

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES**

**12-22-09
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 Sheckles
Councilman Simpson
Councilman Royalty - Absent

Others present: Police Chief Marksbury, Police Officers Blair, Strunk, and Satterly, Asst. City Administrator Green, Chief Financial Officer Abell, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Attorney Donan, HRB Administrator Bogert, City Clerk Blincoe, WBRT/WOKH reporter Fred Hagan, The Kentucky Standard reporter Stephanie Hornback, WYSB reporter Tom Redmon, Smoke-free Coalition members Pat Whelan and Kay Clark, Kevin Brumley and Carla Satterly.

Mayor Heaton called the meeting to order.

MERITORIOUS SERVICE

Mayor Heaton presented Police Officer Tony Satterly with a Certificate of Valor plaque for meritorious service for rescuing a resident during the Bourbon Court Apartment fire that occurred on December 13, 2009. Satterly was the first responder on the scene. Police Chief Marksbury highly praised Satterly for his heroism. The Chief also praised the work of the Bardstown-Nelson County Volunteer Fire Department and local EMS.

FIRST READING - REZONING #2324-FLAGET HEALTHCARE, INC.

A first reading was presented of an ordinance amending the previously approved development plan on Zoning Map Amendments #2041 and #2187 at 4358 New Shepherdville Road (KY 245) for Flaget Healthcare, Inc. (applicant/owner) and Fravenshuh Healthcare Real Estate Solutions (co-applicant/developer). The Planning Commission recommended approval. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE RECOMMENDATION FROM THE PLANNING COMMISSION AND FIRST READING WERE APPROVED.**

FIRST READING - REZONING #2325-BRH PROPERTIES, LLC

A first reading was presented of an ordinance to rezone 2.33 acres on Nelly Drive and at the intersection of Handy Boulevard and Bessie Lane and being Lots 30C-40D of Miller Springs Estates from R-1T, Single Family Townhouse District to R-1A (PUD), Option #1, Single Family Residential District. The Planning Commission recommended approval. **UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 5 TO 0, THE RECOMMENDATION FROM THE PLANNING COMMISSION AND FIRST READING WERE APPROVED.**

FIRST READING - #2326-AMERICAN LEGION-ABRAHAM LINCOLN POST #167

(Councilman Lydian and Councilman Williams recused themselves from the meeting and vote).

A first reading was presented of an ordinance to rezone 3.04 acres at 202 Downs Lane (Tract #3, Old Town Nursery) from P-1 (PUD), Professional Office District, to B-1 (PUD), Options B & C, Neighborhood Business District for American Legion-Abraham Lincoln Post #167. The Planning Commission recommended approval of the request. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 3 TO 0, THE RECOMMENDATION FROM THE PLANNING COMMISSION AND FIRST READING WERE APPROVED WITH THE FOLLOWING BINDING ELEMENTS:**

- (1) The use of the property shall be limited only to the organizational meetings, events and activities of American Legion Post #167 and to a reception/dance hall and restaurant/bar open to non-members and the general public. Any other use of the property shall require prior approval from the Planning Commission and Bardstown City Council.
- (2) Any use serving alcohol by the drink to non-members and the general public shall be limited to the following hours of operation: Monday through Saturday 4:00 pm to 1:00 am.
- (3) All uses must be operated by members of the American Legion Post #167, and no use shall be a consignment operation or arrangement.
- (4) Any exterior building and site alterations shall be approved by the Planning Commission.

(Councilman Lydian and Councilman Williams returned to the Council Chambers.)

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The recommendations were presented as follows:

A. Certificates of Appropriateness

1. COA #09-52 (amended) [RECOMMENDED]
113 S. Third St.

NTSJ Restorations, LLC proposes to remove the aluminum storm windows and plywood panels on the rear corner porch at 113 S. Third St. and construct a screened-in porch in their place. They also propose to paint the exterior of the house in the following colors: Benjamin Moore Horizon Gray (body); Sherwin Williams Snowbound (trim); and Benjamin Moore Sea Pine (shutters).

Recommendation: To recommend approval of the proposal to construct a screened-in porch and paint the exterior of the house at 113 S. Third St. and, as specified in this application.

2. COA #09-53 [TABLED]

301 W. Stephen Foster Ave.

Scott Tincer proposes to cover the open skylight of the roof at 301 W. Stephen Foster Ave. in order to eliminate ice and snow from accumulating in the walkway below. The covering will be Tuftex PolyCarb (Smoke color). Material will be installed to be flush with the existing roofline.

