

COMMISSION OF ARCHITECTURAL REVIEW
January 26, 2012

Members Present

Fred Meder
Cynthia Castle
Jeffrey Carson
Robin Crews
Richard Morris
Sarah Latham

Members Absent

Susan Stilwell

Staff

Renee Blair
Christy Taylor
Emily Scolpini
Clarke Whitfield

Clarke Whitfield called the meeting to order at 3:35 p.m.

Mrs. Castle arrived at 3:39 p.m.

I. ELECTION OF OFFICERS

Mrs. Latham asked since Fred will be rotating off in August, will the Vice-Chair automatically be elected Chair or will there be another election at that time?

Mr. Whitfield responded I believe that the Vice-Chair will automatically become Chairman. It would be up to the Vice-Chairman. If they do not want to become Chairman, but if they do then they can assume that role. Everybody will just move up.

Mrs. Latham asked so secretary would become Vice-Chair?

Mr. Whitfield responded if they consented to.

Mrs. Latham asked who else rotates off in August? I know Susan can be reappointed. Fred cannot. Does anyone else rotate off in August?

Ms. Taylor responded Jeff, your term expires; so you will need to be re-appointed and Cindy's as well.

Mrs. Latham asked can she be re-appointed or not?

Ms. Taylor responded I am assuming, yes.

Mrs. Latham stated so, Fred is the only one.

Mr. Whitfield stated which means that those of you that can be re-appointed should expect a telephone call from Mrs. Demasi asking probably sometime in June. She may be asking you are you willing to serve? You do get that option.

Mr. Whitfield opened the floor for nominations for Chairman. Mr. Whitfield stated remember that does not require a second.

Mr. Carson nominated Mr. Fred Meder as Chairman.

Mr. Whitfield closed the nominations.

The nomination to elect Mr. Fred Meder as Chairman was approved by a unanimous vote.

Mr. Whitfield opened the floor for nominations for Vice-Chairman.

Mr. Meder nominated Mr. Jeffrey Carson as Vice-Chairman.

Mr. Whitfield closed the nominations.

The nomination to elect Mr. Jeffrey Carson as Vice-Chairman was approved by a unanimous vote.

Mr. Whitfield opened the floor for nominations for Secretary. Mr. Whitfield stated remember your duties are only to run the meeting in the absence of the Chair and the Vice-Chair.

Mr. Carson nominated Mrs. Sarah Latham as Secretary.

Mr. Whitfield closed the nominations.

The nomination to elect Mrs. Sarah Latham as Secretary was approved by a unanimous vote.

Mr. Meder now presided over the meeting.

II. ITEMS FOR PUBLIC HEARING

Item 1. Request for a Certificate of Appropriateness, PLCAR20120000018 to remove chimney and cover opening with metal roofing material.

Open the Public Hearing.

Present on behalf of the request was Ms. Rebecca Fitzgerald. Ms. Fitzgerald stated this is the chimney in question (displaying a picture). What has happened as you can see in this picture, is the mortar is giving up the ghost and the brace on the back since the earthquake has actually separated from the chimney; so it is not even holding it up. I am having massive water issues for the last thirty (30) years. My parents owned this property before I did. It has been an ongoing battle to try and keep the flashing from separating as the metal, brick, and things move. They re-open constantly. My biggest problem is the brace. That is where the largest influx of water is. I had the roof inspected and repaired twice this past year. The first time was in the spring and it did not rain for several months. When it did, the repair did not take. I had it done the first week in December. I had another roofer come up and make repairs. They could not visually see any breach for water to come in. The repair he did around the bracket slowed it, but it still has not stopped. As I said, we have been fighting this for thirty (30) years. It is just getting worse. The brick is deteriorating, so it is soaking in water; and now it is leaching into the upstairs living room. The ceiling is about to fall down. I need to get this down and taken care of as soon as possible. The house is jarred constantly. It is located at Broad Street and Dibrel alley, and with the Urology Clinic next door the change in that you've got their delivery trucks, trash trucks, and all of the vehicle traffic. The house is constantly being vibrated. That is why the repairs, I think are not holding. It is time to take it down hopefully with your approval, roof over it with the same type of hip roofing, the standing seam metal roof, and hopefully end my water damage problem. Then, I can get the plasterers in. The attic itself, I have had plastic down for years in trying to keep it from running on the floor and seeping in that way. Clearly it is going down the structure of the chimney and then leaching out.

