

TOWN OF SCOTTSVILLE

Town Council

Regular Session

Monday, May 17, 2004, 7:00 p.m.

Victory Hall

401 Valley Street

Scottsville, Virginia

Mayor

R. Stephen Phipps

Town Council

Lillian M. Copeland

Heinz H. Gadiant

James P. Hogan

Jeannette E. Kerlin

Robert C. Mellow

Craig N. Stratton

MINUTES

1. CALL TO ORDER – Mayor R. Stephen Phipps called the meeting to order at 7:03 p.m.
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL of Town Council – Clerk of Council Amy Moyer called the roll. All members were present, with the exception of Mr. Mellow. Also in attendance were Town Attorney Lindsay Dorrier, Town Administrator Barry Clark, and several members of the community.
4. CONSENT CALENDAR
 - 4.1. Financial Report for April 2004 (Tab 1.5)
 - 4.2. Approval of Agenda
 - 4.3. Minutes of Regular Town Council Meeting of April 19, 2004 (Tab 5.1)

Upon a motion by Ms. Kerlin, seconded by Mr. Hogan, the consent calendar was adopted by voice vote.

5. MAYOR'S REPORT

Mayor Phipps congratulated the recently-elected councilmembers. The mayor also extended congratulations to Sarah Dorrier for her selection as Miss Dogwood Festival and to Charles Hall for receiving a JABA award for his volunteer service. Mayor Phipps noted that public hearings on the budget are scheduled for May 25 and June 21.

6. PUBLIC FORUM – No one rose to speak during the public forum.
7. APPEAL BY EVE BARNETT OF ARB DECISION REGARDING 300 VALLEY STREET (Tab 1.2)

Mayor Phipps explained the Architectural Review Board process of applying for a Certificate of Appropriateness. ARB member Fred Schneider related the history of Eve Barnett's application for replacement windows at the Bruce's Drug Store building. He and ARB chair Jeffrey Plank inspected the proposed replacement windows at the supplier's showroom and determined that these windows were inappropriate for use in the Historic District due to several features. These features included inauthentic muntins sandwiched between glass panes rather than on the exterior surface, a sharp-edged profile, and vinyl coating. Because of these features, the ARB felt that these proposed windows were not appropriate for a significant historic building like the Bruce's Drug Store building.

Mr. Schneider continued that the ARB also found replacement of these existing windows to be unwarranted, as they are of sufficiently good condition to be repaired rather than replaced. He further noted that a key tenet of the Secretary of the Interior's guidelines is to retain original material rather than replace, and that he also felt repair would be more economical. Per Mr. Schneider, the applicant seeks to replace three windows on the Main Street side of the building and three at the rear underneath the porch; all six windows are double hung, and the rear windows are two-over-two. Ms. Copeland inquired as to energy-efficient interior window treatments. Mr. Schneider responded that interior storm windows are frequently used to retain the traditional exterior appearance.

Eve Barnett stated that she and Cecilia Ouspensky own the Carlton House, which had major renovations in 1927 and after damage by Camille and Agnes. She seeks to replace three second-floor windows on the south side of the building and three in the rear of the building under the porch; she noted that the rear windows are in a well, out of view of the park. Mrs. Barnett remarked that the existing windows are rotten and not energy efficient, and clear glass is needed rather than the frosted glass formerly used in the side windows to obscure storage and ducts. She would like to replace these windows with well-made, double-hung, vinyl windows.

Mrs. Barnett commented that no one from the ARB or Town Council has come to see the new windows stored in the Bruce Building. She stated that this is not a restoration project, but they are trying to repair and rehabilitate as money permits. Mrs. Barnett pointed out that they have restored the stained glass windows and beautiful tin ceiling, which can be enjoyed from the street. Mrs. Barnett then quoted from the ARB guidelines that they "are not to be considered mandatory". She continued that the Uniform State Building Code states that the ARB has no authority to dictate the manner of construction or materials to be used in repairs, and noted that neither the town attorney nor the mayor commented on the Attorney General's letter she submitted to them. Mrs. Barnett also gave several examples of buildings where replacement materials other than the original materials were used. She commented that they are not changing the appearance or character of the building and requested that Town Council reconsider their unprecedented work session vote.

