

CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
09-22-2015
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: Police Chief Rick McCubbin, Director of Public Works & Engineering Larry Hamilton, City Electrical Engineer Jeff Mills, Chief Financial Officer Tracy Hudson, Human Resource Director Larry Green, City Civil Engineer Jessica Filiatreau, City Clerk Barbie Bryant, City Attorney Tim Butler, Firefighters Mike Hatfield, Ernie Pyle, Derrick Gribbins, Matthew Taylor, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, and citizens Margaret Sims, Janice Lear, Molly Bodkin, Nick Heaton, Britt Chavanne, and members of Boy Scout Troop #721.

The Mayor called the meeting to order and announced the Council would go into Executive Session prior to adjournment pursuant to KRS 61.810(1)(b) deliberations on the future acquisition of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use by a public agency.

CITIZEN INPUT AND GROUP RECOGNITION

Mayor Royalty presented a certificate of completion to Kyle Snow, member of Boy Scout Troop #721, for completing his Eagle Scout project – removing the old and erecting a new fence at the Bardstown Old Pioneer Cemetery.

Molly Bodkin requested a donation to the Bardstown High School Strings Orchestra for their trip to Washington DC in April of 2016.

Nick Heaton and Britt Chavanne requested the recognition of the Craft Beer Festival as a civic event and to allow the closing of East Flaget Street between 2nd and 3rd streets for October 17, 2015 for the festival.

TREE TRIMMING SERVICES BID

City Electrical Engineer Mills presented the bid. **COUNCILMAN WILLIAMS MOVED TO APPROVE THE BID FROM ASPLUNDH TREE EXPERT CO. FOR A THREE (3) CONTRACT AT A RATE OF \$93.79/HOUR. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND 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-15-43. Mark Cain (Lighthouse Counseling Center), Applicant/Owner, proposes to demolish the fire-damaged property at 105 South 5th Street. Recommendation: Approval of the demolition of the fire damaged structures with the conditions that the foundation be removed completely, no trees are to be removed, and that the lot be re-seeded after demolition is complete.
- (b) COA-15-44. Ralph and Judy Buckley, Applicant/Owner, propose to install storm windows and doors at 109 East Broadway Avenue. Recommendation: Approval of the installation of the storm windows and doors.
- (c) COA-15-45. **TABLED. Need more information.** Kim Conway, Applicant/Owner, proposes to construct a carport and landscape at 211 West Flaget Avenue.
- (d) COA-15-46. ABC Neon & Sign Company, Inc., Applicant, and Amy Downs, Owner, proposes to install signage at 305 North 3rd Street. Recommendation: Approval of the new sign face.
- (e) COA-15-47. Kathie Hite, Applicant/Owner, proposes to replace windows and doors at 207 North 5th Street. Recommendation: Approval of the installation of the windows, as quoted in the estimate provided, with the condition that the door style be submitted for staff approval.
- (f) COA-15-48. Ben and Libby Burr, Applicant/Owner, proposes to replace concrete walkway at 411 North 3rd Street. Recommendation: Approval of the installation of the concrete sidewalk, as discussed, in herringbone pattern.

(g) COA-15-49. The New Life Center (Mike Brooks), Applicant/Owner, proposes to install a signage at 202 East Stephen Foster Avenue. Recommendation: Approval of the installation of the three signs with the condition that the material type be submitted before installation.

(h) COA-15-50. DAK Homes, LLC, Applicant, and Charles Jemley, Owner, propose to paint the exterior trim at 117 West Broadway Avenue. Recommendation: Approval for painting the exterior trim in “Pashmina” (pale brown).

(i) COA-15-51. BCD, Inc., Applicant, and Patrick Hayden, Owner, propose exterior modifications at 8 Old Bloomfield Pike. Recommendation: Approval of the project plan with the conditions that the paint colors be staff approved, the rear cooler be covered in Hardi-plank and maintained in the same colors as the building, the parking areas be cleaned, and that the shingle for the new gables be the same type as what exists on the structure.

