

Historic Preservation Commission Meeting
10 N. Public Square
November 15, 2022
5:30 P.M.

I. Opening Meeting

Call to order by Chairman Frisbee at 5:30 PM

Present: Greg Frisbee, Brad Galland, Vandi White, Larry Gregory, Lisa Ellis, and David Elder
Staff Present: David Hardegree, Julia Drake, and Zack Arnold
Absent: Becky Carr

1. Approval of Minutes

Chairman Frisbee called for a motion to approve the minutes of the last meeting. Board Member Galland made a motion to approve the meeting minutes from October 18, 2022. Board Member Ellis seconded the motion. The motion carried unanimously. Vote: 5-0

Board Member White recused herself from the next item.

2. COP22-19. 100 W Cherokee Ave. Applicant: White & Choate Attorneys

Chairman Frisbee called for the next item on the agenda. Mr. Hardegree stated the applicant proposed to install a new freestanding sign in the same location as the previous freestanding sign for the business. The sign will be in the parking lot and has no setback requirement from the property line per the DBD sign ordinance. The previous sign incorporated a light post with several banner arms supporting tenant signs. The light post was approx. 10ft. in height. The sign was approved 12-12-00, SP00-81.

The proposed sign will be 7.4 feet in height including the base and have 31 square feet of sign area. The DBD sign ordinance allows freestanding signs to be no taller than 6 feet and no larger than 24 square feet.

The BZA reviewed the variance request to increase the height and area on Thursday, November 10, 2022, with no objections.

The building is historic, contributing.

Chairman Frisbee opened the public hearing.

Tim Gilstrap, 5 Gilmer St., came forward as the representative of the application and contractor for the sign. He stated the goal was to provide professional signage that would not only enhance the downtown area but also match the building and highlight the services offered. The sign will be located outside of the right of way and will, in no way,

impact any of the utilities

Board Member Ellis inquired about the size of the sign compared to the previous sign. Mr. Gilstrap was able to show a rendering of the temporary signage that had been placed at the location and stated that the sign would be slightly larger, hence the application for the larger sign that exceeds the sign ordinance requirements.

Chairman Frisbee inquired about the proposed materials that would be used in constructing the sign to which Mr. Gilstrap stated it would be constructed of aluminum and would be backlit (internal lighting).

Board Member White stated that the proposed signage was designed to go seamlessly with the building and hoping that more prominent signage would deter other surrounding businesses from parking in the already limited area.

With no one else to come forward, the public hearing was closed for discussion.

Board Member Galland made a motion to approve the application as submitted. Board Member Gregory seconded the motion. Vote: 4-0

Board Member White rejoined the meeting.

3. CLG (Certified Local Government) status update

Chairman Frisbee called for the next item on the agenda. Mr. Hardegree stated a revision is required to the HPC ordinance to bring the ordinance into compliance with state law.

Every 3 years, the State Historic Preservation Office (SHPO) conducts audits of the jurisdictions holding the Certified Local Government (CLG) certification. This is a certification awarded to City's or Counties with Historic Preservation ordinances and Commissions. In 2021, the City submitted the requested documentation to SHPO for review. SHPO noted three deficiencies, two being with one section of the HPC ordinance, Sec. 9.25-32(c):

(c) Historic preservation commission members. Number, appointment, terms, and compensation. The commission shall consist of seven (7) members appointed by the City Council of the City of Cartersville. All members shall be residents of, own and operate a business in, or own real property in the city. Preference shall be given to persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources, but such preference is not required in making such appointments.

SHPO's interpretation of the state Historic Preservation Act is reflected in the following findings:

1) Comment: Sec.25-32.(c)of Cartersville's Historic Preservation Ordinance states "All members shall be residents of, own and operate a business in, or own real property in the city,"44-10-24 of the Georgia Historic Preservation Act states "*all the members shall*

reside within the historic preservation jurisdiction of their respective municipality or county.”

2) Comment: Sec.25-32.(c) of Cartersville’s Historic Preservation Ordinance states “all the members shall reside within the historic preservation jurisdiction of their respective municipality or county.” 44-10-24 of the Georgia Historic Preservation Act states “A majority of the members of any such commission shall have demonstrated special interest, experience, or education in history or architecture.”

To bring the deficiencies into compliance with SHPOs finding, the following amendment is proposed to Sec. 9.25-32(c)::

(c) Historic preservation commission members: Number, appointment, terms, and compensation. The commission shall consist of seven (7) members appointed by the City Council of the City of Cartersville. A majority of the members of any such commission shall have demonstrated special interest, experience, or education in history or architecture; all the members shall reside within the historic preservation jurisdiction of the city.

The “historic preservation jurisdiction” is defined in the state Historic Preservation Act as:

(6) “Historic preservation jurisdiction,” in the case of a county, means the unincorporated area of the county; and, in the case of a municipality, such term means the area within the corporate limits of the municipality.

O.C.G.A. § 44-10-22

Historic Preservation Act residency requirements:

(a) The local governing body of a municipality or county electing to enact an ordinance to provide for the protection, enhancement, perpetuation, or use of historic properties or historic districts shall establish or designate a historic preservation commission. Such local governing body shall determine the number of members of the commission, which shall be at least three, and the length of their terms, which shall be no greater than three years. A majority of the members of any such commission shall have demonstrated special interest, experience, or education in history or architecture; all the members shall reside within the historic preservation jurisdiction of their respective municipality or county except as otherwise provided by subsection (b) of this Code section; and all shall serve without compensation. In establishing such a commission and making appointments to it, a local governing body may seek the advice of any state or local historical agency, society, or organization.

(b) The local governing body of a county and the local governing body or bodies of one or more municipalities lying wholly or partially within such county may establish or designate a joint historic preservation commission. If a joint commission is established, the local governing bodies of the county and the municipality or municipalities involved shall determine the residence requirements for members of the joint commission.

O.C.G.A. § 44-10-24

3) The other deficiency cited in the findings is all board members must attend at least one state training session every 3 years. This finding is primarily due to a lack of training opportunities and conflicts with availability during Covid.

Board Member Elder made a motion to move forward with Council. Board Member White seconded the motion. Vote: 5-0.

STAFF OR COMMITTEE COMMENTS

Mr. Hardegree stated that in front of each member is a notebook that holds the bylaws, procedures, ordinances, and guidelines for the Historic Preservation Commission. He encouraged each member to utilize this tool and make notes in it as needed. This notebook will be available to each member at every meeting.

Concluding, Chairman Frisbee made a comment that anytime a motion is denied, that denial would need to be followed up with ordinance that referenced the reason for denial so that it is clear why an item was denied.

Chairman Frisbee adjourned the meeting at 5:57 PM.

/s/ 
Greg Frisbee
Chairman