

**City of Spartanburg - Board of Architectural Design and Historic Review**  
**Thursday, January 12<sup>th</sup>, 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, January 12<sup>th</sup> 2023, at 5:30 PM

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

**Roll Call:**

Dr. Walker: Good evening. Welcome to the January 12<sup>th</sup>, 2023 Historic Architecture Review Board meeting. In compliance with the Freedom of Information Act, public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the City of Spartanburg Zoning Ordinance. First item of business before us is to introduce ourselves. So I'm going to start with Mark over here, tell us your name and your role.

Mr. Olencki: And my what?

Dr. Walker: Your role.

Mr. Olencki: My role, okay. Well, my name is Mark Olencki. I've been a resident in Hampton Heights since 1978. And I am just very passionate about the neighborhood and want to see it flourish and come back to its former glory.

Dr. Walker: Thank you.

Ms. Franke: I'm Sylvelie Franke a board member-

Mr. Olencki: I'm that, too.

Ms. Franke: Hampton Heights resident.

Dr. Walker: Yeah.

Mr. Gaffney: Brandon Gaffney. Board member and resident of City of Spartanburg for the last two and a half years.

Dr. Walker: Melissa Walker, board chair. Resident of Spartanburg for 27 years now.

Ms. Reid: Meg Reid, board member, resident of Spartanburg for 10 years this year.

Dr. Walker: A decade.

Ms. Reid: Just a decade.

Mr. Michels: I'm Bill Michels, board member 57 years on and off.

Dr. Walker: Okay.

Mr. Brown: I'm Kenneth Brown. I'm a board member, and I've been here for six years.

Dr. Walker: Thank you all. Okay, the next item on our agenda is approval of the agenda. Are there any changes in the agenda? If not I'll entertain a motion and a second for approval.

**Approval of the Agenda:**

**On a motion by Mr. Olencki, seconded by Mr. Brown the agenda was approved by a vote of 7 to 0**

Mr. Olencki: Got motion to approve.

Ms. Brown: Second.

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

Attendees: Aye.

Dr. Walker: Any opposed? Passes unanimously. And now the minutes. And these were quite a marathon group of minutes, so there were some corrections, and I understand that Ms. Holbrooks has already made those corrections. So are there any additional corrections, besides the ones we emailed? Is there a motion to approve?

**Approval of the minutes of December 8<sup>th</sup>, 2022:**

Mr. Michels: I'll make a motion to approve and thank those who spend more time than I did looking at it, because I missed some mistakes.

Mr. Olencki: I'll second, since there's no more browns here.

Dr. Walker: Okay, we've got a motion and a second. All in favor of approving the minutes?

Attendees: Aye.

Dr. Walker: Any opposed? They pass unanimously.

**On a motion by Mr. Michels, seconded by Mr. Olencki the minutes of December 8<sup>th</sup>, 2022, was approved by a vote of 7 to 0**

**Old Business:**

Dr. Walker: All right. We have some old business. Actually, we have new business first. Right? No. Old business before us. Mr. Livingston.

Mr. Livingston: Chairman and members of the board, the old business is the 400 Hampton Drive, the windows. We did ask the applicant if they would like to withdraw the case. We did not hear from the applicant, so we're asking the board to vote for denial.

Dr. Walker: Okay. This was the request of 400 Hampton Drive to replace those steel windows or to not replace them, but to insert steel windows inside of the steel windows. The applicant did not withdraw that, and we hear the motion from the city. Is the applicant here? Is there anyone

from the public who wants to comment? Do we need to take public comment? Okay. In that case, I need a motion and a second to deny 400 Hampton Drive.

**On a motion by Ms. Reid, seconded by Mr. Michels the Certificate of Appropriateness for major works was denied by a vote of 7-0**

Meg Reid: Motion to deny.

Dr. Walker: We have a motion from Ms. Reid.

Mr. Michels: Second.

Dr. Walker: Second from Mr. Michaels. All those in favor of denying this motion, say, "Aye."

Attendees: Aye.

Dr. Walker: Any opposed? The denial passes unanimously. Okay, and our new business, a Certificate of Appropriateness for Major Works at 210 Carlisle Street.

**New Business:**

**Certificate of Appropriateness for Major Works – Applicant is seeking approval of a Certificate of Appropriateness to replace windows and front door (on the side). The property is located at 210 Carlisle Street in Hampton Heights Historic District and is currently zoned as the R-8/SFD (TMS # 7-12-14-184.00). Landowner/Applicant: Thomas Ray Steagald**

Ms. Zhou: Good evening.

Dr. Walker: Good evening.

