

**City of Spartanburg - Board of Architectural Design and Historic Review
Thursday, March 9th, 2023, at 5:30 PM**

“In-Person Meeting” City Hall Council Chambers

The City of Spartanburg Board of Architectural Design and Historic Review (HARB) met in the City Hall Council Chambers on Thursday, March 9th, 2023, at 5:30 PM

The following Board Members were in attendance: Dr. Melissa Walker; J. Brandon Gaffney; Sylvelie Franke; Dr. Glory Boozer; Kenneth Brown; Mark Olencki; Dr. Anne Rodrick and Bill Michels. Representing the City of Spartanburg’s Planning Department was Martin Livingston, Neighborhood Services Director; Nan Zhou, Planner I; Tia Keitt; Planner II; Oksana Holbrooks, Administrative Assistant.

Roll Call:

Dr. Walker: Good evening. I'd like to call this meeting of the City of Spartanburg Historic Architecture and Review Board to order. Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the requirements of the City of Spartanburg Zoning Ordinance. Before we get to the approval of the agenda and the minutes, I would just ask each board member to identify themselves for the minutes. So, starting with Mr. Michels.

Mr. Michels: Bill Michels, been on the board about a year and a half, I believe.

Mr. Olencki : Mark Olencki, on the board for about six months now.

Mr. Gaffney: Brandon Gaffney, been on the board about seven months now.

Dr. Walker: Melissa Walker, chair, I've been on the board five and a half years.

Mr. Brown: Kenneth Brown, I've been on the board for two and a half years, I think.

Ms. Franke: Sylvelie Franke, I've been on the board for about a year.

Dr. Rodrick: Anne Rodrick, I've been on board for two and a half years.

Dr. Walker: Okay, thank you. I will just ask you board members to review the agenda. Do you have any additions or changes on the agenda? If not, do I hear a motion for approval?

Approval of the Agenda:

On a motion by Dr. Rodrick, seconded by Mr. Gaffney the agenda was approved by a vote of 7 to 0

Ms. Franke: Second.

Mr. Gaffney: Second.

Dr. Walker: All those in favor say, "Aye."

Attendees: Aye.

Dr. Walker: I believe that was Franke moved and Gaffney, Rodrick moved and Gaffney seconded.

Mr. Gaffney: Gaffney seconded.

Dr. Walker: Thank you. Okay, and then we have the approval of the minutes with the corrections that have been made and were emailed. You all got the email on those? Are there any further changes in the minutes?

Attendees: No.

Dr. Walker: Do I hear a motion for approval?

Approval of the minutes of February 9th, 2023:

On a motion by Mr. Olencki, seconded by Mr. Michels the minutes of February 9th, 2023, was approved by a vote of 7 to 0.

Mr. Olencki : Aye, motion.

Dr. Walker: Okay. Olencki moved.

Mr. Michels: Second.

Mr. Olencki : Michels seconded. All those in favor of approval say, "Aye."

Attendees: Aye.

Old Business:

Certificate of Appropriateness for Major Works – 498 S. Irwin Avenue (TMS# 7-16-02-093.00) in the Hampton Heights Historic District. Applicant is seeking approval of a Certificate of Appropriateness to allow the paint on the masonry to remain. The property is located in the R-8/SFD General Residential / Single-Family Zoning District. Owner/Applicant: Ray Mayley.

Dr. Walker: Any opposed? Okay, thank you. We have a matter of old business that was tabled at the last meeting. It was a COA application for 498 South Irwin Avenue to allow the paint on the masonry to remain. Mr. Livingston.

Mr. Livingston: Chairman, members of the board, this item was tabled at the last meeting and the board asked the staff to meet with the consultant to determine the status of the staining on the property, as well as to take a look at 262 Carlisle Street for paint removal. Again, two different issues, one is staining, one is paint. Mr. Love provided a report and sent that report to both of you. Do you have the report here for 262 Carlisle Street? Basically, the consultant Donnie Love stated today he believes that the property owner didn't use the required National Department of Interior Standards for removal of the paint, and so that property looks in poor condition. We have some photos. These are the photos of the property. You can see that theirs some damage to the mortar and it's on the brick. They have two different issues, staining and the brick. That is another photo, showing the foundation. They had originally paint. They had a white paint primer which was removed.

It's on the photo. The consultant recommended that we require the property owner to try to address this problem with correct procedures, maybe even provide procedures to property owners, that they had previously painted items and tried. For 498 South Irwin, this was again regarding staining. We visited the property and we consulted again later on recommendation that if the board requires property owner to remove the stain, we should also be required to follow National Park Service recommendations for stain removal to identify the most suitable method

for removing it before pursuing any particular method, as testing method, again, that's what Mr. Love recommended. I did ask the city attorney to provide some guidance, and he's here to provide you some guidance regarding more guidelines and Park Service guidelines. So, I'll ask him to do that and then the property owner is here and would like to speak as well and be available to answer questions.

Dr. Walker: Thank you, Mr. Livingston. Good evening, Mr. Coler.

Mr. Coler: Good evening chairperson Walker and members of the board. Some of you may have heard this presentation before. I try to get around to each of our boards and give you kind of an overview at the start of the year. Sometimes we get to all the works, sometimes we don't. But I wanted to just talk to you a little bit about why you're on the board and the discretion that we ask you to exercise. This week, not surprisingly, I have entertained a number of questions about the HARB, about the discretion that you all have about the application of guidelines. So, I thought it made good sense to share with you what my interpretation of is from a legal standpoint and from the application of our guidelines and our city code and Zoning Ordinance. So, of course you understand I believe that you all are selected, invited, approved, however you got to this board, because we cherish your experience, both your professional and your personal experience. And we don't want you to leave that at the door, we don't want you to set that aside when you come, we expect you to bring your life of experiences in here as you work through any project that comes before you. We don't put accountants on this board because we don't think people should just add up the pros and cons.

Dr. Walker: Dr. Boozer has joined us.

Mr. Coler: I'll keep going, I don't think you missed much Dr. Boozer.

Dr. Walker: That's fine.

Mr. Coler: We don't want you to just count numbers. We don't want you to add up the pros and cons count and say, well it's 42 because four guidelines four, two against nine. We want you to exercise your discretion. The same token, we don't put lawyers on the board. There are some lawyers on our boards, but we don't need somebody to just read the guidelines and say, oh, this guideline applies. They are guidelines, it is not the law and we want you to work through those guidelines and exercise discretion as you do that. So again, it's a guideline. You can accept or interpret one guideline against many, many guidelines against one. We want you to work through that process. I'm going to share with you the standards that come from our Zoning Ordinance, y'all are probably very familiar with them. But just to reiterate your mind, what we are asking you to do is sometimes a difficult challenging job.

"In reviewing applications for Certificate of Appropriateness the board shall base decision on the standards in this ordinance and shall make no requirements other than for the purpose of preventing construction or alterations which are not in harmony with the prevailing character of the historic district. In reviewing applications for new construction, alterations, the board shall consider and give you a number of things to consider. US Secretary Interior Standards, the character and appropriateness of the design, scale, texture, the relationship of elements to each other and where the building sits." That's all to say that as you work through it, and boards ask me this all the time, they say, well, if I look at the guidelines it seems to lead me to a conclusion

that seems an anomaly, or it just bothers or violates my sense of common sense or my sense of professional experience.

If you do that, we are encouraging you to continue to work through that. And as I said, it's not a formula, you're not just adding up. So, we encourage that if you get to a scenario where it requires you to exercise your discretion, that's okay. Any court or tribunal that would review your work will look at the deliberative process and if it's deliberative and fair and open-minded, then it is a sound and solid decision. So, I just wanted to share that with y'all. Sometimes board members unfortunately just get the impression that they're here just to check boxes. If there's any questions I can answer for you. Again, I'm sorry it's taken me a while to get around to mentioning in meeting with y'all in this capacity, but I'd like to answer any questions you have as you've worked through it tonight or at any other projects.

Dr. Walker: Mr. Coler, I have a question and it relates to consistency. It seems to me that if we are all over the map treating very similar cases very differently, then that both undermines the credibility of the board as an impartial deliberative body and it also leaves the staff between a rock and a hard place. Could you give us any guidance on that?

