

COMMISSION OF ARCHITECTURAL REVIEW
September 22, 2011

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

Vice Chairman, Jeffrey Carson called the meeting to order at 3:30 p.m.

Mr. Meder and Mr. Morris arrived at 3:32 p.m.

Chairman, Fred Meder now presides over the meeting.

I. ITEMS FOR PUBLIC HEARING

Item 1. Certificate of Appropriateness PLCAR20110000214, to replace hidden gutters with conventional, seamless metal gutters at 150 Holbrook Avenue.

Open the Public Hearing.

Present on behalf of the request was Mr. John Light. Mr. Light stated you all have already taken some steps toward pursuant of this petition, which I greatly appreciate. Last time it was suggested that I bring some samples. I have made some arrangements to do that. I have been working with some contractors. I have kind of settled in on an individual that was suggested by Mr. Brackett and that is Moss Home Improvement. His name is Chris Miller. Mr. Miller was nice enough to supply me with some samples and talk to me about various options. I have some of these things for you. I am not sure of how much significance that they are.

Mr. Light presented gutter samples provided by Chris Miller of Moss Home Improvement. The samples included 6" half round, copper painted, and a standard box style (preferable by applicant). Mr. Light also presented a sample of the crown molding.

Mr. Light stated he suggested the standard gutters. In an effort to minimize the appearance change, that is about as close as we could come up with. I will also tell you that this is also the actual color of all of the wood on the house. I have been told that I cannot get matching color coming with a half round. The contractor did not like the brass colored stuff, because it turns a funny color after a period of time. With this, I can get something that matches the paint (holding the standard style). My suspicion is that these could probably be painted after the fact. That is about where I am at.

Mr. Carson stated you are probably better off with the baked on finish. You paint something; it always peels after a while.

Mr. Light stated that would be my suspicions. I do not know.

Mr. Meder asked what is your preference?

Mr. Light responded my preference, as it was suggested by Mr. Miller, is this; because it is the closest match to the existing crown that now covers about half of the front. It is a close match to that. It is closer than anything else. It seems to me that the half round would be quite an obvious addition to the house. The other may blend in better. From a functional point of view, he tells me that, the whatever you call, the box style as opposed to the half round works a little better simply because it is deeper.

Mr. Morris asked does he have any idea how that will tie into the existing crown, because the existing crown does not protrude out?

Mr. Light responded it does not. His concept thus far has been to cap the gutters, and you have got that cap situation is fairly prominent. I have seen a bunch of examples of it. I tried to discuss with him the possibility of, and I am not sure that I conveyed it very well, I meant to come find you and talk to you about it; but to me I do not understand why you cannot do a cap on the end of these where it comes out and then do a false turn.

Mr. Morris asked with wood?

Mr. Light responded with wood or these end pieces. They make these ninety (90) degree turns on these things.

Mr. Morris stated if he can do that it would be better.

Mr. Light stated which would dovetail in with this. Even if you are just doing the outer perimeter, and you have the cap. I am not sure that I got my message across to him, but he said that it could not be done. I did not understand why he was saying that. It seemed to me that you could logically cut out the guts of one of those ninety (90) degree elbows and do exactly that. That just made sense to me. Does that make sense, what I am trying to express to you?

Mr. Morris responded that is what I was going to say. If there is some way of turning that so that it butts up against the existing, otherwise you are just going to have a flat service.

Mr. Light stated that is exactly right. There are a bunch of examples around where that has happened. I would like to get it dovetailed. Of course, the other concept is, one other way to do that is, but you could not do that on the pitch; but you could remove the rest of the crown on the return portions and you could carry either around. What do they call this?

Mr. Meder responded I think it is K.

Mr. Light stated or you could carry that all of the way around.

Mr. Morris stated that would probably look better.

Mr. Light stated it might.

Mr. Morris stated if that is not going to mess up the roof. The problem that you are going to have is that he has already re-roofed where your existing crown is. If you take that crown off, you are going to have a two (2) inch or three (3) inch overhang, which may not be an issue. I do not know how accurate this is, because this not an example of his existing condition with this crown that is on there now.

Mr. Light stated you have got this kind of overhang. This is the bottom of it. It does kind of dovetail over that.

Mr. Morris stated once you remove that, you will still have that there.

Mr. Light stated the gap.

Mr. Morris stated which may not be a problem. He may be able to work with that somehow. You have only got that on those two (2) entrances of the house, don't you?

Mr. Light responded I have got three (3) actual areas where you have got a pitch and the return part. I have got one (1) on the front, and I have one (1) on either side.

