

The Smithfield Board of Historic and Architectural Review held its regular meeting on Tuesday, January 15th, 2019. The meeting was called to order at 6:30 p.m. Members present were Mr. Trey Gwaltney, Chairman; Mr. Chris Torre, Vice Chairman; Mr. Ronny Prevatte, Mr. Gary Hess, Ms. Julia Hillegass, Mr. Russell Hill, and Mr. David Goodrich. The staff members present were Mr. William Saunders, Director of Planning, Engineering, and Public Works; Mr. John Settle, Planning and Zoning Administrator; and Mr. William H. Riddick III, Town Attorney. There were five citizens present. The media was not represented.

Chairman Gwaltney – I would like to welcome everyone to the January meeting of the Board of Historic and Architectural Review. The first item on our agenda is the Election of Officers. *(Note: this election of officers does not appear on the agenda because it was overlooked by Town staff. Following the meeting, it was remembered that the BHAR holds officer elections once every two years, and that the election held at this meeting was unnecessary- therefore, the officers' terms elected during the meeting of Tuesday, January 16th, 2018 are still in effect until the first meeting of the 2020 calendar year.)*

Town Attorney – Members of the Board of Historic and Architectural Review the floor is open for nominations for Chairman.

Mr. Hess – I would like to nominate Mr. Trey Gwaltney.

Ms. Hillegass – Second.

Town Attorney – Are there any other nominations? Hearing none, the nominations are closed. All those in favor of Mr. Trey Gwaltney say aye, opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney abstained, Vice Chair Torre voted aye, Mr. Goodrich voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Mr. Prevatte voted aye. There were no votes against the motion. There was one abstention. The motion passed.

Town Attorney – Mr. Gwaltney, you have been re-elected as Chairman. The floor is now open for nominations for Vice Chairman.

Mr. Hess – I would like to nominate Mr. Chris Torre.

Ms. Hillegass – Second.

Town Attorney – Are there any other nominations? Hearing none, the nominations are closed. All those in favor of Mr. Chris Torre say aye, opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Mr. Chris Torre abstained, Mr. Goodrich voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Mr. Prevatte voted aye. There were no votes against the motion. There was one abstention. The motion passed.

Town Attorney – Mr. Torre, you have been re-elected as Vice Chairman.

Chairman Gwaltney – Next on the agenda is the Planning and Zoning Administrator's Report.

Planning and Zoning Administrator – There are no new items to report. Other than a brief note that the 2019 CLG Workshop was moved to Smithfield this year in August. I'm glad to see that three board members have already signed up for that.

Chairman Gwaltney – Next on the agenda is the Upcoming Meetings and Activities. The list is provided for you to review. The next item on the agenda is Public Comments. We have no one signed up for public comments. Next is Board Member Comments.

Mr. Hess – I am pleased to sign-up for another three year term (*Note: This is a five year term*).

Chairman Gwaltney – We look forward to another three years with you on board. (*Note: Five year term*)

Town Attorney – I believe Mr. Goodrich was reappointed. Is that correct?

Mr. Goodrich – Yes.

Town Attorney – Ms. Hillegass was reappointed.

Ms. Hillegass – I was reappointed to the Planning Commission.

Town Attorney – Excuse me yours was for the Planning Commission.

(*Note: Mr. Hill and Mr. Hess were reappointed on January 8, 2019, at the Town Council meeting*)

Chairman Gwaltney – Next on the agenda is an Accessory Structures – 223 S Mason Street – Non-Contributing – Michael Vandever, applicant. Can we have a staff report?

Planning and Zoning Administrator – Thank you, Mr. Chairman. This is an application for two accessory structures at 223 South Mason Street for the Smithfield Union Lodge, #18. The applicants wish to install a forty-two inch tall, white, split rail fence along the rear boundary line and around all corners of the property except for the corner at the intersection of South Mason Street and Hill Street. The fence will be

constructed of either wood or Trex, and be identical in general appearance to a similar fence located nearby. Additionally, the applicants wish to install a flagpole in the front yard of the building. The pole would extend approximately twenty-five feet above grade (two feet taller than the primary building), be no more than five inches in diameter, rest on a two feet square concrete pad, and be upwardly illuminated with a grade-mounted exterior light. Staff would like to note that two emails were sent out today correcting the precise location of the fence. I'm a little embarrassed to say neither of them were to the applicants' intentions. What the applicant meant to say was that the fence would be offset in both a southwestern and southeastern direction from the corner, "dog earing" the northern corner of the property. The fence will not obstruct the existing driveway that is located immediately north of the property.