(j) COA-15-52. Cox Interior, Applicant, and JTD Holdings, Owner, propose to install signage at 209 West Stephen Foster Avenue. Recommendation: Approval of the installation of the two signs, as discussed.

COUNCILMAN HAGAN MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #15-43, COA #15-44, COA #15-46, COA #15-47, COA #15-48, COA #15-49, COA #15-50, COA #15-51 AND COA #15-52 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

CORRESPONDENCE

COUNCILMAN HAGAN MOVED TO APPROVE THE REQUEST FOR USE OF CITY SIDEWALKS FOR THE ZOMBIE WALK ON OCTOBER 17, 2015. THE MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0.

COUNCILMAN WILLIAMS MOVED TO APPROVE THE REQUEST FROM NEXGEN TO RECOGNIZE THE ANNUAL CRAFT BEER FESTIVAL AS A CIVIC EVENT AND TO APPROVE THE CLOSING OF EAST FLAGET AVE FROM 2ND TO 3RD STREETS ON OCTOBER 17, 2015. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.

Councilman Williams recused himself from the discussion and left the meeting at 7:25pm. No motion or discussion was made regarding the donation request from the Bardstown High School Strings Orchestra. Councilman Williams rejoined the meeting.

MINUTES

Councilman Hagan requested the minutes of 09-08-2015 be corrected to reflect the following:

[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.**

UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN SIMPSON, THE MINUTES OF SEPTEMBER 08, 2015 WERE APPROVED AS CORRECTED. THE MOTION CARRIED BY A VOTE OF 6 TO 0.

ORDINANCE B2015– 24 OCCUPATIONAL LICENSES AMENDMENT

City Clerk Bryant gave the second reading for the ordinance.

ORDINANCE NO. B2015 – 24

**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, 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) 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 [~~or \$100,000.00, whichever is lesser~~].

~~[(2) The maximum tax liability under this ordinance shall be assessed as follows:~~

~~(a) For each employee \$500.00. This maximum shall be applied by each employer on the compensation by each employee and deductions shall be made only upon the gross amount of compensation which does not exceed \$100,000.00.~~

~~(b) For each business entity, there shall be a \$500.00 maximum liability for the portion of the occupational license tax which is measured by taxable net profits.]~~

This ordinance shall be in full force and effect on January 1, 2016 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 B2015-24 OCCUPATIONAL LICENSES 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. B2015-24 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

ORDINANCE B2015- 25 REZONE #2447 H & H ENTERPRISES, LLC

City Clerk Bryant gave the second reading for the ordinance in summary. The full contents are below:

ORDINANCE NO. B2015 - 25

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP, ENTITLED, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN, AND NELSON COUNTY, KENTUCKY" BY DESIGNATING 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).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on August 25, 2015, held a public hearing on the Application No. 2447 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).

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 applied.

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

Boundaries of the district as shown on district map, entitled, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY" are hereby amended for reasons adopted and all of which are made a part hereof as if fully set out herein, including the letter of recommendation dated August 28, 2015, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property as described:

