

**HISTORIC PRESERVATION BOARD
SUMMARY MINUTES
November 3, 2009**

MEMBERS PRESENT:

**Emily Perkins-Sharp
Eric Reed
Donna Wolbe
George Morris
Rick Voakes
Shawn Sinclair**

STAFF PRESENT:

**Sandy M. Clark, Administrative Secretary
Miranda Clements, HP Planner

Jonathan Britt, Senior Planner CCPC**

Absent:

Mark Hood

Chairman Eric Reed called the meeting to order at 5:03 p.m. Mr. Reed asked for roll call of the members present.

I. DETERMINATION OF QUORUM

Sandy Clark, Administrative Secretary, conducted roll call and five (5) board members were present at the time of roll call, with two absent. The quorum was determined to be present with five of seven members in attendance at the time of roll call.

II. APPROVAL OF MINUTES

Chairman Reed stated that the next order of business was to approve the Summary Minutes of the Historic Preservation Board meeting of October 6, 2009. Being no discussion about the Minutes, Chairman Reed asked for a Motion.

ACTION: Ms. Sharp moved to approve the Minutes of the October 6, 2009 Board meeting and Mr. Sinclair seconded the motion. All members agreed (5 yeas).

Donna Wolbe entered the meeting at 5:06 p.m.

III. REVIEW OF NATIONAL REGISTER NOMINATION

Chairman Reed indicated the next item on the agenda is a review of the National Register Nomination for the Milliken Building located at the corner of 11th and College Streets. The application has been filled out by Architect Brian Clements and submitted to the Kentucky Heritage Council and the State Historic Preservation Office. Because Bowling Green is a CLG (Certified Local Government), the application comes to us for a recommendation and signature of an official if the property meets the criteria and is recommended as a National Register property.

ACTION: Upon Motion of Ms. Wolbe, seconded by Ms. Sharp to recommend Nomination of the Milliken Building located at the corner of College Street and 11th Avenue as a National Register Nomination, and allow Chairman of Historic Preservation Board to sign the application. All members agreed (6 yeas).

IV. STAFF APPROVED COAs

Miranda Clements announced that she had two applications for Certificates of Appropriateness come into the office that she approved, being described as:

- 1) COA Case #2009-23: 922 State Street – Sign alteration - P&C Bank
- 2) COA Case #2009-24: 1253 Park St- Wood privacy fence - 6 foot fence replacing 4 foot fence

V. PAINT PROGRAM

Ms. Clements announced that one application came into the office for property located at 712 E. 10th Street, where the applicants are painting the house.

VI. DEMOLITION REVIEWS:

Ms. Clements reported there were several demolition applications that came in and were documented and released. She informed the Board of the wording she places on the record for permits requested: *National Register listed property - recommend salvage with Habitat Restore or offer house to be moved. If Federal funding is involved, National Historic Preservation Act, Section 106, may apply.*

Ms. Clements said she also sent a letter to Mary Cohron, Chairman with the Warren County Downtown Economic Development asking for Habitat Restore to be able to come for salvage on 1301 Center Street, or possibly move the structure.

Demolition Reviews: DM2009-48: 205 13th Avenue DM2009-49: 1301 Center Street
DM2009-50: 213 13th Avenue East DM2009-51: 1302 Kentucky Street
DM2009-52: 1304 Kentucky Street DM2009-53: 1310 Kentucky Street
DM2009-54: 1314 Kentucky Street DM2009-55: 1318 Kentucky Street
DM2009-56: 1322 Kentucky Street DM2009-57: 1367 Center Street
DM2009-58: 624 East 8th Street

Ms. Clements said she has talked with Brian Kuster with the WKU Student Life Foundation and found WKU Foundation and not the Student Foundation own the properties. The Student Life Foundation has been cooperative to allow a recent salvage.

Mr. Britt explained that staff receives notice of demolition and has thirty days to document the structure and then release the permit. Ms. Wolbe said she felt there should be a way to hold the demolition for a full thirty (30) days without releasing it for demolition.

VII. OLD BUSINESS:

Chairman Reed announced that the next item on the agenda was the discussion of the home ownerships in the Kentucky/Adams District and how to contact the property owners about establishing a Conservation District. There was discussion about a Conservation District being established in the Kentucky/Adams District and what it would take to make this area a Conservation District. Ms. Clements said she has tried to make contact with the Church and Grant Apartment owners which live away from Bowling Green. When reviewing the records, there are very few single family homes left in the entire National Register District and found that most of the properties were rental properties. Chairman Reed said he found that a neighbor owns several of the rental houses in the area and has been rehabbing structures in the area.

Chairman Reed then said the next item under old business, is that the Block 12 area will be having the parking structure and hotel being built. Ms. Clement presented a new TIF map that the Board requested and presented maps indicating National Register listed properties in Bowling Green and Warren County; Local Historic Districts and Demolitions applied for since 2007.