Chairman Gwaltney – Is there anyone here to speak on this application?

Mr. Michael Vandever – I live at 212 Moonefield Drive. The property behind us is owned by Mr. Duncan. The gravel driveway that he uses is sitting on our property. We are going to remove the tree on the other side of the gravel driveway so Mr. Duncan can move his driveway entrance over fifteen feet. By cutting that corner off on the fence it is going to allow them better access on Hill Street from the gravel driveway. The flag pole will be in the center of the lawn. The flag pole came from the Newport News Town Center.

Chairman Gwaltney – I don't think split rail is the proper name for that type of fence. Our guidelines don't speak friendly about a split rail fence. I would recommend to the board that we refer to the fence as either board or plank.

Mr. Vandever – I think that is a three rail fence in the picture.

Chairman Gwaltney – Is it flat boards?

Mr. Vandever – Yes.

Ms. Hillegass – The split rail boards are rough.

Chairman Gwaltney – Our guidelines suggest that we should not recommend that sort of fence in public areas. I think what you are presenting in the picture is suitable. I think we should call it the right thing for the record.

Ms. Hillegass – We can call it a two rail fence.

Mr. Goodrich – I would like to make a motion to approve the application with the change in the terminology describing the fence as a two rail fence.

Ms. Hillegass – Second.

Vice Chair Torre – It says a twenty-five feet tall, five inch diameter steel pipe column supported on a two feet square piece of concrete pad.

Mr. Vandever – No. I think I put a two feet round concrete pad.

Vice Chair Torre – It says two feet square concrete pad.

Mr. Vandever – I don't have a problem with that. The two feet square is just the ground cover above where the pole is buried. It is going to be buried three or four feet deep. The pole is going to be buried in concrete.

Chairman Gwaltney – You might want to amend your motion to include the fence being cut off at the corner.

Mr. Goodrich – I would like to amend my motion to include the fence being cut off at the corner.

Chairman Gwaltney – A motion has been made and properly seconded to approve as presented with the fence being cut off at the corner by the driveway behind the property and refer to the split rail fence as a two rail fence.

Mr. Vandever – Is there a height restriction on the front corner of the property?

Planning and Zoning Administrator – Yes. The forty-two inches meets the requirements.

Chairman Gwaltney - All those in favor signify by saying aye, all opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Vice Chair Torre voted aye, Mr. Goodrich voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Mr. Prevatte voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – The next item on the agenda is New Construction – Drummonds Lane – No Designation – Willkris Service, LLC, applicant. Can we have a staff report?

Planning and Zoning Administrator – Thank you, Mr. Chairman. The applicant is seeking approval to construct a new, single-family, detached dwelling on the property. The house will be covered by a charcoal-colored asphalt shingle roof, preceded by wooden facias wrapped in white-colored aluminum, and concealed by guttering. The facias will be underlined by vented or beaded vinyl. The walls of the house will be covered in two different styles of Hardie board siding. The first is a horizontally-lapped style, featuring a woodgrain pattern of a khaki brown color- the second is a half-round

cedar shake style, of a chestnut brown color. The house will rest on a concrete block foundation, which will be clad in tan-colored stucco. The primary façade of the building will be adorned by a front porch with square, PVC columns, resting on a gray or green-colored, cement, front porch. The house will be accessed by a fiberglass front door of a red or brown color, and fenestrated by several vinyl, four over one, double-hung, sash windows of a tan or light brown color. All windows will be bordered by four inch, white-colored, PVC trim. All remaining trim on the house will be white-colored PVC.

Chairman Gwaltney – Is there anyone here to speak on this application?

