

**CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
09-27-2016
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 Civil Engineer Jessica Filiatreau, City Clerk Barbie Bryant, City Attorney Tim Butler, Police Officer Troy Logsdon, Firefighter Building Inspector Todd Spalding, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick and citizens Pen Bogert, Margaret Sims, Pat Settles, Freddy Riggs, Jesse Morgan and Barbara Werner.

Mayor Royalty called the meeting to order at 7:00pm.

CITIZEN INPUT

Jesse Morgan, 1008 Farmington Dr, Bardstown, requested the Council re-consider the license fee for non-motor water vehicles that are used on Sympson Lake. The current cost is \$50 for Nelson County residents and \$100 for non-residents.

2016 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT APPLICATION

City Civil Engineer Filiatreau reported the estimated cost in the amount of \$690,000.00, for adding 2 miles of walkway/bikeway along US Highway 245. If grant funds are received, the City would be responsible for a 20% match in the amount of \$138,000.00.

COUNCILMAN HAGAN MADE THE MOTION TO APPROVE A RESOLUTION TO ALLOW THE MAYOR TO SEND A LETTER FOR THE GRANT APPLICATION INDICATING THE CITY'S WILLINGNESS TO SPEND THE 20% OUT OF THE 100% FOR THE EXTENSION OF THE HEADWAY, WALKWAY AS INDICATED IN THE PACKET PRESENTED, WITH THE UNDERSTANDING THAT SOME OF THE FUNDS FOR THIS YEAR WILL COME OUT OF THE EXISTING BUDGET AND THE FUNDS WILL HAVE TO BE ALLOCATED FOR NEXT YEAR'S BUDGET FOR THE REMAINDER. 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) UNDESIGNATION OF A LANDMARK SIGN #COA-16-66. Carey Signs, applicant, My Old Kentucky Home Motel LLC, owner, propose undesignated the landmark status of the signage at 414 West Stephen Foster Ave. This will be reviewed to determine if the sign currently meets the criteria for a landmark sign. Recommendation: The sign no longer meets the criteria for a landmark sign.
- (b) COA #16-69. St. John A.M.E Zion Church applicant/owner proposes to demolish the rear of the property at 215 East Brashear Ave. Recommendation: Approval to demolish the rear of the building.
- (c) COA #16-70. Bowling and Standiford Properties LLC. applicant/owners propose to demolish the shed attached to the property at 304-306 North 4th Street. Recommendation: Approval to demolish the shed at the rear of the property.
- (d) COA #16-88. Bowling and Standiford Properties LLC. applicant/owners propose to rebuild a shed attached to the property at 304-306 North 4th Street. Recommendation: Approval to rebuild the shed with the proposed materials.
- (e) COA # 16-84. North Third LLC. applicant/owners propose to demolish the boiler room at the rear of 124 North 3rd Street. Recommendation: Approval to demolish the boiler room.
- (f) COA -16-89. North Third LLC. applicant/owners propose to build a staircase at the rear of 124 North 3rd Street. Recommendation: Approval to build the staircase. Condition: The door and the door frame will be approved by the Preservation Coordinator.

- (g) COA #16-86. Newcomb Oil Co. applicant/owners propose to demolish the gas station located at 122 East Stephen Foster Avenue. Recommendation: Approval of the demolition of the gas station. **The demolition permit will not be granted until plans for new construction of development for the site have also been reviewed.**
- (h) COA -16-63. Steve Stivers and Dana Spalding applicant/owners, propose to replace the awning and add new signage at 123 North 3rd Street. Recommendation: Approval of the awning and the sign. **Condition**: The final sign design will be approved by the Preservation Coordinator.
- (i) COA-16-72. Roger Harrell, applicant/owner, proposed to remove trees in the rear of 108 West Broadway Street. Recommendation: Approval of tree removal. **Deadlines** The front area with flowers will be cleaned out and the items in the front of the yard, and in front of the house will be removed by November 30, 2016. The power washing will be completed by October 31, 2016. For the record any further planting of flowers or trees must be approved by HRB.
- (j) COA-16-91. Fred and Sandy Noe, applicants, Annis and Fred Noe, owners, propose to remove and replace a fence at 416 North 3rd Street. Recommendation: Approval to remove the fence and the trees. **Condition**: The gate hardware would be approved by the Preservation Coordinator.
- (k) COA-16-90. Susan Hamilton Hardin, applicant, Archdiocese of Louisville/ St Joseph Church, owners propose to install a concrete slab below an exit door at 310 North 2nd Street. Recommendation: Approval of the instillation of the concrete slab.
- (l) COA-16-92. Troy Dennison applicant/owner proposes to move a sign, add a door and move patio furniture to 129 North 3rd Street. Recommendation: Approval of the sign, door instillation and patio furniture. **Condition**: The applicant will get approval for the placement of the HVAC units when they are moved to the roof by the Preservation Coordinator.
- (m) COA-16-93. Talbott Tavern Inc. applicant/owner proposes to build a handicap ramp and install new door at the NW side of the building at 101 West Stephen Foster Avenue. Recommendation: Approval of the handicap ramp and instillation of the new door.
- (n) COA-16-94. Talbott Tavern Inc. applicant/owner proposes to install new doors at 107 West Stephen Foster Avenue. Recommendation: Approval of the installation of the new doors.
- (o) COA-16-95. Margret Sue Masters, applicant/ owner proposes to keep the existing roof at 530 North 3rd Street. Recommendation: Approval to keep the existing roof.
- (p) COA-16-96. Margret Sue Masters, applicant/ owner proposes to remove the pool at 530 North 3rd Street. Recommendation: Approval to remove the pool.

