

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
9-22-09
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 Royalty
Councilman Simpson
Councilman Sheckles - Absent

Others present: Police Chief Marksbury, Fire Chief Mattingly, Public Works and Engineering Director Hamilton, City Attorney Donan, City Clerk Blincoe, WBRT/WOKH reporter Fred Hagan, WYSB reporter Tom Redmon, HRB Administrator Bogert, and American Legion Post representative Charles Darnell.

Mayor Heaton called the meeting to order at 7:00 p.m. and reported that Councilman Sheckles was in Northern Kentucky attending the Kentucky League of Cities Convention.

QUEST ENGINEERS PROPOSAL

Public Works and Engineering Director Hamilton reported on the Quest design proposal and fee calculations for the Bloomfield Road Force Main Extension with a construction cost estimate of \$935,000 and the Pottershop Force Main Replacement Project with a construction cost estimate of \$401,000. Mayor Heaton inquired about the possibility of the City providing the resident representative for the project and Hamilton said that this provision is in the agreement. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE MAYOR WAS AUTHORIZED TO EXECUTE THE CONTRACT WITH QUEST FOR THE DESIGN AND 201 FACILITIES PLAN WORK FOR THE PROJECT. THE RESIDENT REPRESENTATIVE WORK WILL BE FINALIZED AT A LATER DATE.**

SECOND READING-REZONING #2317 THE OLD KENTUCKY HOME COUNTRY CLUB

A second reading was presented on application #2317 from The Old Kentucky Home Country Club after a correction was made by City Attorney Donan to add "ft." to the end of the property description after 209.58. The ordinance was presented as follows:

ORDINANCE NO. B2009-18

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP, ENTITLED, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN, AND NELSON COUNTY, KENTUCKY" TO DESIGNATE THE DISTRICT CLASSIFICATION OF THE PROPERTY LOCATED IN BARDSTOWN, KENTUCKY, AS HEREINAFTER DESCRIBED AS R-1B/PUD (OPTION #1) SINGLE FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on August 11, 2009, held a public hearing on the Application No. 2317 of The Old Kentucky Home Country Club to designate 3.70 acres at 329 East Stephen Foster Avenue (US 150) as R-1B/PUD (Option 1), Single 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 Williams, duly seconded by Councilman Reed 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 September 2, 2009, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property is described as follows:

Beginning at an existing iron pin, on the south r/w line of Stephen Foster Ave., corner to Commonwealth of Kentucky (My Old Kentucky Home State Park); thence leaving the road with said Commonwealth S 42-01-22 W 77.55 ft.; S 49-46-35 W 70.40 ft.; S 39-54-47 W 85.73 ft.; S 21-25-53 W 55.55 ft.; S 09-47-37 W 33.69 ft.; S 03-06-53 W 85.68 ft.; S 08-52-06 E 126.72 ft. to an existing iron pin, in the line of said Commonwealth, corner to Tannery Hill Development, LLC; thence with Tannery Hill N 77-32-40 W 133.30 ft. to an existing iron pin; thence N 83-15-19 W 114.43 ft. to an existing iron pin; thence N 84-36-37 W 162.39 ft. to an existing iron pin; thence N 05-03-00 E 154.00 ft. to an existing iron pin; thence N 19-18-00 E 153.00 ft. to an existing iron pin; thence S 80-44-00 E 120.00 ft. to an existing iron pin; thence N 16-26-43 E 150.00 ft. to an existing iron pin corner to Tannery Hill, on the south r/w line of Stephen Foster Ave. thence with the r/w of Stephen Foster Ave. S 85-58-06 E 209.58 ft.; S 88-03-17 E 168.94 ft. to the point of beginning containing 3.70 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 WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, MAYOR HEATON CALLED THE ROLL AND THE FOLLOWING VOTED:

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

THE MAYOR DECLARED ORDINANCE NO. B2009-18 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The recommendations were presented as follows:

A. Certificates of Appropriateness

1. COA #09-23, amended [RECOMMENDED]

On May 11, 2009 the HRB recommended Michael and Margaret Sue Masters' exterior color choices for the residence at 211 E. John Fitch Ave. (COA #09-23). The color for the door was to be submitted at a later date. The applicants now propose to paint the front door "Brick by Brick" (Sherwin Williams #H162) as per sample to be submitted at the meeting.

