

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

7-28-09  
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: Asst. City Administrator Green, Police Chief Marksbury, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Electrical Engineer Mills, Chief Financial Officer Abell, Historical Review Board Administrator Pen Bogert, City Attorney Donan, City Clerk Blincoe, The Kentucky Standard reporter Stephanie Hornback, WBRT/WOKH reporter Fred Hagan, WYSB reporter Tom Redmon, PLG-TV Director Tom Isaac, and Kevin Brumley.

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

**WATER TREATMENT PLANT CONTRACT AMENDMENT AND APPLICATION/PERMIT FEE**

City Civil Engineer Greenwell distributed copies received from O'Brien & Gere Engineers on the status of the Water Treatment Plant filter improvements and clearwell expansion and concrete storm drain construction. The present scope would be to expand the water treatment capacity to 8 MGD for a construction cost of approximately \$4 million. The state's fee in the amount of \$212,000.00 for loss of stream was discussed along with the request for an increase in engineering fees in the amount of \$24,244.00 for the completion of permitting requirements with the U.S. Corps of Engineers. Councilman Lydian asked about the use of granulated activated carbon filters; however, Public Works and Engineering Director Hamilton said that he had not received a positive endorsement on that type of filter and the use of powdered activated carbon is planned. Councilman Reed had questioned concerning the cause for the contract amendment from the engineers. A short discussion on funding possibilities was held and will be reviewed further at a later time. **COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE PAYMENT OF \$24,244.00 TO O'BRIEN & GERE ENGINEERING FOR THE CONTRACT AMENDMENT. SAID MOTION WAS DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 1. COUNCILMAN REED VOTED NO.**

**UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR AND/OR THE PUBLIC WORKS AND ENGINEERING DIRECTOR WERE AUTHORIZED TO SIGN ON THE CITY'S BEHALF THE APPLICATION TO PERFORM THE WATER TREATMENT PLANT PROJECT AND PAY, AT THE APPROPRIATE TIME, THE FEE OF \$212,000.00 TO THE US FISH AND WILDLIFE DEPARTMENT FOR THE LOSS OF STREAM.**

**SECOND READING-REZONING #2313-ROBERT B. BURGETT-R-1B TO P-1**

A second reading was presented as follows:

**ORDINANCE NO. B2009-15**

**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 R-1B, SINGLE FAMILY RESIDENTIAL DISTRICT TO P-1, PROFESSIONAL OFFICE DISTRICT.**

**WHEREAS**, the Joint City-County Planning Commission of Nelson County, Kentucky, on June 9, 2009, held a public hearing on the Application No. 2313 of Robert B. Burgett to rezone 0.69 acre (Lots # 12, 13, 14, 15, and 16, Block "C", Johnson Acres) at 1015 North Third Street (US 31E) from R-1B, Single Family Residential District to P-1, Professional Office 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 Royalty, duly seconded by Councilman Sheckles and carried, the City Council approved the recommendation from the Planning and Zoning Commission to approve the rezoning request.

**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 June 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:

**Being Lot Nos. 12, 13, 14, 15, and 16 Block "C" as shown on plat recorded in deed book 119, page 361, in the Clerk's Office of the Nelson County Court containing 0.69 acre.**

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 ROYALTY, DULY SECONDED BY COUNCILMAN SHECKLES, MAYOR HEATON CALLED THE ROLL AND THE FOLLOWING VOTED:**

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

THE MAYOR THEN DECLARED ORDINANCE NO. B2009-15 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. \_\_\_\_\_  
PAGE NO. \_\_\_\_\_.

**HISTORICAL REVIEW BOARD RECOMMENDATIONS**

The recommendations were presented as follows:

**A. Certificates of Appropriateness**

**1. COA #09-29 [RECOMMENDED]**

Julie Wilson, 501 N. Third St., proposes to remove two old and damaged dogwood trees in the south side of her yard and replace them with one tree.  
**Recommendation:** To recommend approval of the proposal to remove two trees at 501 N. Third St. and replace them with one deciduous tree, as specified in this application.

