FISCAL COURT ORDERS

COURT MET IN REGULAR SESSION BY ZOOM VIDEO MEETING, PRESENT COUNTY JUDGE-EXECUTIVE DEAN WATTS AND THE FOLLOWING NAMED MAGISTRATES: KEITH METCALFE, GARY COULTER, BERNARD ICE, JEFF LEAR AND ERIC SHELBURNE.

***

MINUTES APPROVED September 30, 2020 Special Fiscal Court meeting and October 6, 2020 Regular Fiscal Court meeting

On motion of Bernard Ice, second of Keith Metcalfe, by unanimous vote of the court, IT IS HEREBY ORDERED to approve the minutes of the September 30, 2020 Special Session of Nelson Fiscal Court and October 6, 2020 Regular Fiscal Court meeting.

***

BILLS- TRANSFERS-ADDITIONAL BILLS

On motion of Eric Shelburne, second of Jeff Lear, by unanimous vote of the court, IT IS HEREBY ORDERED to authorize the County treasurer to pay the following bills, additional bills and to make the following transfers as presented on pages 212-217.

***

FISCAL COURT ORDERS

TAX MORATORIUM APPLICATION

On motion of Gary Coulter, second of Eric Shelburne, by unanimous vote of the court, IT IS HEREBY ORDERED to approve the Tax Moratorium application for Revelation Properties, Inc. See page 218.

***

REZONING REQUEST CONSIDERATION

On motion of Keith Metcalfe, second of Gary Coulter, by unanimous vote of the court, IT IS HEREBY ORDERED to adopt the evidence that was introduced at the Planning Commission meeting on September 22, 2020, which includes the application, zoning map amendment and testimony at that hearing. The Planning Commission denied the request 4-3. See pages 219-243.

Zoning Map Amendment 2608-A-1 to B-1

On motion of Keith Metcalfe, second of Gary Coulter, by unanimous vote of the court, IT IS HEREBY ORDERED to approve the first reading of the Zoning Request Amendment 2608, 1.15 acreas Log Still Distillery/New Hope Farm from A-1 to B-1. The second reading and adoption will be on the agenda for next Fiscal Court meeting.

***

CARES ACT-Room at the Inn

On motion of Gary Coulter, second of Keith Metcalfe, by unanimous vote of the court, IT IS HEREBY ORDERED to approve a onetime monetary donation to the Room at the Inn Shelter for $8028.00. Fiscal Court will be matching the City of Bardstown to hire part time employees for the winter for the Room at the Inn Shelter.

***

FISCAL COURT ORDERS

LANDFILL/SOLID WASTE

A-Engineering and Consulting Firm for Landfill Expansion

On motion of Jeff Lear, second of Eric Shelburne, by unanimous vote of the court, IT IS HEREBY ORDERED to approve Kenvirons Inc Engineering services to complete the design and permit requirements for the proposed MSW landfill expansion at the Nelson County Landfill. See pages 244-248.

B-Roadside Cleanup is in progress.

***

ROAD DEPARTMENT

Finished installing Culverts on Whitesides Road

Repaired an Asphalt patch at the intersection at Haven Ridge and Haven Oak Court

Asphalt patching is about to be complete for the season

The department will be doing more Shoulder work

Repaired a Shoulder on Wilkerson Road near the Plum Run intersection

Tree trimming is in progress throughout the County

Conducted the Pre season snow removal equipment inspection and performed a dry run

Mowing crew has started in District #4 and will soon be finishing up for the season

Pavement will be starting to be placed in Copperfields and Blazer Heights

The Gradeall pump has been repaired and the clutch has been installed. The cylinders have been removed to be rebuilt.

***

FISCAL COURT ORDERS

JAIL REPORT

Jailer John Snellen presented to the court the regular Jail report. See page 249-250. Judge Watts presented to the Court a comparison of Medical costs from other counties. See page 251.

The HVAC unit has been installed at the jail.

***

EMA/EMS

EMS Director Joe Prewitt presented to the Court an update on Covid-19 along with the regular EMS report. See pages 252.

***

APPOINTMENT- (matter of record)

On motion of Keith Metcalfe, second of Gary Coulter, by unanimous vote of the court, IT IS HEREBY ORDERED to approve the appointment of Jeff Lear to the Bardstown Industrial Development Corporation. See page 253

***

OLD/NEW BUSINESS

Sheriff Ramon Pineiroa informed the Court of the retirement of Chief Deputy Joedy Gilliland and recognized him for his years of service.

***

FISCAL COURT ORDERS

October 20, 2020 BOOK 42

REGULAR SESSION OF NELSON FISCAL COURT PAGE 211

On motion of Bernard Ice, second of Jeff Lear, by unanimous vote of the court, IT IS HEREBY ORDERED to adjourn the October 20, 2020 regular zoom session Fiscal Court.

_____

DEAN WATTS, NELSON COUNTY JUDGE/EXECUTIVE

_____

JEANETTE HALL SIDEBOTTOM, NELSON COUNTY CLERK

FISCAL COURT ORDERS

October 20, 2020 BOOK 42

REGULAR SESSION OF NELSON FISCAL COURT PAGE 212

Nelson County Fiscal Court
Bills for Court Approval
October 20, 2020

Name	Memo	Account	Amount
01 General Fund			
American Tire	Tire repair SO 37	5105340 · Law Enforc Vehicle maintenance	$ 31.80
American Tire	SO 30	5105479 · Law Enforc Tires	630.30
Aqua Treat	Cooling tower water treatment	5081329 · Justice Center Maint Contracts	150.00
Aqua Treat	Geothermal water treatment	5415329 · Civic Center Maint Contracts	184.80
Bardstown Utilities	Fair Board Utilities	5425334 · Fairgrounds Support	498.08
Bluegrass Integrated Comm	Voter postage 0920	5065427 · Elections Supplies	42.70
BMS LLC	0920- 117 employees	9400299 · Cobra Administration	76.05
Brite Wholesale	Fuses for geothermal pumps	5081334 · Justice Center Maint Supplies	80.80
County Clerk	2020 Property tax bills (1/2 cost to County)	5010199 · Co Clerk Fees Payable	3,570.75
Danville Office	Envelopes, paper, sticky notes	5001445 · CJE Office Expense	314.95
Danville Office	Inspection nuisance door hangers	5115427 · Codes - Technical supplies	283.50
Danville Office	Paper, printer ink, toner, appt book	5115445 · Codes - Office Expense	471.68
Ellis Towing	Towing fee - Minor accident 092620	5105592 · Vehicle Repairs - Damage Claims	146.00
Galls	Tenter, Bryan	5105481 · Law Enforc Uniforms	1,484.05
Humane Society	Sep 2020 vaccination costs	5205549 · Animal Control Medical Expense	720.00
Interstate Security	Service call - door access	5105329 · Law Enforc Bldg Maint Contracts	275.00
Joe Hill's	Excavator rental - clean up gun range	5105571 · Law Enforc Building Repairs	600.00
Kentucky One	Employee medical	9400547 · Employee Medical/WC Claims	100.00
Ky Home Electronics	Cables	5065446 · COVID19 Election Expense	29.99
Landmark Comm News	Bids, public hearing, tax rates	9100539 · Advertising & Legal Notices	1,037.38
Lincoln Trail ADD	Regional grant matching funds	5231342 · Lincoln Trail Grant	560.54
Newcomb Oil Co	Fuel	5105429 · Law Enforc Fuel	3,703.07
Newcomb Oil Co	Fuel	5135429 · EMA Fuel	166.76
Nu Life Cartridge	File folders, printer ink	5115445 · Codes - Office Expense	113.93
Patrons Home Center	Picture hanger, door stop	5081334 · Justice Center Maint Supplies	9.68
Patrons Home Center	Batteries	5085334 · Sutherland Bldg Maint	14.99
Patrons Home Center	Bulbs	5087334 · Old Library Bldg Maint	89.90
Patrons Home Center	Post hole digger, sealant, maint supplies	5090427 · Maintenance - Supplies	157.11
Patrons Home Center	Lock, bulbs	5105334 · Law Enforc Building Maint	148.73
Patrons Home Center	Bulbs	5305334 · Sr Citizens Bldg Supplies	12.57
Quill Corporation	Toner	5001445 · CJE Office Expense	366.07
Quill Corporation	External hard drive, toner	5040445 · Treasurer Office Supplies	208.87
Rochester Miller Restoration	Inspect tuck pointing project	5080742 · Old Courthouse Renovation	300.00
Rochester Miller Restoration	Tuckpoint/masonry restoration	5086548 · Trigg Estate Preservation Funds	32,771.36
Salt River	Fair Board Utilities	5425334 · Fairgrounds Support	1,578.82
Sam's Club	Totes	5065446 · COVID19 Election Expense	95.88
Select Security	Quarterly alarm monitoring	5085329 · Sutherland Bldg Main Contracts	108.21
Select Security	Quarterly alarm monitoring	5205329 · Animal Control Maint Contracts	103.95
Willett's Lawn	Mowing/Spraying Sept 2020	5081329 · Justice Center Maint Contracts	340.00
Willett's Lawn	Plaza, Greenspace mowing Sept 2020	5084329 · Bldg Main Contracts	200.00
Willett's Lawn	Baseball mowing Sept 2020	5401329 · Recreation Maint Contracts	400.00
Willett's Lawn	Football mowing Sept 2020	5401329 · Recreation Maint Contracts	1,280.00
Willett's Lawn	Football setup/paint - Sept 2020	5401329 · Recreation Maint Contracts	650.00
Willett's Lawn	Soccer mowing Sept 2020	5401329 · Recreation Maint Contracts	2,332.00
Willett's Lawn	Soccer setup/painting Sept 2020	5401329 · Recreation Maint Contracts	2,200.00

FISCAL COURT ORDERS

October 20, 2020 BOOK 42

REGULAR SESSION OF NELSON FISCAL COURT PAGE 213

Nelson County Fiscal Court
Bills for Court Approval
October 20, 2020

Name	Memo	Account	Amount
01 General Fund (continued)			
Willett's Lawn	Culvertown Park Sept 2020	5401329 · Recreation Maint Contracts	140.00
Willett's Lawn	Balltown Park Sept 2020	5401329 · Recreation Maint Contracts	100.00
Total 01 General Fund			58,880.27
02 Road Fund			
Airgas Mid America	Welding supplies	6105427 · Garage supplies	51.70
All State Truck Sales	2011 F350	6105443 · Parts	70.05
American Tire	Truck 305	6105479 · Tires	1,186.71
Brudys Frame and Body	2011 F350	6105443 · Parts	1,100.00
Brite Wholesale	Light sensor - bathroom	6103334 · Building & Grounds Maintenance	63.42
Cintas	Uniforms	6105481 · Uniforms	720.33
CMI Equipment	Gradall - labor on repairs	6105336 · Equipment repairs	9,741.75
CMI Equipment	Gradall	6105443 · Parts	6,979.18
Cross Tech	2011 Ford	6105443 · Parts	481.06
Haydon Materials	Misc county roads	6105457 · Bridge & Culvert Materials	2,478.50
Hendricks Forklift	Service - move fuel tank	6105443 · Parts	150.00
IMPCO	Loader, 2011 F350	6105443 · Parts	617.43
Irving Materials Inc.	Whitesides Rd	6105457 · Bridge & Culvert Materials	916.00
J Edinger	Mechanic truck - locks for utility bed	6105443 · Parts	202.38
Keystops	Fuel	6105429 · Fuel and Lubricants	6,658.08
Kimball Midwest	Shop supplies	6105427 · Garage supplies	130.09
Ky Truck Sales, Inc.	Truck 301	6105443 · Parts	10.38
Lawson Products	Garage supplies	6105427 · Garage supplies	110.00
Mago Construction	Icetown Rd	6105 311 01 · District 1 Paving	64,520.20
Mago Construction	Fogle Rd	6105 311 01 · District 1 Paving	46,218.42
Patrons Home Center	Equipment install, toilet repair	6103334 · Building & Grounds Maintenance	22.84
Patrons Home Center	Wire cup brush	6105427 · Garage supplies	17.99
Patrons Home Center	Propane	6105429 · Fuel and Lubricants	185.07
Patrons Home Center	Truck 302, forklift	6105443 · Parts	22.60
Patrons Home Center	Crimping tool - replaced stolen item	6105475 · Tools	32.99
Quality Auto Glass	2011 F350	6105336 · Equipment repairs	350.00
Saf-ti-Co	Misc signs/posts	6105469 · Signs & Posts	1,289.16
Salt River	Tree removal - Greer Ln	6105431 · Fences, ROW, Tree Removal	700.00
Sherwin Williams	Paint - flatbed	6105443 · Parts	73.38
Taylor Battery Co	Battery	6105443 · Parts	219.57
Total Truck Parts	Truck 308	6105443 · Parts	71.35
Total Truck Parts	Mechanic truck tools - replace stolen items	6105475 · Tools	119.94
Tri County Rebuild	JD 5525	6105113 · Parts	230.27
Truck Parts & Service	Penetrating oil	6105427 · Garage supplies	83.40
Truck Parts & Service	Filters, fuses, wire, mini relays	6105443 · Parts	252.50
Truck Parts & Service	Misc tools - replace stolen items	6105475 · Tools	200.43
UHL Truck Sales	Truck 308	6105443 · Parts	209.67
W W Grainger	Portable radios	6105339 · Radio Repair and Maint	294.87
Total 02 Road Fund			146,781.71

