



**SPECIAL CALLED MEETING OF THE MADISONVILLE, KENTUCKY CITY COUNCIL
CITY COUNCIL CHAMBERS, 77 NORTH MAIN ST, MADISONVILLE, KY 42431**

June 21, 2017 at 8:00 AM

AGENDA

I. CALL TO ORDER

II. 2ND READING OF ORDINANCES:

1. AN ORDINANCE AMENDING THE CITY OF MADISONVILLE ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT
2. AN ORDINANCE AMENDING CHAPTER 156 OF THE CITY OF MADISONVILLE CODE OF ORDINANCES RELATING TO OUTSIDE SALES AND STORAGE

III. ADJOURNMENT

Our Mission: To deliver the necessary government services to the citizens of Madisonville in the most effective and cost-efficient manner possible.

Our Core Values: Integrity, Professionalism, Excellence, Service, Commitment, and People

**CITY OF MADISONVILLE, KY
ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF MADISONVILLE ANNUAL BUDGET FOR THE
FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY ESTIMATING REVENUES AND
RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY
GOVERNMENT**

BE IT ORDAINED BY THE CITY OF MADISONVILLE, KY, AS FOLLOWS:

Section 1: that the annual budget for the fiscal year beginning July 1, 2016 and ending June 30, 2017 is hereby amended as follows:

A. See Exhibit A attached hereto and incorporated herein by reference.

Section 2: that this Ordinance shall be of effect on July 3, 2017.

The foregoing Ordinance is read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 19th day of June, 2017 and the second reading on the 21st day of June, 2017. Motion was made by , seconded by , that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective upon publication, as required by law.

Upon vote being taken thereon, the votes were cast as follows:

It appearing that the Councilmembers voted the Mayor announced that the Motion was and that the above Ordinance would be published as required by law and would be effective as a new Ordinance of the City of Madisonville, Kentucky, immediately upon publication thereof, unless otherwise stated.

Dated 21st day of June, 2017

City of Madisonville, KY

ATTEST:

City of Madisonville, KY

(AMENDED) BUDGET SUMMARY FYE 6/30/17
EXHIBIT A

	GENERAL FUND	SPECIAL REVENUE FUNDS					2017 SUBTOTAL
		A.B.C.	911	COAL SEVERANCE	MUNICIPAL AID	HEALTH INSURANCE	
Beginning Fund Balance/Net Assets	\$ 5,658,933	\$ 49,979	\$ -	\$ 148,939	\$ 467,927	\$ 2,199,482	\$ 8,525,260
Estimated Revenues:							
	15,359,650						18,031,295
Revenues	15,424,650	425,220	-	120,025	390,050	1,736,350	18,096,295
	4,255,000		270,000				4,676,000
Transfers & Other Sources	3,195,000	-	0	-	151,000	-	3,346,000
	19,614,650		270,000				22,707,295
Total Revenues	18,619,650	425,220	0	120,025	541,050	1,736,350	21,442,295
Less: Anticipated Expenses:							
	2,561,833						2,562,033
General Government	2,471,833	200	-	-	-	-	2,472,033
	5,518,640						5,759,031
Police	5,293,640	240,391	-	-	-	-	5,534,031
Alcoholic Beverage Control	-	175,154	-	-	-	-	175,154
	4,820,506						4,820,506
Fire	5,110,506	-	-	-	-	-	5,110,506
Sanitation	-	-	-	-	-	-	-
Transportation	2,023,353	-	-	-	275,500	-	2,298,853
911	-	-	-	-	-	-	-
	2,271,734						2,271,734
Health & Public Welfare	1,721,734	-	-	-	-	-	1,721,734
	270,000						651,000
Transfer to Other Funds	0	-	-	116,000	265,000	-	381,000
Airport	376,815	-	-	-	-	-	376,815
Health Insurance	-	-	-	-	-	1,732,000	1,732,000
Electric	-	-	-	-	-	-	-
Water Filtration	-	-	-	-	-	-	-
Water Distribution	-	-	-	-	-	-	-
Wastewater Collection	-	-	-	-	-	-	-
Wastewater Treatment	-	-	-	-	-	-	-
Debt & Depr. For Wa./WW	-	-	-	-	-	-	-
Economic Development	-	-	-	-	-	-	-
	1,410,550						1,410,550
Park	1,260,550	-	-	-	-	-	1,260,550
Cemetery	339,484	-	-	-	-	-	339,484
Pension	-	-	-	-	-	-	-
	19,592,915						22,397,160
Total Expenses	18,597,915	415,745	-	116,000	540,500	1,732,000	21,402,160
Surplus or Deficit	21,735		270,000				310,135
	21,735	9,475	0	4,025	550	4,350	40,135
Ending Fund Balance / Net Assets	\$ 5,680,668	\$ 59,454	\$ 270,000	\$ 152,964	\$ 468,477	\$ 2,203,832	\$ 8,835,395
	5,680,668		0				8,565,395

