

**MINUTES
OF THE
ANCHORAGE CITY COUNCIL
REGULAR MEETING**

Monday, August 12, 2019
6:00 p.m.
City Hall

The Council members in attendance were Cece Hagan, Diane Cook, Neil Ramsey, Bill Wetherton, Jason Walters and Hunter Wilson. Also, in attendance were: Mayor Tommy Hewitt, City Attorney John McGarvey, Attorney Morgan McGarvey, City Administrator Reneé Major, Deputy Treasurer Sara Ritchie, Anchorage Police Chief Dean Hayes, Anchorage Police Officer Kevin Mumphrey, Clerk/Receptionist Angie Chick, and Forestry Chair Lucy Spickard.

Mayor Hewitt called the meeting to order at 6:00 p.m.

Mayor Hewitt shared a letter from Anchorage resident Earl Gaar that commended the Anchorage Middletown Fire and EMS on how well they responded to and handled a recent medical emergency at his home.

MINUTES

Wilson motioned to approve the July 08, 2019 regular meeting minutes. Ramsey seconded the motion. The motion passed unanimously.

TREASURER’S REPORT

There were no questions about the July 2019 check register and financial statements.

POLICE REPORT

New Anchorage Police Officer Kevin Mumphrey was introduced by Chief Hayes. Mumphrey started working for Anchorage on August 11, 2019. He retired from the Louisville Metro Police Department with twenty years of service, and also served as a police officer for other cities including Graymoor-Devondale.

Ramsey inquired about the higher number of business checks. Hayes explained it was due to the increased number of people on vacation at the end of the summer.

HISTORIC PRESERVATION COMMISSION

There were no questions or comments on the Historic Preservation Commission report.

FORESTRY BOARD REPORT

Lucy Spickard announced the Fall Canopy Campaign. Information and order forms for the campaign will be included in the September newsletter. The specialty tree this year is a Cherokee Chief Dogwood, which has deep red blooms.

OLD BUSINESS

Wildlife Management Contract

Hagan stated the contract is to conduct a population count of deer and coyote within the City. Live traps are currently being used to trap nuisance coyotes. City Attorney John McGarvey reviewed the wildlife management contract and recommended changing the location of arbitration from Scott County to Jefferson County, Kentucky. Ramsey noted healthy deer herds should be approximately 100 deer per square mile, current estimates indicate the Anchorage deer population is closer to 300 deer per square mile. Walter said coyotes are attracted by the deer and motioned to approve the contract with the location change for arbitration. Cook seconded the motion. The motion was approved unanimously.

Anchor Monument

Cook announced the move of the anchor and wheel from its current location by the railroad tracks in front of the post office to the Station Road island is expected to be completed by the end of August with a ribbon cutting ceremony to be held in September. The Kentucky-shaped stone and plaque will also be moved and placed by the trailhead at Station Road.

NEW BUSINESS

School Crossing Guards

Anchorage Public School Superintendent Kelley Ransdell addressed City Council and said she worked with Chief Hayes to confirm that there will be three school crossing guards through October 31, 2019. Ransdell has been in contact with the local Metro Council member and was told funding may be found to extend that time. Ransdell thanked City Council for their support. Hewitt noted that the Evergreen Road crossing will have a push-button crossing sign by the end of August. The City is also reviewing the Bellewood Road crossing. Ransdell said the school will also teach students about crossing roads safely.

Variance – Deddens – 2003 Evergreen Road

Mr. and Mrs. Deddens propose to expand an existing shed located 8 ft. from the property line, which is within the zoning setbacks. Council members asked if they had support from the neighbors. Zoning Officer Paul Bergmann's letter stated legal non-conforming structures should not be expanded, and variances are to be used to address when someone has a hardship when applying the strict use of the zoning code. Walters motioned to table the decision. Wetheron seconded the motion, which passed unanimously.

Resolution Authorizing Mayor to Sign MSD Amended Interlocal Agreement

The resolution was amended to allocate expenses and was reviewed by McGarvey and Major. Ramsey motioned to authorized Mayor Hewitt to sign the MSD amended interlocal agreement. Cook seconded the motion, which passed unanimously.

Bids for T Intersection of Bellewood Road and Owl Creek Lane

The southern intersection of Owl Creek Land and Bellewood Road will be converted from a Y-type to a T-type intersection to improve safety for motorists and pedestrians. Vehicles will be required to stop at the intersection. Rush Paving was the low bidder and was previously contracted by the City to repair a sink hole on Evergreen Road. No vote is needed to accept the lowest bid.