Mr. Morris stated I would say that you would be better off doing that if you can remove existing ones and return it all around that which is called a water table on the house. That would be the most aesthetically pleasing rather than trying to attempt to tie that into the existing, because these gutters may also not line up. They may not sit height wise the same as what you have there. I think it is going to be really difficult to try and tie those into the existing crown.

Mr. Light stated that may have been what he was trying to explain to me.

Mr. Morris stated yes, that was what he was trying to explain. Do you mean as far as the height? It might be difference in height.

Mr. Light stated I thought he told me that he could get the height pretty close. It was making the false ninety (90) degree turn. I am not sure that I explained it well enough. I got the impression that he did not catch what I was talking about putting the cap on the end of the straight run and just doing a false turn.

Mr. Carson stated I think I said this at the beginning of last month, that you would have to remove all of the crown molding.

Mr. Meder stated on the gable.

Mr. Morris asked the porch does not have anything does it?

Mr. Light responded no.

Mr. Morris responded so the porch is not an issue.

Mr. Light responded the porch is not an issue. The porch is already set up to go around one hundred percent (100%) of it. It is only those, what I have been calling, returns; not the gable part, but just the part that goes back inward because that comes out and then goes. I do not know if that can be done, but maybe it can be. You are not really collecting rain off of that part anyway, because there is no runoff.

Close the Public Hearing.

Mr. Carson stated the only problem I saw was detail. If the gutter wraps around on that return where the gable is, how will it end? It needs to end at a forty-five (45). Can they do that?

Mr. Morris responded yes, he will come around the side, come around the front, and then turn around again. It will look exactly like this. You flat side will but against the house.

Mr. Carson stated good. That would be the one (1) thing that would concern me.

Mr. Morris made a motion to approve the installation of K gutters provided that the original crown molding is removed and that gutter returns around the existing gable on both sides wherever the existing gutters are; and the color to match the trim as closely as possible. Mrs. Crews seconded the motion.

Mr. Light asked can we have discussion about this before hand?

Mr. Meder responded yes.

Mr. Light stated I just want to know what I am going to do if I get back and the guy says that is impossible.

Mr. Carson responded punch him out.

Mr. Morris stated it is not impossible to do what we are suggesting to do with the gutters. I used to do this all of the time in construction. The issue you may have is where the roof is when you remove the existing trim. I do not think you will even see that once the gutters go up anyway, and it is not an area where you have drainage issues to begin with. You may have to have Jerry come back and fix the roof, but you may not.

Mr. Carson stated he is going to have to slip that back portion underneath the existing standing seam roof for a tight seal.

Mr. Morris stated he may have to.

Mr. Meder stated I am thinking you will have to put up a one by six (1x6) or a two by six (2x6) after you remove the crown to build the gutter forward so it looks right. I think it is a visual thing, what we are talking about. I do know for a fact that gutter collects better rain than the half round.

Mr. Light stated that is what I was told.

Mr. Meder stated it is unfortunate because we like the other look. This will solve your problem.

Mr. Light stated all I was asking is if there is anyway procedurally to leave it open for a period of time, because this would be a final motion by you guys on this petition. I do not know how quickly your ordinance allows me to come back if I cannot implement what you do. So, maybe leave it open for sixty (60) days for me to come back if I have to do some fine tuning. I do not know if there is a twelve (12) month period.

Ms. Blair stated you would have to request to modify or amend your existing certificate.

Mr. Light asked is there a twelve (12) month deadline?

Mr. Whitfield responded no. if you came back with the exact same request there would be; but if you say "I need you all to modify your decision, because this what my contractor said."

Mr. Morris stated he needs to watch his guys there. He needs to talk to someone from the board. Can we do that?

Mr. Whitfield stated it might be better for him to call someone from zoning as opposed to someone from the board, just to keep you all out of some kind of trouble.

Mr. Morris stated just so he understands what we approved here.

Mr. Whitfield stated ok.

Mr. Morris stated in other words if he is doing this and this guy does not quite get it, can someone from the board explain it?

Mr. Whitfield stated that would be fine.

Mr. Light stated I think I understand what you are saying. We have kind of kicked it around. I just want to make sure that it can be implemented. I have a hard time conceptualizing the differences in the spacing, because of the changes that have been made to the roof.

Mr. Morris stated well that is what I am saying. If you are up there and you have an issue where he says he cannot do this because of that, either Jeff or I could come out there and say "if you do this you will be fine." I guess we will more or less be speaking for the Board.

Mr. Whitfield stated that is what I am getting at. You cannot change it. What he would need to do is come back and modify it. if it was a situation where his contractor says "I just do not see it;" and you all were to go out there and say "well, this is what you need to do" that is one (1) thing. You could not modify it.

