

**CITY OF BARDSTOWN, KENTUCKY
WORKING SESSION CITY COUNCIL MEETING MINUTES
05-02-2017
5:00 PM**

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

Councilman Buckman
Councilman Copeland
Councilman Dones
Councilman Kelley
Councilman Sheckles
Councilman Williams

Others present: City Attorney Tim Butler, Police Chief Steve Uram, City Clerk Barbie Bryant, City Civil Engineer Jessica Filiatreau, Council Attorney Bruce Reynolds, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, PLG-TV13 Reporter Matthew Fogle, and citizen Jimmy Yocum.

Mayor Heaton called the meeting to order.

VACUUM EXCAVATOR BID

City Civil Engineer Filiatreau presented the bid for approval:

NEW VACUUM EXCAVATOR

Bid Tab - April 10, 2017 2:00pm

VENDOR	BID (\$)	BID SIGNED	NEW	MAKE	MODEL	MINIMUM SPECS MET	1 YEAR WARRANTY INCLUDED	2 Yr Warranty
Vermeer Heartland	\$46,500.00	X	X	VAC-TRON	LP-573-SGT	X	X	Free

VENDOR	BID (\$)	BID SIGNED	NEW	MAKE	MODEL	MINIMUM SPECS MET	1 YEAR WARRANTY INCLUDED	2 Yr Warranty
Ditch Witch of KY, Shepherdsville location	\$45,296.00	X	X	Ditch Witch	FX25 Vac 500 T12 200 Water	NO	X	\$1545 for Total of= \$46,841

Recommend bid be awarded to Vermeer Heartland. Bid is under budget. Ditch Witch did not meet minimum specifications. With 2 year warranty, Vermeer is least expensive.

COUNCILMAN WILLIAMS MOVED TO APPROVE THE RECOMMENDATION TO AWARD THE VACUUM EXCAVATOR BID TO VERMEER HEARTLAND FOR THE AMOUNT OF \$46,500.00. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 6 TO 0.

FINAL PLAT FOR RIGHT-OF-WAY DEDICATION OF OLD BEN WAY AS A CITY STREET

COUNCILMAN KELLEY MOVED TO APPROVE THE FINAL PLAT AS PRESENTED FOR OLD BEN WAY AND ACCEPT IT AS A CITY STREET. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

COUNCIL INVESTIGATION – CONSIDERATION OF OTHER POTENTIAL ACTION

COUNCILMAN KELLEY MOVED THAT THE CITY COUNCIL REFER THE EVIDENCE OBTAINED DURING THIS INVESTIGATION OR DISCOVERED AT ANY PUBLIC HEARING ON JOHN ROYALTY’S REMOVAL FROM OFFICE TO THE COMMONWEALTH ATTORNEY, TERRY GEOGHEGAN, FOR FURTHER CONSIDERATION AND EXAMINATION. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

COUNCILMAN KELLEY MOVED THAT THE CITY COUNCIL ALSO REFER THE EVIDENCE OBTAINED DURING THIS INVESTIGATION OR DISCOVERED AT ANY PUBLIC HEARING ON JOHN ROYALTY’S REMOVAL FROM OFFICE TO THE BOARD OF ETHICS FOR FURTHER CONSIDERATION AND EXAMINATION. THE MOTION WAS DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0.

City Attorney Butler advised the Council that the Board of Ethics may need to contract for outside counsel, other than using the County Attorney, Matthew Hite, for consideration of this complaint to the Board of Ethics.

NEW COUNCIL COMMITTEE ASSIGNMENTS

Mayor Heaton asked the Council to let him know by email, which of the eight committees they would like to chair and/or become a member of. He also instructed them that a Recreation and Parks Committee would be added to accommodate the needs of the City Recreation Department. Should more than 3 Councilmen request a particular committee, the Mayor will choose the members.

COUNCIL COMMENTS

Councilman Kelley reported that he had received the Mattmiller Crosbie, LLC, billing invoice for services rendered during the investigation and hearing on the removal of John Royalty as Mayor. The final amount is \$72,601.97. Mayor Heaton will instruct the CFO to prepare an amendment to the FY2016-2017 Budget for a first reading of the ordinance at the May 9th Council meeting.

