

**CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
09-08-2015
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: Fire Chief Marlin Howard, Police Officer Tim Simpson, Director of Public Works & Engineering Larry Hamilton, Human Resources Director Larry Green, City Clerk Barbie Bryant, City Attorney Tim Butler, Chief Financial Officer Tracy Hudson, City Civil Engineer Jessica Filiatreau, Firefighter Trevor Mattingly, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, and citizens C.R. and Joyce Royalty, Margaret Sims, Janice Lear and Jimmy Yocum.

The Mayor called the meeting to order. Margaret Sims asked the Council to re-consider the option to increase the Occupational License Fee.

PRELIMINARY BID INFORMATION FOR STREET RESURFACING

City Civil Engineer Filiatreau presented the streets in consideration for resurfacing for this fiscal year. She asked the Council to review the list and send any updates to her attention.

MINUTES

THE MINUTES FOR THE 08-25-2015 REGULAR COUNCIL MEETING AND THE 09-01-2015 SPECIAL COUNCIL MEETING WERE APPROVED BY UNANIMOUS CONSENT.

FINANCIAL – OCCUPATIONAL LICENSE FEE

Mayor Royalty gave a brief history on the two ordinances that created and amended the Occupational License Fee in 2003 and 2011. After a 10 minute discussion **COUNCILMAN LYDIAN MOVED TO REMOVE ITEM #7 FINANCIAL REPORT A AND B FROM THE AGENDA. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND FAILED 4-2. COUNCILMAN BUCKMAN MOVED TO REMOVE THE CAP FROM THE OCCUPATIONAL LICENSE FEE. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED 5-1. Councilman Hagan abstained.**

PROPOSED ORDINANCE B2015 – OCCUPATIONAL LICENSE FEE CAP OFF

Councilman Copeland introduced the ordinance and asked for its first reading. City Clerk Bryant read the ordinance that removes a cap from the Occupational License Fee. Mayor Royalty called for a vote which reflected a 5-1 majority in favor of the first reading. Councilman Lydian voted No.

PROPOSED ORDINANCE B2015 – REZONE #2447 H & H ENTERPRISES, LLC

Councilman Buckman introduced the ordinance and asked for its first reading. City Attorney Butler read the ordinance in summary to rezone approximately 3.445 acres from R-3 (Multi-Family Residential District) to R-1T (Single Family Residential District) and approximately 1.099 acres from B-3 (Regional Retail Business District) to R-1T (Single Family Residential District), located on the east end of Handy Boulevard, approximately 500 feet north of Lutheran Church Road and approximately 300 feet west of New Shepherdsville Road (KY 245). No vote was taken.

PROPOSED ORDINANCE B2015 – REZONE #2448 C & J RENTALS, LLC

Councilman Buckman introduced the ordinance and asked for its first reading. City Clerk Bryant read the ordinance in summary to rezone 100-102 Flamingo Road as a B-3 Planned Unit Development for a use serving alcohol by the drink and dance/pool hall. No vote was taken.

PROPOSED ORDINANCE B2015 – PLANNING AND ZONING REGULATIONS AMENDMENTS

Councilman Buckman introduced the ordinance and asked for its first reading. Prior to the first reading, Mayor Royalty opened the floor for discussion. Councilman Hagan suggested that if there were any amendments that concerned the Council, it should be removed and given its own first reading. City Attorney Butler revisited those amendments of concern that were discussed during the Working Session. It was determined by consensus that only

one amendment be stricken from consideration. City Clerk Bryant read the ordinance in summary. No vote was taken.

ORDINANCE B2015-21 COMPENSATING TAX FOR 2015-2016

City Clerk Bryant gave the second reading for the ordinance.

ORDINANCE NO. B2015 – 21

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, 2015 TO JUNE 30, 2016.

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

1. That there be and hereby is levied the sum of \$0.1820 on each ONE HUNDRED dollars of real property subject to taxation, the sum of \$0.1912 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, 2015 to June 30, 2016.
2. All monies hereinafter collected for taxes due for the year 2015-2016 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 thereof shall pay interest on the unpaid taxes at the rate of ONE PERCENT (1%) per month or part thereof until paid.
5. A 2% Convenience Fee is 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 LYDIAN MOVED TO APPROVE ORDINANCE B2015-21 COMPENSATING TAX FOR 2015-16. 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	-	NAY
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-21 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

ORDINANCE B2015- 22 CLASSIFICATION AND COMPENSATION PLAN AMENDMENTS

City Clerk Bryant gave the second reading for the ordinance in summary.