Ms. Zhou: Chairperson and board members. So tonight, we're looking at a major case for 210 Carlisle Street. And the request upon the applicant is a Mr. Thomas is trying to replace the wood window with vinyl on the side. The applicant, if you've read my staff report, he did ask for replace for like-to-like material. Even though he doesn't show me the design, but he did mention that he would. So this is the zoning map for 210 Carlisle Street. Zone for R-8, Single Family District and overlaid with the historic district. Oops, sorry. This is the aerial photo of the house. So the house actually was built in 1926.

**Analysis**

*Zoning Ordinance and Historic Design Manual Consistency*

The project site is located in the Hampton Heights District which has design guidelines for development. These guidelines are outlined in the Design Manual for the City of Spartanburg Historic Districts and Landmarks. The purpose of the Manual is to provide property owners guidance for the preservation and protection of historic and architecturally valuable districts and sites in the City. The project is also subject to Section 510 of the City's Zoning Ordinance,

Historic Preservation. This section allows the Board to review applications involving historic structures and districts and issue a Certificate of Appropriateness subject to the Standards listed in the Ordinance.

The project site has a zoning designation of R-8/SFD, Single Family Zone District, which allows for single family dwelling units. Section 510.6 of the City of Spartanburg Zoning Ordinance list standards for reviewing Certificate of Appropriateness. Specifically, Section 510.6 (C)(2) states that in reviewing applications for new construction or alteration, the board shall consider the U.S. Secretary of the Interior's Standards for Rehabilitation and the five criteria listed in the findings.

### **Findings**

#### **Certificate of Appropriateness, Section 510.6 (C)**

1. *The character and appropriateness of the design –*

The applicant states that the character and appropriateness of the design of the door would be identical to the door that is currently on the house, which is wood. Defined by The Secretary of the Interior Standards for the Treatment of Historic Properties, *preservation is the act of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.* Wood is one of the most essential materials used in American buildings of every period and style. If components of the historical structure deteriorate, the replacement material must match the old, both physically and visually (e.g., wood with wood). Based on the Secretary of the Interior's Standard for the Treatment of Historic Properties, it does not recommend changing the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors. Identifying, retaining, and preserving windows and their functional and decorative features that are important to the overall historic character of the building (<https://www.nps.gov/orgs/1739/upload/treatment-guidelines-2017-part1-preservation-rehabilitation.pdf>). Therefore, it would not be appropriate to change the material of the original windows that are on the house currently.

2. *The scale of the buildings –*

The scale of the building will remain the same (160' by 60') since nothing else will be added to or removed from the building.

3. *The texture and materials –*

The texture and materials of the window would be vinyl. The texture and material of the door replacement would be wood

4. *The relationship of such elements to similar features of structures in the immediate surroundings –*

The properties to the right side and left side of the project site all have wood framed, single pane, true divided light windows. Two houses directly from the project site all have wood framed,

single pane, true divided light windows as well. Therefore, replacing the wood window with vinyl windows does not share similar features with structures in the immediate vicinity.

*5. If the property is in a Historic District, the extent to which the alteration or construction would be harmonious with the Historic District –*

Walking down and across Carlisle Street, the majority of the houses have their original wood windows. However, the applicant did mention that there were two windows that had been replaced before he bought the house. Further, the Hampton Heights Design Guidelines address that when deteriorated elements must be replaced, new materials shall be compatible with original materials in terms of material, design, and hardware. Given the proposed project of replacing original wood windows with vinyl windows, it changes the material. Therefore, it would not be harmonious with the Historic District.

And then, so here we are looking into about five criterias. The first one is the character and the appropriateness of the design. So based on my research, and the guideline, it is not recommended, and it's not appropriate for the applicant to retrieve the material from wood to another material. Based on the interior standard for the treatment of historic properties, I actually attached a link to the staff report. And then, the scale of the building that will not be changed, because nothing will be added on for the building. So the texture of the window will be vinyl.

And then, the texture of the door, that will be wood. And then, the relationship of such is to similar features of structures in the immediate surroundings. With the houses surrounding the project site, actually, they all have doors and windows. The last part here, we're looking at the overlay harmonious with the historic district. Actually, I walked around, and I found everyone else had cascade window. So that's why I concluded that it's not appropriate for congruency. At least on Carlisle Street.

So this is the side of the house. And then, actually, this is the original wooden window. And then, this window, from what I heard from the applicant, this window actually was changed to vinyl before he purchased the house. And then, these four are the main wider windows that he changed from wood to vinyl. This is just the door. Apparently, it goes on the side of the front door.

So the request from the applicant is he wants to replace wood for wood, if the board is not giving this permission, at least that he wants to paint the door to the similar color of the front door, which is darker brown, brownish. So this is his request. So this is the adjacent houses that he will side and front. This is the houses across from him. So that's it do you have any other questions?

Mr. Brown: I was going through the package day before yesterday, then just now. I didn't see the mention of the door on the application.

