

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of Meeting of September 16, 2009

Commissioners Present: Staci Blatt (Vice Chair), Bette Carter, George Henry, John Ogletree, Larry Phillips, Brook Tate, Jo Tyler

Commissioners Absent: Ralph Freeman (Chair), Barbara McCoy

Staff Present: Tim Murphy, City Planner; Sam Fritschner, City Attorney, Lu Ann Welter, Administrative Assistant

I Call to Order. The Vice-Chair called the monthly meeting of the Hendersonville Historic Preservation Commission to order at 5:02 p.m.

II Agenda. *On motion of Commissioner Tate, seconded by Commissioner Tyler, the Commission approved the agenda.*

III Minutes. *On motion of Commissioner Carter, seconded by Commissioner Tyler, the minutes of August 19, 2009 were approved.*

IV Gypsy Heart (H09-27-COA) Findings of Fact and Conclusions of Law. Sam Fritschner, City Attorney, explained these findings were necessary for this matter which is under appeal to the Board of Adjustment. He based the findings on the minutes approved at the August 19 meeting.

Commissioner Tate moved the Commission to adopt the Findings of Fact and Conclusions of Law for file number H09-27-COA. The motion was seconded by Commissioner Tyler and passed unanimously.

V 123 Fifth Avenue East, Certificate of Appropriateness. After swearing in potential witnesses for both hearings, the Vice-Chair opened the public hearing. At the request of Tim Murphy, City Planner, Commission File No. H09-12-COA was admitted into evidence and the Commission took official notice of the Code of Ordinances of the City of Hendersonville and the Commission's Design Guidelines. Mr. Murphy gave the following background:

The Planning Department is in receipt of an application for a certificate of appropriateness from Ariel Glassman to undertake the following work at 123 Fifth Avenue East:

1. Install a new rolled roof membrane to serve as the floor of a rooftop patio for Vue Wine Bar patron use.
2. Install a metal guardrail on the roof of the building.
3. Install an enclosure around a staircase that provides access to the roof.

Staff has determined that the installation of the proposed rolled roof membrane is a "minor work", and issued a certificate of appropriateness for its installation on March 23, 2009. Although an actual wooden deck is not proposed to be constructed on the roof, the installation of the guardrail and the staircase enclosure is equivalent to installing a rooftop deck since they will alter the City's skyline and facilitate public use of the rooftop. Rooftop decks are included in Section 4 of the Main

Street Design Guidelines, entitled *Additions and New Construction*. Since new construction and additions are considered to be “major works”, the installation of the metal guardrail and the staircase enclosure must be reviewed by the Historic Preservation Commission. A copy of the application is included with this memorandum along with sketches of the proposed improvements and photographs of the existing building.

The subject property is listed as **contributing** in the *Main Street Local Designation Report*. The property is described as:

123 Fifth Avenue East. Commercial Building, ca. 1940. Modern two-story red brick building with casement windows on the second story. Modern storefront.

The subject property is listed as **non-contributing** on the National Register and described as:

123 5th Ave. E. Modern two story, simple red brick structure. 2nd story. Windows altered. New storefront with bay window in recessed area.

Based on Henderson County tax records, the existing building is 20' wide along 5th Ave. E. with a depth of 100'. It is attached to a building to the west owned by Michaelian Homes (Parcel ID no. 9568880650). A faded sign that says “Durham Edwards” is visible on the upper façade of the Michaelian Homes building from the east along 5th Ave. City Hall is located to the east.

The metal railing will be installed on the building's roof, approximately 1' away from the outside edge of the brick parapet adjacent to 5th Ave. E. and City Hall. The height of the metal railing will be 42". The applicant has stated that the metal guardrail will be similar in appearance to what was installed at the street level of the building. As shown on the attached sketch provided by the applicant, the proposed metal railing will enclose an area approximately 18.5' x 24' (444 sq. ft.).

The staircase enclosure will be setback 14.5' from the edge of the roof along 5th Ave. E. and 8' from the eastern edge of the roof. The top of the roof of the staircase enclosure will be approximately 6' above the brick parapet. Per the application, the stair enclosure will have a gray metal roof and a fiber cement stucco panel finish.

