

CITY COUNCIL MEETING Minutes December 21, 2021

After the pledge and invocation by Amy Hurst, Mayor Stinson called the Meeting to order.

Amy HurstPresentJoyce CarsonPresentCraig OwenPresentSebastian ErnstPresentDarryl AmmermanPresentLuke PricePresent

Also present: Attorney Brandon Voelker

GUESTS

APPROVAL OF MINUTES

Minutes of Regular Meeting November 16 Regular Meeting and December 7 Caucus Meeting...

MOTION: Amy Hurst made a motion to approve the minutes of both meetings, seconded by Darryl Ammerman. Motion carried all aye 6-0-0.

ORDINANCES/RESOLUTIONS/MUNICIPAL ORDERS

ORDINANCE 2021:09-Attorney gave a 2nd reading of Ordinance TITLE XV; LAND USAGE, BUILDING CODE; STANDARDS OF SAFETY OF THE FAMOUTH CODE OF ORDINANCES, INCLUDING THE ESTABLISHMENT OF A BUILDING INSPECTOR.

MOTION: Joyce Carson made a motion to approve Ordinance 2021:09 for the establishment of a building inspector; seconded by Darryl Ammerman. Vote: 5-1-0; Sebastian Ernst voting no.

ORDINANCE 2021:10-Attorney gave a 2nd reading of Ordinance AMENDING THE CODE OF ORDINANCES INCREASING WATER AND SEWER RATES, SEWER RATES AND BULK WATER RATES.

MOTION: Craig Owen made a motion with Joyce Carson second, to approve Ordinance 2021:10 AMENDING THE CODE OF ORDINANCES INCREASING WATER AND SEWER RATES, SEWER RATES AND BULK WATER RATES. Vote: 5-1-0; Sebastian Ernst voting no.

ORDINANCE 2021:11 Attorney gave a 1st reading to an Ordinance establishing annual observation of Halloween to be set on October 31, regardless of the day of the week October 31 falls upon, and executive branch shall determine applicable start and ending times deemed best for community.

OLD BUSINESS

Mayor reported members of the Abigail group had been in contact with him, but attorney had advised they should speak with the dentist directly to work out any site plan development that involve him. He added with the Letter of Intent pending, he would refrain from discussion.

The issue of the P&Z setbacks was mentioned but waiting on the Commission to meet to discuss.

NEW BUSINESS

OTHER

ANNOUNCEMENTS

• Offices will be closed December 24th and 27th for Christmas; January 3 for New's Day. Garbage schedule had been posted on the facebook page.

ADJOURNMENT

MOTION: Luke Price made a motion to adjourn, seconded by Joyce Carson. All aye 6-0-0.

Ron Stinson, Mayor

Komono W. Cleams
Attest: City Clerk

COMMONWEALTH OF KENTUCKY COUNTY OF PENDLETON CITY OF FALMOUTH ORDINANCE NO. 2021:9

AN ORDINANCE AMENDING TITLE XV; LAND USAGE, BUILDING CODE; STANDARDS OF SAFETY OF THE FALOUTH CODE OF ORDINANCES, INLCUDING THE ESABLISHMENT OF A BUILDING INSPECTOR

Whereas, Section 150 of the Falmouth Code of Ordinances governs the construction/alteration of single-family residences City of Falmouth; and

Whereas, the City of Falmouth is desirous of amending certain provisions of the Falmouth Code of Ordinances to better assist in the administration of building permits and establish the position of a Building Inspector.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF FALMOUTH, COUNTY OF PENDLETON, COMMONWEALTH OF KENTUCKY:

(Strikethrough portions are to be deleted, underlined portions are to be added as required by KRS 83A.060(3))

Section I

The City of Falmouth approves an amendment to the Code of Ordinances, Title XV: Land Usage, Chapter 150 Building Code; Standards of Safety, Sections 150.01 to 150.15 as follows:

 \S 150.01 ADOPTION OF KENTUCKY BUILDING CODE; STANDARDS OF SAFETY.

The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk-Treasurer/Tax Collector where they shall be available for public inspection during normal business hours.

Penalty, see § 150.99

§ 150.02 ENFORCEMENT.

(A) The Chief of the Fire Department Building Inspector is charged with the enforcement of the provisions of the Kentucky Building Code and the Kentucky Standards of Safety, as adopted by reference in § 150.01.

(B) The State Plumbing Official is charged with the enforcement of the provisions of the Kentucky Plumbing Code, as adopted by reference in § 150.01.

§ 150.03 APPLICATION.