Mr. Morris stated I am not saying modify it. I am saying here is how to get it to work. In other words, if you can do this, this is how you can get it to work.

Mr. Carson stated it is just the technicality.

Mr. Whitfield stated exactly. That is perfectly fine.

Mr. Carson stated the other way of treating it is if your contractor has a problem, and he has a little time on his hands bring him in and we can discuss it with him then. I am perfectly fine with both.

Mr. Light stated I just do not want to be procedurally blocked from getting back in front of you guys for a twelve (12) month period. That is my only concern if there is a problem.

Mr. Whitfield stated I would think if you were coming in to ask for a modification or you came in next month with the contractor and you were just asking for advice on how to do it, neither one of those would be a problem. If they had turned you down for the installation of that, then you could not bring that back for a year.

Mr. Light stated I understand. If there is a suggestion for a modification I can get that back in front of you. If we can get that in the minutes, I think I would be good.

Ms. Blair stated signed in blood.

Mr. Whitfield stated I am not pricking my finger, but you can put that in the minutes.

Ms. Taylor read the motion made by Mr. Morris.

Mr. Meder stated I would like to amend that motion to include that you save the crown. It is very expensive, and that you take some pictures of this so that twenty (20) years down the round when you are

senile and I am senile, somebody knows what happened. Let us document this. I think you can understand what I am talking about. You are a lawyer, you document every day.

Mr. Carson stated if you could save a piece of that crown molding.

Mr. Light stated I save everything. I have a rack in my basement. Everything is saved.

Mr. Meder stated I need someone to second the amendment.

Ms. Taylor stated Mrs. Crews seconded it.

Mr. Light asked are we sure we are straight on the terminology? Is the gable the entire pitch part where there has never been a gutter?

Mr. Carson responded no, we are not suggesting that.

Mr. Light asked just on the returns?

Mr. Morris responded just the horizontals.

Mr. Light stated ok.

Mr. Whitfield stated we need to vote on the amendment and then the motion as amended.

Ms. Taylor stated ok, I am confused; but anyway I am just going to call the roll.

Ms. Blair stated on the amendment.

Mr. Whitfield stated this is on Mr. Meder's amendment.

Mr. Meder made an amendment to the motion to save the crown molding that is removed. Mrs. Crews seconded the amendment. The amendment was approved by a 6-0 vote.

The motion as amended was approved by a 6-0 vote.

Mr. Light asked do you want me to give the pictures to your staff?

Mr. Meder responded that would not be a bad idea. Can you do it by email?

Mr. Light responded oh yeah. I want to keep my crown, because there are still significant parts of the house that still have it on it.

There was general discussion as Mr. Light gathered his gutter samples to leave.

II. ITEMS NOT FOR PUBLIC HEARING

Item 1. Discuss amending regulations regarding storm doors and windows.

Ms. Blair stated last month it was discussed the addition of storm windows and doors that they are not within our purview with the CAR. We had discussed that we did not want to bring that before the Board. There was discussion that maybe we want to change that. Before you is the Zoning Code that addresses storm windows, doors deletion, and addition. If it is the choice of the Board to change that, then we need

to request a Code amendment. That would need to be done by a motion, second, and then a vote. Staff will then review that and prepare reports.

Mr. Carson asked do you have a recommendation as to where it is going to be inserted and wording?

Ms. Blair responded depending on what your motion is of change. I will have to wait and see what that is before I can tell you.

Mr. Carson stated I think we had discussed that there is no objection to adding storm windows. It was just that the storm windows needed to reflect the sash division, in other words, how the window opens; and that the material be an anodized color to match the existing trim on the house. I think that was my main concern rather than having it look metallic.

Mrs. Latham stated that was the same concern, as I recall, on the storm doors.

Mr. Meder read item D under the Code.

Mrs. Latham read a portion of the Zoning Code as well.

Mr. Meder stated we do not want the aluminum look. When you put a full glass paned storm door up, you get to see the door. All you see is the outline of the storm door. You really get to see what the door used to look like verses having the old storm door where it came up maybe thirty (30") inches it was solid, then it had a split in the middle, and you could open one (1). That does not get it. That looks like the sixty's. That is my opinion.

Mrs. Latham stated I would not have any problem restricting it to full view storm doors only.

Mr. Meder stated I guess that is where I am going. So, that would be one (1) of our recommendations.

Mrs. Latham stated and the color, obviously some color that closely matches either the door color or the trim color.

Mr. Morris spoke about the house next door to him.

Mrs. Latham stated the color choices are severely limited, and we do not want people to have to paint those; because that is not going to last.

