

CITY OF BARDSTOWN, KENTUCKY
CITY COUNCIL REGULAR MEETING MINUTES
09/22/2020
6:00 PM

The City Council met in regular session in the City Council Chambers with Mayor Heaton and the following Council Members:

Councilman Joe Buckman
Councilman David Dones
Councilwoman Betty Hart
Councilman Franklin Hibbs IV
Councilman Bill Sheckles
Councilman Roland E. Williams

Others present: Police Chief Kim Kraeszig, Fire Chief Billy Mattingly, City Civil Engineer Jessica Filiatreau, Chief Financial Officer Aaron Boles, Chief Information Officer Nahom Ayele, Assistant City Clerk Lisa Burdett, City Clerk Gary Little, Historic Preservationist RaShae Jennings, Johnny Wright, Noah Gallahan, Myles Oliverio, Tina Kelley, Dailey Kelley, Bob Kelley, Jim Kelley, William Kelley, Nicole Wheatley, Lynn Johnson, Mark Johnson, Bob Waters, Ron May, Ross May, Kristin Girdner, Scott Darnell, Ashley Howell, Grace Maier, Barbara Richie, Gemma Lanzillo, Joe Miller, Debbie Miller and Joseph Lanzillo.

This meeting was broadcast for public viewing on Bardstown Cable TV Channels 19.2, 20 and 20.1 and on the City of Bardstown YouTube channel.

Mayor Heaton called the meeting to order at 6:00 PM.

RESOLUTION R2020-08 JOHN S. “JACK” KELLEY III

Councilwoman Hart introduced Resolution R2020-08 in honor of long-time resident and attorney John S. “Jack” Kelley, III who passed away on August 28, 2020. Mayor Heaton asked City Attorney Audrey Haydon to read the resolution.

COUNCILWOMAN HART MADE A MOTION TO APPROVE RESOLUTION R2020-08 IN HONOR OF JOHN S. “JACK” KELLEY III. THE MOTION WAS DULY SECONDED BY COUNCILMAN HIBBS AND CARRIED WITH A VOTE OF 6-0.

Mayor Heaton expressed gratitude on behalf of the City of Bardstown for all of Mr. Kelley’s contributions to the growth of Bardstown and presented a copy of the resolution to his family.

CHANGE ORDER NO. 1 JERRY RILEY LAGOON LINER REPLACEMENT PROJECT

City Civil Engineer Jessica Filiatreau presented Change Order No. 1 for the Lagoon Liner Replacement Project at the Jerry Riley plant. She said that the bottom of the lagoon contained rock that needed to be covered with six inches of soil and a layer of felt that would provide additional cushion for the liner, increasing its lifespan.

COUNCILMAN DONES MADE A MOTION TO APPROVE CHANGE ORDER NO. 1 FOR THE JERRY RILEY PLANT LINER REPLACEMENT PROJECT IN THE AMOUNT OF FORTY-ONE THOUSAND ONE HUNDRED SIXTY DOLLARS (\$41,160.00). THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED WITH A VOTE OF 6-0.

BID TAB AND RECOMMENDATION LETTER FOR PAA IMPROVEMENTS

City Civil Engineer Jessica Filiatreau detailed the three bids that were submitted for Peracetic Acid Disinfection Improvements. The low bid was from Pace Contracting for \$232,000.00. The other two bids were from Herrick Company, Inc. for \$250,750.00 and Smith Contractors, Inc. for \$426,000.00. Engineering Consultant, Kentucky Engineering Group, recommended accepting the bid from Pace Contracting.

COUNCILMAN SHECKLES MADE A MOTION TO APPROVE THE BID SUBMITTED BY PACE CONTRACTING IN THE AMOUNT OF TWO HUNDRED THIRTY-TWO THOUSAND DOLLARS (\$232,000.00) FOR PERACETIC ACID DISINFECTION IMPROVEMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED WITH A VOTE OF 6-0.

FIFTH ADDENDUM LARUE COUNTY WATER DISTRICT #1

City Civil Engineer Jessica Filiatreau explained that Larue County Water District #1 had requested that the City of Bardstown increase the maximum monthly water sales to the district from three million gallons to six million gallons.

COUNCILMAN HIBBS MADE A MOTION TO APPROVE THE FIFTH ADDENDUM TO THE LARUE COUNTY WATER DISTRICT CONTRACT INCREASING SALES TO A MAXIMUM OF SIX MILLION GALLONS PER MONTH. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED WITH A VOTE OF 6-0.