Recommendation: To recommend approval of the proposal to paint the front door at 211 E. John Fitch Ave. Sherwin Williams #H162, as specified in this application.

2. COA #09-41 [RECOMMENDED]

The American Legion Post 121 proposes to construct a 26' concrete handicap ramp at the rear of their building (owned by the City) at 206 W. Broadway. The ramp will not be visible from the street.

Recommendation: To recommend approval of the proposal to construct a 26' concrete handicap ramp at the rear of 206 W. Broadway, as specified in this application.

3. COA #09-42 [RECOMMENDED]

Andrew F. Ballard and Marci Auberry propose to paint the metal porch roof of their residence at 111 W. Broadway charcoal gray to match the color of the house shingles, and to install a white aluminum, full-view, front storm door (Larson #227-FV or #345-54).

Recommendation: To recommend approval of the proposal to paint the porch roof at 111 W. Broadway to match the color of the main roof and to install a white, single-panel front storm door, as specified in this application.

4. COA #09-43 [RECOMMENDED]

Scott Tincher, owner of DX2GO at 301 W. Stephen Foster Ave., proposes to install a 31" x 4 1/2' window on the front of the building, 7' to the right of an existing half-moon window. The frame will be aluminum and will be painted to match the building.

Recommendation: To recommend approval of the proposal to construct a new 31" x 4 1/2' double hung, aluminum-clad, single pane sash window at 301 W. Stephen Foster Ave., as specified in this application.

B. Staff Approvals [AFFIRMED]

1. Staff gave approval on August 10 to Mattingly & Howell Orthodontics, 208 N. Second St., to remove a small ornamental pear tree at the north (right) corner of the building and to replace it with a shrub.

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

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS WERE APPROVED.

THANK YOU NOTE

Mayor Heaton read a note from Jannice Provine thanking the City for the installation of the four-way stop at the intersection of Barber Avenue and North Fourth Street.

CHILDREN'S DAY

The Mayor presented a letter from the Bardstown Rotary Club requesting the use of the front lawn of City Hall for the Children's Day event to be held on October 22, 2009 from 4:00 p.m. to 7:00 p.m. (Councilman Reed left the Council Chambers prior to the vote). **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 4 TO 0, IT WAS APPROVED.** (Councilman Reed returned to the Council Chambers).

MUNICIPAL ORDER NO. 2009-14 - ARTS AND CRAFTS FAIR

The Mayor presented a letter from Rita Riley, Main Street Coordinator, requesting street closings for the 2009 Arts and Crafts Fair to be held on October 10 - 11, 2009. A Municipal Order was presented as follows:

MUNICIPAL ORDER NO. 2009-14

ARTS, CRAFTS & ANTIQUE FAIR 2009

A Municipal Order authorizing the following street closings for the 2009 Arts, Crafts and Antique Fair:

- North Fifth Street running north and south from West Stephen Foster to Broadway (except for the entrance and exit to St. Joseph Church parking lot).
- North Fourth Street running north and south from 113 N. Fourth (K of C Building) to West Broadway (Intersection of Fourth and Flaget Avenue is partially closed. Thru traffic is accessible. Traffic will continue on a right turn only from Fourth to Flaget Avenue. The parking area next to Crume's Drug Store is accessible from Fourth and adjacent alleys).
- Xavier Drive running east and west.
- The 200 block of West Flaget Avenue running east and west between North Fourth and North Fifth Street.

