

**CITY OF BARDSTOWN
SPECIAL COUNCIL MEETING MINUTES
10-21-2014
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 - **absent**

Others present: City Attorney David Bruce Reynolds, City Clerk Barbie Bryant, Director of Public Works and Engineering Larry Hamilton, Executive Assistant Michelle Riordan, Executive Director of Planning and Zoning Janet Johnston-Crowe, Attorney for Joint City-County Planning Commission Mike Coen, Joint Planning and Zoning Chair Todd Johnson, The Kentucky Standard reporter Randy Patrick, citizens Bill Newcomb, Brian Newcomb and Daniel Newcomb.

The Mayor called the meeting to order and asked City Attorney Reynolds to conduct the hearing on the Historical Review Board's denial of COA #14-62, Newcomb Oil Company LLC -- application to install 10 new street lights at 122 East Stephen Foster Avenue, Bardstown KY 40004.

HEARING ON NEWCOMB OIL COMPANY APPEAL OF HISTORICAL REVIEW BOARD DENIAL OF COA 14-62

City Attorney Reynolds instructed the Council and those in attendance on the procedure for the presentation of evidence and positions concerning interpretations.

Mr. Bill Newcomb was sworn in, gave an opening statement and presented Appellant Exhibits #1, #2, #3 and #4. Mr. Newcomb quoted City Ordinance – Commercial Establishment Design Standards Chapter 157.04 (J) (1) as the basis for his appeal.

Attorney for Joint City-County Planning Commission Coen arrived at the meeting during Newcomb's opening statement. When City Attorney Reynolds asked Mr. Coen if he would like to present an opening statement, Mr. Coen chose to reserve his Opening Statement. Mr. Coen then called on Executive Director of Planning and Zoning Johnston-Crowe. After being sworn in, Executive Director Johnston-Crowe explained that lighting designs for properties located in the Historical overlay of the city limits follow the Historic District Design Standards Ordinance. She indicated the fixtures had been accepted by the HRB members, but the lighting intensity produced by the lumen was the reason for the denial. Attorney Coen presented Appellee Exhibits #1 and #2 into evidence.

Councilmen asked questions of Mr. Newcomb and Ms. Johnston-Crowe. Director of Public Works and Engineering Hamilton was called on to discuss how an "average" illumination level of 0.5 foot candles could be considered. City Attorney then swore in Planning and Zoning Chair Johnson, who made a statement regarding the directive given to HRB members for approval or denial of applications.

Closing statements were then made by Mr. Newcomb and Attorney Coen.

COUNCILMAN BUCKMAN MADE A MOTION TO FIND FOR THE APPELLANT AND AGAINST THE DENIAL OF THE COA BY THE HISTORIC REVIEW BOARD BASED ON FACTS SHOWING THIS PARTICULAR PROPERTY IS LANDLOCKED, SHOULD BE TREATED ON ITS OWN MERIT, THE LIGHTING FIXTURES ARE NOT OFFENSIVE AND WILL ENHANCE THE AREA. COUNCILMAN ROYALTY SECONDED THE MOTION. Mayor Sheckles asked for a vote by a show of hands.

Councilman Buckman - AYE
Councilman Royalty - AYE
Councilman Lydian - AYE
Councilman Reed - NAY
Councilman Simpson - AYE

HRB COA #14-62 WAS THEN DECLARED APPROVED. City Attorney Reynolds closed the hearing.

ADJOURNMENT

UPON MOTION OF COUNCILMAN BUCKMAN, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 5 TO 0, THE SPECIAL MEETING WAS ADJOURNED.

CITY OF BARDSTOWN

ATTEST:

William S. Sheckles, Mayor

Barbara Bryant, City Clerk