

# Historic Preservation Commission

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## CITY OF LEBANON HISTORIC PRESERVATION COMMISSION Regular Meeting – February 14, 2023

### Attendees

John Foutch  
Meghan Michel  
Kristy Barhite

Phillip Allison  
Greg Dugdale  
Kathleen Vail

David Taylor  
Marilyn Bryant

Wayne Oakley

### Call to Order

Chairman John Foutch called the meeting to order at 5:04 PM.

### Election of Officers

John Foutch announced that he would not serve as chair this year. He stated that he has done it for couple of years and he has been angry enough and it will be somebody else's turn.

John Foutch nominated Meghan Michel for Chairman and it was seconded by Marilyn Bryant. Motion carried. Meghan Michel is Chairman.

Meghan Michel nominated John Foutch for Vice Chairman and it was seconded by Greg Dugdale. Motion carried. John Foutch is Vice Chairman.

Staff was nominated for Secretary by David Taylor and it was seconded by John Foutch. Motion carried. Staff is Secretary.

### Approval of Minutes

A motion was made by John Foutch and seconded by Greg Dugdale for approval of the December 14, 2022 Historic Preservation Commission Meeting Minutes. Motion carried.

### Old Business

*Case 22-19 Request by Keller Williams Realty for a Certificate of Appropriateness for work being done at 121 Public Square (Tax Map 68E Group N Parcel 2) zoned CD in Ward 3*

Staff said that they received an email from David Huffaker requesting a deferral of the project to the March meeting as he would not be available for this meeting.

Keller Williams' Kenny Sallis said he would present the project since he was available for other items on the agenda.

Staff said that the applicant is requesting a Certificate of Appropriateness for work being done at 121 Public Square. Per the application, they have added signage to the building and are asking for approval of the signage as placed. This item was deferred by the Commission in December to gain input from more Commission members this month.

Staff recommended the following based on Historic Preservation Guidelines:

The applicant obtained the necessary sign permits from the city and installed the signage. The signage follows the City Code and Historic Guidelines in size requirements. However, the letters of the sign are

## Historic Preservation Commission

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red, where strong primary colors should only be accents, and the sign is internally lit. Both go against the current Historic Guidelines. Staff recommended that they follow the guidelines.

Kenny Sallis explained that David Huffaker contacted the sign company by email, Joslin Signs, and asked them to please pay special attention because there are special rules on the square. The sign company applied for the permit to get an illuminated sign permit and the sign was installed. He said that there was no intent of breaking the rules, it was turned in to the City and the City issued a permit. that had clearly shown that the sign would be illuminated. They said that the sign is almost \$17,000.00, had it not been illuminated, it would have been a lot less, but it does not look the same when it is not illuminated so turning it off is just not the same. There are other signs around the square and he mentioned The Capitol, Burger King, 3 Sixteen and that they were there. He said that yes, it was against the rules, but the permit was issued.

Commissioner John Foutch pointed out that the city screwed up and the sign company screwed up.

Commissioner Wayne Oakley said that this is not the first time the city screwed up. He said that he thought that the city needed to reimburse them for the cost of the sign so that they can install a sign that is per our guidelines. He said that there were people down on the square that wanted illuminated signs that did not get them, and it is not fair to them. He said you cannot compare the signs mentioned because it is not comparing apples-to-apples because those signs were well before our guidelines. He said that this is like the painting of the brick, if it is in our guidelines then we need to go by our guidelines. He said that this is a different situation because the city did issue the permit. He said that that the city needed to step up and do the right thing and reimburse them for the cost of that sign and get a sign that meets the guidelines unless this body wanted to open a Pandora's Box.

Commissioner Marilyn Bryant also agreed because she said that the city knows the codes for the signs, but they also have to take in effect the historic districts guidelines and that is their responsibility.

Commissioner Greg Dugdale said that if it is in a historic zone (the permitting department) should ask if there is anything else that applies to it, it is not that hard of a principle to apply.

John Foutch said that the city missed it on two fronts, the sign should have gone to historic and the fact that it was illuminated should have been sent to historic. He asked if the potential proposed guidelines have anything to say about illuminated signs.

Staff said that everyone still needed to review the guidelines, and this is a topic of discussion that will be moving forward. There is historic evidence of signs that have been lit on the square throughout its history.

Chairman Meghan Michel asked if the sign is on a timer.

Kenny Sallis replied that the sign is on a photocell and comes on when it dark.

Meghan Michel asked if that could be altered.

Wayne Oakley said the answer they are looking for is yes, a timer can be added to it.

## Historic Preservation Commission

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Meghan Michel said that it would be unfair to ask them not to have it lit because they paid a lot of money for something that was approved, and we could comprise and have it been turned off at 10:00PM or 11:00PM, or whatever. She said that the point is that she does not believe that they city is going to pay for it and agreed that the city missed it on two things.

