

CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
07-26-2016
7:00 PM

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

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

Others present: Director of Public Works and Engineering Larry Hamilton, Human Resources Director Larry Green, City Clerk Barbie Bryant, City Attorney Tim Butler, Fire Chief Randy Walker, Police Captain McKensie Mattingly, Police Lieutenant Brad Gillock, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, Magistrate Sam Hutchins and citizens C.R. Royalty, Margaret Sims, Pat Settles and Mark Hicks.

HISTORICAL REVIEW BOARD

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

- (a) COA -16-45. Anthony Torres, applicant/owner proposes to alter the landscaping at 305 South 5th Street. Recommendation: Approval of the new landscape design.
- (b) COA -16-51. Rob Smotherman, applicant/owner, proposes to change the exterior paint color at 97 West Flaget. Recommendation: Approval of the paint colors for the exterior of the building. The trim and windows will be a light crème color. The door will be painted black and some of the trim will be a muted light green.
- (c) COA -16-52. Jamie Sizemore applicant, Landmark Community Newspapers LLC., owner, propose to remove the concrete driveway, repave the parking, and stripe the parking lot at 110 West Stephen Foster Ave. Recommendation: Approval to remove the concrete in the parking area, repave lot with asphalt, and stripe the parking lot spaces.
- (d) COA -16-53. John and Luci Bradford, applicants/owners, propose to change the trim color and window color at 110 East Broadway Street. Recommendation: Approval of the colors on both the trim of the house and the windows.
- (e) COA -16-54. Lewis and Paulette Korody applicants/owners, propose to replace their basement windows at 512 North 3rd Street. Recommendation: Approval to replace the basement windows with the ones proposed in the application.
- (f) ~~COA -16-55. Wanda Green applicant/owner, proposes to remove trees and replace them at 211 E. Flaget.~~
~~TABLED DUE TO LACK OF ATTENDANCE.~~
- (g) Amended COA -16-56. Clear Properties LLC. applicant/owners, propose to alter the landscaping at 511, 511 ½, and 513 North 3rd Street. Amendment: The applicant shall inform the Preservation Coordinator what tree will be replacing the Arboretum tree. Recommendation: Approval of the landscape plan with the proposed amendment.
- (h) Amended COA -16-57. Evan Kulsveen, applicant/owner, proposes to remove trees and change the walkway to brick at 216 West Flaget Street. Amendment: The pavers would be English Edge Coco or English Edge Autumn in the tumbled pavers, and the applicant would report which one is used to the Preservation Coordinator. Recommendation: Approval of the landscape alterations and the removal of the trees with the proposed amendments.
- (i) Amended COA -16-58. Tisha Davis, applicant, Louise Davis, owner, propose to paint the door and add a sign at 105 B East Flaget Street. Amendment: The front door will be painted Antique Red. Recommendation: Approval of the paint color and installation of the sign with the proposed amendments.
- (j) Amended COA-16-60. Tony Carey, applicant, Bardstown Eye Care, owner, propose new signage at 311 North 3rd Street. Amendment: A sample of the green, blue, and gold colors on the sign will be presented to the Preservation Coordinator that will remain in the file. Recommendation: Approval of the installation of the signs with the proposed amendments.
- (k) ~~COA -16-61. Caitlin Ballard, owner/applicant proposes paint the existing fence black at 115 East~~

~~Broadway. TABLED TO LET THE APPLICANT RESEARCH PAINT AND STAIL COLORS FOR THE FENCE.~~

- (l) Amended COA-16-62. Don Parrish, applicant, Parrish Family Enterprises LLC., owner propose to replace the awning at 129 North 3rd Street. Amendment: The awnings will be one of the two fabrics awnings from the Sunbrella manufacture that were presented on the application. And the applicant will let the Preservation Coordinator know which awning that he chooses to be placed in front of the building. Recommendation: Approval of the awning with the proposed amendments.

Discussion revealed that COA 16-62 had not been available to the Council for review prior to tonight's meeting, therefore the City Clerk was asked to put it on the agenda for 08-09-2016.

COUNCILMAN HAGAN MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #16-45, #16-51, #16-52, #16-53, #16-54, #16-56, #16-57, #16-58 AND #16-60 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

The donation request from the Nelson County Grief Support and Suicide Survivors organization was not addressed. Councilman Buckman reported that the organization was still in the process of obtaining their 501C-3 status.