Mr. Carson asked is there a floor in the attic?

Ms. Fitzgerald responded yes. We have pictures of that too.

Mr. Carson stated yes, I see the pictures. What are you going to do about the mildew?

Ms. Fitzgerald responded actually it is paint. I do not know why somebody put grey paint up there, but it is paint. I am concerned. I need to stop the rain. This is where the most damage is coming from. The nails that you see coming from here are from that brace arm and I am afraid that the wood is soon going to disintegrate.

Mr. Morris stated I assume the fire places are not in use.

Ms. Fitzgerald stated no.

Mr. Morris asked are they there?

Ms. Fitzgerald responded the upstairs has a decorative cover over it. The downstairs one, we covered the actual flue area.

Mr. Meder asked how does your furnace vent?

Ms. Fitzgerald responded the furnace vent is one of the rear chimneys. I have three (3) total chimneys, and this is the only one that I need to take down.

Mr. Morris asked do you have to get a permit from the building department to remove that?

Ms. Fitzgerald responded I am sure. They told me that I had to get your grace of approval before I could do that.

Mr. Morris stated because that is also a Code issue I am assuming. They have to check and make sure that there are no fireplaces and all of that stuff.

Mr. Carson stated one of the reasons why I mentioned the floor in the attic is not our purview, but you might want to take up the floor just to make sure that the water is not leaching along the rafters. You will want to see how sturdy those rafters still are. The faster you get up that plastic the better.

Mrs. Latham asked once the chimney comes down, are you planning to paint the entire roof or just the patch area?

Ms. Fitzgerald responded the roof was painted two (2) years ago. I think just painting it with the same paint that I have used.

Mrs. Latham asked just the patch area though?

Ms. Fitzgerald responded yes. I will probably paint that section.

Mrs. Latham asked that whole side?

Ms. Fitzgerald responded yes.

Mr. Meder stated another thing that you may want to do is Google boric acid. There is a website that tells you how to mix it right. You spray it on this and it will kill bacteria and roaches among other things. It will preserve all of this, because this wood is very much in jeopardy now at this point to rot and this will reduce, it will preserve it. You can make it yourself. If you went to buy it by the gallon it is very

expensive. The Wood Restorer of America or something sells this and it is wicked expensive, but you can make it. I stumbled across it the other night, because I do that. It is supposed to preserve the wood for like a hundred years. That would be an asset to this seeing that it has been so damaged. It is cheap to do if you do it yourself.

Ms. Fitzgerald stated both roofers, because I have the roof inspected every year, said for the age of the roof it is in fantastic shape. I think this will help me take care of that.

Mr. Meder asked did they say how they were going to fix this, because you cannot solder to this old roof anymore? It is not going to take solder.

Ms. Fitzgerald responded I do not know.

Mr. Meder stated it is going to be a cold joint if you don't.

Ms. Fitzgerald stated that is something that I have not found. I have been, for the last two (2) years, trying to find one of the local standing seam repair companies. No one will call me back. I have talked to John Holt, who is the chimney specialist that I have been contacting to find out my options on what to do about this chimney. In fact I talked to him before I came down here today. He said that he could find somebody to help me do that repair.

Mr. Meder stated so the key question is what do you do about the cold joint.

Mr. Carson stated you are probably going to have to replace a series of panels from the base all of the way to the ridge. That might be your best bet.

Ms. Fitzgerald stated while I was looking for a roofer, I was willing to replace the entire roof. That is when I found someone that would actually come and do the repair. They said that I did not need to.

Close the Public Hearing.

Mr. Carson made a motion to approve the request. Mrs. Crews seconded the motion. The motion was approved by a 6-0 vote.