Marilyn Bryant agreed that the city should be responsible for paying for it or whatever it takes for them to get it.

Wayne Oakley said he does not know what the process is but eventually it would end up at City Council.

Kenny Sallis asked if that happened, who is it, the city of Lebanon versus me?

Greg Dugdale replied to Kenny Sallis, us, I guess.

Marilyn Bryant said that the Staff should have known the sign was in a historic district and to see what the guidelines said.

Greg Dugdale said that this is not a motion but a proposed motion, they could table this issue, make a motion that the city fully reimburse Keller Williams the full price of their signs and that would include taking it down and give that process 3 months, six months, whatever; and if he hasn't been reimbursed then he would come back but personally, he would make a motion to accept the sign as it is. He said that we have a good honest citizen who is trying to do what is right and it is not their responsibility to chase after a city official to see if they are following their own rules.

Continued discussion regarding the motion.

A motion was made by John Foutch and seconded by Wayne Oakley for recommended denial and the recommendation that the City of Lebanon reimburse Keller Williams and the building owners for all costs associated with the previous permitting, installation and removal of the existing sign.

Greg Dugdale said he would prefer to defer this for six months because a denial is a denial.

John Foutch said that his angle is the harsher language of a denial would hopefully force the city in having a discussion versus the deferral that might make them kick the can down the road a little more.

Meghan Michel asked who is going to push this through with the city?

Greg Dugdale said that he does not think that the city is going to reimburse him. He asked if you could apply for the same thing that was denied, denied is denied.

John Foutch said that it is denied with contingency, and Keller Williams can come back before the commission at a future point.

Greg Dugdale said that the denial is not related to the sign, and he has issue with the motion that it would be punitive to them and that he would have to remove the motion since he is the one that made the motion.

## Historic Preservation Commission

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Commissioner David Taylor noted that this is still a discussion, and he can remove his motion at any time.

Chairman Meghan Michel asked John Foutch if he was going to remove his motion. He indicated in the negative.

Kenny Sallis said that harsher reality of a denial is only harsh to him. He said that he does not imagine that the city cares whether it is denied or approved, it is not really going to matter to them. The only way it is going to matter to the city is if they choose to reimburse and he said that he believed that everyone is in agreement that they are not going to do that. So, it ends that the city does not do it, we have been denied and then we are going to have to make a decision and if we do not take it down and come back, that is not good.

The commission inquired on the timetable for reapplying if the item is denied.

Staff did not have that information available.

John Foutch said that in the meantime the sign stays up, there is no action, there is no stop work order, there is no anything.

Greg Dugdale said that he still does not make it fair to make a perfectly innocent citizen who has done right and make them a wall-breaker by emotion which is essentially we are doing.

The discussion continued.

Kenny Sallis said that they have put literally millions of dollars into the square and if this was to happen and we have to somehow have our ownership group go and somehow have to fight the city, it would only turn out bad for them and it would not be good for the city because we would have to say we can't do this anymore because we don't know how these things are going to go. He said that they did everything that they were supposed to do. He said that he can image that it is frustrating that this commission sets ordinances and guidelines and then the city sometimes misses them, but they are definitely being put in the middle of this to get what the group wants from the city when it really does not have anything to do with us, we just happened to be the ones that the city made the mistake on. He said that the commission is pitting them against the city and that is not a position that they want to be in at all.

David Taylor said that he does not think that they as a commission should put someone from the public in a position like that.

More discussion about withdrawing the motion.

John Foutch said that his angle is what forces the city into some type of action. He said that he has had multiple conversations with Commissioner of Public Services Jeff Baines on this and he thought Jeff would have reached out to him and he had asked the city to do stuff and the city hasn't. He asked for help with his motion to get the city's attention.

There was a discussion on what motion would be acceptable and having a special called meeting.

## Historic Preservation Commission

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John Foutch said that the only way we would withdraw his motion would be on the having a special called meeting with city officials.

John Foutch withdrew his motion.

A motion was made by Greg Dugdale and seconded by for a special called meeting of the Historic Preservation Commission with all necessary city staff in attendance. Motion carried 7-0.

### New Business

1. *Case 23-01 Request by Elisa Selva for a Certificate of Appropriateness for work being done at 303 East Spring Street (Tax Map 68E Group E Parcel 29) zoned CS in Ward 2*

The applicant is requesting a Certificate of Appropriateness for work being done at 303 East Spring Street. Per the application, they are requesting to replace the current back porch with a larger one (12' x 12') with a wood frame and floor and other materials to match the home.

Staff recommended the following based on the historic guidelines:

Staff recommended approval as the proposed porch matches the architectural elements of the existing home's roofline and structure.