Mr. William Campbell – I live at 213 Keswick Place. The foundation on the new construction will have a stucco finish with a painted surface to blend in with the house. It will have Hardie plank, horizontal beaded siding on most of the house. On the front it will have the half-round cedar shake style on the Hardie plank siding. The soffit will be a vented, beaded, vinyl. The gutters will be wrapped with aluminum. The gable ends will be a PVC coated board that will be white and all the corner boards will be the same type of material. The windows will be a solid vinyl, double-hung, with grids. The upper part of the windows will have four grids and the bottom part of the windows will be clear with no grids. The concrete on the porch will be covered with epoxy paint in a cream or tan color to blend in with the house. The asphalt shingles will be charcoal-colored, thirty year, architectural shingles. This is the first house that I have built in the historic area in Smithfield.

Mr. Hill – Will all the trim boards on the house be a PVC material, not a PVC aluminum coil stock?

Mr. Campbell – That is correct. The corner boards and wrap around the windows will all be a solid PVC, wood material composite structure. The only thing that will be wrapped with aluminum will be the gutters.

Mr. Hill – We don't like to see aluminum wrap or metal whatsoever.

Mr. Campbell – If that is an issue then I don't mind putting the PVC boards where the gutters go.

Mr. Hill – Is the soffit a PVC?

Mr. Campbell – I have a sample. It is a vinyl product that is a beaded siding.

Mr. Hill – Do you have a problem changing that to a Hardie product?

Mr. Campbell – No, sir.

Mr. Hill – Is there a handrail on the back porch?

Mr. Campbell – We are waiting on the site plans to determine the elevation before we can figure out if we need handrails or not.

Mr. Hill – The product that you use is the biggest thing.

Mr. Campbell – The product will be a PVC material. Sometimes the railings are required and sometimes not depending on the elevation of the back deck.

Chairman Gwaltney – Is that the style you will use?

Mr. Campbell – Yes.

Chairman Gwaltney – The siding shingle shakes on the elevation drawings appear to be straight cut but on the color rendering they appear to be round.

Mr. Campbell – They are going to be the half-round. They will be identical to the rendering. We can change it to be straight. I like the half-round because I think it gives it a better look.

Ms. Hillegass – I like it better too.

Chairman Gwaltney – Is that a vent or a window on the gable?

Mr. Campbell – It is a vent. We can put a window there if you prefer.

Chairman Gwaltney – Is that attic space?

Mr. Campbell – Yes. When we put a window in the attic space we black-out the window on the back side.

Chairman Gwaltney – I think a smaller window instead of a vent would be better.

Mr. Prevatte – Are you putting handrails by the door on the left elevation?

Mr. Campbell – It may be only one step coming out of the door once I finish my elevations. I cannot determine that until I get the site plans from the surveyors.

Mr. Prevatte – I think that would be a safety item.

Mr. Hill – As far as the code is concerned, if it is not more than twenty-two and a half inches off the ground it doesn't require handrails.

Mr. Goodrich – I would like to make a motion that we approve the application as presented with the condition that he return for approval of the handrails and the soffits and fascia would be a PVC material.

Ms. Hillegass – Second.

Chairman Gwaltney – A motion has been made and properly seconded to approve as presented with the condition that he return for approval of the handrails and the soffits and fascia would be a PVC material.

Chairman Gwaltney - All those in favor signify by saying aye, all opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Vice Chair Torre voted aye, Mr. Goodrich voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Mr. Prevatte voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Next on the agenda is Exterior Changes – E. Main Street, No Designation – Wharf Hill Properties, LLC, applicant. Can we have a staff report?

Planning and Zoning Administrator – Thank you, Mr. Chairman. At its Tuesday, October 16th, 2018 meeting, the BHAR voted to approve an application for a ten foot square dumpster enclosure in the public parking lot at the intersection of East Main Street and Commerce Street. The approved enclosure was supposed to be no taller than six feet in height, utilizing a “dog-eared” style treated lumber, and painted white in color. Following a site visit by staff earlier this month, the enclosure was found to exceed six feet in height, utilize a style of treated lumber that was not “dog eared”, and was painted cream in color. Two heliacal embellishments and what appear to be boxed eaves are visible on the enclosure’s exterior. The applicant is seeking after-the-fact approval for the new design of the enclosure.

Chairman Gwaltney – Is there anyone here to speak on this application?