Ms. Zhou: Yeah. So the door is, the applicant, he mentioned that he wants to replace the door. If you look at the package, actually, there is a separate sheet. He has four requests. The last item, actually is he wants to refurbish the door. It may end up with replacement, so which is the reason request in the application, saying he wants to replace the door. And by the time that I talked to

him, before he left, and he said that he still wants to replace the door, if that's a possibility. Otherwise, he wants to paint the door.

Mr. Brown: Okay. I just still haven't found it. I don't mean to be...

Ms. Zhou: You got one?

Mr. Brown: Oh, okay.

Dr. Walker: But it's not a formal...

Mr. Brown: Sorry.

Ms. Zhou: It's probably in the back.

Ms. Reid: On the back side of it.

Mr. Brown: Oh. My bad. Sorry.

Mr. Gaffney: So when you said front door, are you talking about side door?

Ms. Zhou: Yeah. The side door is on the side, if you're looking at... So this is the front door. But it's on the side. So the front door is... It's actually here.

Mr. Michels: The side door.

Mr. Brown: But the door in question is in the far left.

Dr. Walker: I think we have another question over here.

Ms. Franke: Oh, yeah. I was looking at the ones, the windows that have already been changed, they only on the right side of the house. Right?

Ms. Franke: On the other side, there is no windows that have been changed yet.

Ms. Franke: And then, the front?

Ms. Zhou: No.

Mr. Brown: No.

Ms. Franke: Okay.

Ms. Zhou: Yeah.

Ms. Franke: Okay.

Ms. Zhou So he was stopped by Mr. Buddy Bush before he did further. So that's how he still got the rest of the house. And right now, so far, he only has these four being changed.

Ms. Franke: Okay. Thank you.

Ms. Zhou: Mm-hmm.

Mr. Olencki: So on that side-

Ms. Zhou: They're all original.

Mr. Olencki: there's only one original six-over-one.

Ms. Zhou: Yeah. So this is original. Yeah.

Dr. Walker: Any other questions? Okay. Thank you.

Ms. Zhou: Thank you.

Dr. Walker: Mr. Love, I think you took a look at this property.

Mr. Love: Thank you.

Dr. Walker: Would you remind us your name, and who you are.

Mr. Love: Donny Love. 608 Oaks Boulevard, Spartanburg. I did go and look at the house, and all the windows on this side with the door are still intact. It's the ones on the other side that the four of them had been replaced. I think the guidelines are pretty clear about not replacing the windows. And I think just to add, I would say that even though the Park Service allows you to replace windows, they have to match the other windows. And so to go from a six-over-one to a one-over-one wouldn't ever be approved.

And with the door, I did look at the door. And I really feel like the door can probably be repaired. It'll have to be taken apart and have some pieces cut out into place. But I still think a repair is better than a replacement. And I think even if you were to entertain allowing him to replace it, I would want to see what the replacement was going to look like before I... I don't think just replacing it with a wood door is enough information to know whether it is appropriate for the house. Any questions for me?

Ms. Reid: And that's the splintered wood front door.

Mr. Love: The side. It's the side door.

Ms. Reid 1: Okay. The side door.

Mr. Love: It faces the street, but it's really the side door.

Ms. Reid: Okay.

Mr. Love: And the bottom of it is deteriorated, along with the bottom rail. And then, the two stiles are deteriorated at the bottom of about a foot and a half. And you can kind of see from the photograph where there's a thing on it, it probably now. So I think that could be cut out and replaced, and it would be fine.

Dr. Walker: And just to clarify, not only would the Park Service require you to replace with windows that look like the style of the original windows, but they would not allow you to replace with vinyl's. Is that correct?

Mr. Love: Not with vinyl. No.

Dr. Walker: Okay. Thank you.

Mr. Love: All right. Thank you.

Dr. Walker: Thank you so much. Okay. Is the applicant here?

Mr. Ruhl: I'm-

Dr. Walker: Yes, sir.

Mr. Ruhl: Kind of here on his behalf.

Dr. Walker: Would you come forward, give us your name? And would you sign in at the podium?

Mr. Ruhl: Okay. Yes, my name is Eric Ruhl. I'm Thomas Steagald's son in law. He's out of town, so I'm just here on his behalf. The door on the side, actually, you can't even open it. It's in such bad shape. And it also doesn't look very good from the street. If y'all have any kind of specific questions for me or?

Dr. Walker: Do you have any specific questions for him?

Mr. Gaffney: Is it warped, where you can't open it? Just cause it looks like the side's deteriorated a lot on it.

Mr. Ruhl: Right. That, I haven't taken a good look at it. But I do know that most, if not all, of the existing or pre-existing windows and that door were basically sealed shut. So it kind of added to his desire to replace them, because he couldn't even open the windows in the home, if there was any kind of, just to get some fresh air. He did his best. He ordered windows that specifically matched that color. These gentlemen here are from the window manufacturer. And they could actually make the windows match the six-over-one design.



