

Minutes
The Spartanburg Board of Architectural Design and Historic Review
September 10, 2020
Virtual Zoom Meeting

Board Member Attendance: Ray Trail, Meg Reid, Melissa Walker, Anne Rodrick, Kenneth Brown, Josh Lonon, Rhiannon Leebrick, Kathleen Crowley.

Absent Board Members: Brad Steinecke.

City Staff: Rachael Grothe, Planner II; Julie Roland, Administrative Assistant and Martin Livingston, Neighborhood Services Director. City Attorney Bob Coler also attended the meeting.

Mr. Trail, the Chair, called this meeting to order on September the 10th, 2020 at 5:30 P.M.

Mr. Trail said there were seven Board Members currently present, which constituted a quorum and we may proceed. Public notification of the Spartanburg Board of Architectural Design and Historic Review 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. Our first order of business is going to be approval of our agenda and everyone should have received an agenda. But before we start, I want to mention that our last meeting was cut short due to a storm. Everyone was also losing their signals. As a result, we did not finish the entire agenda. The rest of what was left from the last meeting has been added to this agenda. So, this is a quite lengthy agenda that we have. So, if everyone had a chance to review it, is there any questions or comments about the agenda, or did anyone want to make a motion to approve the agenda.

Mr. Brown moved approval of the agenda for tonight's meeting; and he was seconded by Ms. Reid. The motion was approved by a vote of 7 to 0.

Disposition of the minutes from the August 13, 2020 meeting

Mr. Brown moved approval of the minutes as presented; and he was seconded by Ms. Reid. The motion was approved by a vote of 7 to 0.

Mr. Trail said he would like to mention tonight, to help with confusion of Zoom during the meeting, if you have a question or comment at any time, state your name so we can identify who is making the statement or comment. This will make it easier for us to know who is in the recording, and we won't have Kenneth taking credit for everything.

Board Member Rhiannon Leebrick joined the zoom meeting at 5:35pm.

Mr. Trail said we will turn to new business and he explained the way this is going to be conducted is we will hear about our new applications from the city from Rachel Grothe. We'll also have time for questions for Rachel. Then if the applicant or their representative is here, we will let them tell us about their side of the case. We will then open the discussion up for public comments. I do want to remind everybody that our public comments are limited to two

minutes. So please, if you're here and you want to make a comment from the public at any time, please make sure you limit it on the time.

Ms. Reld said she had a procedural question, and at last month's meeting the homeowner was jumping in at the beginning part before us, while Rachel was presenting. And I wondered if that technically shouldn't happen until the second step, right.

Mr. Trail said that should not have happened. That's kind of why I'm saying this. So anyway, we need to hear from the city, then we'll hear from the applicant, then let's hear from the public. So just wait your turn if you're one of those three. We're going to start with Rachel. Rachel introduced the first case to us.

New Business:

Certificate of Appropriateness for Major Work -246 S. Spring Street in Hampton Heights- Owner/Applicant seeking permission to install solar panels installed on an existing house on property in the R-8/SFD zone district. Phillip Stone, Owner.

Ms. Grothe, Planner II was sworn; and she entered the power point presentation, and meeting packets into evidence as Exhibit A. This case was a certificate of appropriateness for major work at 246 South Spring Street. I'm going to do a share screen. Okay. I'll ask if everyone is able to see the opening slide. Okay. Very good. All right. This is for some proposed solar panels at 246 South Spring Street. The project site is located on an approximately 9,300 square foot, R8 SFD zoned lot on South Spring Street. And it's about midway or mid-block between West Henry and Beta Club Way in the Hampton Heights Historic District. The site currently contains one single family dwelling that was constructed in approximately 1920. The house can be described as a Craftsman Style bungalow. The owner is proposing to install a set of solar panels on the south facing roof. The property owner's proposing to install this set of arrays and they will be approximately six inches from the roof. And so here are a couple of renderings. This is a plan view up here, and this is more of a 3D rendering here. I think it's 126 square feet if I remember correctly, but I have the wrong note written in my notes section for my slide.

Ms. Grothe said there were a few considerations that the Board needs to think about when approving these types of projects. We do have design guidelines for solar panels and those indicate that the overall objective is to preserve any character defining features and historic fabric while accommodating the need for solar access to the greatest extent possible. The guidelines reference two specific standards and those come from the Secretary of the Interior Standards. The first being retention of the historic features of a property and that the removal of materials or alteration of features that characterize a property shall be avoided. And then the second is that exterior alterations shall not destroy historic materials and that new work shall be differentiated from old. The proposed project is consistent with the zoning ordinance and guidelines in that the panels will not destroy the historic character of the house. They will not be really visible from the street as they will be set behind the porch roof and located on the main body of the house. The panels will not overwhelm the house due to the low profile. We're thinking about six inches, and they will be professionally installed so as to not damage the roof,

and they can be removed at any time and the shingles repaired. So furthermore, it's worth noting that asphalt roof shingles are not a character defining feature of this home. It's more of a craftsman style bungalow. So, this concludes my presentation. I recommend approval of the project as submitted. I'm available to answer any questions that the Board may have. And I think I saw the applicant here from the solar company. I'm not sure if the owner is here as well.

Board Member Questions:

Mr. Trail said he believed you said the south facing roof. Isn't it the north facing the roof.

Ms. Grothe thanked him for catching that.

Mr. Trail said are there any other Board questions. There were no more questions. Mr. Trail said they would now hear from the homeowner and the homeowner's representative.

Mr. Stone of 246 South Spring Street was sworn and said he was just going to say something really quick and then he would let the kind folks from Palmetto Solar actually do the presentation because they know what they're talking about more than I do. He said he was actually on the HARB five years ago when we recommended that City Council change the preservation ordinance to allow for solar panels, never really expecting I would do it myself. But then this year, it looked like it would actually work out for me. I am here just to ask to be able to do this to save some energy and to help the environment. And I don't think... We did certainly, as Ms. Grothe has pointed out, we used the Secretary of the Interior standards when we recommended this change. I certainly don't want to do anything that damages the historic fabric of Hampton Heights. A former member of the HARB some years ago, Shelly Robbins, told me, and she was actually speaking on behalf of making the change a few years ago, she said she thought of solar panels in a way like air conditioners would have been thought of in the 1950s or '60s. They're something that may not have been there in the 1920s, but they're there now, and we can find ways to incorporate them. So that's all I'm going to say. Hope you will act favorably upon this and I'll be happy to answer any questions. But I rather let the folks at Palmetto carry on from here.

Ms. Jackie Gypin and Mitch Oswald of Palmetto Solar were sworn. Ms. Gypin said we're presenting this on behalf of Mr. Stone. And as you can see from the design, they are in fact on the north facing roof. It is actually just one array. Arrays are considered like the groups of panels. So, there's 15 panels with two rows. And we provide it, like it was mentioned in the presentation, the panels are able to be removed for any type of repair or anything. If that happens, they are covered by the homeowner's home insurance. And we've also provided all the specs in the application document in terms of the size of the panels, how they look and how they would be attached to the roof. So, I mean, we're happy to answer any questions, but I think most of it's been covered.