Mr. Lee Duncan – I live at 12170 Modest Neck Road. I built the enclosure too tall, painted it off-white, and with a sunburst design with boxed eaves. I did it because I wanted to make it cool looking.

Ms. Hillegass – I was hoping that you would come before us before you did the project this time. You did not do what you told us you were going to do and that disappointed me. I spoke with some neighbors that often complained about other projects that you have done on the hill. They complimented the project. They said you made garbage fun. I think if the neighbors are okay with it then I’m okay with it.

Mr. Goodrich – The last time Mr. Duncan came to us with an after-the fact, I said I would not vote for an after-the-fact application anymore. Especially if the individual knew the rules, regulations and the process. We approved what Mr. Duncan requested and then he did the exact opposite. I think if we continue to ignore applications that we approve and are done differently than our initial approval, we are sending a message that what we have been charged to do does not mean anything. I feel that if social

media is going to be used to gain support for what has already been done then all of the facts should be stated. My vote tonight would be no. Unless I can be convinced that it is appropriate for us to continually deal with after-the-facts. The design is fine but I think the principle of the thing is not appropriate. Our approval meant nothing at all because he wanted to make it look cool.

Vice Chairman Torre – This is nicer than what you previously submitted. Why didn't you submit this in the first place?

Mr. Duncan – I did not know I was going to do it this way. I came up with the design the day before. I wanted to do something that was going to be pleasing to my neighbors. I wanted to do something that was taller than six feet and white in color. Have you ever painted something white and put it in a dirty parking lot full of pot holes. What do think that is going to look like in a day? At the bottom of Wharf Hill there is a rusted fence surrounding a brick pump house. There are tires and trash behind the building that used to be the cleaners. There is a backwards fence on the other side of the parking lot that was built to stop people from being able to use the dumpster. There is nothing nice about the bottom of the hill. Why can't we put something there that is nice looking? It took me seven months to get any kind of approval. I decided to give them something better than okay. I thought if I did something nice enough there would not be any complaints. I thought a sunburst would be nice because it was almost Christmas time. It made me mad when I received a letter a couple of weeks later. It was the way the letter read. In bold at the end, it said you have thirty days from the date of this notice to comply with one of the above options. Failure to comply may result in legal action up to and including the removal of the dumpster enclosure from town property. All removal expenses will be billed to you, as well as additional administrative and/or legal fees. You try to build something that would delight people. I don't see the problem. The Mr. P. D. Gwaltney, Sr. house, bumble bee house, and Mansion on Main have sunburst motif on them. Usually you get complaints but not one complaint about this. O. A. Spady said it was cute. Mr. Smith said that is a nice dumpster enclosure, now all you have to do is paint it. A six feet enclosure is not tall enough to hide the dumpster. I built something that does not look like a dumpster enclosure. I didn't ask permission to do it because guess what I love Christmas. I love the fact that I don't know what is in the box. I wanted to give you the best thing I can give you.

Mr. Hess – I think you missed the point. The point is if you change the design you have to come back to ask for approval. That is the process.

Mr. Duncan – I understand the process.

Mr. Goodrich – If that gentleman before you [Mr. Campbell] decides that he is going to change the outside look and materials of his house he would probably come back to the board to ask for permission to do that. That is what we are charged with doing. You seem to miss the point.

Mr. Duncan – If the board wants me to cut the enclosure down to six feet, make it “dog eared”, and paint the whole thing white, I will do it. I would not fault you for doing your job. There was no BHAR before that is why the historic district is vivacious, alive, and what it is today, because people were given the freedom to do what they wanted to do.

Mr. Goodrich – Mr. Duncan, my house was white and I brought a color change before the BHAR in the 1990s. It was approved to be painted green with a cream trim. All of the houses in Smithfield were white. Since the BHAR was established different colors have been approved.

Mr. Duncan – I understand that. It is really just about asking your permission first. I don't think you should be in the color business.

Town Attorney – We are not.

Mr. Duncan – Why do people have to get permission to change colors?