Recommendation: To table this proposal until the next meeting so that the applicant can submit more detailed construction plans for this project.

3. COA #09-54 [RECOMMENDED]

312 N. Second St.

Leland Crowe proposes to construct a paved parking space to accommodate two vehicles next to his house at 312 N. Second St. On November 24 Mr. Crowe and his contractor contacted City staff, who gave them permission to proceed without first contacting staff. The site was excavated and gravel was spread. On November 25 a stop work order was issued before concrete was poured. The parking area is 890 s.f., and there is much more than the required 30% open space remaining on the property. The applicant proposes to use the same aggregate paving material as the existing sidewalk in front of his house.

Recommendation: To recommend approval of the parking area at 312 N. Second St., as specified in this application.

4. COA #09-55 [RECOMMENDED]

326 N. Third St.

Pikey Conway proposes the following exterior alterations to the building at 226 N. Third St.: construct a 4' high square railing (with square balusters), painted to match the trim, on two sides of the existing rear deck, and install wood flooring on the deck; remove the existing blue awning; paint the exterior of the building Greenmount Silk (body), Acadia White (trim), and Black Forest Green (shutters); and to replace the existing standing seam roof with a metal roof painted Burnished Slate and having 16" between seams.

Recommendation: To recommend approval of the proposal to construct a rear deck, replace the roof, remove the awning, and paint the exterior of the building at 226 N. Third St., as specified in this application, with the following condition: a different trim color will be submitted for staff approval.

5. COA #09-56 [TABLED]

111 E. John Fitch Ave.

Thomas M. Brackett proposes to temporarily separate the rear additions to the residence at 111 E. John Fitch Ave. in order to jack the rear of the main portion of the building and repair the interior rear wall.

Recommendation: Mr. Brackett stated that his intent on the COA application was to demolish the rear portion of the building, not to temporarily separate it. Therefore, the proposal was tabled pending a public hearing on this demolition proposal, and submission by the applicant of more detailed demolition plans.

6. COA #09-57 [RECOMMENDED]

402 N. Third St.

Randy and Cheryl Geren propose to install four black wrought iron gates at their residence at 402 N. Third St. The gates will be a simplified fleur-de-lis design and will be slightly arched. One gate will be installed at the driveway entrance on Brashear Ave. and will measure 6 ½' at the height of the arch. The gate arch at the walkway entrance facing Brashear Ave. will measure 5 ½', and the two gate arches flanking the front of the house will measure 4 ½'. The latter two gates will be attached to iron posts set next to the house and to the brick posts.

Recommendation: To recommend approval of the proposal to install four wrought iron gates at 402 N. Third St., as specified in this application.

B. Expansion of Historic District [RECOMMENDED TO PLANNING COMMISSION FOR APPROVAL]

LLJ Properties LLC (Mann & Greenwell Funeral Home) proposed that the Bardstown Historic District boundary be changed to include a vacant lot located at 211 S. Fourth St. The applicant owns this lot and proposes to use part of it for expanded parking. This proposal is a change in the present non-conforming use of both properties.

Recommendation: To recommend that the Planning Commission approve the proposal to expand the Bardstown Historic District to include the vacant lot at 211 S. Fourth St.

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

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD ON ITEM NOS. 1, 3, 4, 6 AND B WERE APPROVED.

(Mayor Heaton recused himself from the meeting).

MAYOR PRO-TEM

City Attorney Donan asked for a motion to elect a Mayor Pro-Tem while the Mayor was away from the Council Chambers. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED, COUNCILMAN SHECKLES WAS APPROVED AS MAYOR PRO-TEM.**

HISTORICAL REVIEW BOARD RECOMMENDATION ON ITEM NO. 7

Mayor Pro-Tem Sheckles presented the HRB recommendation for Item No. 7 as follows:

7. COA #09-58 [RECOMMENDED]

310 N. Second St.

Bardstown Christian Fellowship proposes to replace the existing hanging sign at 310 N. Second St. with a sign with blue lettering on a white background and to also install a 30" x 20" sign with the same colors on the north wall. The latter sign is a previously approved sign that is being moved from the Marketplace.

Recommendation: To recommend approval of the proposal to install two signs at 310 N. Second St., as specified in this application.

UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED, THE RECOMMENDATION FROM THE HISTORICAL REVIEW BOARD ON ITEM NO. 7 WAS APPROVED.