Board Member Questions for the Applicant and his Representative

There were no questions.

Mr. Trail opened up the public hearing and asked if there was anyone with us from the public who would like to make a comment for or against this proposal. He asked the public to raise their hands or use the chat function to be recognized.

Ms. Spless said she lived at 450 South Irwin Avenue. I'm a neighbor of Mr. Stone's, and actually a neighbor two doors down from our house had solar panels installed a couple of years ago, Angela Viney. You really can't even tell that they are there. I have to say at initially I was really not in favor of installing solar panels in a Hampton Heights home, but they do not detract from the home at all.

Mr. Trail asked anyone else would like to make a public comment. Hearing none I'm going to close the meeting to public comment and we will return to the Board for deliberation. What are the thoughts of the board members on this. Any questions for anybody back with the city or, what's your feeling on it.

Board Comments/Deliberation

Mr. Lonon said he would like to have some of those solar panels.

Mr. Trail asked if there were any other comments. Do we have a motion to approve or deny this application.

Ms. Walker moved approval presented by staff, and she was seconded by Ms. Reid. The motion was approved by a vote of 8 to 0.

New Business:

Certificate of Appropriateness for Major Work-791 Southern Street-Beaumont Village- Owner/Applicant seeking approval to construct a new shed in the rear yard of a property in the R-6 zone district. Billie Brown, Owner.

Ms. Grothe shared her screen to show some slides and said this is for a proposed shed at 791 Southern Street. The project site is located on a 6,500 square foot lot in the R6 zone district. The lot is on Southern Street between Gentry and Sloane Streets in the Beaumont Mill Village Historic District. This is the house that is there now. The site currently contains a one single family dwelling and like many of the homes in Beaumont, the property does not have any sort of a garage or accessory structure or anything like that for storage. So as such, storage is quite limited. The house can be described as a Front Gabled Cottage with a partial recess porch. And then these are the existing conditions. The owner is proposing to build a 240 square foot shed in the rear yard. It will be located approximately seven feet from the rear property line and more than twenty feet from either side property line. The rear of the property is enclosed by a six feet tall wooden privacy fence. And the shed will be located directly behind the house, and that will make visibility from Southern Street quite limited. The lower image shows where construction of the shed has already started. The owners were asked to stop building until they obtained permission from the Board, and then to apply for a building permit. So that top left picture shows, that's me sort of standing in the driveway, sort of peering over the fence. And then the bottom right picture is actually where they've started to frame it out. The property owners plan on constructing the shed themselves. So, it will be a wooden construction and stand approximately 11 feet in height. It will be clad in horizontal shiplap, Hardie board siding.

The roof pitch will have the same pitch as the house and will utilize asphalt shingles similar in color to those that are on the house. And the owners plan on utilizing the same color scheme that is on the house, which is a pale pink and gray green.

Ms. Grothe said staff has found that the proposed project is consistent with the zoning ordinance and manual, and that the shed will be compatible with the existing house and the surrounding neighborhood. The design of the proposed shed will complement the existing house without mimicking or creating a false sense of history. The proposed color scheme and materials of the shed will blend well with the style and design of the existing house. Furthermore, it will not overwhelm the site as it has a relatively small footprint and low profile. The structure will be set back considerably from the streets and therefore will not alter the rhythm of the street scape. She concluded her presentation and by saying she recommend approval of the project as submitted. I'm available to answer any questions that y'all may have. And I didn't look to see if Ms. Brown was on. We did a practice Zoom call earlier. So let's hope she is here, but I didn't have a chance to look and see.

Mr. Trail asked if anyone on the board had any questions for Rachel.

Board questions for staff

Mr. Brown said he didn't see those graphics in the package that he got on Friday or Saturday and he asked were they in the meeting packet.

Ms. Grothe said they were not. I believe the property owner got those to me after the packet had already gone out.

Mr. Brown said that explained it. He asked did he hear her say the applicant had to get a building permit.

Ms. Grothe said they will have to get a building permit because it exceeded the 200 square feet, that triggers a building permit. They will need to get a building permit. Those were drawn by the property owner and he is not a professional designer or architect. And he probably did a better job than I could have done.

Mr. Brown said if a permit was required, I expect the city is going to expect scale drawings and so forth.

Ms. Grothe said the city doesn't require drawings for residential.

Ms. Reid said she noticed in the picture of the house that had shingles on it, and asked if that was Hardie Board on it. You mentioned Hardie Board on the shed. Is the house Hardie Board. I can't tell in the picture.

Ms. Grothe said she did not think the house is Hardie Board from what she could tell, when I went out for a site visit. The shed will be.

Ms. Reid said the shed would be, but the house would not.

Ms. Grothe said that is correct.

Mr. Trail asked were there any other questions for Rachel. There were no other questions for Ms. Grothe.

Mr. & Mrs. Brown of 791 Southern Street, were sworn.

Mr. Trail asked did anyone on the Board have any questions for Mr. Brown. There were no questions. Mr. Trail opened the public hearing and asked if there were anyone from the public who wished to comment in favor or against the shed.

Angelina Kowal of 790 Camp Street said her dilemma wasn't with her in the shed. She had spoken to me. Ms. Brown had spoken to me about moving her back wall. She has a six-foot fence that they want to move closer to my house and there's an easement behind our house. And it has the utility pole and all that. And her fence is starting to really go. I just didn't want her moving it closer to our house, cause we both have dogs. And that's what was actually mentioned to me when she had talked to me last. I didn't know anything about a shed. I just was concerned about her moving, encroaching on an easement that was right behind me. But that's what that was about. I'm sorry.

Mr. Trail asked if anyone on the Board had any questions for Ms. Kowal. All right, thank you very much for your comments. Do we have anybody else with the public with us that would like to make a comment.

Ms. Tanya Daves of 642 South Irwin Avenue, in Hampton Heights. I know this is out of Hampton Heights, but my question is, I have lived in all parts of this country, if someone wants to put a shed and it's within the guidelines, it is more prudent to have a shed there than having equipment, whether it's lawn equipment or some equipment, whatever, just strewn on a lawn. I'm not sure why this is such an issue to have, unless it is not within the set guidelines. And I did not hear that it was not. I would really appreciate that being addressed.

Mr. Trail said Ms. Daves, this considered a major work and has to be approved by this Board since Beaumont Village is a Historic District. Mr. Trail asked if there was anyone else from the public that wish to comment.

Mr. Livingston said we do not have any other raised hands, and don't see any other questions in the chat.

Mr. Trail said he would close the public comment section and move to the Board for deliberation.

Ms. Daves said they really need to address people's issues and questions. Not trying to be argumentative, but you're not giving an answer back to a question. Thank you.

Mr. Trail asked was there anyone from the Board have any comments.

Ms. Reid said to answer the question, we haven't yet said that we don't approve this shed, we're actually still discussing it. Just to clarify, we haven't actually made any sort of decision. This is the part where we talk about it. Maybe that clears that up.

Mr. Trail asked were there any other comments.

Ms. Grothe said just to clarify, I think maybe she was taking issue with the actual process of having a shed be considered major work. I think that's what she was getting at.