I know that Tom hopes to find what we need to do to move forward from this to get the windows where they need to be what will be acceptable, so he can get the job done and improve the home. Improve how it looks. Because he loves the neighborhood, and he loves the house. He wants to try and improve it. Yeah. Since it's in the state that it is, it's just kind of drafty, and he's trying to improve everything for weather conditions and energy efficiency.

Dr. Walker: Okay. Any additional questions for that? Do you have any specific questions for the window contractors, while they're here?

Mr. Brown: I'd like them to explain their product.

Dr. Walker: Okay.

Bob LaCombe: Okay.

Dr. Walker: Okay. Thank you, Mr. Ruhl. And-

Mr. LaCombe: Sign in?

Dr. Walker: Yes, please.

Mr. LaCombe: Do I need to fill out address, and phone number, and all that stuff?

Dr. Walker: Yes, please. I know it's time consuming, but all in the interest of freedom of public information.

Mr. LaCombe: I understand. Hello, my name's Bob LaCombe. And I am a partner in America's Best Choice Windows and More. So when I met Mr. Steagald, at the time, myself, my mistake, and I did not realize he was in a historical district. Neither did he. When he ordered the windows, obviously we ordered the windows to match what he had existing. If you look at those windows right there, you can't, other than the six-over-one, you cannot tell the difference. We do not touch the integrity of the window. The wood frame stays the same. Everything looks exactly the same. But the windows are safe. The windows work. And the windows are going to last him forever.

The windows that he has in his house now, they didn't open. They didn't shut. If there was a fire in the house, he has no egress. There's no way to get out of that house. He was only doing this not only for his safety, but to improve the look of the house. But again, we can easily take those top sashes, cause it's a double-sash window, and we could put grids on it. And it'll look just like a wood window. Cause we do, actually, we do it's called a simulated divided lite, so it looks just like a wood window.

And our windows are composite. They're not vinyl. They're composite. This window is stronger than wood. You can drive a nail through it. You can screw through it. And it acts as wood, but it's got the durability of vinyl. And as you can see, grids are on both sides. So when you're looking at it from the street, you're going to think it's a wood window. And we do all custom

colors. So we can do exactly what we did there for any house in the neighborhood that wants to change their windows, but want to keep it looking just like the house and not change the colors.

Dr. Walker: We appreciate that. Just so you know, we do have a lot of experience with requests for changing windows. And we've seen a lot of simulated divided lite, and a lot of various kinds of non-wood materials. So that's not new to us. But we have a set of guidelines that we are asked to follow. Are there any questions?

Mr. Michels: I just want to state for the record, I wish the applicant was here himself. I own two houses in that neighborhood, both with... As a matter of fact, I'll be straightforward here, I own the house next door to that house. And I have all wood windows. And I bought the house 10 years ago, and I had to take every window out, strip it down, sand all the paint, replace the windows. Some of the windows, I had to replace the bottom seals, all of the seal in between the upper and lower volumes to make them air tight.

Now granted, they're single-pane windows. But you cannot make a double-pane or triple-pane window have the muntins in it that will be the same as are currently in the house. And that's a big thing for us, as the dimensions of the actual window itself. So no, thank you. We're good.

Mr. Michels: You're sales. We understand that

Mr. LaCombe: No, I'm not a salesman.

Mr. Brown: Yeah, but that's fine.

Mr. LaCombe: I'm not a salesman. I try to help people. Just let me say, we have a

Mr. Michels: We're good. You have to be up here, and give your name and call them no comment.

Mr. LaCombe: A wood replacement window to try to replace those windows does not have two divided lights anymore, either. So you're never going to be able to replace exactly what you have. And if he could do what you did, he probably would. But he can't.

Mr. Michels: Well, when I say, "I," I did half of them, paid somebody to help me do the other half. So yeah, maybe it worked. So that's all I have a comment on that, as far as for the owners. So, it's on the record. As far as being able to be repaired and the pictures do not show the windows to be in a state of disrepairs, where they cannot be repaired. And taking them out and putting them back in is a job. But I do know when I did mine, it's cheaper to repair than it was to replace them. That was 10 years ago.

Mr. LaCombe: I don't know.

Dr. Walker: Mr. Brown.

Mr. Brown: Are you the ones that replaced these four windows?

Mr. LaCombe: Yes.

Mr. Gaffney: Okay. Did you dispose of the ones you took away?

Mr. LaCombe: Yes.

Dr. Walker: Any other questions for the applicant or his contractor? Okay. Hearing none. I will open the floor to public comment. Is there anyone from the public who has any thoughts on this project?

Mr. Ruhl: May I?

Dr. Walker: You can have one more minute.