COUNCILMAN WILLIAMS MOVED TO ACCEPT THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD FOR COA #16-66, #16-59, #16-69, #16-70, #16-88, #16-84, #16-89, #16-86, #16-63, #16-72, #16-91 #16-90, #16-92, #16-93, #16-94, #16-95 AND #16-96 WITH THE CONDITIONS SET FORTH BY THE HRB. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

NEW LIFE CENTER'S ANNUAL 5K

COUNCILMAN SIMPSON MOVED TO APPROVE THE REQUEST FROM THE NEW LIFE CENTER FOR USE OF CITY STREETS DURING THEIR ANNUAL 5K RUN ON 11-24-2016. THE MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0.

DONATION REQUEST BY RELAY FOR LIFE

COUNCILMAN BUCKMAN MOVED TO APPROVE THE DONATION REQUEST FROM RELAY FOR LIFE IN THE AMOUNT OF \$1,500 TO BE USED FOR SECURITY AND TO BE TAKEN FROM THE COUNCIL CONTINGENCY FUND. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 5 TO 1. Councilman Hagan voted no.

ANNUAL ARTS, CRAFT AND ANTIQUES FAIR

The Bardstown Rotary Club has requested the use of Spalding Hall for a Spirits Garden during the Annual Arts, Craft and Antiques Fair. Distilled Spirits and Malt Beverages will be available, in a confined area, during the hours of the Fair on Saturday and Sunday, October 8-9, 2016. Sunday's sale of alcohol will begin at 1:00pm.

MINUTES

THE MINUTES FOR THE 09-13-2016 REGULAR COUNCIL MEETING WERE APPROVED BY UNANIMOUS CONSENT.

ORDINANCE B2016-14 ALCOHOLIC BEVERAGE AMENDMENTS

City Clerk Bryant gave a second reading in summary. The full text follows:

ORDINANCE NO. B2016-14

**AN ORDINANCE AMENDING CHAPTER 114:
ALCOHOLIC BEVERAGES OF THE CITY OF BARDSTOWN’S CODE OF ORDINANCES**

BE IT ORDAINED BY THE CITY OF BARDSTOWN, COMMONWEALTH OF KENTUCKY:

That Sections 114.01 DEFINITIONS and 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE be amended as follows:

§ 114.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BATCH RENEWAL." Means the simultaneous renewal of multiple licenses held by a licensee for more than two (2) premises.

"BED AND BREAKFAST." One (1) family dwelling unit that has guest rooms of suites used, rented, or hired out for occupancy or that are occupied for sleeping purposes by persons not members of the single-family unit; holds a permit under KRS Chapter 219; and has an innkeeper who resides on the premises or property adjacent to the premises during periods of occupancy.

"BOARD." The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

"CATERER (MALT BEVERAGE, DISTILLED SPIRITS AND WINE)." A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (malt beverage, distilled spirits and wine) to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guests.

"CITY LICENSE." A license established and authorized pursuant to the terms hereof and issued by the city.

"CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof by the city, including the officers and agents of the licensee.

"KRS." Kentucky Revised Statutes.

"PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, and servants, and employees thereof.

"PREMISES." The premises described in the city license issued pursuant to the terms hereof and the application therefor.

"SOUVENIR PACKAGE SUNDAY SALES." Pursuant to KRS 244.290(3)(b), a souvenir retail liquor license for Sunday sales may be issued to any licensed Kentucky distiller that has a gift shop or other retail outlet on its premises, if the distillery is located in wet territory and has a souvenir retail package license.

