the proposal for outdoor dining at the front of 204 N. Third St., with the condition that staff approval be given for selection of the seat cover color.

2. COA #09-26 [RECOMMENDED]

Lanny Baker proposes to erect an 18" x 24" home occupation sign ("Lanny Baker Realty, LLC") on his residence at 216 E. Flaget Ave. The sign will have white lettering on a red and black background and will be attached to his residence per Bardstown Sign Ordinance.

Recommendation: To recommend approval of erecting an 18" x 24" home occupation sign at 216 E. Flaget Ave., as specified in this application.

3. COA 09-27 [RECOMMENDED]

Stephen Foster Drama Assn. proposes to place three cut-out figures of men and women in period costume during June-August to promote Stephen Foster - the Musical. The cut-outs (see attached photos) will be hand-painted. Two will be placed in Mayor's Park and one in the John Fitch Memorial area.

Recommendation: To recommend approval of the placement of three cut-out figures, as specified in this application.

4. COA 09-28 [RECOMMENDED]

Bill and Donna Ellis propose the following exterior alterations and landscaping for the house and yard at 103 E. Stephen Foster Ave.:

- construct a 35' x 35' outdoor patio dining area extending from the west side of the building. This area is to consist of textured, colored, stamped concrete with plantings and a walkway leading from the driveway;
- erect 9 stuccoed posts with concrete caps topped by a lantern fixture (on every other post), spaced 10' apart, along the north and west property lines. The stucco will match that of the house;
- add 5 parking spaces to the left of the existing driveway, using grassy pavers;
- add a private patio on the east side of the rear addition;
- erect a 6' wood dog-ear fence along the length of the private patio;
- enclose the screen porch on the east side of the rear addition;
- replace a large double-sash window on the west side of the rear addition with a paneled wood door with window;
- construct a screened ramp with plain, square posts, leading from the proposed door.
- provide egress from the driveway to the adjoining alley.

The construction of the door and ramp will be completed in a way that is reversible, so that the original window can be reinstalled and the ramp removed without damage to the building.

Recommendation: To recommend approval of the exterior alterations, landscaping, and parking, as specified in this application, with the following conditions and modifications: staff approval be given for the type of finial to be placed on the stuccoed posts; applicants have the option to extend the proposed fence to their garage corner; applicants have the option to add either perpendicular or 45-degree angled parking; and applicants must obtain consent from the City for any exit or egress to/from Gooseberry Alley.

5. COA 08-50

Joe Buckman Enterprises proposes to construct a paneled door leading to an 8' x 5' wooden landing and a steel-framed spiral staircase at the rear of the McLean House at 105 E. Stephen Foster Ave. The landing will be supported by four 5" posts and will include 42" high square balusters. The landing floor will consist of 2" Trex over 2 x 6 joists. The applicant also proposes the following landscaping for the area at the rear in the ell formed by the house and the rear addition: remove the well canopy and brick; remove all concrete and brick sidewalks and patios at the rear and replace with landscaping, possibly including a knee-high metal fence, as per submitted landscaping plan.

Recommendation: To recommend approval of constructing a paneled door, rear landing, spiral staircase, removal of the patio, brick sidewalk, well canopy and raised brick, and removal of old fencing, as specified in the application.

B. Staff Approvals [AFFIRMED]

1. Franklin Hibbs III requested permission to remove a storm-damaged black cherry tree on the north side of his property at 216 N. Fourth St. This tree had been severely damaged during the ice storm and a large branch had fallen on an adjoining residence. City Arborist Phillip Grubbs stated that pruning the tree would not be a viable solution and that it should be removed. Staff gave approval on May 29.

2. On May 29 staff gave approval for the erection of a 5' section of low metal fence, painted black, at the left front of Betty Seay Realty at 108 S. Third St.

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

UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD WERE APPROVED.

KLC BOARD OF DIRECTORS

Mayor Heaton presented a letter from Sylvia Lovely, Executive Director of the Kentucky League of Cities (KLC), announcing that Councilman Bill Sheckles had been appointed to the KLC Board of Directors. The Mayor extended his appreciation to Councilman Sheckles for his service with the KLC.