Mr. Ruhl: I know that he would just like to know where we move on from here.

Dr. Walker: Yes.

Mr. Ruhl: What would need to be done, just to start taking the steps to doing exactly-

Dr. Walker Absolutely.

Mr. Ruhl: I don't know if that's something that we can learn tonight.

Dr. Walker: Yes.

Mr. Ruhl: Someday

Dr. Walker: Thank you. Okay. No public comment. We will open the floor to board deliberation.

Mr. Michels: We have five things, I think. Don't we?

Dr. Walker: Mm-hmm.

Mr. Michels: There's five separate applications.

Ms. Reid: But some of them are not-

Mr. Brown: Some of them aren't really relevant to-

Ms. Reid: Aren't relevant to it.

Dr. Walker: Right.

Mr. Gaffney: So we need to deal with this.

Mr. Michels: No, no.

Ms. Reid: No, no.

Mr. Michels: I understand that. But I'm saying there's five steps.

Ms. Reid: House watching, painting, all that stuff should have been included.

Mr. Michels: We have five applications that we shouldn't worry about at all.

Mr. Livingston: Just the windows and the door

Dr. Walker: Yes. So we know of the door. Thank you. Okay.

Mr. Michels: And there's seven, actually. Right? Are there seven there?

Dr. Walker: Those aren't mine.

Mr. Brown: Hm?

Ms. Zhou: Those aren't mine.

Mr. Michels: Right.

Mr. Livingston: So other than windows and the door?

**On a motion by Mr. Michels, seconded by Mr. Brown the Certificate of Appropriateness for Major Works to refurbish the door, if not possible then replace with like, approved by city staff by a vote of 7-0**

Mr. Michels: I'll make a motion on the door. My motion is for the door to be refurbished, if possible. If it's shown to city staff it is not possible for it to be refurbished, then to replace with like, approved by city staff. And I don't think we have any issue with whether or not it's stain, seal, or painted. It's not relevant to us. It's just the actual door itself. It's an extra step I'm not sure...

Mr. Brown: I second.

Dr. Walker: So we have a motion on the floor and a second to require that the front door be refurbished, if at all possible. And if not, then city staff would help him make the determination.

Dr. Walker: Is there any other discussion on that? Okay. On this motion, which is half of the proposal, all who's in favor, say, "Aye."

Attendees: Aye.

Dr. Walker: Any opposed? Okay. That passed unanimously. Now, the second item is the windows.

Ms. Reid: I want to say thanks to Buddy Bush for catching this that it's only four windows of five windows.

Ms. Franke: It just seems that every second month we have that happen to us. It just comes either because it's already been done and it's the same thing, or maybe somebody come and say, "Hey, I want to change my windows." And we have tried to be fair, and always come back with the same answer, is that we follow the guidelines. So I feel, and feel very clear, that all the windows that have not been changed should remain the way they are. To me, the big question is what do we do with those four? Yeah. That's the main thing to me.

Ms. Reid: And it feels like every time things remain, it causes more to... It perpetuates the problem-

Mr. Gaffney: Right.

Ms. Reid: That we're seeing, because people see this, and then, they act according to what they see.

Mr. Michels: Are there any windows the same size on the back of the house? I'm asking you specifically. Do you know, or do you know?

Mr. Ruhl: Back of the house?

Mr. Michels: Yeah. I know there's windows on the back. But I don't know what dimensions they were.

Mr. Ruhl: Yeah.

Mr. Ruhl: I'm not sure of the size. It's, I think, maybe one or two in the back, maybe.

Mr. Michels: But they're not both the same dimensions?

Mr. Ruhl: I'm not sure.

Mr. Michels: I know one of them is smaller, just from having seen them.

Mr. Ruhl: Yeah. One of them is. But I don't know the other. There's one that enters the kitchen.

Mr. Michels: Okay. All right. Okay.

Mr. Ruhl: Yeah. It's that little window.

Mr. Michels: It's a different size. Okay. So there's none on the back that are the same. Right. You can't switch them out.

Dr. Walker: Mm-hmm. Mr. Love, am I correct that your recommendation was that if these vinyl windows could not be replaced with other vinyl windows, that they should be replaced with wood? I mean, I'm sorry. If they cannot be replaced with the original windows, that they be replaced with wood?

Mr. Love: That was my recommendation. Yes.

Dr. Walker: Okay.

Mr. Michels: And a single-pane wooden window can be made in the same dimensions?

Mr. Love: All right. Yeah.

Mr. Michels: Right.

Mr. Gaffney: Yeah.

Mr. Love: Now, you can reproduce exactly what he has now. Cause it's just a component. So you just do the sash, and then put it back in the way it was.

Mr. Brown: Okay.

Dr. Walker: Thank you.

Mr. Love: Or you can replace the whole unit with a wooden window, kind of like what he was talking about. I don't know which is...