The metal guardrail and staircase enclosure will be visible alterations to the City's skyline. However, the setback of the proposed metal guardrail and the staircase enclosure from the edge of the building will reduce the visibility of these improvements from the adjacent streets. Staff has supplied photographs of existing structures around Hendersonville that are similar to the staircase enclosure in order to provide an idea of the visibility of the proposed improvements from the surrounding streets. Many of the existing structures are not visible from the adjacent streets and can only be observed from several blocks away.

Mr. Murphy reported the applicant did not meet with the Design Review Advisory Committee. The Vice-Chair asked if there were any questions of staff.

The Vice-Chair asked if the applicant would like to say anything. Lawrence Kobesky said he is the owner of Vue and that it has been one year since they were here to ask for the improvements to the front. He said the term deck is inappropriate as no lumber will be used. The membrane will be the floor. Mr. Kobesky said they will not be building the “doghouse” enclosure for the stairway cover but will be using a hatch with railing that will be opened when the deck is in use. He distributed revised drawings of the rooftop deck. He said they would like to do an awning that will cover the back half of the deck. Mr. Kobesky introduced Will Everett who will be working on the project. Mr. Everett explained the awning will be freestanding and setback 16 feet from the front face of the wall. It will have a very small slope, about 1 in 12, and will be freestanding with

steel posts so the awning could be removed for maintenance and such. Commissioner Tate asked how the hatch and awning will work. Mr. Everett said the hatch is like the door to a basement and will be flat on the roof. He said it would be 32 to 36 inches long and will be under the awning. The awning will keep the rain off the hatch and the patrons. Commissioner Carter asked if the awning will be canvas and what about leakage. Mr. Everett said yes it would be canvas like the one on the front and he has been told it should hold up well. Commissioner Ogletree asked if it will be up all year. Mr. Kobesky said yes except for maintenance reasons or if a big storm was coming. He added the floor of the roof would utilize green technology. Mr. Everett said they will be using recycled-material pavers. Commissioner Ogletree asked if he heard correctly that the awning will be 8 inches thick. Mr. Everett said yes, the overhang would be similar to the awning on the front. Commissioner Tate commented it won't be seen from the street.

The Vice-Chair asked if anyone else would like to speak. The public hearing was closed.

Commissioner Henry said it looks good. Commissioner Tate said it gets people up on a historic building. Commissioner Carter said it looks good.

Commissioner Tate moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H09-12-COA, if constructed according to the information reviewed at this hearing and any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Main Street Historic District for the following reasons: 4.3.3 Construct decks, balconies, terraces, and rooftop decks so that there is the least possible loss of historic fabric. Also, ensure that character-defining features of the historic building are not obscured, damaged, or destroyed and 4.3.5 if a new deck or balcony is to be constructed, its design should be compatible in materials and detail with the main building. The motion was seconded by Commissioner Henry and passed unanimously. The Vice-Chair added that the approval is based on the new drawing.

VI 1721 Clairmont Drive, Certificate of Appropriateness. At the request of Tim Murphy, City Planner, Commission File No. H09-39-COA was admitted into evidence and the Commission took official notice of the Code of Ordinances of the City of Hendersonville and the Commission's Design Guidelines. Because of the scope of this project, Mr. Murphy requested the Commission grant a one year approval as opposed to the usual six months. Mr. Murphy gave the following background:

The Planning Department is in receipt of an application for a certificate of appropriateness from Nathan Cuttle to rehabilitate the house and site features at 1721 Clairmont Dr. The applicant also intends to construct a new addition to the side and rear of the house. Due to the fact that a building addition is proposed and that the other improvements will significantly change the appearance of the property, staff has forwarded this application to the Historic Preservation Commission for review as a "major work".

The subject property is listed as **contributing** in the *Druid Hills Local Designation Report* and is described as:

1721 Clairmont Drive. James T. Fain House. Contributing. ca. 1925.

Unusual vernacular Bungalow style one-story house with eyebrow dormers and French doors on either side of a front chimney opening onto a front patio. Walls are the original

lapped wood siding. Clipped gable roof. Wing on the north side. Windows are two-over-two, and front doors are the French doors with sidelights. Walkway and stairs lead to the recessed entry at the northeast corner of the house. **Garage. Contributing. ca. 1925.** One-story gable roof building with wood siding.