Town Attorney – You are missing the point. For all the things that you do not like about the historic board, the fact that the historic district is preserved as well as it is, is because Smithfield took the lead in doing this a long time ago. There was a man long before us that had the foresight and vision to come up with a set of rules. Yes government gets in the way a lot of times but there are times when it does good things. The fact that we established some rules and make people comply with them has been a good thing for the historic district. I came here thirty-five years ago, the place didn't look like it does now. I would give Mr. Ron Pack credit because he put his money where his mouth is. Over the years people have called the BHAR the “hysterical board.” Everyone who deals with the BHAR seems to find out that they are very reasonable. There is a process. It does not lead itself to instant gratification. They do not tell you how to do stuff. You tell them what you would like to do and they respond to it. Mr. Gwaltney's father was on the BHAR forever and his favorite color was white. He didn't like any

colors. I had to tell him every month the BHAR is not in the business of telling people what color they can paint their house. As long as you live within the guidelines we will let you do what you want to do. I know you are frustrated. You need to understand every coin has two sides. The side that you don't like has another side that will probably lead to some good things.

Mr. Duncan – The after-the-fact approval is a way for creative people to change their minds. I don't need you to tell me that you would have approved what I did if I had come to you beforehand. I know you would have approved it. That is why I did it. I am not saying do away with BHAR. I agree it is useful. I think you need to do what you need to do. I like and respect what you do. You have to put up with people like me.

Mr. Hill – It is not the fact that you did a good job on it. It looks better than what you asked to do. If you decided to build a dumpster enclosure for Mr. Riddick and you told him it was going to cost him \$25,000.00 but you decided to change it and it is going to cost \$30,000.00, are you going to charge Mr. Riddick the other \$5,000.00? No you would not. You should plan out your projects before you start them. I do it for a living so I understand what you are saying. This is not the first time we have had this issue.

Mr. Duncan - It will not be the last time. Unless I decide this is not a good fit. Maybe I shouldn't do anymore projects in the historic district.

Mr. Hill – You complained about the building but the board didn't decide where to put the dumpster. It has nothing to do with us.

Mr. Duncan – My point was I had to fight for it so I wanted to make it nice. My neighbors like it. Isn't that the point?

Mr. Hill – Maybe. No one on the board is going to use the dumpster. There is a process behind the whole thing. I think what has rustled everyone's feathers is that you don't care what anyone [on the BHAR] thinks.

Mr. Duncan – Did you get a letter saying you are going to be taken to court?

Mr. Hill – I have received that same letter.

Town Attorney – In a lot of other jurisdictions they would not be as nice about it as we are.

Mr. Duncan – I will agree with you on that.

Town Attorney – You can take the letter for what it is worth. There is a process. We send out legal notices all the time. Our staff is nice to deal with, better than others you might have to deal with.

Mr. Duncan – That is true.

Town Attorney – You are not being singled-out. You didn't do what you were supposed to do so there are consequences. We are here to deal with the issue.

Chairman Gwaltney – It is fine to have ten people say it looks better but you can probably find ten people that say "I don't like it." Is it appropriate to be in the historic district? Does it meet the criteria? I think when we approved the application before most of us assumed the height of the enclosure was enough to obscure the view of the dumpster. I don't think we would have approved six feet if the dumpster is seven feet tall. Would you be willing to, with an adjusted height, construct what we approved upon your request?

Mr. Duncan – Eight feet is the height it is now. It's not what I'm willing to do. I have already done what I wanted to do. It is what you tell me I have to do.

Mr. Goodrich – I would like to make a motion to deny the application as presented.

Vice Chair Torre – Second.

Chairman Gwaltney – A motion has been made and properly seconded to deny the application as presented.

Mr. Hess – I think for the most part we are in agreement that the structure itself doesn't look bad but it doesn't look anything like what was approved. If we let one citizen not follow the process then how do we hold other citizens accountable? That is an issue we have to come to grips with as a board. I think the real issue is that you don't feel like you are compelled to work through the process. If the eight feet amendment would help obscure the dumpster then we need to consider that. Nobody would like to look at a dumpster.

Chairman Gwaltney – I don't think the height of it is really playing a part in the decision. We assumed that the six feet enclosure would obscure the dumpster.

Mr. Prevatte – Can we make an exception to the rule?

Chairman Gwaltney – Are you willing to build what we approved with the one change being the enclosure must be two feet taller?