Mr. Carson now presided over the meeting.

Item 2. Request for a Certificate of Appropriateness, PLCAR20120000019, to complete the following at 931 Green Street:

- *Stabilize the Garage*
- *Relocate the interior separation wall of the garage to create a larger parking area*
- *Install door on the front of the garage to create an enclosed storage area*

Open the Public Hearing.

Present on behalf of the request was Dr. Ann Garbett. Dr. Garbett stated you can see it from the street. It is just that ugly. It has been like that since before 1978 when I bought the house, but it has aged. The two (2) bays were intended of course to make it a two (2) car garage. Cars have gotten bigger and car doors open wider. It is now in a state where if I pull my car in I can't get out. I have got some arthritis which means that I really need some maneuvering room. So, what we would like to do is move that center thing which is not supporting anything it is just marking. It sways in the wind. Move it over to the left, making the right hand bay the operative one and enclosing the left hand side to make an effective shed. Fred says

that he has an old door that he could put in it. It will not be a garage. It will just be something that can be locked up.

Mrs. Latham asked ok so this would be a standard size, like a thirty-six (36) inch door solid wood?

Mr. Meder responded yes, a six pane over six (6/6) like in your house, like from one of these old homes.

Mrs. Latham asked and the other side?

Dr. Garbett responded will remain open.

Mr. Carson stated it seems what is holding up your building is your corrugated metal siding.

Dr. Garbett stated that is right.

Mr. Meder stated good observation. The span is almost nineteen (19) feet. The joist goes the long way, so I am going to have to get in there and brace it and replace some of them that have broken. It is not a whole lot of work, but I am going to have to do that.

Mr. Carson asked does staff think that this is a contributing structure in the historic community?

Ms. Blair responded no, sir. I have included the reconnaissance level survey with your packet and it does state that this is a non-contributing structure.

Mr. Carson asked have you thought about simply replacing it with something that will not fall down on your head?

Dr. Garbett responded I have not actually. I am not very interested in building a brand new garage when I have got one that is well on its way to becoming an historic structure, I believe. It is as much garage as I need or want. I do not want sliding doors and all of that stuff that other garages have. I do not need them.

Mr. Carson asked so this will be an open garage space like a carport in the back?

Dr. Garbett responded open garage, exactly.

Mr. Meder stated it will be exactly what it is.

Dr. Garbett stated it will keep the sun off, the ice off of the windows, which will be nice and that is all I really need. If I could also have a place to lock up some lawn tools on the left, that would be lovely too.

Mr. Meder stated the only question that I have for the Commission is how far back should we set the little shed door? We could set it back in maybe four (4) feet you know so there is a little.

Mr. Carson asked overhang?

Mr. Meder responded yes and maybe so it is less in your face. It is further back. To address your question personally, when I first came here it was kind of cool that everybody had these little metal sheds right on the property line, right on the corner of their property. There was like thirty (30) of them. Many of them burnt or fell down, but when I first got here in 86 they were all over the place.

Mrs. Latham asked will there be any repainting done?

Dr. Garbett responded I think it will need to be repainted once this is done, just in that dark green.

Mrs. Latham stated that is not really in our purview either.

Mr. Carson stated well in a sense it does change the material. This is aluminum. What is this?

Mr. Meder responded tin.

Mr. Morris asked will you be matching the siding?

Mr. Meder responded well, yeah this siding right here is what we thought we'd use. Use one by six (1x6) treated. This has just got to be torn down and then we come back with one by six (1x6) treated lumber. They may have one by eight (1x8), so I could actually mix it up.

Mr. Morris stated I was talking about the front where the door is going.

Mr. Meder stated I am not changing anything. I am trying to make it just exactly like it was. In fact, we could stain it dark brown and make it look aged.

Mr. Carson stated I do not see any point in painting this thing. It will stand out even more. I would rather beat up the door to make it look like the rest.

Dr. Garbett stated the building has been painted in living memory. It was painted dark roof green, the whole exterior and that is what I would do again. If there was new wood there, I would probably paint that as well. Let is sort of blend in with the ivy.