The application of the State Building Code is extended to all single-family dwellings in the city which are to be constructed or remodeled.

§ 150.04 APPEALS.

Appeals from decisions made by the Chief of the Fire Department Building Inspector under this chapter may be taken to the State Department of Housing, Buildings, and Construction unless and/or until a local board of housing appeals, as set forth in KRS Chapter 198B, is established to hear such appeals.

Statutory reference:

Appeals procedure, see KRS 198B.070

BUILDING PERMITS

§ 150.10 BUILDING PERMIT REQUIRED.

- (A) No person shall build, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure within the city of any dwelling house or other building, or construct any outside wall, chimney, or roof, except to repair an existing chimney or roof, or construct any sidewalk or curbing on any public street or alley, or dig any cellar, vault, well, or cistern without first obtaining a building permit from the city as herein provided. The provisions of this section as to sidewalks and curbings shall not apply to any construction ordered by the city to be built.
- (B) No building permit shall be construed to give permission to obstruct any public street or sidewalk unless specially named in the order granting the permit; nor shall a building permit authorize any other different construction or improvement than therein described.

§ 150.11 APPLICATION FOR BUILDING PERMIT.

(A) Any person desiring a building permit, as provided in § 150.10, shall file with the City Clerk a written and signed application, accurately describing the nature of the building or the improvements contemplated, the material to be used therein, the particular location and the time work will commence and the probable duration thereof. The Building Inspector shall review the application of building permit and issue any approved permit(s). The City Clerk Building Inspector may require any such application to be amended or made more definite and certain, or may direct the filing of a new application. Upon the filing of a proper application, completely within the provisions of §§ 150.10 through 150.15, the City Clerk Building Inspector may grant a permit in whole or in part, as applied for, and may impose such reasonable conditions and terms as may be deemed proper, or the City Clerk Building Inspector may refuse to grant the permit.

(B) The procedural requirements of Appendix A to Chapter 151 of Code of Ordinances shall be met by the applicant for a building permit.

§ 150.12 BUILDING PERMIT FEES.

All applicants for a building permit shall, before a permit is granted, be required to pay the city \$7.50 per \$1,000 of the estimated cost with a minimum of \$7.50; shall be required to pay to the city \$600 for the privilege of tapping the city sewer; and shall be required to pay the city for each water tap the following: the costs to the city for the water meter fittings and complete installation, or a minimum of \$600, whichever may be necessary in the construction and use of any building hereunder. No building permit shall be issued hereunder unless application therefore has been approved by the City Clerk or a majority of the Council if appealed thereto, and signed by the Mayor. The maximum fee for commercial and residential building permits shall not exceed \$750.

Penalty, see § 150.99

§ 150.13 VIOLATION OF BUILDING PERMIT.

If any person violates the terms or conditions of a building permit, it shall be the duty of the City Attorney, <u>Building Inspector</u> or other authorized officer, to act to take those steps as may be proper to prevent the further violation of the building permit.

§ 150.14 LOTS: DIMENSIONS AND SETBACK REQUIREMENTS.

- (A) Relationships to streets. All residential lots shall front on a public street or road for a minimum distance of 50 feet except that lots which front on the turnarounds of permanent dead-end streets shall front on such turnarounds for a minimum distance of 40 feet.
- (B) All commercial lots shall front on a public street or road for a minimum distance of 50 feet except that lots which front on the turnarounds of permanent dead-end streets shall front on such turnarounds for a minimum distance of 60 feet.
- (C) Except where infeasible, side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- (D) Dimensions. The size, shape, and orientation of lots shall be appropriate for the type of the development and use contemplated.
- (1) Residential lots: Lot dimensions within the corporate limits of the city shall be at least 50 feet wide at the building setback line, and 100 feet in depth.
- (2) Commercial lots: Lot dimensions within the corporate limits of the city shall be at least 50 feet wide and 100 feet in depth.
 - (E) Building setback line:
- (1) The building setback line shall not be located closer to the street right-of-way line than a distance of 20 feet; 10 feet from rear property line and eight from side property line.
 - (2) Exceptions:
- (a) Eaves, cornices, and similar ornamentation may project over a required front or flanking street yard not more than 2 feet.