CITY COUNCIL REVIEW AND DECISION - COA-20-137 - NO RECOMMENDATION BY HRB

- (a) COA- 20-137. Bullitt’s Winery and Bistro (Ron May), Applicant/Owner, requests to keep the hood vent that was installed without permission at 124 North Third Street. TIE VOTE TAKEN BY HRB

Attorney Bob Waters, representing Bullitt's Winery and Bistro, presented information relating to the exterior exhaust fan ductwork that had been installed without the approval of the Historical Review Board. He stated the reasons for wanting to keep the ductwork as it is installed and not moving it to the interior of the building.

Historic Preservation Coordinator RaShae Jennings informed the council members that Bullitt's Winery and Bistro had installed the exterior ductwork without permission from the Historical Review Board and had ignored a citation from December of 2019. She said that an independent engineering firm had concluded that the ductwork could have been installed on the interior of the building. She requested that Bullitt's Winery and Bistro remove the exterior ductwork and install the exhaust system on the interior of the building as other businesses in the Historic District have been required to do. The following exhibits were presented:

Exhibit A: Notice of violation for 124 North Third Street for the hood installed without HRB approval on December 6, 2019. Please note, the hood has been installed since this time, and we have been trying to resolve this situation without success.

Exhibit B: HRB Guidelines for Mechanical Equipment, Trash Collection Areas, and Outdoor Storage Areas from COA 20-137 demonstrating how Ron May's hood on this property does not meet HRB regulations.

Exhibit C: COA Application for Damir Saric to have his hood at 120 North Third Street installed externally. The hood that Mr. Saric was referencing was the hood installed by Ron May that was installed without HRB approval. Note the following on the application:

"Application Summary"

"The owner wishes to install a kitchen hood on the exterior of the building.

Notes: Please note that the HVAC unit the applicant is referencing was installed without approval and it's being dealt with currently. All other applicants on Third Street were made to install their HVAC units internally in the past by previous HRB Boards. This was so that the mechanical systems would not be visible from a public way. If this were to be approved, many other business would apply for their HVAC units and vents to be installed externally."

Please note: This application was DENIED.

Exhibit D: Ron May's COA application to keep the hood unit he installed without HRB approval.

Exhibit E: Engineer's conclusion from Harlow Engineering stating the following:

Conclusion:

It is this engineer's opinion that an alternate method of installation could have been utilized. Without a complete design involving multiple construction disciplines, it is not at this time possible to determine what the added cost and other impacts the property owner would have had to incur.

City Attorney Audrey Haydon offered three options for the council to consider:

1. Leave the installed ductwork on the exterior of the building
2. Deny the Certificate of Appropriateness application
3. Approve the COA with conditions to install the ductwork inside and remove the exterior ductwork.

The council deliberated and the following motion was proposed:

COUNCILMAN SHECKLES MADE A MOTION TO APPROVE COA #20-137 WITH THE CONDITIONS SET FORTH BY THE CITY COUNCIL. THE EXTERIOR EXHAUST FAN DUCTWORK THAT IS CURRENTLY INSTALLED CAN REMAIN IN PLACE FOR UP TO NINE (9) MONTHS BUT WILL BE REPLACED WITH INTERIOR DUCTWORK. PLANS FOR THE INTERIOR INSTALLATION OF THE EXHAUST FAN DUCTWORK ARE TO BE PRESENTED TO THE HISTORIC PRESERVATION COORDINATOR OR THE CITY ATTORNEY BY MONDAY, DECEMBER 21, 2020 (90 DAYS FROM SEPTEMBER 22, 2020). THE ROOFTOP VENT MUST BE SCREENED PER HRB GUIDELINES. INSTALLATION OF THE EXHAUST FAN DUCTWORK ON THE INTERIOR OF THE BUILDING AND THE REMOVAL OF THE EXISTING EXHAUST FAN DUCTWORK FROM THE EXTERIOR OF THE BUILDING MUST BE COMPLETED WITHIN SIX (6) MONTHS FROM THE DATE THE PLANS ARE APPROVED BY THE CITY OF BARDSTOWN. THE LATEST POSSIBLE DATE FOR COMPLETION OF ALL REQUIRED WORK IS JUNE 22, 2021. THE MOTION WAS DULY SECONDED BY COUNCILMAN DONES AND CARRIED BY A VOTE OF 6 TO 0.

HRB RECOMMENDATIONS

The following recommendations from the Bardstown Historical Review Board were presented by City Attorney Audrey Haydon:

- (a) COA- 20-112. Annette Beavers, Applicant/Owner, requests to expand the driveway at 215 South 5th Street.