Mr. Dorrier remarked that the Attorney General letter states that an ARB has no authority to enact building regulations. He stated that the ARB's design standards are different from building regulations because they are recommended, not mandated, and do not have the force of law; therefore, this is different than the Portsmouth case of 1996. Mr. Dorrier commented that his not responding to Mrs. Barnett was not intentional, but he wanted to give his opinion to Town Council first.

Mrs. Barnett remarked that it is not less expensive to repair the existing windows, plus they would have to add interior storm windows. She stated that she too wants to keep the historic appearance and importance of the building, but these are already not the original windows. Larry Barnett added that he was quoted a price of \$600 for restoration.

Upon a request by Mr. Gadiant, Mr. Dorrier quoted from Zoning Ordinance section 18.6.11 regarding the Town Council's right to reverse or affirm the ARB determination. Ms. Copeland asked Mr. Schneider to speak on the repair costs for windows at the Scottsville Tavern. Mr. Schneider replied that it took the painter approximately four to six hours per window at a rate of \$25 per hour, and he opted not to use interior storm windows. Mrs. Barnett remarked that Mr. Schneider had to do this to qualify for rehabilitation tax credit, which she is not seeking; and they need to prevent air leakage in the building.

Mr. Schneider then referenced several ARB guidelines recommending against changing the historic appearance and replacing when repair is appropriate; he pointed out that these are the standards the ARB is charged with ensuring. He noted that the most frequent denials of rehabilitation tax credits are due to inappropriate alterations to windows. He stated that these buildings are an important part of the town's heritage and encouraged owners to pass them along intact. In response to a question regarding the ARB's previous inconsistency, Mr. Schneider remarked that this is natural over a period of time without published guidelines, which now provide a basis for consistency. Mr. Stratton noted that almost all of these examples of non-original materials were denied by the ARB and then approved by Town Council.

Mrs. Barnett stated that the ARB is only representing tax credit buildings, but many structures in town have been renovated and are not historically accurate. Mr. Schneider responded that these guidelines represent the best practices for all preservation. He continued that it may well be that these are 1969 windows, but the wood is in character with what was originally there. Upon a request by Mr. Stratton, Mrs. Barnett agreed to save the windows should they be replaced. Mr. Schneider noted that the ARB approved the replacement of textured glass at Victory Hall, so that is not necessarily prohibited.

Ms. Kerlin and Mr. Hogan requested additional time to review new documents from Mrs. Barnett and Mr. Dorrier. Mr. Stratton suggested that, as new windows have already been purchased, it would be acceptable to compromise by storing the old windows to allow for their future reinstallation if desired. Mr. Gadiant remarked that, although he is generally against telling homeowners what to do with their property, it is important to preserve truly historic buildings and promote the Historic District. Mr. Gadiant characterized the previously-permitted uses of vinyl as huge mistakes, and he stated that truly significant buildings should not have vinyl.

Mrs. Barnett reiterated that the windows to be replaced are set back in brick and not visible from the street. Mr. Schneider commented that an applicant normally does not purchase materials until ARB approval is granted; purchase prior to approval is at the applicant's own risk. A special meeting was scheduled for May 18 to continue consideration of this appeal.

8. ACCEPTANCE OF AUDIT PROPOSAL BY HANTZMON, WIEBEL, & CO.

Hantzmon, Wiebel, & Co. proposes to continue their audit services for the next year at the current price of \$6,000. Mr. Stratton noted this as an exception to the usual competitive bid policy. Ms. Kerlin pointed out that federal grants necessitate a special type of audit.

Mr. Hogan motioned to accept the audit proposal by Hantzmon, Wiebel, & Co. Ms. Kerlin seconded the motion, and a roll-call vote ensued.