Mr. Morris said as he read the Zoning Ordinance (Article 3) that the HPB could request a change, nominate an area for changes and then the City-County Planning Commission would have to post signs and have a public hearing to hear any opposition or acceptance. Other Board members indicated that neighborhood meetings should be held to get their opinions. Mr. Morris said he felt that Board should search for areas to be placed in a Conservation District, then the CCPC would have to have a public meeting to address concerns of neighbors. Another Board member said that letters are sent with the Conservation District request and then there could be comments. Chairman Reed said that neighbors needed to be contacted by the Board and explain the reasons for the Conservation District or Local Historic District and what it would take to have this District evolved. Dr. Voakes said there should be informative/educational meetings to let neighbors know what is happening and not do it in a threatening manner such as immediately having a public meeting which may very possibly bring about negative thoughts and negative reactions.

Mr. Britt advised that there would need to be 100% involvement and agreement of all the neighbors in order to bring this before the Planning Commission and to the City Commission. The Board then discussed the single family structures between 11th and 12th and the 1200 block of Kentucky Street. Mr. Britt showed the Board where the TIF District is involved. Mr. Morris said that home owners need to be convinced not to demolish houses, but to sell the houses and get out from under Code Enforcement or other property owners that they do want to keep their houses up to Code.

Mr. Morris said a Conservation District allows for HPB review before any demolitions. Board members said they need to try to get downtown areas in a Conservation District. Some homes would

become local historic sites and not necessarily a Conservation District or a Local Historic District. Chairman Reed said he would rather see a positive endeavor rather than a failure. Possibly a survey could be taken of the property owners to see if the property owners are interested in being party to a Local Historic District or a Conservation District.

Mr. Britt said the request should be citizen driven and then staff can come in and give educational information to the neighbors. The Historic Preservation Board can educate and staff Historic Preservation Planner will educate and talk with property owners and explain the Conservation District versus Local Historic District. Chairman Reed said he would like to see a positive affect and positive re-enforcement of neighbors for these Districts.

There was discussion of Western Kentucky University, which is a government agency, who has control of their properties. Mr. Morris, one of the Board members, said that Landmark has had battles with WKU and when they look bad in the public opinion, they will tend to back off. Education is an important key to educate WKU and educate neighborhoods. Chairman Reed said that there has been a wrinkle in Block 12 in that there may need to be a Section 106 Federal funding and review of the property. Ms. Clements explained that in 1966 the National Historic Preservation Act was passed and according to act, if any Federal involvement in a project, then a review of the project must be done. This is usually done by the State office (KY Heritage Council) and the impact of the project is reviewed. If there is a negative impact, then mitigation is done on the adverse impact. An arrangement is then worked out in regard to all parties involved. It was noted that there can be new market tax credits used by the WKU Foundation for construction.

The next discussion was about Local Historic District (which the HPB oversees) versus Conservation District which the HPB does not have any review of, unless a demolition or move is required or if there is new construction on the property.

Mr. Britt explained the procedure for an Overlay District versus a Local Historic District. He also explained that a neighborhood could come together and make a request for either a Local Historic District or a Conservation District. Mr. Britt explained that the City, WKU and any State owned properties have sovereign immunity and there is no jurisdiction of the Historic Preservation Board for oversight on any of their properties. There was discussion about the Chapter 99 area, WKU area, College Hill Historic District and Chapter 58 Organization and the TIF area. Maps were presented to the Board as they requested from the last meeting.

VIII. NEW BUSINESS:

The next discussion was again the Demolition Delay Ordinance. Ms. Sharp and Chairman Reed explained the idea about the Historic Preservation Board issuing a statement to the Planning Commission that they want Miranda Clements and the staff to look at the thirty (30) day period with more lead way for things other than just documentation of a structure so that alternatives can be

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found. One such alternative, for example, is that when Mr. Reed met with some people who expressed interest in buying 1301 Center Street and moving the structure somewhere. He said he felt

this is something that could happen if there was more time, even if there was thirty (30) days. Ms. Wolbe then said that if just going by the letter of Ordinance, then Ms. Clements would have five (5) days and then thirty (30) days to enter into discussions with other entities in the City and find alternative uses of the property/structure rather than just placing it in a land-fill. The Board asked if they could review demo permit applications. Mr. Britt explained that the attorney explained that the staff is person who reviews the permit application and then documents the structure and then releases the demo permit. Only the staff is the person who reviews the permit application and not the Board. Chairman Reed wants the demo permit application forwarded to each Board member to review.

Mr. Britt then said that demo reviews are placed on the agenda by staff, she does this to give the Board information, not to have review of the Board. Ms. Wolbe said she wanted to know what is the hurry and why do the demolitions have to done so quickly. One Board member said that time is money to developers and property owners. The Ordinance says there can be thirty (30) days taken to review and document a structure, but in most instances it would not take thirty (30) days to review a structure and document it and then release the permit. Staff does what she needs to do to process the application and release the demo permit. Another board member says she would like to have time to research the property and determine if the structure was significant. An examination is made in five (5) days to determine if the structure is historic, then could take an additional thirty (30) days to make calls and try to save the property; salvage the property; or even to move the structure on the property. The Board really does not have to review the permit application nor see the structure.

Dr. Rick Voakes left the meeting at 6:30 p.m.