PROPOSED STREET CLOSING TIMES:

- Saturday, October 10, 2009 at 5:00 a.m. until Sunday, October 11, 2009 at 8:00 p.m.

UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, MUNICIPAL ORDER NO. 2009-14 WAS APPROVED.

MINUTES

The minutes from the 9-8-09 regular City Council meeting were then presented and **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, THEY WERE APPROVED.**

FIRST READING - CLASSIFICATION PLAN/COMPENSATION PLAN ORDINANCE

A first reading was presented on an amendment to the Classification Plan and Compensation Plan Ordinance to add the 24/48 Hour Fire Fighter position. Fire Chief Mattingly explained that the total number of firefighters would remain the same. He then highlighted parts of the written job description and made a change to the second paragraph as follows: "Spends 24 hours at the firehouse prepared to respond to fires **and incidents**, while spending 8 hours during these days performing

routine tasks as assigned. The Personnel Policies will be updated by Municipal Order at the next Council meeting. He then spoke briefly on the department's ISO rating. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE FIRST READING WAS APPROVED WITH THE CHANGE IN LANGUAGE.**

Chief Mattingly thanked the Mayor and Council for their support and Councilman Simpson commended Chief Mattingly for his continued work to improve the Fire Department.

SECOND READING FY 2009-2010 TAX RATE ORDINANCE

The second reading to adopt the compensating rate was presented as follows:

ORDINANCE NO. B2009-17

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE STYLED "AN ORDINANCE LEVYING TAX ON PROPERTY SUBJECT TO TAX IN THE CITY OF BARDSTOWN: FIXING RATES THEREON AND DESIGNATING THE FUNDS AND PURPOSES FOR WHICH EXPENDITURES ARE AUTHORIZED FOR THE FISCAL YEAR JULY 1, 2009 TO JUNE 30, 2010.

THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAIN AS FOLLOWS:

1. That there be and hereby is levied the sum of \$0.1900 on each ONE HUNDRED dollars of real property subject to taxation, the sum of \$0.2168 on each ONE HUNDRED dollars of personal property subject to taxation, and the sum of \$0.24 on each ONE HUNDRED dollars of motor vehicle and water craft subject to taxation in the City of Bardstown for the fiscal year July 1, 2009 to June 30, 2010.
2. All monies hereinafter collected for taxes due for the year 2009-2010 and all years prior thereto shall be allocated to the General Fund for the general expenses of city government including, but not limited to, recreation, police and fire protection, general government, and the maintenance of streets and highways.
3. Collection of property tax bills of TEN DOLLARS (\$10.00) or less may be waived by the Chief Financial Officer.
4. All taxpayers whose taxes are not paid by the last day of October or by the thirtieth day after the mailing of the tax bill, whichever is later, shall pay a penalty of TEN PERCENT (10%) of the amount of taxes due and unpaid and in addition thereto shall pay interest on the unpaid taxes at the rate of ONE PERCENT (1%) per month or part thereof until paid.

This Ordinance shall be in full force upon its publication and all ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict.

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

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

MAYOR HEATON THEN DECLARED ORDINANCE NO. B2009-17 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

MOSQUITO SPRAYING UPDATE

Councilman Royalty reported that after receiving numerous phone calls from citizens regarding the mosquito problem in the City, he contacted the state Department of Agriculture and was told that they would spray at no charge to the City. Royalty rode with the state crew to show them the problem areas to spray. Now, the state department has stopped spraying for this year but will resume spraying in the spring. Mayor Heaton commended Councilman Royalty for following up with the program. Councilman Royalty publicly thanked Richie Farmer, Kentucky Commissioner of Agriculture, for his assistance.