The subject property is listed as **contributing** on the *National Register* and described as:

1721 Clairmont Drive. James T. Fain House. Contributing. ca. 1925.

Unusual vernacular Bungalow style one-story house with eyebrow dormers and French doors on either side of a front chimney opening onto a front patio. Walls are the original lapped wood siding. Clipped gable roof. Wing on the north side. Windows are two-over-two, and front doors are the French doors with sidelights. Walkway and stairs lead to the recessed entry at the northeast corner of the house. **Garage. Contributing. ca. 1925.** One-story gable roof building with wood siding.

The proposed building and site modifications have been organized below based on the façade or yard affected.

Entire house:

1. Repair and restore wooden siding to match the existing materials.
2. Replace wooden windows with new simulated divided light wooden windows matching the style of the existing windows.
3. Replace existing architectural shingle roof with new architectural shingle roof.

Front façade (see Front Elevation plan):

1. An addition was previously constructed on the front of the house. The applicant proposes to move the front wall of the addition back approximately 3' in order to create an overhang over the front door.
2. Replace existing front door on the existing addition with a wooden door currently installed on the interior of the house that the applicant believes is the original front door (see attached photograph of proposed door).
3. Replace the jalousie sidelight windows on the existing addition with wooden windows and extend the length of the sidelights.
4. Demolish existing stucco chimney and rebuild it to its current height using brick that matches the brick foundation.
5. Extend the front porch across the full width of the front façade so that both sets of French doors open onto the porch.
6. Replace the front steps with brick matching the brick foundation.
7. Install light fixtures on the front porch (see attached lighting details).
8. Install a new metal railing on the front steps.

Northern Side façade (see Side Elevation plan):

1. Construct a building addition with material matching the appearance of the existing house.
2. Raise the elevation of the existing roof ridge in order to accommodate the ceiling height of the proposed addition.
3. The proposed addition will have 1 more window than the existing side façade.
4. The doorway on the side façade will be eliminated.

Rear façade (see Rear Elevation plan):

1. Construct a building addition with material matching the appearance of the existing house.
2. The existing rear façade has 2 windows. The rear façade with the proposed addition will have 7 windows.

3. A new doorway opening onto a proposed deck will be installed on the rear façade.

Southern Side façade:

1. Remove existing white oak that is within several feet of the side of the house. Limbs of the white oak extend across the entire roof of the house. The applicant has provided a letter from Epperson's Tree Service documenting that the white oak is healthy but has caused damage to the building foundation and roof and therefore needs to be removed (see attached letter).

Front yard:

1. Install a sidewalk along Clairmont Dr. to connect to the sidewalk on the adjacent properties.
2. Install a brick retaining wall with steps along the front of the property and along the driveway.
3. Install a sidewalk from the proposed sidewalk along Clairmont Dr. to the front porch. The proposed sidewalk will begin in the approximate center of the lot along Clairmont Dr., will lead to a proposed garden area in the center of the front yard, and then to the front porch. The existing sidewalk from Clairmont Dr. to the front porch will be removed.

Rear yard:

1. Demolish the existing shed in order to allow 2 vehicles to park on the property without stacking.
2. Install a brick paver patio.
3. Install a retaining wall with a French drain near the rear of the property to control stormwater.

Mr. Murphy reported the Design Review Advisory Committee met with the applicant at 1721 Clairmont Dr. on September 2, 2009. The meeting was held at 1721 Clairmont Dr. so that the Committee members could observe the existing conditions. The Design Review Advisory Committee provided the following recommendations to the applicant:

1. The Design Review Advisory Committee is satisfied with the proposed addition since it will be constructed near the rear of the house and will be in keeping architecturally with the existing form, proportions, materials and detailing of the original house.
2. The applicant intends to replace the stucco chimney on the front of the house with a brick chimney. Committee member John Horton questioned if the original chimney was stucco. Mr. Horton recommended that portions of the stucco be selectively removed to confirm whether the chimney was originally exposed brick or stucco. If originally stucco, Mr. Horton recommended that the chimney remain stucco.
3. Committee member Terry Ruscin questioned whether it was necessary to remove the white oak tree or if the branches over the house could just be trimmed. The applicant said that Epperson's Tree Service told him that trimming the branches would kill the tree due to its age. The applicant also pointed out that the tree's location poses a threat to the side of the house and foundation as well as the roof.
4. Mr. Horton recommended restoring the original windows as opposed to installing simulated divided light wooden windows. The applicant raised concerns regarding the cost of restoring the original windows as well as the effect it would have on the resale value of the house due to negative perceptions regarding their heating efficiency and maintenance.
5. Mr. Horton expressed reservations regarding the proposed extension of the porch across the entire front facade, assuming that the porch is an original feature.