Mr. Carson spoke about his house and the fact that he has a wood framed storm door.

Mr. Carson stated I do not know if it is worth discussing whether or not the storm door instead of being aluminum anodized to the appropriate color of the house, or if it should be wood.

Mr. Meder stated it is a little intuitional history here. When I came here in 1986 and wanted to do something like that with my first home it had to be wood. It was very costly at that time. It got changed to where you could put a storm door up I guess because it is off of the shelf. I am of the opinion, I am not the Board, but I am of the opinion that a storm window that is eight (8) screws, a storm door is about nine (9) screws and the sash piece is another half dozen screws. That is it. It is a couple of screws that you can take off. You typically do not caulk them in, so they are not like a permanent structure. A wooden door like you are claiming, which is very nice, is very permanent; and would probably be a grand verses going to Lowe's for a buck and a quarter or two hundred dollars (\$200) and doing a weekend home improvement and feeling like you have won the battle. Do we want to do that?

Mr. Carson responded I do not care one way or the other whether it is wood. I do mind that some people would prefer to have a panel underneath. That always looks like the devil, because it looks like something has been pressed.

Mr. Meder stated I would propose then, let's do this.

Mr. Carson stated I do not think it should be a panel. I think it should be a full view.

Mr. Meder stated let's do a full view on the front door or a door seen from the street and in the backyard where you tend to have your dog that jumps up and down let them put a panel in the back, so it does not get damaged.

Mr. Carson stated that is not visible from public space.

Mr. Meder spoke of his door and dog.

Mr. Meder stated I am talking from a reality here, but certainly I think the front door needs to be a full panel, so you can see that original door. We want to see the front door. Do we need to make a motion?

Mrs. Crews responded not yet. My input is simply to recall that we have a minimum of twelve (12) houses on Main Street that are for sale right now. We want to really be careful about any costly prohibitions that we have to add another layer to why people are not buying them. Again, I am not pro or con. I have got a old anodized doors that are going to stay there. I am not going to put money into it right now, however I appreciate we want to keep the aesthetic value; but be careful. People are doing it for energy savings. If we have prohibitions for them not to put money into these houses they are going to go somewhere else and buy.

Mrs. Latham stated I agree, as long as we do not require the wood. If people want to do wood, fantastic; but I think that is to onerous.

Mr. Carson stated so it really should say either wood or an anodized aluminum.

Ms. Blair asked for the storm doors alone?

Mr. Carson responded front storm doors only as seen from the street. It needs to be all glass or it could be Plexiglas. I do not think that makes a big difference.

Mrs. Latham stated no, it does. It scratches easily. You cannot clean Plexiglas.

Mr. Carson stated it can be tempered.

The Commission members had some general discussion about Plexiglas.

Mr. Whitfield stated I would be careful about requiring tempered glass.

Mr. Carson stated I did not say required. They have a choice. They can use glass or tempered glass. The reason why you may want to have tempered glass if you have kids and they decide that they are going to go ninety (90) miles an hour through that door and they forget to open it.

Mrs. Castle stated this is still back to our original thing. This is only if someone wants to add.

Mr. Carson stated right, exactly.

Mrs. Castle had discussion about her house.

Mr. Carson stated there is no reason why the homeowner should not be allowed to take the glass out and put in a screen panel in the summer. That gives them another option.

Mr. Meder stated I guess what we are saying is just that aluminum is not allowed, the color aluminum.

Ms. Taylor asked do you want it to just be full view and no aluminum?

Mr. Meder responded right, no aluminum color. On storm windows, they are either going to be split or they are going to be one (1) whole panel. They are not going to be three's (3's) or sixes (6's). I do not think that is an issue.

Mrs. Latham stated the same thing there. We do not want the aluminum color.

Mr. Meder stated we want to get that center molding to line up.

Mr. Carson stated that is what I am talking about. That is the only thing that concerns me is that the main horizontal line up.

Mr. Meder stated there is one (1) other issue and that is George Shields. He came before the Board because he could not afford to buy a storm window with an arc in it. He wanted to put a piece of plywood above the aluminum. He came here, requested that, and we sent him on his way because he could not afford it.

Mr. Carson stated it thoroughly changes the look.

Mr. Whitfield asked can we deal with them just one (1) at a time? If you are prepared and have made a decision on what you are requesting for Planning Commission to consider, maybe we can do that and then we move on to the next issue just so it is not all jumbled up.

Mr. Meder called for a motion.

Mr. Whitfield stated the motion would be that you asking the Planning Commission to consider changing the Zoning Code to reflect.