PROCLAMATION - ADULT DAY SERVICES DAY

Mayor Heaton presented the following proclamation:

**Proclamation
by
City of Bardstown**

- WHEREAS: The week of September 20-26, 2009 has been recognized as Adult Day Services Week by adult day care centers, the National Adult Day Services Association, clients, staff, professional healthcare workers, communities and states across the country; and
- WHEREAS: Public awareness and education enhance a community's understanding of the issues affecting the elderly and adults of all ages who have mental and physical disabilities; and
- WHEREAS: The number of adults with Alzheimer's disease and other forms of dementia, as well as other chronic conditions, continues to grow at a rate unparalleled in our history; and
- WHEREAS: Adult day cares, such as Bardstown's Active Day, provide socialization, therapeutic programming, nutrition, supervised healthcare, rehabilitation and respite for families allowing older adults and persons with disabilities to remain vibrant members of our communities and in their homes for longer periods.

NOW, THEREFORE, be it resolved, that I, J. Richard Heaton, Mayor, do hereby proclaim September 25, 2009 as

"Adult Day Services Day"

in the City of Bardstown and encourage all citizens to give their full support and appreciation toward community-based services.

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE PROCLAMATION WAS APPROVED.

NEIGHBORHOOD ADVISORY COMMITTEE

Even though neighborhood meetings had been established in the past, Councilman Williams asked that the Council consider establishing Neighborhood Advisory Committees again to encourage communication between citizens and the Council. Mayor Heaton responded that the City would need to be divided into quadrants with representatives in each area. Councilman Reed suggested dividing the town according to precincts. Councilman Royalty questioned whether there would be much of an interest in the program. Councilman Reed thought that it could open communication with the public. A brief discussion followed. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 5 TO 0, IT WAS APPROVED TO APPOINT COUNCILMEN WILLIAMS, REED AND SIMPSON TO AN AD HOC COMMITTEE TO FURTHER INVESTIGATE THE MATTER AND DEVELOP COMMITTEE GUIDELINES**

RECREATION BOARD MEETING

Councilman Reed announced that the Recreation Board meeting would be held on Thursday, September 24, 2009 at 6:00 p.m.

POLICE DEPARTMENT COMMENDED

The Mayor commended the Police Chief and Police Department for a job well done over the Kentucky Bourbon Festival weekend. Police Chief Marksbury reported that only five citations had been issued during the festivities. Most of the problems occurred after the Spirit Garden had closed.

Mayor Heaton said that the area Boy Scouts did a tremendous job of cleaning up after the event.

PARKING CONCERN ON SUSANNAH AND CAMPGROUND

The Council discussed the parking concerns on Susannah Avenue and Campground Road due to the opening of the new B.J.'s Restaurant. Residents have complained that people are parking on the streets and blocking driveways. Chief Marksbury reported that the owners of the restaurant want to work on resolving the matter. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, IT WAS APPROVED TO HAVE NO PARKING SIGNS INSTALLED AS NEEDED IN THE AREA.**

THEFT FROM RECYCLING BINS

Police Chief Marksbury asked for the media to help inform the public that aluminum can thieves will be cited if caught stealing from the City's recycling centers. He informed the Council that two people had been caught recently taking aluminum cans from the site by the Farmers Market Pavilion. The two people were not cited; however, anyone caught in the future will be cited.

CEMETERY DEEDS

Cemetery deeds were presented for Milbert Bartley, Derek Downs, Larry and Brenda Tousignant and Jack and Wilma Waff. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, THE DEEDS WERE APPROVED.**

EXECUTIVE SESSION PURSUANT TO KRS 61.810 C

Mayor Heaton said that the Council needed to go into an Executive Session pursuant to KRS 61.810 C, to discuss proposed or pending litigation. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 5 TO 0, THE COUNCIL WENT INTO AN EXECUTIVE SESSION AT 8:15 PM.**

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 8:49 PM.

The minutes will reflect that no action was taken during the Executive Session.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, THE MEETING WAS ADJOURNED AT 8:50 PM.**

ATTEST:

CITY OF BARDSTOWN

J. Richard Heaton, Mayor

Bobbe Blincoe, City Clerk