Mr. Coler: Sure, absolutely. So, consistency is preferred. We would like our citizens to know if they're going to do something that they can reasonably expect what the answer is going to be. But I will tell you that this board sets no precedent. Each and every project that comes before you should be evaluated on its own merits, and if you decide to deviate from something another board did or a series of decisions other boards have made, as long as you articulate the reason you were doing that, the last thing we want you to do is to sit up here and say, well, that's how they've been doing it for 30 years. We do not want that, we want you to exercise your, again, you're architects, landscape designers, interior designers, they're not lawyers and accountants.

We want that knowledge and that wealth of information to work through those processes. So, consistencies preferred, but paramount is each application, each project gets its due consideration standing on its own legs in front of you, in front of a deliberate process. Again, I hope that helps you, maybe it makes it harder for you, but just to ask you to work through the best you can using again the backgrounds that we know that you do have. That's why you on these boards. Any other questions? I'll stick around tonight for any other, and again, try to make myself more regularly available if there are issues like that come up again. Thank you.

Dr. Walker: Thank you.

Dr. Walker: Are there any other questions for Mr. Livingston before we move to the applicant? Okay, Mr. Mayley, I understand you would like to speak and so I would ask you first to sign in, you have to come to the podium.

Mr. Mayley: I might be a little bit longer.

Dr. Walker: That's all right, everybody has a learning curve the first time they come.

Dr. Walker: Okay. And before you begin, I would just want to say in respect for your time and the time of everyone in this room, let's go ahead and dispense with a couple of points you have in your PowerPoint. You mentioned the guidelines and that the guidelines are out of date and that may very well be, but this board does not control the guidelines. So, we're not going to talk about

the guidelines, the content of the guidelines tonight. If you have a question about that you can take that up with your city council person and we encourage you to do so, because we think there are things that need to be updated too, and we'd like to see city council move forward with that. We also know that this is stain and not paint and the guidelines do say treatment, so we don't need to spend a lot of time talking about that. We had a question last time and the only reason we tabled it and that question was, can the stain be removed or will it leave a lot of traces like the photos of 262 that we just saw? And that was one reason we asked the staff to look at 262. And then could it be removed without damaging the mortar? So, I'd ask you to take five minutes and just try to address those questions, because we don't want to re-litigate what we went over for last month.

Mr. Mayley: No, I understand. This would be a legal question in reference to this that I'm curious about. Is there anything stating specifically that I have to do it? Because I never have read anything stating that I was limited and I would've absolutely created a more concise version if I would've thought so. I can speed this up, but legally I had no idea that I was restricted.

Mr. Coler: The meaning is at the discretion of the chairman, so it is the chairman's discretion. If at some point the chairman feels that it's not a productive use of the board's time, she has the authority to move on to other matters. So again, I would suggest be as brief as possible, but again, the chairman, this is her meaning and she's empowered with by state law that we covered.

Mr. Mayley: Okay. I will do my best.

Dr. Walker: Thank you.

Mr. Mayley: So, if we have a wrap it up box, that'd be great. That'd be awesome. So, if that's the case, it might be best for me to quickly reference Donald Love's reference that y'all received previously, because that's specific to what you're saying. He did say a couple things, and I think that Donald Love is a, I have heard his name before, I heard he knows what he's talking about, I heard he knows what he's doing. However, there's things in here that are not true, and if people do research they will find multiple resources that are contradicted. So, quite simply, when I put in the certificate of authenticity I was specific with the stain, I was specific in that it was permanent and that it was not painted. And so in this reference it keeps saying to remove it, stains cannot be removed.

It is a preservation product that cannot be removed once it's applied, as well as down here when he is saying worst case scenario or last resort, paint the brick the original color. So, in a mindset of preservation and maintenance by saying that I'm going to be punitively punished and now I need to apply paint to my stain is retroactive to the entire board or the entire mission of the HARB as far as it goes to preservation, if I was to say so. So, in order to follow this guideline that he's specifically saying, I feel that it's contradicting itself. It's contradicting the preservation of our home, unfortunately, and I hate this, so I'm truly sorry for what I've done, but it's permanent. Maybe in 10, 15 years I can apply another coat of stain that will be a darker red, will be more historical, right? However, I will say that the city has never had an opinion or a basis or foundation to comment on a color.

The preservation application was done, it's being preserved for 10 to 15 years, and as far as the color goes that's no stance to the city or board or anything like that. So, I'm sorry. In limited time as well, I would like to admit one thing, admitting fault. I admit that I'm mature enough to make

proper decisions, research is one of my personality traits. And so I felt like I was doing the best thing possible with my home, and doing the research of staining was obviously the support that anybody spends time researching that if you want to preserve what you have, you stain it. You don't paint it, right? But what I didn't think about is the ramifications to the law, so now we have 120 remaining houses in the neighborhood.

Dr. Walker: It's not the problem.

Mr. Mayley: That might possibly. I'll figure this out in a second. So, now y'all are left in a problem where it looks like paint, it's been referenced as paint, it's been claimed as paint, but it's stained. So, the problem now for y'all is what do you do tomorrow? What do you do in a week? What do you do in a month to make sure that somebody else doesn't apply a coat of paint? Because I firmly believe, we firmly believed in the deepest of our hearts that what we did would preserve our brick, where I'll show you in a minute it was breaking and falling apart, images you haven't seen before. However, what I didn't think about is the fact that y'all are now left with the situation of somebody else is going to say, well he did it.

That might be why I'm even complaining in the first place, right? So, I'm willing to offer my services voluntarily to go door-to-door and advise people what's been done. I'll hand out flyers, I'll get a certificate or I'll get a signature showing. I just want y'all know that I acknowledge that I wasn't mature enough, I wasn't in the mindset, I was so tunnel visioned with raising two kids and working 56 hours at the fire department and everything else that we all deal with, I was so tunnel visioned in doing the right thing for a house that I didn't think of the ramifications at all, and for that I absolutely and sincerely apologize. I just didn't see it that way.

Dr. Walker: We appreciate that a lot.

Mr. Mayley: Sorry. Okay. So, fast-forward, five minutes starting?

Mr. Coler: Not yet.

Mr. Mayley: Got it. Okay, so the intentions, you guys already acknowledged that you all know it's stained and not painted, right? This is my sidewalk, these were foundation bricks, the same that's on my house, these were actually in my garage holding up a wood floor. The wood floor's been replaced, I used these bricks as a nice brick walkway. So, these bricks right here, if you will look at them, I'm just going to read this real quick. Wait a minute, I think y'all got the PowerPoint and notes. Did y'all?

Dr. Walker: Yes.

Mr. Mayley: Okay, that wasn't supposed to happen, I was supposed to lead y'all. I'm sorry. Okay, so these bricks right here, if you look at them these are the examples of brick failing prematurely. Brick was supposed to last 500 years, it's because they're on the ground and some bricks absorb moisture totally different than others. So, the obvious ones are green and breaking, but if you look closer there are ones that are showing significant wear as well, so there's future to come and it's expected, they're on the ground. So, my options for the ones at my house, I'll quickly show you. So, these are the starting points, these bricks today would never ever be allowed. They wouldn't even come off the assembly line, there's some little 3D scanner that shoots these off to the side. So, what these do is these little cracks accept water, they expand, crack and break. Here,

here, here I'm starting to see that's on my house. And what I noticed was on the herring bone and sidewalk, I was like, what's going on here? These are breaking, what's happening? Then I noticed the same thing when I'm using my blower, I'm always in my yard, I think, sorry, some of y'all move closer to see. I'm always in my yard, I'm always working, I started noticing masonry in my yard, laying around after winter season or after a harsh season.

And I'm wondering what's going on? Well, come to find out what's happening, and that started the whole process. Well, what are we going to do to preserve this brick? We knew the rule, we knew the rule by the flyer that's actually put out, that's mailed out that we knew couldn't paint them. And I've been in construction, actually construction kept me out of trouble and helped me get a job right? So, since high school I've been in construction, I've been around it, I know that anytime you have masonry that is exposed to moisture you cannot paint it, because it does not allow paint, but the stain does. So, we love our brick, we love its character, matter of fact, we painted the house and when we had the house painted we were like, "Please do not spray our bricks." I have all the intentions to remove it and I tried, it cannot come off.