Mr. Brown thought Rachel is correct.

Mr. Lonon moved to approve request to the conditions included in the application; and he was seconded by Ms. Walker. The motion was approved by a vote of 8 to 0.

New Business:

Certificate of Appropriateness for Major Work-620 South Irwin Avenue-Hampton Heights-approval to construct a new house on a vacant lot on a property in the R-8/SFD zone district. Stan Summey, Owner.

Ms. Grothe said most of the images she used were in the packet, and she showed the slides and explained them in detail to the Board. This is for a proposed new house at 620 South Irwin Avenue. Ms. Grothe said the project site is an approximately 12,000 square foot lot in the Hampton Heights Historic District. The site is located where Morningside Drive intersects with South Irwin Avenue at the Southern edge of Hampton Heights, and the property is zoned R8 SFD single family as well. The site is currently vacant as the original house was demolished due to its poor condition; the applicant is proposing to construct one new single-family home on the site. So here are a couple of renderings of what the applicant is thinking about. The new house will be approximately 1,260 square feet in area and will contain three bedrooms and two bathrooms. The house can be described as a Hipped Bungalow with its rectangular shape and prominent front porch. The front porch will extend along the entire front facades, the 30 feet and will be eight feet in depth. It will be supported by wide columns and will be enclosed by a porch railing. The applicant is proposing to clad the house in cement fiber siding and trim, James Hardie Hardieplank lap siding. The windows will be a dual pane, three grids over one grid, simulated divided light. The windows will be vinyl and clad with the same cement fiber material as the siding. The front door is proposed to be a Masonite Craftsman with six lights over two panels. The roof will be comprised of charcoal, architectural shingles, and includes a hipped dormer window feature over the middle of the front porch. The applicant has chosen a neutral color scheme, Copley Gray for the body of the house, White Diamond for the trim and have navy for the door. And then here's just a different sort of type of rendering of the house.

Ms. Grothe said new construction requires that the project conform with section 6.0 in the Design Manual. She listed the criteria on the slide and went over them as follows. The first being prevailing character and recognizing the prevailing character of the existing development. The prevailing character of the homes near the subject property can be described as Bungalows. The proposed house fits within this character, as it can be described as a Hipped Bungalow. The second criteria had to do with building setback and orientation. The orientation and setbacks of the proposed house will match those of the surrounding houses. The house will be required to meet the R8 SFD district standard, which stipulates that the front yard setback shall be 30 feet and the side setback shall be eight feet. These distances are representative of the current setbacks surrounding the subject property.

The third is a Directional Emphasis. The new building's directional emphasis should be consistent with dominant patterns. The proposed house will have a horizontal directional emphasis. This is compatible with the directional emphasis of these surrounding homes. 6.2.3 Shape, so this includes sort of three different categories to consider so roof pitch, porch form and building elements. The roofs pitch of the proposed house will be seven and 12, a compatible ratio for the area, and then moving on to the porch. The 30 foot by eight-foot porch of the house will be similar to the surrounding houses. All of these surrounding homes have similarly shaped and sized porches, and then moving on to building elements. The building elements of the house will be compatible with those of the surrounding homes. The windows will be the same shape, lap siding will be used and a decorative dormer window will adorn the roof above the porch.

Ms. Grothe said all elements will be compatible with the surrounding homes and then moving on to massing. The massing should be consistent with what is around. Massing includes the main body of the house, roof, overhangs and porches. The proposed house will have a massing that is similar to those surrounding homes and then moving on to proportion. So that has to do with height and how the proposed house will relate to the surrounding houses. The height of the proposed house will be compatible with nearby houses and will be approximately the same heights and will match the number of stories, and single story. So, moving on to rhythm. The new construction shall respect the rhythm patterns in the area. The rhythm of the proposed house will be symmetrical to that of the surrounding houses.

Ms. Grothe said building elements will be located in the same place on the proposed house as those of nearby houses, which helps to create a symmetrical facade. And then lastly is scale and height. The proposed house will have a similar scale to nearby houses and that it will be roughly the same size and height. I went and did a walking tour of the neighborhood and took some photos of the houses that are nearby give you all a feel for the character of the neighborhood. They're all similar styled bungalows with the big porches, and the house at 602 South Irwin, is a relatively newer built house. I want to say, mid 2000 or so this place was built and is one house down from our subject lot. This concludes my presentation. I do recommend approval of the project is submitted and subject to the attached conditions of approval.

Board Questions for Staff

Ms. Crowley asked Ms. Grothe is he proposing the same house on South Irwin and on Hydrick Street.

Ms. Grothe said that was correct.

Ms. Reid asked if the Hydrick Street lot was put out for RFP. It was an open call for proposals. Was this the best one that was selected. Was this the only one that was selected. Can we hear more about that process.

Ms. Grothe said she could not answer that question; and she asked if Mr. Livingston can answer to that.

Ms. Reid said it was the next case and she had to leave in 10 minutes and wanted to ask if it was the same identical home, he's proposing for the second house as well.

Mr. Livingston said he could answer the questions regarding the RFP. Both were put out for RFP back in July of 2019 and they received a proposal to do five homes in the city. Two of these lots were on the list.

Ms. Reid asked can somebody answer when was the last infill, when was the last new house was that was built. Ms. Reid asked was it that one on Irwin, because she was not familiar with many others.

Mr. Livingston said 602 South Irwin was built in 2009.

Ms. Reid said okay, that's the last one.

Mr. Brown said he realized essentially it was the same house in both applications, but failed to remember or check was their proximity to each other.

Ms. Reid said they're at opposite ends of the neighborhood.

Ms. Grothe said that is correct.

Mr. Trail asked were there any other questions for Rachel. Thank you. Do we have the applicant here, Mr. Summey? He asked the applicant to state his name and address.

Mr. Summey of 171 heritage Creek Drive, Boiling Springs, South Carolina was sworn.

Mr. Trail asked him to tell them about his project.

Mr. Summey felt Ms. Grothe did a great job presenting it and there's some good questions already asked. And one of the biggest ones is the reason I am proposing the same house on two

different lots is the fact that they are a good distance from each other. Otherwise I would not propose the same house on each lot and I'm open to questions. I look forward to moving forward with this project, but I look forward to any questions or feedback from the Board on what they see.

Mr. Trail said he knew the lot had some trees in the back and everything, I don't see on this rendering. Where are you going to have a driveway. And where would it be.

Mr. Summey said yeah, at the house on South Irwin now, the driveway would be on the right. There's actually an easement there now, and I don't know if Rachel can pull up that, but the driveway would be considered and was originally on the right-hand side. And it would be just adjoining an easement that actually goes back to a lot, this back on the railroad tracks there. And it would be beside a driveway to the house that's there on the right.

Ms. Reid said is your plan to sell this. Would it be on the market or not.

Mr. Summey said it is and per the agreement with the city, yes.

Ms. Grothe said I want to offer a quick reminder to please state your name when you're going to ask a question.

Mr. Trail asked if anyone else have a question for Mr. Summey. Hearing none, we'll go to the public comments on this. Do we have anyone with us who would like to make a comment on this project for or against.

