

**CITY OF BARDSTOWN, KENTUCKY  
REGULAR CITY COUNCIL MEETING MINUTES  
09-13-2016  
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: City Clerk Barbie Bryant, City Attorney Tim Butler, Director of Public Works and Engineering Larry Hamilton, Police Officer Troy Logsdon, Nelson County Gazette Reporter Jim Brooks, BIDD Chair Bill Conway, NCEA Director Kim Huston, PLG-TV News Director Matthew Fogle, The Kentucky Standard Reporter Randy Patrick, and citizens Freddy Riggs, John Kelley and Bill Sheckles.

**EXECUTIVE SESSION**

Mayor Royalty called the meeting to order and announced that an Executive Session would be called pursuant to KRS 61.810 (1) (g), discussions between a public agency and a representative of a business entity and discussion concerning a specific proposal, if open discussion would jeopardize the siting of the business.

**COUNCILMAN HAGAN MOVED TO GO INTO EXECUTIVE SESSION PURSUANT TO KRS 61.810(1)(g). THE MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0.**

**COUNCILMAN SIMPSON MOVED TO COME OUT OF EXECUTIVE SESSION. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0. The minutes will reflect that no action was taken during the Executive Session.**

Mayor Royalty once again called the Regular Session of the Council's meeting to order.

**AGREEMENT FOR PURCHASE AND SALE**

**COUNCILMAN HAGAN MOVED TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE PURCHASE AND SALE OF 7.75 ACRES IN THE WILSON INDUSTRIAL PARK TO DEMIPAC LLC FOR THE AMOUNT OF \$121,000. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.**

**GRW ENGINEERING AGREEMENT – CHANGE ORDER**

Due to the deletion of the carbon feeder to the design and construction engineering services for the Water Treatment Plan Improvements through GRW Engineering, the Director of Public Works and Engineering Hamilton presented a change order.

**COUNCILMAN HAGAN MOVED TO ACCEPT THE CHANGE ORDER REQUEST FROM GRW ENGINEERING TO REDUCE THE PAYMENT FROM \$110,000 TO \$94,000. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.**

**“YOUR DUTY UNDER THE LAW” AND “MANAGING GOVERNMENT RECORDS”**

City Clerk Bryant distributed the materials and received the “proof of receipt” forms from the Mayor, the six Councilmen and the City Attorney.

**TEMPORARY SIGN PERMITS**

Members of the Bourbon Task Force Sign Committee requested an amendment to the Sign Ordinance to allow annually, six temporary sign permits instead of four. The Council was in consensus that the request was possible. The amended ordinance will be presented to the Council for consideration.

**ANNUAL ROTARY CLUB “KID’S DAY”**

**THE REQUEST TO USE THE FRONT LAWN OF CITY HALL ON THURSDAY, SEPTEMBER 29, 2016 FOR “KID’S DAY” WAS APPROVED BY UNANIMOUS CONSENT.**

**MINUTES**

**THE MINUTES FOR THE 08-23-2016 REGULAR COUNCIL MEETING, THE 09-01-2016 AND THE 09-06-2016 SPECIAL COUNCIL MEETINGS WERE APPROVED BY UNANIMOUS CONSENT.**

**FIRST READING OF B2016 – ALCOHOLIC BEVERAGES AMENDMENTS FOR CHAPTER 114**

Councilman Hagan introduced the ordinance that will update the annual renewal dates to coordinate with the State’s through Senate Bill 11 and create licenses for Storage Buildings and Microbreweries. No vote was taken.

**SECOND READING OF B2016-11 PROPERTY TAX RATE FOR 2016-2017**

**ORDINANCE NO. B2016 – 11**

**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, 2016 TO JUNE 30, 2017.**

**THE CITY OF BARDSTOWN, KENTUCKY DOES HEREBY ORDAINS 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, 2016 to June 30, 2017.
2. All monies hereinafter collected for taxes due for the year 2016-2017 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 SIMPSON MOVED TO APPROVE ORDINANCE B2016-11 PROPERTY TAX RATE. THE MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN.**

**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. B2016-11 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. \_\_\_\_\_.**

**SECOND READING OF B2016-12 ZONING REGULATION AMENDMENTS B-5**

**ORDINANCE NO. B2016 – 12**

**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 incorporate open space and setback allowances in B-5 zoning under previous regulations and inadvertently omitted during reformatting.

