

HISTORIC PRESERVATION COMMITTEE

MINUTES

12/9/2010

6:00PM

CITY HALL, EXECUTIVE CONF ROOM

MEETING CALLED BY	ANGELA CUTLER RAMBEAU
TYPE OF MEETING	HISTORIC PRESERVATION COMMITTEE
FACILITATOR	ANGELA RAMBEAU
NOTE TAKER	ANGELA RAMBEAU
TIMEKEEPER	ANGELA RAMBEAU
ATTENDEES	ANGELA RAMBEAU, NORM BROADWELL, TRAVIS ALLEN, JOAN BORZILLERI, MARK HANCOCK, JAMES FARRIS, BOB MEYERS, GORDON HUNTER, MARCIA O'SAUGHNESSY, MICHELLE MCINTOSH-ROSS, LYNN TULLY, MELISSA THOMAS DUBOIS, KAREN THURMAN

AGENDA TOPICS

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ITEM	REVIEW/COMPARISON OF THE VARIOUS ORDINANCE VERSIONS	ANGELA RAMBEAU
DISCUSSION	Angela opens floor to discussion of final draft of ordinance	
1.	<p>The Committee reviewed 3 versions of the HP ordinance:</p> <ol style="list-style-type: none"> The Original, as approved in July 2009 by the Historic Preservation Committee(HPC) The Planning Commission(PC) version, The PC/HPC 'compromise' version, Also included--Comments from the Georgia Department of Natural Resources (DNR). And referenced--the State of Georgia model ordinance <p>Angela summarized the discussion of each issue from the last meeting. Committee discussion followed:</p> <ol style="list-style-type: none"> Incentives/rewards—The Ordinance does not offer anything in the way of incentives. Members agreed that actual incentives should be created by the City Council. They suggested adding language to indicate that the HPC's powers would include making recommendations to the City Council for incentives, as necessary. <p style="margin-left: 40px;">Motion by Mark Hancock: To add a statement indicating that the HPC powers shall include the authorization to make recommendations to the City Council for possible incentives, as necessary. 2nd: Travis Allen. Vote: 8-0. Motion passed.</p> Penalties—Members did not like the tone of the Ordinance as revised. Penalties (with no incentives) make up a large portion of the revised Ordinance. Members agreed to leave the Penalties section, as suggested by Planning Commission, unchanged. <p style="margin-left: 40px;">Motion by Mark Hancock: To keep wording as shown in the December 21, 2009 PC version, Section VII, "Penalty Provisions". 2nd: Gordon Hunter. Vote: 8-0. Motion passed.</p> Historic District—Members felt that including provisions for a Historic District is an important element of the Ordinance. Once enough structures in a certain area have been declared historic, the City should have the option of incorporating a Historic District. Members want to change language back to what was originally agreed to by the HPC. <p style="margin-left: 40px;">Motion by Gordon Hunter: To add language making provisions for the creation of a Historic District, per the original language in the State model ordinance; to add a definition of contributing/noncontributing, as shown in the HPC version, Section 4.C.3.</p> 	

2nd: Joan Borzilleri. Vote: 8-0. Motion approved.

4. Appointment/Terms—Members felt that part of the last paragraph on page 3 is redundant. The following should be removed: “HPC members and ex-officio members shall serve terms as appointed by the Mayor and City Council.”

Motion: James Farris-- To remove redundant language “Commission members and ex-officio members shall serve terms as appointed by the Mayor and City Council.”

2nd: Melissa Thomas Dubois. Vote: 8-0. Motion approved.

5. Property owner’s approval—Members felt that the City Council should have the ability to nominate a property as Historic without the property owner’s approval. In particular, this language will provide protection for structures that the City feels should not be demolished. This language will be added back to the Ordinance, as written in the State Model Ordinance. Language about the appeals process for the property owner will also be added.

Motion: Mark Hancock—Remove Section 4.C.1.b., “An application from any group seeking designation for a property that does not include the property owner must include a sworn affidavit that the property owner consents to the application for such designation.” Change Section 4.C.1.a of the PC version to state, “Designations may be proposed by the property owner, the Milton City Council, the HPC or a historical society, a neighborhood association, or the owners of a particular group of historic properties.”

2nd: Travis Allen. Vote: 7-1. Motion approved.

Motion: James Farris—To add to Section 5.M to include, “Any property owner adversely affected by a Historic property designation or designation of contributing/non contributing within a Historic District, by the Milton City Council, may appeal to the Superior Court to Fulton County in the manner provided by law for appeals from conviction for the City of Milton ordinance violations.” 2nd: Norman Broadwell. Vote: 6-0, one member was not present for the vote. Motion approved.

6. Prior Use—Members felt that the City Council should at least have the option of considering this incentive. Staff notes that one member present had strong objections to this inclusion.

Motion: Travis Allen—To adopt wording as shown in the “compromise version” to create a Historic Preservation zoning designation. After approval by the HPC, the petition would follow the normal course of a rezoning petition, ultimately decided upon by the Milton City Council.

2nd: Joan Borzilleri.

2. The Committee reviewed the comments made by the GA Department of Natural Resources:

1. “You can add here that “paint will not be regulated by this ordinance.” ADD
2. “No mention of historic districts, will only individual building be included?” ADDRESSED
3. “Consider not omitting language about public right of way.” ADD
4. “Commission members may not serve more than three year terms, however they may be Reappointed.” ADDRESSED
5. “Consider adding language about employing persons if necessary to carry out the responsibilities of the commission (for future use as to not have to amend ordinance).” ADD
6. “This has national register implications, if a property can be moved and then later included as contributing.” KEEP
7. “This implies owner consent. This not part of an ordinance that is defensible through state law. HPD will not approve this for certified Local Government Status.” ADDRESSED
8. “Undue hardship has to be included in the ordinance. It has been omitted.” ADD, SEE STATE LANGUAGE.
9. “State law requires COA to be issued 45 days or it’s automatically approved. The Ordinance uses 60 days. This is in direct conflict with state law.” CHANGE

CONCLUSIONS

The HPC has taken into consideration the comments and concerns of members, Staff, the Planning Commission, the City Attorney, and the GA Department of Natural Resources.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Re-write HPC ordinance to include above changes.	Angela Rambeau	
Call HPC meeting, for final approval, as necessary.	Angela Rambeau	
Final draft of Ordinance to City Attorney for review	Ken Jarrard	
HPC to present final draft of Ordinance to Milton City Council at work session.	TBD—HPC member(s)	March 8, 2010
Milton City Council	HPC member(s)/Staff	March 15, 2010
Planning Commission to propose text amendment to add new zoning designation.	Paul Moore, PC Chair	

ITEM PARTNERSHIP WITH ALPHARETTA HISTORICAL SOCIETY NORM BROADWELL

DISCUSSION	Mr. Broadwell mentioned that some exciting things were in the pipeline. He suggested the possibility of merging the Milton and Alpharetta organizations, and forming a Milton County Historical Society. Also, he mentioned that they are looking for a home for the historical artifacts that have been collected around the area.	
CONCLUSIONS	Mr. Broadwell will keep us abreast of the upcoming opportunities.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE