

Supplemental Minutes
Special Meeting of the Historic District Board of Review

December 15, 2011

Following adjournment, the Board reconvened to discuss the Historic District Ordinance (Chapter 151) in detail.

Roll: Attending were Dirk Cheatham, Ginger Jorgensen, John De Luca, Ron Hopper, Ann Roller.

Old Business: Continue the review of the Historic District Ordinance 151.08

John added an old business item. He went to Main Source Bank and found that the doors were re-painted and repaired, with heavy duty commercial grade closure on both the interior and exterior doors. He felt that they would be using these doors and would not be coming before the board again to request permission for the metal door. He said that they have replaced the missing pane with flat glass and that they could go to the small building at their branch on the hill and use some of the "bubble" glass from that building. Camille said they followed a recommendation of the board by doing this. Dirk thanked John for the report.

Camille passed out some material on an Economic Hardship policy which was obtained from NAPC. She thought that at some point the Board might want to incorporate a policy similar to this one, or another. The material was distributed for information.

Link Ludington was present in the audience and invited to join the group.

John asked for a brief summary of the last meeting for Dirk's benefit. Ron Hopper summarized from the minutes of the last special meeting.

A brief discussion of the next regular meeting and the need for quorum was held. Link read from the ordinance. He suggested that if there is no quorum there would be no meeting. But one of the projects would lose their funding if it was not acted upon by the end of the month. Ann said if Mike and Paul could attend on the 28th there would be no problem. Camille would call them to see if it would work. If not, there would need to be a special meeting on the 30th. She would let people know by e-mail. Link reminded that the enabling ordinance said that if we did not act on the application, it would be automatically approved within 30 days. But the board wanted to give the Clearinghouse approval by the 31st. Camille asked that everyone pay special attention to the issues in the Clearinghouse project. John said that he might be able to attend on the 28th. Camille reviewed the three applications that would be presented on the 28th. She told the Board that the architect for the Canida project would not exercise their extension but would let it lapse and would re-apply. She expressed her concern that they might lose momentum for that project. She mentioned that everyone who had talked to her was positive. Ron said that he had a negative response to the ruling of the board. She mentioned that all the Board were ambassadors to the community. She stressed that there is a big difference between a contributing and non-contributing building, but many people don't understand this difference.

Link mentioned that the only thing in the ordinance is that they have to have regular meetings once a month and that the President or two members can call a special meeting anytime. Camille mentioned that the new rules now apply. A discussion of this issue continued. It was determined that we would try to have the meeting on the 28th, but if not, would schedule a special meeting on the 30th.

IN re: the discussion of the ordinance, Camille mentioned that Darrell had responded to a note suggesting that we might eliminate the word "conspicuous" from the ordinance. He

said that we would not be able to do this because it is in the enabling ordinance. She also talked with Greg (Sekula), he mentioned that he had led a workshop/discussion of the ordinance. She has his recommendations. One of them was that might include a number of definitions under the definitions section. As an alternate, we could work on a definition of “conspicuous” and add that to the definition section. Among the new definitions would be “Alterations, Appropriate, Character, Commission, Demolition, Demolition by Neglect, Demolition of Tree, Design Guidelines,”(He also suggested Façade, Historic District, Historic Integrity, Interested Party, Landscape, Material Change, New Construction, Period of Significance, Preservation, Reconstruction, Rehabilitation, Restoration, Routine Maintenance, Significant, Stabilization, Streetscape.) She said that she would call him and get a model ordinance that he had been referring to.

Camille mentioned that a lot of the things that Greg suggested we have already suggested as changes. She also mentioned 151.2 (“Permit required”), Greg said, change to Certificate of Appropriateness”. She said that we had gone through 151.08, with no recommended to that section, except that when or if we chose to put through our change to the Council, we would want to submit a new map. She would have a copy of the Map 8 which is marked with contributing and non-contributing. She felt if it was OK with the board that is what she would do.

Section 151.2: She felt we hadn’t dealt with the issue of “building inspector” verses “preservation planner”. The C of A is approved by the Chairman of the HDBR. A discussion of the fact that the planner does all of the application contact. She suggested that we might want to add C of A. She suggested cutting “by the building inspector” Link read the appropriate sections from the enabling ordinance. He thought that since there is professional staff that it made sense that the professional staff should be able to issue the C of A. He said that it didn’t make any more sense for the Building Inspector to be issuing the C of A than that the Preservation Planner would issue a Building Permit. The only reason it was written that way in the original ordinance was that there was no staff. The enabling legislation allows for this to be delegated to staff. John De Luca suggested add “or its designee” after “Board of Review” in paragraph 151.20(A). All thought that would work.

Camille said that Greg had several ways that we might want to amend 151.20. Because of the fact that we are recommending removing “primary area”, (Section (2)) we would take out that section and add (a) and (b) under 151.20 (A) (1). Since we are recommending removal of (e) [demolition of trees] entirely, that would mean that the items under section (A) (1) would be (a) through (i). He also suggested that in the last item (now (A)(1)(i) the words “non-rated” be changed to “non-contributing” and the last part of the sentence “if subject to view from a public street” be moved up to (c) and added at the end of that sentence.

Camille mentioned that the Board wanted to have a member of the HDBR serve on the tree board, thus we should eliminate (e) entirely. We need to change the new amendment so that a Board member could serve on the tree board. She suggested adding after “Plan Commission” the words “and one member may serve on the Tree Board.”

Link commented that the tree section should not have been part of the original ordinance. He thought that it would be better for the HDBR to stay out of it. But this board did want to have some tie to the tree board. A discussion of landscape elements and how they are presently in the ordinance. Since this board does not rule on trees, it is not appropriate to have that in the ordinance. Ginger questioned if the member on the tree board would be required to report back to the HDBR, CF said no. But the Tree Board would like to have a new member.