SECOND READING OF ORDINANCE B2017-07 PLANNING & ZONING REGULATION AMENDMENTS FOR SHORT TERM RENTALS

City Attorney Butler gave a summary for the second reading. The full content is as follows:

ORDINANCE NO. B2017 – 07

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 SECTION 5 DEFINITIONS AND SECTION 6 ZONING DISTRICTS.

WHEREAS: Pursuant to KRS 100.211 (2), on 03-28-2017, the Joint City-County Planning Commission held a public hearing and subsequently on 03-28-2017, the Planning Commission unanimously voted to recommend approval of the proposed amendments to the Zoning Regulations for All of Nelson County.

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 Section 5: Definitions, and Section 6: Zoning Districts, are hereby amended as follows:

SECTION V

That DEFINITIONS be amended to delete the definition of Dwelling and Dwelling Unit and create the definitions for Bed and Breakfast Establishment, Boarding, Rooming, and Lodging House, Dwelling, Dwelling Unit, Extended Stay Lodging, Hotel, Motel, Residential Use, Permanent Residential Occupancy, Non-Residential Use, and Short-Term Rental as follows:

Bed and Breakfast Establishment: A dwelling unit, or portion thereof, which has guest rooms or suites used, rented, leased, hired out, or otherwise assigned for a tenancy or occupancy for less than thirty (30) consecutive days in duration and where the only meal, food or drink served or otherwise provided by the property owner to any guest is breakfast. This term does not include hotels, motels, extended stay lodging, short-term rentals, and boarding, rooming, and lodging houses.

Boarding, Rooming, and Lodging House: A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight (8) people. Meals may or may not be provided, but there exists one common kitchen facility. This term does not include hotels, motels, extended stay lodging, short term rentals, bed and breakfast establishments, nursing homes, or assisted care living facilities.

~~Dwelling and Dwelling Units: A dwelling is a building providing shelter, sanitation, and the amenities for permanent habitation. Dwelling unit refers to that dwelling accommodation within a building designed for one individual or family unit maintaining separate and independent housekeeping.~~

Dwelling: A building or portion thereof designed and used exclusively for permanent residential occupancy. This term does not include hotels, motels, or extended stay lodging.

Dwelling Unit: Either a single room or two (2) or more connected rooms used exclusively as a single unit and intended for permanent residential occupancy of more than thirty (30) consecutive days in duration by one family and providing complete, independent living facilities, which at minimum includes permanent provisions for living space (family rooms, dining rooms, living rooms, dens, etc.), sleeping quarters, food preparation and cooking, eating spaces, personal hygiene, cleanliness, and sanitation facilities which are accessed independently. Notwithstanding the provisions of this definition, where permitted, short term rentals and bed and breakfast establishments may be occupied by more than one family and for less than thirty (30) consecutive days in duration. This term does not include hotel or motel rooms, extended stay lodging, boarding and lodging homes, bed and breakfast establishments, short-term rentals, nursing home rooms, or assisted care living units.

Extended Stay Lodging: Accommodations for persons away from their permanent place of residence which are available on a daily or weekly basis and may include kitchen facilities. This term does not include short term rentals, boarding and lodging houses, bed and breakfast establishments, nursing home rooms, or assisted care living units.

Hotel : A building or structure where sleeping accommodations are kept, used, maintained, advertised or held out to and are furnished to the public and which has a registration desk. This term includes motels, and similar establishments, but does not include bed and breakfast establishments, short term rentals, boarding and lodging houses, nursing home rooms, or assisted care living units.

Motel: A group of attached or detaching lodging units having bathrooms, used as individual sleeping units, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities convenient to the lodging rooms and which may include on dwelling unit for a bona fide caretaker or operator. This term includes building designed as auto courts, tourist courts, motor lodges, autels, and similar terms. This term does not include bed and breakfast establishments, short-term rentals, boarding and lodging houses, nursing homes, or assisted care living facilities.

Non-Residential Use: Uses not associated with permanent residential occupancy. Non-residential uses include public, institutional, office, commercial and industrial uses.

Permanent Residential Occupancy: Occupancy of a dwelling for more than thirty (30) consecutive days in duration.

