

HISTORIC DISTRICT COMMISSION MEETING DECEMBER 13, 2007

The Van Buren Historic District Commission held its monthly meeting Thursday, December 13, 2007 at 5:30 P.M. in the City Council Room of the Municipal Complex. The following items were on the agenda:

1. Approval of minutes from the last meeting
2. COA for fence to be constructed in the back of building at 816 Main Street, Owner Larry Brandenburg, business is a bookstore on Main Street.
3. Discussion, finalization, vote, on topics discussed at the retreat held by the Historic District Commission in Little Rock in November during AHPP Conference
4. Any other business that comes before this Commission

PRESENT: Dwight Hopkins, Chairman
John Symonds, Co-Chairman
Vickie Davis
Paul Gibson
Cami Brown, Rec. Sec.
Brad Baldwin, City Engineer
Terry Davis
Don Jenkins, City Atty.
Andrew Dibble, Planning Commission Chairman

ABSENT: Jody Rhoads

Chairman Dwight Hopkins called this meeting to order at 5:30 P.M. First item for consideration was minutes from the last meeting. John Symonds made a motion to approve the minutes as written, and Vickie Davis gave the motion a second. The motion carried with a unanimous vote.

Next item for consideration was Certificate of Appropriateness for 816 Main Street. Owner Larry Brandenburg was not present, so this COA was tabled until next meeting.

Next on the agenda was discussion, finalization, vote on topics discussed at the retreat in North Little Rock held by the Historic District Commission. Chairman Hopkins commented that due to time constraints on this meeting, he did not want to get too far off into some of the topics discussed at the retreat. He also commented that the new COA changes that they were bringing in, along with the revisions of the 1998 ordinance were some of the things the Commission would be looking at changing during the first three

months of 2008. At this time Chairman Hopkins asked the Commission if they all had gotten a chance to look over the present and proposed regulations for H-1 zoning that was up for discussion, and at this time the Commissioners read over those proposed regulations. Brad Baldwin commented that what had been done in this proposed revision was clarifying the language. C-1 classification applies to this zoning, so this section was pulled and added so one could see what this classification allows for. The next change made was on the section allowing for residence in the H-1 zoning, the part referring to proprietor was taken out, so that this part does not limit residential to proprietors of businesses in the district, and opens up options for investors in the district. Mr. Hopkins commented the only thing additional to what is in regulations that he wanted the Commission to take note of is the fact that opening this up opens up the possibility of the allowance for that residence on a first floor, that was tied to the proprietor, would now be opened up for residential rental to anyone, to which Brad Baldwin replied yes, it would. Mr. Baldwin commented that from the City standpoint, for City staff, that can be hard for us to enforce, and we don't want things in our ordinances and regulations that we can't enforce, anyway. Mr. Baldwin also commented if this doesn't cause anybody a problem, that these changes simplify. Mr. Hopkins commented this just clarifies the ordinance; it does not change anything on codes for construction, for fire codes, or any of those matters. Anyone doing anything to the buildings on Main Street has to abide by the codes, and this takes the Historic District Commission out of the picture when it comes to those matters. Mr. Baldwin commented that this was correct; this cleans up the Commission's involvement, and makes it very clear that the HDC purpose is what is set out in the ordinance that established the Commission. Mr. Hopkins commented no one has to come to HDC, or Planning Commission to have a residence in the Historic District with these changes to the regulations. At this time, Vickie Davis commented that this addition of H-1 zoning needs to be taken to the Tax Assessor, as this affects what they do, and will change the zoning on property, since this zone, although established in 1980, was never incorporated into the zoning regulations. Mr. Baldwin commented he would provide that information to Mike Hamby. Mr. Baldwin commented this has been there since 1980, but responsibility for it has been kind of upside down. Dwight Hopkins commented he feels this is a good, clean revision. John Symonds commented there was another area where the word proprietor was not removed, and Brad Baldwin commented that he and Don Jenkins, the City Attorney, would search the paper, and take care of such matters. At this time, Paul Gibson verified that the first 24 feet of the downstairs floor of a building on Main Street would still be C-1 zoning, and residential could not exist in that frontage, to which Mr. Baldwin replied that was correct.