The guy laughed at me, he was like good luck with that and it didn't work. So, we tried it, we tried taking it off, I don't have enough time to explain all the different ways, but we used chemical, we used pressure treating or pressure washing it to come off. So, then we're like, what are we going to do? All right, so doing the research, that's why we sprayed the stain. We apply a coating on there and that coating resists the moisture that's going into these cracks in our brick, because what happens is now that the outer baked surface, like a piece of bread, loaf of bread, once that outer surface cracks off its way more porous. So, it's going to crack, it's going to continue to get worse, so then I might have to replace them. So, this is one reason right here, the cracks is why we wanted to, we needed to replace something.

So, then also repointing, our house was due for repainting. We bought the house at repainting. However, all the highlighted spots here were places where the upper tops of the columns had actually broken free and those bricks, squirrels would hop up there and would fall off. I'd have to get laddered and put them back up right? So, all that I had to make sure it had to be done on the top of the columns. This front exterior planter bed where the water comes, it's unexposed.

Mr. Mayley: It is exposed, it's uncovered, sorry. The rainwater's hitting that, it's running down, it's penetrated by the sun. The whole highlighted area to the left had to get repoint probably, I'm not going to lie to y'all at all, it's probably about 40, 50% of that had to get repoint alone. My front wing wall's left, right, not the top of that had to get repointed as well. So, those are things that we had to address, and when we addressed it, did y'all read the part about type O versus type S repainting? Does anybody have a disagreement with that or does anybody kind of, I mean you can get Donald Love's opinion of that. I guarantee you he'll support it. So, when we repointed it, it was gray. Any image you would see of our house, the original Google pictures you see it's tanned because of all the sand. So, when we repainted it was obvious gray, it was unsightly. That's when I should have put in the certificate of authenticity to start with, and I'm sorry for that. I did not appear to be up here defending myself at all, all right? As well as the past repaint, this is where other people have used a blind eye and a hand and smeared. And these were only pictures of going back in photos.

And even this photo I stole from Mr. Livingston picture, I zoomed in, this is that side wing wall and that is a professional job I must say right there. So, we had issues, we didn't adopt a house that was amazingly perfect and it wasn't just the original brick that was beautiful, it had at the

time, or now it's almost a hundred years old, it had old, it was walking around with paint. So, the past paint work, now here was a small contradiction that I do feel compelled to say because like you said, you don't need me to cover the guideline however, I do think these are one of the Swiss cheese holes that has allowed contradictions or efforts or confusion.

Dr. Walker: No disagreement there. Can we move on, please?

Mr. Mayley: Okay. Just then a quick answer if I could ask you for it. So 100% of a house painted, then it's approved. If my house has no paint on it from all original perceptions, my house cannot be painted from original bonus. Right? But if I show you proof and evidence that I have a percentage anywhere between 99 and one, there is nothing in the guideline that says I can or cannot. Right? So that is based on your perception of all commissions of masonry. Is that correct?

Dr. Walker: As Mr. Coler said, that's just one of the things we have to take into consideration as we deliberate.

Mr. Mayley: And what you're considering is preservation and maintenance.

Dr. Walker: And historical appropriateness.

Mr. Mayley: Yeah. Okay. So it's the original brick. So we're good there. We maintain that's good. Okay, so this Yeager company, I will have to say-

Dr. Walker: Sir, we're not going to talk about the guidelines at this meeting.

Mr. Mayley: I wasn't. No, I wasn't. What I was going to say though is we didn't know about the Yeager company book. We had no idea about this whatsoever. We never received the copy. We never signed for a copy. When I actually tried to click on it to find it, I couldn't find it and had to ask Mr. Livingston for a copy because I actually got lost in maintenance right?

I was aware of the flyer. Okay. The flyer does not say anything about staining. The Yeager company book, I'm not going to go in depth of it, but I will say that there is nothing coming to the neighborhood that says that I have to follow a guideline somewhere for us. When I purchased the house, when I paid for taxes, I've never received anything speaking of this Yeager company book. And I feel like you're blocking me off from discussing any concept.

Dr. Walker: I am simply saying to you, I'm sorry you didn't know about the guidelines, but we don't control the guidelines on this board. We need to stick to the question of what to do about your stained brick or not to do about your stained brick.

Mr. Mayley: Okay.

Dr. Walker: So please address our questions about what it will do to the brick if the stain were to be removed.

Mr. Mayley: All right. I got it. Little filter there. Okay, so moving forward with the brick. Donald Loves comments. I already addressed it. He did have somebody come out, a paint specialist come out. And I'm not sure what that paint specialist told you, but the stain is

permanent. And my years in construction, I will tell you, that maybe it can be addressed in 10 to 15 years, but it's soaked in.

When we do attempt any effort, you will see some sort of cloudy haze come off. But that is simply what did not get soaked into the brick. There will still be some sort of percentage of the stain on the brick, and by removing it with whatever treatment is going to cause way more damage than anything else that can be done to this house. Our efforts were to simply preserve and protect the house 100%.

And so by using any, there's no chemical treatment that can take it off, that will not dissolve in water and it's probably going to spoil the brick. That's what I would say. So there's no treatment that can be done to it. There's no chemicals that can be applied to it. Okay? There's no physical that you can apply to it without damaging the water, and there's no heat. So those are three things that you use to remove something. A chemical, a heat, and mechanical, a scrub brush, wire brush.

I tried all three with the paint. The stain bulletproof and it's soaked in. So you'll see a little bit come off, but the vast majority of it is it's there. And I'm sorry it's there. That's why I'm offering to do anything I can moving forward to help other people, or help the city, or help the board. I'm more than happy to get other masons or subject matter experts to come in and speak about an actual maintenance process that actually specifies what order that specifies what a preservation product.

So I really feel like stopping now does not do this meeting justice though because in order for the whole neighborhood to move forward, there has to be discussion. It cannot be resolved with this.

Dr. Walker: Sir, we have a procedure for discussion. So this is your opportunity to make your case, and when you're finished we will have an opportunity for the board to ask you questions. And then we'll move forward with the procedure, and there will be more discussion. I promise.

Mr. Mayley: Okay. All right. So I'm going to click through, I'm not going to say anything, but I'm going to make sure I didn't miss anything because I promise you at 3:00 in the morning I'm going to wake up saying, "Ugh, I forgot that one slide. Would you like to see the video or did you already see that?"

Attendees: No. I saw.

Mr. Mayley: Who all remembers this old house back in the day? That's how you learn.

Mr. Mayley: Yeah. There you go. Not talking. Not talking. Not saying anything. Beautiful maiden house. Okay. Nope. Nope. That was supposed to be the white brick house. So then let's say this terrible world where y'all say, "Hey, I'm sorry we're sticking to this and you're going to have to pay thousands of dollars to attempt to remove this. And then you're going to pay thousands of dollars and getting a repaint."

Let's say worst case scenario, y'all say that. Where do I put that in a priority with a current roof leak, current pass pipe, current tile floor that's cracking? I got a foundation repair I guarantee. My drain pipe wants to leak. It's still a taracata. And my AC, I have no clue right now if it's going to be resolved. I have no idea where in the world I'm going to pay for this situation.

Dr. Walker: Sir, I'm really sorry. I feel for you, I really do. But there's one question before the HARB and that's the question of the stain on the brick.

Mr. Mayley: Yeah, I understand but you're not allowing me to clarify what the real question is. Because the real question is a contradiction of the guideline. Right?

Dr. Walker: You need to allow this process to work.

Mr. Mayley: Okay. All right. So are you even interested in any offering of any help I can do to the neighborhood? Any offering that I'm more than happy to type something up if the board approves and go door-to-door and get them to understand what we did. The signatures that you show proof that says, "Hey, time out. We might be reevaluating this"? Probably not? Okay.

Dr. Walker: Right now we need to have an opportunity for the board to ask you questions if they have any, and then we'll move on with the process.

Mr. Mayley: Okay. I would love if you feel like in the smallest part of your mind, if you have any questions about our intent because if you feel like we were trying to circumvent you, those are the questions I employ. Please ask me those because that's what's really been bothering us whole times. It's like man, do they really think I was like, "The heck with them"? I firmly believe in y'all. I firmly believe in what you're doing.

We had zero intent to actually defeat the system or bypass the system, and I still to this day am not looking at it as I'm trying to win the fight or the battle. Right? I'm not even trying to do that. All our efforts, everything, the PowerPoint that I didn't get to discuss, everything is relation to preserving our home, providing maintenance and preserving it. And I promise you, from the day we bought the house to the day, I have done that. Every countless minute I've had, I've done that, since 2006.