**(AMENDED) BUDGET SUMMARY FYE 6/30/17
EXHIBIT A (CONTINUED)**

	RESTAURANT TAX	PENSION	ENTERPRISE FUNDS				MEMORANDUM TOTAL
			LIGHT	WATER & SEWER	GMAIA	SANITATION	
Beginning Fund Balance/Net Assets	\$ -	\$ 83,595	\$ 16,302,802	\$ 38,801,211	\$ -	\$ 1,498,706	\$ 65,211,574
Estimated Revenues:							
Revenues	1,500,025	-	29,567,858 27,311,858	11,258,000	-	3,769,574 3,469,574	64,126,752 61,635,752
Transfers & Other Sources	-	470,000	-	-	-	-	5,146,000 3,816,000
Total Revenues	1,500,025	470,000	29,567,858 27,311,858	11,258,000	-	3,769,574 3,469,574	69,272,752 65,451,752
Less: Anticipated Expenses:							
General Government	-	-	-	-	-	-	2,562,033 2,472,033
Police	-	-	-	-	-	-	5,759,031 5,534,031
Alcoholic Beverage Control	-	-	-	-	-	-	175,154 4,820,506
Fire	-	-	-	-	-	-	5,110,506 3,710,123
Sanitation	-	-	-	-	-	3,710,123 3,410,123	3,410,123 2,298,853
Transportation	-	-	-	-	-	-	-
911	-	-	-	-	-	-	2,271,734 1,721,734
Health & Public Welfare	-	-	-	-	-	-	4,501,000 3,231,000
Transfer to Other Funds	-	-	3,850,000 2,850,000	-	-	-	376,815 1,732,000
Airport	-	-	-	-	-	-	25,492,513 24,242,751
Health Insurance	-	-	-	-	-	-	1,500,000 2,301,842
Electric	-	-	25,492,513 24,242,751	-	-	-	1,778,114 2,582,041
Events & Capital Projects	1,500,000	-	-	-	-	-	1,750,032 2,783,042
Water Filtration	-	-	-	2,301,842	-	-	-
Water Distribution	-	-	-	1,778,114	-	-	-
Wastewater Collection	-	-	-	2,582,041	-	-	-
Wastewater Treatment	-	-	-	1,750,032	-	-	-
Debt & Depr. For Wa./WW	-	-	-	2,783,042	-	-	-
Economic Development	-	-	-	-	-	-	1,410,550 1,260,550
Park	-	-	-	-	-	-	339,484 466,476
Cemetery	-	-	-	-	-	-	-
Pension	-	466,476	-	-	-	-	68,611,343 65,066,581
Total Expenses	1,500,000	466,476	29,342,513 27,092,751	11,195,071	-	3,710,123 3,410,123	661,409 385,171
Surplus or Deficit	25	3,524	225,345 219,107	62,929	-	59,451 59,451	-
Ending Fund Balance / Net Assets	\$ 25	\$ 87,119	\$ 16,528,147 16,521,909	\$ 38,864,140	\$ -	\$ 1,558,157 1,558,157	\$ 65,872,983 65,596,745

**CITY OF MADISONVILLE, KY
ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 156 OF THE CITY OF MADISONVILLE CODE OF
ORDINANCES RELATING TO OUTSIDE SALES AND STORAGE**

BE IT ORDAINED BY THE CITY OF MADISONVILLE, KY, AS FOLLOWS:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISONVILLE, KENTUCKY AS FOLLOWS:

Section 156.020, Section 156.029 and Section 156.051 of the City of Madisonville Code of Ordinances is hereby amended to provide as follows:

§ 156.020 General Regulations.