Anchorage Residents' Appeal of Historic Preservation Commission's Decision Regarding St. Luke's Church

City Attorney John McGarvey explained the process for hearing statements from all sides. McGarvey informed Council that the Historic Preservation Commission (HPC) decision must meet the clearly erroneous standard to be overturned.

Attorney Steve Porter filed the appeal as a representative of a group 180+ concerned citizens. Porter stated the citizens are opposed to the 4-to-3 Historic Preservation Commission decision that approved a fellowship hall addition for St. Luke's Episcopal Church. He stated Anchorage has an ordinance to protect residents, including their right to enjoy their properties, and property values. He pointed out that two of the four members reluctantly voted in favor of the addition, in part because they believed size and mass are not to be considered. Historic Preservation Commission member Katie Greene's statement in the HPC minutes said, "size doesn't matter." Porter referenced the HPC guidelines and said size would reflect on scale, height, and width; "size does matter." Ramsey said according to the minutes, the Historic Preservation Commission did take size into consideration. Attorney Eric Ison represented St. Luke's Episcopal Church. Ison quoted the HPC motion which included mass and scale. Ison said St. Luke's Church has the right to build and improve their property. Hagan asked whether the church met with neighbors that were opposed to the project, specifically Mr. and Mrs. Linkous. Ison discussed the two public meetings held at the church and the five Historic Preservation Commission meetings, which are also open to the public. He believes Father Delk met with Mr. and Mrs. Linkous. He also stated that there are no requirements for the church to meet with neighbors in order to obtain a Certificate of Appropriateness. Hagan said the Historic Preservation Commission's motion to approve included a statement about the size and mass of the proposed addition. The statement that size and mass was not considered is clearly erroneous. Ison says it was erroneous because the decision was based on the wrong cost estimate for using full-depth stone. Ramsey asked the Council to consider whether the Historic Preservation Commission voted capriciously and motioned to deny the appeal of the residents and affirm the Historic Preservation Commission decision.

Cook seconded the motion. The following votes were made on the motion:

Cook	Yes	Hagan	Yes
Ramsey	Yes	Walters	Yes
Wetherton	Abstain	Wilson	Yes.

The motion to deny the appeal of the residents and affirm the Historic Preservation Commission decision passed.

St. Luke’s Episcopal Church Appeal of Historic Preservation Commission’s Decision Requiring Exterior Natural Stone

Ison requested that City Council affirm the motion to approve the addition to the church without the amendment for requiring full-depth stone and reverse the portion that imposes the requirement to use full-depth stone. He said it is clearly erroneous to impose the type of materials and way the addition is to be constructed on the church. Architect Tony Bayus presented a slide show of the elevation drawings. Ison indicated the decision to use full-depth stone was clearly erroneous because it didn’t consider that footers would need to be fortified to bear the weight. John McGarvey said cost was not brought up before the Historic Preservation Commission. This decision must be based on clearly erroneous standard rather than De Novo (re-hear the case) so new information cannot be considered. Porter asserted that the HPC guidebook says when considering an addition, the design of existing [buildings] should be evaluated and should be complemented. Ison stated that HPC gave the church recommendations for changes, the church followed the rules, made the changes, therefore he asked the Council to end the process and clear the way for St. Luke’s Church to go forward. Ison claimed the Historic Preservation Commission cannot require the use of certain building materials. Council members stated that HPC can require the use of certain materials and have done so on many projects. Ramsey doesn’t see how HPC is not within their purview and motioned to deny the appeal of the condition to use full-depth stone on the church addition. Walters seconded the motion. Cook cited the approval of an asphalt roof for the addition as substantiation that HPC does consider and allow for changes in materials. The following votes were made on the motion:

Cook	Yes	Hagan	Yes
Ramsey	Yes	Walters	Yes
Wetherton	Abstain	Wilson	Yes.

The motion to deny the appeal of the condition to use full-depth stone on the St. Luke’s Episcopal Church addition passed.

With no further business to discuss, Wetherton motioned to adjourn the meeting. The motion was seconded by Cook and was unanimously approved. The meeting adjourned at 7:44 p.m.

W. Thomas Hewitt
Mayor

Reneé M. Major, City Clerk