

# WINCHESTER HISTORIC PRESERVATION COMMISSION

## **Minutes for the meeting held on March 19, 2009**

A meeting of the Winchester Historic Preservation Commission was held on Thursday, March 19, 2009 @ 6:30 PM at City Hall with Commission Chair, Tracey Miller presiding.

Commissioners present: Tracey Miller, Chair; Ginger Shank, Susie Shearer, Andrea Taft, Jeff Phelps, Claire Sipple, Planning Director Rhonda Cromer, and Planning Intern Julia Lepping.

Ms Shearer made a motion to adopt the meeting minutes of February 19, 2009, upon amendment. Mr. Phelps seconded, and the motion passed unanimously.

Ms Miller reported that there are still pending minutes from the December 4, 2008 meeting, as Henry Jackson did not take notes and the audio tape recording of the meeting was not clear. Ms Cromer said that in the mean time the Commission needs to determine who was present at those meetings. She said that she could draft an affidavit (to be signed by the Commissioners present at those meetings) and submit that and other records for payment, with the understanding that Finance may or may not consider that sufficient. The commission determined that everyone but Ms Shank was present at the December 4, 2008 meeting.

Ms Miller reported that there were three administratively approved Certificates of Appropriateness (COA) for signage (104 S Main, 2 N Main, and 29 S Main). She said that in the future if sign requests are approved by the staff and meet HPC and City of Winchester criteria, the COA cases do not need to be brought in front of the HPC.

Ms Miller reported that Ms Sipple has resigned from her position as Secretary/Treasurer, due to her acceptance of another position with the Kentucky River Authority. Ms Miller opened the floor for nominations for Secretary/Treasurer. Ms Shearer nominated Ms Shank; Ms Shank accepted. Ms Miller seconded, and the vote was unanimous.

Ms Cromer strongly urged the HPC to develop bylaws, considering the quasi-judicial nature of the Commission. She said that without bylaws, if something were to go to court it could be problematic. The Commission expressed interest in reviewing bylaws from neighboring counties and possibly using them as precedents. Ms Lepping volunteered to research HPC bylaws for Richmond, Versailles and Lexington, KY. The Commission discussed defining election regulations when they assume a set of bylaws.

Regarding the McEldowney contract: Mr. Phelps will meet with Mr. Guerrant, and Ms Miller told Mr. Phelps to execute the contract once he got the go-ahead from him. Mr. Phelps reported that he spoke with Glen, who is busy with other projects. He said that Glen had initially agreed to complete work over a term of sixty days, which he may no longer be able to achieve. Mr. Phelps said that he asked Glen to come to Winchester and

complete two site visits, after which the timeframe of sixty days, as specified in the contract, would begin. Mr. Phelps said that despite changes made to the original contract, it does not need to be amended. Ms Cromer reported that the original contract was signed but not dated, and that for legality purposes it needs to be dated. Mr. Phelps volunteered to have Glen sign another copy of the contract.

Mr. Phelps briefed the Commission on the Winchester First Façade Grant Workshop, held on February 24, 2009. He reported that Winchester First is administering \$150,000 in facade grants, and that he spoke on behalf of the HPC about prospects for buildings within the Historic District Overlay (HDO). Ms Miller said that the meeting was positive and that they tried to thwart the confusion that occurred in HPC's infancy by encouraging property owners to approach the HPC with a COA application before applying for a façade grant. Mr. Phelps clarified that easement in perpetuity is not part of this grant, as it has been in the past. Ms Taft stated that Lara Thornbury emphasized at the meeting that the process of receiving a façade grant was going to be very tightly controlled, so that an applicant could lose their grant if they neglected to adhere to grant deadlines and regulations. Ms Sipple added that Ms Thornbury is going to be making weekly visits to every applicant so that the grant application will be finished and submitted in an appropriate timeframe. Ms Miller expressed concern over enforcement consistency within the HPC, and claimed that no one is policing the historic district. She said the ordinance states that the building inspector should ensure that COAs are completed correctly. Ms Miller said she wants to look at the procedure for code enforcement to be sure that the correct person implements the review, since in the past the planning director has deferred to code enforcement and not the building inspector. Ms Cromer said that she and Ms Lepping would investigate the issue. Mr. Phelps said that the issuance of a Certificate of Occupancy (CO) should be contingent upon adherence to the COA, but that it is currently being issued according to building inspection. He stated that the problem lies in the wording of the ordinance, which ties the COA to the building permit and not the CO, making it difficult for code officials to enforce the ordinance before construction actually happens. Mr. Phelps expressed that the ordinance probably needs to be amended.

Ms Sipple reported that the Vocational School does not have a masonry program. She said she thinks we still need to sponsor the workshop and go before the Kentucky Heritage Council (KHC). Ms Sipple stated that the HPC still has quite a bit of lime putty, and that Holly Rood is in need of first floor and foundation repairs. Ms Miller suggested marketing the workshop to the Department of Preservation at the University of Kentucky and to homeowners. The commission set a workshop target date of May 23/24, 2009. Ms Sipple said the cap for the program is eighteen people. Ms Miller made a motion to charge \$75 for the lime putty workshop. Ms Sipple seconded, and the motion passed unanimously. Ms Shearer volunteered to look into providing water and brown-bag lunches for participants. Ms Shank made a motion to extend an invitation to the workshop to Angelo Moccia at no cost to him. Mr. Phelps seconded, and the motion passed unanimously. Ms Sipple volunteered to get water donated from Ale-8-One.

Ms Miller said that in the past the HPC has hosted porch tours in honor of Preservation Month, and that if the Commission is interested in doing that again this year they will need to solicit homeowners, generate publicity, assemble a pamphlet, and create a map of the route using GIS. She said maybe

the Commission could get Nancy Turner, Director of Tourism, involved. Mr. Phelps reminded the Commission of the idea to enlarge historic photos of Winchester from the Bluegrass Museum to hang in windows in promotion of Preservation Month. He volunteered to assemble a collection of photos. Ms Taft suggested posting the history of each historic building. Ms Miller suggested asking participants to bring their old photos to share with everyone. The Commission defined the porch tour region as the Thomson subdivision. Ms Miller said that when the Commissioners contact homeowners regarding the porch tour they should encourage participants to produce a written history or brochure of their home. Ms Miller made a motion to host the porch tour in Thomson subdivision on June 20, 2009 from 1:00-5:00 PM. Ms Shank seconded, and the motion passed unanimously.

Mr. Phelps reported on John Milner Associates, Inc. (JMA), and discussed the possibility of having JMA review the Design Guidelines for the Winchester Downtown National Register District. Mr. Phelps said that he met with Charles Raith, JMA principal, and they discussed an appropriate fee range for the services, resulting in a \$2500 agreement. Mr. Phelps expressed interest in holding a public focus group where JMA could present their proposal; he said it would be good to have people attend who have had COAs rejected. Ms Shank inquired about producing deliverables, and Mr. Phelps said they could do it, but not for \$2500. Mr. Phelps said he thinks the Commission can gather guidance and direction from the focus group with JMA and then possibly amend the guidelines without their help, or at least produce a document that could be approved by the city attorney. Ms Miller asked Ms Cromer how many planning bodies typically open their amendment process to the public. Ms Cromer replied that it is best to include the public when it affects them. She said the issue often becomes having a strong leader, to ensure you receive productive input from public sessions. Ms Cromer said that the Commission should clarify that it is not trying to make the guidelines more restrictive, and suggested having a handout similar to an agenda to steer the discussion. The Commission decided to have a work session to direct the focus of the meeting with JMA, scheduled for April 8, 2009 at 8:30 AM in the training room in City Hall. Ms Shank volunteered to draft a public notice to be published in the Winchester Sun. Ms Miller made a motion to accept and execute the JMA contract upon two amendments: 1) that the HPC will provide the agenda for the focus group, and 2) that the term for payment be changed from net 30 to net 45, giving the HPC time to meet to approve payment. Ms Sipple seconded, and the motion passed unanimously.

The Commission clarified that there would be a total of 4-5 meetings regarding the Guidelines:

- 1) Work Session on April 8, 2009 (including HPC and public)
- 2) Closed Focus Group, date TBA (including HPC and JMA)
- 3) Closed Training Session, date TBA (including HPC and JMA)
- 4) Public Meeting, date TBA (including HPC, public, and possibly JMA)

Ms Miller adjourned the meeting at 8:23 PM.

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Rhonda Cromer, Planning Director

Ginger Shank, Secretary/Treasurer