Ms. Copeland	<u>Yes</u>	Mr. Hogan	<u>Yes</u>	Mr. Mellow	<u>NP</u>
Mr. Gadiant	<u>Yes</u>	Ms. Kerlin	<u>Yes</u>	Mr. Stratton	<u>Yes</u>

The motion passed 5-0.

9. RESOLUTION FOR ALBEMARLE COUNTY SERVICE AUTHORITY WAIVER (Tab 4.2)

Mayor Phipps read the resolution of acknowledgement that the Town would be responsible for any repaving of the new parking lot should ACSA need to repair its pipes below the lot. Mr. Clark explained that there are sewer cleanouts on both sides of the parking lot, but the lines are steel and encased in concrete with a slim chance of ever needing repair. Mr. Gadiant related that it is standard for the county to require such a waiver when a property owner paves a driveway.

Mr. Stratton motioned to approve the resolution as read; a copy of the resolution is attached. Mr. Hogan seconded the motion, and a roll-call vote ensued.

Ms. Copeland	<u>Yes</u>	Mr. Hogan	<u>Yes</u>	Mr. Mellow	<u>NP</u>
Mr. Gadiant	<u>Yes</u>	Ms. Kerlin	<u>Yes</u>	Mr. Stratton	<u>Yes</u>

The motion passed 5-0.

10. APPROPRIATION OF \$2,000 FOR TOWN BOUNDARY SURVEY BY ROGER W. RAY & ASSOC., INC. (Tab 4.3)

Planning Commission chair Steven Meeks related that when the town boundary was expanded in 1994 the new portion was surveyed, but the old town boundary had not been surveyed since 1850. The Fluvanna portion of the original boundary was surveyed last spring. The portion of the original town within Albemarle County, along the James River from the boat landing to the old Scottsville School, remains to be surveyed. Mr. Meeks noted that Mr. Ray has the documentation to complete this survey from prior research, and this request is funded in the current budget.

Mr. Stratton motioned to appropriate \$2,000 for completion of the boundary circle. Mr. Gadiant seconded the motion, and a roll-call vote ensued.

Ms. Copeland	<u>Yes</u>	Mr. Hogan	<u>Yes</u>	Mr. Mellow	<u>NP</u>
Mr. Gadiant	<u>Yes</u>	Ms. Kerlin	<u>Yes</u>	Mr. Stratton	<u>Yes</u>

The motion passed 5-0.

11. REPORTS OF CHARTERED COMMITTEES AND PLANNING COMMISSION

Public Safety, Traffic, and Infrastructure: Mr. Stratton reported that his committee has been working on capital improvement budget requests.

Government Services: Ms. Kerlin reported that her committee is considering trash ordinance revisions, such as use categories and assessing property owners rather than residents. Government Services is also working on rental policies for Canal Basin Square and the Council Chambers.

Quality of Life: Mr. Hogan reported that the Bruce Park dedication is scheduled for June 12. The Streetscape bid packet will be completed by mid-July, once plans are received from Sprint.

Tourism: Mr. Gadiant reported that the new Scottsville website is live; he encouraged anyone who is interested to make suggestions for additions to the site.

Historic Preservation: Ms. Copeland reported that her committee and the ARB are working on an archaeological and social history publication, with assistance from the Charlottesville-Albemarle Historical Society.

12. TOWN ATTORNEY'S REPORT – Mr. Dorrier had no report.

13. TOWN ADMINISTRATOR'S REPORT

Mr. Clark gave the Treasurer's report for the month of April, noting that the Caldwell Fund had been repaid with the proceeds of the timber sale. As of April 30, 2004, the fund balances were as follows:

General Fund	\$226,352.34	Victory Hall Theater	\$3,694.71
Caldwell Fund	\$63,566.92	JamesFest	\$354.25
Canal Basin Square	\$130,382.92	Farmers' Market	\$4.83
Streetscape Fund	\$75,728.20	Total	\$500,084.17

A drawdown request in the amount of \$136,333 is pending for the Streetscape Project.

14. ADJOURNMENT – The meeting was adjourned at 8:10 p.m.