Mr. Michels: Actual wood.

Mr. Love: I don't know which is less expensive.

Mr. Michels: Well, in this case, you'd be saving all of the casing and all of that. Right?

Mr. Love: Well, in any other case, you wouldn't. It'll slide right into the hole-

Mr. Michels: It'll slide in? Okay.

Mr. Love: The same way as that one did. The difference is going to be what you pointed out. And then, it goes that you might get true divided lights, you have the simulated divided lights. And so the depth of the muntins is not the same as the old ones. But that's just a function of the way they're hanging. So that would be kind of my preferred choice. If you didn't want to just reproduce the sash that he has and put them back, you could buy a whole wooden unit and put it back in the hole.

Mr. Michels: Okay.

Mr. Love: It'd be better than the vinyl. Should.

Dr. Walker: Thank you. Let you sit down, anyway, while we mull this over.

**On a motion by Mr. Michels, seconded by Mr. Brown the Certificate of Appropriateness for Major Works was deny, to remove the recently replaced vinyl windows be replaced with wood that city approves the remainder original windows be repaired not replaced by a vote of 7-0.**

Mr. Michels: I'm going to make a motion to deny this and require the replacement windows to be of like materials and of like dimension to the windows that were on the house. And the ones that have not been removed, are currently on the house, would staff make determination they be the same dimensions and historic significance as window already there.

Ms. Reid: Can I ask for clarification? Is this about the four windows that they replaced or the five that are not removable? Just for point of reference.

Mr. Michels: Just the four. I think that all of them have been replaced.

Ms. Reid: Yeah. Prior to this. But this is for the four-

Mr. Michels: Yeah.

Ms. Reid: Four of the...

Mr. Michels: Yeah. That would be the motion-

Dr. Walker: And you second?

Mr. Brown: The four windows there.

Dr. Walker: Okay. Making sure I understand what we're saying. The motion is to deny this proposal to require that the four recently replaced windows be removed, the vinyl windows be removed, replaced with wood that the city approves. And that the remainder of the original windows be repaired, not replaced.

Mr. Michels: Correct.

Dr. Walker: Okay. So we have a motion and a second on the floor. Is there any other discussion on that? Okay. Ready to vote? All those in favor say, "Aye."

Attendees: Aye.

Dr. Walker: Any opposed? Okay. That motion passes unanimously. And Mr. Ruhl, I believe that Mr. Livingston and his staff can help you. There are contractors that they've worked with in the past, so they can give you some options on contractors, if your contractor is not able to do that.

Dr. Walker: Okay. Mr. Livingston, I think we are up to the point of an update on COAs for minor works since our last meeting.

Mr. Livingston: Yes.

Dr. Walker: Yes. It's right after the minutes. The very long minutes.

Mr. Livingston: I have the list.

Ms. Franke: 365.

Mr. Livingston: Right. Thank you. The 247 Hydrick Street, the property owners are working on trying to improve the handrails. And I think one of the others is around 270 Hydrick Street.

Ms. Franke: Okay.

Mr. Livingston: Yeah. Those two have received information. So we're at the point where we can begin to issue a summons, if they have not been replaced within a certain time period this month. So we will follow up and do that, as well. And now just any questions that we have regarding any of the items.

Dr. Walker: Mr. Livingston, you left me some information about some questions that arose about the 400 Hampton Drive. And would you mind briefing the board on what happened?

Mr. Livingston: Sure.

Dr. Walker: I have a feeling they may hear rumors about that. And it's good if everybody knows what's going on.

Meg Reid: This is from last week?

Dr. Walker: It was a minor work.

Ms. Reid: Oh.

Mr. Livingston: Thank you. So over the Christmas Holidays we got several calls from residents concerned about tree removal. One of the trees was on Hampton Drive, and the other one was on West Hampton Drive. The tree on Hampton Drive, we found a COA allowed removal of the tree. The Building Official went out on site and took a look at the tree. He determined that it was deteriorated and needed to be removed. He went back and checked the COA to see if there was a COA provided. A COA was provided. Unfortunately, it was an old COA. It was approved in 2017, and they didn't remove it until this year, early this year.



Obviously, the Building Official does have the authority to allow them to proceed, so we did that. The owner at 400 Hampton Drive also had another tree that needed to be removed. He requested that that tree be removed. He submitted a tree removal permit and a COA. We went through process. The neighborhood was concerned that we needed an arborist to review that tree, to see if it needed to be saved. The neighborhood wanted to save the tree. We contacted Tipton Pitts from Landscape Architecture, that owns Land Art. Very well respected in this field.