FISCAL COURT ORDERS

October 20, 2020 BOOK 42

REGULAR SESSION OF NELSON FISCAL COURT PAGE 214

Nelson County Fiscal Court
Bills for Court Approval
October 20, 2020

Name	Memo	Account	Amount
03 Jail Fund			
Bardstown Dental	Inmate medical	5101549 · Routine Medical	2,548.00
Clems	Food	5101425 · Food	927.50
Flowers Baking Co	Bread	5101425 · Food	462.55
Gordon Foods	Dishwasher lease	5101336 · Equipment Repairs	76.00
Gordon Foods	Cleaning and custodial supply	5101411 · Custodial Supplies	456.52
Gordon Foods	Kitchen supplies	5101423 · Food Prep & Serving Supplies	349.68
Gordon Foods	Food	5101425 · Food	3,307.49
Gordon Foods	Canteen inventory	5101428 · Canteen Inventory	63.98
IHS Pharmacy	Inmate medical 0920	5101549 · Routine Medical	2,562.90
Kerr Office Plus	Monthly copy charges	5101428 · Canteen Inventory	92.90
Kerr Office Plus	Monthly copy charges	5101445 · Office Supplies	73.32
Masters Supply Inc	Toilet repairs - push button assemblies	5101463 · Plumbing Supplies and Repairs	779.15
Maxima Supply	Inventory	5101428 · Canteen Inventory	561.38
Patrons Home Center	Walkway repairs, keys, pest control	5101334 · Building Maintenance	241.27
Patrons Home Center	Sledge hammer, digging bar, grease	5101406 · Tools and maint supplies	91.43
Patrons Home Center	Drain opener	5101411 · Custodial Supplies	23.99
Prairie Farms	Milk	5101425 · Food	384.44
Total 03 Jail Fund			13,002.50
04 LGEA Fund			
Haydon Materials	Presley Dr	6105405 · Hot and cold mix	350.99
Haydon Materials	Misc county roads	6105409 · Rock	2,638.99
Mago Construction	Misc county roads	6105405 · Hot and cold mix	2,180.72
Total 04 LGEA Fund			5,170.70
07 Federal Grants			
Landmark Comm News	Mask-up campaign advertising	5232539 · COVID 19 Advertising and Promo	427.50
PLG Cable Advertising	TV advertisement- Mask Up Nelson Co	5232539 · COVID 19 Advertising and Promo	603.00
Total 07 Federal Grants			1,030.50
09 Ambulance Fund			
American Tire	Sq 31 32 33 34	5140340 · Vehicle Maintenance & Repairs	2,114.20
American Tire	Sq 31 32 33 34	5140443 · Vehicle Parts	6,097.13
American Tire	Sq 34	5140479 · Tires	213.74
Danville Office	Printer ink	5140445 · Office Expense	34.99
Newcomb Oil Co	Fuel	5140429 · Fuel	4,550.42
Patrons Home Center	Trash bags	5140411 · Custodial supplies	49.98
Quick Care Express	Sq 32	5140340 · Vehicle Maintenance & Repairs	75.00
Quick Care Express	Sq 32 35	5140439 · Oil, lubes	117.90
Quick Care Express	Sq 32	5140443 · Vehicle Parts	189.71
Sam's Club	Kitchen supplies	5140411 · Custodial supplies	234.93
Sam's Club	Computer, printers supplies	5140445 · Office Expense	149.72
Total 09 Ambulance Fund			13,827.72
Subtotal - General Fund Bills			**$238,693.40**

FISCAL COURT ORDERS

October 20, 2020 BOOK 42

REGULAR SESSION OF NELSON FISCAL COURT PAGE 215

Nelson County Fiscal Court
Bills for Court Approval
October 20, 2020

Name	Memo	Account	Amount
13 Solid Waste Fund			
American Tire	Shop tires, retreads	5215479 · Tires	$ 2,555.46
City of Bardstown	Quarterly Agreed Order City/County Garbage	5215566 · Reimbursements	1,938.00
Hillyard	Trash bags	5215315 · Roadside Cleanup	2,309.99
Keystops	Fuel	5215429 · Fuel & Lubricants	6,839.07
Ky Truck Sales, Inc.	Truck 416- repair oil leak	5215336 · Equipment Repair	9,135.09
Lasco	Trucks 414, 419	5215443 · Parts	2,600.99
Salt River	1252 delinquent accts rebilled quarterly	5215320 · Collection Contracts	688.60
Salt River	Garbage billing services	5215320 · Collection Contracts	11,777.15
Truck Parts & Service	Tire repair supplies	5215443 · Parts	139.00
Total 13 Solid Waste Fund			37,983.35
15 Landfill Fund			
American Tire	1/2 ton truck	5210479 · Tires	265.07
Fastenal	Safety glasses	5210594 · Crew Safety Equipment	66.63
Haydon Materials	Rock for access road	5210571 · Property Maintenance	819.00
HDR Engineering Inc	Force main sewer design	5210750 · Landfill Phase Construction	14,950.00
Keystops	Fuel	5210429 · Fuel & Lubricants	6,531.00
Lasco	Trucks 303, 417	5210443 · Parts	1,733.47
Modern Supply	Welding supplies	5210427 · Main supplies	88.01
Municipal Equip	Roller assembly	5210443 · Parts	492.31
National Industrial Safety	Hand warmers	5210594 · Crew Safety Equipment	119.60
Pace Analytical	Monitoring	5210324 · Environmental Monitoring	446.00
Patrons Home Center	Bulbs, surveillance equipment setup	5210334 · Building Maintenance	72.31
Patrons Home Center	Brooms, utility blades, paint	5210427 · Main supplies	44.25
Patrons Home Center	Rake	5210475 · Tools	29.99
Quill Corporation	Tissue, cleaning supplies	5210411 · Custodial supplies	117.11
Truck Parts & Service	Roll offs	5210443 · Parts	59.00
Whayne Supply	963 Highlift	5210443 · Parts	341.38
Total 15 Landfill Fund			26,175.13
23 Occupational Tax Fund			
Nu Life Cartridge	Highlighters	5047445 · OLF Office supplies	6.71
Total 23 Occupational Tax Fund			6.71
Subtotal- PIC Fund Bills			$ 64,165.19
Total Bills to Pay			$302,858.59

FISCAL COURT ORDERS

October 20, 2020 BOOK 42

REGULAR SESSION OF NELSON FISCAL COURT PAGE 216

Nelson County Fiscal Court
Additional Bills for Court Approval
October 20, 2020

Name	Memo	Account	Amount
01 General Fund			
ADP	PR processing - ppe 100920	9100301 · Payroll Processing	$ 549.39
American Tire	SO 43	5105479 · Law Enforc Tires	712.38
Bolin, Gloria	General Election - Contract Labor	5065194 · Elections - CARES Act Funds	567.00
Parker, Wanda S	General Election - Contract Labor	5065194 · Elections - CARES Act Funds	1,020.00
QuadMed Inc	Gloves	5105435 · Law Enforc Supplies	105.00
Symbol Arts	Lapel pins	5105481 · Law Enforc Uniforms	640.83
Total 01 General Fund			3,594.60
09 Ambulance Fund			
Bound Tree Medical	Medical supply	5140550 · Medical supplies & Materials	125.44
Ellis Towing	Sq 32	5140340 · Vehicle Maintenance & Repairs	166.25
Franklin Family Chevrolet	Sq 34	5140443 · Vehicle Parts	56.86
Hendricks, John	Boot allowance	5140481 · Staff Uniforms	100.00
Iron Works, Inc.	Sq 38- insurance repairs	5140340 · Vehicle Maintenance & Repairs	2,000.00
Louisville Metro EMS	Instructor E-cards	5140569 · Training	24.00
Medpro	Batteries - power load cots	5140336 · Equipment Maintenance & Repairs	585.62
Mohawk Medical	Medications	5140550 · Medical supplies & Materials	546.78
NexAir	Oxygen	5140550 · Medical supplies & Materials	300.14
QuadMed Inc	Medical supply	5140550 · Medical supplies & Materials	789.81
Stryker Medical	Laryngoscope supplies	5140550 · Medical supplies & Materials	115.00
TriZetto Provider Solutions	Electronic claims	5140445 · Office Expense	86.52
Total 09 Ambulance Fund			4,896.42
15 Landfill Fund			
Duplicator Sales	Monthly copier agreement	5210445 · Office Expense	68.69
Ky Div Waste Management	Quarterly fee	5210314 · Environmental Remediation Fee	35,955.15
Total 15 Landfill Fund			36,023.84
Total Additional Bills			**$ 44,514.86**

FISCAL COURT ORDERS

October 20, 2020 BOOK 42

REGULAR SESSION OF NELSON FISCAL COURT PAGE 217

NELSON COUNTY FISCAL COURT
FY 2021 Paid Bills/Upcoming Transfers for Court Approval
October 20, 2020

Fund/Vendor	Description	Account	Amount
General Fund			
Communicare Inc	IDT Evaluations	5301357 · Indigent Person Services	$ 570.00
Nelson Co Jail	Transfers from General Fund -Sep 2020	4909 03 · Transfers to Jail	186,597.38
TOTAL PAID BILLS AND TRANSFERS			**$ 187,167.38**

FISCAL COURT ORDERS

October 20, 2020 BOOK 42

REGULAR SESSION OF NELSON FISCAL COURT PAGE 218

NELSON COUNTY - KENTUCKY

APPLICATION FOR ASSESSMENT/REASSESSMENT MORATORIUM CERTIFICATE

Please read The 'Explanation of Assessment/Reassessment Moratorium Certificate' prior to completing this application -- attached.

OWNER INFORMATION

Name	Revelation Properties, Inc.	Phone	(502) 349-2646
Mailing Address	PO Box 667		
City	Bardstown	State KY	Zip 40004

PROPERTY INFORMATION

Type	☐ Commercial ☑ Residential	Project Completion Date	—
Location /Address	111 S. Third St.	Age of Building	113 years

General Description of Property: Single family home, 1.5 stories, built in 1907

General Description of Proposed Use: Single family home

If commercial, list the fixed building equipment and a statement of the economic advantages expected from the moratorium and construction employment:

Applicant's estimated Total Costs of rehabilitation or repair	$ 150,000	Applicant's estimate of fair cash value of property as of the date of this application	$ 255,000

(per appraisal 7/16/20)

AFFIDAVIT AND OATH

I, Revelation Properties, Inc., hereby swear (affirm) under penalty of perjury that I (we) am (are) the owner(s) of the property for which this assessment moratorium is sought and that all information contained in this application is true and correct.