MINUTES

The minutes from the 6-9-09 regular City Council meeting were then presented. Councilman Williams made a correction to page 1 **to change the typo "raser" to "taser" in the Police Department Report.** **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MINUTES WERE APPROVED WITH THE CORRECTION.**

The minutes from the 6-16-09 special 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.**

BUDGET UPDATE

Mayor Heaton gave an update on the budget process and issues and discussed the proposed utility rate increases. He said that a lot of thought and discussion had gone into the decision to raise the rates. The increases, plus budget cuts of approximately one million dollars, should be enough to balance the budget that began with a \$1.9 million deficit. It would leave a surplus of only about \$220,000. The deficit was caused by several different factors including chemical costs at the

Water and Wastewater Treatment Plants, increased retirement costs and health insurance costs. Plant closings and layoffs negatively affected electric revenues and these revenues had been significantly depleted. Fourteen area factories make up 60% of the electric revenues and when they close down or cut back, it greatly affects this revenue. Since these electric funds can no longer be used to balance the budget, the utility rates would be increased. These increases would help to cover increased KU costs and to meet the City's bond covenants. The Mayor stated that City salaries would continue to be frozen. City employees will be asked to take unpaid furlough days and non-essential City take-home vehicles will be parked. Some City utility projects and vehicle purchases will be delayed. He stated that these were hard times for everyone and the decision to raise rates had been a difficult one.

The Mayor thanked the City Council, City staff and employees for their cooperation and support with the FY 2009-2010 City budget.

FIRST READING-WATER ORDINANCE AMENDMENT

A first reading was presented of the ordinance that would increase water rates for residential, commercial and industrial users. The minimum water bill would increase by \$1.00 for City and County residents. The cost from 76,000 gallons to 78,000 gallons would be \$2.9542 per thousand gallons and over 78,000 gallons, the cost would be \$2.2547 per thousand gallons. Councilman Reed emphasized that this action would balance the Water Department budget. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING WAS APPROVED.**

FIRST READING-WASTEWATER ORDINANCE AMENDMENT

A first reading was presented of the wastewater ordinance that would increase the minimum rate from \$10.48 to \$15.00 for City customers and each additional 1,000 gallons over the minimum 2,000 gallons would cost \$3.77. County customers' minimum rate would increase to \$15.60 with each additional 1,000 gallons over the minimum costing \$4.92. Other language clarifications were included. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING WAS APPROVED.**

FIRST READING-SOLID WASTE ORDINANCE AMENDMENT

A first reading was presented of the ordinance that would increase solid waste rates by \$1.25 for residential customers with proportionate increases for dumpster rates for commercial and industrial users. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING WAS APPROVED.**

FIRST READING-FY 2008-2009 AMENDED BUDGET ORDINANCE

Chief Financial Officer Abell presented the amended FY 2008-2009 budget ordinance to amend the Combined Utilities Fund: to increase anticipated revenues, beginning Balance, from \$0 to \$3,000,000, and total revenues from \$25,563,550 to \$28,563,550, and increase authorized expenditures from \$25,434,424 to \$28,434,424 specifically for the Electric Department where current year revenues will be less than budgeted and a large expenditure (industrial substation work) from FY 08 was not billed until well after the close of the FY 08 books, and to use prior year reserves to cover these unanticipated conditions plus the city's need to pay KU at an increased rate for electric consumed in June. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING WAS APPROVED.**

FIRST READING-FY 2009-2010 BUDGET ORDINANCE

The Chief Financial Officer presented the budget ordinance for FY 2009-2010 with the rate increases included. The City has a total general fund and combined utilities budget of \$35 million with expenses budgeted at \$34.5 million. After all funds and expenses are considered, there remains only a \$220,000 surplus. Bad debt expense figures were discussed. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING WAS APPROVED.**

CITY AUDITORS

Chief Financial Officer Abell said that he would like to renew the contract with Peercy & Gray to remain as City Auditors next year for the same fee--not to exceed \$19,000.00. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR WAS AUTHORIZED TO EXECUTE THE CONTRACT WITH PEERCY AND GRAY.** Councilman Simpson recommended that Request for Proposals be obtained after next year.

SECOND READING - ELECTRIC RATE ORDINANCE AMENDMENT

The ordinance was presented that would increase electric rates 12 percent for residential, commercial and industrial customers, effective for the July 1, 2009 billing and thereafter. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY, 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 THEN DECLARED ORDINANCE NO. B2009-07 ADOPTED BY REFERENCE AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

SECOND READING - ORDINANCE CLOSING A PORTION OF WOODWARD DRIVE

The ordinance was presented as follows:

ORDINANCE NO. B2009-08

AN ORDINANCE CLOSING THAT PORTION OF WOODWARD DRIVE LYING BETWEEN DOWNS LANE AND HART AVENUE

WHEREAS, Blue Sky III, Inc. and PSC Properties, LLC are the owners of certain real estate adjoining Woodward Drive lying between Downs Lane and Hart Avenue which was dedicated to public use as shown on a plat of Twilight Villa Subdivision recorded in Plat Book 1, Page 11 in the Nelson County Court Clerk's Office, and

WHEREAS, Woodward Drive lying between Downs Lane and Hart Avenue was never constructed, and