Town Attorney – It is abundantly clear that the board is unhappy with the fact that he has not complied with the process and abided by the approval that he was granted. I think everybody has come to the conclusion that six feet is not enough. What seems to be cutting your nose off in spite of your face is to make him do something that is

inadequate. Do you object to the sunburst? Maybe you could modify it so he still has the box because the whole point of this is to provide an enclosure that will obscure the view of the dumpster. He is wrong. He is willing to do what you tell him to do. But that is kind of silly to make him cut a perfectly functional dumpster enclosure down to six feet which you have acknowledged is inadequate. He needs a dumpster enclosure so you have to approve something.

Mr. Goodrich – My motion did not include any height. My motion was to deny the application as presented.

Town Attorney – You need to have that discussion before you take action. I don't think denying it will solve the problem.

Mr. Hess – Usually, after-the-fact approval for an individual project is a onetime event. It appears that you have developed a track record for looking at the rulings of the board as optional. If the board would approve what you have done would you commit to not doing the after-the-fact approach in the future? You do some great things for the town. If we make exceptions for one then everyone will expect it.

Mr. Duncan – I understand. I painted the second floor wall of Wharf Hill brick red. Every nor'easter that came off the water blew right through the brick and it would rain inside of the building. It is upstairs over a roof of another building, mostly invisible. I painted it but I did not think it was going to be a problem. I took aluminum siding off the front of an all-white building that had been neglected for about thirty years and underneath there was wood siding. I wanted to keep the wood siding. I painted the columns, windows, and building white. Mr. Reish told me I needed a permit to do that. I built a wood enclosure, nice, functional, and mostly white with a sunburst on it. My track record is not that crazy. I get this letter and I think I cannot do anything right. There is not one person in this room except for maybe Mr. Goodrich whose house is perfect.

Mr. Prevatte – We are not exempt. We have to get approval for things that we do.

Mr. Duncan – If you take an old, historic building that is in really bad shape and turn it into something nice the BHAR would have an issue.

Mr. Hess – Have you come to the conclusion that in the future it would be wise to avoid after-the-fact approvals and lay it all out ahead of time?

Mr. Duncan – Yes. I am going keep being me. I am going to do good things. I am going to do bad things. I will make mistakes. I totally respect your position. I think the BHAR is useful.

Ms. Hillegass – We have had this discussion before, you make it hard for us to do our job.

Mr. Duncan – I know. It is the big picture.

Ms. Hillegass – Don't oversell it because I was going to agree with you. We are talking about a dumpster enclosure. So in the grand scheme of things it is not a contributing structure or a historic house. It is a dumpster enclosure. The people that watch you like a hawk actually like it. I would vote in favor of approving this.

Mr. Goodrich – I put a storage shed on my previous property on Church Street. I received a letter because a neighbor reported it. I didn't know I was supposed to come before the board to do that. I was new to the Town of Smithfield. I received a letter that said I had thirty days to remove it. I removed it. The board was not going to approve it based on where it was located. The narrowness of the lot did not allow for it to have a five feet setback from the property line. I did what staff told me to do. I did not ask for after-the-fact approval because it was illegal. He has asked us to approve something that we did not approve to begin with. If someone put a steeple on the top of their house then we allowed them to keep it up, people would be asking to put steeples on their houses. I guarantee the board would tell them not to put steeples on their houses.

Town Attorney – The difference between your situation and his is that what he is proposing is considered legal if you approve it. What you wanted to do couldn't be legal because of where it was located. That is the whole point of the BHAR, you can approve things. It's within your purview. You are guided by your guidelines and ordinance not by whether your feelings are hurt or not. Would he be entitled to do this if he had asked for it? You make a very good point. You should not rubber stamp what he is doing. You should ask if it is appropriate or not. That is what your job is.

Mr. Goodrich – If you look in the guidelines under fences it shows the types of fences that would be approved in the Town of Smithfield.

Town Attorney – It's not a fence.

Mr. Goodrich – It is a fence.

Town Attorney – It is not a fence. This is not covered by your guidelines at all.

Chairman Gwaltney – We all agree that it needs to be vertical boards, white, the height being eight feet is acceptable, and not having a top is okay. I think where things crossed the line would probably have to do with your artistic touches to it. Would you consider removing all the diagonal wood and the heliacal embellishment on the top and

leave a white box with some brown vertical trim and perhaps even the shingles on the eaves?