Yes. My name is Sylvie Frankie. I live at 461 Hampton drive.

Mr. Trail said please proceed.

Ms. Frankie said my main worry is the materials that are being used. I've been living here for 20 years. I had to put several time requests to get change into my house. And I would never, I don't think I would never even dare, I've asked for vinyl windows. This is a big, no, no, everybody knows that and it looks like this house is being presented with vinyl windows and Hardie Board, which I think is cement. That's my main worry. I think it looks beautiful on the rendering, the reality. I don't know how that's going to fly in the neighborhood.

Mr. Summey said I think that's a great question. And it's one that Rachel and I also discussed, I knew that would be probably the biggest hurdle or the most questions would be asked about it. And my opinion was the windows. That's what I expected that the most questions about. And my opinion on that is that if you go to the house, the last one that was built in 2009, at 602 South Irwin, if you'll notice it does have double pane windows, they are vinyl clad windows, which means that the exterior surface of the, just the small reveal of the window itself is vinyl clad. But with that being said, I would like to do a double pane window for energy efficient purposes. A wood window would be painted and the way I'm looking at it, I understand the

historical aspect of it but the way I'm looking at it is doing a three over one, which is a more historical look. The reveal of the vinyl itself would only be about one and a half to two inches of that vinyl window with the Hardie trim around it, which mimics the look of wood would be surrounding it. And I don't have any pictures now. I might could go to it if we wanted to do that, have some other examples that do have on my computer. But my hope is that with the overall presentation, it would look and fit with everything else in the neighborhood with the exception of having energy efficient windows and no single pane windows, and very little vinyl would actually be seen and from the street from lot of people walking up, whether it'd be hard to know that it's not painted as the rest of the house will be painted, it should blend in perfectly with the trim that's around the window, which will be the architectural feature that's most distinct around the window would be the thick trim that surrounds the window. That's what I would say on that aspect.

Ms. Frankie said what I want to say is I know you refer to that one house that was built in 2009. That's the only one, there's 400 houses in this neighborhood. And they're all about 90 or a hundred years old. So, the other 390 even if it looks really nice in the rendering, it will look different when we walk in front of your house it won't look like the other houses in the neighborhood, if it's not the real material. And that's part of HARB to try to keep the integrity of the neighborhood. The look is good, but then the materials are not correct.

Mr. Summey said the only way it would look the same would be as if we did a single pane window, which I would preferably not like to do. And especially for the owner occupant, if we can avoid doing that just for energy efficient purposes, kind of going back to the solar panels that presented earlier. I agree most of that older houses that didn't have any remodeling done before the historic codes came in, have single pane windows and which I think are beautiful, but the vinyl, I don't, if you're walking by this house, I don't think just as this other house, I don't think you'll notice necessarily that that window itself is vinyl when the trim is going to be the most distinctive feature. And there's only going to be about one and half to two inches at the most of the actual window itself showing, that would be my argument.

Ms. Frankie asked if he saying that there is no way to get a wood window with double panel.

Mr. Summey said there is at three or four times the cost, which I would have to add to the cost of the house.

Ms. Frankie said which we all have to do here, the neighbors. That's all I wanted to say. Thank you.

Mr. Trail asked if there were other callers from the public that would like to make a comment.

Ms. Heather Murrow of 500 Peronneau Street. I would just like to echo Sylvie's concerns about the vinyl windows as well. I personally have replaced windows on our historic houses many times. And while I realize that the cost of wood is triple the cost of vinyl, you absolutely can tell

the difference from the road. The one new house does not look like any of the other houses around. And I have concerns about the vinyl windows. And I also would have concerns about the railings, just making sure that they don't look like one of the standard decking railings, where you've got the pickets, there's no architectural details to it and so forth. I think the rendering, like she said, looks really nice, but I think that if you don't go the extra mile to add the wood windows, like all of the rest of the houses in the neighborhood and make sure that some of the small details like the porch railings are consistent with the others, then what is the point of having the rules for the rest of the neighborhood if new construction is given a pass.

Nico Gilman of 460 Hampton drive said his comment is I guess the same with the materials. And I guess the question is more for the Board because if something like this is approved, I guess my question would be, is there a different standard for new construction? And if so, why? And also, I've been through this several times too, to try and get different windows put in places. In fact, even wood windows have been rejected because they were not the actual same material, not even wood, just they aren't the actual specific tree that this one came from. And so, I guess my question is, is there a difference for new construction and it has the Board relaxed the rules over time since the last time I went in and if they have relaxed the rules, when did that happen? If anyone knows. That would be my question and comment.

Mr. Trail said the rules have not changed in any recent time and the replacement windows, if you've got wood windows, we do want to be replaced with windows that are like in like materials. This is a little bit different in that it is a brand-new construction, but I do think your consideration of the wood it makes a good point. I really do. We'll take that into consideration.

Ms. Reid said she had to leave the meeting now. I just wanted to reiterate what you were saying and just say that it does seem like a really big precedent to set with a new construct because it is such a different thing than the rest of the neighborhood. And there are two of them. So maybe, and there's obviously concerns coming from the neighborhood. So, but it is a totally new thing. Editor's note: Ms. Reid had to exit the zoom meeting at 6:35pm.

Ms. Spiess of 450 South Irwin Avenue said she also have a huge concern regarding vinyl windows. The residents of Hampton Heights have always abided by the rules where we are mandated to have original wood windows. Allowing new construction, to be able to use totally different artificial products, would ruin the purpose of Hampton Heights. We have our rules and regulations in place, and we have you on the Board to protect our neighborhood from these types of issues. This is a huge concern for a number of us. I know it doesn't seem like very much for the builder, but it is a huge concern. My husband and I have a two-story home. We have about 60 windows. And yes, we have 60 wood windows that are a part of our home.

Ms. Spiess said that if something happens to them, we will have to replace them with the identical same wood product. And Rob, regarding Heather's comments, Heather renovated a home just a couple of doors up and across the street from where this lot is. Someone had bought the home thinking they could come in and do a cheap remodel and do vinyl windows. A

stop work order was placed against that person and then Heather eventually bought it a couple of years later and she had to do all of the remodel with the original products. It would be totally unfair to allow a new build to come in and really just sort of slap in the face for the money that Heather had to spend to do her remodel just across the street.

Mr. Michaels of 259 Hydrick St., said he wanted to thank Stan for actually taking the chance to making some developments in the neighborhood. I'm going to have to go along with everyone else on the wooden windows. I'd imagine in the next couple of years, there's probably at least eight or 10 lots in the neighborhood, they're going to come open to have development on them. And if we set the precedent now to allow vinyl windows, we're going to have eight to 10 more houses, they're going to be built in the neighborhood with vinyl windows. I just moved over here from Converse Heights, I've gone to 259 Hydrick, and we've had to deal with the old windows too and put panels on for heat and air in the winter. But I would have loved to have been able to change the windows out to a vinyl window, even a beautiful spec window just for energy efficiency. Mr. Michaels said once it's allowed, I do imagine next three or four years, it'll be eight to 10 houses. You'd be fighting the precedent that you'd be setting tonight.