“Point of reference being a point in the southwest right-of-way line of Kentucky Highway 245, a common corner to a tract of land conveyed to Patrick Michael and Ruth Ann H. Seward of record in Deed Book 210, Page 574 and Deed Book 387, Page 440 and a tract of land conveyed to H&H Enterprises, LLC of record in Deed Book 505, Page 474 in the Clerk’s Office aforesaid; thence with the common line of said Seward and H&H Enterprises LLC., south 46 degrees 34’53” west 190.78 feet; thence north 87 degrees 20’17” west 34.09 feet to the point of beginning, said point being a common corner to said Seward and H&H Enterprises, LLC; thence, with the west line of said H&H Enterprises, LLC. the following two calls: south 04 degrees 20’10” east 59.79 feet; thence south 37 degrees 21’28” east 47.87 feet to a point in the west line of said H&H Enterprises, LLC a new corner to another tract of land conveyed to H&H Enterprises, LLC of record in Deed Book 510, Page 153 in the Clerk’s Office aforesaid; thence with a new division line across said H&H Enterprises, LLC the following eleven calls: south 38 degrees 19’06” west 151.08 feet; thence, with a curve turning to the right with an arc length of 11.57 feet, a radius of 200.00 feet, a chord bearing of south 39 degrees 59’05” west, and a chord length of 11.56 feet; thence south 83 degrees 03’51” west 23.41 feet; thence south 06 degrees 56’09” east 17.78 feet; thence with a curve turning to the right with an arc length of 37.62 feet, a radius of 200.00 feet, a chord bearing of south 55 degrees 27’31” west, and a chord length of 37.56 feet; thence south 20 degrees 31’33” east 67.70 feet; thence with a curve turning to the right with an arc length of 25.72 feet, a radius of 200.00 feet, a chord bearing of south 16 degrees 50’19” east, and a chord length of 25.70 feet; thence south 13 degrees 09’04” east 201.70 feet; thence a curve turning to the left with an arc length of 66.38 feet, a radius of 124.70 feet, a chord bearing of south 28 degrees 21’ 26” east, and a chord length of 65.50 feet; thence south 06 degrees 16’44” west 83.96 feet; thence south 76 degrees 50’49” west 145.25 feet to a point in the east line of Miller Springs Townhouses and Miller Springs Estates of record in Plat Cabinet 12, Slide 142 in the Clerk’s Office aforesaid; thence with the east line of said Mill Springs Estates, north 13 degrees 09’05” west 772.14 feet to a point, corner to Miller Springs Estates greenspace “C” and in the south line of said Seward; thence with the south line of said Seward, south 85 degrees 31’42” east 338.68 feet to the point of beginning, having an area of **3.445 acres** or 150,054.1 square feet.” **(R-3 to R-1T)**

“Point of reference being a point in the southwest right-of-way line of Kentucky Highway 245, a common corner to a tract of land conveyed to Patrick Michael and Ruth Ann H. Seward of record in Deed Book 210, Page 574 and Deed Book 387, Page 440 and a tract of land conveyed to H& H Enterprises, LLC of record in Deed Book 505, Page 474 in the Clerk’s Office aforesaid; thence with the common line of said Seward and H&H Enterprises, LLC., south 46 degrees 34’53” west 190.78 feet; thence north 87 degrees 20’17” west 34.09 feet to a common corner to said Seward and H&H Enterprises, LLC; thence, with the west line of said H&H Enterprises, LLC the following two calls: south 04 degrees 20’10” east 59.79 feet; thence south 37 degrees 21’28” east 47.87 feet to the point of beginning, said point being in the west line of said H&H Enterprises, LLC; thence continuing with the west line of said H&H Enterprises, LLC south 37 degrees 21’28” east 78.40 feet to a point in the west line of said H&H Enterprises, LLC a new corner to another tract of land conveyed to H&H Enterprises, LLC of record in Deed Book 510, Page 153 in the Clerk’s Office aforesaid; thence with a new division line across said H&H Enterprises, LLC the following four calls: thence south 42 degrees 18’31” west 71.46 feet; thence south 83 degrees 03’51” west 101.32 feet; thence with a curve turning to the left with an arc length of 11.57 feet, a radius of 200.00 feet, a chord bearing of north 39 degrees 59’05” east, and a chord length of 11.56 feet; thence north 38 degrees 19’06” east 151.08 feet to the point of beginning, having an area of **0.196 acres** or 8,517.7 square feet.” **(B-3 to R-1T)**