Ms. Hillegass – Did the diagonal boards help with the structural integrity of the doors?

Chairman Gwaltney – I don't think so.

Mr. Duncan – They do. They are just like a barn door. The diagonal boards keeps it from sagging.

Chairman Gwaltney – Would you take all of the artistic parts off of it and do whatever structural tasks need to be done?

Ms. Hillegass – What is the point? Just to punish him because he didn't do what we approved.

Chairman Gwaltney – No. For it to be closer to what was originally approved.

Mr. Prevatte – Can we take a vote?

Chairman Gwaltney – The motion on the floor is to deny the application.

Mr. Prevatte – What has been done is done.

Chairman Gwaltney – What has been done can be undone if we decide that is the way we want to go.

Town Attorney – There is a motion on the floor, you have to vote on it- but you can take up another alternative afterwards if you choose.

Chairman Gwaltney – Are you willing to remove the artistic touches and paint more pieces white if needed?

Town Attorney – He said he is willing to do whatever you tell him to do.

Chairman Gwaltney – The motion on the floor is to deny the application to allow what has been built to be approved. All those in favor signify by saying aye, all opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Vice Chair Torre voted nay, Mr. Goodrich voted aye, Mr. Hess voted nay, Mr. Hill voted aye, Ms. Hillegass voted nay, and Mr. Prevatte voted nay. There were five votes against the motion. The motion failed.

Town Attorney – It is not resolved yet.

Mr. Duncan – I understand I did something that was not exactly like the plan but I thought I was doing a good thing. I was not trying to get away with anything. I was not trying to be like “up yours, Mr. Smith- my dumpster enclosure has a star on it.” It was

not like that. I was honestly stupid enough to think that I was going to build something cool that people would like.

Mr. Prevatte – The bottom line was that you didn't want to wait until the next meeting to do something.

Mr. Duncan – I didn't think it would come to that. I didn't think I would get a letter. I didn't think anyone would complain.

Mr. Prevatte – We all have to do it. I got denied.

Town Attorney – Take control of your meeting, please.

Ms. Hillegass – I would like to make a motion to approve as installed.

Mr. Hess – Second.

Chairman Gwaltney – A motion has been made and properly seconded to approve as installed. All those in favor signify by saying aye, all opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted nay, Vice Chair Torre voted aye, Mr. Goodrich voted nay, Mr. Hess voted aye, Mr. Hill voted nay, Ms. Hillegass voted aye, and Mr. Prevatte voted aye. There were three votes against the motion. The motion passed.

Chairman Gwaltney – Next on the agenda is Approval of the Tuesday, December 18th, 2018 Meeting Minutes.

Town Attorney – Mr. Chairman and members, I would recommend approval of the minutes as presented.

Ms. Hillegass – So moved.

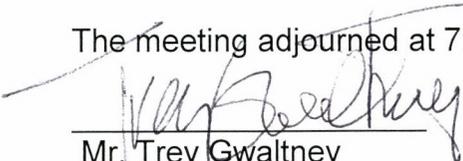
Mr. Goodrich – Second.

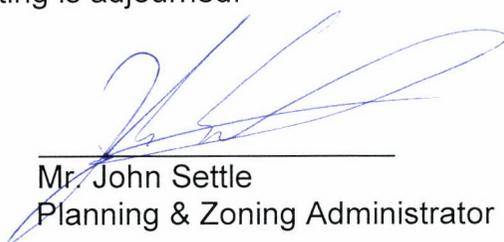
Chairman Gwaltney – A motion has been made and properly seconded to approve the minutes as presented. All those in favor signify by saying aye, all opposed say nay.

On call for the vote, seven members were present. Chairman Gwaltney voted aye, Vice Chair Torre voted aye, Mr. Goodrich voted aye, Mr. Hess voted aye, Mr. Hill voted aye, Ms. Hillegass voted aye, and Mr. Prevatte voted aye. There were no votes against the motion. The motion passed.

Chairman Gwaltney – Our meeting is adjourned.

The meeting adjourned at 7:45 p.m.


Mr. Trey Gwaltney
Chairman


Mr. John Settle
Planning & Zoning Administrator