Ms. Grothe read an email. I just wanted to say, I'm really sorry, I received an email from Carol McCulloch and she couldn't be here. She lives at 496 Pinckney Court. If y'all would like me to read her email, I can.

Mr. Trail told Ms. Grothe to read the email.

Ms. Grothe said OK. Dear HARB, please consider the impact of nonconforming architectural materials in your determination of approval for the houses proposed for Hydrick. I don't think that's what she meant. As a resident at 496 Pinckney Court, I believe that the approval of HardiePlank, but especially in vinyl windows would adversely affect the value of my home and others that have complied with the historic guidelines. The neighborhood is significant for its preservation of styles and materials. And as I did, many residents have purchased homes here because of the historic designation. We would lose all of this if this goes forward as it is now formulated. I am a proponent of infill housing, the caveat being that size, style and construction material conform with the existing housing. Thank you for your attention and I will be greatly interested in the outcome.

Mr. Trail said we'll go to Board deliberation now. There being no other comments, he would close the public hearing.

Board Member Comments/Deliberation

Ms. Walker said this is Melissa, Rachel, could you pull back up the requirements for new construction in the neighborhood that she showed earlier.

Melissa Walker asked is there anything in the requirements about materials.

Ms. Grothe said I don't think so. I mean, I pulled this all from my report and then I pulled it all from here. I'll flip through right now to make sure I didn't miss anything. So, section 6.0, new construction guidelines, page 59. 6.2., a lot of these, like the ones that I didn't include, have to talk about alterations to buildings that are already there. 6.2.7 is scale and height. And then 6.3.2 is new construction. And it just says new construction should respect established design patterns within the area of influence and then following are some additional guidelines for new construction. Build a new structure to the rear of a historic building, but that has to do with a shed type thing is what I would think about. If the new building will be visible from the street respect the established setbacks and orientations of the historic buildings in the area. Landscaping is also important. A concrete or brick Plaza adjacent to the sidewalk is incompatible with an area dominated by grassy lawns. The second one that I didn't include was guideline new construction shall referenced, predominant design characteristics that make an area distinctive or in order to achieve creative and compatible design solutions that are more than just mere imitations of existing buildings. And then the section after that just has to do with alterations to non-contributing buildings and additions to historic buildings.

Ms. Walker said thank you.

Mr. Trail said like 6.2 I'm looking at, has recognized the prevailing character of existing development. Respect the prevailing character of adjacent historic buildings and surrounding development. I don't know whether you can read in windows in that, or is that just for the type of building. It almost looks like it would, including types of materials as well.

Ms. Grothe said I'll flip to that section. Every building does go through all the things that we went through. It also does include materials and architectural elements is what it states in here. But there weren't any, cause it like pulls the guidelines out, like in bold, there aren't any guidelines specific that say that. It does say that that is included in recognizing the prevailing character of existing developments along with everything else shown here on the screen, materials/architectural elements.

Mr. Lonon said I'll also point out that 6.2.3 provides that the principle elements and shapes used on the front side of a new building shall be compatible with those of existing buildings on the area of influence if dominant patterns are apparent. I mean, I think that the underlying theme here is that it needs to fit within the neighborhood. I have a lot of concerns and I think that those folks who offered their comments. I really appreciate the very good points. As to the windows, this Board, since I've been on it, has been very strict about the windows and energy efficiency has never been an argument that was accepted and I don't know why or how it will be equitable at all for us to allow anything different in the new construction.

Mr. Lonon also said that the new house that we were shown was built in the early 2000s really alarmed me because that does not look like a house that belongs in the Hampton Heights historic neighborhood. It looks like it really stands out. So that causes me to have concern with

regards to the siding, and like Ms. Morrow said, the railing was a really important decision for the street because once this is done, it can't be undone. And if we have one house on that street that just sticks out, it really is going to affect the character. I would like to see this tabled and I would like more information about the materials and how those fit in with the materials historically used in the surrounding houses. He said with all due respect to Mr. Summey, and as to some of the points that were made that living and owning these houses involves an additional level of responsibility and a lot of additional expense. And many who live in this house, understand that.

Mr. Summey said I respect that and I respect all the opinions that were given. And I do understand that. And again, my window proposal was just that, a proposal. Rachel and I did talk about that. And I do understand historic character. And if wood windows are the prevailing, I'm okay with that. And I knew it would come down to this discussion.

Mr. Lonon said along the same lines, I'll just also say that personally, I'm grateful that we have folks willing to invest in these neighborhoods and do something on these empty lots. I hope I don't come across otherwise.

Mr. Summey said not at all. And I really love the neighborhood and I want to be a good steward with what I do there. I'm not looking to come in and try to make a quick dollar. It's not about that. It's nothing like that. By the time it's said and done with building materials where they are now, I may or may not make much of anything on these houses, but I do have to sell them. But I'll also say I would like to live in Hampton Heights too. Hydrick Street might be a possibility that I could, depending on what the agreement is with the city, be able to live on Hydrick Street. And I would like to do that, but South Irwin, I do have to sell it based on the agreement with the city. Mr. Brown said can I jump in for a moment? Yeah. Thanks. I do support the idea of tabling this and reconsidering the windows, but I would like to have a little bit of background on the one house that you showed us earlier, Rachel. Which you said, someone said, was built in '09. Because it clearly had to come before this Board and I'm guessing none of us that are on the Board now we're on the Board 11 years ago. I'd like to have a little bit of history on how that one sort of slipped in, if you know what I mean. If we do table this site for one more month or whatever we agree upon, I would like to have some background on that one case. Because when I saw that image a little while ago, and I don't live in Hampton Heights, but I'm familiar with it, it did not leap off the page at me as a Hampton Heights house. I think I heard at least one or two other people also say they supported tabling this for whatever a reasonable amount of time is, and that's my position.

Ms. Walker said I think I would just echo what everyone has said. I would support tabling this. I do absolutely want to applaud Mr. Summey for investing in this neighborhood and we don't want to make it hard for you, but we also want to be consistent in how we enforce the guidelines for the sake of the people who have already complied with the guidelines. I would

support tabling it. And I would love to have some background on that 2009 house, if you have a chance to research it, Rachel, in our next meeting.

Ms. Walker said she did have another question for Mr. Summey. I understood about the windows and the wood windows is a problem. The railing was mentioned and I never did hear exactly what type of railing it was going to be. Is it a wooden rail.

Mr. Summy said wooden rail would be used.

Ms. Battocchio of 175 West Hampton Avenue said she had two questions. One is related to the exact same houses being put in the neighborhood, and would that start something, as people started tearing down houses, we start building multiple of the same house. It's been my impression of the neighborhood that all these houses are very unique in design. I also support what everybody else is saying. We've got one of the larger homes in the neighborhood and the cost to keep it up is very expensive. I would appreciate even on a smaller scale house to maintain the quality of the homes that match the neighborhood.

Mr. Trail said any other comments from the board. This time I like to ask if there are any motions for, against, or I've heard mentioned tabling it, anybody wants to make a motion? Ms. Grothe has a question. Go ahead Rachel.