MINUTES

THE MINUTES FOR THE 07-12-2016 REGULAR COUNCIL MEETING AND THE 07-12-2016 SPECIAL COUNCIL MEETING WERE APPROVED BY UNANIMOUS CONSENT.

FINANCIAL REPORT

COUNCILMAN HAGAN MOVED TO APPROVE THE BARDSTOWN NELSON COUNTY HUMAN RIGHTS COMMISSION'S ANNUAL BUDGET FOR FY2016-17 IN THE AMOUNT OF \$7,995.76. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0.

ORDINANCE B2016-08 PLANNING & ZONING REGULATIONS AMENDMENTS

City Clerk Bryant gave a second reading:

ORDINANCE NO. B2016 – 08

AN ORDINANCE RELATING TO AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING REGULATIONS FOR THE CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY, BY AMENDING ARTICLE 6 ZONING DISTRICTS.

WHEREAS: Pursuant to KRS 100.211 (2), on 06-28-2016, the Joint City-County Planning Commission held a public hearing and subsequently on 06-28-2016, the Planning Commission unanimously voted to recommend approval of the proposed amendments to the Zoning Regulations for All of Nelson County; and

WHEREAS: The proposed Zoning Regulations Amendments will allow distilled spirits storage as conditional use in A-1 zoning, as well as, incorporate open space and setback allowances in B-5 zoning.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BARDSTOWN, that from and after the passage, approval, and publication of this Ordinance, that the texts of Article 6: Zoning Districts, are hereby amended as follows:

SECTION VI

That Article 6.1 AGRICULTURE DISTRICTS (A-1) (7) be amended to allow distilled spirit storage buildings on less than 100 acres as conditional use in A-1 as follows:

~~{(7) — Intentionally omitted}~~

(7) Distilled Spirits Storage on tracts between 20 and 100 acres in size. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237, Section 4.3C of this Ordinance, as well as the following mandatory requirements: (1) The construction type shall be limited to rack supported structures protected throughout by an automatic fire suppression system (sprinklered); (2) The maximum size of any single structure shall not exceed a footprint of 40,000 square feet, excluding stairwells and open docks, and shall not exceed 60 feet in height; (3) All structures

shall be set back a minimum of 200 feet from property lines; (4) At least 25 percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or preserved as a conservation area; and (5) As part of the application process, the property owner shall agree that if the use ever exceeds the conditions of an approved permit, the property owner must take the necessary steps to come into compliance, cease operations, and/or relocate to an appropriately zoned location.

That Article 6.15 RETAIL COMPLEX DISTRICT (B-5) (E) DIMENSION AND AREA REQUIREMENTS be amended to incorporate open space and setback allowances as previously allowed in B-5 zoning under previous regulations and inadvertently omitted during reformatting as follows:

Standard	Requirement	
Height (maximum)	50 feet	
Complex Area (minimum)	Note: There is no minimum lot size required for an overall development. It is subject to the lot size requirements herein. A B-5 complex may be constituted, under this zone, of 1 or more individual lots meeting these size requirements.	
Complex Lot Width (minimum)	50 feet	
Individual Lot Area (minimum)	5,000 square feet	
Served by sanitary sewer	43,560 square feet	
Not served by sanitary sewer		
Individual Lot Width (minimum)	None	
Open Space (minimum)	20 percent <u>Note: To be shown on the development plan required in Section A. above and approved for location by the Planning Commission.</u>	
Front Yard Setback (minimum)	50 feet	<u>Note: All setbacks are from outer boundaries of the entire development. The layout and setbacks applied to the interior of the project or development are subject to Planning Commission approval as shown on the plan required under Section A. above.</u>
Side Yard Setback (minimum)	25 feet	
Rear Yard Setback (minimum)	25 feet	

COUNCILMAN WILLIAMS MOVED TO APPROVE ORDINANCE B2016-08 PLANNING & ZONING REGULATIONS AMENDMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND.

Councilman Hagan and Councilman Buckman had grave reservations in allowing the reduction to as little as 20 acre tracts in A-1 zoned areas. Councilmen Williams and Copeland withdrew their motion.

