

**CHATHAM COUNTY HISTORIC PRESERVATION COMMISSION**

**REGULAR MEETING  
110 EAST STATE STREET**

**ARTHUR A. MENDONSA HEARING ROOM**

**November 5, 2008**

**2:00 P.M.**

**MINUTES**

**CCHPC Members Present:**

**George Cohen, Vice-Chairman  
Jane A. Feiler  
Vaughnette Goode-Walker  
William Haynes  
Stephen T. Lindell  
Pamela G. Lossing  
Christian Sottile  
Lisa L. White**

**CCHPC Members Not Present:**

**Daves Rossell, Chairman**

**CCHPC/MPC Staff Members Present:**

**Ellen Harris, Historic Preservation Planner  
Janine Person, Administrative Assistant**

**I. WELCOME**

The meeting was called to order at 2:05 p.m.

**II. INTRODUCTIONS**

**III. DD20080813-06-1**

**Revisions to the Chatham County Historic Preservation Ordinance**

**BACKGROUND:**

The Chatham County Historic Preservation Ordinance was adopted by the Chatham County Board of Commissioners on November 8, 2005.

On February 6, 2008, the CCHPC recommended that Chatham County apply to become a Certified Local Government (CLG) as provided for in the National Historic Preservation Act and the Georgia Historic Preservation Act.

On February 22, 2008, the Board of Commissioners approved Chatham County submitting an application to becoming a Certified Local Government.

Subsequent discussions with the State Historic Preservation Office (SHPO) staff have indicated that the Chatham County Historic Preservation Ordinance is inconsistent with the Georgia Historic Preservation Act and, therefore, may be denied CLG status. Specifically the clause of the Ordinance which allows a majority of property owners in a nominated district who object to the designation to prevent a designation from being voted on, takes the final decision-making ability from the elected officials. This authority is specifically granted to the elected officials in the Georgia Historic Preservation Act.

Other proposed revisions to the Chatham County Historic Preservation Ordinance include making the language more consistent and removing the “Conservation District” designation category.

## **FINDINGS:**

### **Owner Consent Clause:**

- The Chatham County Historic Preservation Ordinance Section IV E. 4. states that, “If the majority of such private property owners do not object, the Chatham County Commission may approve the proposed designation.”
- The Georgia Historic Preservation Act Section 44-10-26 (b) (3) states that, “Following the public hearing, the local governing body may adopt the ordinance as prepared, adopt the ordinance with any amendments it deems necessary, or reject the proposal.”
- This “owner consent clause” has been determined to be inconsistent with the Georgia Historic Preservation Act in the past.

### **Language Consistency:**

- Many of the proposed revisions address language consistency. These changes will not affect the meaning or intent of the ordinance.

### **Removal of the Designation of Conservation Districts:**

- The Georgia Historic Preservation Act does not address this designation.
- There are currently no Conservation Districts designated or being considered for designation.
- As this designation is not based on the historic character of an area, perhaps the historic preservation ordinance is not the appropriate place for this designation.

## **STAFF RECOMMENDATION:**

Approval of the proposed revisions to the Chatham County Historic Preservation Ordinance in order to proceed with the Certified Local Government process. Approval of Resolution of Intent. Approval of amendment to Historic District Designation Application.

**Mr. Sottile** asked if the removal of the conservation district as a category is because of a conflict with the enabling legislation. He said that the ability to have a conservation district as a precursor to what could be a full-fledged historic district has been a good strategy in other communities to identify resources. It is not as complete as a historic district, but a bridge for communities who aren't ready to nominate an entire district as a historic district and creates a culture of preservation.

**Ms. Harris** stated that she has not received any comments from the State Historic Preservation Office regarding its non-compliance with the State Historic Preservation Act. She said that the reason it was included in the ordinance was to protect communities that weren't 50-years-old yet, but still have

defining characteristics and similar building patterns. The reason that Staff feels it may not be appropriate is if a district is not historic, and she does not see how the historic preservation ordinance can legally impose design standards. The State Historic Preservation Office has indicated that communities have used it in the past as a “preservation light” approach, where neighborhoods are truly historic but do not want the full-fledged design standards and choose this option instead. It provides only minimal protection and they aren’t comfortable with it. They feel that communities that are historic need to have the full protection of being a historic district and not have the second “preservation light” approach.

**Mr. Sottile** stated that what Ms. Harris said is accurate about it being used as “preservation light”, but sometimes “preservation light” is better than no preservation at all and he has seen it used successfully in that capacity.