Close the Public Hearing.

Mrs. Crews made a motion to approve the request as submitted. Mrs. Latham seconded the motion. The motion was approved by a 5-0-1 vote (Mr. Meder abstained).

Item 3. Request for a Certificate of Appropriateness, PLCAR2012000020, to complete the following at 154 Chestnut Street:

- ***Excavate rear yard and install a retaining wall and paver patio just as approved for 432/434 Chestnut Street***

Open the Public Hearing.

Present on behalf of the request was Mr. Fred Meder. Mr. Meder stated this is a project that I had an architect help me with.

Mrs. Latham asked is that architect in the room?

Mr. Meder responded what we are doing here does not have any effect on it. It is just the roof. What we are going to do is take this house back from the dead.

Mr. Whitfield asked did you have somebody in the room help you with this?

Mr. Meder responded yes.

Mr. Whitfield stated they will have to abstain as well.

Mr. Carson stated we still have a quorum.

Mr. Whitfield stated you are still fine, but I do not want him to get in trouble.

Mr. Meder stated I've got a bunch of pictures here that I will split and send them both ways. You can see how bad it is. It took me ten (10) years to wrestle this house away from the homeowner. This house was a duplex. It is right next to the house we approved the excavation work on, the yellow house. Let me update you on that one quickly. At the yellow house there is a fuel oil tank and so I had to involve the DEQ. I am now waiting on the permits from the Department of Environmental Quality that we need to remove the fuel tank to get started. We felt that we would get this one ready, because we are going to do the same thing with this back yard. Are there pictures in our packets?

Ms. Blair responded no, I do not think you sent any.

Mr. Meder stated it is ok. The retaining wall again is six (6) foot from the back door and the concrete is exactly like the other house. It is the same contractor that poured the concrete and done all of this work right up to the threshold, therefore rotting out the entire back of the house. Rick proposed that we pull it back fifteen (15) feet, lowering twelve (12) or sixteen (16) inches whatever is appropriate to rebuild a patio to get the water off of the back.

Mr. Carson asked then you will have a retaining wall?

Mr. Meder responded exactly. This one I have versa lock material already purchased, you know already stock piled. I have pavers that we thought we'd use.

Mr. Carson stated although I do not think it is part of the request, you are going to be replacing the jigsaw banister.

Mr. Meder asked do we need to vote on these one at a time?

Mr. Carson responded I think so.

Mr. Meder stated I took the last one first because it really married into the last project we had done and approved. They are all going to happen at the same time. I am going to have trucks and bulldozers pull it all out at one time. I am thinking like D9 type bulldozers.

Close the Public Hearing.

Mrs. Latham made a motion to approve the excavation of the rear yard as presented. Mrs. Castle seconded the motion. The motion was approved by a 4-0-2 vote (Mr. Meder and Mr. Morris Abstained).

- *Install new metal roof*

Open the Public Hearing.

Mrs. Crews asked staff recommends approval of the entire mass, is that correct?

Ms. Blair responded yes.

Mr. Carson stated I would like to ask Mr. Meder about this structure. In this photograph in front of the house, it looks like the whole thing is sagging.

Mr. Meder responded just the porch. That is line item three (3). We will get to that. My question would be, do we want to pick out a color for the metal roof? It is going to be a pre-painted metal roof.

Mr. Carson asked is this standing seam metal roof?

Mr. Meder responded it will mimic a standing seam. It is not turn just like Rick's and Brian Blair's is not turn and Gary Grant has also got the standing seam metal roof that is thirty (30) year warranty paint.

Mr. Carson stated it just snaps into place.

Mr. Meder stated I just spoke with the man on the way in here that is why I was late. This has got hidden gutters and what we are going to do is build the hidden gutters out of turn and so I will have to paint those every three (3) years versus not painting the rest of the roof. But the deal with not painting the roof is in thirty (30) years I am eighty-three (83). I will pass it to the next person.

Mr. Morris asked can I speak even though I cannot vote?