COUNCILMAN HAGAN THEN MOVED TO DENY ORDINANCE B2016-08 PLANNING & ZONING REGULATIONS AMENDMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN COPELAND - AYE
 COUNCILMAN LYDIAN - AYE
 COUNCILMAN HAGAN - AYE
 COUNCILMAN WILLIAMS - AYE
 COUNCILMAN BUCKMAN - AYE
 COUNCILMAN SIMPSON - AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2016-08 DEFEATED.

REPORTS OF STAFF AND COMMITTEES

The minutes for the Electric and Cable Committee meeting, held on 07-12-2016, will be deferred until the next Council meeting.

The Council will address the income needs for the 4-year long-range plan at the Working Session on August 2, 2016.

Councilman Buckman reported on the Special Safety Committee meeting that was held today at 5:00pm.

- Police Officer Body Cameras are breaking; not holding a charge; problems with the retention and retraction of the downloaded video. The members of the committee recommended that the body camera program be suspended until further exploration for a solution.
- Update on Purchase of Police Cruisers through the state contract bid process.

- The need for an Inter-local Agreement for use of Bardstown FLEX Team by the Nelson County Sheriff's Department.
- Procedure on Hiring of New Police Chief; Director of Human Resources Green presented the committee with the process for selecting a new Police Chief based on information provided by KLC. This would be an 8 step process.

Step 1. Selection Committee Members

- 1-Councilman Buckman/Councilman Williams
- 2-Captain MacKenzie Mattingly or Lieutenant Brad Gillock
- 3-Mike Coen – Local Attorney
- 4-Teresa Maddox – Citizen Member
- 5-Larry Green – City Human Resource Director
- 6-Police Professional from another department

Step 2. Design advertisement with important information about community and department.

Step 3. Advertise state-wide in newspapers, KLC publications, police websites, and City websites.

Step 4. Distribute applications to committee members, meet and select approximately 10 candidates to interview.

Step 5. Interview applicants and select 3 finalists to be interviewed by the Mayor.

Step 6. Selection of applicant to be recommended to the City Council for confirmation. Salary negotiation.

Step 7. Background check.

Step 8. Confirmation by the City Council of New Police Chief.

Captain Mattingly reported that an opportunity for local police recruit applicants to apply for two additional openings in the Police Department, will be held on September 10, 2016. Physical and written testing will be applied.

City Attorney Butler will present the re-drafted E-911 Inter-local Agreement to the Council at the August Working Session. The amended ordinance for Chapter 97 will also be addressed.

M2016-10 TAX ASSESSMENT MORATORIUM FOR 207 N 4TH ST

MUNICIPAL ORDER NO. M2016-10

A MUNICIPAL ORDER ACCEPTING THE APPLICATION FOR A TAX ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 207 NORTH 4TH STREET, BARDSTOWN, KENTUCKY.

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BARDSTOWN, KY:

SECTION 1

That the "Application for Assessment Moratorium Certificate" for the property located at 207 N 4th Street, Bardstown, Kentucky, is hereby accepted and further expressing the City's intent to grant an assessment moratorium to the owner of said property upon compliance with the City's property assessment and reassessment moratoriums as defined in KRS Chapter 99.595, et seq.

SECTION 2

That this order shall take effect and be in full force when passed and recorded according to law.

COUNCILMAN HAGAN MOVED TO APPROVE M2016-10 TAX ASSESSMENT MORATORIUM FOR 207 N 4th ST. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6-0.

COUNCIL COMMENTS

Councilman Copeland, through the P.A.T.H Coalition, will provide an Open Forum in September. This forum will involve sessions with panel experts on policing.

CEMETERY DEEDS

THE MOTION TO APPROVE THE CEMETERY DEEDS FOR RONALD SCOTT GREER, RONNIE & LYNDIA WEEKS, KEN & BECKY DISTLER, BRUCE GREER, RICHARD GREER AND RONALD GREER WAS APPROVED BY UNANIMOUS CONSENT.

ANNOUNCEMENTS

Mayor Royalty announced that the annual KLC Conference would be held October 4-7, 2016, in Lexington.

ADJOURNMENT

THE MOTION TO ADJOURN WAS APPROVED BY UNANIMOUS CONSENT.

CITY OF BARDSTOWN

John Royalty, Mayor

ATTEST:

Barbara Bryant, City Clerk