

TOWN OF ABINGDON
BOARD OF ARCHITECTURAL REVIEW
REGULAR MEETING
OCTOBER 1, 2003 - 1:00 P.M.

The Regular Meeting of the Board of Architectural Review was held Wednesday, October 1, 2003 at 1:00 P.M. The meeting was held in the Municipal Building, Downstairs Meeting Room.

The meeting was called to order by Mrs. Betsy White, Vice-Chairman.

ROLL CALL

Members Present: Mrs. Betsy White, Vice-Chairman
Mr. Thomas C. Phillips, Jr.
Mrs. Doris Shuman
Mr. Andrew Hargroves

Comprising a quorum of the Board

Members Absent: Mr. Charles R. Day

Administrative Staff: Mr. Albert C. Bradley, Director of Planning Zoning
Mr. Garrett Jackson, Town Planner

Visitors: Mr. Sam Hurt
Mr. Dan Levesque
Mrs. Monica Levesque
Mr. Dan Caldwell

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(2) Approval of Minutes:

Public Hearing, July 29, 2003

Motion was made by Mr. Phillips, seconded by Mr. Hargroves, and unanimously resolved to approve minutes of the Public Hearing, July 29, 2003.

Regular Meeting, August 6, 2003

Motion was made by Mr. Phillips, seconded by Mr. Hargroves, and unanimously resolved to approve minutes of the Regular Meeting, August 6, 2003.

Work Session, August 18, 2003

Motion was made by Mr. Phillips, seconded by Mr. Hargroves, and unanimously resolved to approve minutes of the Work Session, August 18, 2003.

Regular Meeting, September 3, 2003

Motion was made by Mr. Phillips, seconded by Mr. Hargroves, and unanimously resolved to approve minutes of the Regular Meeting, September 3, 2003.

- (3) **Certificate of Appropriateness - Sam Hurt**, 247 East Valley Street, Abingdon, Virginia 24210; and **Jim Strine**, 239 East Valley Street, Abingdon, Virginia 24210; application for Certificate of Appropriateness for approval to replace fence along common boundary line between **247 East Valley Street, Tax Map No. 13 (1) 17, and 239 East Valley Street, Tax Map No. 13 (1) 16.**

This is a request for approval to replace fence along common boundary line between 247 East Valley Street and 239 East Valley Street.

The owners of the two adjoining properties have a common wall and fence along the west boundary line of 247 East Valley Street and the east boundary line of 239 East Valley Street. The owners wish to replace the fence substantially similar to the fence that presently borders the south boundary line of 239 East Valley Street. The fence to be replaced is in several sections stepped down with the terrain as it slopes from north to south. Because of the change of levels it has no scalloped top treatment. Pressure treated lumber will be used for the new fence, which will be unpainted until it has had time to weather. When properly weathered, the new fence will be painted a bone white color. The inside fence posts will face the 239 East Valley Street property.

After discussion, Mrs. Shuman made a motion that the application be approved. Mr. Phillips seconded the motion, with unanimous approval.

- (4) **Certificate of Appropriateness - Blue Ridge Family Chiropractic, Dan Levesque, Representative and Caring Companions, Monica Levesque, Representative**, 220 East Valley Street, Abingdon, Virginia 24210; application for Certificate of Appropriateness for approval of two (2) signs (one sign for each business), to be located at **220 East Valley Street, N.E. Tax Map No. 13 (1) 37.**

This is a request for approval of two (2) signs to replace existing sign located at 220 East Valley Street.

Each sign, one placed above the other, will be constructed of sandblasted wood with blue background, white lettering and border. The signs will be mounted on existing brick and mortar pillar. The over-all size of the proposed signs will be 18 in. x 30 in. One of the signs will read "Blue Ridge Family Chiropractic, 276-676-3111" and the other sign will read "Caring Companions In-House Nonmedical Care, 276-623-1348".

After discussion, Mrs. Shuman made a motion that the two (2) proposed signs be approved. Mr. Hargroves seconded the motion, with unanimous approval.