Mrs. Latham made a motion to recommend Planning Commission consider amending the Zoning Code to allow only the installation of full view storm doors on the front door provided they are in a color matching the trim or the door color as closely as possible without a Certificate of Appropriateness.

There was discussion about requiring the color of other doors to match the trim.

Mr. Carson seconded the motion. The motion was approved by a 6-0 vote.

Mr. Meder called for a motion regarding back and side doors.

Mr. Carson made the motion that all remaining doors as visible from public space must be the same color of the existing trim or door.

Ms. Blair stated I must remind you that per Zoning Code if it is a corner lot, that there are two (2) fronts. Like in Cindy's case, that side door that you consider your side door would be a front by zoning.

Mrs. Latham stated but she is grandfathered.

Ms. Blair stated you are legal non-conforming. Just so you know, that would be the way we would interpret it per Zoning. There would be two (2) fronts.

Mr. Whitfield stated I think you are fine. If it becomes a problem, you can come back in and ask that it be modified.

Mrs. Crews asked do we need the second motion if any doors from public view are front doors?

Mrs. Latham responded they are not. It is only if they are on corner lots.

Mrs. Crews stated that would not be in the purview of the Committee anyway.

Mr. Whitfield stated there might be some back doors that can be seen from public right-of-way.

There was discussion about what is considered a front door.

Mrs. Castle asked do you think somehow we could incorporate that so people would know that is going to be a restriction if they are on a corner lot?

Ms. Blair responded this will be part of the Zoning Code, this amendment that you are requesting. It is clearly stated in the Zoning Code that a home on a corner lot, two (2) intersecting streets is considered to have two (2) fronts.

Mr. Carson stated I am going to amend the last one.

Mr. Whitfield stated you cannot amend the last one. You can come back and reconsider it.

Mr. Carson stated yes, we will have to reconsider. I know how to get out of this. We will just call it a primary entrance rather than a front entrance.

Mrs. Latham seconded the motion. The motion was approved by a 4-2 vote (Mrs. Crews and Mrs. Castle opposed).

Mr. Carson stated I would like to make an amendment to the first motion to strike front entrance and insert primary entrance.

Mr. Meder asked why don't you make it front entrance/primary entrance? What is the correct way to do it, Rick?

Mr. Morris responded I would just say primary.

There was discussion about what is considered a primary entrance.

Mr. Whitfield stated the other thing you can do is ask us to scrap all of it and bring you back language next time.

Ms. Blair stated I know what you are trying to say. If you would like for us to take what I gather from your thoughts and put it into legal format, we can do that and bring it back to you.

Mr. Whitfield stated we will have that as an action item on the next agenda.

Mr. Meder asked do we have to make a motion for that?

Ms. Blair responded you can just throw your white flag and we will take it. Let's go, approval of the minutes.

Mrs. Castle made reference to the doors in her home.

Mr. Carson stated I think that staff realizes that we really need some exquisite semantics.

Ms. Blair stated we will take care of it.

Mr. Whitfield stated it might be helpful to have a motion to table this issue and let staff bring some language back, so we are not tied to the language you just voted on.

Mr. Meder stated ok, but we also have windows.

Mr. Whitfield stated let's do this first.

Mr. Meder stated assuming that the wording for the windows will come back to us.

Ms. Blair stated just do both.

Mr. Meder stated all three (3) of them?

Ms. Blair responded yes.

Mrs. Latham made a motion to table all three (3) issues and that staff bring appropriate language. Mr. Carson seconded the motion. The vote was approved by a unanimous vote.

Ms. Taylor asked will that cancel the motion that was voted on?

Mr. Whitfield responded everything.

Mrs. Castle stated I have a question and a concern. A lot of the houses on Main Street have the arched windows. On most of the houses they still have the piece of wood that squares off that arch; and it is in the front of the brick, so your window is behind it.

Mr. Meder stated I would hope when someone is going to make a change we can get them on bringing it back to where we would like to see it. I am thinking about appearance.

Mrs. Castle stated if they are replacing it, I am not sure we can. You are replacing something that is already there.

Mrs. Castle stated I am not talking about replacing. I am talking about the addition of the storm window.

Mr. Carson stated I see a lot of the traditional and original storm windows where the arch..

Mr. Meder stated they took away. I am looking at them right there.

Mr. Carson stated actually those are segmental.

Mr. Meder stated they look great when they are done.

Mr. Carson stated correctly. I have seen it where the leftover segment has a little design. It is sort of a decorative scroll type thing.

Mrs. Castle asked so just for my own edification, if we are talking about putting up a storm window over top of the arched window that already has that, are we going to suggest that the storm window be arched?

Mr. Carson responded that would all have to be custom. I do not think we can force people to do that.