Signature of Applicant(s) — Pres. Date 10/6/2020

OFFICIAL USE ONLY DO NOT WRITE BELOW THIS LINE

PROPERTY VALUATION ADMINISTRATOR

Property Valuation Administrator's Appraisal	$ 385,000
This Application is	☑ APPROVED ☐ DISAPPROVED

Barbara Tichenor — Signature of Property Valuation Administrator — Date 10-7-2020

FISCAL COURT ORDERS

October 20, 2020 BOOK 42

REGULAR SESSION OF NELSON FISCAL COURT PAGE 219

Zoning Map Amendment Application

Joint City-County Planning Commission of Nelson County
Old Courthouse Bldg., 2nd Floor, One Court Square
P.O. Box 402
Bardstown, Kentucky 40004
Telephone: (502) 348-1805 Fax: (502) 348-1818
Email: ncpz@bardstowncable.net

For Office Use Only:
Application #: 21008
Date Filed:
Filing/CLUR Fees: $207.50
Agenda #: 524
Hearing Date: 9-22-20

Please type or print (blue or black ink)

Application Date: 8-6-20

Instructions	Applicant Information
Applicant must be *all* owner(s) of the property. Spouse and/or any other parties with legal or equitable interest must join in this application. Use additional sheets, if necessary.	☒ *Additional pages attached.* Applicant/Owner Name: NEW HOPE FARM OF NELSON COUNTY, LLC Mailing Address: 2605A GRISSOM DRIVE City: NASHVILLE State: TN Zip Code: 37204 Telephone: Email:
If Applicant/Owner is different than the Developer, provide the Developer's name, address, telephone, and email address.	Co-Applicant/Developer Name: LOG STILL DISTILLING, LLC Mailing Address: 3010 OLD HILLSBORO ROAD City: FRANKLIN State: TN Zip Code: 37064 Telephone: Email:
If an Attorney represents the Applicant/Owner, provide the Attorney's name, address, telephone, and email address.	Applicant's Attorney: JAMES P. WILLETT, III Firm Name: SALTSMAN WILLETT DEATON & HAMILTON, P.S.C. Mailing Address: P.O. BOX 327 City: BARDSTOWN State: KY Zip Code: 40004 Telephone: (502)348-4873 Email: jpw@ky-atty.com

Instructions	Property Information
If an actual street address is unavailable, identify the property's location along the roadway and distance to intersecting public roadways on each side of the property.	Street Address: 240 DEE HEAD ROAD, NEW HAVEN, KY 40051 Lot #/Subdivision Name (if applicable) LOT 1B AND 2, WILLETT ESTATE SECTION 1 Property Location & Intersecting Streets: The subject property is located on the ☐ north ☒ east ☐ south ☐ west side of DEE HEAD ROAD and approximately 500 ☒ feet ☐ miles ☐ north ☐ east ☒ south ☐ west of KY HWY 52 and approximately ☒ feet ☐ miles ☒ north ☐ east ☐ south ☐ west of WALTER HALL ROAD.
Check appropriate jurisdiction where the property is located.	Jurisdiction: ☐ Bardstown ☐ Bloomfield ☐ Fairfield ☐ New Haven ☒ Unincorporated Nelson County
State size in acres or square feet if less than one (1) acre.	Size: 1.15 ac. Deed Book/Page #: 555 x 576 / 557 x 40 PVA #: 38000-00-99
Describe the property's current zoning classification and how the property is presently used.	Existing Zoning: ~~NON-CONFORMING RESIDENTIAL~~ A-1 (Agricultural District) Existing Use: RESIDENTIAL

Instructions	Zoning Map Amendment Information
The requested zoning must be the most restrictive zoning that will allow the proposed use. The Applicant may specify the proposed use of the property.	Requested Zoning: B-1 NEIGHBORHOOD BUSINESS DISTRICT Proposed Use: BUSINESS OFFICES

Instructions	Utility & Environmental Information
Indicate the availability of water and sewage disposal. Indicate if the property is located within a floodplain area. The Planning Commission will assist in identifying floodplain areas and map numbers. Indicate if the property has any known historic or archaeological sites.	Water: ☒ Existing ☒ Proposed Utility Name: BARDSTOWN Sewage Disposal: ☐ Sewer ☒ On-Site Septic System ☐ Existing ☐ Proposed Utility Name: ____ Floodplain Areas: ☐ Yes ☒ No If yes, provide FIRM #: N/A Historic/Archaeological Sites: ☐ Yes ☒ No If yes, specify: N/A

Instructions	Community Character Area & Land Use Group Information
The Planning Commission will assist in identifying the Community Character Area and Land Use Group in which the property lies.	Community Character Area: RURAL Land Use Group: RURAL

Instructions	Findings Necessary for Zoning Map Amendment
Before a zoning map amendment is recommended to the appropriate legislative body, the Planning Commission must make findings of fact that support the recommendation. If a proposed zoning map amendment *is in agreement* with the Comprehensive Plan, explain how the proposed zoning would conform to the Comprehensive Plan.	Is the proposed zoning map amendment in agreement with the adopted Comprehensive Plan? ☐ Yes ☐ No If the proposed zoning map amendment is in agreement with the adopted Comprehensive Plan, please state specific facts and cite applicable sections and/or wording from the adopted Comprehensive Plan (use additional sheets if necessary). ☒ *Additional pages attached.* SEE THE "STATEMENT OF JUSTIFICATION" ATTACHED AS EXHIBIT "A".

Instructions	Findings Necessary for Zoning Map Amendment (continued)
If the proposed zoning map amendment *is not in agreement* with the adopted Comprehensive Plan, the Planning Commission must find that one or both of the following apply (KRS 100.213): (1) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; (2) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area. To show that the *original zoning* was *inappropriate*, provide specific facts showing that the existing use was established prior to the time the zoning classification was established and that the use has not been discontinued. To show that there have been *major changes* within the area, describe the specific changes and specify how said changes were not anticipated by the adopted Comprehensive Plan, altered the basic character of the area, and make the proposed zoning map amendment appropriate.	If the proposed zoning map amendment is not in agreement with the adopted Comprehensive Plan, please provide specific facts in support of one or both of the following (use additional sheets if necessary): XX *Additional pages attached.* 1. The existing zoning classification is inappropriate, and the proposed zoning classification is appropriate. Describe how the existing zoning is inappropriate and the proposed zoning is appropriate. 2. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of the area. a. List such major changes. THE RE-ZONING AND ON-GOING DEVELOPMENT OF THE LOG STILL DISTILLERY AND RELATED OPERATIONS ON ADJACENT PROPERTY ACROSS DEE HEAD ROAD. b. Describe how such changes were not anticipated in the Comprehensive Plan. REDEVELOPMENT AND OPERATIONS OF THE OLD DANT DISTILLERY, AND DEVELOPMENT OF TOURISM RELATED IMPROVEMENTS AND ACTIVITIES WERE NOT ANTICIPATED. c. Describe how such changes altered the basic character of the area. THE NEW DISTILLERY, VISITOR CENTER, MINI STILL, TASTING ROOM, AMPHITHEATRE, TRAIN DEPOT, RESTAURANT, AND EVENT FACILITIES REPRESENT A SUBSTANTIAL CHANGE TO THE AREA. d. Describe how such changes make the proposed zoning map amendment appropriate. RE-TASKING THIS PROPERTY TO PROVIDE NEEDED OFFICE SPACE FOR LOG DISTILLING, TOGETHER WITH A TRANSITION OR BUFFER BETWEEN THE I-2 INDUSTRIAL OPERATION, MAKE THIS AMENDMENT ENTIRELY APPROPRIATE.

FISCAL COURT ORDERS

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Required Supporting Documentation

The following supporting documentation and fees must be submitted with the completed and signed application:

- [X] 1. Legal description for each parcel to be rezoned.
- [X] 2. Two (2) copies of a preliminary plat or development plan (no larger than 11" x 17").
- [X] 3. Parcel map and complete listing of names and mailing addresses for all adjacent property owners within, contiguous to, and directly across the street. Parcel map and adjacent property information shall be obtained from the PVA office, Sutherland Building 113 East Stephen Foster Avenue.
- [X] 4. Disclosure of ownership interest in the subject property (deed or purchase agreement).
- [X] 5. Zoning Map Amendment Filing Fee, nonrefundable, payable to Planning Commission (see Fee Schedule).
- [X] 6. Certificate of Land Use Restriction Fee, payable to Planning Commission (see Fee Schedule).

Applicant/Owner Certification

Please read carefully, initial, and sign below. I do hereby certify that the information provided herein is both complete and accurate to the best of my knowledge, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I further certify that I am the owner of the property for which the zoning map amendment is filed or that I have the authority to file this application based on properly executed documents with the owner of this property. I further hereby certify that as owner of the property proposed for the zoning map amendment, I am aware of the preliminary plat or development plan submitted as part of the application and aware of the zoning map amendment hearing process under the Zoning Regulations and KRS Chapter 100. I further hereby certify that I agree that the filing of this application constitutes an agreement with all owners and other parties having an interest in the subject property, their heirs, successors, and assigns, to comply with the conditions imposed by the Planning Commission and Zoning and Subdivision Regulations. (Initial)

I further acknowledge that my compliance with the terms of the zoning map amendment is subject to periodic inspection and I grant to the Joint City-County Planning Commission or its agents the right to enter upon the property to which the zoning map amendment pertains at reasonable times to perform one or more inspections of the property to assure compliance. (Initial)

These signatures constitute all owners of the subject property necessary to convey fee title, their attorney, or their legally constituted attorney-in-fact. If the signature is of an attorney, then such signature is certification that the attorney represents each and every owner of the affected property.

[X] *Additional pages attached.*

Signatures of Applicant & Owners:	Title:	Date:
NEW HOPE FARM OF NELSON COUNTY, LLC BY:	Attorney + Authorized Agent	8-6-20
LOG STAIL BUILDING, LLC BY:	Attorney + Authorized Agent	8-6-20

For Office Use Only

Date Application Received: 8/7/2020 Received by: AH

Filing Fee Paid: $ 207.50 [X] Check # 1045 [ ] Cash [ ] Other (specify):

Notice to Newspaper (Date): Adjacent Mailings (Date):

Notice Posted on Property (Date):

Public Hearing (Date): PC Meeting (Date):

Planning Commission Recommendation:

Date of Transmittal to Legislative Body:

Ordinance 1st Reading (Date): Ordinance 2nd Reading (Date):

Final Publication (Date): Final Decision:

FISCAL COURT ORDERS

EXHIBIT "A"

APPLICANT: LOG STILL DISTILLING, LLC

OWNER: NEW HOPE FARM OF NELSON COUNTY, LLC

REQUEST: ZONE CHANGE
NON CONFORMING RESIDENTIAL USE
TO
B-1 NEIGHBORHOOD BUSINESS DISTRICT

PROPERTY: 1.15 ACRE TRACT
240 DEE HEAD ROAD
NELSON COUNTY, KENTUCY 40051

STATEMENT OF JUSTIFICATION
(B-1 NEIGHBORHOOD BUSINESS DISTRICT)

See Attached

D:\Data\2020\EXH-A-JUSTIFCTN-PUD-(ZONE-DANT) Y14.wpd

EXHIBIT "B"

APPLICANT:	**LOG STILL DISTILLING, LLC**
OWNER:	**NEW HOPE FARM OF NELSON COUNTY, LLC**
REQUEST:	**ZONE CHANGE NON CONFORMING RESIDENTIAL USE TO B-1 NEIGHBORHOOD BUSINESS DISTRICT**
PROPERTY:	**1.014 ACRE TRACT 240 DEE HEAD ROAD NELSON COUNTY, KENTUCY 40051**

LEGAL DESCRIPTION
(B-1 NEIGHBORHOOD BUSINESS DISTRICT)

Revised Lot 2
New Haven, Nelson Co., KY

Being all of the property conveyed to New Hope Farm of Nelson County, LLC, by Deed of record in Deed Book 557 Page 40; and, being a portion of the property conveyed to New Hope Farm of Nelson County, LLC, by Deed of record in Deed Book 555, Page 576, all in the Office of the Clerk of Nelson County, Kentucky, and more particularly described as follows:

Beginning a found iron pin and cap stamped with ID #2775 at Kentucky Single Zone Coordinate N 3758845.82, E 4983905.64 on the eastern right-of-way line of Dee Head Road; thence North 82°31'35" East, 101.30 feet; thence South 07°34'59" East, 29.31 feet; thence North 82°29'27" East, 50.31 feet; thence North 66°27'17" East, 19.85 feet; thence South 05°16'49" East, 248.96 feet; thence South 85°47'17" West, 189.52 feet to a point on the aforesaid eastern right-of-way line of Dee Head Road; thence with said eastern line of Dee Head Road North 13°36'58" East, 14.38 feet; North 08°25'56" East, 57.70 feet; thence North 01°59'13" West, 60.03 feet; thence North 06°54'48" West, 54.80 feet; thence North 06°49'38" West, 64.32 feet; thence North 07°25'48" West, 14.00 feet to the beginning and containing 1.014 Acres.