“Point of reference being a wood post in the southwest right-of-way line of Kentucky Highway 245, a common corner to a tract of land conveyed to Patrick Michael and Ruth Ann H. Seward of record in Deed Book 210, Page 574 and Deed Book 387, Page 440 and a tract of land conveyed to H&H Enterprises, LLC of record in Deed Book 505, Page 474 in the Clerk’s office aforesaid; thence with the common line of said Seward and H&H Enterprises, LLC, south 46 degrees 34’53” west 190.78 feet; thence north 87 degrees 20’17” west 34.09 feet to a common corner to said Seward and H&H Enterprises, LLC; thence, with the west line of said H&H Enterprises, LLC the following two calls: south 04 degrees 20’10” east 59.79 feet; thence south 37 degrees 21’28” east 47.87 feet to a point in the west line of said H&H Enterprises, LLC thence running across another tract of land conveyed to H&H Enterprises, LLC of record in Deed Book 510, Page 153 in the Clerk’s office aforesaid the following four calls: south 38 degrees 19’02” west 151.08 feet; thence with a curve turning to the right with an arc length of 11.57 feet, a radius of 200.00 feet, a chord bearing of south 39 degrees 59’05” west, and a chord length of 11.56 feet; thence south 83 degrees 03’51” west 23.41 feet; thence south 06 degrees 56’09” east 17.78 feet to the point of beginning; said point being a new corner to said H&H Properties, LLC; thence with a new division line across said H&H Properties, LLC the following nine calls: south 06 degrees 56’09” east 32.22 feet; thence north 83 degrees 03’51” east 98.47 feet; thence south 13 degrees 09’11” east 304.43 feet; thence south 63 degrees 23’29” west 104.71 feet; thence with a curve turning to the right with an arc length of 66.38 feet, a radius of 124.78 feet, a chord bearing of north 28 degrees 21’26” west, and a chord length of 65.60 feet; thence north 13 degrees 09’04” west 201.70 feet; thence with a curve turning to the left with an arc length of 25.72 feet, a radius of 200.00 feet, a chord bearing of north 16 degrees 50’19” west, and a chord length of 25.70 feet; thence north 20 degrees 31’33” west 67.70 feet; thence with a curve turning to the left with an arc length of 37.62 feet, a radius of 200.00 feet, a chord bearing of north 55 degrees 27’31” east, and a chord length of 37.56 feet to the point of beginning, having an area of **0.903 acres** or 39,323.5 square feet.” **(B-3 to R-1T)**

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 HAGAN MOVED TO APPROVE ORDINANCE B2015-25 REZONE #2447 H & H ENTERPRISES, LLC. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON.

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. B2015-25 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

ORDINANCE B2015- 26 REZONE #2448 C & J RENTALS, LLC

City Clerk Bryant gave the second reading for the ordinance in summary. The full contents are below:

ORDINANCE NO. B2015 – 26

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP, ENTITLED, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN, AND NELSON COUNTY, KENTUCKY" BY DESIGNATING 100-102 FLAMINGO ROAD, BARDSTOWN AS B-3 PLANNED UNIT DEVELOPMENT (PUD) FOR A USE SERVING ALCOHOL BY THE DRINK AND DANCE/POOL HALL (OPTION #1 AND #2).

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on August 25, 2015, held a public hearing on the Application No. 2448 to rezone 100-102 Flamingo Road (Lots #1 and 2, Bourbon Downs) as a B-3 Planned Unit Development for a use serving alcohol by the drink and dance/pool hall (Options #1 and #2).

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 applied.

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

Boundaries of the district as shown on district map, entitled, "**ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY**" are hereby amended for reasons adopted and all of which are made a part hereof as if fully set out herein, including the letter of recommendation dated August 28, 2015, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property as described:

“Being Lots 1 and 2, Area “B”, Phase I, of Bourbon Downs Estates, as shown on Plat recorded in Plat Cabinet 1, Slot 116 and Revised Plat recorded in Plat Cabinet 1, Slot 125 in the Clerk’s Office of the Nelson County Court containing 0.706 acres.”

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 WILLIAMS MOVED TO APPROVE ORDINANCE B2015-26 REZONE #2448 C & J RENTALS, LLC. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN.

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. B2015-26 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

ORDINANCE B2015– 27 PLANNING AND ZONING REGULATIONS AMENDMENTS

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

**Summary of
ORDINANCE NO. B2015 – 27**

AN ORDINANCE OF THE CITY OF BARDSTOWN AMENDING ARTICLE 3: ADMINISTRATION, ARTICLE 4: BOARDS OF ADJUSTMENT, ARTICLE 5: DEFINITIONS, ARTICLE 6: ZONING DISTRICTS, ARTICLE 9: GENERAL ZONING DISTRICT REGULATIONS, ARTICLE 13: AMENDMENT PROCEDURES AND ARTICLE 17: FEE SCHEDULE OF THE ZONING REGULATIONS FOR BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KY.