Mr. Murphy added the Planning Department has received several phone calls from the neighbors and they support this project enthusiastically. The Vice-Chair asked if there were any questions of staff. Commissioner Tate asked if during the DRAC meeting there was any discussion of saving the shed as it is listed as a contributing structure. Mr. Murphy said that Becky Poole was ok with removing it, otherwise there were no comments. The Vice-Chair asked if the applicant would like to say anything. Nathan Cuttle, property owner, said this is a pretty extensive renovation and he and his wife are looking forward to living in the Druid Hills neighborhood. He said the house is not livable at this time so they will not be living on site during construction. Addressing the DRAC concerns, Mr. Cuttle said the tree should come down for safety reasons though he would love to save it. The branches go across the roof over the bedroom and could kill someone if they came down. Concerning the stucco on the chimney, Mr. Cuttle said he believes brick was the original surface and the stucco was added later to help with water leakage. He said the flashing detail is pulling from the roof and the mortar is dissolving. In regards to the patio extension on the front of the house, he feels it would be a benefit to the community as a place to interact and will help the symmetrical balance of the house which is very symmetrical to begin with. Commissioner Tyler asked about an attic going in as the elevation drawings show the roofline higher. Mr. Cuttle said the drawings are off a bit as he was using CAD to show them. They are based on approximate measurements. He said there is no change to the elevations except as necessary to construct the additions. Commissioner Tate asked the depth of the existing porch. Mr. Cuttle said six feet. The Vice-Chair clarified the eyebrow windows will be the same size. Mr. Cuttle said yes. The Vice-Chair clarified the address of the property is 1721. Mr. Cuttle said yes. Commissioner Tyler asked about the aparent window in a closet. Mr. Cuttle said the space is also a dressing room and he would like natural light. Commissioner Carter asked about the timeline. Mr. Cuttle said around 8 months.

Commissioner Tate asked about the location of the garage. Mr. Cuttle showed the location and said it is made of different materials and has a dirt floor. He said they would like to park back there so they are not moving cars around when one has to leave. Commissioner Henry added the garage is pretty nasty. Mr. Cuttle said if they did not extend the front porch to the far French door, the door would open to a 30 inch drop where they would be required to build some kind of steps or landing. Commissioner Carter asked about the siding. Mr. Cuttle said most of it is in good shape but he will replace with new wood if necessary. Commissioner Tate asked if he would be replacing all the windows regardless of condition. Mr. Cuttle said yes, he would like good energy efficiency. Commissioner Tate asked if the French doors would be replaced. Mr. Cuttle said yes, due to moisture they are falling apart from the ground up. Commissioner Tyler asked where the heating unit would be. Mr. Cuttle said there is a crawl space underneath. Commissioner Tate asked about the brick Mr. Cuttle brought with him. He said this is reclaimed brick he would like to use for the sidewalk. Commissioner Tate said it would look nice.

With no further questions, the Vice-Chair closed the public hearing. Commissioner Carter said this will improve the house. Commissioner Ogletree said there are many large trees in Druid Hills and some do pose a safety hazard. Commissioner Tyler agreed it should come down. Commissioner Tate expressed concern with removing the shed as it is a contributing structure. Commissioner Carter said they have allowed it before. Commissioner Henry asked if anyone had any comments on the additions. Commissioner Tate said they look good to her.

At the request of Commissioner Tate the Vice-Chair reopened the public hearing. Commissioner Tate asked if a railing would be required around the front porch. Mr. Cuttle said the retaining wall in the front would raise the yard and landscaping so it would not be necessary. The Vice-Chair closed the public hearing.