**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 6.15 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:

<b>Standard</b>	<b>Requirement</b>
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) Served by sanitary sewer Not served by sanitary sewer	5,000 square feet 43,560 square feet
Individual Lot Width (minimum)	None
Open Space (minimum)	20 percent <b><u>Note: To be shown on the development plan required in Section A. above and approved for location by the Planning Commission.</u></b>
Front Yard Setback (minimum)	50 feet
Side Yard Setback (minimum)	25 feet
Rear Yard Setback (minimum)	25 feet
<b><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></b>	

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 B2016-12 ZONING REGULATION AMENDMENTS. 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. B2016-12 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. \_\_\_\_\_.**

**SECOND READING OF B2016-13 OCCUPATIONAL LICENSE FEE**

**ORDINANCE NO. B2016 – 13**

**AN ORDINANCE OF THE CITY OF BARDSTOWN, KENTUCKY  
AMENDING CODE OF ORDINANCE, CHAPTER 117 RELATING TO OCCUPATIONAL LICENSES**

**BE IT ORDAINED** by the City of Bardstown, Kentucky, that from and after the passage, approval and publication of this ordinance that Chapter 117 of the Code of Ordinances relating to Occupational Licenses be amended as follows:

§117.03 OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED

- (1) [~~Except as provided in subsection (2) of this section,~~] [e] Every person or business entity engaged in any business for profit and any person or business entity that is required to make a filing with the Internal Revenue Service or the Kentucky Revenue Cabinet shall be required to file and pay to the city an occupational license tax for the privilege of engaging in such activities within the city. The occupational license tax shall be measured by [~~1/2% (one half percent)~~] **1.00% (one percent)** of:
- (a) all wages and compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and nonresident who is an employee;
  - (b) the net profits from business conducted in the city by a resident or nonresident business entity.

This ordinance shall be in full force and effect on January 1, 2017 following publication as required by law. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict.

**COUNCILMAN BUCKMAN MOVED TO APPROVE ORDINANCE B2016-13 OCCUPATION LICENSE FEE. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN.**

**THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:**

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

**MAYOR ROYALTY VOTED AYE AND THEN DECLARED ORDINANCE NO. B2016-13 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. \_\_\_\_\_.**

**REPORTS OF STAFF AND COMMITTEES**

Mayor Royalty presented a letter from the Bardstown-Nelson County Air Board’s Chairman, Jere Roché, giving an update on the FAA’s release of funds for the airport project. The Mayor complimented Jere on his success of the project. The BNC Air Board will request additional funds this winter to help purchase a 4WD tractor to help with snow removal on the runways.

Director of Public Works and Engineering Hamilton presented the agreement from Culpeper VII, LLC to provide an upgrade for the 8-inch water line to a 12-inch line in the Old Ben Acres Subdivision. The City’s responsibility in costs will be in the amount of \$33,821.00. **COUNCILMAN LYDIAN MOVED TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT WITH CULPEPER VII, LLC FOR THE AMOUNT OF \$33,821.00. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.**

Director of Public Works and Engineering Hamilton presented a request from the owners of the Talbott Tavern to provide a “15 minute parking only” sign on one space at the corner of South Third and Court Square. **COUNCILMAN WILLIAMS MOVED TO APPROVE THE SIGN REQUEST FROM THE TALBOTT TAVERN OWNERS. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0. Councilman Hagan abstained.**

Director of Public Works and Engineering Hamilton reported that City Civil Engineer, Jessica Filiatreau, had posted on the City’s Facebook page, the reasons for the taste and odor of the drinking water.

**M2016-15 TAX ASSESSMENT MORATORIUM – 426 SUTHERLAND ROAD**

**MUNICIPAL ORDER NO. M2016-15**

**A MUNICIPAL ORDER ACCEPTING THE APPLICATION FOR A TAX ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 426 SUTHERLAND RD, 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 426 Sutherland Rd, 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 WILLIAMS MOVED TO APPROVE M2016-15 TAX ASSESSMENT MORATORIUM FOR 426 SUTHERLAND ROAD. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6-0.**

The Municipal Order M2016-16 for the Social Media Policy will be reviewed by the Department Heads and will be brought back for the 09-27-2016 Regular Council meeting.

The Municipal Order M2016-17 for the Councilman Travel Policy was postponed. Councilman Copeland will provide different language for consideration. It will also be re-evaluated at the next Regular Council meeting.

**COUNCIL COMMENTS**

Councilman Copeland was told by Councilman Williams that the date of September 30, 2016 was the last date the City would accept applications for the position of Police Chief. Councilman Copeland also gave an update to the Council on the progress for the replacement of police body cameras. City Attorney Butler suggested the Safety Committee make a recommendation to the Council once the bidding process for the body cameras was complete.

**CEMETERY DEEDS**

**THE MOTION TO APPROVE THE CEMETERY DEEDS FOR ANN LANGSDON, ERNIE AND LOUISE PYLES, MARJORIE AND ROSCOE LINTON, LINDA AND HAROLD BORDERS, RITA AND TIMOTHY CARTER AND WM BURKE CAROTHERS WAS APPROVED BY UNANIMOUS CONSENT.**

**ANNOUNCEMENTS**

Mayor Royalty recognized the following employee for his years of service and expressed his appreciation.

- Troy Logsdon, Police Department, 5 years

**ADJOURNMENT**

**COUNCILMAN WILLIAMS MOVED TO ADJOURN. THE MOTION WAS DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6-0.**

**CITY OF BARDSTOWN**

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John Royalty, Mayor

**ATTEST:**

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Barbara Bryant, City Clerk