"SOUVENIR RETAIL PACKAGE LICENSE." Any licensed Kentucky distiller that is located in wet territory and that has a gift shop or other retail outlet on its premises may conduct the activities permitted under this section as a part of its distiller’s license.

"NQ-3 Retail Drink License." A license issued to [~~any nonprofit social, fraternal, military, or political organization, club or entity which for more than two years prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded~~] **a private club in existence for longer than one (1) year prior to the license application from which the general public is excluded; a dining car; a bed and breakfast; or a distiller and shall authorize the licensee to exercise the privileges of a NQ2 retail drink licensee.**

"SPECIAL SUNDAY RETAIL DRINK LICENSE." A license for holders of a Quota Retail Drink License, a NQ2 Retail Drink License or a NQ3 Retail Drink License that have applied to the state director and met all other legal requirements for obtaining a special Sunday retail drink license.

"SPECIAL TEMPORARY ALCOHOLIC BEVERAGE AUCTION LICENSE." A license that may be issued to charitable organizations that purchase, transport, receive, possess, store, sell, and deliver alcoholic beverages to be sold at charity events by auction or by raffle.

"SPECIAL TEMPORARY LICENSE." A license that may be issued to any regularly organized fair, exposition, racing association, or other party, when a necessity exists that shall authorize the licensee to exercise the privileges of a [~~distilled spirits, wine and malt beverage~~] Quota retail drink licensee **and a NQ4 retail malt beverage drink licensee** at designated premises for a specified and limited time, not to exceed 30 days, **and shall expire when the qualifying event ends.** All restrictions and prohibitions apply.

"STATE." The Commonwealth of Kentucky.

" STATE LICENSE." A license authorized by KRS 243.030 to 243.680.

"TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

§ 114.02 STATE LAW ADOPTED.

The provisions of KRS Chapters 241 through 244 and all amendments thereto, relating to the manufacture, sale, transportation, possession, or other disposition of spirituous, vinous, or intoxicating malt liquor for medicinal, sacramental, scientific, or mechanical purposes are adopted as a portion of this chapter as far as applicable, except as otherwise lawfully provided by city ordinances.

LICENSES

§ 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.

(A) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses may be the maximum allowed by law as indicated in the following schedule.

(B) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license therefore[?].

(C) All licenses not subject to a “batch renewal” shall be renewed annually with the City of Bardstown no later than April 30th. All licenses with batch renewals shall be renewed no later than August 31st of each year.

DISTILLED SPIRITS AND WINE LICENSES AND ANNUAL FEES

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
Distillers	243.030(1) 243.070	243.120-243.130	June 30	\$140.00
Distillers + Souvenir Retail Package	243.030(1) 243.070	243.120-243.130	June 30	\$290.00
Rectifier	243.030(2)	243.120-243.130	June 30	\$140.00
Wholesalers	243.030 (5)	243.160-243.170	June 30	\$410.00
Quota Retail Package	243.030(6)	243.240	June 30	\$210.00
NQ 2 Retail Drink	243.250 Includes beer		June 30	\$490.00
Quota Retail Drink	243.030 (7)	243.250	June 30	\$420.00
NQ 3 Retail Drink	243.030 (28) Includes beer	243.260	June 30	\$300.00

Caterer (Distilled Spirits, Wine and Malt Beverage)	243.030 (14)	243.033	June 30	\$150.00
**Special Sunday Retail Drink	243.030 (13)	244.290	June 30	\$180.00
***Special Temporary (Special Event)	243.030 (16)	243.260	June 30	\$ 50.00 distilled spirits and wine \$25.00 beer (Per Event)
Special Temporary Distilled Spirits and Wine Auction	243.030(15)	243.036	June 30	\$25.00
Souvenir Retail Package Sunday Sales	Ordinance No.B2007-07		June 30	No Charge
*****Retail Package Sunday Sales	Ordinance No. B2009-03		June 30	No Charge}

Distiller's	\$140.00
Distiller's + Souvenir Retail Package	\$290.00
Rectifier's	\$140.00
Wholesaler's.....	\$410.00
Quota Retail Package.....	\$210.00
Quota Retail Drink.....	\$420.00
Special Temporary (per event).....	\$75.00
NQ-2 Retail Drink (includes Malt Beverage).....	\$490.00
NQ-3 Retail Drink (includes Malt Beverage).....	\$300.00
Special Temporary Alcoholic Beverage Auction (per event)	\$25.00
Special Sunday Retail Drink	\$180.00
Caterer	\$150.00
Bottling House or Bottling House Storage	\$400.00