And I mean this guideline is not set in stone. I mean maybe even the city attorney got to read my PowerPoint today. Maybe he thought it was something to bring up. But this guideline is not set in stone. A police officer will tell you, a retired police officer will tell you guideline is simply, it is in a perfect world a decision we make

Dr. Walker: We understand that, sir. We've been doing this a while so.

Mr. Mayley: And just a quick confirmation. Would you all say that, has there ever been an attempt to update this guideline?

Dr. Walker: There has been discussion of updating the guidelines; that is in the hands of city council.

Mr. Mayley: Okay. All right. So sorry. That's it. I have probably practiced this for probably three, four days. I had no idea about timeframe. I wish I would've known, Mr. Livingston. I'm truly sorry. I absolutely would've convinced this and I would not have done some horrible improv version of this.

Dr. Walker: Well, you've had 20 minutes now. So if you will give the board an opportunity to ask you questions, we'd appreciate it. And we do appreciate your frustration.

Mr. Mayley: Questions. Please question some of you.

Mr. Brown: I'll jump in. I will confess. I was not here. Last month I did not hear the original exchange. I've read it closely twice. I'm still confused because I haven't seen any indication of the timing or the sequence of events. But I get a strange feeling that some of this took place before the COA Application.

Dr. Walker: It did.

Mr. Mayley: Yeah, absolutely.

Mr. Brown: So a month ago, this board there was a motion, it was approved to give, you've had an opportunity to get more information. In the meantime, the board would also seek a professional opinion, which we did. It's Mr. Love's letter, you don't like it and you don't accept it. But it was, we investigated or instituted that process.

In that time, I think you spent your time trying to figure out how to go into the community and perhaps keep somebody else from falling into this trap. But I don't think you went out there and found other solutions than the ones that are offered from Donnie's or Mr. Love's letter. That's where I am with this. I apologize for missing last month's meeting, it was unexpected.

Mr. Mayley: So just to quick recap if I can. Last month, I was on duty. I'm a City Fireman. Last month about five minutes before I got up to speed, we had a technical rescue call that carried us till 10:30 that night in a mutual aid community that didn't have the services. And so I was here, I was present, ready to speak. And unfortunately the notes I had, I had to practice in my head as well as the notes I might forget that I gave my wife. So my wife was able to speak all the bullet points that I was likely to forget.

But these issues right here were all practiced, they were all load into. And so I did use the 30 days to create a visual appearance for y'all to see references rather than just speaking. However, I will tell you resolutions for this, it's permanent. It's permanent. It is what it is.

Mr. Brown: And you saw professional opinion and that's what it was?

Mr. Mayley: I mean the video that we weren't allowed to click on, it's permanent. That's a 40 year veteran in the masonry service. You really can, it's permanent. And I will say-

Mr. Mayley: Yeah. Oh yeah, yeah, yeah. Okay. Real quick. I did speak to Mr. Livingston, and we were told that we were to provide a product name. We weren't told to find a solution. So we provided the product name to Mr. Livingston. Mr. Livingston gave that to the historical architect. They had a specialist come out with their property. I was never tasked with researching solutions. That's my case.

Quite honestly, my solutions are no matter what, I can't fix this tomorrow or a month. My solution is what can we do to the community to advise them to preserve their house with stain rather than brick if they need to be? And that does need to be approved by the HARB. And so that would be a solution. Right? We're just treating the Tylenol right now when we're actually aching because all we do is work on the means. Okay, so I don't know if that answered the question, but I was never tasked with a solution.

Mr. Brown: Okay, I'm looking at the motion. The motion was to table the item. Two items we need to have information on first to find out what kind of treatment chosen because I asked, this is a bills statement. Secondly have Mr. Love look at 262 Carlisle. It's a property we have latex paint on. We had removed and have him make a recommendation. This is the one we looked at earlier. Is that correct?

Mr. Mayley: Yes.

Mr. Brown: Okay. So we were asking for more information. I think you've given us a whole lot more than just more information. I'm not sure you gave us the information we really need.

Mr. Mayley: Well, I believe that would be you were to get that information from what you consider a subject matter entry. And that is the historical

Mr. Brown: This is a two-way street, though. You were also tasked with providing information to us because we disagree with you.

Mr. Mayley: No, I promise you. Mr. Livingston can assure to I provided the product name that was asked of me. He came by and asked and I provided it, and he gave me a window of opportunity and I provided it the last day of the window of opportunity. That was the best thing I could do. All while I would like to say the day that I had this case with my last shift, I did have surgery within two days and I had recuperation surgery after that, that was quite stressful for me. So I did everything on my behalf. If Mr. Livingston feels to disagree, I'd welcome him to speak. I assure you I've done everything.

But as far as solutions, my solution is, I mean I always get my house washed. I always get my windows washed and I get my concrete pressure washed. During that time, I can have them do a house wash and you'll see a slight film come off, but it's permanent. It's a preservation product to preserve the actual bricks that are shipping and breaking apart.

Dr. Walker: Any other questions for Mr. Mayley?

Mr. Michels: Did you have to do any point yourself? That's stuff you showed, is that stuff you had repointed?

Mr. Mayley: Okay. So yeah, so-

Mr. Michels: Those circled places, that's stuff you had?

Mr. Mayley: Yes.

Mr. Michels: You had somebody come repoint it?

Mr. Mayley: Well I paid a significant amount of money to-

Mr. Michels: You had it redone.

Mr. Mayley: But I watched them through the window in the ring doorbell, and then I did my own chimney because I couldn't afford anymore.

Mr. Michels: That's fine. Okay, that's fine. But you had repointing done. Okay. All right.

Mr. Mayley: Yes. Yeah. The highlighted area were the places that we actually repointed not the entire house.

Mr. Michels: Okay, thank you.

Mr. Mayley: I will tell you all, that is a, some they consider themselves professionals and they charge a professional rate. Two days is all we go through.

Mr. Michels: Thank you.

Dr. Walker: Any other questions for Mr. Mayley?

Mr. Mayley: I had a question. Why not? The guideline doesn't say what type masonry. If you repoint your house tomorrow, why is this so specific on type O? Why can't we just go to the Home Depot and buy a type S and paint the roof?

Dr. Walker: I think that's not a question we can answer, and it's not part of the discussion tonight. You, sir. Thank you, Mr. Mayley, we appreciate it.

Mr. Mayley: Thank you for your time.

Dr. Walker: Mr. Livingston, a point of order. Do we have public comment tonight since this was a tabled item?

Mr. Livingston: I don't know that we have for public comments, but we have done that in the past, if you'd like to have public comments.

Dr. Walker: Okay. Board members, would you like to hear public comment?

Mr. Michels: I don't object if someone wants to speak.

Dr. Walker: All right. At this time we will open the floor to public comment. Is there anybody from the public who wishes to speak on this?

Mr. Brown: Can we propose five minutes?

Dr. Walker: Yes. And just a reminder that there is a limit on public comment. So you no more than five minutes each. Sir, I'll let you sign in and then you can tell us who you are.

Mr. Clausen: I will keep this brief. Oh, I'm sorry. Scott Clausen. I live on the same street, have been there for four years. I'm the old guy in the neighborhood now. I just wanted to voice my thoughts. I see we are where we are and that's where we've ended up, and we're trying to move forward.

I really see only two viable candidates for, or the board has suggested two viable candidates to remedy this problem. There may be three. I think the chemical solution is not going to work. Another solution is to paint the brick, which is the exact thing that we're trying to not have happen. I find that an odd, unworkable solution. And that leads me to the last possible solution. And that is to manic mechanically remove any color of the stain from the brick.

And I'll ask you, have any of you all sandblasted material before? It is very aggressive. I have done it before. There's a building down on Wood Road that I guess used to be Sellers Electric. And they had signs painted on the brick and they painted inside and whatnot. Well, we had to remove that many years ago. And the brick was... And it didn't matter. Nobody was trying to preserve. Nobody cared what it looked like. Just get rid of it. And the brick became very pitted.

The masonry or the mortar got eroded. It's a brutal process for both the person who's doing it and the subject matter. I just don't feel like that is preservation. I feel like that's destruction. And I don't think any of us want that for the primary surface of a house.

