

CITY OF BARDSTOWN
SPECIAL COUNCIL MEETING MINUTES
07-02-2013
6:00 P.M.

The City Council met in a special session in the Council Chambers with Mayor William S. Sheckles and the following Councilmen:

Councilman Buckman
Councilman Lydian
Councilman Reed
Councilman Royalty
Councilman Simpson
Councilman Williams

Others present: City Attorney Tom Donan, City Clerk Barbie Bryant, Executive Director of Planning and Zoning Janet Johnston-Crowe, Attorney for Joint City-County Planning Commission Mike Coen, Historical Review Board Administrator Hope Hawkins, Historical Review Board Chair Don Parrish, Nelson County Gazette reporter Jim Brooks, WBRT video cameraman Jaime Murphy, The Kentucky Standard reporter Randy Patrick, citizens Lana and Thomas M. Brackett, Theresa and Danny Reid.

The Mayor called the meeting to order and asked City Attorney Donan to conduct the hearing on the Historical Review Board's denial of COA 13-11 -- application to demolish a house at 111 East John Fitch Avenue, Bardstown KY 40004.

HEARING ON THOMAS BRACKETT APPEAL OF HISTORICAL REVIEW BRD DENIAL OF COA 13-11

City Attorney Donan instructed the Council and those in attendance on the procedure for the presentation of evidence and positions concerning interpretations. He then accepted into evidence the certified packet of copies from Planning and Zoning as HRB exhibit #1, the Rehabilitation Tax Incentives as exhibit #2 and Article 15.7 Demolition of Landmarks as exhibit #3. He then asked for a recess to allow the defendant's lawyer to arrive. Time was 6:05pm.

Attorney Theodore H. Lavit joined the meeting at 6:12pm. The meeting resumed.

City Attorney Donan called on Joint City-County Planning Commission Attorney Coen, who presented evidence to members of the Council. No witnesses were called. Attorney Lavit confirmed that four (4) exhibits presented by his clients at the HRB hearing were included in HRB exhibit #1. He reviewed their contents. His statement concerning the inability for the defendant to receive historical funding was questioned by City Attorney Donan and Attorney Lavit confirmed that there was no evidence to support the statement.

Mr. Brackett was sworn in and asked the Council's indulgence since he had only received copies of Exhibits #1, 2 and 3 five minutes prior to the beginning of the hearing. Mr. Brackett made a statement regarding the work related requirements of HRB Director David Hall and Pen Bogert. Attorney Coen objected to the hearsay since both men were not in attendance of the hearing. Attorney Coen asked questions of Mr. Brackett. Attorney Lavit asked questions of Mr. Brackett. Mr. Brackett was offered the opportunity to present any additional evidence.

Mr. Reid was then sworn in. Mr. Reid has a contingent contract to purchase the property. Attorney Coen asked questions of Mr. Reid. Attorney Lavit asked questions of Mr. Reid. Closing statements were then made by Attorney Coen and Attorney Lavit.

Councilmen asked questions of the two witnesses, Attorney Lavit and Attorney Coen.

Mayor Sheckles asked for the opinions of the Council. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 4 TO 2, THE DENIAL TO DEMOLISH THE HOME AT 111 EAST JOHN FITCH WAS UPHOLD. Councilmen Royalty and Lydian voted no.**

ADJOURNMENT

Being no further business to discuss, the meeting adjourned at 7:30pm.

CITY OF BARDSTOWN

ATTEST:

William S. Sheckles, Mayor

Barbara Bryant, City Clerk