At this time the discussion went on to cover the enforcement part of regulations, and the Commission reminded Don Jenkins and Brad Baldwin that the Commission was there for review of the facade of the buildings only, and could not have anything to do with any part of what goes on inside a building. Dwight Hopkins asked the City Attorney if there was going to be any need to stipulate how enforcement will be handled. The City Attorney commented that he was working on finding a way to tie the COA's to his office so that the Commission has a way to enforce the COA process in the Historic District. The suggestion of tying the COA to a building permit, and that no building permit would be issued if COA has not been complied with can not be used, as the HDC does not have

anything to do with work done on a building if it does not have to do with the façade or signage of the building. Dwight Hopkins commented he thought all the tools were there, and with work on the ordinances, they could be put into the proper place to work for the HDC. Mr. Hopkins went on to say that there is no set process, and this is what we need. Don Jenkins commented he is working on finding something that legislatively ties enforcement in with his office and give HDC the capability to do what needs to be done. Mr. Baldwin commented the process would be to take the HDC recommendations, along with the City Attorney's recommendations, and present them to Planning Commission. That Commission will, in turn, hold public hearing; make a recommendation to City Council, who would then vote on the revised ordinance. All parties in discussion agreed the first step was to make the revisions to the H-1 Zoning ordinance, and come back and deal with other issues, one at time. At this time a motion was made by Vickie Davis that the discussion tonight by the HDC on the amendments to the 1980 ordinance for H-1 Zoning should be presented to the Planning Commission. Along with the recommendations, the HDC authorized Chairman Dwight Hopkins, at Brad Baldwin's suggestion, to work with the Planning Dept. on these matters. This motion was given a second by John Symonds, and the motion carried with a unanimous vote.

At this time Dwight Hopkins referred back to the Demo By Neglect, which is a minimum maintenance ordinance that is required by the State of Arkansas for the HDC, when participating in CLG grant funds, as well as making the District eligible for more funding in the future. In the past this ordinance was shot down, and we have not addressed it since then. Chairman Hopkins commented he went back and reviewed what the City has in place at this time, and for property maintenance for the City, and Mr. Hopkins commented he believes the City has in place what we need to address this issue. The ordinance clearly states that if you have a building that is an eyesore, is a hazard, and has been neglected, you can do something about it. Mr. Hopkins commented that since this is in place, he did not see why the Commission should have to go back and visit this and come up with another ordinance when this is in place for the City. He stated this ordinance needs to be tied back in to our existing ordinance for the HDC. Vickie Davis commented that the problem with this is our code is never enforced, to which Dwight Hopkins agreed. Mrs. Davis commented it took her three years to get anything done by the City on such an issue, and the issue is still not completely resolved. Mr. Hopkins commented that enforcement is an issue in the City of Van Buren, and will have to be dealt with, but that we are required by the State to have this in place and we need to get such an ordinance in place for the Historic District. Don Jenkins commented this is in place for the Historic District, because the district is in the city limits, and the city ordinance applies to the district. Don Jenkins commented he would like to look at the language on the proposed ordinance the HDC has, and compare and see if any changes need to be made. At this time Dwight Hopkins supplied the City Attorney with a copy of the proposed ordinance for review. Mr. Hopkins suggested that instead of creating a whole new ordinance, and making one more layer of bureaucracy to deal with, why not just tie the existing ordinance to the HDC, Chapter 11, Title 5, in the 1998 HDC ordinance that the Commission is getting ready to re-work. One other item Dwight Hopkins commented on is tying the sign ordinance to the HDC, as the HDC has no support for enforcement on this issue. Dwight Hopkins passed around some photos of

signs in the district that seem to be out of compliance, and again commented the HDC has no way of enforcing the rules.

The next item for discussion was drainage on Main Street. Brad Baldwin addressed the Commission, and shared with them an inlet that is installed on Webster Street. The City is about to begin work on drainage problems that exist for Main Street, and wanted the Commission to give their opinion on the type inlet used on the street. The Commission reviewed photos of the inlet. The work will include an inlet in front of the Candle Factory, and inlet on Cane Hill, where the water is coming from to intercept water, and one at the front of the Cottage Café on Main Street. At this time John Symonds had to leave, but commented that he was on board with what the City was planning as far as the drainage work on Main Street. The Commission was in favor of the plans, as a whole.

The Commission agreed at this time to getting with the Planning Dept., The Old Town Merchants Assoc., The King Opera House Commission to see what things we need to reviewed in 2008.

At this time, the meeting was adjourned.

Dwight Hopkins, Chairman

Cami Brown, Recording Secretary