FISCAL COURT ORDERS

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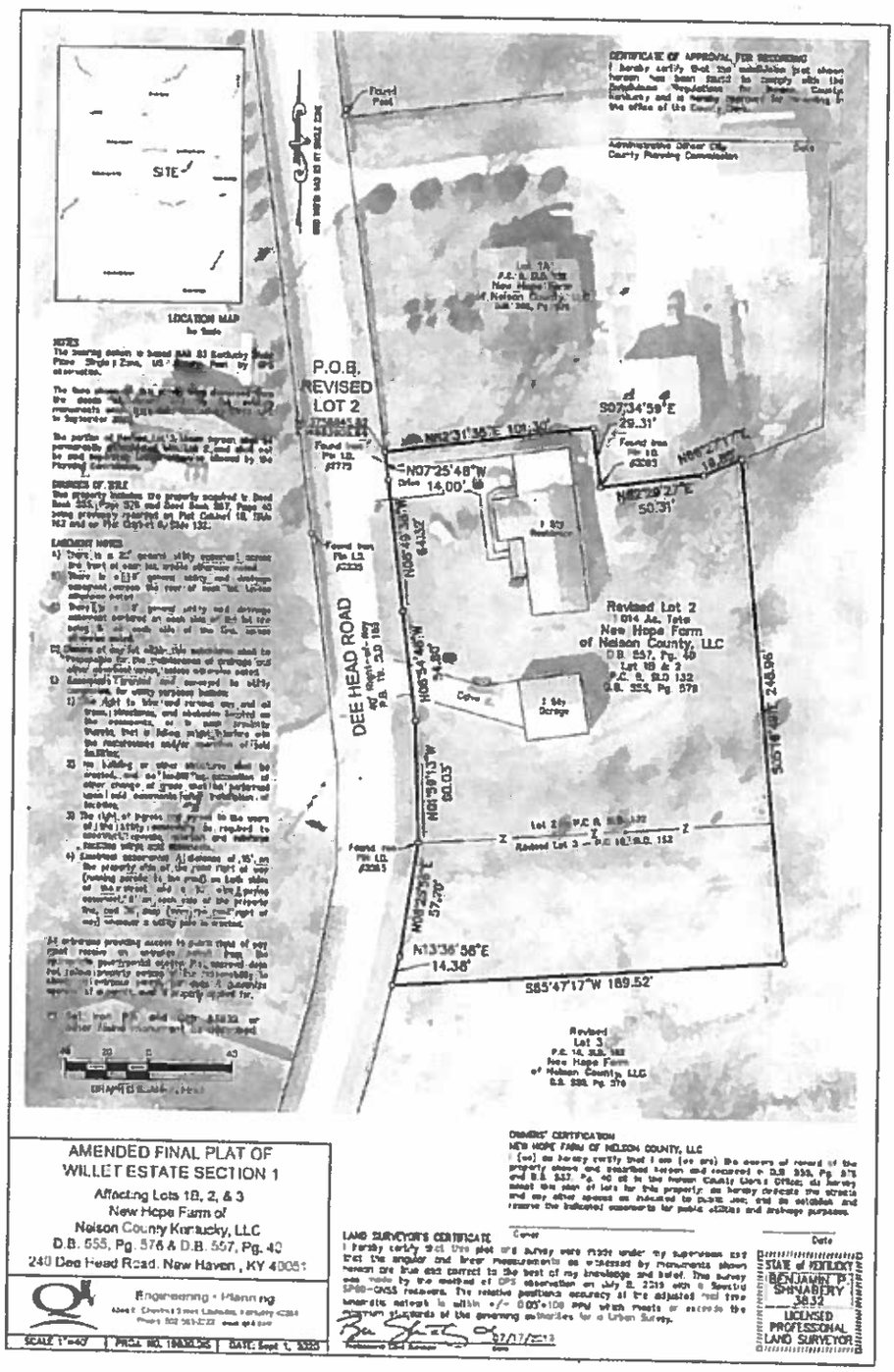

FISCAL COURT ORDERS

EXHIBIT "C"

APPLICANT:	**LOG STILL DISTILLING, LLC**
OWNER:	**NEW HOPE FARM OF NELSON COUNTY, LLC**
REQUEST:	**ZONE CHANGE NON CONFORMING RESIDENTIAL USE TO B-1 NEIGHBORHOOD BUSINESS DISTRICT**
PROPERTY:	**1.15 ACRE TRACT 240 DEE HEAD ROAD NELSON COUNTY, KENTUCY 40051**

SITE PLAN
(B-1 NEIGHBORHOOD BUSINESS DISTRICT)

See Attached

D:\Dec\[illegible]-C SITE-PLAN-PUD-(ZONE-DANTLY)[illegible]

FISCAL COURT ORDERS

JOINT CITY-COUNTY PLANNING COMMISSION
OF NELSON COUNTY
Old Courthouse Building, 2nd Floor, One Court Square, P. O. Box 402
Bardstown, Kentucky 40004
(502) 348-1805

September 23, 2020

Judge Executive Dean Watts
and Fiscal Court Members
Old Courthouse Building/2nd Floor
One Court Square
Bardstown, KY 40004

RE: Zoning Map Amendment #2608
New Hope Farm of Nelson County, LLC & Log Still Distillery, LLC
A-1 (Agricultural District) to B-1 (Neighborhood Business District)

Dear Judge Watts and Fiscal Court Members:

On the night of September 22, 2020 the Joint City-County Planning Commission of Nelson County held a public hearing and meeting on the application of New Hope Farm of Nelson County, LLC and Log Still Distillery, LLC to rezone 1.15 acres located at 240 Dee Head Road (Proposed Revised Lot #2, Willett Estate, Section 1) from A-1 (Agricultural District) to B-1 (Neighborhood Business District).

After the public hearing, the Planning Commission reviewed and discussed the testimony and evidence. Mr. Todd Johnson made the following motion:

> "I'll make a motion to recommend denial of zoning map amendment, application #2608, agenda #526. My motion of denial is based on the testimony and evidence as presented in this public hearing and that the subject property is located in a rural area designated in the Comprehensive Plan. The surrounding area is largely agriculture and B-1 is not conducive for the area. I also request that the testimony and evidence presented here be included in the motion.

Mr. Mark Etheredge seconded the motion. The motion carried 4-3 (Mr. Nolen Boone recused).

The Planning Commission's recommendation relating to the proposed amendment shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, all as set forth in the planning commission recommendations, unless within twenty-one (21) days after the final action by the planning commission : (a) Any aggrieved person files a written request with the planning commission that the final decision shall be made by the appropriate legislative body or fiscal court; or (b) The appropriate legislative body or fiscal files a

notice with the planning commission that the legislative body or fiscal court shall decide the map amendment.

If the legislative body or fiscal court elects to decide the zoning map amendment, the enclosed "Notice/Request for Legislative Body to Decide Zoning Map Amendment" must be submitted to the Planning Commission within 21 days from the date of the Planning Commission's final action. The legislative body of fiscal court must take final action upon the zoning map amendment within ninety (90) days of the date upon which the planning commission takes its final action.

Also enclosed are copies of the map amendment record (application, exhibits, review) and unofficial summary minutes.

Sincerely,

Janet L. Johnston-Crowe
Director

JLJC/ah

Enclosure

FISCAL COURT ORDERS

Notice/Request for Legislative Body to Decide Zoning Map Amendment
Joint City-County Planning Commission of Nelson County

Submittal of this form serves as written notice/request in accordance with KRS 100.2111 to the Joint City-County Planning Commission of Nelson County that the final decision of the above-referenced zoning map amendment is to be made by the appropriate legislative body. If no written notice or request is made by the legislative body or any aggrieved person to the Planning Commission within 21 days after the recommendation of the Planning Commission, then the Planning Commission's recommendation relating to the proposed amendment shall become final and if recommended for approval by the Planning Commission, the map amendment shall be automatically implemented subject to the provisions of KRS 100.347.

Zoning Map Amendment Information

Zone Change # / Agenda #: 2608 / 526

Property Address: 240 Dee Head Road

Property Size: 1.15 acres

Zone Change Requested: B-1 (Neighborhood Business District)

Applicant(s) / Owner(s) Name: New Hope Farm of Nelson County, LLC

Co-Applicant(s) / Developer(s): Log Still Distillery, LLC

Planning Commission Public Hearing Date: September 22, 2020

Planning Commission Recommendation: Approval with Conditions

Notice Filing Information

Please indicate by checking appropriate box for notice or request to have legislative body decide map amendment:

City of Bardstown	☐	Council Meeting Date:	
City of Bloomfield	☐	Council Meeting Date:	
City of Fairfield	☐	Commission Meeting Date:	
City of New Haven	☐	Commission Meeting Date:	
Nelson County Fiscal Court	☐	Fiscal Court Meeting Date:	
Aggrieved Person	☐		

Name of Person Completing Notice (please print): _____

Mailing Address: _____

City, State, Zip Code _____

Telephone Number: _____

Signature: _____

Date Notice Filed: _____

For Office Use Only:

Date/Time Notice Received: _____ Staff Receiving Notice: _____

FISCAL COURT ORDERS

Zoning Map Amendment ("Zone Change") Review
Joint City-County Planning Commission of Nelson County

Please note: *This review was prepared prior to the public hearing by the Planning Commission staff and is based solely on the application, site visit, and other research. This report is informational and provides a summary of the application, standards of review, and discussion issues and offers an analysis of the zone change request relative to the adopted Comprehensive Plan. This review is not to be considered evidence. The public hearing may provide additional testimony and evidence that must be used in considering the zoning map amendment.*

Application Number: 2808 **Agenda Number:** 526

Zone Change Summary: The Applicant/Owner and Co-Applicant/Developer request to rezone 1.015 acre (proposed Revised Lot #2) from A-1 (Agriculture District) to B-1 (Neighborhood Business District) for use as the business offices of the industrial use at 225 Dee Head Road. The proposed Revised Lot #2 includes Lot #2, a 0.692 acre lot that is non-conforming due to its lot size less than the minimum 5-acre lot size, and a 0.323 acre portion of the adjoining Lot #3.

Please note: The Applicant and Co-Applicant were required to apply for B-1 zoning as P-1 (Professional Office District) zoning is not allowed if the subject property is not served by public sanitary sewer. The subject property is served by on-site septic system. Further, B-1 zoning requires a minimum 1 acre if served by on-site septic system.

Applicant(s)/Owner(s): New Hope Farm of Nelson County LLC

Co-Applicant(s)/Developer(s): Log Still Distilling LLC

Location: 240 Dee Head Road

Lot/Tract & Subdivision Name: Proposed Revised Lot #2, Amended Willet Estate Section #1

Property Size: 1.015 acre

Current Zoning/Use: A-1 (Agriculture District) / vacant house (non-conforming lot)

Zoning History: A-1 is the original zoning.