Commissioner Carter moved the Commission to find as a fact that the proposed application for a certificate of appropriateness, as identified in file number H09-39-COA, if constructed according to the information reviewed at this hearing and any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Druid Hills Local Historic Overlay District for the following reasons: 2.2 Site Features and Plantings, 2.3 Fences and Walls, 2.4 Walkways, Driveways & Off Street Parking, 2.5. Garages and Accessory Structures, 2.6. Lighting, 3.5. Roofs, 3.6. Exterior Walls, 3.7. Windows and Doors, 3.8 Entrances, Porches and Balconies, 4.1 Decks, 4.2 Additions to Historic Buildings and 5.2 Demolition. The motion was seconded by Commissioner Henry and passed unanimously.

The Commission took a ten minute break.

VII Public Input for Main Street Expansion. Mr. Murphy gave the following background:

The Planning Department is in receipt of a proposal from the City of Hendersonville's Historic Preservation Commission for the expansion of the Main Street Local Historic Overlay District. The Main Street Local Historic Overlay District was originally adopted by City Council in 2007 and was further expanded to more closely match the boundaries of the Main Street National Historic District in 2009. The current expansion of the Main Street Local Historic Overlay District has been proposed in order to incorporate other prominent historic buildings in downtown Hendersonville into the overlay district and to prevent building modifications that are incompatible with the Main Street Local Historic Overlay District such as the façade change at First Citizens Bank on the corner of Main Street and 6th Avenue West.

The expansion of the Main Street Local Historic Overlay District requires an amendment to the City's Zoning Ordinance by City Council. Since it is an "overlay" district, properties included in the proposed expansion will continue to be zoned as they are currently but will also be subject to the requirements of the overlay district.

Establishing local historic districts is a means by which the City, for the purpose of preserving historic districts and landmarks, can regulate the changes a property owner can make to the exterior facades of buildings and site landscapes. Inclusion of a property in the Main Street Local Historic Overlay District requires the issuance of a certificate of appropriateness from the Historic Preservation Commission prior to altering the appearance of awnings, parking lots, lighting, storefronts, side and rear facades, decks, windows and doors as well as constructing new buildings or demolishing existing buildings. Although some major projects need to be approved by the Historic Preservation Commission at a public meeting, many minor projects can be reviewed by City staff within several days of receiving the application. All certificate of appropriateness applications are reviewed in accordance with the Main Street Local Historic Overlay District Design Guidelines to determine if the project is appropriate.

Following is a history of the Main Street Local Historic Overlay District as well as the current proposed expansion:

- **May 3, 2007:** Main Street Local Historic Overlay District established by City Council
- **November 18, 2008:** Historic Preservation Commission directs Chairman Ralph

Freeman to address Council regarding the expansion of the Main Street Local Historic Overlay District

- **December 4, 2008:** City Council agrees to consider the expansion of the Main Street Local Historic Overlay District after a presentation by Ralph Freeman.
- **April 16, 2009:** Southeastern Preservation Services retained by the Historic Preservation Commission to prepare a designation report for the expansion of the Main Street Local Historic Overlay District.
- **July 9, 2009:** 32 properties added to Main Street Local Historic Overlay District by City Council. The boundaries of the Main Street Local Historic District and the Main Street National Historic District now match with the exception of a portion of the property at 124 5th Avenue West that is only in the National Historic District.
- **August 4, 2009:** Comments on Southeastern Preservation Services' expansion report received from the State Historic Preservation Office noting that *"The designation report provides adequate architectural and historic contexts for the significance of the district"*.
- **August 16, 2009:** At its regularly scheduled meeting, the Historic Preservation Commission decides to formally review the expansion of the Main Street Local Historic Overlay District for recommendation to City Council.
- **August 28, 2009:** Staff provides written notice of the Historic Preservation Commission's review of the proposed expansion to all affected property owners.

The proposed expansion surrounds the current Main Street Local Historic Overlay District and is bounded by 7th Avenue to the north, Grove Street and King Street to the east, Allen Street to the south, and Buncombe Street and Washington Street to the west. The proposed expansion of the Main Street Local Historic Overlay District adjoins the West Side National Historic District along Buncombe Street, 4th Avenue West, and Washington Street. Dates of construction of buildings located in the proposed district expansion range from 1912 to 2009. The period of significance ranges from 1912 to 1960. Predominant architectural styles found within the expansion include the Queen Anne, Craftsman Bungalow, Commercial, Colonial Revival, Neoclassical Revival, Gothic Revival, Minimal Traditional, and Modern building styles.

