

CITY OF BARDSTOWN
SPECIAL COUNCIL MEETING MINUTES
12-06-2016
6:00 P.M.

The City Council met in a special session in the Council Chambers with Mayor John Royalty and the following Councilmen:

Councilman Buckman
Councilman Copeland
Councilman Hagan
Councilman Lydian - **absent**
Councilman Simpson
Councilman Williams

Others present: City Attorney Tim Butler, City Clerk Barbie Bryant, Historic Preservation Coordinator RaShae Jennings, Historical Review Board Chairman Pen Bogert and Vice-Chair Mary Keene, Police Chief Steve Uram, Chief Financial Officer Tracy Hudson, Risk Manager Greg Ashworth, Councilmen-elect Joe Buckman, Dick Heaton, John Kelley and Bill Sheckles, Nelson County Gazette Reporter Elijah Brooks, The Kentucky Standard Reporter Randy Patrick, and citizens Jim Willett, Daniel Newcomb, Bill Newcomb, Michael Salsman, Jerry Janes, Lanny Baker, Jimmy Yocum, David Hall, Dixie Hibbs and Michael Ballard.

City Attorney Butler called the meeting to order and announced the public hearing on the Historical Review Board's denial of COA #16-85 Newcomb Oil, LLC -- application to demolish a structure at 118 East Stephen Foster Avenue, Bardstown KY 40004.

PUBLIC HEARING ON NEWCOMB OIL, LLC - APPEAL OF HISTORICAL REVIEW BOARD'S DENIAL OF COA #16-85

City Attorney Butler instructed the Council and those in attendance on the procedure for the presentation of evidence and positions concerning interpretations. Those representing the appellant and the HRB were instructed that a total of 30 minutes would be allowed for presentation, with an additional five minutes for summation.

Attorney Jim Willett, representing Newcomb Oil, LLC, presented a packet as evidence for the case of "economic hardship," with the position that the test for economic hardship is not whether demolition provides a better use or return, but whether denial of the owner's request to demolish deprives the owner of any reasonable return in the case of an income-producing property.

Historic Preservation Coordinator Jennings produced exhibits A through N for the Council's review and surmised that the main issues for denying the application were:

NC2 Do not demolish or remove historic structures in a historic district to make way for new or large-scale construction, to make parking lots, or to leave vacant lots (see Section 9, Demolition)
NC3 Do not construct new building that are falsely historical. Design new construction so that the building heights, scale, massing, volume, directional emphases, and setback reflects the architectural context established by surrounding structures.
NC4 Make sure that the scale of new construction does not conflict with the historic character of the neighborhood.
NC42 Do not build additional surface parking lots within the Historic District.
NC 44 Do not create additional open space within the historic district.

HRB Chair Bogert addressed the reasons for denial and informed the Council of the lack of information presented by Newcomb Oil, LLC during the public hearing in September of 2016. Former Mayor Dixie Hibbs, the local historian, gave testimony to the value of the Dobbs House and former HRB Director, David Hall, gave testimony that addressed the potential outcome if a demolition is granted.

Mr. Willett had several questions directed to Ms. Jennings about the qualifications for a National Register nomination. Questions were asked of Mr. Willett and Ms. Jennings by the Hearing Officer, City Attorney Butler.

COUNCILMAN HAGAN MADE THE MOTION TO REFER THE COA APPLICATION BACK TO THE HISTORICAL REVIEW BOARD TO REVIEW THE NEW INFORMATION SUBMITTED AND TO ALLOW BOTH PARTIES TO SUBLIMENT OR ACCEPT AS IS. THE MOTION WAS SECONDED BY COUNCILMAN WILLIAMS AND CARRIED 5-0.

City Attorney Butler encouraged the Historical Review Board to expedite the review process. City Attorney Butler reminded the Council that a decision would need to be reached within 45 days. A final "appealable" decision is required. He then instructed the City Clerk to place the decision on the next Council meeting's agenda.

City Attorney Butler closed the public hearing at 7:25pm.

ADJOURNMENT

COUNCILMAN HAGAN MADE THE MOTION TO ADJOURN. THE MOTION WAS SECONDED BY COUNCILMAN SIMPSON AND CARRIED 5-0.

CITY OF BARDSTOWN

ATTEST:

John Royalty, Mayor

Barbara Bryant, City Clerk