Ann Roller suggested that we should add “or alley” after “public street”.

Link commented that whether something was visible from a street didn’t apply, because he felt that only applied to new construction. This change would change that.

Camille said that it would change the ordinance. Link commented that eliminating primary or secondary areas made sense. He felt that now it created confusion, since we have the NHL district, it no longer matters. We are trying to simplify the ordinance. If we can make it cleaner, neater, easier to understand, it will be better. However we are not trying to change the content, i.e. make it tougher or weaker, just make it easier to administer. CF suggested, that if we didn't include "subject to public view" when we are talking about change in exterior appearance of existing buildings, only keeping it under new construction, we would be creating a layer of confusion. But she was open to discussion. Some agreed with her.

Link suggested that any new construction should require a C of A in the same way that a demolition should. He also mentioned that there is still some confusion about whether the word demolition means total demolition or any partial demolition.

CF mentioned that the words in the section (A)(c) covered all of that. Greg's comments didn't recommend a change in 151.20 (B) and Camille said that she agreed with that. Section 151.21: Add "for Certificate of Appropriateness" after "application". CF suggested that we add: Office of Historic Preservation instead of Building Inspector, as that is how we are doing it. Link said that application may be made in the office of the commission...no specific designation.

The balance of that section (A) seemed to be OK. Board agreed.

151.22 Greg's suggestion: Change "Decision concerning application" to "Approval or Denial of Certificate of Appropriateness" and "Building Inspector" to "Office of Historic Preservation". Also, all suggested checking model ordinance.

Ann brought up the overlay which is different. But all are working from the Chapter 151. The overlay was first and reflect the amendments. Link offered some history of how the term "overlay" came to be used. The Historic District was not to replace the existing zoning, but be overlaid upon it. The group discussed the difference between the "overlay" and the actual ordinance. All agreed it was confusing, but that the Ordinance, as shown in Chapter 151 was to be followed. Camille said that the overlay was an archival document which includes both the ordinance and rules of procedure. The HDBR just superceded the old rules with the new Rules of Procedures. A discussion was held.

John suggested that we should discard the "overlay" and only operate with the Chapter 151 and the Rules and Code.

John asked if anyone knew where the new mayor fits in with preservation, as compared to the old mayor. John said that if we didn't have the position we wouldn't have the office. Camille disagreed, John said that we might want to change the language so that it was more general with regard to changing from Building Inspector to Office of Historic preservation...Link read the enabling legislation. (regarding the language for denial, or lack of vote...granting of 30 day extension, etc.) John said he changed his opinion. A discussion of this section ensued, especially the part regarding not acting upon it within thirty days which automatically meant an approval. Camille asked if we could table this discussion to see what the language is in the model ordinance. Section 6d.

Evidently this model ordinance was issued around the state. The group agreed to wait until we can see what is in the model ordinance Section (C) 6d. Camille said that the legal advisor or strategic needs may need to change it to a less specific statement.

151. 23. Recommend: Change title to Expiration of Certificate of Appropriateness Group OK'd

151.30 Seems appropriate. All felt OK as is. Was passed in Nov. 09

151.31 GS suggested replacing language with that in model ordinance Section 6(d) Cf agreed to follow that. All agreed on the hold for comparison.

John asked that if in 151.30 meant that a property owner had to build something that replicated an old house...were we supposed to push toward mid-nineteenth or modern styles. Link mentioned that compatibility was important. That the ordinance was NOT meant to imply that people would have to replicate older styles but build in compatible manner. Link said that this section was the only guidelines until the new guidelines were written. Some is not as clear as the guidelines.

151.32 Demolition of Buildings. GS suggested retaining existing language but change rated, non-rated to contributing and non-contributing. CF asked if there was any other suggestions. Link read the initial paragraph from the enabling legislation. It was suggested that we add this paragraph at the beginning of this section. (IC.36-7-11 14a)

John suggested that regarding partial demolition, we could refer to alteration, etc.

Link felt that there was a need for more definition to the part concerned with “incapable of earning an economic return”...Ann asked what that meant. Link said he had asked for it to be clarified. CF suggested that we have some models to look at. Link said that economic return doesn’t necessarily mean just in real estate, i.e. income producing. CF asked the question of the lawyer, his interpretation was that the Board had to rule on whether or not the property was capable of earning an economic return...evidence had to be submitted to the board, the board had the right to dispute the evidence.

(The group discussed the building at 801 W. Second and the rationale for the board’s decision.)

The group discussed that the rest of this section could not be changed. Link thought that we should have a definition for “economic return on value”.

151.33. Greg recommended deleting “non-rating” and this entire area, but add a new section from the model. Camille will check the model. Link said that one thing that is not in our ordinance is a section from the enabling legislation (37-7-11-15); He read the section: “Historic buildings shall be maintained to meet the applicable requirements established under statute for buildings generally so as to prevent the loss of historical material and the deterioration of important character-defining details and features..”

The Board discussed this section.

Camille felt that the Signage section has been delegated to the BI, so not need to change. Ginger felt that there was an issue with replication of historic signage. Thus, we would not be able to get through the signage section at this meeting.

The Board had no changes to suggest on Section 151.34.

Section 151.35 GS recommended deleting it and replacing it with Maintenance section from the Model legislation. The Board agreed. CF said that there will be three or four similar situations and she would address it as soon as she got the model ordinance We would try to re-address the ordinance issues again in February.

A motion for adjournment was made by Ron Hopper, all voted in favor. The meeting was adjourned.

Camille B. Fife, Preservation Planner

Dirk Cheatham, Chairman