Requested Zoning/Proposed Use: B-1 (Neighborhood Business District) / business offices

Aerial Imagery

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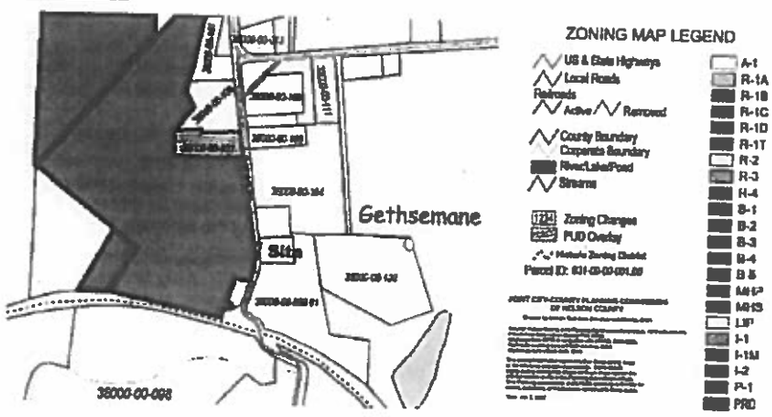
Zoning Map



Site Conditions

Road Capacity – Access - Traffic Flow: The subject property fronts on and has an existing driveway off of Dee Head Road, a local rural road. The Applicant and Co-Applicant must submit an approved encroachment permit for commercial entrance from County Road Department. If approved and prior to the issuance of a Zoning Compliance Permit for change of use, a parking plan must be submitted to show compliance with minimum parking standards for general professional office use.

Utilities: Public water (NNWD) is available to the subject property and is served by an on-site septic system. If approved and prior to the issuance of a Zoning Compliance Permit for change of use, an existing septic system evaluation from the Health Department must be submitted.

Naturally Sensitive Areas: The subject property is not located within a Special Flood Hazard Area (SFHA) per FIRM #21179C275D and has no known naturally sensitive areas.

Historic / Archaeological Resources: The subject property has no known historic or archaeological resources.

Adjacent Property Characteristics

Direction	Zoning	Land Use(s)
North	A-1 (Agriculture District)	Single-family residential (non-conforming lot)
East	A-1 (Agriculture District)	Temporary business offices & gift shop, agricultural & open space
South	A-1 (Agriculture District)	Agricultural & open space
West	I-2 (Heavy Industrial District)	Distillery & ancillary uses

*Such PRD classification does not exist

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Findings Necessary for Proposed Zoning Map Amendment (KRS 100.213 Justification)

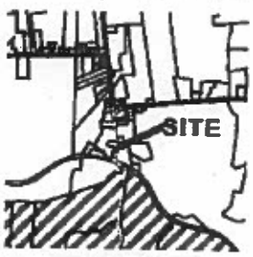
(1) Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:

(a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;

(b) That there have been major changes of an economic, physical, or social nature within the area involved which were involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

Comprehensive Plan Compliance

Community Character Area / Land Use Group:



Rural Area (pages 4-30 through 4-31)
The Rural areas are predominantly rural in character and have very low-density residential developments and agricultural, open space, and undeveloped lands. The Comprehensive Plan "reorientation policy" emphasizes limited growth and development within the Rural and Naturally Sensitive Areas to protect the integrity and character of these unique areas. Management and protection of these areas are vital to preserving the rural character and unique resources of Nelson County and to sustaining agriculture as a productive industry.

Comprehensive Plan Goals & Objectives (pgs. 3-1 through 3-3)

I. **General Land Development**

Goals:

A. Provide for planned and orderly growth to protect land from premature or unsuitable development and enhance the quality of life in the community.

Objectives:

(1) Guide development to existing developed areas and in centralized compact patterns to avoid decentralized scattered ("leap-frog" and/or "hopscotch") development patterns ("reorientation policy").

(2) Ensure the utilization of land in existing developed areas and designated Potential Development Areas (PDAs) already served by adequate infrastructure and discourage scattered development, development at suburban and urban densities beyond the availability of urban services, and uncontrolled development in the Rural and Naturally Sensitive Areas.

(3) Ensure compatibility of land uses with existing surrounding development by assessing the level or intensity of development adjacent to the site and surrounding area, size of the proposed development (property and structures), overall site density, and proximity to more restrictive existing uses.

(4) Ensure suitability of land uses by assessing availability of public infrastructure and services.

(5) Protect the community's recreational, tourist, historic, cultural, scenic, and natural resources and areas by incorporating these areas into site design and development and by minimizing adverse impacts affecting the surrounding landscape of these areas.

(6) Preserve the integrity of the Rural and Naturally Sensitive Areas by guiding development to occur only in areas appropriately zoned or designated as Urban, Suburban, Villages, Hamlets, or Crossroads.

(7) Protect the rural character of the county by preserving viewsheds and rural and scenic areas.

(8) Minimize road frontage ("plano-key") developments along existing roadways to prevent interruptions of rural viewsheds.

B. Promote the rehabilitation, preservation, and adaptive reuse of the community's old and historic buildings, sites, and districts through a comprehensive preservation planning process.

Objectives:

(1) Review land use changes and new developments to ensure that historic structures, sites, and districts are preserved and protected from adverse impacts.

(2) Support the productive use of historic structures, sites, and districts through private ownership and rehabilitation and preservation actions.

(3) Support local programs promoting and encouraging the tourism potential of local historic sites and landmarks.

III. **Commercial Development**

Goals:

A. Guide commercial development to existing developed areas and ensure that commercial developments are compatible with the surrounding area and are served by adequate public facilities and services.

Objectives:

(1) Guide commercial uses and developments to existing developed areas within the Urban commercial centers, Urban or Town central business districts and commercial centers, Village commercial centers, Hamlet and Crossroads neighborhood business districts ("reorientation policy").
(2) Avoid strip commercial development along major traffic corridors and isolated, spot commercial areas, unless specifically designated in the Future Land Use Plan.
(3) Ensure compatibility of commercial developments with existing and future surrounding development by assessing the level or intensity of development adjacent to the site and the surrounding area, size of the proposed development (property and structures), overall site density, and proximity to more restrictive existing uses.
(4) Protect existing residential neighborhoods from encroaching professional office, commercial, and industrial uses.
(5) Ensure effective buffering between commercial and residential areas.

IV. Transportation

Goal:

A. Provide for a well-planned and coordinated transportation system that is safe, cost effective, and efficient for the movement of goods and people.

Objectives:

(1) Maintain an adequate level of service of thoroughfares to optimize traffic flow and circulation, improve pedestrian safety, and reduce traffic conflicts.
(2) Minimize road frontage ("piano-key") development patterns along existing roadways to maintain the traffic flow, safety, and appearance of arterial and collectors.
(3) Coordinate development with transportation improvements, and encourage connectivity between developments, extension of dead-end streets, loop streets, and widening of existing substandard thoroughfares to facilitate proper traffic circulation.
(4) Coordinate state and local roadway plans with other modes of transportation, including but not limited to pedestrian and bicycle, to comprehensively address mobility issues and needs.
(5) Provide for coordination with existing and proposed transportation network by preserving rights-of-way for future roadways and greenways and trails as set forth in the Community Facilities and Transportation Plans.
(6) Guide design and construction of improvements and developments along major traffic corridors to maintain the community character and gateways.

Goals & Objectives - Review Findings:
The subject property is located within a Rural Area per the Comprehensive Plan Future Land Use Plan and Map. The Comprehensive Plan reorientation plan promotes the guiding of commercial uses and developments to existing developed areas within the Urban commercial centers, Urban or Town central business districts and commercial centers, Village commercial centers, Hamlet and Crossroads neighborhood business districts. Although the proposed use will serve the industrial use on the west side of Dee Head Road, the zoning and use of adjoining property on the east side of Dee Head Road is not consistent with the Comprehensive Plan Goals and Objectives.

Transportation Plan - Access Management Goals & Guidelines ((pg. 5-12)

During the development review process, land use proposals should be evaluated to provide for and manage access to developments while preserving the regional flow of traffic in terms of safety, capacity, and speed. Land use proposals should further the following access management goals and guidelines:

Goals:

- Promote safe passage between roadways and adjacent land uses and properties.
- Improve the convenience and ease of movement of travelers on roadways.
- Maintain reasonable speeds and economy of travel.
- Increase and protect the capacity and efficiency of congested roadways.
- Protect the reasonable economic development of the surrounding land.
- Facilitate transportation and avoid creating problems of access or interference with traffic movement.
- Minimize direct roadway access for land uses on major arterial roads.
- Minimize direct access to residential property on major arterial roads.

Guidelines:

- The road system should be designed to meet the projected traffic demand.
- The road network should consist of hierarchy of roads designed according to function.
- Access should be properly placed in relation to sight distance, driveway spacing, and other related considerations.
- Developments should have access on local streets rather than major roadways.
- Areas unsuitable for development should be avoided.
- Developments should include pedestrian path system links from buildings to parking areas, entrances to the development, open space, and recreational and other community facilities.
- Developments should incorporate internal access roads to afford movement between adjoining and adjacent properties and to diminish the number of vehicular trips between nearby and adjoining uses.
- Shared curb cuts and driveways and coordinated or joint parking should be provided between developments to afford vehicular circulation between uses and minimize traffic on major roadways.
- Major access points on opposite sides of arterial roadways should be located directly opposite each other to reduce turning movement conflicts, or if infeasible, turning movement restrictions should be established.

- Loop roads or parallel access roads should be encouraged and should be located adjacent to primary arterial roads to limit the number of direct access locations on major thoroughfares
- Points of ingress and egress should be clearly defined to promote the orderly, safe and logical movement of traffic.
- Pavement, pavement striping and traffic control signage should be maintained to improve drivers awareness of traffic movement patterns.
- Traffic signage should be consolidated where possible to reduce visual clutter.
- Access points should comply with safe sight distance practices as recommended by the Institute of Transportation Engineers.
- New development proposals should conduct a traffic impact analysis or study to determine any adverse impacts on adjacent roadways and intersections and to identify for mitigating adverse impacts, such as road and/or intersection improvements, traffic signal or stop sign installation, etc.

Transportation Plan - Review Findings

The subject property fronts on and has an existing driveway off of Dee Head Road, a local rural road. The Applicant and Co-Applicant must submit an approved encroachment permit for commercial entrance from County Road Department. If approved and prior to the issuance of a Zoning Compliance Permit for change of use, a parking plan must be submitted to show compliance with minimum parking standards for general professional office use.

Rural Land Use Plan (pgs. 4-30 through 4-31c)

Illustrative Land Uses

- Residential Uses: Detached single-family dwellings
- Non-Residential Uses: Agricultural use; institutional and public uses; parks and recreational areas

Acceptable Densities

- Residential Densities: Minimum/maximum gross density of 1 dwelling unit per 5 acres
- Non-Residential Densities: Institutional and public uses consistent with the scale, size, and character of the existing area; parks and recreational uses

Development Policies

All Developments

- Demonstrate compatibility with existing development through a development plan.
- Promote compact development near existing developed areas already served by adequate infrastructure to avoid "leap-frog" or "hopscotch" development that is beyond the availability of urban services.
- Maintain the viewshed along roadway corridors.
- Incorporate recreational, tourist, historic, cultural, scenic, natural and physical resources and areas into site design and development and minimize adverse impacts affecting these resources and areas.
- Limit development in environmentally sensitive areas, including but not limited to areas with steep slopes, floodplain, sinkholes, river and stream corridors, wetlands, etc.

Public Service Policies

All Developments

- Demonstrate suitability through evaluation of availability and adequacy of existing and proposed community facilities and services, such as public water and facilities for domestic use and fire protection and public sanitary sewer and roadway capacity and access management and in terms of off-site impacts and environmental factors, and proximity to and impact on environmentally sensitive areas.
- Avoid "leap-frog" or "hopscotch" development that is beyond the availability of public infrastructure and services.
- Ensure that developments are served by public water sufficient to serve the proposed uses and meet applicable fire protection standards.
- Ensure that developments incorporate provisions for increased storm water runoff and for properly collecting, transporting, storing, and discharging runoff at pre-development rates and should comply with the storm water management requirements of the applicable jurisdiction.
- Provide for the continuity of the street/road system and pedestrian/bicycle linkages by connecting streets, road, and trails already in place with those planned in neighboring areas.
- Demonstrate acceptable levels of road services through the evaluation of the impact on existing roadways and necessary improvements.
- Limit direct access on arterials.

Provide for coordination with existing and proposed transportation network by preserving rights-of-way for future roadways and greenways/trails as set forth in the Community Facilities and Transportation Plans.

Land Use Plan - Review Findings

The requested B-1 zoning and proposed use are not consistent with the Rural area illustrative land uses, acceptable densities, and development and public services policies.

Is the requested zoning map amendment generally in agreement with the adopted Comprehensive Plan?