The Bardstown City Council conducted a review of the records and evidence presented by the Joint City-County Planning Commission of Nelson County, Kentucky, and recommended that the submitted amendments be approved as corrected:

Zoning Regulations Amendments

- Amend Section 3.2B to add an exception for temporary structures from zoning compliance permits;
- [~~Change current Section 3.3J to 3.3K and add new Section 3.3J to require an as-built footer survey for professional office, commercial, and industrial structures and any structure requiring a variance;~~]
- Amend Sections 4.3B and 4.3C to incorporate KRS 100 language for variances and conditional use permits;
- Amend Article 5 to add definitions for accessory dwelling, agricultural enterprise, micro-brewery, craft distillery, distillery, distilled spirits, double-wide manufactured homes, single-wide manufactured homes, event facility, temporary structure, and value-added agricultural products;
- Amend Article 5 to amend definitions for agricultural operation, mobile home, modular home, manufactured or mobile home community, recreational vehicle, recreational vehicle community, roadside stand, and underskirting;
- Amend Article 5 to add definition of accessory dwelling and clarify the size by delineating maximum 1,000 square feet of living area and 1,500 square foot total gross floor area;
- Amend Article 5 to add definitions of micro-brewery and craft distillery;
- Amend Article 5 to delete definition for mobile home park;
- Amend Section 6.1A to add distilled spirit storage as a permitted principal use and/or amend Section 6.1C to add distilled spirit storage as a conditional use;
- Amend Section 6.1C to allow an event facility as a conditional use;
- Amend Section 6.1C(1) to change conditional use for roadside stand to conditional use for agricultural enterprise;
- Delete Section 6.1C(7) to eliminate conditional use for principal or accessory manufactured home (mobile home) on lots 1 acre or more in size, amend 6.1A to allow single-wide manufactured home on lot one acre or more in size as a permitted principal use, and amend 6.1B to allow an accessory single-wide manufactured home on lot 1 acre or more in size as a permitted accessory use;
- Delete Section 6.1C(12) to eliminate CUP for residential lot under minimum lot size and amend Section 6.1E to allow special exception to minimum lot size;
- Delete Section 6.1C(14) to eliminate the requirement for a CUP and amend Section 6.1B to allow accessory dwelling on 2+ acres as a permitted accessory use thereby eliminating the requirement for a CUP;
- Amend Sections 6.12C(4), 6.13C(4), 6.14C(3), 6.15C(3), and 6.16C(3) to allow micro-brewery and craft distillery as conditional use in B-2, B-3, B-4, B-5 and LIP;
- Amend Sections 6.17A and 6.18A to allow micro-brewery and craft distillery as permitted uses in I-1 and I-1M;
- Amend Section 6.17A and 6.18A to add research and development facilities, corporate headquarters, regional headquarters, and administrative offices as permitted principal use.
- Amend Section 9.4 to revise location and height requirements for agricultural, accessory and temporary structures;
- Amend Section 9.10B to revise height exceptions;
- Delete Section 9.10C to eliminate duplicate zoning compliance permit exceptions;
- Amend Article 13 to ensure compliance with zoning regulations text amendment process in KRS 100 and to provide for an alternative zone change process;

Article 17: Fee Schedule

- Eliminate \$50 Conditional Use Permit annual review fee
- Reduce Planning Commission special meeting fee from \$2,000 to \$1,000
- Delete City of Bardstown sign permit and related fee
- Delete Certificate of Appropriateness fee schedule
- Delete Historic District Design Standards Manual copy fee

COUNCILMAN WILLIAMS MOVED TO APPROVE ORDINANCE B2015-27 PLANNING AND ZONING REGULATIONS AMENDMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN HAGAN.