Mr. Whitfield responded if you are explaining the project as the architect, yes.

Mr. Morris stated it is a Department of Historic Resources project, so he has to follow all of their standards. We did not discuss it, but I do not know if they require a standing seam roof on that thing.

Mr. Meder stated no, they did Brian. I asked Gary Grant the question and they said metal.

Mr. Morris stated we actually put that in the submittal, which they approved.

Mr. Carson stated the type of roof that they are proposing looks like standing seam, but it simply snaps into place. It really looks appropriate. The color, have you one in mind?

Mr. Meder responded I was thinking, you know I hate hot weather, so I was thinking like almond or sierra tan. The house is white aluminum. I do not know if I am man enough to take the aluminum off and strip it. There might not be any money left. I can only borrow so much.

There was discussion about the various colors for the roof.

Close the Public Hearing.

Mrs. Latham made a motion to approve the installation of a new metal roof in either Sierra Tan or Musket Grey depending on which color Mrs. Meder selects. Mrs. Crews seconded the motion. The motion was approved by a 4-0-2 vote (Mr. Meder and Mr. Morris Abstained).

- *Install a wooden dog-eared panel fence in the rear with a gate*

Open the Public Hearing.

Mr. Carson asked where is this going to go?

Mr. Meder stating (passing around pictures) this is between the yellow house and 154.

Mrs. Latham asked would the gate lead out to the same alley?

Mr. Meder responded this is between the two (2) homes. I think there is like seven (7) feet between the homes.

Mrs. Crews asked do you have a picture of the fence?

Mr. Meder responded no, the dog-eared is just a wooden cheapo, easy. I did not want to do anything to make it look architectural. I just wanted to do what is common.

Mr. Carson asked where is the fence?

Mr. Meder responded if one would ever travel to Lowe's there is a dog-eared fence. They sell the one by six (1x6) dog eared pickets. I could use solid pickets, but I was just thinking about cheap.

Mrs. Latham asked what height?

Mr. Meder responded I think once you take that big shrub out, which will have to come out when we do the porch and all that, you are going to be able to see all of the way to Sutherlin. So, I would like to put a six (6) foot fence there with a large enough gate to bring one of these new garbage cans. It does not have to be at the front of the building. I think if you will look at one of the pictures there is a gas meter. It has got to be beyond the gas meter.

Mr. Carson stated why don't you point out on this photograph where it is going to be.

Mr. Meder stated I would say right behind this window. Do you see the meters? It will probably be at the end of the gable. It gives the people on the patio privacy. Because it goes up the hill, maybe I could get away with five (5) feet.

Mr. Carson stated six (6) feet is fairly standard especially for what becomes a rear yard. It looks like it is going to be set back closer to fifteen (15) feet right under the rear portion of the gable.

Mrs. Crews asked there is no existing fence or gate?

Mr. Meder responded there is nothing there. There is wire. You cannot see it. It is an old wire fence there. I want to be able to let both properties hide their trash cans in that space and take the trash cans out to the street down that alley that we will put pavers on like the patio. Essentially we are hiding the garbage cans.

Mr. Carson asked is this going to be free standing or connected to both houses?

Mr. Meder responded I will not connect them to the house. I will mount them to a pole.

Mr. Carson asked the poles will be mounted in concrete?

Mr. Meder responded yes.

Close the Public Hearing.

Mrs. Crews made a motion to approve the installation of a wooden dog-eared fence in the rear with a gate. Mrs. Latham seconded the motion. The motion was approved by a 4-0-2 vote (Mr. Meder and Mr. Morris Abstained).

- *Restore front porch to original with sawn balustrade and mill work*

Open the Public Hearing.

Mr. Meder stated here is the sawn balustrade and I found a place that can make them. I really did not feel that I need to bring this here, but I do need a permit for it; so we might as well just do it. I am rebuilding exactly what is there to the best of my ability.

Mrs. Crews asked are you replacing all of them?

Mr. Meder responded no.

Mr. Carson stated you are going to have to put in another support beam.

