

CITY OF BARDSTOWN
SPECIAL COUNCIL MEETING MINUTES
6-24-09
12:00 P.M. (Noon)

The City Council met in a special 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, Chief Financial Officer Abell, City Clerk Blincoe, PLG-TV reporter Tom Isaac, WBRT/WOKH reporter Fred Hagan, and WYSB reporter Tom Redmon.

Mayor Heaton called the meeting to order at 12:00 p.m.

SECOND READING-WATER ORDINANCE AMENDMENT

A second reading was presented of the ordinance that would increase water rates for residential, commercial and industrial users. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS 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. B2009-10 ADOPTED BY REFERENCE AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

SECOND READING-WASTEWATER ORDINANCE AMENDMENT

A second reading was presented of the ordinance that would increase the wastewater rates for City and County customers and make language clarifications. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED, THE MAYOR 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. B2009-11 ADOPTED BY REFERENCE AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

SECOND READING-SOLID WASTE ORDINANCE AMENDMENT

A second reading was presented of the ordinance that would increase solid waste rates by \$1.25 for residential customers with proportionate increases for commercial and industrial users. **UPON MOTION OF COUNCILMAN SHECKLES, 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. B2009-12 ADOPTED BY REFERENCE AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

SECOND READING-FY 2008-2009 AMENDED BUDGET ORDINANCE

The second reading was presented of the amended FY 2008-2009 budget ordinance as follows:

ORDINANCE NO. B2009-13

AN ORDINANCE AMENDING ORDINANCE NO. B2008-15 THE CITY OF BARDSTOWN'S BUDGET ORDINANCE FOR THE FISCAL YEAR JULY 1, 2008 THROUGH JUNE 30, 2009.

WHEREAS an annual budget for Fiscal Year 2008-09 was adopted by the City Council of the City of Bardstow on July 8, 2008, 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 2008-2009 be and hereby is amended as follows:

- 1) Combined Utilities Fund: 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..

Section II.

That this ordinance shall be published and shall become effective on June 30, 2009.

UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED, 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. B2009-13 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____ PAGE NO. _____.

SECOND READING-FY 2009-2010 BUDGET ORDINANCE

The second reading was presented of the FY 2009-2010 City Budget with the rate increases included as follows:

ORDINANCE NO. B2009-14

AN ORDINANCE ADOPTING THE CITY OF BARDSTOWN, KENTUCKY, ANNUAL BUDGET FOR THE FISCAL YEAR, JULY 1 2009, THROUGH JUNE 30, 2010, 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; and,

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

Section I:

That the annual budget for the fiscal year beginning July 1, 2009, and ending June 30, 2010, is hereby adopted as attached hereto.

Section II

That this ordinance shall become effective upon 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 WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED, 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

MAYOR HEATON THEN DECLARED ORDINANCE NO. B2009-14 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

SECOND READING-TANNERY HILL REZONING AMENDMENT

A second reading of the ordinance was presented as follows:

ORDINANCE NO. B2009-09

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 B-1, NEIGHBORHOOD BUSINESS DISTRICT TO R-1B, SINGLE-FAMILY RESIDENTIAL DISTRICT AND R-3, MULTI-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on April 14, 2009, held a public hearing on the Application No. 2310 of the Joint City-County Planning Commission 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.

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 Simpson, duly seconded by Councilman Royalty and carried, the City Council approved the recommendation from the Planning and Zoning Commission to approve the rezoning request, ~~along with the Binding Elements from the original rezoning Ordinance No. B2007-14 as follows:~~

- ~~1. THE BINDING ELEMENTS SUBMITTED WITH THE APPLICATION BY THE APPLICANT.~~
- ~~2. THE BINDING ELEMENTS CONTAINED IN THE PLANNING COMMISSION'S MOTION TO APPROVE THE REZONING WHICH SHALL BE SUBJECT TO REVIEW BY THE CITY OF BARDSTOWN.~~
- ~~3. NOTWITHSTANDING APPROVAL OF THE REQUESTED ZONE CHANGE, THE CITY OF BARDSTOWN RETAINS ALL RIGHTS OF REVIEW, MODIFICATION AND APPROVAL OF ANY PRELIMINARY AND FINAL~~