- (5) **Certificate of Appropriateness - Dan and Sandi Caldwell, (Old Abingdon Bed and Breakfast)**, 200 Pecan Street, N.E., Abingdon, Virginia 24210; application for Certificate of Appropriateness for approval to install canvas awnings above doors, on deck above addition, at rear of house located at **200 Pecan Street, N. E. Tax Map No. 13 (1) 52.**

This item was not on the agenda as it was brought to the attention of the staff after the agendas were mailed to Board members.

This is a request for approval to install three (3) canvas awnings above French doors on deck above addition on rear of house located at 200 Pecan Street. The awnings are needed for protection from the weather elements. The awnings will be a tannish/brick color to blend with color scheme of existing structure. All three awnings will be visible from Plumb Alley, one will be visible from Pecan Street, with none being visible from Valley Street.

After discussion Mrs. Shuman made a motion that this application be approved. Mr. Hargroves seconded the motion, with unanimous approval.

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(6) Discussion and Approval - Bylaws of the Board of Architectural Review

The following is the revision and modified Bylaws that were reviewed and discussed.

**BYLAWS OF THE
BOARD OF ARCHITECTURAL REVIEW
TOWN OF ABINGDON, VIRGINIA**

The Board of Architectural Review of the Town of Abingdon, Virginia (“BOARD”), established pursuant to Section 8-6-1 of Article 8 of the Zoning Ordinance of the Town of Abingdon (the “HISTORIC PRESERVATION ORDINANCE”), hereby adopts the following rules for the transaction of its business:

Section 1. – Officers and Duties.

1.1 *Officers.* The officers of the Board shall be a Chair, a Vice-Chair and a Secretary. They shall have the respective duties set forth below. At the next annual meeting and each annual meeting thereafter the voting members of the Board shall elect from their membership a Chair and Vice-Chair, each to serve for a term of one year or until his or her successor is elected. Either elected officer may serve any number of terms but not more than two terms consecutively.

1.2 *Duties of Officers.* In addition to any other duties specified in these bylaws:

- a. *Chair* - The Chair shall (i) preside over the meetings of the Board; (ii) represent the Board before the Town Council, the Planning Commission and any other board or commission of the Town; (iii) act as a liaison between the Board and such organizations as the state Department of Historic Resources and the Town’s Historical Society; (iv) recommend to the Town Council persons to fill vacancies on the Board as may be required; (v) recommend appointments of Board members to other Town boards or commissions or task forces as may be required; (vi) assist the Secretary in the preparation of agenda for meetings; (vii) appoint such committees as the Board may from time to time deem necessary to investigate the matters before it; and, (viii) perform such other duties as the Board may from time to time specify. The Chair shall be entitled to vote on all matters before the Board.

b. *Vice-Chair* - The Vice-Chair shall perform the duties of the Chair during his or her absence, disability or disqualification, and at such times shall have the same powers and duties specified above for the Chair.

c. *Secretary* - The Zoning Administrator of the Town or his designee shall serve as Secretary but shall not be eligible to vote upon matters before the Board. It shall be his or her duty to (i) prepare and maintain as a public record minutes of all meetings of the Board; (ii) provide public and other notices as required by these bylaws, the Historic Preservation Ordinance or applicable statutes; (iii) prepare, in congress with the Chair, the agenda for meetings as may be required; (iv) be custodian of the Board's books and records; (v) conduct all correspondence of the Board according to the Chair's direction and otherwise supervise the Board's clerical work; (vi) handle any funds allocated to or otherwise received by the Board; (vii) act as a liaison between the Board, the Town Manager and appropriate Town departments as may be required; (viii) issue and advise the Board of minor action waivers pursuant to Section 8-4-1b. of the Town's Historic Preservation Ordinance; (ix) advise the Board of the status of all pending certificates of appropriateness; (x) execute on behalf of the Board any documents requiring the signature of the Secretary; and, (xi) provide each new member of the Board with a packet containing copies of applicable statutes, the Historic Preservation Ordinance, these by-laws and any other information reasonably calculated to assist the new member in performing his duties.