Yes ☐ No ☐ Undetermined ☑

If no, KRS 100.213 sets forth that if the proposed zoning map amendment is not in agreement with the adopted Comprehensive Plan, then one (1) or more of the following statutory justifications shall apply:

- The existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate.

  Review Findings: The Applicant contends that the I-2 zoning is inappropriate and I-1M is appropriate (see Application, page 3 and Findings).

  A-1 zoning is appropriate as the property is suitable for single-family residential use. The non-conforming lot status only relates to the size of the lot and not to the use of the property.

  The Planning Commission must determine if A-1 is inappropriate and B-3 appropriate.

- There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

  Review Findings: The Applicant contends that there have been major changes in the area (see Application, page 3).

  The Applicant/Owner and Co-Applicant/Developer cite that the recent I-1M and I-2 rezonings and developments for Affordable Truss and Log Still Distilling as major changes that were not anticipated by the Comprehensive Plan and that have substantially altered the basic character of the area. The Planning Commission's findings for those rezoning were based on general consistency with the adopted Comprehensive Plan's reorientation policy to support expansion of an existing industrial zoning and development. The Planning Commission must determine if the recent rezoning and development are major changes that were not anticipated, have substantially altered the basic character of the area, and would justify the rezoning of the subject property on the east side of Dee Head Road.

FISCAL COURT ORDERS

Law Offices

Saltsman Willett Deaton & Hamilton, P.S.C.

212 East Stephen Foster Avenue
P.O. Box 327
Bardstown, Kentucky 40004

502-348-4873
FAX 502-348-4878

JOHN W. SALTSMAN, JR
(1941-2008)

JAMES P. WILLETT, III*
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September 25, 2020

VIA EMAIL &
PERSONAL DELIVERY

Hon. Dean Watts, Judge Executive
Nelson Fiscal Court
Old Nelson County Courthouse, 2nd Floor
One Courthouse Square
Bardstown, Kentucky 40004

Janet Johnston-Crowe, Director
Joint City-County Planning Commission
for Nelson County, Kentucky
Old Nelson County Courthouse, 2nd Floor
One Courthouse Square
Bardstown, Kentucky 40004

RE: **REQUEST FOR FISCAL COURT TO MAKE FINAL ZONING DECISION (KRS 100.2111)**

Matter: Zoning Map Amendment
A-1 Agricultural
to
B-1 Neighborhood Business District

Application: No. 2608 Agenda No. 526

Owner/
Applicants: Log Still Distilling, LLC and
New Hope Farm of Nelson County, LLC

Property: 1.015 Acre House Tract
240 Dee Head Road
New Haven, Kentucky 40051

Ladies & Gentlemen:

On behalf of Log Still Distilling, LLC and New Hope Farm of Nelson County, LLC, please consider this our formal request for the Nelson Fiscal Court to consider and make the final decision for the Zone Change referenced above pursuant to KRS 100.2111 and other applicable law.

The zone change sought by Log Still Distilling was to permit use of the house located on the property to provide office space for the 95-acre Log Still Distillery located directly across Dee Head Road that is already zoned for I-2 Heavy Industrial District. A public hearing was conducted for this Application on the evening of September 22, 2020. Although there was no public opposition to the Application, the Planning Commission recommended denial of the rezoning request by a vote of 4 to 3 (with the Planning Commission member for the affected Magisterial District #1 (New Haven, New Hope, and southern Nelson County) having recused himself from participation.

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1 [redacted]

7 carries. Moving right along. 2608, which is -- let's
8 go back to Ms. Jan. She'll explain to us what it is.
9 MS. JOHNSTON-CROWE: Oh, 2608 is New
10 Hope Farm, LLC and Log Still Distillery have filed an
11 application to rezone 1.15 acres at 240 Dee Head Road,
12 proposed revised lot #2, Willett Estate, Section 1
13 from A-1, agricultural district, to B-1, neighborhood
14 business district.
15 This is across the street from their I-2
16 site that's an existing house lot. They had increased
17 it to one acre in size. B-1 requires if it's not
18 served by sanitary sewer to be one acre in size. It's
19 served by septic currently and they propose to use
20 this as a distillery office so it requires the B-1 --
21 B-1 zoning. P-1 zoning is not allowed without sewer,
22 so that's why they didn't go professional office, but
23 they are requesting B-1.
24 MR. MATHIS: I didn't hear you, Jan. I
25 didn't hear what you just said.

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MS. JOHNSTON-CROWE: P-1 – P-1 zoning, professional office zoning, is not allowed where there is no public sanitary sewer.

MR. MATHIS: Okay.

MR. CARPENTER: Mr. Willett.

MR. WILLETT: Good afternoon, Mr. Carpenter. Again, Jim Willett representing New Hope Farms of Nelson County and Log Still Distilling. This is just the next phase of the overall distillery project proposed by those applicants.

In the course of design of the project and construction and actual bulldozer's meeting the dirt so to speak it became obvious that it was not safe or advisable for the distillery operation to try to maintain offices and employees on site while they're in the middle of demolition and heavy construction, et cetera, so the New Hope Farms had acquired this property.

It made sense -- actually, the -- the office and administration function of the facility is probably the least attractive part from a tourism standpoint and operationally as well, so it just made sense to relocate that to a property that is directly across Dee Head Road from the distillery proper and the entrance to that facility.

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This -- this one-acre tract is actually surrounded entirely by other property owned by New Hope Farms, so we're self buffering from all other area uses, residential, agricultural or whatever.

As far as statutory justification, I think again we would refer back to the original findings of the Planning Commission as far as consistency with the comprehensive plan for reorienting facilities of this type for special consideration under the comprehensive plan for facilities of the site. And this is entirely consistent with the Planning Commission's determinations from the original I-2 zoning, the secondary I-2 zoning that occurred this evening, and we think it's appropriate for this property as well.

And, again, belt and suspenders approach, we would also refer to as additional statutory justification the major changes to that area of a economic and physical nature, that being the Log Still Distilling project, the relocation and construction of the Affordable Truss, and all of the improvements and operations that are associated with those activities.

We have reviewed the staff report and -- and understand that we have an obligation to provide a

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more detailed site development plan that shows parking and adjacencies to the building. We really see this as a sort of transition or a buffer, however you want to refer to that, from the heavy industrial use to this B-1 office use to surrounding residential property, again, owned by the Log Still Distilling group and ultimately to the A-1 agricultural property, that is Infinity Farms, that is actually going to be a key vendor and partner with Log Still Distilling. That's where a lot of the grains used in the operation will be sourced from, so it kind of provides for a nice transition from all of those uses as a part of the project.

We know that there's a concern for setting a precedent in this area for other business uses and we're sensitive to that fact and for that reason we're proposing that a condition be imposed upon this zoning application that it only be affiliated with the distillery operation.

So, for example, if the property were sold, that it couldn't be used by a follow-on party for anything other than use with that distillery operation. That's just a condition that -- that we are suggesting might be appropriate to fend off any claim of precedential value for this -- this zone

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change.

And kind of -- as yet another example of the changing nature and fast moving nature of the project, I think we originally wanted to target this as P-1 professional. As the director indicated that presented a problem from ability to tie to the sanitary sewer in a timely fashion.

Somewhere down the road it makes sense for this to be tied into that sanitary sewer, but given the urgencies of the project, construction and operations, this just seemed to be the best route to go. And it's for that reason that we would agree to the condition that I just mentioned or to down zoning back to P-1 use if and when we are ever able to connect to that sewer forced main.

And I'll open it up for questions.

MR. CARPENTER: Are there any questions on this?

MR. NELSON: I have a question, Mr. Willett.

MR. WILLETT: Yes, sir.

MR. NELSON: This says that the building that was there was a vacant building. Is that true? Is that being occupied right now?

MR. DANT: It's a house.

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1 MR. WILLETT: I believe it was.
2 MR. NELSON: It is being vacant?
3 MR. DANT: It's a vacated house.
4 MR. NELSON: It is vacated. Okay. And
5 is there any concern about -- is this just going to be
6 rehabbing that house to your specific use?
7 MR. WILLETT: That's correct.
8 MR. DANT: Yeah, rehabbing it to our
9 specific use. Yes, sir.
10 MR. JOHNSON: Todd Johnson. Are there
11 no existing buildings on the industrial property that
12 could be used for this purpose?
13 MR. WILLETT: To my surprise there are
14 not. I think everything has disappeared and they're
15 starting from scratch on the project.
16 MR. JOHNSON: Was -- was it --
17 MR. WILLETT: I think everything has
18 been demolished at this point.
19 MR. JOHNSON: Was a temporary building
20 considered for the use of this purpose until
21 construction is complete for the overall project?
22 MR. WILLETT: Well, again, trying to
23 get -- trying to get office and administrative
24 personnel off site and out of the middle of a major
25 construction project made sense. This property was

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1 owned by the applicant and just made sense to use this
2 as one of the few, if not the only existing building
3 that we're able to retask at this point to a
4 compatible use.
5 MR. MATHIS: Question and comment. Mark
6 Mathis. Jim, this lays across the road. Everything
7 we've done from the last hearing and this hearing has
8 been based on the requested use being consistent with
9 our adopted comprehensive plan. I think we're
10 deviating here.
11 I don't think that -- yeah, I know you
12 use shotgun approach. I don't think that you can cite
13 changes to justify this one when everything to this
14 point has been consistent with the plan.
15 But this one being across the road,
16 being a different zone, and I know you can't get P-1
17 because of no sewer, but it seems that we would set a
18 precedent going forward that I can go down there, not
19 connected with the distillery, and cite that as a
20 change and have a strip center.
21 And I -- you know, I hope you can be
22 creative and maybe come up with something that would
23 limit the time. Of course, I know the time is going
24 to be limited because you would be able to connect to
25 the sewer because it's right down the road, but the

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1 only condition you've offered is that it would be
2 affiliated with the distillery only. I just think
3 we're going to open a can of worms and we've --
4 from -- from the very first hearing with the sewer
5 line we've been consistent that we're trying to not
6 make changes in that area outside of -- from a zoning
7 standpoint outside of agreeing with the plan.
8 And you see what I'm getting at?
9 MR. WILLETT: I do, but in this instance
10 I don't see the width of Dee Head Road, whatever that
11 is, 50 feet or less, as a physical barrier. I mean,
12 this particular owner and applicant has devoted
13 resources to acquire significant properties as I said
14 to surround this to serve as a buffer between
15 adjoining uses. This property is not going to be
16 adjacent to any other down the street. I mean, there
17 is a buffer between them.
18 That I think together with the condition
19 that we suggested to limit this B-1 use to only those
20 associated with the distillery adequately eliminates
21 precedential value. And I'll say this in connection
22 with this application and I know it will come back to
23 haunt me in later zoning tasks that I undertake.
24 The precedent really doesn't get the job
25 done for any zoning application. I know there's a

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1 huge concern about that and I respect that, but every
2 zoning application that comes before this body has to
3 conform to the criteria under the statute as far as
4 statutory justification, and precedential value is not
5 mentioned in that statute.
6 Again, I respect it is a concern, and
7 sometime down the road you might hear from me that,
8 well, they established precedent. I don't really
9 think that that wins today and if you repeat me saying
10 that later on so be it, but that's what I believe.
11 That's what we've committed to. And both I and this
12 owner have made a good faith effort to -- to avoid
13 that happening by offering the condition.
14 We would also be willing to subject to
15 an additional condition that if and when we're able to
16 connect to the sanitary sewer project -- and that is a
17 goal down the road and there are real reasons for
18 wanting to do that -- that we will down zone to P-1
19 and I'm authorized to make that commitment.
20 MS. JOHNSTON-CROWE: I'm not sure --
21 Janie, can help. But I'm not sure that you-all -- I
22 mean, because that would require a public hearing. So
23 I -- I don't know if I would recommend that as a
24 condition, Jim. Because it -- you know, you would
25 have -- they'd have to go back through a public