Ms. Grothe said she just wanted to put a few things out there for y'all to consider in terms of your options. So, of course y'all can go forward with tabling this and directing Mr. Summey and myself to come back at the next meeting with additional information. However, you can add additional conditions of approval, if you're so comfortable to the list that I have already provided in the staff report. If you want to include language such as the windows installed shall be wooden windows, that's well within your purview to do so.

Mr. Lonon said if it's appropriate, I don't, I'm not comfortable today with stating those conditions. I feel like I need more information generally. I would love know what that Hardie Board citing as proposed actually looks like. I'm no expert. I don't know how we did that remotely.

Mr. Lonon moved to table pending further information, including specifically information about that particular house, and he was seconded by Ms. Walker. The motion was approved by a vote of 7 to 0.

Mr. Trail told Mr. Summey, we're going to table it and next month, if we could have some more information about, obviously we're going to ask for wooden windows and wood. And if you can tell us about some of the other materials, and in the mean time we'll find out about the other house that's been built up.

Mr. Lonon asked would it be it be appropriate for us to go ahead and vote to table the application for the other house too? Because I think we'd go through the exact same thing.

Mr. Trail said if it's going to be exactly the same thing, you're correct, it would be the same.

Mr. Lonon said OK. Then I would make the same motion with regards to the other application from Mr. Summey; and he was seconded by Ms. Walker. The motion was approved by a vote of 7 to 0.

Mr. Trail said that takes care of the new business. Going to Old Business, there was going to be a discussion referencing the Duke Energy's line burial project within Hampton Heights. And I think Mr. Livingston, you got a letter concerning this. I know you forwarded it to me, a concerned homeowner in the area. And they're wanting to just discuss how this is about... And is everybody familiar with what's happening there and the boxes that are being put in the yard. Mr. Trail asked were there any photos. All Board Members were familiar with this.

Ms. Grothe said she did not.

Mr. Livingston said he would pull up some photos, but if we can have the discussion while I look for the photos and I'll pull those up for you.

Mr. Trail said basically what the discussion is going to be about, Duke Power has been going through the neighborhood, and since there are a lot of large trees in the neighborhood and a lot of power lines were down, they're replacing the power lines and putting them underground, which is a good thing. But there is some concern about the junction box. I'm not sure what it would be called, but they're being placed near the front of the homes off to the side. But it does catch your eye when you're riding by. I've ridden through there and looked at them and if I lived there, I would have a concern that I had one in my front yard.

Mr. Livingston had his screen shared and said so you should be able to see my screen with the boxes here. This one is on, looks like South Irwin. This is one of the green boxes that are on discussion. Duke Energy has talked to the city, probably back in 2017, 2018, about the need for underground utilities in the Hampton Heights area. They had proposed four or five neighborhoods in the city would have underground utilities because of the disruption of service during storms and other events. When we went through the process of having that conversation, we did state that Duke needed to meet with the neighborhood, and I believe they met with the neighborhood association, but they also needed to present the information to the HARB Board. My understanding is that that time, and I think it's still today, the Board didn't have the authority to make any decision on these utility locations. All hard decisions have to be on the structure of the house itself. So the neighborhood has concerns about these boxes and we just wanted to make the HARB aware of them. As you can see, there's several of them on Pinckney Court. And they're also proposing on Peronneau Street and Hampton Drive that these boxes be replaced there. I think Hampton Drive and Perrineau are the last two streets that would have these boxes. I think there was one going to be located on West Hampton Drive near the park. And I think that's primarily the information. Duke was to come to the HARB Board, but for some reason that didn't occur and that meeting was missed and never rescheduled. So, the question on the table that many residents are asking right now, and Bob Coler, the City

Attorney, is available to answer the question is whether the boxes can be placed in the alleyways, and we have not found a solution to do so.

Mr. Trail asked Mr. Coler, if he had any comments from the city's perspective.

Mr. Coler, City Attorney told Rachel, he sent her an email. I emailed you a section of our city ordinance. Can you pull that up and get that on the screen. So, Mark and I talked about this last week and I've had a time to do a little bit of research and a quick research was done and I reviewed our zoning ordinance and public utilities are addressed in our zoning ordinance and its section five, 10.10, that's a public utility. And the ordinance says specifically, and I think Rachel is going to try to pull it up on the screen. Y'all can read along with me. All city departments and public utility companies shall be required to obtain approval from the Board in accordance with this ordinance prior to widening or constructing streets or initiating any changes within the historic districts with regard to the character of street paving, sidewalks, parkways, trees, utility installation, which I think this is. Utility installation, which I think this is, lighting, walls, fences, structures, and buildings on property or easements owned or franchised by the City of Spartanburg or public utility companies. The way I read our own ordinance is that this Board has the authority to review a public infrastructure installation on easements owned by us, or I mean, on property owned by us, easements or franchises granted by us or public utilities. As I understand it, these transformer boxes or whatever they are, are being placed on private property by way of a utility easement on a private property.

The City Attorney said so my legal analysis or my legal opinion at this point is that this Board and the city do not, or does not have the authority to regulate these junction boxes, where they're currently being placed. And again, that's just a quick reading of our ordinance. I've not studied any case law that has addressed that, but that's where I am currently on the matter. I'll be glad to answer any questions anybody has about it at this point.

Mr. Brown asked if Duke is taking out the power poles that they're abandoning, because if I'm not mistaken, don't they also carry internet and cable and so forth put.

Mr. Livingston said yes.

Mr. Brown asked does anybody know what the disposition is for those utilities.

Mr. Livingston said Yes. If it's a solely owned Duke power utility pole, they will remove them. But if the pole, it has other utilities, more than likely they will not be removed. That's also a concern of the neighborhood, is that a lot of these poles that share utilities will not be removed, even though these boxes will be installed in the neighborhood.

The City Attorney said I think it also is contingent upon everybody signing up for the underground process. If some neighbors do not, there's no point, or it's not plausible to remove the overheads.

Mr. Brown said he understood.

Mr. Lonon asked aren't these boxes being put within easement owned by public utilities.

The City Attorney said I think there are private property that property owner is granting an easement.

Mr. Lonon asked that the easement would be owned by the utility company, right.

The City Attorney said I'd have to study that last section of our code to decide whether that means easements. If Duke is the grantor or the grantee.

Mr. Brown asked are these easements recorded. Because whenever I see these city maps, I don't see easements. I see some alleys every now and then. And even those sometimes have been abandoned. I'm not sure if they're vacated, but they're not necessarily still in use.

The City Attorney said I don't know. I would presume that Duke is recording those easements. I know they spent a lot of time this year talking to the Duke folks, gathering those easements and trying for 100% participation. If I were their legal counsel, I would highly recommend they record them, but I can't speak for them, but I believe, I suspect they are.

Mr. Lonon said It's not unheard of for utilities to forget or somehow not record easements by mistake. But I think it's fair to assume that those easements are recorded, but in any event, even if they're not recorded, the utility company is still the holder of the easement. So, yeah, I'm not entirely sure that we don't have jurisdiction over this and there's not something that we can do about it. I am curious if we do have jurisdiction over this, what would be the next step? I mean, do we send them a letter, a cease and desist letter? I mean, do you have to go to court and seek injunctive relief? I don't know. I can tell you dealing with utility companies on a constant basis, they're less than cooperative. Less than interested in what you think.