Residential Use: Uses associated with permanent residential occupancy in the form of a dwelling unit. Specific uses such as bed and breakfast establishments, boarding, rooming, and lodging houses, short term rentals, hotels, motels, and extend stay lodging where stays can be less than thirty (30) days in duration shall be considered commercial uses.

Short-Term Rental: A dwelling unit, or portion thereof, which has guest rooms or suites used, rented, leased, hired out, or otherwise assigned for tenancy or occupancy for less than thirty (30) consecutive days in duration and where no meals, food or drink are served or otherwise provided by the property owner to any guest. This term includes tourist and guest homes. This term does not include hotel or motel rooms, extended stay lodging, bed and breakfast establishments, and boarding, rooming, and lodging houses.

SECTION VI

That Section 6.1 AGRICULTURE DISTRICTS (A-1) (C) Conditional Uses Permitted (10): That Section 6.2 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1A) (C) Conditional Uses Permitted (4): That Section 6.3 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1B) (C) Conditional Uses Permitted (4): That Section 6.4 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1C) (C) Conditional Uses Permitted (4): That Section 6.5 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1D) (C) Conditional Uses Permitted (4): That Section 6.6 SINGLE-FAMILY TOWNHOUSE DISTRICT (R-1T) (C) Conditional Uses Permitted (4): That Section 6.7 TWO-FAMILY RESIDENTIAL DISTRICT (C) Conditional Uses Permitted (4): That Section 6.8 MULTI-FAMILY RESIDENTIAL DISTRICT (R-3) (C) Conditional Uses Permitted (4): That Section 6.9 MULTI-FAMILY RESIDENTIAL DISTRICT (R-4) (C) Conditional Uses Permitted (4): That Section 6.10 PROFESSIONAL OFFICE DISTRICT (P-1) (C) Conditional Uses Permitted (1): That Section 6.11 NEIGHBORHOOD BUSINESS DISTRICT (B-1) (C) Conditional Uses Permitted (1): That Section 7.2 MANUFACTURED HOME SUBDIVISION DISTRICT (MHS) (C) Conditional Uses Permitted (4) be amended to delete conditional use for Bed and Breakfast Establishments and create conditional use for Bed and Breakfast Establishments or Short-Term Rentals as follows:

C. Conditional Uses Permitted

~~{ Bed and Breakfast Establishments: allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.}~~

Bed and Breakfast Establishments or Short-Term Rentals: 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 conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria: (1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental. (2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted. (3) The BOA may limit the number of rooms and maximum occupancy. (4) The Applicant/Owner must provide the Planning

Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy. (5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members. (6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes. (7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection. (8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations. (9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance. (10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection. (11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use: (a) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock. (b) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use. (c) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

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.

Jan Johnston-Crowe, Executive Director for the Joint Planning and Zoning Commission, discussed the definitions, pros and cons of the proposed changes and answered several questions presented by the Council.

COUNCILMAN BUCKMAN MOVED TO APPROVE ORDINANCE B2017-07 PLANNING AND ZONING REGULATION AMENDMENTS FOR SHORT TERM RENTALS. THE MOTION WAS DULY SECONDED BY COUNCILMAN SHECKLES.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN KELLEY	-	AYE
COUNCILMAN COPELAND	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN DONES	-	AYE

MAYOR HEATON THEN DECLARED ORDINANCE NO. B2017-07 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

MAYOR'S REPORT

Mayor Heaton announced the preliminary plans for the annual Regan Carter Walk that will be held on May 26, 2017. A formal letter of request for the walk from the Carter family will be sent in the next few days.

Mayor Heaton has received a first draft of the FY2017-2018 budget from CFO Tracy Hudson.

City Clerk Bryant secured the signatures and verified email addresses from the Mayor, Council and City Attorney in order to send notices for Special Called Meetings.

ADJOURNMENT

COUNCILMAN WILLIAMS MOVED TO ADJOURN THE WORKING SESSION MEETING AT 6:00PM. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 6 TO 0.

CITY OF BARDSTOWN

J. Richard Heaton, Mayor

ATTEST:

Barbara Bryant, City Clerk