

**CITY OF BARDSTOWN  
SPECIAL COUNCIL MEETING MINUTES  
10-13-2016  
6:15 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  
Councilman Simpson  
Councilman Williams

Others present: City Attorney Tim Butler, City Clerk Barbie Bryant, David Kilner and the Nelson County Gazette Reporter Jim Brooks.

The Mayor called the meeting to order and asked City Attorney Butler to conduct the hearing on the Historical Review Board's approval with conditions of COA #15-21 DAK Homes, LLC -- application to paint roof gray at 117 West Broadway Avenue, Bardstown KY 40004.

**PUBLIC HEARING ON DAK HOMES LLC APPEAL OF HISTORICAL REVIEW BOARD APPROVAL WITH CONDITIONS OF COA 15-21**

City Attorney Butler instructed the Council and those in attendance on the procedure for the presentation of evidence and positions concerning interpretations. He gave an overview of HRB Administrator Hope Hawkin's statement since Ms. Hawkins was unable to attend the hearing due to family issues. Exhibits included the original application for COA 15-21, the appeal letter from DAK Homes and Charles Jemley and the minutes and recommendation of the Historical Review Board from their meeting on 05-19-2015. City Attorney Butler also related the information contained in an e-mail from Hope Hawkins indicating that the HRB has in other instances allowed a roof to be painted the original color if evidence is presented to document the original color; even if that original color is not red or green. Councilman Hagan asked for clarification of that practice vis-à-vis the HRB standards. Attorney Butler referenced Roofing Standard R-2 as the standard used to justify such recommendations. Attorney Butler also indicated that from his discussions with Hope Hawkins, the HRB is not against using the gray color per se.

Mr. David Kilner gave an opening statement and presented the letter from Charles and Sherri Jemley as the basis for his appeal. Councilmen asked questions of Mr. Kilner and City Attorney Butler. Prior to making his motion Councilman Hagan noted that in his opinion the HRB made a proper recommendation given the lack of definitive proof that the original color was gray; however in his opinion the Council has the authority to allow the color based on a reasonable expectation that the original color was gray.

**COUNCILMAN HAGAN MADE THE MOTION TO OVERTURN THE HRB DECISION ON COA 15-21 DAK HOMES LLC, AND ALLOW THE ROOF TO BE PAINTED GRAY BASED ON THE REASONABLE EXPECTATION THAT THE ORIGINAL COLOR OF THE ROOF WAS GRAY, OTHER HOUSES IN THE AREA HAVE GRAY ROOFS, AND THE EVIDENCE PRESENTED INDICATED THE HISTORICAL REVIEW BOARD WAS NOT AGAINST THE GRAY COLOR IN AND OF ITSELF. A CONDITION OF THE COA WILL INCLUDE STAFF APPROVAL FOR THE COLOR OF GRAY TO BE USED. THE MOTION WAS SECONDED BY COUNCILMAN SIMPSON AND CARRIED 6-0.**

City Attorney Butler closed the public hearing.

**ADJOURNMENT**

**UPON MOTION OF COUNCILMAN HAGAN, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE SPECIAL MEETING WAS ADJOURNED.**

**CITY OF BARDSTOWN**

**ATTEST:**

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John Royalty, Mayor

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Barbara Bryant, City Clerk