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. B2015-27 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

PROPOSED ORDINANCE B2015 – SOLID WASTE MANAGEMENT AMENDMENTS

Councilman Buckman introduced the ordinance and asked for its first reading. City Clerk Bryant read the ordinance in summary - Section 51.01 Definitions to amend and clarify the definition of construction and demolition waste; Section 51.02 (D) to clarify and specify responsibilities on dumpster and dumpster corral placement and maintenance; Section 51.02 (E) to clarify procedures and limitations on curbside collection of yard waste; Section 51.03 (A) to specify procedures for leaf and recyclable cardboard collection; Section 51.03 (D) to specify and clarify procedures and limitations for tree limb and bulky item pickup and to include - **All bulky item loads (one (1) standard pickup sized load or four (4) cubic yards) are subject to a minimum fee of \$15.00. Loads in excess of one (1) standard pickup size or four (4) cubic yards will incur an additional charge at the rate of \$15.00 per pickup load, the initial fee and/or additional fee(s) will be added to the next month billing cycle;** Section 51.03 (F) to provide for temporary suspension of solid waste collection during inclement weather; Section 51.03 (J) to amend and specify the list of items prohibited and excluded from collection by the City and to advise as to their proper disposal; Section 51.03 (K) to clarify procedures for permissible disposal of excessive waste material and items; Section 51.04 (A) to allow City approval of waste processing facilities or disposal areas; Section 51.08 (D) to amend prohibited practices to clarify prohibitions on burning garbage and limitations on burning brush and debris; and Section 51.99 Penalties to allow for Civil penalties and fines in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 no more than \$300 for any subsequent offense. After some discussion regarding the \$15.00 Bulky Item Pickup fee, the first reading was withdrawn.

PROPOSED ORDINANCE B2015 – OCCUPATIONAL LICENSES AMENDMENTS

Councilman Hagan requested opinions on his proposal to increase the Occupational Licenses Fee from .50% to .60%. Councilman Buckman felt the fee should increase to .75%. All other Councilmen felt no need to make any change to the current fee of .50%. No first reading was given.

COMMITTEE AND STAFF REPORTS

Councilman Copeland gave an update on the Transportation Committee meeting that was held on September 14, 2015: Templin Avenue congestion, widening of Highway 245, status of the Blue Grass Parkway and US 150 interchange, and the widening of US 150 between Highway 49 and Walmart.

Director of Public Works and Engineer Hamilton presented a rough draft design to increase the parking space area in front of City Hall by 16 units. The majority of the work can be done in-house.

Councilman Copeland proposed the City adopt an ordinance establishing a city officer training program pursuant to HB 119. City Officials would have the opportunity to obtain educational training credits related to their duties and responsibilities and functions of city governments and receive a yearly incentive payment. The Kentucky League of Cities has partnered with several cities to help administer the program.

RESOLUTION R2015 – 07 FOR FATHER WILLIAM D. HAMMER

The resolution authorized the Mayor to proclaim Friday, September 25, 2015 as Father William D. Hammer Day.

COUNCILMAN HAGAN MOVED TO APPROVE RESOLUTION R2015-07. THE MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0.

MUNICIPAL ORDER M2015-21 WHITE CASTLE CRAVE MOBILE – USE OF CITY HALL PARKING LOT

MUNICIPAL ORDER NO. M2015-21

BARDSTOWN CITY HALL

A Municipal Order authorizing the parking lot of Bardstown City Hall, located at 220 N. 5th Street, to be declared as a public place for the purpose and location of mobile food vending activities per Ordinance B2014-03. The Bardstown City Council determined this location to be suitable from the standpoint of the health and safety of the public, and proper from the standpoint of site characteristics as a location in which mobile food vending activities may be allowed. On October 17, 2015 from 6:00 – 10:00 pm, the parking lot of Bardstown City Hall will be allowed to house the Mobile Food Vendor known as White Castle’s Crave Mobile.

COUNCILMAN SIMPSON MOVED TO APPROVE MUNICIPAL ORDER M2015-21. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED 6-0.

MUNICIPAL ORDER M2015-22 PERSONNEL POLICY, OVERTIME AND BOOT ALLOWANCE

MUNICIPAL ORDER NO. M2015-22

MUNICIPAL ORDER AMENDING THE PERSONNEL POLICIES AND PROCEDURES ESTABLISHED IN MUNICIPAL ORDER NO. 91-8 AND AMENDED IN FULL IN MUNICIPAL ORDER NO. 2000-7 AND AMENDED IN MUNICIPAL ORDER NOS. 2003-16; 2004-4; 2007-8; 2008-08; 2009-07, 2009-15, 2011-03, 2013-03, 2013-17 AND M2014-11.