- (b) Steps, terraces, platforms, and porches having no roof covering, may extend not more than 6 feet into a required front or flanking street yard.
- (c) Fireplaces may extend into a required front or flanking street yard a distance of not more than 24 inches.
- (d) Corner lots shall have sufficient extra width to meet the building setback lines established on both the front street and side street.
 - (e) Yard Requirements:
 - 1. Minimum yard requirements for residential lots shall be as follows:

Front Yard - 20 feet;

Rear Yard - 10 feet:

Side Yard - 8 feet;

- 2. Exceptions:
- a. Eaves, cornices, and similar ornamentation may extend over a required side yard setback for a distance of not more than 2 feet.
- b. Platforms, terraces, and steps may extend not more than 2 feet into a required side yard.
- c. Fireplaces and chimneys may extend into a required side yard distance of not more than 24 inches.
- d. Commercial lots shall be large enough to provide for off-street parking facilities.
- e. The definitions set out in Appendix A to Chapter 151 of the Code of Ordinance shall apply to the interpretation of the provisions of this chapter and the issuance of a building permit by the city.

§ 150.15 APPEALS PROCESS/FEES.

Any person aggrieved by any decision of the City Clerk Building Inspector regarding the issuance of a building permit may appeal the decision to the City Council Board of Adjustment. The City Council Board of Adjustment is authorized to vary the requirements for issuance of a building permit, as set out herein, when the variance will not be contrary to the public interest, and where, or into special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship or practical difficulty. A variance from the terms of this chapter shall not be granted by the City Council Board of Adjustment unless and until:

- (A) A written application for a variance is submitted, by way of appeal, demonstrating:
- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are which are not applicable to other lands, structures, or buildings in the same area;
- (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights, commonly enjoyed by other properties in the same district under the terms of this chapter;
- (3) That the special conditions and circumstances do not result from the actions of the applicant;

- (4) That granting the variance requested would not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same area.
- (B) No non-conforming use of neighboring lands, structures, or buildings in the same area, and no permitted or non-conforming use of lands, structures, or buildings in other areas shall be considered grounds for the issuance of a variance by the City Council.
- (C) Notice of a public hearing on the issue of appeal and grant of a variance shall be given in accordance with the following conditions:
- (1) Notice shall be given within 15 days in advance of the meeting at which the public hearing is to be held, or of a special meeting for such public hearing.
- (2) The owner of the property for which the variance is sought, or his or her agent, shall be notified by certified mail, return receipt requested, or registered mail.
- (3) Notice of such hearing shall be posted on the property for which the permit is sought at the City Hall or Court House, and in one other public place at least 15 days prior to the public hearing.
- (4) The public hearing shall be held in accordance with the open meeting requirements of Kentucky Revised Statutes;
 - (5) Any party may appear in person or by counsel.
- (D) Before granting such a variance, the City Council Board of Adjustment shall make findings that the requirements in division (A) of this section have been met by the applicant for such variance, and shall further make a finding that the reasons set forth in the application, and the evidence and proof received at the public hearing, justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; further, the Council shall find that the granting of a variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (E) In granting any such variance, the City Council Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under §§ 150.13 and 150.99 of the Code of Ordinances.
- (F) Under no circumstances shall the <u>City Council Board of Adjustment grant</u> a variance to allow any use not permitted under the terms of this chapter in the area involved, or any use expressly or by implication prohibited by the terms of this chapter in the area.
- (G) There shall be a fee of \$500 for any appeal to the Board of Adjustment to cover any expenses

Section II

A New Section is Created as follows:

§ 150.16 BUILDING INSPECTOR.

- (A) Establishment. The position of Building Inspector.
- (B) Appointment. The Building Inspector shall be appointed by the Mayor with the approval of the City Council.
- (C) Powers and duties.
- (1) It shall be the duty of the Building Inspector to administer, execute, and enforce any and all provisions of the official building, housing, and other applicable ordinance, laws, regulations applicable pursuant to this Code regarding single family dwellings.
- (2) The Building Inspector shall take any action as permitted by law to correct the violations of the provisions of the official building, housing, and other applicable ordinance, laws, regulations applicable to this Code regarding single family dwellings.
- (3) The Building Inspector shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences, or additions, alterations, or structural changes.
- (D) Compensation. The compensation of the Building Inspector shall set forth in a personal service contract to be approved by the Mayor, commensurate with the City of Falmouth's budget.

Section III

That any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

Section IV

This Ordinance shall take effect and be in full force when passed, published, and recorded according to law.

1 Reading - November 16, 2021.	
2 nd Reading – December 21, 2021.	Vote:5, Yes,1, No
Published – December 28, 2021	
	City of Falmouth Pendleton County, Kentucky By Author Ron Stinson Mayor

Attest:

Kamona Williams

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Some of our cadets got an extra opportunity. to serve when one of our chaperones suffered a flat; and spoils; the beautiful tire (possibly from those tolling hills of our county. nails I mentioned). The cadets quickly changed her tire so she could get back on the road serving as our safety vehicle.

ROTC is just one of many

ty. Please consider donating your time, effortr, and skills to help others. Bring joy into someone else's life. Honor our military, First Responders, teachers, and others who dedicate their lives to supporting our community and our coun-

A small effort on your part can make a huge difference. Please dispose of your trash properly and carefully tie down whatever you may be hauling. Litter on our roadways damages the environment Even unintentional littering can be dangerous and ruin someone's day due to a flat tire or worse.

Please do your part to The Navy Junio keep Pendleton County Pendleton County Foot-Safe and clean.

is responsible for the entire length of the road, from the intersection with US 27 all the way to the Kenton County line,

In this stretch of road that extends just over 10 miles, the team picked up a heap of trash. This October, a group of 25 young men picked up over 40 full trash bags in about 2 hours. In addition to the regular trash found along the roadside, the team found numberous discardedused tires this time.

The team would encourage the entire comunity to be mindful of your waste and do not litter or dump along the highways. Please help these young men keep our community clean:

SUMMARY OF ORDINANCES

1). The City of Falmouth, Kentucky, at a meeting held on December 21, 2021, and adopted the following Ordinance No 2021 9

AN ORDINANCE AMENDING TITLE XV; LAND USAGE, BUILDING CODE; STANDARDS FOR SAFETY OF THE PAMOUTH CODE OF ORDINANCES. INCLUDING THE ESTABLISHMENT OF A BUILDING INSPECTOR,

The purpose of the Ordinance was to amend certain provisions of the Falmouth Code of Ordinances to better assist in the administration of building permits and establish the position of the Buillding Inspector.

This Ordinance is being published in the Title and Summary, A complete copy of the Ordinance may be reviewed at the office of the City Clerk; City of Falmouth, Kentucky.

2). The City of Falmouth, Kentucky, at a meeting held on December 21, 2021, and adopted the following Ordinance No. 2021.10:

AN ORDINANCE OF THE CITY OF FALMOUTH, IN PENDLETON COUNTY KENFUCICX AMENDING SECTION 50.40 OF THE CODE OF ORDINANCES INCREASING WATER RATES, SEWER RATES AND BULK WATER STATION

The purpose of the Ordinance was to increase the monthly water and sewer rates.

This Ordinarice is being published in the Title and Summary. A complete copy of the Ordinance may be reviewed at the office of the City Clerk, City of Palmouth, Kentacky.

CITY OF FALMOUTH, KENTUCKY

By:/s/Ramona Williams Clerk

Prepared and Certified by:

/s/Brandon N. Voelker Brandon N. Voelker (88076) Gaddin Voelker PLLC 50 E Rivercenter Blvd., Suite 1275 Covington, KY 41011 (859) 781-9100 bvoelker@gatlinvoelker.com Attorney for City of Falmouth

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CITY OF FALMOUTH ORDINANCE 2021:10

AN ORDINANCE AMENDING SECTION 50.40 OF THE CODE OF ORDINANCES INCREASING WATER RATES, SEWER RATES AND BULK WATER STATION RATES.

Be it ordained by the City of Falmouth:

Section 1. That Section 50.40 of the Code of Ordinances be and hereby is amended to read as follows:

Section 50.40 Monthly Water and Sewer Rates.

§ 50.40 MONTHLY WATER AND SEWER RATES.

Effective with the billing and for every reading thereafter, the water rates charged to users of water provided by the city shall be as follows:

(A) Monthly water rates.

Amount Used (Gallons) Rate

First 1,000 \$13.11\$9.52 for usage in August and September 2018, \$10.94 for usage in October, November and December 2018, and for all usage beginning January 1, 2019, until any increase pursuant to division (E) herein, \$12.58.

Next 1,000 <u>\$13.11</u>\$9.52 for usage in August and September 2018, \$10.94 for usage in October, November and December 2018, and for all usage beginning January 1,2019, until any increase pursuant to division (E) herein, \$12.58.

Next 3,000 <u>\$5.55</u>\$4.03 per 1,000 gallons for usage in August and September 2018, \$4.63 for usage in October, November and December 2018, and for all usage beginning January 1, 2019, until any increase pursuant to division (E) herein, \$5.32.

Next 5,000 <u>\$5.48</u>\$3.97 per 1,000 gallons for usage in August and September 2018, \$4.57 for usage in October, November and December 2018, and for all usage beginning January 1, 2019, until any increase pursuant to division (E) herein, \$5.26.