~~PLAT PROPOSED FOR THE SUBJECT PROPERTY INCLUDING, WITHOUT LIMITATION, THE LOCATION, DESIGN, AND CONSTRUCTION OF:~~

~~(a) ALL STREETS, ALLEYS, UTILITIES, AND OTHER INFRASTRUCTURE IMPROVEMENTS; AND~~

~~(b) ANY IMPROVEMENTS TO BE LOCATED WITHIN A FLOOD PLAIN AREA.~~

~~4. THE OWNER/DEVELOPER'S TREATMENT OF ANY HISTORICAL OR ARCHAEOLOGICAL FEATURES ON THE PROPERTY INCLUDING, WITHOUT LIMITATION, EXISTING ROCK WALLS, SHALL BE AND REMAIN SUBJECT TO APPROVAL BY THE CITY OF BARDSTOWN.~~

~~5. THE OWNER/DEVELOPER SHALL COMPLY WITH PARAGRAPH 6.11(D)(3) OF THE ZONING REGULATIONS, WHICH SHALL BE SUBJECT TO REVIEW BY THE CITY OF BARDSTOWN.~~

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 April 29, 2009, 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 a point, corner to The Heritage, Inc. (DB 304, p 235); thence N 24-42-41 W 138.64 ft.; thence N 02-46-07 W 162.91 ft.; thence S 79-15-37 E 59.55 ft.; thence N 69-22-54 E 100.00 ft.; thence N 52-52-54 E 125.00 ft.; thence N 33-22-54 E 50.00 ft.; thence S 86-07-06 E 215.00 ft.; thence S 14-23-53 W 209.66 ft.; thence S 27-52-54 W 153.00 ft.; thence S 16-53-11 W 157.44 ft.; thence N 74-07-06 W 268.81 ft. to the point of beginning **containing 3.64 acres.**"

TRACT 2 – "Beginning a point, in the south right-of-way of South First Street; thence leaving said street, S 72-39-22 E 149.86 ft.; thence N 17-13-30 E 225.86 ft.; thence N 72-42-34 W 150.88 ft.; thence to a point in the right-of-way of South First Street; thence with South First Street, N 16-57-52 E 50.00 ft.; thence leaving said road right-of-way, S 75-11-54 E 238.33 ft.; thence S 74-07-06 E 268.81 ft.; thence S83-56-46 E 276.80 ft.; thence S 10-04-00 W 544.16 ft.; thence S 30-31-20 W 40.63 ft.; thence N 77-47-58 W 333.54 ft.; thence N 72-36-03 W 396.71 ft.; thence N 16-12-20 E 107.20 ft.; thence N 73-50-30 W 104.05 ft. to a point in the right-of-way of South First Street; thence with said street, N 16-57-52 E 156.50 ft. to the point of beginning **containing 9.35 acres.**"

TRACT 3 – "Beginning a point, corner to The Heritage, Inc. (DB 304, p 235); thence S 72-36-03 E 396.71 ft.; thence S 77-47-58 E 333.54 ft.; thence S 30-31-20 W 123.55 ft.; thence S 62-07-07 E 40.55 ft.; thence S 33-54-04 W 337.78 ft.; thence S47-13-27 W 445.10 ft.; thence N 66-01-04 W 432.92 ft.; thence N 17-54-13 E 757.88 ft. to the point of beginning **containing 11.41 acres.**"

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 SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED, 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

MAYOR HEATON THEN DECLARED ORDINANCE NO. B2009-09 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. _____, PAGE NO. _____.

ADJOURNMENT

Being no further business to discuss and UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 12:40 PM.

CITY OF BARDSTOWN

ATTEST:

J. Richard Heaton, Mayor

Bobbe Blincoe, City Clerk