(N) OUTDOOR RETAIL SALES AND DISPLAY OF MERCHANDISE.

~~(1) Outdoor retail sales and display of merchandise is prohibited unless accessory to a permanent retail sales establishment which conducts most of its activities within a completely enclosed building or group of buildings. Exempt from this regulation are permanent retail establishments which by their nature require outdoor storage, such as nurseries, mobile homes sales and automobile sales, the sale of farm-related commodities located within an Agricultural District and sales and displays associated with community festivals, activities and social events. However, in no instance may temporary sales and/or displays obstruct vehicular traffic or pose a safety hazard to passing motorists. The Administrative Official or an appointed designee may immediately cause to be removed any such commercial establishment.~~

~~(2) Such outdoor display and retail sales must be conducted by employees for the permanently-established business, using facilities owned by the owner of the permanently established business, not a consignment operation or arrangement. Such outdoor displays and sales may be conducted from a mobile or temporary structure upon such terms and conditions as stated herein and in accordance with the specific zoning district, including but not limited to setback requirements. Mobile or temporary structures include but are not limited to tents, automobiles, carts, travel trailers, campers and other such structures but not including manufactured/mobile homes. Any use prohibited by this section may be allowed by a special permit issued by the Administrative Official in accordance with the following guidelines:~~

- ~~(a) Provide the location and starting/ending dates of proposed temporary sales and/or display;~~
- ~~(b) Provide a description and state location of items or services to be sold and/or displayed;~~
- ~~(c) Show proof of either a current city occupational license or itinerant merchant license; and~~
- ~~(d) Provide written approval of land owner.~~

~~(3) No such temporary sales and/or display shall exceed a maximum of one hundred sixty (160) days during one (1) calendar year.~~

(1) Outdoor retail sales and display of new merchandise is allowed in nonresidential zoning districts, provided that the sale of such goods is a permitted use in the applicable zoning district as an accessory to a commercial business which conducts most of its activities within an enclosed building or group of buildings on the same lot, when the following requirements are met:

- (a) Displayed in a neat, orderly manner and kept clean and clear of litter;
- (b) Does not obstruct clear vision of traffic or traffic signals or interfere with ingress/egress for vehicular traffic or pose a traffic or safety hazard;
- (c) Does not obstruct pedestrian traffic or intrude upon the public right of way;

(d) Screened from any adjoining residential use.

(2) Additional requirements in the Central Business District (CBD) District:

- (a) A special use permit must be obtained from the Zoning Administrator; a written plan shall be provided indicating the type, location and time frame of all outside sales and any associated storage areas;
- (b) Temporary sales and display of merchandise and outside dining areas may occur on a public sidewalk so long as a clear and unobstructed walkway is left for pedestrians and shall at no time obstruct the public's reasonable access upon and across said public sidewalk or create in any way a hazard or unsafe condition or situation;
- (c) Merchandise must be removed each day at the close of business;
- (d) Outside food sales/dining areas shall be limited to 7 a.m. - 10 p.m. Monday-Thursday and Sunday and 7 a.m. - 11 p.m. on Friday and Saturday;
- (e) Temporary outdoor storage in crates, portable storage pods and other similar structures for the purpose of storing supplies or excess inventory to be sold is only allowed when not visible from a public right-of-way;
- (f) Where sales and display of merchandise or food sales occur on the sidewalk, a small sign may be allowed so long as it does not obstruct pedestrian or vehicular traffic and is only displayed during businesses hours.

(3) Exceptions: The following outside sales shall be allowed so long as (N)(1)(a and b) are met:

- (a) Merchandise for sale or rent and/or displayed by a permanent retail establishment which by its nature requires outdoor storage such as nurseries, automobiles, boats, recreational vehicles, farm equipment, truck/trailer/equipment rentals, outdoor furniture/lawn ornaments and other similar type displays;
- (b) Sales and displays associated with community festivals, activities, or social events;
- (c) Seasonal items such as produce, plants, pumpkins, Christmas Trees, fireworks, etc;
- (d) Food trucks and other mobile food vendors as such temporary food sales shall be covered under a separate ordinance;
- (e) Any other outside sales not allowed in this ordinance may apply for a Special Use Permit to conduct temporary sales up to four times a year, on a quarterly basis, not to exceed 72 consecutive hours at any one location;
- (f) Exceptions (3) (c, d and e) are not applicable in the Central Business District.