Recommendation: Approval to expand the driveway as proposed to 24 feet total with the following conditions:

Conditions: The proposed driveway meets all requirements from the City of Bardstown as well as any Nelson County Planning and Zoning requirements.

- (b) COA- 20-122. Cindy Mouser, Applicant/Owner, requests to install landscaping at 208 East Stephen Foster Avenue.
Recommendation: Approval to install the proposed landscaping.
- (c) COA- 20-123. Jacob Hall, Applicant/Owner, requests to install landscaping at 209 West Flaget.
Recommendation: Approval to install the proposed landscaping.
- (d) COA- 20-124. Fred and Pat Hagan, Applicants/Owners, request to add a front porch step at 215 East Flaget Avenue.
Recommendation: Approval to install the front porch step as proposed with the following conditions:
Conditions: The handrail for the steps will be staff approved.
- (e) COA- 20-98. Summer Arlinghaus, Applicant/Owner, requests to install landscaping at 110 South 1st Street.
Recommendation: Approval to install the proposed landscaping.
- (f) COA- 20-126. Summer Arlinghaus, Applicant, Bourbon Capital Brewing/Owner, request to install landscaping at 112 West Flaget Avenue.
Recommendation: Approval to install the proposed landscaping.
- (g) COA- 20-127. Summer Arlinghaus, Applicant, Bourbon Capital Brewing/Owner, request to install outdoor seating at 112 West Flaget Avenue.
Recommendation: Approval to install the proposed outdoor seating.
- (h) COA- 20-128. Bill and Sabra Mattingly, Applicants/Owners, request to add sidewalk at 107 West Muir.
Recommendation: Approval to install the proposed a sidewalk with the following conditions:
Conditions: The sidewalk will match the pre-approved driveway. It will have a stamped border that consists of one brick and the inside of the sidewalk will be the swept finish.
- (i) COA- 20-129. Bill and Sabra Mattingly, Applicants/Owners, request to add shutters at 107 West Muir.
Recommendation: Approval to install the proposed shutters.
- (j) COA- 20-130. Bill and Sabra Mattingly, Applicants/Owners, request to add flower boxes at 107 West Muir.
Recommendation: Approval to install the proposed flower boxes.
- (k) COA- 20-131. Chris Simpson, Applicant/Owner, requests to add storm windows at 114 East Brashear Street.
Recommendation: Approval to install the new proposed storm windows.
- (l) COA- 20-132. Chris Simpson, Applicant/Owner, requests to replace some of the windows at 114 East Brashear Street.
Recommendation: Approval to replace the three proposed windows.
- (m) COA- 20-133. Chris Simpson, Applicant/Owner, requests to reconstruct the porch at 114 East Brashear Street.
Recommendation: Approval to rebuild the porch as proposed.
- (n) COA- 20-134. Chris Simpson, Applicant/Owner, requests to add a new garage door at 114 East Brashear Street.
Recommendation: Approval to install the proposed garage door with the following conditions:
Conditions: Any changes to the garage door will be staff approved.
- (o) COA- 20-135. Bullitt's Winery and Bistro (Ron May), Applicant/Owner, requests to keep speakers that were installed without approval at 124 North Third Street.
Recommendation: Approval to keep the installed speakers with the following conditions:
Conditions: The approval is for the design of the speakers only and the speakers must meet the City of Bardstown regulations and ordinances regarding the time they can operate and decibel levels.

Councilman Dones recused himself at 7:56.

COUNCILWOMAN HART MADE A MOTION TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #20-126 AND #20-127 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 0.

Councilman Dones returned at 7:57.

COUNCILMAN HIBBS MADE A MOTION TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #20-112, #20-122, #20-123, #20-124, #20-98, #20-128, #20-129 #20-130, #20-131, #20-132, #20-133, #20-134 and #20-135 WITH THE CONDITIONS SET FORTH BY THE

HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.

DONATION REQUEST BARDSTOWN MAIN STREET

Mayor Heaton presented a donation request from Bardstown Main Street for \$10,000 to assist with the loss of \$40,000 in revenue due to the cancellation of the Arts and Crafts Festival.

COUNCILWOMAN HART MADE A MOTION TO APPROVE THE DONATION REQUEST SUBMITTED BY BARDSTOWN MAIN STREET IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000). THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED WITH A VOTE OF 6-0.

REVIEW OF MINUTES

THE MINUTES FOR THE 9/8/2020 CITY COUNCIL REGULAR SESSION WERE APPROVED BY UNANIMOUS CONSENT.

