

## **Historic Landmarks and Preservation Districts Commission Minutes**

**September 20, 2018**

A meeting of the Louisville Metro Historic Landmarks and Preservation Districts Commission was held on Thursday, September 20, 2018 at 9:00 a.m. at the Old Jail Building located at 514 W. Liberty Street, Louisville, Kentucky.

### **Commission Members present:**

Bob Vice, Chair  
Joanne Weeter  
Christopher Fuller  
Milton Haskins, Jr.  
Chris Hartman (left at approximately 9:45 a.m.)  
Jay Stottman (left at approximately 9:30 a.m.)  
Amin Omidy  
Tamika Jackson (arrived at approximately 9:25 a.m.)  
Carrye Jones  
Robert Kirchdorfer  
Emily Liu

### **Staff Members Present:**

Dave Marchal, Deputy Director, Develop Louisville  
Joe Haberman, Planning & Design Manager  
Cynthia Elmore, Historic Preservation Officer  
Becky Gorman, Historic Preservation Specialist  
Savannah Darr, Planning & Design Coordinator  
Burcum Keeton, Architectural Projects Coordinator  
Anthony Schneider, Historic Preservation Specialist  
John Carroll, Legal Counsel  
Sue Reid, Management Assistant

The following matters were considered:

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## **APPROVAL OF MINUTES**

### **JULY 19, 2018 HISTORIC LANDMARKS AND PRESERVATION DISTRICTS COMMISSION MEETING MINUTES**

**00:02:22** On a motion by Commissioner Hartman, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Historic Landmarks and Preservation Districts Commission does hereby **APPROVE** the minutes of the meeting conducted on July 19, 2018.

**The vote was as follows:**

**Yes: Commissioners Stottman, Hartman, Omidy, Fuller, Jones, Kirchdorfer, Liu, Haskins, and Chair Vice**

**Abstain: Commissioner Weeter**

**Absent: Commissioner Jackson**

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## OLD BUSINESS

### LMC\_Ordinance\_Revisions

Request: Landmarks Ordinance Revisions  
Project Name: Landmarks Ordinance Revisions  
Location: Louisville Metro  
Jurisdiction: Louisville Metro  
Council District: 1-26  
Case Manager: Dave Marchal/Cynthia Elmore

**An audio/visual recording of the Historic Landmarks and Preservation Districts Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to obtain a copy.**

### Presentation/Discussion:

**00:03:28** Cynthia Elmore reviewed the activity of the Subcommittee on the HPATF Recommendations to date. Ms. Elmore stated one of the primary focus areas of the Subcommittee was the Landmarks Ordinance. Ms. Elmore stated some of the key points looked at were definitions, housekeeping (updating terms, section titles, etc.), designation process and Metro Council appeal standard. Ms. Elmore reviewed the improvement goals of the proposed designation process, as well as proposed changes to the designation process and designation criteria. Ms. Elmore briefly explained the public outreach process and results (see recording for detailed presentation).

**00:10:00** Dave Marchal advised the Commissioners that they have been provided a version of the edited Ordinance. Mr. Marchal briefly explained how the revisions are presented in the document. Mr. Marchal reviewed the subcommittee's discussions on public comments (see recording for detailed presentation).

**00:15:57** Commissioner Stottman recognized the work of the subcommittee as well as members of the public who provided helpful comments and staff who worked on this. Commissioner Stottman spoke briefly about the subcommittee's discussions regarding after-the-fact COA's. Chair Vice stated there is a penalty section in the Ordinance already. Staff and Commissioners discussed fees for designations. Commissioner Liu stated the only fee is for designation, and that just covers the cost of advertising because that is a requirement. Commissioner Liu stated perhaps another way of doing that is to ask the petitioner to place that advertisement (see recording for detailed presentation).

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## OLD BUSINESS

### LMC\_Ordinance\_Revisions

**00:29:19** John Carroll, Assistant County Attorney, stated he would like to address one final point in the revision that deals with the owner's consent for a landmarking petition. Mr. Carroll stated his concern is with paragraph two at the top of page fifteen; Mr. Carroll stated his recommendation is to remove that entire paragraph two. Mr. Carroll stated there's never been any consensus on the Commission to require the property owner's consent. Mr. Carroll stated it goes on to say if the owner does not consent...then the statement as to why the Commission should proceed without the owner's consent...or that a good faith attempt to obtain consent has been made. What's a good faith attempt? Who's going to define that? Mr. Carroll stated his recommendation is to take that paragraph two out entirely. Chair Vice stated that is a very good point; it is murky. Chair Vice stated he would defer to the Committee, but he agrees. Staff and Commissioners discussed this issue, including the requirements that are already in the Ordinance in regard to noticing. Commissioner Omidy spoke in regard to the subcommittee discussions regarding owner consent (see recording for detailed presentation).

**00:38:32** Chair Vice reviewed options for actions on this matter. Commissioners continued discussion regarding the proposed Ordinance revisions (see recording for detailed presentation).

**00:58:52** On a motion by Commissioner Omidy, seconded by Commissioner Fuller, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Historic Landmarks & Preservation Districts Commission does hereby **RECOMMEND FOR APPROVAL** to Metro Council the Landmarks Ordinance Revisions, with the following changes:

1. Eliminate Section I-2 dealing with the property owner's consent.
2. Add a provision for the Commission's authority to charge fees for designations.

**The vote was as follows:**

**Yes: Commissioners Weeter, Omidy, Fuller, Haskins, and Chair Vice**

**No: Commissioners Jackson, and Jones**

**Abstain: Commissioners Kirchdorfer, and Liu**

**Absent: Commissioners Stottman, and Hartman**

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**The meeting adjourned at approximately 10:10 a.m.**

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**Chairman**

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**Division Director**