Owner Elisa Selva was available to present the project. She said that Oscar, who was present and is the owner to be, wanted to install the porch for his children however, because this is a corner lot, it is visible from the right-of-way. This building, she explained, is not an original building that was moved from Nashville.

A motion was made by Greg Dugdale and seconded by Marilyn Bryant for approval of the Certificate of Appropriateness as presented. Motion carried 7-0.

2. *Case 23-02 Request by Kenny Sallis of SFH Holdings, LLC for a Certificate of Appropriateness for work being done at 122 Public Square (Tax Map 68E Group N Parcel 2) zoned CD in Ward 3*

The applicant is requesting a Certificate of Appropriateness for work being done at 122 Public Square. Per the application, they are requesting to place signage for the storefront at 122 Public Square.

Staff recommended the following based on Historic Preservation Guidelines:

The Guidelines allow for up to 4.5 square feet for a projecting arm sign. This sign fits those requirements at 4 square feet. The sign must be at least 8 feet in height from the sidewalk, mounted to building in a way that minimizes damage to the building, and not internally lit. If these guidelines are followed, Staff recommended approval of the sign as proposed.

Keller Williams' Kenny Sallis was available to present the project.

A motion was made by Marilyn Bryant and seconded by Phillip Allison for approval of the Certificate of Appropriateness as presented.

Commissioner John Foutch asked if the sign was internally lit.

## Historic Preservation Commission

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Kenny Sallis said that there were options however, he does not think so.

Commissioner Wayne Oakley asked how the allowable square footage of the sign determined and how is that determined with the large Keller Williams sign.

Staff said the signs are measure per store front for projecting arm. The large sign was for the building.

There was a discussion regarding signs being consistent on the square.

Staff said that the sign code is being updated and any suggestions can be emailed to Planning Director Paul Corder.

Marilyn Bryant amended the motion to include that the sign be non-illuminated. Motion carried 7-0.

3. Case 23-03 Request by Kenny Sallis of SFH Holdings, LLC for a Certificate of Appropriateness for work being done at 123 Public Square (Tax Map 68E Group N Parcel 2) zoned CD in Ward 3

The applicant is requesting a Certificate of Appropriateness for work being done at 123 Public Square. Per the application, they are requesting to place signage for the storefront at 123 Public Square.

Staff recommended the following based on Historic Preservation Guidelines:

The Guidelines allow for up to 1 square foot per linear foot of storefront for a wall sign. This sign fits those requirements at 14 square feet. The sign must be mounted to the building above the transom windows, in a way that minimizes damage to the building, and not internally lit. If these guidelines are followed, Staff recommended approval of the sign as proposed.

Keller Williams' Kenny Sallis was available to present the project. He presented historic pictures that showed how the sign would be above the transom windows.

A motion was made by Greg Dugdale and seconded by Wayne Oakley for approval of the Certificate of Appropriateness subject to Staff's comments. Motion carried 7-0.

4. Case 23-04 Request by 109 South Cumberland LLC for a Certificate of Appropriateness for work being done at 109 & 111 South Cumberland Street (Tax Map 68E Group P Parcel 15 and 15.01) zoned CD In Ward 3

The applicant is requesting a Certificate of Appropriateness for work being done at 109 & 111 South Cumberland Street. Per the application, they are requesting to introduce new windows and transoms to the second and third stories of the front façade of the building and to add aluminum clad trim to the top of the building and surrounding the windows to define the floors. Added to this COA request are brick veneer columns from the awning up to the roofline of the building. This follows the columns that were introduced to the street level façade in a previous request. This COA request will also attempt to update the previous COA to include modifications to the street level façade, as shown below. The proposed awning and street level façade and entrance have received prior COA approval in August 2020. The applicant will return at a later date for COA approval of the signage that is shown on the elevations below.

## Historic Preservation Commission

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Staff recommended the following based on Historic Preservation Guidelines:

This building, formerly the Princess Theater, is being redeveloped into a restaurant and hotel. Staff is not opposed to the new windows and transoms being introduced to the second and third stories of the front façade of the building. It is believed that this building previously had windows on the upper façade at one point in its history that were of similar appearance to the windows being proposed here.

Staff is not opposed to the addition of the aluminum clad trim to the top of the building and surrounding the windows. This helps to define the floors and the cap at the roofline of the building.

Staff is also not opposed to the introduction of the brick veneer columns from the awning up to the roofline of the building. This follows the columns that were introduced to the street level façade in a previous request. The extension of the columns from the ground to the top of the building creates cohesiveness of the building design, adding a contemporary element to the building, using historically similar materials. This application also includes an update to the previous COA to include modifications to the street level façade. The approved street level façade includes windows, whereas this new design eliminates the windows and introduces more brick wall to the façade. Staff is not opposed to this change in design.