WHEREAS, Woodward Drive is now located within the City of Bardstown, and

WHEREAS, Blue Sky III, Inc. and PSC Properties, LLC have recorded a current plat dated 4 September 2008 which has been approved by the Joint City County Planning Commission and is recorded in Plat Cabinet 13, Slot 86, and have requested that the City close that portion of Woodward Drive lying between Downs Lane and Hart Avenue, and

WHEREAS, Blue Sky III, Inc. and PSC Properties, LLC are the only property owners in or abutting the public way proposed to be closed, and **WHEREAS**, Blue Sky III, Inc. and PSC Properties, LLC are the owners of certain real estate adjoining Woodward Drive lying between Downs Lane and Hart Avenue which was dedicated to public use as shown on a plat of Twilight Villa Subdivision recorded in Plat Book 1, Page 11 in the Nelson County Court Clerk's Office, and

WHEREAS, Woodward Drive lying between Downs Lane and Hart Avenue was never constructed, and

WHEREAS, Woodward Drive is now located within the City of Bardstown, and

WHEREAS, Blue Sky III, Inc. and PSC Properties, LLC have recorded a current plat dated 4 September 2008 which has been approved by the Joint City County Planning Commission and is recorded in Plat Cabinet 13, Slot 86, and have requested that the closed and have executed a written, notarized consent to the closure of the above described public way pursuant to KRS 82.405(2) by written notarized consent, a copy of which is attached to this ordinance.

UPON MOTION OF Council Member Williams, duly seconded by Council Member Lydian and carried, the City Council approved the request for closure.

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

The findings of fact above are adopted. Based on the Findings of Fact, the portion of the public way known as Woodward Drive lying between Downs Lane and Hart Avenue previously dedicated to the public use in the plat of Twilight Villa Subdivision recorded in Plat Book 1, Page 11 and also reflected in the current plat recorded in Plat Cabinet 13, Slot 86 in the Nelson County Court Clerk's Office and located within the City of Bardstown is hereby closed pursuant to KRS 82.405(2) subject to any utility easements in favor of the City of Bardstown.

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 LYDIAN, MAYOR HEATON CALLED THE ROLL AND THE FOLLOWING VOTED:

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

THE MAYOR THEN DECLARED ORDINANCE NO. B2009-08 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____ PAGE NO. _____.

DOWNTOWN STREETSCAPE PROJECT UPDATE

Mayor Heaton reported that ten of the 15 trees affected by the project will have to be removed because of the lighting design which originally did not include trees. The designer tried to keep as many trees as possible on the two blocks of North Third Street. Most of the trees that need to be removed are located on the first block. The trees will be replaced in different locations.

SPECIAL MEETING

It was announced that a special meeting would be held on Wednesday, June 24, 2009 at 12:00 p.m. (Noon) in order to present second readings of the Tannery Hill Rezoning Ordinance, the Water Ordinance, the Wastewater Ordinance, the Solid Waste Ordinance, the FY 2008-2009 Amended Budget Ordinance and the FY 2009-2010 Budget Ordinance.

POLICE DEPARTMENT REPORT

Police Chief Marksbury reported on recent burglaries in the community and an arrest of a suspect that had been arrested four years ago on similar charges.

ELECTRIC DEPARTMENT REPORT

Electric Superintendent Jeff Miller reported that his crew had been busy with many projects including new constructions and the Foster Heights Elementary School building project.

FIRE DEPARTMENT REPORT

Fire Chief Mattingly updated the Council on the Crusade for Children collection in Nelson County and reported that the donations were up about \$4,000.00 from last year. He reported that the house burn off Bloomfield Road had been excellent training for the department. The vehicle exhaust

filters were doing their job in the station. He thanked the Council for approving the purchase of the systems.

CABLE TV DEPARTMENT REPORT

City Electrical Engineer Mills reported that an Electric and Cable TV Committee meeting would be scheduled soon to discuss a five-year plan for the Cable TV Department.

DOG PARK

Vicki Renisch updated the Council with additional information regarding a dog park for the City. There is a six acre dog park located in the Tom Sawyer Park in Jefferson County with two, three acre plots. One tract for small dogs and one tract for large dogs. She distributed pictures and gave out information on fences. She said that an acre of land could be fenced for approximately \$1500.00 for materials. She asked the Council to study the feasibility of the dog park. Councilman Reed suggested asking some service organizations for contributions.

CEMETERY DEED

A cemetery deed was presented for William Dale Hardin and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED.**

ADJOURNMENT

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

CITY OF BARDSTOWN

ATTEST:

J. Richard Heaton, Mayor

Bobbe Blincoe, City Clerk