Mrs. Castle asked are we going to say that the storm window should come up to the bottom of that arch?

Mr. Morris responded the storm window should follow the profile of the existing window.

There was discussion about how storm windows fit inside arch windows.

Mrs. Crews stated you are still predicating. It is still what Cindy says. If they already had anything, they do not have to come to us anyway.

Ms. Blair stated correct.

Mr. Meder stated we are defeating the purpose of this quick fix, because the storm is protecting the window. If we disallow it because they have to put a plywood thing with an applicaid, then they are not protecting their window. This is a tuff disposition to be in. They are so pretty when they are done right.

Mrs. Crews stated aesthetically I absolutely agree. I am just saying we will never see that person at the podium.

Mr. Meder stated I tend to agree with you.

Ms. Blair stated we will consider that in our wording.

There was discussion about interior storm windows.

Mr. Carson stated as Rick just pointed out, no matter what you do, if you have got a round arch, a brick arch that is round or segmental, anything you put up is going to be custom made. The wood, aluminum, or whatever it is still has to be curved to fit inside that brick.

Mrs. Castle stated at our house, we have a piece of wood that squares off. What I was asking was do we suggest to somebody that they have a rectangular custom that is going to fit right up underneath or right to that insert?

Mrs. Latham stated I would think if you have the wooden division between, you have got a rectangular window, and then you have got a separate pane; then the storms would only need to be the rectangular.

Mr. Carson stated let's say you have a segmental. If it is going to be custom made anyway, what difference does it make whether the screening is arched as well?

Ms. Blair responded it is up to you.

Mr. Meder stated for the sake of the time, we are going to have to move on.

III. APPROVAL OF MINUTES

Mr. Meder asked can we lump them together?

Mr. Whitfield responded yes, and then you can do that by voice vote.

Mr. Carson made a motion to approve the June 23, 2011 and the August 25, 2011 minutes. The minutes were approved by unanimous vote.

IV. OTHER BUSINESS

Mr. Meder asked what is the revision of minutes?

Ms. Blair responded that was simply to iterate that these are transcriptions. Grammatical errors, the way someone speaks, we cannot change those. We understand the issues, but we are bound.

Mrs. Latham asked you are bound to do transcriptions for the minutes. Is that what you are saying?

Ms. Blair responded yes.

Mrs. Latham asked because this is like a government body?

Mr. Whitfield responded if someone misspoke, we just have to go with it.

Ms. Blair stated that is how we have to report it.

Mrs. Latham stated I guess I was just wondering because minutes usually reflect what is done rather than everything that is said.

Ms. Blair stated we do it in a transcription format of what was said in case it becomes necessary for any further legal matter.

Mr. Meder asked what is the Historical Society project?

Ms. Blair responded the project that was brought before the Commission last month with the project with the museum; we will not be submitting a letter from the Commission of Architectural Review. There are too many individuals that have a conflict of interest potential with the Historical Society. We do not feel that it is appropriate to send a letter from the entire Board. We do ask that if anyone feels that they want to individually send a letter, we certainly encourage that, and would like to see you do that. We just will not be sending a joint response.

Mr. Whitfield stated in order to send a letter you need to at least get a consensus. There are so many conflicts, there might be like two (2) people that could vote on that consensus, so we are just suggesting that individual letters go out; however I would add that the Deputy City Manager and the Director of Public Works have sent letters in support of the project.

Mr. Carson stated I would like to go off of the record and discuss this a little further.

Ms. Blair stated we will need to do that after everything has been closed. Also, when this project comes to fruition it will need to be reviewed. Unfortunately the same conflicts of interest are here. What we have proposed as an option is that they will file an application with the CAR. The \$25 application fee will be required. The Commission will then recommend that it goes before Planning Commission for review.

Mr. Whitfield stated since you all have two (2) people that would not be conflicted out.

Mrs. Latham asked may I say something, and then you can give me the legal answer? I understand where you say that a Society member could have a conflict of interest; however the grant proposal and the entire project has really been a Board project not a Society project. In fact, we mentioned it probably for the first time to the membership. They really do not know anything about it. They are not voting on it.

Mr. Whitfield stated I understand, but just for your protection. There is no consequence to the City whatsoever. The potential consequence is to the individual Board member. We are trying to protect you from any criminal prosecution, as well as any accusations that would be coming out from the community.

Mrs. Latham stated certainly as a Board member I understand that. As a Society member and no one else here is on the Board of the Historical Society and they are not voting.