Staff recommended approval of the project, as proposed. The applicant will need to return to the Historic Preservation Commission with a COA proposal for signage, and if a rooftop bar will be introduced to the design of the building, the applicant must apply for a COA for that as well.

Commissioner Wayne Oakley recused himself from voting because he is the architect for the project.

Owner Al Di Pasqua was available to present the project. He said that they want to put a restaurant on the first and second floor with the third floor having a boutique hotel to make Ward 2 City Councilor Camille Burdine happy. He said that Wayne Oakley did the drawings, and they are really proud of the plans.

Architect Wayne Oakley said that the first floor was changed to try to make it flood proof as much as possible and to accommodate restrooms and an elevator near the front.

Ex Officio Kim Parks spoke from the audience and stated that she assisted with the project and that the windows fit the 1942-1947 timeline.

Commissioner John Foutch said that he still regretted approving the backlit sign that was at that property and that decision has haunted him since.

A motion was made by John Foutch and seconded by David Taylor for approval of the Certificate of Appropriateness as presented.

There was a short discussion.

Motion continued. Motion carried 6-0.

## Historic Preservation Commission

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5. Case 23-05 Request by Joseph Robertson for a Certificate of Appropriateness for work being done at 107 South Hatton Avenue (Tax Map 68F Group E Parcel 34) zoned RD9 in Ward 3

The applicant is requesting a Certificate of Appropriateness for work that has been done at 107 South Hatton Avenue. Per the application, the owner has installed wood privacy fencing to the sides and rear of the property.

Staff recommended the following based on Historic Preservation Guidelines:

The wood fence that has been constructed meets the Historic Guidelines. However, the fence was constructed with the finished side facing in, which goes against the City's Code. Staff recommended approval for the fence, on the condition that the applicant brings the fence up to Code and obtains the proper permit for the fence.

Commissioner David Taylor stated that this was his grandson and since he was not financially invested that he would be voting.

Owner Paden Robertson was available to present the project. He said that he did not realize that he needed prior approval and that this fence is all in the backyard. He said the two panels that are visible from the road are double-sided and the fence blocks out the neighbor's driveway which is loaded with stuff. He built the fence this way, he explained, because he has a large dog that can climb fences.

Motion was made by Greg Dugdale and seconded by John Foutch for approval of the location and materials of the fence and subject to the building code.

Chairman Meghan Michel said that she was more concerned that he did not get a building permit and there should be fines for that.

There was a discussion regarding permits and fines.

The motion continued. Motion carried 7-0.

6. 23-06 Request by Kenny Sallis of Creekside Property Partners, LLC for a Certificate of Appropriateness for work being done at 112 & 114 East Main Street (Tax Map 68E Group P Parcel 6) zoned CD in Ward 3

The applicant is requesting a Certificate of Appropriateness for work being done at 112 & 114 East Main Street. Per the application, they are requesting to remove the deteriorated awning, replace the doors with an in-kind replacement, reintroduce transoms, and recreate the storefront similar to its original appearance.

Staff recommended the following based on Historic Preservation Guidelines:

The proposal for this building is an attempt to recreate the look of the original storefront and mimic the appearance of the surrounding buildings on the square. If the guidelines are followed, Staff recommended approval of the work to the storefront as proposed. The applicant or tenant will need to submit an additional application for COA prior to signage, lighting, or other elements being added to, or changed on the building.



## Historic Preservation Commission

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Keller Williams' Kenny Sallis was available to present the project. He said that they were pulling off the off metal and putting a transom there.

Commissioner Wayne Oakley asked for clarification if that was clear glass, and it was.

A motion was made by Wayne Oakley and seconded by David Taylor for approval of the Certificate of Appropriateness as presented. Motion carried 7-0.

### Commissioner Comments

Commissioner Greg Dugdale presented pictures of signage (not made available to Staff) and said that he was working together with Kim Parks.

The commissioners noted that they already had decided on and voted on signage.

There was continued discussion.

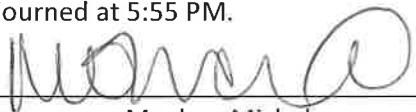
Kim Parks said that she would get prices and will also contact Lee Clark.

### Planning Comments

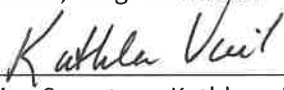
Staff stated the need for a meeting to discuss the Draft Guidelines.

### Adjourn

A motion was made by Wayne Oakley and seconded by David Taylor for to adjourn. The meeting was adjourned at 5:55 PM.

  
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Chairperson, Meghan Michel

Date 4/11/23

  
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Recording Secretary, Kathleen Vail

Date April 11, 2023