Ms. Morrow said yes, they have recorded easements for every property owner that has agreed to this. And I just want to say as a whole, the entire neighborhood is not against this. I, in fact, am very much in favor of it. While the boxes are ugly, and I had to work with them as to where one goes in my own personal front yard, I'm going to landscape around it because I would rather my power stay on when all the trees go down versus being in the middle of an argument about the ugly boxes. If you go to any neighborhood, I have talked with Duke Power on several occasions and asked very specifically, had we had this discussion early on, could the boxes have been smaller or looked differently? And the answer was, "No. This is our standard to build a

cover," whatever the power, I don't know the correct terminology there. I don't think they're very pretty either, nor do I like our light poles either. But it's a utility. I know I'm going to landscape around mine, but I just want to be clear. My street is up next. And I am not asking you to put a cease and desist order in place because I want mine to be target. I've already signed up for it, and a lot of other neighbors have too. So I would like for you to weigh the options as to how many people are for or against this before you do anything collectively.

Speaker 12 said Heather, just respond to that. I appreciate that. And honestly, I don't disagree. I'm really excited about the idea of utilities being buried in that neighborhood because the poles or wires are in such bad shape. What I'm wondering is if we couldn't get them to press pause and press them on whether or not there's a more aesthetically pleasing option. I mean, I know their initial response might be, "Well, no, there's no other way to do it." But if the city requires them to put in a different kind of box and it works, then I think they would have to. And so that's all I'm suggesting is looking in to see if we do have some sort of jurisdiction and seeing if we can't get them to do something different with the boxes. But I buried.

Heather said all of the easements are on private property.

Speaker 13 said this is Heather. How are you?

Speaker 12 said an easement is a property right that is held by the utility company. Yes, it is on private property, but the utility company owns one of the bundles of sticks of property rights. And they have a right to that property. And so if the ordinance says that there's jurisdiction over an easement owned by that utility company, then I think there might be something that we can do about it. But just because they have an easement doesn't necessarily mean that they can do anything they want to, especially if there's an ordinance saying otherwise.

Mr. Livingston informed the Chair there were some other people requesting to speak.

Yes, good evening. This is Sandy Battocchio, 175 West Hampton. Heather, what we're asking is, there is an alley, a 15 foot wide alley between Peronneau St. and Hampton Drive. Currently, the power company has their power poles there, their transformers there. And even after we showed Mr. Allen the alley, he thought it'd be an easier area. What we were working on getting him was granting him the right to do it. According to him, he has an overhead easement. I don't know what that means. Maybe the city attorney can help us what an overhead easement means. But they have poles in the ground so obviously they have something else. Heather, also on Hampton Drive, the homes are only 50 feet wide in the front, which these boxes are like 40 by 50 by 30. The boxes are very large. And they're also, all my research has shown they are not safe for children to be around. And even on Duke Power's website, bullet number five says do not allow children to play around. Well, we all have children, small children, and Duke Power is telling people that these are safe, but he will not put it in writing that they are safe, and they put stickers on them. So besides preserving the integrity of the neighborhood; inaudible at this time.

Mr. Livingston said he believed we're losing Ms. Battocchio. I couldn't hear exactly what she said there at the end.

Bob Coler, the City Attorney asked if he could interject. Just quickly.

Mr. Trail said yes, sir.

The City Attorney felt this was a very, very beneficial conversation, but he would try to steer the conversation away from discussion of safety. I think that goes beyond the purview of this Board, and it could easily get off the rails. I think as long as the conversation continues to be about architecture and design and appearance, safety is just beyond the purview of this Board, I'm afraid that will get us into the weeds on not relevant to this conversation discussion.

Ms. Battocchio said you could share with us where we should bring up the safety, because we all have small children.

The City Attorney said absolutely. So, but all of that is regulated by state agencies. If you'll call me Miss Battocchio, I'll give you those agencies, but they regulate that stuff, the installation and maintenance of all that. It's just beyond the purview of this Board to begin to make decisions based on safety that it's just not in their wheelhouse or their bag of tools.

Ms. Battocchio said the other thing too, if you look at in 1910 when our section of the neighborhood was developed by the Irwin family, they proposed to have these service alleys for the purpose of utilities and whatnot. It has maintained as an electrical service alley probably since beginning of electricity for this area. The most correct thing to do is to place these boxes in that area.

The City Attorney said no, we brought that up with Duke and had a conversation with Mr. Allen about that. That's a nonstarter for Duke. Here's the issue. If they place those transformer boxes in the alleyway, they have to be certain that they have access to maintain them. The problem is nobody can give them authorization to enter that alleyway. The city simply doesn't own that alleyway. And there's no way for us to give them permission to enter for maintenance purposes.

Ms. Battocchio said but don't they do that now? I mean, they go down there when we have a power outage now, right?

Bob Coler said I don't know. I've never seen it. I don't know.

Heather said the other thing I would love to just chime in on, while I have personally no objection to them being in the alleyway, that only covers about 40 to 50 houses just that back up to that one alleyway so what about the first half of the neighborhood that's already been taken care of, or the rest of the houses slated? So that is just a very small solution for that area, which again, I'm not opposed to, but that's not a neighborhood-wide solution.

Ms. Battocchio said well, Heather, if this would have been handled properly, according to Mr. Allen, he got approval from our HOA and as I mentioned to you, and you sent me back, we all

are in agreement. I said to Mr. Allen, that we don't have a formal HOA, it's a voluntary thing and that he needed to bring it up as a town hall meeting to everybody, but they're going around house to house and saying whatever they want to say to that person to get them to sign off on things, to the point where I've caught them in several lies.

The City Attorney said to the Chair, point of order, with all due respect to everyone in this meeting, I don't know if that is appropriate for us to just have this big group back and forth right now. And frankly, I'm not entirely sure how productive it is.

Mr. Trail agreed in the sense that I don't really think this is under our jurisdiction, us being able to do anything. I would agree with them. I wouldn't particularly want one of these boxes in my yard as well. I mean, the look of the box, but it sounds like this was something that was done, awhile back. I was just trying to glean out of this, if we can't do anything, is there any way we could recommend something for them to do? What would you do, Mr. Coler, as a city? What do you suggest that they do?

The City Attorney asked, the neighborhood.

Mr. Trail said, yes sir. What would be a good solution for them.

The City Attorney said speaking to Duke, I mean, they tell us that they want to do everything they can to be good neighbors and good participants in the neighborhood and so, if there are alternatives to the appearance of the current boxes, I assume that that Duke would be interested in exploring those with the neighborhood. If there's not, there's not, but I'm not sure anybody's asked them about that yet. And I get the impression that Duke would be open to other alternatives. The only one I know of would be, that's been proposed, is the alleyway installation and Duke just tells us that it's not feasible for them to engage in that process.