The other problem with that is you're going to have casualties nearby. You cannot remove material from brick next to wood. Wood is much softer and it's going to erode at a much faster pace than the brick. So in short, as I've said before, I don't find what was done objectionable. It may not fit guidelines, but right now I'm focused on the solution, and I don't see a solution that remedies where we're at right now, better than just leaving it on the wall. So just wanted to impart that. Thank you.

Dr. Walker: Thank you, Mr. Clausen. Appreciate it. Did anyone else from the public like to speak? Yes, ma'am. Please sign in and then you can tell us your name and speak to us.

Ms. Sullivan: My name's Margaret Sullivan. And I live on South Irwin Avenue as well. I have lived in the neighborhood for 35 years. I find the Mayley's home to be an architecturally unique house for our neighborhood. And I do not believe that the stain on their brick changes the uniqueness of that property in any way.

They have lovingly and carefully maintained their property the entire time they've been in the neighborhood. And I feel just, I was not here the first time, so I'm not aware of all the discussion that took place. But it seems to be that the color of the stain is maybe what is objectionable to people.

I know the guidelines are not about color, but if something had to be done to that brick to maintain it and something they had chosen to do had been red, I just don't feel like we would probably have ended up here. I think it would've passed unnoticed if they had put a red's preservation on it. If they had stained it red, I feel like we probably wouldn't be here. So that's my 2 cents. Thank you.

Dr. Walker: Thank you. And for the record, there has been no discussion of color in this case and in the previous cases before us. Color did not enter into our decision making. So color is not the issue. Anybody else from the public who wants to speak?

Ms. Rossi: I'll speak.

Ms. Rossi: Hi, I'm Emily Rossi and I live at 484 Hampton Drive. I actually used to live on South Irwin since 2013. I've lived in Hampton Heights since 2008. And I don't really know specifically too much about this in terms of reading this later study. But what I have learned from the lovely PowerPoint is that the house was painted before, granted it wasn't the entire house painted, but there was paint on the house.

And my understanding, if there's paint on the house, then I don't really see, I guess I don't find it logically problematic in any way to stain the house. But that's obviously not my decision. What I do want to speak to is the fact that this house is my favorite house in Hampton Heights. And I think it's a beautiful house and I think every time I see the Mayley's work on the house, it's always really, it's wonderful and I think it's just beautiful everything they've done.

So if they've done something that you guys find that goes against the guidelines, I think there's a way in which we could offer grace to people that actually take care of the neighborhood in the way that they do. I think that that's probably one of the most important things that we need not forget, is having grace and offering grace to others. So that's my thoughts.

Dr. Walker: Thank you, Ms. Rossi.

Mr. Mayley: That's a lot to write under pressure.

Mr. Cooksey: My name is Randy Cooksey and I've been a resident of Hampton Heights for over 20 years. And we've been in our current for 17?

Mr. Cooksey: 18.

Mr. Cooksey: 18 years. And time flies. It has not necessarily flown tonight, so I'll try to be brief. I just want to express-

Mr. Cooksey: I just want to express my support for, from purely aesthetical and personal standpoint, I think the house looks great. From a professional standpoint, I'm not an engineer, and I'm not a brick mason. I have no expertise in particular in brick. I am however, a licensed home inspector, and my limited understanding of what I do know about brick would be that removing what has already been done would just cause much more damage than leaving it the way it's now.

Again, my personal point is, I think it looks great but that's just a matter of taste. So anyway, that's all I have. Somebody else has already stolen anything else I might have said.

Dr. Walker: Thank you Mr. Cooksey. Anyone else from the public who would like to speak? Yes ma'am.

Ms. Cooksey: Hello.

Dr. Walker: Hello.

Ms. Cooksey: I am Celia Cooksey. And happy to be here as a neighbor as well. I will speak to the I dotting, and T crossing nature of my lovely neighbor. So if you do find some grace as Emily said for their situation, and decide to move ahead with any sort of suggestion or request that they move ahead with the campaign, you'll never have seen a better campaign, I'll tell you that right now. But also I'll just suggest that perhaps the cure might be worse than the disease, and I know that must have come up for you all, but I just wanted that to be known that brick has a life span and the hope to help prolong putting any sort of mechanical work and heat situation that would be applied, might have a negative impact in a far worse way in the preservation in the spirit of the law. In other words might be let down by in the nature of the load.

Dr. Walker: Thank you. Anyone else?

Mr. Shambaugh: I think I may be the only person here who has not lived on South Irwin at a point in time.

Dr. Walker: Mr. Shambaugh, will you-

Mr. Shambaugh: I'm Keith Shambaugh, and I live at 546 Cecil Court and I'm not going to reiterate everything that's already been said up here. Everybody I think has said what I would like to say, but the die is cast. The house has been stained. If what's been talked about tonight it

cannot be taken off the house without doing undue harm to the current structure, then I think it's a moot point to try to come up with a solution that is going to do harm to the house.

Ray and Annette are great people, undeniable, they improved the house, they are an asset to the neighborhood. They always have been. Anytime I've ever called on them, they've always stepped up to help neighbors and me. And I don't think they've done anything intentionally to harm their house. They're definitely trying to preserve their house. I am a preservationist, I live and breathe by the guidelines, but Emily Rossi said, sometimes we have to find little grace here in which they have not done anything harmful. They've actually, in my opinion, have elevated their house at this point in time. And I would hate to see for the solution to be something that would actually take away from the house, and the way it looks at this point in time, or even the way of it before.

So I think trying to paint the house, you're going to do more harm to it. Which again, like Scott Claussen said, if it's something we don't even want to get into anyway, and trying to maybe dye the house pink or whatever, I don't think we want to go there either. So, I think that since color is not the issue here, I think that personally, the best way to move forward would be maybe a slap on the hand, and to see how we can move forward to educate the neighborhood that it doesn't happen again.

Dr. Walker: Thank you Mr. Shambaugh. Anyone else from the public? Okay, hearing none, public comment is closed and we'll move on to board deliberations. I just want to address this issue of intentions. One of the people from the public brought this up last time too, and I think all three of the cases we've had with painted masonry in the last six months, have all involved property owners with the intention of preserving the physical integrity and the historical integrity of their homes.

So I don't question their intentions any more than I question the Mayley's intentions. We know you have good intentions. That unfortunately, is not something we are here to judge. We are here with the case before us. And so I'll shut up and let my fellow board members talk now.

Mr. Michels: I'll start. I live in Hampton Heights. My house is painted. It was painted when I bought it, and it sounded like yours, a little bit of brick, a lot of wood. I will misquote someone and say, "The actions were not so abhorrent as to shock the conscience." My big thing on brick is not so much the brick itself as is the mortar. Now, I'm looking at brick, I'm looking at mortar work. The brick is encased in the mortar. When we do see houses that are painted, of course mine is painted but it was painted prior to HARB coming to an existence, that was someone else's mistake that I have not decided to spend the money on to fix, even though I'd be concerned about trying to fix it because of damage it would do. And we have dealt with other situations trying to mitigate damage, and work with people to make things work well.

I will only say this, if a house had been painted, any color, doesn't matter, red, green, yellow, orange or stained, if it was painted a solid color, I would be one that has to come off. As we did. With that said, 262 Carlisle Street which was taken off and was apparently was just a primer coat, I have no idea how that was done. It obviously was done terribly. With that said, had it been done well, it still would not have looked good. I can just tell by looking at it, it would not have looked good.

I do not prescribe to the thought that any coating on brick is good. Brick needs to breathe. Mortar is your issue. Mortar and pointing is the issue. Keeping water out of mortar makes brick

last for thousands of years as can be seen all over Europe. With that said, I go back to my original statement. I can see mortar lines, I can see brick, the stain's a light colored brick. If it was a solid color that had taken away the mortar lines and taken away the distinction of the brick, I would be voting to remove it.

Currently as it stands, being the guy that doesn't like people putting stuff on brick, I would be along the lines to leave it the way it is, and not create any more damage. I'm more concerned about what might end up afterwards. And if the Mayley's were to remove the stain as best it could be removed, and then painted a color, that solution would be worse than the actions that have been taken already that as neighbors have said, "Do not shock the conscience." And the first time I rode by the house, I rode by and went, "What are they talking about?" Because I did not realize that was not... Brick comes in that color, that stained color. You can find brick that has been stained. I don't make brick. I know what orange brick looks like and red brick. But I do know that brick is made in different colors with stains or colors in it, and that color brick does exist, just not in our neighborhood until now. Anybody else?

