

**CITY OF BARDSTOWN  
REGULAR COUNCIL MEETING MINUTES  
03-10-2015  
7:00 P.M.**

The City Council met in a regular session in the Council Chambers with Mayor John Royalty and the following Councilmen:

Councilman Buckman  
Councilman Copeland  
Councilman Hagan  
Councilman Lydian  
Councilman Simpson  
Councilman Williams

Others present: Assistant City Administrator Larry Green, City Electrical Engineer Jeff Mills, Director of Public Works and Engineering Larry Hamilton, City Attorney David Bruce Reynolds, Police Chief Rick McCubbin, Fire Chief Marlin Howard, City Clerk Barbie Bryant, Executive Assistant to the Mayor Kathy Graham, Kentucky Standard reporter Randy Patrick, Nelson County Gazette Reporter Jim Brooks, WBRT Reporter Sylvia Horlander, and identified citizens Michael Johnson, Ray Johnson, Amelia Clements, Richard Nelson, Anna Limke, Mike Yaden, Matt Mercer, Kathy Reed, Brian Tims, Reverend Freddy Riggs, Chris Hartman, Robert Meyer, Ray Rucci, Larry Duncan and Stephanie Greenwell.

Mayor Royalty called the meeting to order and announced that due to the number of citizens in attendance, input on City Business would be limited to 3 minutes.

Fifteen citizens had input to offer “for or against” amendments to the Joint Human Rights Ordinance.

**PROPOSED AMENDMENTS FOR HUMAN RIGHTS ORDINANCE**

Councilman Copeland presented proposed amendments to the Joint Human Rights Ordinance. She invited Kathy Reed, the Chair of the Joint Human Rights Commission, to share her views for the changes suggested. No motion for amendments was proposed.

**PUBLIC WORKS WASH BAY ADDITION BID**

The two (2) bids received were rejected. The bid amounts were approximately \$22,000 and \$65,500. The project will be rebid in anticipation of receiving clearer and more responsive bids.

**RATIFICATION OF ITSUWA KY LLC SALES CONTRACT**

**COUNCILMAN WILLIAMS MOVED TO RATIFY THE MAYOR’S SIGNATURE ON THE CONTRACT FOR THE SALE OF PROPERTY TO ITSUWA, KY, LLC., AND AUTHORIZE THE MAYOR TO EXECUTE OTHER DOCUMENTS PURSUANT TO THE CONTRACT THAT MAY BE REVISED PRIOR TO THE CLOSING DATE, INCLUDING THE DEED, CLOSING STATEMENT, AFFIDAVIT. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0.**

**MUNICIPAL ORDER M2015-07 TAX ABATEMENT ITSUWA, KY, LLC**

City Clerk Bryant read the following Municipal Order:

**MUNICIPAL ORDER NO. M2015-07**

**MUNICIPAL ORDER RELATING TO THE SALE OF A PARCEL OF LAND IN WILSON INDUSTRIAL PARK KNOWN AS REVISED TRACT NO. 3B BY THE CITY OF BARDSTOWN AND THE BARDSTOWN INDUSTRIAL DEVELOPMENT CORPORATION TO ITSUWA USA, LLC, AS SUBSEQUENTLY ASSIGNED BY ITSUWA USA, LLC TO ITSUWA KY, LLC, AND THE TERMS AND CONDITIONS FOUND IN SAID PURCHASE AGREEMENT AND ASSIGNMENT AS TO CITY TAXES AND SEWER AND WATER LINES.**

**WHEREAS**, the City of Bardstown and the Bardstown Industrial Development Corporation have executed An Agreement For Purchase and Sale of Real Estate (the “**Contract**”) dated January 26, 2015, selling a tract of land known as Revised Tract No. 3B in Wilson Industrial Park, Bardstown, Nelson County, KY., to Itsuwa USA, LLC., and said Purchaser subsequently assigned all its rights, duties and obligations contained in the Contract to Itsuwa KY, LLC; and,