Next 40,000 10,000 and above \$5.35\$3.88 per 1,000 gallons for usage in August and September 2018, \$4.46 for usage in October, November and December 2018, and for all usage beginning January 1, 2019, until any increase pursuant to division (E) herein, \$5.13.

- (B) Monthly sewer rates.
- (1) All rate increases, shall be effective and issued for usage only after the effective date of the rate increase.
- (2) Effective with the billing for every reading thereafter, the rates and charges for sewer service shall be as follows, based upon quantity of water supplied in gallons:

All customers

First 1,000 \$17.01\$9.52 for usage in August and September 2018, \$10.94 for usage in October, November and December 2018, and for all usage beginning January 1, 2019, until any increase pursuant to division (E) herein, \$12.58.

Next 1,000 \$17.01 \$9.52 for usage in August and September 2018, \$10.94 for usage in October, November and December 2018, and for all usage beginning January 1, 2019, until any increase pursuant to division (E) herein, \$12.58.

Next 2,000 and above <u>7.19</u>\$4.04 per 1000 gallons for usage in August and September 2018, \$4.63 for usage in October, November and December 2018, and for all usage beginning January 1. 2019, until any increase pursuant to division (E) herein, \$5.32.

- (3) Water customers outside the city limits not utilizing the city sewer system shall not be charged for sewer service.
- (C) Bulk water station rates. The rate for all water hauled from the bulk Water Station shall be \$2.00 per 1,000 gallons.
- (D) Wholesale and industrial utility rates. The City Council is authorized to contract, on an individual basis, with potential utility customers of the city when circumstances of service to such potential customers do not fit the general provisions of city ordinances.
- (E) In addition, on August 1, 2019, beginning August 1, 2022 and every year thereafter, the hereinabove mentioned water, sewer, bulk station rates and wholesale industrial sewer rates shall be adjusted in accordance with the Consumer Price Index of the preceding year reported by the United States Government. Should the Consumer Price Index be negative, the rates herein shall remain unchanged.

- (1) The provision of municipal utility services pursuant to a contract authorized by this ordinance shall be pursuant to the governmental powers and functions of the City of Falmouth, and except for administrative provisions, in no manner different from the provision of municipal utility services generally by city ordinances.
- (2) The provision of municipal utility services pursuant to a contract authorized by this ordinance is subject to all other applicable regulatory and police powers of the City of Falmouth ordinances, Kentucky Revised Statutes, and Public Service Commission of Kentucky and Federal Regulations.
- (3) Rates and quantities for the sale of municipal utility services established in a contract authorized by this ordinance shall be subject to change by the city, by ordinance, as any other utility rates and quantities are subject to change by the city.
- (4) All such contracts shall be individually negotiated, reduced to writing, and executed by the mayor, as authorized by the city legislative body.
- (5) Matters to be individually negotiated shall include, but shall not be limited to the following:
 - (a) Tap-on fees.
 - (b) Size, location, and ownership of lines.
 - (c) Size, location, and ownership of meters.
 - (d) Maintenance of utility fixtures.
 - (e) Necessity for backflow check valve.
 - (f) Necessity for flow restrictors.
 - (g) Conditions concerning the placement or not of a fire hydrant.
- (h) Permits and fees for opening and closing city rights-of-way, or for boring beneath state, federal, or county rights-of-way.
- (i) Relocation of utility fixtures made necessary by a change in the right-of-way.
 - (j) Rates for sale of municipal utility services.
 - (k) Quantities for sale of municipal utility services.
- (6) Nothing in this ordinance shall be construed to require the City of Falmouth to provide municipal utility services outside the corporate boundaries of the City of Falmouth.

Section 2. The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and affect as long as they remain valid in the absence of those provisions determined to be invalid.

Section 3. All provisions or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. That this Ordinance shall be effective upon its passage, approval and publication as required by law.

Introduced and First Reading: November 16, 2021

Second Reading and Enacted: December 21, 2021

Published in full: December 28, 2021

CITY OF FALMOUTH, KENTUCKY

Ron Stinson, Mayor

ATTEST:

Ramona Williams

City Clerk

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Pendleton County Foot-

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CITY OF FALMOUTH, KENTUCKY

By: /s/Ramona Williams Clerk

Prepared and Certified by:

/s/Brandon N. Voelker Brandon N. Voelker (88076) Gathi Voelker PLLC 50 E Rivercenter Blvd., Suite 1275 Covington, KY 41011 (859) 781-9100 bvoelker@gatlinvoelker.com Attorney for City of Falmouth

Janary Order