- (4) This Ordinance is not intended to prohibit or regulate residential yard sales, so long as conducted in accordance with Chapter 156.020 (G) (12) (b), nor the isolated or causal sale of household or other personal items by persons who may live or work in the City.

§ 156.029 CENTRAL BUSINESS DISTRICT (CBD)

(B) Uses permitted by right include:

- (2) Restaurant ~~with indoor seating only;~~

(D) Uses permitted by condition Uses permitted by condition (*conditional use permit required - See §§ 156.050 for additional information regarding conditional uses*) include:

- ~~(1) Restaurant with outdoor seating;~~
- ~~(2)-(5) Religious Institution;~~
- ~~(3)-(6) Hotel;~~
- ~~(4)-(7) Parking garage;~~
- ~~(5)-(8) Commercial or office use over ten thousand (10,000) gross square feet; and~~
- ~~(6)-(9) Service use with drive-in window.~~

§ 156.051 CONDITIONAL USES

(C) Prohibited uses include:

- (5) Outdoor storage or sales except in compliance with Chapter 156.020 (N):

The foregoing Ordinance is read to and presented to a regular meeting of the City Council of Madisonville, Kentucky, for first reading on the 19th day of June, 2017 and the second reading on the 21st day of June, 2017. Motion was made by , seconded by , that the Ordinance be adopted as the law of the City of Madisonville, Kentucky, to be effective upon publication, as required by law.

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Dated 21st day of June, 2017

City of Madisonville, KY

ATTEST:

City of Madisonville, KY

Hopkins County Joint Planning Commission
Application No. MAD ZTA 17-002

IN RE: THE MATTER OF A TEXT AMENDMENT IN THE MADISONVILLE ZONING ORDINANCE CHAPTER 156 RELATING TO OUTDOOR RETAIL SALES AND DISPLAY OF MERCHANDISE IN THE GENERAL REGULATIONS SECTION ITEM (N) AND CENTRAL BUSINESS DISTRICT AND CONDITIONAL USES.

This matter came before a regular public hearing on the application of the City of Madisonville for a change in the zoning text of 156.020 GENERAL REGULATIONS (N) OUTDOOR RETAIL SALES AND DISPLAY OF MERCHANDISE AND 156.029 CENTRAL BUSINESS DISTRICT SECTION B(2) AND D(5) AND 156.051 CONDITIONAL USES SECTION C (5) to change the requirements for outdoor retail sales and display of merchandise. As referenced in the attached exhibit.

Findings of Fact

1. On June 1st, 2017, a public hearing was held regarding the above referenced request for a zoning text amendment.
2. Legal notice was published in the Messenger on Wednesday, May 17, 2017.
3. Debbie Todd, City of Madisonville Zoning Administrator, gave an overview of the request on behalf of the applicant the City of Madisonville. She stated that all legal notice requirements have been met. Questions were asked and answered by the commissioners.
4. The public hearing was called open. No one spoke for or against the proposed zoning text amendment. The public hearing was closed.
5. Director Adkins made a recommendation of approval as this zoning text amendment was in agreement with 2035 Comprehensive Plan Goals and Objectives in the Land Use Goals to encourage mixed-uses within the urban area, Job Base Goals to retain existing businesses and industry and support their expansion and growth, and create an environment supportive of small business creation and development, and in the Recreational and Entertainment Goal to encourage growth of retail and shopping opportunities and encourage new and support existing dining opportunities that serve residents and visitors.

Hopkins County Joint Planning Commission
Application No. MAD ZTA 17-002

Conclusion and Recommendation

In conclusion, the Hopkins County Joint Planning Commission made a motion to recommend that the application to amend the zoning text as specified in the attached exhibit be approved based on the finding of fact that this zoning text amendment would be conducive to development of downtown Madisonville and promotes local businesses. Motion carried upon a unanimous roll-call vote.



Derek E. Adkins, Director