**WHEREAS**, the City of Bardstown agreed under terms of the contract to abate all taxes otherwise due from the Purchaser for a period of five (5) years and said five year period shall commence on the date of completion of construction of the building and completion of the grounds surrounding the building, including but not limited to installation of water and sewer lines; and,

**WHEREAS** the Purchaser is entitled to proof of same in writing pursuant to the contract; and,

**WHEREAS**, the Contract requires all water and sewer lines required for the operation of said manufacturing plant to be conducted as designed by Itsuwa Ky., LLC. be installed by the City at no cost to Itsuwa Ky, LLC.; and,

**WHEREAS**, be it known that, pursuant to Kentucky Revised Statute (KRS) 92.300 (1), which empowers any city of the home rule class (including City of Bardstown, Kentucky), to exempt manufacturing establishments from city taxation for a period not exceeding five (5) years as an inducement to their location in the city; and,

**WHEREAS**, Bardstown City Ordinance Number 808 grants the City the authority to declare manufacturing establishments exempt from City taxation for a period of five (5) years.

**NOW, THEREFORE**, BE IT ORDERED that the City Council of the City of Bardstown, Kentucky, does hereby authorize and direct the Mayor to order that no City taxes shall be levied against or collected from Itsuwa, Ky., LLC for a period of five (5) years from the date of completion of Itsuwa's physical plant, and, BE IT FURTHER ORDERED that the City Council and the Mayor do hereby acknowledge and certify that the cost of fees and installation shall be incurred by the City or its assignee Bardstown Industrial Development Corporation.

**COUNCILMAN HAGAN MOVED TO APPROVE MUNICIPAL ORDER M2015-07 TAX ABATEMENT FOR ITSUWA, KY, LLC. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.**

**HISTORICAL REVIEW BOARD**

The following recommendations from the Bardstown Historical Review Board were presented:

- (a) COA-15-01. Complete Performance, Applicant, and Bret Masterson, Owner, propose to install a surface-mounted sign at 306 North Fourth Street. Recommendation: Approval of the installation of the proposed signage with the condition that the Applicant tell staff whether they plan to cut-out the shape of the sign.
- (b) COA-15-02. Steven Stivers (Making Good Scentz, LLC), Applicant, and Rebecca Frazier, Owner, propose to install a bracketed sign, door sign, and replace a screen door at 123 North Third Street. Recommendation: Approval of the signage for the door and bracket, as well as the screen door, as discussed.
- (c) COA-15-03. Commonwealth Sign Company, Applicant, and Your Community Bank, Owner, request approval for a sign face replacement at 315 North Third Street. Recommendation: Approval of the sign face and future sign changes due to company name change, as long as approved by staff.
- (d) COA-15-04. DAK Homes, LLC, Applicant, and Charles Jemley, Owner, propose to install a garage door at 117 West Broadway Avenue. Recommendation: Approval of the installation of the discussed garage door with the condition that is be painted when paint colors are chosen for the property.
- (e) COA-15-05. Nick Kipper, Applicant/Owner, proposes to extend a stone soil retention wall and fence at 502 North Third Street. Recommendation: Approval of the installation of the retaining wall and picket fence, as discussed.

**COUNCILMAN SIMPSON MOVED TO APPROVE THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #15-01, COA #15-02, COA #15-03, COA #15-04, AND COA #15-05. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.**

**DRB-216 MATTHEW HITE**

City Clerk Bryant gave the description of the application; 2 additions, totaling 1,130 square feet at 602 Bloomfield Road. **COUNCILMAN HAGAN MOVED TO APPROVE DRB-216 MATTHEW HITE BASED ON THE ADMINISTRATIVE REVIEW AND RECOMMENDATIONS OF THE DRB CHAIRMAN AND STAFF, AS WELL AS ANY RESTRICTIONS OR CONDITIONS THAT WERE IN CONFLICT WITH THE MINOR ENCROACHMENT INTO THE THIRTY FOOT DRAINAGE EASEMENT. THE MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0.**

**DRB-217 H & H VENTURES**

City Clerk Bryant gave the description of the application; 9,000 square foot commercial building on Revised Lot #8, in the South Salem Settlement. **COUNCILMAN SIMPSON MOVED TO APPROVE DRB-217 H & H VENTURES BASED ON THE SUBMITTED APPLICATION, DESIGN STANDARDS REVIEW, SITE, BUILDING, AND LANDSCAPING PLANS, AS WELL AS ANY RESTRICTIONS OR CONDITIONS THAT WERE APPLIED. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.**

**MINUTES**

**THE MINUTES FOR THE 02-24-2015 COUNCIL MEETING WERE APPROVED BY UNANIMOUS CONSENT.**

**RE-APPOINTMENTS**

The following recommendations were presented:

- Re-appointment, Martin Carpenter, Board of Adjustments, 4 yr term, expired 02-28-2015
- Re-Appointment, Mark Mathis, Board of Adjustments, 4 yr term, expired 02-28-2015
- Re-Appointment, Mark Mathis, Jt City/County Planning & Zoning, 4 yr term, expired 02-28-2015
- Re-Appointment, Clara Mackin Fulkerson, Wickland Board, 1 yr term, expired 03-10-2015
- Re-Appointment, Guthrie McKay, Cable TV Programming Committee, 3 yr term, expired 03-01-2015

**THE REAPPOINTMENTS WERE APPROVED BY UNANIMOUS CONSENT.**

**MUNICIPAL ORDER 2013-19**

Councilman Lydian discussed a proposed revision for Municipal Order 2013-19. Councilmen Hagan, Buckman, Williams and Simpson requested the proposal be put in writing for their review. Councilman Lydian will meet with the City Attorney and present the revision at the next City Council meeting.

**PROPOSED CHANGES TO THE AGENDA FORMAT**

Councilman Williams presented changes to the agenda format. The revisions will be added to the suggested amendments for Municipal Order 2013-19.

**COMMITTEE REPORTS**

Councilman Hagan gave a report on the Annexation Committee meeting that was held on February 27, 2015. Four areas are proposed for future annexation.

A Safety Committee meeting is scheduled for Thursday, March 12, 2015, 5:00pm in the Mayor’s Conference Room located at City Hall.

**STAFF REPORTS**

City Electrical Engineer has a HBO and Cinemax Free Preview scheduled for April 10-13, 2015. He would also like to provide free previews for other paid services beginning on the 14<sup>th</sup> and continuing throughout the month of April. **COUNCILMAN SIMPSON MOVED TO APPROVE THE FREE PREVIEW SCHEDULE DURING THE MONTH OF APRIL FOR HBO, CINEMAX, STARZ FAMILY, HBO FAMILY AND SHOWTIME FAMILY AND OTHER PAID SERVICES AT NO COST TO THE CUSTOMER. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.**

Fire Chief Howard thanked his staff and volunteers for their support and help to the public during the harsh weather and snow storms that occurred these past few weeks.

Director of Public Works and Engineering Hamilton commended the actions of Public Works Superintendent Ben Burd and his staff for their extraordinary work during the recent snow storms.

**CEMETERY DEEDS**

**THE MOTION TO APPROVE THE CEMETERY DEEDS FOR TRANSFER ONLY FOR NINA MCCLAIN, ONE GRAVE SITE FOR JAMES TONGE AND TWO GRAVE SITES FOR DR. WENDELL HORNBACK WAS APPROVED BY UNANIMOUS CONSENT.**

**ADJOURNMENT**

**THE MOTION TO ADJOURN WAS APPROVED BY UNANIMOUS CONSENT.**

**CITY OF BARDSTOWN**

**ATTEST:**

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John Royalty, Mayor

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Barbara Bryant, City Clerk