The expansion contains 34 properties that are contributing to the character of the historic district, 34 properties that are non-contributing to the character of the historic district (due to the fact that they were constructed after 1960 or have been extensively altered) and 34 properties that are vacant and have not been improved with buildings (ex. parking lots). Non-contributing properties and vacant properties can be included in a historic district when they are an integral part of the district (i.e. surrounded by or connecting contributing properties).

The power to recommend the local designation of historic districts and/or landmarks is given to the Historic Preservation Commission in Section 28 of the City's Historic Preservation Ordinance which is located in Hendersonville's City Code. The following process regulates the local designation of historic districts and ensures that they are established on terms of special significance as described above. This process is outlined in Section 28-112 of Hendersonville City Code and includes the following: *"(a) Investigation and recommendation by historic preservation commission; (b) Review by the department of cultural resources; (c) Review and comment by the planning board; (d) Designation by city council."*

As was previously stated, comments from the Department of Cultural Resources State Historic Preservation Office have already been received. If the Historic Preservation Commission votes to recommend approval of the expansion of the Main Street Local Historic Overlay District, then a Zoning Ordinance amendment will be forwarded to the Planning Board for review and recommendation at their meeting on October 12, 2009. It is anticipated that City Council will review the proposed Zoning Ordinance amendment to expand the Main Street Local Historic Overlay District at their meeting on November 5, 2009. All affected property owners and owners of property adjacent to the affected properties will be notified of the Planning Board and

City Council meetings, should the proposal move forward for adoption.

The Vice-Chair said they would now take public comment. She said each speaker would be limited to three minutes by timer and asked the comments be directed to the Commission and they would try to answer questions at the end.

- Don T. Bowman of the Reformation Presbyterian Church said they are opposed being included in the historic district and it would be a detriment to their church.
- Waymon Morris said he was here to represent the interest of Ashling-Morris and those of the Shipman Family. He said they are opposed to the expansion of the district as it is not needed, asked what the reason was for the expansion, if property owners would have a chance to vote for or against it adding he felt property owners are pushed to the brink with regulations.
- Earl Bowens, of First United Methodist Church, said he appreciated a chance to speak and said they are opposed to the inclusion. He said the potential impact to upgrade to historical standards, with another review step, and more regulations would impact them financially. He sees no benefit for the church to be part of the district.
- David Adams said he represents TJF Enterprises and Millers Laundry. He said this is the third time in two years the City has wanted to include their property in the historic district. After his property was excluded the last time, he thought this was done. He said it is excessive, they don't want an extra layer of approvals, and things are fine as they are.
- Melody Shepherd said she represents Shepherd Funeral Home, the oldest business in Hendersonville. She said they take pride in their business and surroundings and do not understand why the city is unhappy with things the way they are. If there is a problem, lets work together to solve it.
- Ed Buckenberg of the American Legion Post 77 read a letter from their Commander, R. Shuford Edmiston. He added there is nothing historic about their building or parking lot and we need to defend land titles.
- Bryon Bryson of 206 3rd Avenue West said his property is listed in the expansion but his neighbor is not. The boundaries do not appear to be fair.
- Steve Briggs of First Baptist Church agreed with comments from First Methodist and said they do not want to be in the district. He said churches can find it hard to afford maintenance to the interiors and exteriors of their buildings. He said churches do not operate like commercial businesses and when things go wrong, they need to be fixed now. He added not all of their properties are included making it difficult for future building.
- Frank Kelsch of Immaculate Conception Catholic Church echoed the comments of First Methodist and First Baptist and said they are against the expansion. He said their church was built in 1998 and would be a non-contributing structure. He asked if they would have to follow the same guidelines as a contributing structure. He said he felt they were included to get the Penney Insurance Building.
- Jason Sumner of Spinning Wheel Rugs said he thought this was finished two years ago. He said they don't make garbage of their buildings and was concerned that large buildings that are too big to be changed could become white elephants.
- Jimmy Edney said he represented Betty May who ran the American Drug Co. on King Street for 70 years. He said the Commission has done a super job with Main Street but it does not need to extend beyond that area.