Ms. Frankle interjected and said she was just going to say one thing, the reason we brought it up to Martin and Rachel, when we found out that those boxes were being installed on the other streets, because it's not in my street yet, we brought it too hard or try to get it too hard last month, because there's some very clear guidelines, on hard guidelines that the mechanical system should be in non-intrusive locations. And throughout those boxes are the perfect example. They should be... Sir, I know what you're going to say, should be attached to the building. But our neighborhood's lots are extremely small. We just thought, harvest there to save the integrity of the neighborhood, maybe they can help us go against Duke Power. Ms. Frankie said her second point was simply that. Duke Power has another system that's not an ugly big green box. It's a flush connection to the ground, and it has the same underground. They just don't want to install it here. We don't know why, but there are other neighborhoods out there they've got that flush so that you don't see it from your front yard. Why can't we get that?

Bob Coler City Attorney said he would think; have they asked Duke about that.

Ms. Frankie said they say the project has been approved by the city with the big green boxes, and that's what we're going to get.

Bob Coler, City Attorney said I'll do everything I can to facilitate that conversation again. I found Duke to be open to conversation, but I'll do whatever I can to help you all have that conversation. But I agree, I am not convinced. And I will take a close look at it to see if this board has jurisdiction over the matter. And if, we decide that they do and want to do something about it, I'd have to convince myself a hundred percent of that, and then the step would be to begin to challenge that. I will tell you that there are legal challenges to challenging something that is one year down the road. I'll do anything I can to facilitate the conversation with Duke and do everything we can to preserve the character of the neighborhood. But there may or may not be a feasible solution.

Ms. Frankie said thank you. We are not opposed to the underground lines at all. It's just the way it looks like from our tiny yards, it's just there are better solutions and they have to consider those, at least for the streets that haven't been touched yet.

Mr. Trail said our regulations, you mentioned the utility boxes. That's like air conditioners and things for the house that's attached to the home. That's under our jurisdiction, but this is something that's really not under our guidelines I don't think at the moment. But if our city attorney is willing to look into it a little bit farther with Duke and possibly it could come back to us at some time.

Mr. Trail asked were there any other comments before y wrap it up. I know that we've seen some people who are for it, and don't mind the box. I think most people are for the lines underground. It's just the box is the problem.

Speaker 12 said we have a comment from Nico Gilman. Raised their hand and would like to speak, don't know if the chairman has a process for doing so.

Mr. Trail said Okay, we can hear a couple more comments, but then we're going to have-

Mr. Nico Gilman said he was on the opposite side and I do think that the Board should do everything it can do to stop the boxes. Furthermore, it's been very incongruous, the conversations I've had with Duke Power. They have said one thing and their website says another, they've told me they can't put the boxes underground and recently I heard they're going to put boxes that are flush with the top of the ground. It's been a series of not truths. The other thing I would say is if this board does have any jurisdiction of it, I can't imagine why this Board wouldn't try and help out the neighborhood. It seems like something the board should jump on to try and make the neighborhood seem or be a historic neighborhood. And I can't imagine why you all wouldn't jump on trying to figure out how you do have jurisdiction, if you don't then fine. But I can't imagine just letting it just sit and let Duke Power say, " No, you don't have jurisdiction." Thank you.

Mr. Trail said, I think at this time, we're probably going to have to just move on with, Mr. Coler, if you will advise us if you can look into this a little bit with Duke Power and let us know what their plans are, or find out if they do have any flush boxes that are flush with the ground that they could use. As I said when we started this discussion, if I lived there and I had the box there, I'd be a little concerned too. They're not exactly, if you did landscape around it or something, probably be okay but I can understand their concerns. And I don't really think this is something good for a historic neighborhood. But now our having the jurisdiction to intervene in this, that's where I'm not sure. I think we need some more information. We'll be glad to look into that for those that wanted us to do that and find out some more, if there's anything we can do.

The City Attorney said he would be glad to do that, Mr. Chairman. I'll make a determination on what jurisdiction this Board has and let you all know that. And I will look into what other departments at the city may have some other jurisdiction, and just go from there.

Speaker 14 said on our Sunday.

Mr. Trail said that sounds good. That'll work. We thank you so much, appreciate that. Okay, I'm going to close that discussion then, and we'll bring it back up when we know some more. We had some updates on an old business. Code enforcements, a couple of houses on Hydrick Street, the demolition.

Mr. Livingston, Neighborhood Services Director said Mr. Chairman, members of the Board, we received that city has been engaged in code enforcement activity for regarding 270 Hydrick and 310 Hydrick, probably since March of 2020, or before. In March we had those tornadoes and storms and the trees fell on these two homes and damaged the homes. They're open to the elements. And we requested a letter from regarding the demolition of the homes. He inspected the homes and determined that they needed to be demolished. We still have several processes we have to go through. We have to take the property owners to court: The property maintenance department has to take the property owners to court, which is scheduled for October, I believe October 5th. And once after the judge issues an order to demolish, the city will proceed with an order to demolish. It may take three to six months before actual demolition can begin on these two problems.

Mr. Trail thanked Mr. Livingston; and we're moving up now to the minor works that were approved by Staff since July 9th, that was included in the Board's meeting packets; and he asked were there any questions. There were no questions. The next item on would be an update on 201 Caulder Avenue. Seems like every meeting we have an update on 201 Caulder Avenue.

Mr. Livingston said there've been a request to place this property on the Local Historic Register. The property's already on the National Historic Register. A developer is proposing housing for this site. They are trying to come up with their plans to do so and they're having conversations with the city manager and city staff. I believe there is a presentation in the South Converse Neighborhood, the south side area at C.C. Woodson on September 17th to discuss the development of this property. And we're hoping that it'll either come before the City Council or

to HARB sometime this year. It may also go before the Planning Commission for zoning approval as well.

Ms. Walker asked Mr. Livingston, could she just clarify that the developer is requesting Local Historic status.

Mr. Livingston said no, the developer is not requesting local historic status. Residents of the Converse Neighborhood, and Forest Park Neighborhood may be requesting local designation.

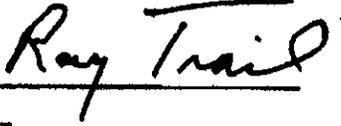
Ms. Walker said thank you.

Mr. Trail said the next item on the agenda is the Staff Announcements. An update on the ACOG on the online training. Do we have anything on that.

Mrs. Roland said everybody that has not had their continuing education that's not a new Board Member for 2020, we included some online training in the packet. If you'll get with me, I'll get you set up for that. And I'm already working with the two new Board Members to get them set up with their New Board Member Orientation Training. She said Ms. Leebrick has already gotten her new board materials and she is in the process of doing it now. Everybody, all Board Members, other than new Board Members are required to have three hours continuing education credits for each year they're on the Board, except when they first come on, they have to have the New Board training, and this does not apply to attorneys, although if they wish to take the training, they certainly can.

Mr. Trail said he wanted to once again, welcome our two New Board Members, Anne and Kenneth. It's a pleasure to have you all aboard, and be glad to see you in person, hopefully sometime soon. But anyway, glad to have you on board. If there's not any other discussion, is there anything else we need.

There being no further business, the meeting was adjourned at 7:34 P.M.



Ray Trail, Chair

Minutes edited by Julie Roland,
Administrative Assistant