**2. COA #09-30 [RECOMMENDED]**

Amanda Blincoe proposes a 56" x 12 1/2" window sign with black lettering ("Amanda Rogers Blincoe, PLLC Attorney at Law") for her new law office at 105 E. Flaget Ave.

**Recommendation:** To recommend approval of a 56" x 12 1/2" window sign at 105 E. Flaget Ave., as specified in this application.

**3. COA #09-31 [RECOMMENDED]**

Rob Smotherman and Betty Kelley propose to erect a hanging sign ("Jack and Jill Children's Boutique") with black lettering at 97 W. Flaget Ave. This sign will reuse the existing "Sissy & the Boyz" sign and there will no change in shape, size, or attachment to the building.

**Recommendation:** To recommend approval of a hanging sign at 97 W. Flaget Ave., as specified in this application.

**4. COA #08-50 amended [RECOMMENDED]**

McLean House, LLC (Joe and Jenny Buckman) have submitted a landscaping plan for the ell at the rear of the McLean House, 105 E. Stephen Foster Ave. Major elements of the plan include a raised landscape area topped by a water feature over the old well; a 4' high black iron fence, with gates attached to brick columns, on the west and south sides; benches, boxwood hedges, and flower pots.

**Recommendation:** To recommend approval of a submitted landscaping plan at the rear of 105 E. Stephen Foster Ave., as specified in this application, except that the applicant withdrew the proposal for constructing brick columns.

**5. COA #09-32 [RECOMMENDED]**

McClellan & Patrick Eye Care have requested a temporary double-sided free-standing sign for their new office building at 115 S. Fifth St. The sign will read "McClellan & Patrick Eye Care," measure 36" x 48", height will be 5' off ground, sign material will be composite with 4 x 4 posts.

**Recommendation:** To recommend approval of a 36" x 38" temporary sign at 115 S. Fifth St., as specified in this application.

**6. COA #09-33 [RECOMMENDED]**

Brown & Co. CPA's proposes add a 21' x 29' two-story addition on the north side of their building at 442 E. Stephen Foster Ave. The windows, roof, and brick style, bond, and color will match the original. There will be a handicap ramp at the rear.

**Recommendation:** To recommend approval of a two-story addition at the rear of 442 E. Stephen Foster Ave., as specified in this application.

**7. COA #09-34 [RECOMMENDED]**

The Old Kentucky Home Country Club proposes to construct an addition on the east side of the present building and to replace the existing shingle roof. The addition will consist of a 20' x 28' room with basement and will match the existing floor level and be flush with the north and south walls. It will extend 4' from the east side of the present building and the siding material and color will match the present building. The dumpster will be moved to the west side and screened with a plank fence. The present roof will be replaced with Owens Corning Oakridge Driftwood dimensional shingles.

**Recommendation:** To recommend approval of an addition on the east side of Old Kentucky Home Country Club, as specified in this application.

**8. COA #09-35 [RECOMMENDED]**

Michael and Margaret Sue Masters have applied to place a 48" x 24" metal A-Frame sign in front of the Chapeze House. The sign will read "Chapeze House Kentucky's Home for Bourbon" with red and blue lettering.

**Recommendation:** To recommend approval of a 48" x 24" A-frame sign at 107 E. Stephen Foster Ave. (Chapeze House), as specified in this application, with the following condition: the sign is to be placed on the Chapeze House property, not on the strip between the sidewalk and the street.

**B. Staff Approvals [AFFIRMED]**

**1. 204 N. Fourth St.**

Staff approved the choice of dark gray seat covers for outdoor dining at Rincon Restaurant on June 15 as per the HRB on June 8.

**2. 211 E. John Fitch Ave. [AFFIRMED]**

Staff gave approval on June 20 for the following landscaping: erect a low, black, metal fence around a 20' x 20' rear wildflower garden; construct a brick patio in the rear ell; plant one birch tree near each front corner of the house; level the rear yard and seed with grass. See photos.

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

Administrator Bogert clarified Item #5 regarding the temporary sign for McClellan and Patrick Eye Care and Item #8 regarding the A-Frame sign for the Chapeze House. After discussion, it was decided to allow the Chapeze sign to be placed on the strip between the sidewalk and the street.

**UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD WERE APPROVED AND THE CONDITION STATED ON ITEM 8 WAS REMOVED IN ORDER TO ALLOW THE A-FRAME SIGN TO BE PLACED ON THE STIP BETWEEN THE SIDEWALK AND THE STREET FOR THE CHAPEZE HOUSE.**

**MAIN STREET PROGRAM NOTE OF THANKS**

A letter was presented from Rita Riley, Main Street Program Manager, thanking the City for helping to sponsor the Pauly Zarb Downtown Main Street Concert held on June 28th.

**MINUTES**

The minutes from the 7-14-09 regular City Council meeting were then presented. Councilman Williams made a correction to show that he had requested information regarding the economic impact that the Stephen Foster Drama has on the City of Bardstown. The Mayor will obtain the information from the state. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MINUTES WERE APPROVED WITH THE CORRECTION.**

## FINANCE DEPARTMENT

Chief Financial Officer Abell reported that he would not distribute the May Financial Report but would wait and deliver the June report since it was almost completed.

Abell distributed a sample of a letter that will be mailed to some businesses reminding them that they need to pay their occupational license tax. The new software has helped to identify those unpaid businesses. Other letters will be sent to self-employed laborers to be sure that they file tax returns with the City each year.

## FIRST READING - ELECTRIC RATE ORDINANCE REVISION

City Electrical Engineer Mills explained the revision to the Ordinance that was needed to correct the figures on the E5 Industrial Rate class. **There was only one customer in the City affected by this rate revision.** UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE FIRST READING OF THE ORDINANCE REVISION WAS APPROVED.

## KIA RESOLUTIONS/GRANTS

Assistant City Administrator Green presented three Kentucky Infrastructure Authority grant resolutions as follows: Resolution No. SX21179016 in the amount of \$245,000.00 for the Town Creek Interceptor Project, Resolution No. WX21179017 in the amount of \$550,000.00 for the Water Treatment Plant Project and Grant No. 446N-2007 in the amount of \$1,000,000.00 written to the County and assigned to the City for the Water Treatment Plant Project. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR WAS AUTHORIZED TO SIGN THE RESOLUTIONS AND ALL NECESSARY DOCUMENTS FOR THE GRANTS.**

## RECREATION COMMITTEE MEETING

Councilman Reed and Councilman Sheckles reported on the meeting that was held on July 22, 2009. The soccer grant application had been denied; however, the soccer group made a commitment to irrigate one field per year. They will also continue to apply for the grant money each year. The committee discussed weight limit requirements with the Little League Football Program and reviewed the Little League Baseball Program's financial report. Pool receipts were down due to the cooler weather and rainy conditions. The pool will close on August 15<sup>th</sup>.

## CEMETERY COMMITTEE MEETING

It was announced that the Cemetery Committee meeting would be held on Wednesday, August 12, 2009 at 8:30 a.m. in the Mayor's Conference Room at City Hall.

## POLICE DEPARTMENT REPORT

Police Chief Marksby reported on the recent car break-ins that occurred in the Salem Hills Subdivision, the Edgewood Subdivision, and the South Sixth Street area. Additional break-ins were reported on Demaree Drive, Sylvan Drive and Madison Avenue. He asked for the media's help to inform residents to lock their vehicles.

## FEMA APPROVAL

The City Electrical Engineer reported that FEMA had approved the City's letter of intent for the Hazardous Mitigation Grant application to bury electric lines in the Demaree Drive and Guthrie Drive areas. He said that he felt optimistic about receiving the grant funds for the project.

## ENGINEERS TO ATTEND NEXT WORKING SESSION

Public Works and Engineering Director Hamilton reported that an engineer from Quest Engineering would discuss the proposed Bloomfield Road and Pottershop pump station sewer force main projects and an engineer from Kenvirons would discuss the 16" water main to the Nelson County Industrial Park and raw water alternatives at the Working Session to be held on August 4, 2009

He also reported that the lake was over the full mark which was due to the unusual amount of rainfall so far this summer.

## ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:30 PM.**

CITY OF BARDSTOWN

ATTEST:

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J. Richard Heaton, Mayor

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Bobbe Blincoe, City Clerk