Mr. Brown: My chief concern here is process. I know that if this board chooses to approve this project, it's going to open up a huge number of people saying, "We had no idea that we had to abide by guidelines." Doesn't matter how good somebody's intentions are about informing all the neighbors, I think it's a great idea to inform them, but I don't think that simply permitting this because it was done innocently out of sequence, or out of proper order, is the right way to solve this.

If we deny it, there are ways to go to follow up recourse which may or may not reinforce our decision, or whatever. I personally am very loath to approve something just because it happened in the wrong order. And we're in a position where the next ten cases we see, are people who say, "We didn't know there was an application process." Or, "We didn't know there were guidelines." I can see that happening. It's already happened number of the times I've been on this board. It's not the first time we've sat here and had to deal with it. See that's my position. This is a process issue. It is an issue of how do you fix it? I think we were offered a solution by Donnie, but I'm really reluctant to approve something just because it's done in the wrong sequence. It's setting a bad precedence.

Mr. Michels: I will say I agree with Ken on part of it, his statement, which I should put me into mind, and this is no failure of anyone that works for the city currently. Things were done a long time ago before most people working here, people do not know a lot of this stuff, and it's incumbent upon the government, I hate to even say that out loud. It's incumbent on the government to ensure that every homeowner of every single property in Hampton Heights, in Beaumont, is made aware of this by a letter sent from the city, not from the neighborhood association.

Neighborhood association has no power. From the city, that once a letter sent out to every single person in every house, and they don't come back, I think Bob can attest to the fact if you mail letters, assume to have been delivered, unless it comes back. And the ones that come back, we'd hope we could find the owners. I know that work can be done and the owners can be found, and send them registered letters, and then that would alleviate us getting into this situation. We're trying to find an answer or solution to a problem.

We wouldn't have the problem, because it wouldn't exist because the letter would've been out. We just have to find a way to notify everyone and be ensured that everyone's notified, and that every new homeowner's notified when they purchased the home, whether by cortisol to the deed, or just notification based on the city finding out there's been a change of ownership. That's all I got on the government.

Dr. Walker: Anyone else?

Mr. Olencki: I've been a resident there since 1978. And I was there before it was this historic district, and even after my house is on the register, never knew about anything. No one's ever sent anything to every house. I've tried to keep things in line, at least keep up the preservation of the house, much like you. Yes, education is what is lacking here. And yes, there is a precedent that could go either way for it.

I do believe in grace on this part, because it looks like, and I've been by the house, that you all are very, very proud of your home and want to preserve it. And I think that we need to... Again, it's guidelines. We need to have better education and maybe better ways of telling the public what they can and cannot do as owners. And this getting out to realtors saying, "Oh wait, this is a historic neighborhood. This is a great place to be, except that it's... You don't have HOBs, but you do have certain guidelines that you need to do as far as property ownership, maintenance, trees, and everything else.

Dr. Walker: Thank you.

Dr. Rodrick: Is it within our purview somehow to recommend that this kind of notification education program be brought to the attention of whatever part of the government ought to be in charge of it? It seems to me, this is a problem we've dealt with over and over sorry. This just seems like I thought, and I don't live in Hampton Heights, I thought that these people who were handed something when they closed on the house. And they had to...

Mr. Livingston: According to last Carlisle case at 210, he said he was notified at closing for the purchase of the property.

Dr. Rodrick: Okay. But it sounds like it's very inconsistent, and I think that's the big problem.

Dr. Rodrick: So I don't want to be punitive because there's a process problem. I also understand that there's a process problem that could set a precedent.

Dr. Walker: I know Martin, that you were working with Meg Reid last summer on getting brochures out or anything. Did that happen?

Mr. Livingston: I don't think we mailed any brochures out. We did prepare some updated brochures provided by Ms. Franklin, and that was posted on the city website. And I think we made two changes to that. And then we printed some new brochures. But I don't remember ever sending any brochures out to the neighborhood.

Dr. Walker: Okay. Thank you.

Mr. Michels: I think it's more important now than ever that we do that, to make sure that the actual owners of the properties are aware. There's tremendous growth in the city. Tremendous change, which will end up putting tremendous pressure on both the current historic districts and any other properties we designate as historic in the future, there'll be tremendous pressure on that, because of growth, money, population, that we're really set on our rules, and that we're sure that everybody's aware about so we can enforce our rules. Because, that pressure is going to build up as time progresses, and the city becomes bigger and more crowded, I guess is the right word for it. Thank you.

Dr. Boozer: And I think Mr. Livingston, it's very important that we work with our realtors, so when they bring people into the historic districts, or any district, whether it's a school district, or historic district, that the potential homeowner understand what the undertaking is before. Because oftentimes, we hear about the financial part of it that they will incur. And if they know that ahead of time, they have to decide whether or not they want to invest in that property, and the processes that they have to go through, to maintain the historic preservation of the property. And that it could be very costly to do.

So, I would not want to go into it blind, and I would hate to see any residents go into it not knowing, number one, what the rules and regulations are, and the possibility of the cost. Because, if we ask to remove the paint, stain or whatever the treatment is, that's a financial cost. But you have other costs in terms of environmental costs and other things. So I think everybody should receive as much education as possible. And if we could get that done somehow through the city, that would help the homeowner, as well as the board when it's deliberation time such as this.

Dr. Walker: Thank you. Any other discussion from the board? Does anyone have a motion?

Mr. Olencki: I motion that we... I don't know how to pronounce it.

Dr. Walker: We can accept the application for COA, or we can deny it, or we can approve it with conditions.

Mr. Olencki: I think approve it with conditions.

Dr. Walker: And what would those conditions be?

Mr. Olencki: To see what the next step will be in preserving what's there, without deteriorating the...

Dr. Walker: Okay. The application is to leave the stain on.

Mr. Olencki: Okay. I say yes.

Dr. Walker: So you're making a motion to approve the application?

Mr. Olencki: Yes.

Dr. Walker: Is there a second?

Mr. Michels: I will second it.

Dr. Walker: All those in favor say aye.

Attendees: Aye.

Dr. Walker: Any opposed?

Attendees: Aye.

Dr. Walker: Any abstentions? We have a tie?

Mr. Olencki: No. Did you vote, Sylvelie?

Ms. Franke: No. I recused myself.

Attendees: She's recused.

Dr. Walker: Yes, I'm sorry. I should have said that Ms. Franke has recused herself.
Mr. Livingston: It's a tie.
Dr. Walker: It's a tie. It's a tie.
Mr. Coler: If she recused herself, what's the vote?
Mr. Brown: I think people know.
Dr. Walker: Ayes, would you raise your hand?
Mr. Michels: It was ayes.
Attendees: Ayes.
Mr. Olencki: Three. Nays?
Dr. Walker: The no's?
Mr. Olencki: Four.
Mr. Brown: Okay.
Mr. Coler: It's not a tie.
Mr. Coler: Okay.
Dr. Walker: Michaels, Olencki and Rodrick were yeases. And Brown, Walker, Gaffney and Boozer were nos. Okay. Thank you all. Thank you Mr. Mayley, Mrs. Mayley.
Ms. Mayley: So now what? I don't know

On a motion by Mr. Olencki, seconded by Mr. Michels to allow the stain to remain on masonry failed by a vote of 3-4, with one abstention.

Dr. Walker: There is an appeals process and I'm sure Mr. Coler can tell you about it.
Ms. Mayley: Right now?
Dr. Walker: I think he's willing.

New Business:

The Board of Architectural Design and Historic Review (HARB) Will consider a list of properties to be designated on the pending list of the City of Spartanburg's Local Historic Register. The public is invited to comment on a potential list of properties to consider for designation on the Spartanburg Historic Register.

Dr. Walker: All right. We have an item of new business. To consider a list of properties to be designated on the pending list for the City of Spartanburg's local historic register. And we will first of all look at the list, I believe, of the properties that are on the National Historic Register already. This is the national register.

Mr. Livingston: I have several lists. So this is one of the lists.

Mr. Olencki: Is that page 38?

Mr. Livingston: That are on the list already. This is another list that was provided by email. So there are several.

