

HISTORIC PRESERVATION COMMISSION

Be it remembered that the Oxford Historic Preservation Commission did meet in regular session on Tuesday July 12, 2011 at 5:30 p.m. in the City Hall courtroom with the following members present:

John McKenzie, Vice Chairman
Campbell Best
Julie Spears
Molissia Swaney
Brian Hyneman
Babs Ton

Katrina Hourin, Assistant City Planner
Lynn Conerly, Secretary

The following members were absent:

Jeff Asti, Chairman
Sonia Weinberg Thompson
Shawn Telford

1. The meeting was called to order by Vice Chairman Jack McKenzie.

After the meeting was called to order, the following business was transacted:

2. **Approval of the Agenda.** Vice Chairman McKenzie changed several items on the agenda. Item 4 was moved to item 5, the address on item 5 should be 1510 Johnson Avenue, and there will be an item 6 added which will be Preliminary Conference of 1405 Madison Avenue. There being no further changes, motion was made by Commissioner Spears and seconded by Commissioner Ton to approve the amended agenda.

All present voting aye.

The motion was approved and the agenda was accepted.

Prior to the approval of the minutes from June 14, 2011, there was a request for Reconsideration of the vote for case #117- Demolition by neglect for property located at 1405 Madison Avenue. Vice Chairman McKenzie asked for a motion to hear this reconsideration. Commissioner Ton made the motion.

Rhea Tannehill, Chipper Calhoun's attorney, appeared before the commission. Mr. Tannehill asked the board to reconsider their decision based on the following reasons:

1. The mortgage companies were not notified, therefore, Mr. Tannehill doesn't think from a legal standpoint that Mr. Calhoun can be legally charged with misdemeanor neglect.
2. Give Mr. Calhoun the opportunity to sell the property. He doesn't have the finances to repair the home to the board's specifications. Mr. Tannehill asked for his client to be give 60 to 90 days to (1)-have repairs made, or at least begun or (2)- sell the property.

As progress is done, Mrs. Hourin will be notified and she will keep the board informed. Mr. Tannehill asked the Commission to reconsider their vote to instruct the building instructor to bring misdemeanor charges against his client and rather give him the opportunity to resolve this matter.

After discussion regarding the mortgage and financial issues facing Mr. Calhoun, Commissioner McKenzie suggested that more time be given to resolve the situation. Commissioner Best thinks Mr. Calhoun should be given 120 days to either sell the home or make repairs. Mr. Tannehill suggested Mr. Calhoun be given 60 days to show progress. Commissioner McKenzie suggested 60-90 days be given for progress to be shown.

Commissioner Swaney made the motion for 90 days for Mr. Calhoun to show progress.

Mr. Calhoun told the board he will do what is necessary to show progress.

Commissioner Camp seconded the motion.

All present voting aye.

The motion was approved.

3. **Approval of the Minutes from the June 14, 2011 Meeting.** Vice Chairman McKenzie asked that the minutes be amended and voted on at next month's meeting due to the changes.

REGULAR AGENDA

4. **Public Hearing #144-Royce Mitchell-1510 Johnson Avenue:** Mr. Corey Alger came before the Commission representing the applicant, Royce Mitchell. Mr. Mitchell is seeking a Certificate of Appropriateness to install a fence in the front yard of the residence. The fence will be 4 feet in height, which Mrs. Hourin confirmed meets city codes. There will be a radius cap on the posts. Commissioner Ton made a motion to approve and Commissioner Hyneman seconded the motion to grant a Certificate of Appropriateness.

All present voting aye.

The motion was approved

5. **Public Hearing #139- Ed Meisenheimer-912 University Avenue:** *(Prior to the hearing, Commissioner Hyneman recused himself because he lives near this residence.)* The board tabled a request for a Certificate of Appropriateness at the June meeting. There was a request for the neighbors to reach an amicable solution regarding the issues with the fence. Mr. Meisenheimer appeared before the board requesting approval for a Certificate of Appropriateness to modify the previously approved fence. The modification being a 2 foot decorative cap.

Mr. Greg Carter, a neighbor, whose property borders the Meisenheimer's came before the commission and said he would like to see the Certificate of Appropriateness denied for the several reasons.

Mr. Carter referenced the Statement of Purpose in the Historic Preservation Ordinance to the Commission stating; "The HP ordinance is designed to ensure harmonious, orderly and efficient development for the city. Promote the use of resources, education and welfare that are a review process for the preservation and appropriate development for the city's resources." Mr. Carter's fence is east of the Meisenheimer's.

Mr. Carter asked the board to deny the Certificate of Appropriateness because the fence was not constructed the way the plans were presented and approved in the initial Certificate of Appropriateness originally submitted.

Mr. Ben Justice, also a neighbor to the Meisenheimer's, appeared before the commission and explained that Mr. Meisenheimer signed the Certificate of Appropriateness application on good faith and yet changed the approved plans. The plans were compromised from the beginning. Mr. Justice would like to see the code enforced and the Certificate of Appropriateness to modify the fence denied.

In the initial COA application, Mr. Dave Bell presented the fence request on behalf of Ed Meisenheimer. The approved Certificate of Appropriateness that was presented and the fence that was constructed are not the same.

Commissioner McKenzie asked for discussion from the board.

Commissioner Ton reminded everyone that the fence wasn't build according to the approved plan.

Discussion from the board members regarding alternatives to the original Certificate of Appropriateness and denying the current addition of the cap to the fence was made. Commissioner McKenzie reminded Mr. Meisenheimer that he can take off the cap and request another Certificate of Appropriateness to request the cap.

Commissioner Spears also commented that the original Certificate of Appropriateness should be respected by the Meisenheimers and it was not. The fence, with the addition of the cap, in her opinion, is appropriate, but the spirit of the ordinance should be upheld.

Commissioner Best concurred. Commissioner Ton made a motion to deny the Certificate of Appropriateness for approving the 2 foot decorative cap.

Commissioner Swaney asked for further discussion and options for Mr. Meisenheimer. Commissioner McKenzie reinforced that Mr. Meisenheimer can remove the cap and be in compliance with the originally approved Certificate of Appropriateness.

Commissioner Best said he although he likes the design of the fence, he can't in good faith go against the agreement made with other parties.

Commissioner Best seconded the motion to deny the Certificate of Appropriateness for the 2 foot cap.

The vote was as follows:

McKenzie	Aye	Swaney	Nay
Best	Aye	Ton	Aye
Spears	Aye		

The motion was approved to deny the Certificate of Appropriateness.

6. **Complimentary Review -331 Van Buren-Beau and Marjorie Whittington:** *(Prior to the hearing, Ms. Spears recused herself)* The applicants appeared before the commission requesting to paint the brick of the residence. Over time the bricks have cracked, change in mortar color where repairs were made, holes in the brick, and carelessly painted trim give an overall unattractive appearance. The paint will improve this home. It will be painted a taupe color and the trim will remain white.

Commissioner Swaney agreed that the multiple repairs to the brick over the years are unattractive.

Commissioner McKenzie reported, as this is a preliminary conference, the matter will be brought back next month for a vote.

There being no further business to come before the Commission, motion was made by Commissioner Hyneman and seconded by Commissioner Best to adjourn the meeting.

All present voting aye.

The motion was approved and the meeting was adjourned.