NOW THEREFORE BE IT ORDERED by the City of Bardstown, Commonwealth of Kentucky:

That the PERSONNEL POLICIES AND PROCEDURES, **SECTION V: COMPENSATION PLAN**, C. Overtime (2); and **SECTION VI: BENEFITS**, N. Uniforms, be changed to reflect the following:

SECTION V: COMPENSATION PLAN

C. Overtime:

2. Overtime pay will be granted based on all hours credited during the week. Holidays will be considered as hours worked for overtime pay purposes. **All established full-time** [N]non-exempt employees shall receive overtime pay in all cases where they are asked to work or are called out for work after their regular scheduled work hours, except in cases where the overtime is coupled with time off without pay and the actual hours worked are not over 40. Employees in established part-time positions will receive overtime pay for hours worked on holidays.

SECTION VI: BENEFITS

N. Uniforms:

Public Works Department- The City will pay for one half of the cost of renting and laundering uniforms, with a limit of \$150 per year and a boot allowance of up to [~~\$75~~] **\$100** per year.

Cable TV Department, Meter Readers, Recreation Department, Water Treatment Plant and Wastewater Treatment Plant - The City will pay a clothing allowance of up to \$150 per year and a boot allowance of up to [~~\$75~~] **\$100** per year.

COUNCILMAN HAGAN MOVED TO APPROVE MUNICIPAL ORDER M2015-22. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED 6-0.

MUNICIPAL ORDER M2015-23 TAX ASSESSMENT MORATORIUMS – 103 W. STEPHEN FOSTER AVE.

MUNICIPAL ORDER NO. M2015-23

A MUNICIPAL ORDER ACCEPTING THE APPLICATION FOR AN ASSESSMENT MORATORIUM CERTIFICATE FOR THE PROPERTY LOCATED AT 103 WEST STEPHEN FOSTER AVENUE, 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 103 West Stephen Foster Avenue, 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 SIMPSON MOVED TO APPROVE MUNICIPAL ORDER M2015-23. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED 6-0.

COUNCIL COMMENTS

Councilman Copeland thanked City personnel, firefighters, EMS and volunteers, made the Kentucky Bourbon Festival successful. She also stated that the Flag Raising event at the My Old Kentucky Home State park was very emotional and the speeches were awesome. She thanked Peter Trzop for his efforts. Councilman Williams also attended the event.

CEMETERY DEEDS

THE MOTION TO APPROVE THE CEMETERY DEEDS FOR KEVIN AND SUSIE MARTIN, JAMES AND JANE RICHARDSON, JUNNIE AND GLORIA PENNINGTON, AND ROBERT AND ELIZABETH CECIL WAS APPROVED BY UNANIMOUS CONSENT.

ANNOUNCEMENTS

The Mayor and several members of the Council will attend the 2015 Kentucky League of Cities Convention next week. **COUNCILMAN WILLIAMS MOVED TO CANCEL THE WORKING SESSION FOR OCTOBER 6, 2015. THE MOTION WAS DULY SECONDED BY COUNCILMAN HAGAN AND CARRIED BY A VOTE OF 6 TO 0.**

EXECUTIVE SESSION

The Mayor announced that the meeting would go into Executive Session pursuant to KRS 61.810(1)(b) deliberations on the future acquisition of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use by a public agency.

COUNCILMAN WILLIAMS MOVED TO GO INTO EXECUTIVE SESSION, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0. TIME WAS 8:55 PM.

COUNCILMAN HAGAN MOVED TO COME OUT OF EXECUTIVE SESSION, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0. TIME WAS 9:05 PM.

The minutes will reflect that no action was taken during the Executive Session.

ADJOURNMENT

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

CITY OF BARDSTOWN

John Royalty, Mayor

ATTEST:

Barbara Bryant, City Clerk