Mr. Meder stated yes, Rick and I are going to discuss that later on, actually how DHR would want to see this.

Mr. Carson asked wooden cornice I assume is as equally damaged?

Mr. Meder responded and will be replaced.

Mr. Morris stated word of caution. I almost burnt my porch down yesterday with a heat gun. I was doing exactly that and it has one of those lattice ceilings. There must have been debris up there, and it caught fire.

Mrs. Castle stated been there, done that.

Mr. Meder stated we made the front page of the paper doing that.

Mr. Carson stated Sherwin-Williams has a product called DAD'S. It is a paint and varnish remover. You paint it on and I swear it works like a miracle. It really works extremely well and it is cost effective. You might try that before you try the heat gun.

Mr. Meder stated this way I will be able to pull the permit without any question.

Mr. Carson stated this does not really require us. It is a repair. It does not even require a permit.

Ms. Blair stated it does. It is because it is in the historic district.

Close the Public Hearing.

Mrs. Latham made a motion to approve the restoration of the front porch to its original with the sawn balustrade. Mrs. Castle seconded the motion. The motion was approved by a 4-0-2 vote (Mr. Meder and Mr. Morris Abstained).

Mr. Meder now presided over the meeting.

III. APPROVAL OF MINUTES

The December 8, 2011 minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

Mrs. Latham stated I have a question. At October's meeting I believe it was, I inquired about under what circumstances an approved plan could be put in a way that we did not approve. At which time you said that there were no circumstances that you were aware of. Mr. Gillie had just had his motorcycle accident and you needed to speak with him. The YMCA did not follow the approved plan. As it has been pointed out by several members of the CAR is not an uncommon occurrence. The parking lot that they installed is not the plan that the CAR approved. I was just wondering if you had a chance to follow up with Mr. Gillie and find out why or how it was changed and not brought back to us.

Mr. Whitfield asked have you?

Ms. Blair responded I think you said you would.

Mr. Whitfield stated I assumed you all would since you are the enforcement and I am just the lawyer.

Mr. Carson stated in other words, we will hear about this next month.

Ms. Blair stated you will hear about it next month.

Mrs. Latham stated I am just curious. This happens to be the YMCA and they have done similar things in the past. If the City does not follow up on these things that are not done as approved by the CAR one wonders what we are here for.

Mr. Whitfield asked what portion of the parking lot?

Mrs. Latham responded it was to include according to Zoning Code parking regulations, a raised landscape island. That was in the design that was drawn by my husband that was approved by the YMCA and brought here. Evidentially, perhaps when the Y went to Dewberry to have them draw the exact, Dewberry left it out.

Mr. Whitfield asked so it is the raised landscape island?

Mrs. Latham responded yes.

Mr. Whitfield asked any particular location?

Mrs. Latham responded it was down toward our end of the parking lot. It was to have a tree and there was all of that discussion that in the parking lot there would be a tree planted.

Mr. Whitfield asked on the southern end of the parking lot?

Mrs. Latham responded yes.

Mr. Meder stated please note that this is an habitual offense from this organization. We approve one thing and they go do another one. In fact the contractor that did the last disaster was quite proud of it.

Mrs. Latham stated I think that was before my time, but this one we just spent so much time on. Dan was the one who did all of the measurements and everything and suddenly it gets built without. That was one of the features that I think was of particular importance to the group as I recall, because it would make this surface parking lot at least a little more attractive to have a shade tree in there.

Mr. Whitfield asked so it is a landscaped island with a tree?

Mrs. Latham responded yes, and as I said when Dan was designing it he went to Ken Gillie numerous times to make sure that he was getting everything right and what was required by the Zoning Code. This is required for that size parking lot that there be a raised landscape island. Ken spoke with Dan about it numerous times before it went to Dewberry. Dan believes that Dewberry left it out of the drawings. Those drawings would have gone back, I believe to Mr. Gillie's office in order to get whatever permit. I am not sure if that is the case.

Mr. Carson stated Dewberry should have come here and discussed the change with us.