Chairman Reed said he has prepared a draft resolution of an interpretation to send to the Planning Commission and a draft of the proposed language to change the Ordinance 6-7.03 which will need to be presented to the staff at the Planning Commission and then to the City Commission to change the Demolition Permits Ordinance.

Mr. Britt explained the procedure for an Overlay District versus a Local Historic District. He also explained that a neighborhood could come together and make a request for either a Local Historic District or a Conservation District. Mr. Britt then went on to explain that the City, WKU and any State owned properties have sovereign immunity and there is no jurisdiction of the Historic Preservation Board for oversight on any of their properties. There was discussion about the Chapter 99 area, WKU area, College Hill Historic District and Chapter 58 Organization and the TIF area.

Once again, Mr. Morris member asked if the Board even needed to review the demo permits. It was explained that staff has five (5) days to perform an initial examination to determine if the structure is at least 50 years old and has any historic significance. If yes, a demolition permit will not be issued until HP staff has completed documentation of the structure. This review period must not exceed 30 calendar days in length. Mr. Britt stated that it is advisable to complete the documentation in less than thirty (30) days. Documentation involves photographing the exterior of the structure and

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creating a demo file and noting demo in the historical survey files. Usually, Staff contacts the property owner to advise of tax credits, salvage, or other options with saving the structure.

Mr. Britt asked what the Board wishes to accomplish with a review of the demo permit application. The Board cannot take any action and the Board does not take a vote in regard to the demolition permit request, especially if the property is not even in a Historic District. Mr. Morris said the Board has no authority to stop a demo permit. Ms. Sharp said she would like for the Board to review the permit and discuss salvage or an alternative to demolition. Chairman Reed asked for the demo permit application to be e-mailed to each of the Board Members. Ms. Wolbe said she has been talking with the Housing Authority and the Habitat for Humanity and suggested that in the future that structures could be moved to a specific area. If an area is designated for specific housing, and financing to move a structure is in place, then possibly demo permit property could possibly be moved or salvaged. The developer or property owner still has the full right to deny the removal or salvage of property. The financial benefit could be an asset, but the Board does not want to delay development, but allow more time for documenting property or possibly salvage or move the structure on the property.

ACTION: Upon Motion of Ms. Wolbe, seconded by Ms. Sharp to present a statement from the HPB to the City-County Planning Commission staff, as discussed tonight, that the current Historic Preservation Ordinance (Demolition Ordinance) allows for thirty (30) days for allowing documentation or other Historic Preservation salvage activities that the HP Board feels are necessary and asks that the City-County Planning Commission or Staff inform the HPB Members, for informational purposes, within five (5) days after the demo permit applications are issued for historic properties. All members agreed (5 yeas).

Jonathan Britt, CCPC Planner, then addressed the Board about the 2010 Meeting schedule. Due to the Historic Preservation Board meetings being on the first Tuesday of the month, which is the same day as the City Commission Work Session and the same evening as the City Commission meetings, there have been conflicts. Mr. Britt asked that the Historic Preservation Board move to the 4th Thursday of the month at 5:00 p.m. There could be a conflict in November and December, but there could be a combined meeting if the Board wanted to have a holiday get-together. One Board member said she could possibly have a conflict on Thursday. After discussion, Chairman Reed asked for a motion.

ACTION: Upon Motion of Mr. Sinclair, seconded by Mr. Morris, to accept the 2010 meeting schedule setting the HPB meeting on the 4th Thursday of each month, beginning in January of 2010 @ 5:00 p.m. All members agreed (4 yeas - 1 abstained).

Chairman Reed asked for any additional new business before he has to leave. He presented a copy of the Demolition permits Section 6-7. He said this is a working form and suggested that the form be submitted to Attorney Hamp Moore for his review. This would be a text amendment which would have to go before the City-County Planning Commission and then to the City Commission. The idea of the wording is to stretch the review for thirty days. Mr. Britt then reminded the Board of confidentiality that the staff cannot release any information of a project until the actual application is filed.

Chairman Reed then presented a *Top 10 List for Threatened Historic Structures* that the Board could use to discuss when talking with City and County officials.

Chairman Eric Reed left the meeting at 6:58 p.m.

Vice-Chairman Sharp then presided over the meeting and stated that list will be a working list for the Board to watch if there are any new projects coming to the City in the vicinity of any of these structures.

ANNOUNCEMENTS

Vice-Chairman Sharp then asked for any additional new business or announcements. Mr. Sinclair reported that he found out that fiber-cement siding (Hardi-plank) as of October 31, 2009 the Kentucky-Tennessee border separates the shipping for Hardi-plank. As of this date, the smooth siding cannot be shipped across the Tennessee border. Because of snow in the northern part of the country, smooth cannot be shipped to the northern.

Landmark Association Events:

Christmas Historic House Tour 12/05/09 @ 1:00-5:00 p.m.; and

With no further business to come before the Board, the meeting was adjourned at 7:03 p.m., by a Motion of Mr. Morris, seconded by Ms. Wolbe. All members concurred.

Eric Reed, Chairman

Emily Perkins-Sharp, Vice-Chairman

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Sandy Clark, Administrative Secretary