(The Mayor returned to the Council Chambers).

MINUTES

The minutes from the 12-8-09 regular City Council meeting were then presented and **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 5 TO 0, THEY WERE APPROVED.**

RE-APPOINTMENTS

Mayor Heaton requested that the Council re-appoint the following people:

Tim Hockensmith to another one-year term on the Recreation Board.

Ann Hite to another three-year term on the Development Review Board.

Bruce Reynolds to another three-year term on the Historical Review Board.

Beth Hawkins to another three-year term on the Historical Review Board.

UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0, THE RE-APPOINTMENTS WERE APPROVED.

FINANCIAL REPORT-FIRST QUARTER

Chief Financial Officer Abell requested that the Council call him with any questions on the September, 2009 Financial Report that was distributed.

BARDSTOWN CABLE TV - FREE INSTALLATION

Abell reported that City Electrical Engineer Mills was on vacation but he wanted to have the Council's approval to offer a 60-day window for free installations for the residents on Murray's Run Road. Abell explained that the City has offered free installations for areas new to the cable TV system. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, IT WAS APPROVED.**

PROJECT UPDATES

Public Works and Engineering Director Hamilton presented a project update and said that the contractors were working on the sewer line near the Jaycee Park. The first flows into the line should be switched over at the Wastewater Treatment Plant on December 29, 2009. The flow diversion should be completed by mid January 2010. Hamilton reported on a meeting recently held with the state regarding the progress that has been made on the Agreed Order.

Hamilton further mentioned that work was being completed on the Bloomfield Sewer Project proposition and a grant application should be ready for the Mayor's signature in the next few days for the Bloomfield Force Main and Pottershop Road sewer line projects.

All of the area industries were in compliance with their flows and reporting according to the regulatory requirements.

The bid for the Water Treatment Plant should be ready for advertising in January, 2010 with bids to be received in February.

CHRISTMAS FOR KIDS

Police Chief Marksbury reported that 83 children had attended the Christmas for Kids Project held on December 21, 2009. He commended the work of Officer Jason Woodson who dedicated time and effort with the program.

NEIGHBORHOOD STABILIZATION PROGRAM

Assistant City Administrator Green reported that the City was in the process of purchasing houses for the program which provides federal funds to assist with neighborhoods affected by foreclosure. The program requires fifty percent of the money to be spent by February, 2010. It has been difficult to find houses that meet the federal requirements. The next step will be qualifying families for the properties.

DOWNTOWN STREETSCAPE PROJECT

Mayor Heaton reported that the Downtown Streetscape Project design work on the driving lanes was close to completion and would be submitted to the state for approval. It is hoped that the project will be ready to bid by April 2010.

2010 CENSUS/INACCURATE CITY LIMITS

The Assistant City Administrator reported that Bardstown's city limit lines in the census database excluded about 20 percent of the City. The census begins in April 2010 and the information on past annexations will be corrected prior to that time since the population findings help determine funding and congressional representation. A resolution for each ordinance eliminated will be approved in order to make the city limits correct prior to the beginning of the 2010 Census in the spring.

CEMETERY DEED

The Mayor presented a cemetery deed for Jessie Kathleen MacPherson for a lot in The Bardstown Cemetery. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5 TO 0, IT WAS APPROVED.**

MAYOR'S APPRECIATION

Mayor Heaton extended his gratitude to the City Council, staff and employees for all their hard work and dedication during 2009. He thanked everyone for the dedicated service received during the ice storm in late January and early February, 2009. There were preparations made for infrastructure improvements and the dedicated work on one of the tightest budgets in several years. He noted that the second half of the year things did improve due to the receipt of some grants for the Police Department, Downtown Streetscape Project and Neighborhood Stabilization Program and the availability of some low interest loans that will help with the Water Treatment Plant improvements and sewer lines. The Fire Department Began the 24/48 Hour Firefighter position and the Council and staff made good progress on other issues during the difficult financial times. Mayor Heaton expressed hope that the economy would continue to improve since there were many other projects to be completed.

WORKING SESSION CHANGED

The Mayor reminded the Council that the Working Session would be held on January 19, 2010 at 5:00 p.m. instead of January 5, 2010.

ADJOURNMENT

Being no further business to discuss and UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 5 TO 0, THE MEETING WAS ADJOURNED AT 7:55 PM.

CITY OF BARDSTOWN

ATTEST:

J. Richard Heaton, Mayor

Bobbe Blincoe, City Clerk