Mr. Olencki: Yeah, 38.

Dr. Walker: Page 30?

Mr. Olencki: 38.

Dr. Walker: 38. So, I think our goal here tonight was to hear any public comment on any of these properties that might be included. Do we want to share the list Ms. Franke prepared with additional names on it, additional properties on it? Do you have that Mr. Livingston? That was in that email I sent yesterday.

Mr. Livingston: So this is the list that I saw. This one.

Dr. Walker: It was an Excel file.

Ms. Franke: The one that has.

Dr. Walker: Some of these are on the National Historic Register, some are not. So, at this time we'll just open the floor to public comment if there's any comment on these properties, and we will be discussing them after that. So is there anyone from the public who would like to comment on this?

Mr. Steinecke: I have a quick question. The thing that you were considering is to place all of these properties on the pending list? No.

Dr. Walker: No. Not all of them tonight, because we know that staff has to do due diligence and we have to deliberate as to whether they meet the guidelines.

Mr. Steinecke: Okay.

Dr. Walker: So, no. We are thinking of choosing two or three properties that we would ask staff to proceed with research on.

Mr. Steinecke: Okay. And this is the list of sites that you are considering going through the pending process?

Dr. Walker: Yes. I'm sorry, I wasn't very clear about that.

Mr. Steinecke: That's fine. I am supportive of sending of the list of local historic sites within the city. I think considering which properties to add is sometimes fraught with difficulty, and considerations about the potential burdens that you're placing on a property. And I encourage you all to think through that process carefully. And with due diligence.

Dr. Walker: Thank you. Anybody else from the public who wants to comment? And there will be more opportunities to comment once particular properties were identified, and came before us, after city staff had done research. So, this is a very preliminary step.

Mr. Olencki: What is 160 East Broad?

Dr. Walker: Let's see. So, shall I close public comment? I think we're finished with that. All right. Mr. Olencki wants to know what is 160 East Broad.

Dr. Walker: Do you remember which one that was? Is that the Hub City Finance building?

Mr. Michels: Morton's Antiques? That's the back side of Morton's. The front side has an East Maine Street address.

Mr. Olencki: Right okay, but the back street. Okay, got it. Thank you.

Mr. Michels: I think we would want whoever's owning the front of it. Whatever the East Maine Street address side is the side we'd want to preserve.

Mr. Olencki: It does have a nice back.

Mr. Michels: The front and back of that building are both designed well, front and the back, which is rare is for both sides.

Dr. Walker: Okay, board members, thoughts on how you want to proceed with this. My recommendation would be that we would perhaps propose 2 or 3 for city staff to do more research on, to see whether they meet one of the six criteria for designation as a local historic district?

Dr. Rodrick: Has anyone from any of these properties expressed interest, is that something we want to use as towards our first advantage?

Dr. Walker: As far as I know, no-one has.

Mr. Michels : With that said, I'm not sure of the process, as far as the owner of the property. Martin you may answer the question. If we find a property we'd like to put on it, what's the owner's input, or the value of the owner's purview as to whether they object it or agree with it? What is the value of the owner's opinion on that?

Mr. Livingston: So the section 510 of the city ordinance provides a guideline for designation of local historic registers requirements, if the board decides that you want to designate a property on the local register, and we start that process, once you tell us, "We want to designate this." These three properties for instance, we're required to provide a 30-day notice to the owner, posting the property.

So we'd send the notice to the owner, we then post to the property, and then sometime after 30 days, we bring it back before the board to be placed. Once you make a decision pending this, then we'd notify the property owner within 30 days, and then it'll come back before the board for final approval, and then go to city council.

So at some point, we're required to send a certified letter to the property owner and make them aware that the board is considering this. There's at least a 60-day window.

Mr. Livingston: And then it'll be closer to 90 days before it actually gets to city council.

Mr. Michels: And as to their opinion of it? Is that weighed in?

Mr. Livingston: Yes. You can certainly, if you want to place it under the pending list and come back before the board, or you want us to consider it and place it on the pending list, we can have a conversation with the property owner, and make them aware that the board is considering this.

Dr. Boozer: Martin, what happens if the property owner objects to their property being placed on the list because of traffic, and other concerns that they may have?

Mr. Livingston: So the guidelines to that state, state that if the property owner objects, the guidelines states that there's one of four methods. City council can make a recommendation and get it approved. The HARB can make a recommendation and get it approved. The property owner can make a recommendation. Or ten residents of the city can make a recommendation for the property.

Now, I can tell you that there have been some property owners that have objected. There was one that objected two years ago, however the board and city council have the authority to designate a property even though the property owner may object to the designation.

Ms. Zhou: It's not considered a taking.

Mr. Livingston: It is not considered a taking. As a matter of fact, I think it was a case in New York where the Supreme Court ruled that historic districts is allowed to designate properties for the preservation office.

Dr. Boozer: What about the cost incurred for the designations?

Mr. Livingston: The cost incurred is not considered. Again, it's 7 requirements that are considered, and cost is not one of them. I'll show you a list of the requirements.

Requirements. A significant inherent character, interests and value as part of the development of the heritage of the community. It is the site of a significant historic event. It is associated with a person or persons who contributed significantly to the culture and therefore cultural, political, social, ethical, historic character of the community. Embodies or is enriched in character or type style period, especially engineering with extensive established a familial visual feature of the neighborhood. Has yielded or is likely to yield information recorded previously in history.

It only has to meet one of these requirements. I can tell you as far as objection that issue came up before city council in one of the cases in which the HARB recommended approval, and I know several council members were concerned about if the property owner objects, and they were concerned about that as well. However, there is nothing in the guidelines that state that. If HARB makes a recommendation, or if HARB approves it, it goes to city council and city council can approve or deny it.

Dr. Boozer: So it goes to city council after HARB makes their recommendation?

Mr. Livingston: That's correct.

Dr. Boozer: So city council has the final say?

Mr. Livingston: That's correct.

Ms. Zhou: I think the New York government city central, that is a strong structure before, and the reason it goes to city court, is because the developer wants to keep it in historic keeping on top that is why it goes to city court, but that structure is a historic structure.

Mr. Michels: And with that said, even with this designation, that doesn't require the owner to maintain nor improve the property.

Dr. Walker: That is correct.

Mr. Michels: Financial burden was mentioned, but there is no financial burden on that person to preserve the property. If they don't want to preserve it and maintain it, it keeps them from changing it, but it doesn't make them preserve it if they so decide they don't want to do that. Okay, hopefully they'll want to do it.

And some of the properties downtown, the facades, and a lot of the downtown businesses are already protected by ordinance?

Mr. Michels: Are they not? Because I know the new development going on East Main Street they are saving the facades of those buildings. That is city council urging them to do that, for approval?

Mr. Livingston: No, there's a state tax credit available for commercial improvements.

Mr. Michels: To save the facade. Okay, all right, that's all we're going to say about that. So it would be incumbent upon us if we had Sylvie's list and any other buildings downtown that we thought were of historic significance, even if we put it on this list, does it impede them from redeveloping that property?

Mr. Livingston: It doesn't impede them, but what it does is, it puts them on notice that you're considering it for pending designation before city council.

Mr. Michels: But if it's already been designated, how does it impede them? Would it keep them from tearing the structure down? Would it make them safer?

Mr. Livingston: From tearing it down, that's correct.

Mr. Michels: They couldn't do anything?

Mr. Livingston: They couldn't demolish the building, it'd have to come before HARB for a COA.

Mr. Michels: So as an example, we might decide, "Yeah, we agree with your structural changes if you save the facade of the building." Similar to what they did for the tax credits. That would work? All right, thank you.

Ms. Franke: It would put them in the same situation as any of those cases that we had.

Mr. Livingston: that is correct.

Ms. Zhou: So if we put the structure into the list, and then property owner then says, "Well, I have financial burden, I can't afford it." Does the board ever have the potential to have the financial support for the owner?

Dr. Walker: We don't have any finances. The board does not have access to money.

Mr. Michels: But we also can't make them do anything if they don't want to.

Dr. Walker: That's right.

Mr. Michels: We can only stop them from making changes which are not of historic significance.

Ms. Franke: They would have to sell the property to someone who was willing to pay regardless of destroying it, but would protect the building from being demolished, like what happened last month with those two beautiful houses. Those got demolished because they were too expensive to fix, but the owners were never told, "Well this is supposed to last longer if you cannot afford it, put it on the market, because it's protected from demolition." That's what we're trying to achieve by winning these buildings.