1.3 *Vacancies* - If any vacancy occurs in the office of either the Chair or the Vice-Chair, the Board shall, in addition to other business conducted in accordance with these bylaws, conduct a special organizational meeting at which one of its voting members will be elected to the office vacated, to serve the unexpired term caused by the vacancy.

Section 2. - Meetings.

2.1 *Organizational Meetings and Frequency of Regular or Special Meetings.* Each year, at the first regularly scheduled meeting after January first, the Board shall conduct an organizational meeting at which officers shall be elected and other business conducted in accordance with these bylaws. The Board shall meet not less than four (4) times per year in regular or special meetings. When there is no business for the Board the Chair may dispense with a particular meeting by giving at least twenty-four (24) hours advance notice to all members.

2.2 *Time and Place of Meetings.* Unless the Board specifies otherwise, regular and all other meetings of the Board shall be held in the downstairs meeting room of the Town Municipal Building, or such other location as the Board may from time to time designate. Regular meetings shall be held monthly at that location, at 1:00 p.m. on the first Wednesday of each month.

2.3 *Special Meetings.* Special meetings may be called upon request to the Secretary by either the Chair or at least three (3) other members of the Board.

2.4 *Work Sessions.* The Chair may hold a work session of the Board with regard to any matter or matters pertinent to the Board's duties and responsibilities as defined in the Historic Preservation Ordinance. Work sessions shall be open to the public but without public comment. No official action shall be taken at such meetings.

2.5 *Closed Sessions.* The Board may hold closed sessions in accordance with Section 2.2-3711, Code of Virginia, 1950, as amended, and any other applicable state law.

2.6 *Notice of Meetings to the Board.* The Secretary shall provide the members of the Board with written notice of (i) all special meetings and work sessions by serving the notice personally or leaving it at each Board member's place of business or residence at least forty-eight (48) hours in advance of the meeting; and, (ii) regular and all other meetings by either manual or electronic posting effected at least three (3) business days prior to each meeting. Each such notice shall state the date, time and place of the meeting concerned and be accompanied by an agenda prepared in accordance with these bylaws, together with such documentation as may be reasonably necessary to permit the members of the Board to consider the business with respect to which they have been called upon to act. Provided, (i) a member may waive notice of any meeting; and, (ii) the attendance of a member at a meeting shall constitute a waiver of notice thereof unless the member is attending for the stated purpose of objecting to the meeting on the ground that it has been unlawfully called or convened.

2.7 *Notice of Meetings to Public.* In addition to any other notice requirements provided in these bylaws and the Historic Preservation Ordinance, public notice of all regular and special meetings and all work sessions shall be provided in accordance with Section 2.2-3707 of the Code of Virginia, 1950, as such provision may from time to time be amended. The posting and publication thereby required shall be on the Town's web site, the interior and exterior faces of the windows on the west wall of Level 1 of the Town's Municipal Building, and at the office of the Town Clerk on Level 2 of such building, to the end that information on a particular meeting may be obtained at any hour of the day or night, either by remotely visiting the web site or directly visiting Level 1 or Level 2 of the Municipal Building.

2.8 *Attendance at Meetings.* Each Board member shall attend its meetings on a regular basis, with no more than three (3) consecutive un-excused absences from the meetings and work sessions of the Board in any calendar year. The Secretary shall notify any member of the Board when he or she is approaching the maximum number of un-excused absences and note such notification on the record. When informed in advance of the meeting the Chair may excuse absences in cases of illness, death in the family and any other case in which the Chair determines there is just cause for absence and request the Secretary to note the excused absence on the record. If three consecutive un-excused absences should occur, the Chair shall report the absences to the Town's Mayor for appropriate action.

Section 3. – Conduct of Meetings.