Mrs. Latham stated if it did go back to Mr. Gillie and had been changed by Dewberry, the question is why was that approved?

Mr. Whitfield stated both of us should touch base with him. I have taken some notes.

Mr. Carson asked do we have the original drawing approved somewhere?

Ms. Blair responded yes.

Mr. Carson stated in any event the Commission would like to see the Dewberry drawing if it in fact requested or required a change. We would like a representative from Dewberry here.

Mr. Meder asked where do we stand? Do they have to come back to the CAR because they did not do this and ask for that approval and we deny it?

Mr. Whitfield responded I need to check on that. Because they changed it, they would need to ask to have a new Certificate of Appropriateness or at least have their Certificate amended. That is what I would think.

Mrs. Latham asked but presumably we would be within our rights to say no, and they would have to remedy the situation?

Mr. Whitfield responded that is the way I understand it.

Mr. Carson stated unless there is some compelling reason that they could not do it, like a storage tank underneath.

There was brief discussion about underground storage tanks.

Mr. Meder asked Renee, can you explain the HB-1137?

Ms. Blair responded is that the one talking about the new districts or the demolition? There are two (2) and I do not know which is which.

Mrs. Latham stated what I received from Sonya states that everything remains the same. The final paragraph is an amendment to House Bill 1137 that would allow individual owners within local districts to opt out of a local district.

Ms. Blair stated and that was only if there were to be a newly created district.

Mrs. Latham asked is that the case?

Ms. Blair responded I believe.

Mr. Whitfield stated I am going to look it up real quick.

Ms. Blair stated if it is a newly created district you must have the property owner's permission for them to be considered part of that district. It has been in the past that you must have unanimous consensus to create the district. This House Bill the way I understand it will allow you to opt out.

Mrs. Latham stated in an essence you can have swiss cheese and part of it could destroy the whole purpose of local historic districts.

Mr. Carson asked is there a time factor that you are allowed to drop out? I have not read the bill myself.

Ms. Blair responded you have to have the public hearing and public notification process to create a local district to begin with. This would allow you during that process to opt out. A final approval by Council would be done with this particular boundary and ABCD properties excluded.

Mr. Carson stated but you couldn't opt out after you have already signed onto it.

Mr. Whitfield read House Bill 1137.

Mr. Whitfield stated I think what this is saying is that if you all expanded the district, created a new district, and the majority of the property owners of the structure did not want to be in the district then they could be exempted from the district. The way I am reading this right now, I do not think that it is saying you can absolutely withdraw from the district. It is not any kind of new legislation with regard to that.

Mr. Morris asked what happens if it is a minority?

Mr. Whitfield responded it is very clear that it is a majority. It says the majority owners of the property.

Mrs. Crews stated an individual homeowner could opt out.

Mr. Whitfield stated that is what it leads me to believe.

Mrs. Latham stated that sounds like we are proposing a new district here that is made up of a hundred (100) houses and forty-five (45) scattered among them object, so those forty-five (45) are exempted and we have got swiss cheese.

Ms. Blair stated they could still be in the National or State register, but they would not be in the local district.

There was further discussion about House Bill 1137.

Mr. Meder stated I can give everyone our Delegates email address, so everyone can email him to tell him to delay this, so we can study it more.

Mrs. Latham stated the interesting thing is that there has been no review of the proposed amendment by Preservation Virginia or any of the architectural review boards in the municipalities in Virginia. It has just

been slapped up there approved by real-estate lobbyist. There has not been any review to committees such as ours to just think about it and get some feedback before trying to take it to a vote.

Ms. Blair stated it is Danny Marshall's bill. Feel free to contact him.

Mr. Carson stated either you have a historic district or you don't.

Mrs. Latham stated and since we are getting ready to have one, Mr. King assures us that the River District will be under local control. He has assured us that on a couple of occasions. We discussed last meeting, will it be under this particular commission or will they create another one, because it is mostly commercial buildings? This becomes a rather urgent issue for us if we are looking at creating a new local historic district.

Ms. Blair stated I am not certain that will be the same as what you have in the OWE, because the River District itself will not be considered a historic district. It will simply be a River District. It will be an overlay district not a historic district.