Ms. Zhou: My only concern is if no one has the financial ability to preserve it, then after 10, 15 years these buildings may be condemned and then if no one has the money to protect them then eventually, after they've been condemned, then what shall we do?

Dr. Walker: It's a dilemma. But if we don't take any action, we may not preserve any historic structures in the city. There are historic tax credits that allow developers to recoup some of the cost of this, and they're not eligible for them often if they're not on the national or on the local register.

The HARB's role, I think, in this, if we want to be proactive, is to identify some structures that are really critical and make a recommendation to city council, put it on the pending list. But it is city council's final decision.

There are opportunities for homeowners and the public to make comment, both to the HARB, and to city council. And it has been my experience that the property owners do go to city council when things go on the list. Just as they came when, for example, we heard about the Cummings Street School earlier in the fall. We had plenty of public comment, and the property owner, which was Converse College, had comment as well. And Mary Right school, and The Epiphany, the church.

Ms. Franke: Was there any cases where the owner was totally against it?

Dr. Walker: There was. There was a house in the Converse Heights, the Cleveland alumni house that Woffords College sold. The owner opposed it, the HARB put it on the pending list, it was never approved by city council, and the owner did the work that they wanted to do.

Ms. Franke: Before? Okay.

Mr. Brown: Mary Right's on there too.

Dr. Walker: Yeah. So, just because we put it on the pending list, does not mean the city council is going to agree with us.

Mr. Michels: Well, Sylvie, you made the list, right?

Ms. Franke: Yeah.

Mr. Michels: Did you come up with that list?

Ms. Franke: Yeah.

Mr. Michels: We don't want to burden city staff or ourselves with all those all at one time, but since you made the list would it be incumbent on us to pick maybe two or three, and agree, and then we go with those two or three and however long this process takes, and then we pick a few more as time goes along?

Dr. Walker: That was what I suggested in my email to the board.

Mr. Michels: Yes. Well, I would make a motion that since Sylvie made the list up, she pick the first three, if anyone is opposed to that?

Ms. Franke: All right. The first one that I put on the list is the Alexander House, which I know is a bed and breakfast, and the reason is because it's closed right now, there's no home right. So, what's the next step right? I think it is on the national register, so there is a whole bracket of research that already has been done and it's a historic building. The other one that I thought was final, and the only thing I don't know about it, is if it's part of the city or the county, is what's called the Foster's Tavern which is on Union Street. It's not downtown.

Mr. Brown: It's out in Cedar Springs.

Mr. Michels: That I believe that property is in the city limits, I can check. I think that's the end right there. Since they brought in the new Walmart neighborhood center, we can check on that one.

Ms. Franke: And then after that, if I was to pick a third one, I would say one other one that is under that new big development that has the big crane that's supposed to come on top, on Main Street. So, the Kress Building, because I know it's in danger.

Mr. Michels: Now, the Kress building is one of the buildings that's always been designated to be removed and the facade saved.

Ms. Franke: Yeah, it would be the facade only that would go. It's always the facade.

Mr. Michels: But I mean that's already been approved by city council, I don't think if we put that on the list, there's nothing that can be done, because if it's already been approved to be torn down, except for the facade being kept. Is that correct Martin? That's already been approved?

Mr. Steinecke: If I may? The Kress Building is one of the ones that there's not been a plan after that one, so Montgomery Ward and the one next to it, the Inter Path development.

Mr. Michels: Is these from Freight Yard to Lime Leaf right?

Mr. Steinecke: Yeah, but it's not the Kress Building.

Mr. Michels: Not the Kress Building? Okay, my fault. I thought it was.

Mr. Steinecke: And then the Innkeepers group is the other direction. So, Foster's Tavern is..

Mr. Michels: Is not? Okay, right. I've been a city policeman answering calls out there for fifteen years. Oops.

Dr. Walker: So we're proposing the Alexander House and The Kress Building?

Ms. Franke: That is correct, yes.

Mr. Franke: The Starbucks Building.

Dr. Walker: Pick one.

Dr. Walker: Okay. I believe then we have settled on three properties for the city staff to begin the process of due diligence on The Alexander House, The Kress Building, and The Masonic Temple. In due course with notification of those property owners, they will do the due diligence and bring that back and put it on our agenda. Is that correct Martin?

Mr. Livingston: That's correct. I did have a question, with the motion.

Mr. Brown: Shall we discuss a timeframe? I hate to burden these guys unduly.

Mr. Livingston: So what we'll do is try to get back with the board with the correct information, and we'll also try and get in touch with the owners within the next 30 days, so by the next month.

Mr. Michels: But given the timeline, we're still looking at a couple of months, right?

Mr. Michels: Okay, all right. Thank you.

On a motion by Mr. Michels, seconded by Mr. Brown the three properties have been selected for placement on Historic Register by a vote of 8-0.

Dr. Walker: Okay, we have a motion and a second, all those in favor say I.

Attendees: Aye.

Dr. Walker: Any opposed? Okay. Related to that, was this issue of whether we want to ask city council to consider an ordinance that would require notification of the HARB and gaining a COA before demolishing historic buildings. And I've provided you with some language from Boston, Charleston and Philadelphia regarding this. Is this something you'd feel ready to take action on tonight, or would you like to continue this and put it on the agenda for next time?

Ms. Franke: I would keep that for tonight, because I think we are solving, and I feel like the city council has to see that this is the next step, it's not just those three, I think it's time to do it. The city is growing really fast and you cannot let the history die, so I feel like this is the next step and it goes together with it.

Dr. Walker: Okay. Is that appropriate?

Mr. Livingston: How would you like to notify city council? You have two options. Or we can do both. You can take the item on the planning commission considering the comprehensive plan, we can take care of the email that you send to the staff, and put that as part of the comments section, so that it's included in the comments that will be for city council. You can also prepare a separate letter for city council, that says, "This is what we'd like to do." That's also an option. I can draft a letter and get it out to city council. Or I can ask the city manager how he'd like to handle the letter form.

Dr. Walker: Okay. Mr. Gaffney said both.

Dr. Boozer: I'd say both.

Mr. Michels: Because the first one will get lost in the huge project.

Dr. Walker: Okay. So I would ask you to include that email in the comments section with the comprehensive plan, and Ms. Franke and I will work on drafting a letter which we will then bring to the board for your approval and for signing off on. And we'll get that to Mr. Livingston.

Dr. Walker: All right. Staff updates and COAs for minor works. Minor works? Okay. Any questions on the minor works? Okay. And any updates from the staff?

Mr. Livingston: The only update is we're working on getting a board orientation and board continuing education sometime this year, so we're hoping that will count towards your next year's requirements.

We were trying to get that done for April 28th, but I think that's Spring Fling and we don't want to do that, so we're going to try and shoot for May or June. One will be for orientation and one will be for continued education. One will be 3 hours, and then the other one will be an hour and a half, two hours. So we're working on that too, and we're going to invite all the board members.

Mr. Brown: That's suffice for coming to the next year?

Mr. Livingston: Yeah, we're hoping it will count towards the coming next year, so if you attend that, you won't have to worry about that for a whole year. We're actually going to try and do that annually.

Dr. Walker: Thank you.

Ms. Franke: I just have one more item that I wrote down. While visiting those sites These potential sites. I was looking at the historic guideline.

Dr. Walker: The National register?

Ms. Franke: No, the local register. And then the description of our duties, the board, which I never read, I'm just saying, but our very first duty is to maintain the current inventory of historic structures and sites, and identify neighborhoods and sites that have historic community.

So what I'm thinking is, the work has started, let's see where it goes. But maybe it would be smart to have that on a shared drive, and just keep that database of where we are, list those

buildings, and share it regularly, and just see where we are. I think it is as important as saving windows.

Dr. Walker: All right. Do I have a motion for adjournment?


Mr. Michels: First recognition for the staff again today, you all did a lot. Thank you much. Thank you Liam, who worked on everything today, and I'll make a motion to adjourn.

Dr. Walker: Second. All those in favor say, "Aye".

Attendees: Aye.

Dr. Walker: Thank you all for your hard work.

The meeting was adjourned at 7:12 PM


Dr. Melissa Walker, Chairperson