3.1 *Quorum.* A quorum, consisting of three (3) voting members of the Board, must be present in person at a meeting before the Board is permitted to take any official action.

3.2 *Procedure.* At any meeting of the Board, the order of business to come before the meeting shall be specified in the agenda provided with the notice of meeting, subject to the right of the Chair to change the order with the consent of a majority of the members present. Except with the agreement of a majority of the members present, matters not on an agenda may not be brought before the Board. In

passing upon any points of order and procedure not specifically provided for in these bylaws, the Historic Preservation Ordinance or the Code of Virginia, the Board shall be governed by Roberts Rules of Order. The Chair shall preside and decide all points of order and procedure but his or her rulings may be reversed by a majority vote of the Board members present. The Chair shall restate or cause to be restated each motion before any vote is taken. The Board shall grant a full and impartial hearing on each matter before it and permit testimony not only from the applicants but interested members of the public.

- 3.3** *Voting.* Each member of the Board shall have the right to one vote on each issue, to be exercised at a meeting in person and not by proxy. Except as provided in Section 8-9-1 of the Historic Preservation Ordinance (regarding adherence to the Design Review Guidelines) the decision of the majority shall be final, subject only to the rights of appeal provided in such ordinance. If the vote on any motion is a tie, the motion shall fail.
- 3.4** *Record of Meetings.* Acting on behalf of the Board, the Secretary shall keep a permanent record of the deliberations, transactions and resolutions of the Board at its meetings or any other public hearings, showing the vote of each member on each question (or if absent or failing to vote, indicating that fact) which record shall be signed by the Secretary and initialed by the Chair.
- 3.5** *Conflict of Interest.* Any member of the Board who has a direct or indirect financial or personal interest of any kind (whether through business association, investment or immediate family) in property which might be affected by a matter pending before the Board shall be disqualified from participating in the discussion, decision and other proceedings of the Board relating to the pending matter and shall disclose the conflict to the Board as soon as it comes to his or her attention. In addition, any member or other person present at a Board meeting who believes that a Board member has a conflict of interest may raise the question. Provided, a Board member may submit a matter to the Board for his own account so long as he or she discloses the conflict in advance and abstains from voting on it by the Board.

Section 4. – Training Requirements.

Each Board member is required to attend at least one informational or educational meeting per year which has been approved by the Virginia Department of Historic Resources as pertaining to the work and functions of the Board or to historic preservation. If informed before a delinquency occurs, the Chair may excuse any Board member from meeting his or her training requirement in cases of illness, death in the family and any other case which the Chair deems good cause.

Section 5. – Amendments.

These rules may be amended at any time by the affirmative vote of at least four (4) members of the Board. Provided, any such amendment must (i) first be presented to the membership of the Board in writing at a regular or special meeting preceding the meeting at which the amendment concerned is voted upon; and, (ii) be consistent with the provisions of the Historic Preservation Ordinance.

We, the undersigned, being the current five (5) voting members of the Board of Architectural Review of the Town of Abingdon, Virginia, do hereby adopt the foregoing as the bylaws of such Board.

Charles R. Day, Chairman

Betsy White, Vice-Chairman

Thomas C. Phillips

Doris C. Shuman

Andrew J. Hargroves

As requested in a letter to Virginia Division of Historic Resources by Mayor Lois Humphreys, the bylaws will now be submitted to the Virginia Department of Historic Resources, in order for the Town to qualify for certified local government status.

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Further discussion included the requests for payment from Gibson Worhsam, Architectural Historian, for services rendered for consultation fees for the Barter Green Project. Mr. Phillips made a motion that a request be made to Town Council for approval for up to \$6,000 for payment to cover consultation fees for Mr. Worsham. Mr. Hargroves seconded the motion, with unanimous approval.

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There being no further public business, the Board adjourned at 1:45 P.M. The Board continued with a work session which adjourned at 2:20 P.M.

Betsy White, Vice-Chairman

Albert C. Bradley, Secretary