**Ms. Harris** stated that it could force the hand of communities who want preservation.

**Ms. Lossing** asked if they could set a time limit on how long an area could be a conservation district before automatically becoming a Historic District.

**Ms. Harris** said that both sides of the argument have merit and that it seems like the communities are struggling with it across the state. Her recommendation is based on the State Historic Preservation Office which is not in favor of the conservation district approach.

**Mr. Sottile** stated that if it isn’t in direct conflict that his recommendation would be for the Commission to leave it in the ordinance in case there is a situation where a nomination could be on the cusp of abandoning the whole initiative. That way there would be a way to create protection for larger areas.

**Ms. White** asked if the Isle of Hope would have chosen a Conservation District rather than nothing.

**Ms. Harris** stated that the design guidelines for either a historic or conservation district aren’t written in advance but are written in conjunction with the neighborhood. There is no clear distinction between what is reviewed under a conservation district versus what is reviewed under a historic district. The Isle of Hope never even got far along with the process to determine what the design standards for either a conservation or historic district would be. The proposed Pin Point Historic District could have gone with a conservation or historic district classification and written the same design standards, but could have called it whatever they wanted to. There is enough flexibility within the process used to write the design standards to accommodate any level of preservation that would be tolerated by the community.

**Mr. Sottile** stated that he is more comfortable with it being eliminated because of that flexibility.

**CCHPC ACTION:** Mr. Sottile made a motion that the Chatham County Historic Preservation Commission approve the proposed revisions to the Chatham County Historic Preservation Ordinance in order to proceed with the Certified Local Government process, approve the Resolution of Intent, and approve the amendment to the Historic District Designation Application. Mr. Lindell seconded the motion and it passed unanimously.

**IV. GAPC Training: Vaughnette Goode-Walker**

**Ms. Goode-Walker** stated that Milledgeville is referred to as Georgia's antebellum capital. She gave an overview of some of the interesting sites that she saw.

**V. Nominating Committee Report**

**Mr. Cohen** asked the members of the Nominating Committee to give their report.

**Ms. White** stated that the Nominating Committee of Ms. Jane Feiler, Ms. Pamela Lossing, and herself unanimously selected Mr. George Cohen as Chairman with Ms. Vaughnette Goode-Walker to serve as Vice-Chairman.

**Mr. Cohen** asked if there were any other nominations and there were none.

**VI. Updates: Pin Point Historic District Status**

**Ms. Harris** stated that the MPC would be reviewing the rezoning for Pin Point at the November 18<sup>th</sup> meeting at 1:30 p.m. in the Arthur A. Mendonsa Hearing Room. She said they will make their recommendation to the County Commission who would have the final say, and she would like to have the County Commission review both the rezoning as well as the historic district designation. At the CCHPC's December or January meeting they would be reviewing the Pin Point Historic District. The County Commission would have both items before them at the December meeting and hopefully they could get the designation done before the end of the year or by January of 2009.

**Ms. Feiler** asked if there was a map of the boundaries.

**Ms. Harris** answered yes and said that it would be a part of the whole application when it comes to the Commission in December or January.

**VII. Commissioners' Items**

**Mr. Cohen** stated that the Fairway Oaks neighborhood was built in the late 40's and early 50's and because of the obvious concerns of midtown, that the Fairway Oaks Association board was interested in becoming a historic district. He said that they tried to encourage Magnolia Park, Kensington Park, and Fairway Oaks to apply for designation as a National Register Historic District. Any project taking place within a designated historic district or pending historic district that receives federal funding must comply with Section 106. They had Mr. Bob Ciucevich document the neighborhood. The Fairway Oaks neighborhood sold a piece of property to the city for the DeRenne Pump Station and they rebuilt the front entrance with the funds. Part of the money was for Mr. Ciucevich to document the neighborhood. The Department of Transportation (DOT) stepped in and wanted a moratorium which meant that they wanted to do the Section 106 requirements prior to the designation. He said that it looks like that they will get the designation, everyone is excited, and that the DOT is anxious to work something out. The HPD stated that the neighborhood is serving as a model for the state. He feels that it is good news, will be positive for the city and, hopefully, they will get publicity in some small measure to help the Commission.

**VIII. MINUTES**

**CCHPC ACTION: Mr. Lindell made a motion that the Chatham County Historic Preservation Commission approve the minutes as submitted. Mr. Haynes seconded the motion and it passed unanimously.**

**IX. ADJOURNMENT**

There being no further business to come before the Chatham County Historic Preservation Commission, the meeting was adjourned at approximately 3:40 p.m.

Respectfully Submitted,

Ellen Harris,  
Preservation Planner

**EH/jnp**