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1 hearing and -- and offer -- I mean, even though he
2 does own the adjoining properties, he'd be his own
3 adjoiner, but I -- I think we -- I think that would --
4 I would recommend leaving that one off.
5 MR. WILLETT: Well, and I'm not asking
6 for --
7 MS. JOHNSTON-CROWE: Yeah.
8 MR. WILLETT: -- them to approve that,
9 but we can commit to making the application. We can't
10 commit --
11 MS. JOHNSTON-CROWE: Right.
12 MR. WILLETT: -- to what their vote
13 might be.
14 MS. JOHNSTON-CROWE: Right. And I
15 just -- from -- to the Planning Commission I would not
16 make that a condition of your -- of any motion because
17 I don't want to commit you or any future Planning
18 Commission --
19 MR. ETHEREDGE: Are you through, Mark?
20 MS. JOHNSTON-CROWE: -- having to agree
21 to that.
22 MR. MATHIS: Yes, sir. Go ahead.
23 MR. ETHEREDGE: Yeah, I'm having a hard
24 time -- I'm afraid this is going to open up something
25 down the road that we can't stop is what I'm getting

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1 to. If you can't find another place on this property,
2 can you make this temporary where when things are
3 cleared up on the other side of the road you take this
4 zoning back and move?
5 MR. WILLETT: I mean, that's not the
6 intent. These are intended to be a permanent part of
7 that facility. Again, for reasons that a lot of
8 businesses in this community can understand, it
9 doesn't always make sense to have your offices on
10 site, whether that's a rock quarry operation or
11 anything else.
12 This is intended to be permanent. And I
13 think the commitment that we've already made is
14 basically very similar to -- to what I understand you
15 to be requesting a commitment to pursue a down zoning
16 or at least make the application once a sanitary sewer
17 connection is available.
18 And as I alluded to a little bit
19 earlier, we have every reason to make that happen. We
20 have water on site that is incredibly valuable to the
21 distilling operation. The owner has advised me that
22 they hope to make available sanitary sewer service to
23 everybody in that area just to -- as a belt and
24 suspenders approach to preserving the water quality
25 for the entire area.

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1 So this is not something that we intend
2 to drag our feet on or that when I say we have a
3 commitment to do that that we intend to walk away
4 from. It is a true goal and objective and commitment
5 of this application to make that happen -- or this
6 owner to make that happen.
7 MR. JOHNSON: Another question.
8 MR. WILLETT: Yes, sir.
9 MR. JOHNSON: Todd Johnson. In the
10 construction plan of the distillery were offices
11 considered as part of that -- that plan?
12 MR. WILLETT: I'm sure they were
13 considered. I don't know at what point this looked --
14 MR. JOHNSON: Do we have a copy -- or is
15 a copy available of the -- of the distillery plan? I
16 mean, it would seem reasonable that if you're
17 constructing a distillery you would also construct
18 offices to run that distillery. So it seems a bit odd
19 to me that here we are after construction is started
20 and -- and we're considering offices.
21 MR. LEMIEUX: I'm Jim Lemieux. I'm an
22 engineer for Wally Dant and the distillery. The
23 offices really are for more than just the distillery.
24 The distillery is going to make bourbon and it will
25 have a small office for people that's running that

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1 distillery.
2 These -- this office area is for the --
3 you know, there's going to be a restaurant, a visitor
4 center, the tasting room slash mini still building and
5 the distillery building, and there is really not
6 enough room in the distillery as it's drawn up now to
7 add more offices, and they don't need to be around
8 that type of operation at this point in time. They
9 need their own little area to be a nice office.
10 MR. JOHNSON: So your statement is that
11 this is more of a corporate type office rather than a
12 manufacturing office that was planned in the
13 distillery?
14 MR. LEMIEUX: That is correct. It's --
15 it's -- it's an office for the whole operation of Log
16 Still Distillery site.
17 MR. JOHNSON: How about the construction
18 of the new event area, were offices considered in that
19 new construction rather than across -- using this
20 house across the street?
21 MR. LEMIEUX: Not really. It's -- it's
22 a little farther away and it's got it's own little --
23 you know, little area there in it for managing the
24 facility. But, again, this office won't handle all of
25 them.

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MR. JOHNSON: So, Jim, where is the company operating today?

MR. WILLETT: Out of vehicles and off of fold-up tables that they pull out into the parking lot. I mean, literally they're kind of migrating from place to place, including Jim Lemieux's home, I believe.

MR. LEMIEUX: I work out of my house. I work out of my house.

MR. WILLETT: So, again, the event facility, I mean, it's intended to be separate and apart. I mean, it's going to transition access through the distillery, but we don't want it integral to the industrial operation.

This particular site that we're proposing for the offices is centrally located and easily accessible by anybody who is wanting to deal with the distillery, whether it's from a production -- bourbon production standpoint to tourism to arranging for future events at the event facility, so it wouldn't make sense to put the offices out in some remote location away from the distillery proper.

But having said that, it also makes ultimate sense. I believe -- and I think as I said there are other examples in this community of remote

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offices making sense and not having them in the middle of an industrial operation and in a high traffic tourism operation. Just tripping over one another is not a good thing.

MR. MATHIS: So really what we did a few minutes ago, the event facility, I-2 with a PUD, not on sewer, and that was really a temporary -- temporary arrangement because the sewer line is not able to be connected to now, right?

MR. WILLETT: That's correct.

MR. MATHIS: Okay. So since we can't connect to the sewer and the rural use is P-1 which requires sewer, it -- do our regulations allow a PUD under P-1 the same --

MS. JOHNSTON-CROWE: No. Huh-uh.

MR. JOHNSON: Jan --

MR. MATHIS: The P-1 doesn't bother me. The use doesn't bother me. What bothers me is a commercial use out there. Even though it's connected and they -- you know, that is -- that's the purpose of it. He says it's a condition, but that's really the purpose of it. And the office doesn't -- it -- which would require a P-1 really doesn't concern me. It's that commercial zoning that I'm concerned about.

MR. JOHNSON: Jan, can you -- Todd

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Johnson again. Jan, can you think of any other examples of industrial uses that are on both sides of a road? I mean, Heaven Hill is operating across Gilkey Run, which is -- I mean, other than it's closer to town and it's somewhat similar to this situation, can you think of any other --

MS. JOHNSTON-CROWE: I mean, you've got the rickhouses on one side and then -- and the distillery is on the other side.

MR. JOHNSON: Can you think of any other examples that I-2 -- I can't.

MR. WILLETT: Haydon Materials, Armag, Mago Construction. I'm just trying to make -- offer some suggestions here.

MR. MATHIS: But they all have sewer.

MR. ETHEREDGE: And they meet the comprehensive plan.

MR. WILLETT: And, again, I sat down with staff and we discussed these issues trying to find a way with the current structure of the ordinances to allow a -- you know, a business operation to proceed.

We're just dealing with it the best that we can and -- and having said that, I think it's entirely appropriate. This is not adjacent to any

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other properties that can say the property next to me is B-1. We have buffered this facility from any adjoining properties. As I said before, this property is entirely circled by other properties owned by New Hope Farms.

MR. JOHNSON: Jim, Todd Johnson again. Could you expand on the condition that you've agreed to in terms of if the property were to sell, that as part of that sale you would recommend an application to revert it back? Could you describe the mechanics of how that would work?

MR. WILLETT: I don't think I can -- I can't say that it reverts back to A-1 because that is the purview entirely of the Planning Commission and Fiscal Court in this instance.

What I can say is a condition of this zoning a binding element associated with this zoning is that even though it's B-1, it can only be used for an operation involved in, associated with the adjoining distillery. If that disappears for any reason whatsoever, it's not able to be used for a B-1 purpose. It's similar in my view as the binding elements that we proposed.

MR. JOHNSON: I mean, I guess my question was is there a way to expand on that and

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1 make -- commit to us any part of -- or as a condition
2 of any part of a sale that an application will be
3 made?
4 MR. WILLETT: Well, I think --
5 MS. JOHNSTON-CROWE: I'm not sure we can
6 do that. I don't think we can do that.
7 MR. JOHNSON: We can't do that?
8 MR. WILLETT: Well, I mean, I beg to
9 differ with the director on that. I mean, a part of
10 this entire process, once any zoning application is
11 granted there are -- there is a -- recorded in the
12 public records of Nelson County a certificate of land
13 use restrictions, that if somebody does a title exam,
14 they have to go look at that zoning file. They're
15 going to see that a condition of use of that
16 property -- if you want B-1, it better be associated
17 with that distillery, otherwise you can't use it for
18 that purpose. So I think it becomes enforceable and
19 self-enforcing in that -- in that regard.
20 And as a -- the majority of my practice
21 is real estate, commercial development, so I'm not --
22 I mean, Ms. Hite is -- is very knowledgeable about
23 this as well. Any sale of that property would
24 necessarily involve a title exam, or if they didn't do
25 a title exam, it's a matter of public record and

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1 enforceable anyway, so I don't see any way around that
2 if we agree to it and -- and the Planning Commission
3 imposes that condition.
4 MR. CARPENTER: Jim, is the -- is the
5 structure that you would use for the offices or
6 whatever, is -- is it already there? Is it a house or
7 what -- what's there?
8 MR. WILLETT: Yeah, it's already there.
9 It would be rehabbed. I don't believe there's any
10 plan to expand the structure itself at this point in
11 time. It's already there.
12 MR. CARPENTER: It's already there?
13 MR. WILLETT: Yes, sir.
14 MR. NELSON: How many square foot? Jim
15 Nelson. How much square footage?
16 MR. DANT: 1,500.
17 MR. WILLETT: About 1,500.
18 MR. LEMIEUX: 1,500, something like
19 that. Probably not that much but close.
20 MR. MATHIS: Question. I know in a B-1
21 there is a restriction on the size of a building. Is
22 it 5,000 square feet?
23 MS. JOHNSTON-CROWE: 5,000, uh-huh.
24 MR. MATHIS: Okay.
25 MR. CARPENTER: Any other questions?

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1 Discussion? I think I'm going to close the public
2 hearing and see if anybody wants to make a motion.
3 MR. WILLETT: Thank you, Mr. Chairman.
4 MR. HALL: I came prepared to make a
5 motion and we'll see where it goes. I'll make a
6 motion to approve this application #2608 to rezone the
7 property at 240 Dee Head Road to B-1, neighborhood
8 business district, for business offices.
9 The present nonconforming residential
10 use is inappropriate and will better serve
11 redevelopment of the old Dant distillery location and
12 operation and the development of accompanying tourism
13 in this area. Further the retasking of this property
14 will provide a buffer zone between the I-2 operation
15 and the adjacent area. Also the applicant has stated
16 that they would limit as a conditional use of B-1 that
17 it only be affiliated with the distillery operation.
18 My motion is based on the information at
19 today's public hearing and the applicant's file and
20 exhibits which I have reviewed prior to making this
21 motion.
22 MR. CARPENTER: Do we have a motion?
23 MR. HALL: That's a motion, yes, sir.
24 MR. NELSON: Jim Nelson, second. I
25 second the motion.

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1 MR. CARPENTER: We have a second. I
2 guess it's time to vote on it, right? All in favor of
3 the motion raise your hand and say aye?
4 MR. NELSON: Aye.
5 MR. HALL: What's the count?
6 MS. JOHNSTON-CROWE: Andy, Jim and
7 Jacob. Okay.
8 MR. CARPENTER: All opposed raise your
9 hand.
10 MR. JOHNSON: Aye.
11 MS. JOHNSTON-CROWE: Motion didn't pass.
12 MR. CARPENTER: The motion did not pass.
13 So now, Ms. Chairman -- Ms. --
14 MS. JOHNSTON-CROWE: Somebody will need
15 to make a motion in a different direction.
16 MR. CARPENTER: So you can open it up
17 for another motion, right?
18 MS. JOHNSTON-CROWE: Correct. Uh-huh.
19 MR. CARPENTER: Okay. That's where
20 we're at. The floor is open for another motion. That
21 one -- the first one did not pass.
22 MR. JOHNSON: I'll make a motion to deny
23 Application #2609 on Agenda 526. My motion of denial
24 is based on the testimony and evidence as presented in
25 this public hearing and that the subject property is

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1 located within a rural area designated in a
2 comprehensive future land use plan. The surrounding
3 area is largely agriculture and not --
4 THE REPORTER: I need you to speak up.
5 MS. JOHNSTON-CROWE: Please. Speak up,
6 please.
7 MR. JOHNSON: -- and not -- sorry. The
8 subject property is located in a rural area designated
9 in the comprehensive -- future land use plan. It's
10 largely surrounded by agricultural use, and B-1 is not
11 conducive for the area. I also request that the
12 testimony and evidence presented here be included in
13 the -- in the motion.
14 MR. CARPENTER: We got a motion. Got to
15 have a second.
16 MR. ETHEREDGE: Second.
17 MS. JOHNSTON-CROWE: Mark Etheredge.
18 MR. CARPENTER: Mark Etheredge seconds.
19 All in favor of this motion say aye.
20 MEMBERS OF THE COMMISSION: Aye.
21 MR. CARPENTER: All opposed?
22 MR. NELSON: Aye.
23 MR. HAMM: Aye.
24 MR. HALL: Aye.
25 MR. CARPENTER: Three opposed -- four.