Mr. Whitfield stated it will be an overlay district.

Mrs. Latham stated but it is already a historic district.

Ms. Blair stated it is a combination of TWD, Downtown, some of the Mechanicsville eligible district, so it is not its own separate historic district. This particular legislation would not affect it at all.

Mrs. Latham asked can you assure us that there will absolutely be guidelines that will have to be followed?

Mr. Whitfield responded yes, there will be guidelines that will have to be approved.

Mrs. Crews stated hence I am sure the reason Danny proposed the issue is that some owners are not interested and they have pre-owned it before the overlay district was ever a thought. I understand your passion. I am just as passionate on the opposite side. If I bought a home, I do not want something super imposed on me later on that I might or might not buy into.

Mr. Whitfield stated there will minimal residential other than the condos and things like that, there should not be any houses. At least the boundaries that I have looked at, I do not think there are going to be any houses.

Ms. Blair stated no, that is going to be separate and there will possibly be separate guidelines for commercial versus residential. That is going to be entirely a new animal from what we have now.

Mr. Meder stated and they want to start a new commission and my point to them was you tried to disband us like three (3) years ago and now you are starting a whole new one. I do not understand.

Mrs. Latham asked has that been decided for sure that there will be a separate commission that oversees the River District?

Ms. Blair responded I do not believe there has been a final vote on that.

Mr. Carson asked what would your distinction be between the districts, the Historic District and the Overlay District as far as review process is concerned? You are still reviewing designs.

Ms. Blair responded at this point we are still trying to discuss the logistics of that and figure out how we are going to handle that if it is something that will be handled by a board that is already present, if it will be a new board how will that be separated. None of that has been ironed out. Even the boundaries of the River District have not been finalized, so we are still in late planning stages.

Mr. Meder stated I would like to address that in two (2) phases. One (1), to have a board like us helps keep us involved in our community. We now feel that we are involved in this process of safeguarding our neighborhood. We personally keep tabs on what is going on in Danville because we are involved. It is a good thing to get more people involved, not a bad thing. It seems like everybody agrees. The other thing is it seems to me right now the way the district is made up there is this void in the middle. It seems to me like Five Forks is like right here. We need to encapsulate that space.

Ms. Blair stated I have had conversations in the past with Mark Willard when he was President of the Historical Society. There was talk of expansion or an application for expansion, but I have not seen anything in a good while. I know since he is no longer President, I do not know where that is.

Mrs. Latham stated letters went out, postcards have gotten back, it is just one of those things in making the transition that we have not been able to get back to. That proposal was to expand the Historic District boundaries not the Overlay District boundaries. This would not expand the local district, only the National. People in the Five Forks area would have access to Federal and State tax credits, but they would not be subject to local review. That was the proposal that went out.

Mr. Meder stated I would like to see a roundabout in Five Forks, get rid of Burnett's and that little island in the middle there. Put a nice roundabout and clean up the space a little bit and include it in the Tobacco Warehouse District and let our housing district be maintained as a housing district. That is my opinion not shared by everybody. We need not to have a gap in between. We do not need a black hole.

Mrs. Latham asked is the City still planning to focus on Five Forks this year? I know the money went to North Main that had originally been planned for Five Forks, but my understanding a year or so ago was that probably this year Five Forks would be the focus.

Mr. Meder responded the money has been cut again.

Ms. Blair stated our CDBG funding that was going to provide the money for this target area has been cut again. At this point we are just trying to figure out how to make it work.

Mrs. Latham stated I will need to get some volunteers to work on following up this expansion.

Mr. Meder stated it is just too much of a void.

Mrs. Latham stated I think expanding the National Historic District and the Virginia Landmark is to everyone's advantage, which gives them access to the credits without being worried about the local reviews. That is the main message that we have to get out, because so many are worried about the local review especially living in an area like Five Forks you might not have money; so hopefully we can take care of that.

With no further business, the meeting adjourned at 4:40 p.m.

APPROVED