Mr. Whitfield stated I understand. I just think it is safest, because here is the issue. The general public makes no distinction between the Board and the Society themselves. Again, even if there were no criminal issues you do not want to have a situation where they say "oh, they packed the Commission and the fix was in." You all would just do a motion asking that it be reviewed by Planning Commission and it would still move right on along.

Mr. Meders stated respective to that, more than half of us own a home in the Historical District. We are telling our neighbors what to do. How does that work?

Mr. Whitfield responded it is a little bit different. If you all were part of a neighborhood association that would be different. The other thing is that State law specifically sets up a Commission of Architectural Review.

Mr. Meder asked is there anything in that project that would not be allowed?

Ms. Blair responded not that I am aware of, no.

Mr. Meder stated so, there is nothing to worry about. We just have to go through these motions.

Mr. Whitfield stated this is still something that might have to come back for your review. We are suggesting, if that is the case, that it be sent to Planning Commission.

Mr. Meder stated that was why we came here and gave everyone a look-see.

Ms. Blair stated right, but you will not be able to make an official motion and vote, because of conflicts.

Ms. Blair stated the Epiphany school last month, there was a recommendation made that staff was to look further into the traffic concerns. Since then, I have been in touch with PD. They have set up surveillance in that area, run radar so we can get some calculations on the speeding that is or not occurring. We have not found significant speeding as of now. We do have some other things that we are going to look at. They have taken some traffic counts. I met with the Epiphany School this morning. We have discussed

these results. We are looking at some other options of crosswalk, crossing guards, some other things of that nature to help control the traffic in that area. They do have constant traffic with the children walking back and forward to the playground. It is throughout the day different age groups back and forth. It is a large concern for the school and we are trying to work with them further. That is where we are right now. That is the update that we have.

Mr. Carson asked is there a "School Crossing" sign at that location?

Ms. Blair responded there is a "Children at Play," but they are a private school. Regulations are not the same as Forest Hills or a public school, so we do have to work it a little different.

Mr. Whitfield stated since they are not a public school they have to purchase their own sign and they are extremely expensive.

Mr. Meder stated we are just doing our job, by asking you and her to look at this a little more closely.

Ms. Blair stated I just wanted you to know that we are working on it.

Mr. Whitfield stated in order to move things expeditiously along, we have drafted a Ghost Sign Ordinance. What we have done is put Renee's contact information down along with the date. If you have any immediate comments we will be glad to take them, but we also put that information down so you can email Renee. The purpose of all of this is for you all to submit copies, for those to be copied, and for those to be placed in the packet for both Planning Commission and then when it goes to Council for those to also be in the Council packet.

Ms. Blair stated and when you look at number 7, we do realize that it should be a "sign" and not a "sig." I will take care of that portion.

Mr. Whitfield stated no, that is not true.

Ms. Blair asked you want it to be a ghost sig? Otherwise, send all comments to me please.

Mrs. Latham read a portion of the Ghost Sign Ordinance. Mrs. Latham asked would that affect for example the Coca Cola sign, or what that put on at a time when the product could be purchased?

Mr. Whitfield and Ms. Blair responded yes.

Mrs. Latham asked in other words, there was a time when you could buy it there, therefore that could still go on there?

Mr. Whitfield responded yes. The Coke sign is a great example, because I have used it several times. The main purpose behind this is to say that the Coke sign being repainted under the new Ordinance would have to red and white, and it would have to say "Delicious. Refreshing. Drink Coca Cola." It could not be black and red and say "Coke Zero." It could not say exactly what it says and be orange and purple. Original colors, and original wording, it cannot be modified.

Mr. Meder stated that is the intent of what they did though.

Ms. Blair stated we just want to make sure that continues.

Mr. Meder stated the intent was to make it like it was. It could even look a little distressed. That looks a little shiny.

Mr. Whitfield stated that is the way it looked when it was originally painted. The other part of this is that we have to be able to see the sign. If someone has painted over a sign and the sign is no longer there, that would not be allowed under this particular Ordinance.

Mr. Meder asked what happens when you remove the paint and it appears magically?

Mrs. Crews responded then it really is a ghost.

Mr. Meder stated sometimes that happens, not always.

Mr. Whitfield stated that is a question that you should put in your comments. I am just trying to go through this real quickly. Our intent is to make sure that any signs that show up are signs that would have been there and look like the original signs.

Mrs. Latham asked will the City ever give permission for ghost signs on its own buildings? I was told but I do not know this for a fact, that there is this old Harnesses and Saddles sign that was very cool. I am told that it was on a City owned building.

Mr. Whitfield asked what City building would that be?

Mrs. Latham responded I honestly do not know. I just had a quick discussion with Jeffrey Seiden one day. I said to him that the Harnesses and Saddles would be kind of neat to bring something like that back. He said "oh I know exactly, and it is a City owned building."