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1 The motion carries to not rezone.
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6 MR. DANT: We'll see you in Fiscal
7 Court, folks.
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KENVIRONS

October 13, 2020

Mr. John Greenwell, P.E.
Nelson County
Landfill Manager / Engineer
1025 Airport Road
Bardstown, KY 40004

RE: Nelson County Landfill
Proposal for Landfill Expansion (Revised)
Technical Application

Dear Mr. Greenwell:

Kenvirons, Inc. is pleased to submit this proposal to provide engineering services to Nelson County. The project is to complete the design and permit requirements for a proposed MSW landfill expansion at Nelson County Landfill. The scope of work as discussed during our phone calls involves completing each of the following items for the Technical Application:

This proposal assumes Nelson County will provide topographic mapping and aerial photo of the expansion and immediately surrounding areas in a form which conforms to the KDWM regulatory requirements. No costs for base topographic mapping or aerial photography are included in this proposal.

This cost proposal does not include any permit application fees if imposed by the regulatory agencies, nor any cost for publishing public notices. It also does not include participation in public hearings or adjudicatory proceedings that may be requested by the public or any other entity. Participation in such hearings or proceedings, if requested, can be provided for an additional fee to be determined at the time of service.

Technical Application

The Technical Application encompasses the following form and attachments. All are the responsibility of Kenvirons and/or its subconsultants except where noted.

- Form DEP 7069A
- Attachment 1: Plans
- Attachment 2: Water Quality Certification (not anticipated)

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- Attachment 3: Floodplain Narrative
- Attachment 4: Surface Water and Sediment Pond Design
- Attachment 5: Narrative of Design to Resist Seismic Events
- Attachment 6: Stability Description
- Attachment 7: Waste Handling Area Description
- Attachment 8: Equipment Description (to be provided by Nelson County)
- Attachment 9: Equipment Maintenance Schedule (to be provided by Nelson County)
- Attachment 10: Changes in Amount of Soil Required to Meet Design
- Attachment 11: Facilities Description
- Attachment 12: Explosive Gas Monitoring Program
- Attachment 13: Road Design Narrative
- Attachment 14: Safety and Communication Plan (provided by Nelson Co.)
- Attachment 15: Scales
- Attachment 16: Leachate Storage Tanks
- Attachment 17: Waste Inspection
- Attachment 18: Public Access Control
- Attachment 19: Water Controls Maintenance
- Attachment 20: Working Face Procedures
- Attachment 21: Bottom Liner Specifications
- Attachment 22: Construction Quality Control Plan
- Attachment 23: Recordkeeping System
- Attachment 24: Surface Water Monitoring Locations
- Attachment 25: Groundwater Monitoring Plan (provided by Nelson Co.)
- Attachment 26: Closure Cap Specifications
- Attachment 27: Closure Plan Narrative
- Attachment 28: Closure Care or Post Closure Activities
- Attachment 29: Closure Cost Estimate
- Attachment 30: Closure Care Post Closure Cost Estimate
- Attachment 31: Public Notice
- Attachment 32: Public Notice
- Passive Gas System Design (for KDWM submittal only)

Assumes the existing preliminary landfill design will be modified in the Technical Application to account for surface water controls, sediment pond sizing and to maintain regulatory stability requirements, if needed.

If KDAQ permitting and an active gas system is needed, the costs can be provided under separate cover.

KENVIRONS

Cost Proposal
The estimated costs for the tasks described above are as follows:

Technical Application

Application & Design	$ 55,212.00
Design Drawings	$ 79,100.00
Stability Analysis (Static & Seismic Analysis)	$ 51,500.00
NOD Response (Assume 2 @ $5,000/each)	$ 10,000.00
Meetings (2 Review Meetings & 2 KDWM Meetings)	$ 7,200.00
ESTIMATE TOTAL	**$ 203,012.00**

The deliverables for the project will be two (2) hard copies of the approved applications and a .PDF file of each approved application.

All work included in this scope and out-of-scope work will be based upon the unit prices found in the attached fee schedule and the actual quantities of work performed. No out-of-scope work will be performed without prior approval of your office.

Should have any questions or comments, please feel free to contact me at (502) 695-4357.

Respectfully Submitted,

KENVIRONS, INC.

Tim Oakes
Vice President

Enclosures

FISCAL COURT ORDERS

KENVIRONS

KENVIRONS, INC
SCHEDULE OF FEES
ENGINEERING SERVICES AND CONSULTATION
(Effective July 1, 2019)

1. Professional Consultation ..... $250.00/Hr.
   (In Conjunction with Hearings and Litigation)
2. Principal of Firm ..... $167.00/Hr.
3. Associate ..... $155.00/Hr.
4. Senior Project Manager ..... $165.00/Hr.
5. Senior Project Engineer ..... $135.00/Hr.
6. Project Engineer ..... $110.00/Hr.
7. Staff Engineer ..... $95.00/Hr.
8. Senior Geologist ..... $110.00/Hr.
9. Geologist ..... $95.00/Hr.
10. Technician V ..... $90.00/Hr.
11. Technician IV ..... $78.00/Hr.
12. Technician III ..... $60.00/Hr.
13. Technician II ..... $55.00/Hr.
14. Technician I ..... $45.00/Hr.
15. Senior CAD Designer ..... $80.00/Hr.
16. Staff CAD Designer ..... $67.00/Hr.
17. Clerical ..... $45.00/Hr.
18. Professional Land Surveyor ..... $110.00/Hr.
19. Survey Crew (1 man) ..... $90.00/Hr.
20. Survey Crew (2 man) ..... $150.00/Hr.
21. Reimbursable Expenses
    a) Travel by Automobile ..... $0.65/Mi.
    b) Travel by Utility Truck ..... $0.85/Mi.
    c) Travel by 4-Wheel Drive Vehicle ..... $1.10/Mi.

F:\FEE SCHEDULES\KENVIRONS\FEESCH2019_LETTERHEAD.docx

Kenvirons, Inc. 770 Wilkinson Blvd • Frankfort, KY 40601 • Phone: (502) 695-4357 • Fax: (502) 695-4363
Civil & Environmental Engineering and Laboratory Services • Visit us at www.Kenvirons.com

FISCAL COURT ORDERS

KENVIRONS

d) Sub Contract Services..... .. Actual Cost + 3%

e) All Other Direct Expenses ..... Actual Cost + 3%

22. Equipment Usage

a) pH, Conductivity, & Temperature Meter $10.00/Day

b) Turbidity Meter..... $15.00/Day

c) Water Level Meter..... $10.00/Day

d) Micropurge Flow Cell and Meter..... $25.00/Day

e) Nuclear Density Gauge..... $30.00/Day

f) Flame Ionization Detector..... $100.00/Day

g) ATV or Side by Side..... $40.00/Day

h) Generator..... $20.00/Day

i) 14' Equipment Trailer $10.00/Day

j) Mobile Air Testing Trailer..... $75.00/Day

k) GPS Survey Equipment.....$150.00/Day

l) Drone Survey Equipment.....$250.00/Day

m) Total Station Survey Equipment..... $150.00/Day

n) Field Survey Supplies (Minimum Charge) $25.00/Day

o) Air Emissions Testing Equipment..... $75.00/Day

p) Data Logger..... $50.00/Day

FISCAL COURT ORDERS

Population Reporting Form 10/20/2020

Main Jail

Secure Male		Secure Female	
Class D	4	Class D	0
Alt. Sentence	0	Alt. Sentence	0
Controlled Intake	7	Controlled Intake	1
Parole Violators	1	Parole Violators	1
Federal Inmates	0	Federal Inmates	0
County Inmates	34	County Inmates	14
Total	46	Total	16

Non Secure Male		Non Secure Female	
Class D	3	Class D	0
Class C	1	Class C	0
Alt. Sentence	4	Alt. Sentence	0
Total	8	Total	0

Restricted Custody Center (RCC)

Non Secure Male		Non Secure Female	
Class D		Class D	
Class C		Class C	
Alt. Sentence		Alt. Sentence	
Federal Inmates		Federal Inmates	
County Inmates		County Inmates	
Total	0	Total	0

Jail Restricted Custody (JRC)

Non Secure Male		Non Secure Female	
Class D		Class D	
Class C		Class C	
Alt. Sentence		Alt. Sentence	
Federal Inmates		Federal Inmates	
County Inmates		County Inmates	
Total	0	Total	0

Secure is CI, PV, Level 2A, 3, 4, 5
Non Secure is Level 1 or 2

Revised 07/27/2018(2)

Population Analysis By Classification And Sex
10/21/2020 to 10/21/2020

Classification Summary

Date	Totals	AS	CC-1	CD-1	CD-3	CI	CIRCUIT COURT	COUNTY-DISTRICT	DRUG COURT	FOR ANOTHER COUNT	PAROLE VIOLATION	PROBATION AND PAROLE	SENTENCED-DISTRICT	Grand Total
10/21/2020		4	1	3	4	8	23	16	2	4	2	1	2	70

Classification Specific Breakdown

Classification	Date	Totals	Female	Male	Total
AS	10/21/2020			4	4
CC-1	10/21/2020			1	1
CD-1	10/21/2020			3	3
CD-3	10/21/2020			4	4
CI	10/21/2020		1	7	8
CIRCUIT COURT	10/21/2020		9	14	23
COUNTY-DISTRICT	10/21/2020		2	14	16
DRUG COURT	10/21/2020		1	1	2
HOLD FOR ANOTHER COUNTY	10/21/2020		1	3	4
PAROLE VIOLATION	10/21/2020		1	1	2
PROBATION AND PAROLE	10/21/2020		1		1
SENTENCED-DISTRICT	10/21/2020			2	2
Grand Total			16	54	70

FISCAL COURT ORDERS

	A	B	C	D
1	SUMMARY OF JAIL MEDICAL COSTS			
2				
3	COUNTY	POPULATION	# OF BEDS	TOTAL MEDICAL/BUDGETED
4	BOYLE	29924	220	$619,250.00
5	MARSHALL	31382	200	$199,900.00
6	SHELBY	47421	316	$550,000.00
7	HARDIN	108071	648	$1,250,000.00
8	NELSON	45640	102	$131,500.00
9	LARUE	14205	154	$245,000.00
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FISCAL COURT ORDERS

October 20, 2020

Nelson County Fiscal Court Meeting

Emergency Services Report:

EMA

1. **COVID 19 Cases in Nelson County:** ***As of Monday October 19th,***

New Cases	34
Confirmed Cases	705
Hospitalized	1
Home Isolated	104 Home Isolation
Recovered	596
Deaths	4

EMS Report:

1. **No report**

FISCAL COURT ORDERS

NELSON COUNTY - KENTUCKY

DEAN WATTS, County Judge Executive
P.O. BOX 578 • One Court Square, 2nd Floor
BARDSTOWN, KENTUCKY 40004-0578

Phone: (502) 348-1800
Fax: (502) 348-1873

NELSON COUNTY FISCAL COURT

ORDER

Pursuant to the relative Kentucky Revised Statues, **Jeff Lear** is hereby appointed to the **Bardstown Industrial Development Corporation Board (BIDC)** for a term in accordance to the Bylaws or governing Regulations in place.

Dean Watts

Dean Watts
Nelson County Judge Executive

10/14/2020

Date