SUMMARY OF ORDINANCE B2015 – 22

This Ordinance amends Ordinance B2015-16 and CHAPTER 35, EMPLOYMENT POLICIES, THE **CLASSIFICATION PLAN AND COMPENSATION PLAN** of the municipal code by: amending the number of Authorized Positions, their title and pay grade for the City’s Fire Department employees for Fiscal year 2015-16 and subsequent years.

The amendments and additions reflecting number of positions, title, and pay grade respectively are: ~~1 firefighter Supervisor 115; 1 Firefighter Building Inspector 110; 1 Firefighter Department Clerk 110; 1 Firefighter Department Maintenance 109; 12 Firefighter 107 and Firefighter 24/48 107;~~ **1 Deputy Fire Chief 115; 1 Assistant Fire Chief 112; 3 Fire Captain 110; 11 Fire Sergeant 109; Firefighter/EMT 108, Firefighter 108; Firefighter Recruit 107; 6 Firefighter (part-time) 107 101.**

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.

COUNCILMAN SIMPSON MOVED TO APPROVE ORDINANCE B2015-22. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS. A lengthy discussion ensued.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

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

MAYOR ROYALTY ANNOUNCED THE MOTION FAILED.

ORDINANCE B2015- 23 REZONE #2440 (AMENDED) LOSSON BUILDING

City Clerk Bryant gave the second reading for the ordinance.

ORDINANCE NO. B2015 - 23

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ORDINANCE B2015-18 THAT DESIGNATED 112 NORTH 3RD STREET AS A B-2 PLANNED UNIT DEVELOPMENT (PUD) FOR A USE SERVING ALCOHOL BY THE DRINK (SECTION 6.12D – OPTION #2).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on August 25, 2015, held a public hearing on the Application No. 2440 to amend the previously approved B-2 Planned Unit Development (PUD) at 112 North 3rd Street.

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 recommended that any restrictions or conditions that may have been agreed to by the applicant and the Planning Commission be amended as follows:

- Hours of operation may be 8:00am until 1:00am Monday through Saturday.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Commonwealth of KY, that:

The zoning for the Planned Unit Development (PUD) of Ordinance B2015-18 at 112 North 3rd Street is hereby amended to allow alcohol by the drink to be served during outdoor events.

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 as required by law.

COUNCILMAN HAGAN MOVED TO APPROVE ORDINANCE B2015-23 REZONE #2440 (AMENDED) LOSSON BUILDING. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

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

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-23 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

COMMITTEE AND STAFF REPORTS

Mayor Royalty thanked the Cox’s Creek Chapter NSDAR for sponsoring the September 6th tribute to Vietnam Veterans that was held at the Parkway Baptist Church.

AMENDED RESOLUTION R2015-05 – PROCLAMATION FOR DEACON GRUNDY

THE MOTION TO AMEND RESOLUTION R2015-05 WAS APPROVED BY UNANIMOUS CONSENT.

RESOLUTION R2015-06 – PROCLAMATION FOR CONSTITUTION WEEK

RESOLUTION

Resolution authorizing the Mayor of Bardstown to proclaim the week of September 17 through 23, 2015, as Constitution Week.

WHEREAS: September 17, 2015 marks the two hundred and twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and

WHEREAS: It is also fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public law 915 guarantees the issuing of a proclamation each year by the President of the United States of American designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, Mayor John R. Royalty of the City of Bardstown do Hereby Proclaim the week of September 17th through the 23rd as

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

COUNCILMAN SIMPSON MOVED TO APPROVE R2015-06 PROCLAMATION FOR CONSTITUTION WEEK. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED 6-0.

CEMETERY DEEDS

THE MOTION TO APPROVE THE CEMETERY DEEDS FOR GERALDINE AND JOHN JACKSON AND EDDIE AND GLORIA SHECKLES WAS APPROVED BY UNANIMOUS CONSENT.

CITY FIVE-YEAR ANNIVERSARIES

Mayor Royalty announced the 10 year service anniversary for Phillip Grubbs as Groundskeeper and the 15 year service anniversary for Tracey Wangler with the Cable Department.

ADJOURNMENT

THE MOTION TO ADJOURN WAS APPROVED BY UNANIMOUS CONSENT.

CITY OF BARDSTOWN

John Royalty, Mayor

ATTEST:

Barbara Bryant, City Clerk