Mr. Pitts asked a staff member to review the tree. He had Benjamin Baker to review the tree, and Mr. Pitts and Mr. Baker reviewed the tree. I learned afterward that Mr. Baker's actually an employee of the city. So I made the City Attorney aware of the issue. I made Mr. Pitts aware of the issue. And I stated that he can no longer do any work involving the city, to avoid any potential conflicts of interest. So we got this request for the COA. You have FOIA, Freedom of Information Act, regarding the tree removal of the second tree. So there were two trees.

This second tree, LandArt did complete review of the tree. I did go and look at the tree, as well. And there's a portion of the tree that is hollow. So it is rotted in a portion of the tree. It could fall. So it was recommended by Land Art that the tree be removed. I had an extensive conversation with Mr. Pitts about trees in Hampton Heights. And he said we should expect more trees to be removed. Oak trees have a lifespan of 100 years. So we're at that point where a lot of those trees will be removed.

He did offer that Converse Heights had the same issue back in 2006. And he worked with that neighborhood to develop a plan for replacement of the trees. And they planted several hundred trees in that neighborhood in 2006 and 2007. And they got a grant that provided some funding for the project, and they were able to do that. And they're reaping benefits of that right now. So they were able to remove a lot of the older trees that could be a potential problem in the neighborhood and planted close to 700 trees.

He's recommending that Hampton Heights do the same thing. And so we provide this information for you, because there was a lot of uproar. It was claimed that my staff is doing something wrong or in error. And frankly, it wasn't so. But anyway, we did the best we could. The ordinance does not require an arborist. It requires the Building Official and a landscape professional, or a professional to review trees, as part of the process. So it does not require an arborist.

I was under the mistaken impression that Mr. Pitts was an arborist. He does not have that designation. He said certainly he can get that designation. He offered a solution, because he says we're going to run into this issue in Hampton Heights over and over again. In Hampton Heights, we've cut down at least three trees over the last year that I'm aware of.

Mr. Michels: Appreciate your efforts on that. I lived in Converse Heights while that went on, and I had three giant oaks on my property that all fell down within a three-year period, because they had reached that point. And when they fell over, some of them, there was nothing under the tree. The tree fell over, and there was no root ball to come with it. They were completely rotted out. And that is going to be a regular thing. With that in mind, I wasn't aware that you needed

approved to get a tree cut down, which is fine. What kind of tree are we talking about? Are we talking about oak trees? scrub trees? What are we talking about?

Mr. Livingston: We're talking about oak trees.

Mr. Michels: Oh, the big trees that the small little scrub trees, and cherry trees, and stuff like that hack away. Right?

Ms. Reid: Not necessarily.

Mr. Michels: You cut them?

Mr. Livingston: Yeah. And they are require to submit a tree permit application and COA.

Mr. Michels: I got three little ones this big around and they fell.

Ms. Reid: Spring Street they just cut one down. I don't know if that was allowed.

Mr. Livingston: Yeah. Where's that?

Ms. Reid: On Spring.

Mr. Livingston: They're not supposed to cut down trees.

Ms. Reid: And they're... yeah. I've heard it going on. Jenny, Ms. Gilbert, is part of the neighborhood association, as far as I know.

Ms. Reid: So I just wondered a head of the neighborhood association used to come to these meetings, and I wondered if there's some way we can build some bridges with them, so... I don't know.

Ms. Franke: Well, I'm on it.

Ms. Reid: Yeah.

Mr. Gaffney: I'm in.

Ms. Franke: And we've been working with Stuart to get those trees planted.

Mr. Olencki: Still waiting for that.

Ms. Franke: It's a long project, though. We've been working with them over a year now. It's not just like that. It's the money, and then takes a long time. But it's definitely something that a lot... She definitely leads that, Jenny. But a lot of neighbors are behind it. Cause we know they're coming to end of life. It's clear.

Mr. Olencki: But also walking with him. My understanding is that it's not the trees are on city property between the sidewalk and that. And stuff that's on personal property isn't part of that plan.

Dr. Walker: Right.

Mr. Olencki: Because it is personal property.

Mr. Olencki: Well, in Hampton Heights. Yeah.

Mr. Michels: Yeah. Part of the replacement plan.

Mr. Olencki: Replacement plan. Correct.

Mr. Michels: At least it was the curb trees.

Mr. Michels: The curb. Yeah.

Ms. Franke: Cause that would not even help here.

Mr. Olencki: It wouldn't. Yeah.

Ms. Franke: No.

Mr. Olencki: This is a private property.

Ms. Franke: Right.

Dr. Walker: Right.

Ms. Franke: This is by the private property.

Ms. Franke: I have one thing to ask about that, though. Because the first tree that got cut, that started all that problem, you said it had received an approval in 2007?

Mr. Livingston: 2017. That's correct.

Ms. Franke: '17? And when that tree got cut, so there was the 9th of December, I think. It was totally clear. It was a totally healthy tree. Right?

Mr. Livingston: No.