FINANCIAL REPORT

Chief Financial Officer Aaron Boles informed the council that there will be a presentation of the audit for fiscal year 2019 at the next city council meeting on October 13, 2020.

SECOND READING ORDINANCE B2020-12 SIGN REGULATIONS

Mayor Heaton explained that Ordinance B2020-12 adds schools and their athletic facility campuses to the definition of "Campus" in Ordinance Chapter 98: Sign Regulations. The following ordinance was read by City Attorney Audrey Haydon:

SUMMARY OF ORDINANCE B2020-12

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE STYLED: "SIGN REGULATIONS."

THE CITY COUNCIL OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAIN that CHAPTER 98: SIGN REGULATIONS, Section 98.05 Definitions, of the municipal code, be amended as set forth below:

"CAMPUS." (1) A business situated on 50 or more acres of land, comprised of two or more buildings for separate but related commercial purposes, and zoned I2 according to the Joint City-County Planning Commission zoning map, or (2) any school building or school athletic facility and its surrounding land, whether a public or private institution, regardless of the number of acres of land, which is being used as a school building and/or school athletic facility.

This ordinance or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

This ordinance shall be in full force and effect following publication in summary as required by law.

This summary was certified by Audrey L. Haydon, City Attorney.

COUNCILMAN DONES MOVED TO ADOPT ORDINANCE B2020-12 AS READ IN SUMMARY BY CITY ATTORNEY HAYDON. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN DONES	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILWOMAN HART	-	AYE
COUNCILMAN HIBBS	-	AYE

MAYOR HEATON THEN DECLARED ORDINANCE NO. B2020-12 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 11, PAGE NO. _____.

SECOND READING ORDINANCE B2020-13 PROPERTY TAX 4%

Mayor Heaton explained that Ordinance B2020-13 will generate additional aggregate revenue of up to 4% for the City of Bardstown. Chief Financial Officer Aaron Boles added that the additional revenue will be a result of an increase in the number of properties that pay taxes and an increase in property values, not an increase in the property tax rates. City Attorney Audrey Haydon read the following ordinance:

ORDINANCE NO. B2020-13 PROPERTY TAX 4%

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, 2020 TO JUNE 30, 2021.

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 \$0.1790 on each ONE HUNDRED dollars of real property subject to taxation, the sum of \$0.1790 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, 2020 to June 30, 2021.
2. All monies hereinafter collected for taxes due for the year 2020-2021 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 due date printed on the bill and/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 thereof shall pay interest on the unpaid taxes at the rate of ONE PERCENT (1%) per month or part thereof until paid.
5. A convenience fee of \$2.95 or 3.5% (whichever is greater) will be levied on any credit card transaction payment of property tax bills.

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.

COUNCILMAN WILLIAMS MOVED TO ADOPT ORDINANCE B2020-13 AS READ BY CITY ATTORNEY HAYDON. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN DONES	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILWOMAN HART	-	AYE
COUNCILMAN HIBBS	-	AYE

MAYOR HEATON THEN DECLARED ORDINANCE NO. B2020-13 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 11, PAGE NO. _____.

CITY COUNCIL MEMBER COMMENTS

Councilman Williams said that the Recreation Committee meeting will be at 6:00 pm on Tuesday, September 29, 2020. Councilwoman Hart stated that the pillar groups of the drug coalition are meeting on Mondays in the Francis Lydian Meeting Room at the new fire station on John Rowan Boulevard. Councilman Hibbs reported that (62) \$10.00 bags and (70) \$5.00 bags have been purchased at Save A Lot for the Blessings Box Program.

CEMETERY DEEDS

THE CEMETERY DEED FOR SHAUNESSY LINTON WAS APPROVED BY UNANIMOUS CONSENT.

MAYOR'S UPDATE

Mayor Heaton said that the 2020 Census reporting deadline is September 30th and that Nelson County has a 77% participation rate. He encouraged anyone who has not completed the census to do so before the end of the month. Mayor Heaton said that the Guthrie Center will have drive-through trick-or-treating set up on Halloween. The City of Bardstown will allow trick-or-treating for those who want to participate, but he said that wearing the appropriate protective masks and social distancing should still be observed.

ADJOURNMENT

COUNCILMAN BUCKMAN MADE A MOTION TO ADJOURN THE MEETING AT 8:15 PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN HIBBS AND CARRIED BY A VOTE OF 6-0.

CITY OF BARDSTOWN

J. Richard Heaton, Mayor

ATTEST:

Gary Little, City Clerk