MALT BEVERAGE LICENSES AND ANNUAL FEES

{License Description	Statutory Authorizati on (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
Brewers	243.040 (1) 243.070	243.150	June 30	\$140.00
Distributors	243.040 (3)	243.150	June 30	\$140.00
NQ Retail Package	243.040 (4), 243.070,	243.280	June 30	\$ 70.00
NQ-4 Retail Drink	243.040 (10)	243.088		\$ 70.00
NQ-4 Retail Drink + NQ Retail Package	243.040 (11)			\$120.00
*****Retailers Sunday Sales (Convenience Stores and Grocery Stores)	Ordinance No.B2009- 03		June 30	No Charge}

Brewer's	\$140.00
Microbrewery	\$140.00

Distributor's.....	\$140.00
NQ Retail Package	\$70.00
NQ-4 Retail Drink.....	\$70.00
NQ Retail Package + NQ-4 Retail Drink	\$120.00

~~[** Special Sunday Retail Drink (Hours of operation shall be 1:00 pm – 12:00 midnight)
 *** Available to holders of Special Temporary (Special Event) licenses – Special Sunday Retail Drink sales (hours of operation shall be 1:00 p.m. – 12:00 midnight.)
 ***** Quota Retail Package and NQ Retail Package license holders. (Hours of operation shall be 6:00am – 12:00 midnight on Sundays). (Liquor Stores, Convenience Stores and Grocery Stores).]~~

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

COUNCILMAN HAGAN MOVED TO APPROVE ORDINANCE B2016-14 ALCOHOLIC BEVERAGE AMENDMENTS. 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. B2016-14 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

REPORTS OF STAFF AND COMMITTEES

HR Director Green advised the Council that, in addition to the amendment to the Sign Ordinance for temporary signage, the issue of “murals” will be reviewed.

M2016-17 COUNCILMAN TRAVEL/TRAINING POLICY

MUNICIPAL ORDER M2016-17

City Councilman Travel/Training Policy

WHEREAS, THE ANNUAL BUDGET HAS FUNDS FOR COUNCILMAN TRAINING AND TRAVEL;

WHEREAS, THE NEED EXISTS TO ESTABLISH GUIDELINES FOR EXPENDITURE OF THESE FUNDS;

THEREFORE, BE IT ORDERED BY THE BARDSTOWN CITY COUNCIL:

SECTION 1

That each Councilman is allotted an amount of \$1,000.00 for travel and training uses per calendar year. Funds may be utilized at each Councilman’s discretion for tuition for seminars, conferences, Kentucky League of Cities (KLC) classes and Academies, and any other training or trips that prepare him/her to better serve. These funds may also be used for car rental, mileage reimbursement, plane travel, parking, tolls, etc., for travel purposes to attend such training.

That an expense report (including receipts for mileage calculations) detailing all costs, will be submitted to the Chief Financial Officer for reimbursement within thirty (30) days from the conclusion of the training. In order to provide information to the citizens regarding these expenditures, the expense reports will be published in the minutes of the next Council meeting.

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 M2016-17 COUNCILMAN TRAVEL/TRAINING POLICY. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 5-1. Councilman Copeland voted no.

COUNCIL COMMENTS

Councilman Williams questioned the ownership of the road that leads into the Dairy Queen, American Rental and Bardstown Sporting Goods. He has received calls concerning a very large hole in the asphalt that has caused damage to automobiles. City Attorney Butler explained the road is described as limited access highway (frontage roadways). Director of Public Works and Engineering Hamilton explained the road is used by the public but is privately owned. Mayor Royalty requested that Mr. Hamilton send letters to the companies with an explanation about the frontage roadways and their company’s responsibilities.

CEMETERY DEEDS

THE MOTION TO APPROVE THE CEMETERY DEED FOR ELIZABETH AND KENNETH YOUNG WAS APPROVED BY UNANIMOUS CONSENT.

ANNOUNCEMENTS

The Council agreed to cancel the Working Session for October 4, 2016. Several members will be attending the Kentucky League of Cities (KLC) Annual Convention.

ADJOURNMENT

THE MOTION TO ADJOURN AT 7:50PM WAS APPROVED BY UNANIMOUS CONSENT.

CITY OF BARDSTOWN

John Royalty, Mayor

ATTEST:

Barbara Bryant, City Clerk