Ms. Franke: There was no hole in the middle.

Mr. Livingston: When I looked at the tree, the core was rotted. The core of the tree was rotted.

Ms. Franke: Okay.

Mr. Brown: Oh. The COA permission form 2017 had lapsed?

Mr. Livingston: Yes. It only lasts six months. So you're not supposed to have a COA, and then three years later, you get to work. You're supposed to within six months.

Ms. Franke: Okay. Okay. And so the third tree on that property, which I think is on the side of the city now, at 400. That one's going to go, too?

Mr. Livingston: So there's one near the park on the side. That's on private property. That's not the city property.

Ms. Franke: This is this one we're talking about. Right?

Mr. Michels: That's this one.

Mr. Livingston: That one right there.

Ms. Franke: And then, when you take the corner at Hampton Drive, there's another big one right there, in front of that same property, 400. Is that one also going in the next-

Mr. Livingston: That's not part of this, that I'm aware of.

Ms. Franke: This is not part of that. Okay. That's what I wanted to make sure. All right.

Ms. Reid: Was that COA posted before, like it is on other-

Mr. Livingston: Yes.

Ms. Reid: So if you don't see one on that tree, you can kind of assume that maybe they've just gone ahead and done it? Or-

Mr. Livingston: So you mean if it's posted-

Ms. Reid: This is just for my own edification. Yeah.

Mr. Livingston: Is it posted on a city website? No. We don't have a

Ms. Reid: Or is it posted anywhere on the property or anything?

Ms. Reid: We wouldn't know without calling you about a tree, is what I'm asking. We would have to call you up and say, "My neighbor cut a tree down. Is it okay?"

Mr. Livingston: Yes. You'd have to call us.

Ms. Reid: Yeah. That's tough. That's not something everyone wants to do.

Mr. Michels: And that's why I'm wondering about size. I don't mind a pine or if I'm literally cutting down a scrub tree this big around, and an old cherry tree falling apart.

Ms. Franke: It's 12. I think it's 12.

Mr. Livingston: It's 12 inches.

Ms. Franke: It's 12 inches of-

Mr. Michels: Oh. 12?

Mr. Franke: 12 inches when you

Mr. Olencki: 12 inches in diameter.

Ms. Franke: In diameter.

Mr. Michels: So those are big trees. Okay.

Ms. Franke: Yeah.

Mr. Michels: Big, very large trees. Okay. All right.

Ms. Zhou: If it's under 12 inches, you don't need to apply for a COA. You can just apply for the tree cutting down.

Mr. Michels: You have to do that.

Ms. Zhou: A COA is needed.

Mr. Michels: Okay. That's fine.

Mr. Michels: Okay. I mean, I've trimmed a couple myself. They're small. Just cut them down, because they're scrub. They're not real trees. They're scrub trees. Okay. All right. It's one of those things makes it very clear that we're talking about established trees in the neighborhood.

Mr. Livingston: Yes.

Mr. Michels: Thank you.

Mr. Gaffney: I have a question about trees. So what if it's an oak tree that's on my neighbor's property, but the limbs are hanging over my property and my house?

Mr. Livingston: We don't get in the middle of that.

Mr. Gaffney: Oh alright. Thought I'd ask.

Mr. Livingston: And the tree requirement only applies to Hampton Heights, and commercial properties, and maybe Beaumont.

Mr. Gaffney: Okay.

Mr. Livingston: All other residential properties in the city, you can cut down a tree.

Ms. Reid: Okay.

Mr. Gaffney: Okay.

Dr. Walker: Thank you. I know that this has been quite a challenging brouhaha.

Dr. Walker: But I wanted to be sure that nobody was hearing rumors, and that they all heard it all from you. So thank you.

Mr. Michels: And it's unfortunate you got in that situation.

Mr. Michels: So we appreciate it. And I want to thank you, also, for we had a house in violations come up this week that will probably be coming for us next month. And Martin and Buddy jumped on real quick and shut down, so we don't have to deal with what had been done would have to be removed at a later time. So thank you for that.

Mr. Livingston: Yes, of course.

Dr. Walker: Okay. Thank you. Are there any staff updates?

Mr. Livingston: No. The dates, I believe, we've corrected all the continued education requirements, and those have been resolved.

Dr. Walker: Okay. Good news. Happy New Year.

Mr. Livingston: We have a new packet, the case involving John Moore that is going before the court. And that's on the 17<sup>th</sup>. You certainly can join, if you want to. But you're not required to.

Dr. Walker: Yes. All right. Did I hear a motion to adjourn?

Mr. Olencki: Motion to adjourn.

Mr. Michels: Second.

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

Attendees: Aye.

Dr. Walker: We are adjourned.

**The meeting was adjourned at 6:14 PM**

  
Dr. Melissa Walker, Chairperson