Ms. Blair stated I do not know where that would be.

Miss Scolpini stated I went and took pictures of every ghost sign downtown, and I do not remember that.

Mrs. Latham stated well, Bob Morrison also remembers it. I will have to ask him which building it is. Somewhere there is one.

Mr. Whitfield stated if I go back into the deep, deep recesses of my mind, to being four (4) and coming downtown every Saturday, it may have been on what is now the Social Services building, which would have been the Thalhimer's building and that sign has been painted over.

Ms. Blair asked do you mean the L Herman?

Mrs. Latham stated both of them say that it is still clearly visible. It is faded, but clearly visible. I do not know. I will have to go find out from them.

Mr. Whitfield stated it is clearly not on the El Herman building. It must be on another building.

Mrs. Latham stated that would be fun.

Mr. Whitfield stated anyway we are trying to do two (2) things. We are trying to permit ghost signs, but also trying to control so that they look as original as possible. The other thing is that there is an avenue for an appeal, and that would be to the Board of Zoning Appeals. Normally, there is a very high standard with the Board of Zoning Appeals. In this situation, they are not asking for a variance, which is the high

level. This is simply an appeal of the Zoning Director, which is probably more substantially evident than not. It is not that high standard where you have to meet all those criteria, and then if they do not like that, they always have the option to go to Circuit Court and appeal it. We think we have come up with something pretty good. If you all could get your comments back to Renee by the 28th at this email address, that would be very helpful. Every comment will be placed in the packet going both to the Planning Commission as well as the Council. Obviously, one more thing, this will only be in the Central Business District, which is downtown and the Tobacco Warehouse District. It would not be in a residential district.

Mrs. Latham stated it does not have the same impact any place else. It makes a huge statement in a historic area. Should I ask my legal question or do you want to go first?

Mr. Whitfield responded you might want to ask your legal question and then we can adjourn.

Mrs. Latham asked since I am new, I want to make sure that I understand how things work. In what situation and under what authority can a project that has come before the CAR and been approved be modified afterwards by City staff without regard to or coming back to the CAR?

Mr. Whitfield responded it cannot.

Mrs. Latham stated what is the remedy when such thing has happened?

Mr. Whitfield responded that is a good question. I do not know. I would think you would bring it to the attention of the Board, explain exactly what happened, and ask for it to be investigated.

Mrs. Latham stated I am just aware of one instance that has happened in the past few months. That got me curious as to why and how that could happen. I do not know whether I should go ahead and explain. It was the YMCA parking lot. Dan and I made the presentation of the design to the CAR. It followed all zoning requirements for parking lots, and it did require according to the Zoning Director a landscaped island in the parking lot; and I remember specifically telling people that "there will be a landscape island in this and it is required for the size, the number of lots, or whatever." Sub sequentially they put in the parking lot with no landscape island.

Mr. Meder stated the Y always does that.

Mrs. Latham stated Dan inquired and it was suggested that the Director of Zoning exempted them. The YMCA went to him and asked not to have to do it, I guess for expenses for whatever reason. That part is hearsay. This is what we heard back from the YMCA, that they were exempted; but of course it never came back to the CAR. I began to wonder how that could happen.

Ms. Blair stated as far as I am concerned, it just has not been completed. I was not told that.

Mr. Whitfield stated we need to write that down. Unfortunately, we would ask Mr. Gillie to come up and explain it to us, but Mr. Gillie's left wrist is broken, along with four right ribs, his shoulder blade, his scapula, and a bruised lung.

Mrs. Latham asked what happened?

Mr. Whitfield responded it will be a minimum of two (2) weeks before we can ask him.

Mrs. Latham stated understood. Obviously, you can understand my concern. If this is functioning as a governing Board, and if things that are approved can just be willie nillie changed somewhere then there is no point in all of us being here.

Mr. Carson stated we have requested in the past that the responsible agency and the government come speak to us, which has happened. If there is a problem of that nature then there is no reason why we cannot hear directly from the source.

Mrs. Latham stated well in this case Dan actually designed the parking lot, because the Y was not able to do so. He met with Ken on numerous occasions to make sure he had it right. The Y said "looks fine to me." Ken said "looks fine to me." That is what we then presented, and because it did of course affect us in getting ownership of some of the property. I do not know why for example why the Y did not say "we really do not want to do that" or once they got estimates come back before the CAR and ask for an exemption or whatever. It was just our understanding from them that they got permission to forgo.

Mr. Whitfield stated let us talk with Kenny.

With no further business, the meeting adjourned at 4:46 p.m.

APPROVED