- Boyd Massagee said he and his partner Ken Youngblood own a vacant lot where a building burned down. According to the City Code Section 28-11, the Commission is charged to protect properties with elements of culture, history, prehistory and architectural history. He does not see what a vacant lot has to do with that. He questioned whether it was legal to include such a lot.
- Larry Rogers of Partners for Economic progress said he represents seven property owners. He wanted to know why the Commission wants this control.
- Harley Stepp said he is a native, worked here all his life, and feels the preservation effort is about 100 years behind. He said any historic buildings still standing have been renovated, changed and rebuilt to new uses. He said he is working with the City's plan for a convention center and would hate to see this stop it. He said good things are going on and should not be held up.
- The Captain with the Salvation Army said some of their properties are included and some are not. He said it is hard to move forward and does not agree with this proposed change or understand why it is happening. What is the benefit? He said they respectfully decline.
- Buddy Massagee said he is the owner of 2 lots and on his block there is only one historic building so why are the rest included. He too questioned if the statutes allow parking lots and non-historic buildings.
- Becky Banadyga, representing Louis Sherman, said they did not want to be included.
- Ed Smith asked when the questions would be answered. (The Chair said after all the comments.)
- Jon Blatt said all the comments have been negative and the Commission should consider that. He said this is quite a bit of control the Commission is taking and property owners don't need another layer.
- Pastor Dan Martin of First Methodist Church said they plan to stay downtown but will have to build up for any expansion. He said this could hurt plans for necessary growth by increasing the costs.
- Mr. Murphy said he had received letters from Church Street Exxon, First Citizens Bank, the H. D. McCallister Family, Michaelian Home and was expecting an e-mail from Penny Insurance, all opposing the district.

With no one else coming forward, the Vice-Chair closed the public input session. Questions voiced from the floor included:

- where did the boundaries come from
- why is this happening now
- if this could be put to a vote of the affected property owners
- why weren't property owners noticed earlier
- how decisions are made on what is appropriate in the district and
- how will this be decided.

The Vice-Chair asked Sybil Argintar of Southeastern Preservation Services to address questions on boundaries. Ms. Argintar said she was hired by the Commission to do this report following the state and cultural resources specifications. The boundaries of any historic district must be continuous leaving no holes. She said the outer boundary lines can change and be adjusted but you cannot delete properties within the center of the district. She then explained the standards for contributing (being historically significant) and non-contributing properties (constructed after 1960 or having been extensively altered).

Lu Ann Welter, Administrative Assistant, gave some background that City Council had allowed the Commission to study a possible expansion of the Main Street District following alterations to the First Citizens Bank and to clean up the boundaries of the Main Street Local District. The Commission then sent out Requests for Qualifications for professionals to do a study report. Of those received, Sybil Argintar was chosen by the Commission. After completing the study, it was sent to the state preservation office that reviewed it and sent comments back to the commission. The Commission then scheduled this public comments session.

Mr. Murphy said he did not know if taking a vote of the property owners was an option. He said notice was sent to the property owners for this meeting and if it moves forward, letters will go to the property owners and the properties adjoining the expansion prior to Planning Board and City Council review.

The Commissioners commented on this being the first time they have met on this topic and are here to listen to the public's concern. They added that Certificates of Appropriateness, necessary for exterior changes, are reviewed on a case by case basis and they reference the Design Guidelines to make their decision. The Vice-Chair said they will not be making a decision on this tonight but will continue it to the next meeting. Mr. Murphy said the Commission will next meet on October 21 at 5:00. The Vice-Chair thanked everyone for coming.

Commissioner Tate moved the Commission continue this item until their next meeting. The motion was seconded by Commissioner Henry and passed unanimously.

VIII Rules of Procedure Text Amendment. This is the second reading of this amendment.

Commissioner Tate moved the Commission to adopt the amended City of Hendersonville Historic Preservation Commission Rules of Procedure as proposed. The motion was seconded by Commissioner Henry and passed unanimously.

IX Committee Reports – No reports.

X Commissioners Comments. None

XI Staff Comments. Mr. Murphy reported the flyer for the beautification week has been sent out.

He said training is scheduled for Commission members and the general public on Wednesday October 14 from 9:30 until 4:00. Any one wishing to attend should let him know by October 9.

XII Financial Report. ***The Financial Report was passed by consensus.***

XIII Adjournment. ***The meeting adjourned at 7:45 p.m.***