

Boone County Historic Preservation Review Board
Meeting Minutes
April 9, 2009
5:00 PM

The Boone County Historic Preservation Review Board met in their regular monthly meeting on the above date in the Old Boone County Clerk's Building behind the Administration Building.

- I. **Call to Order.** The meeting was called to order by Chair Pat Fox at 5:08 PM.
- II. **Roll Call.** Review Board members present were Chair Pat Fox, Vice Chair Don Clare, Secretary Pat Wingo, and Bridget Striker. Also present was Matt Becher representing the Staff of the Boone County Planning Commission. Judge/Executive Gary Moore joined the meeting at 5:18 and left at 6:02 PM.
- III. **Approval of Minutes.** Ms. Striker moved to approve the minutes of the March 2009 Review Board meeting as presented. The motion was seconded by Mr. Clare and approved by all.
- IV. **Item Updates.** Mr. Becher reviewed the Staff Notes in regard to the Item Updates, and added the following comments:
 1. ***Historic Boone County Column.*** Mr. Clare's article about John Uri Lloyd was published in the April 2 edition of *The Boone County Recorder*. Ms. Fox agreed to write an article pertaining to preservation for publication in May.
- V. **Items for Discussion and/or Action**
 1. **Frank S. Milburn Machine Shop Demolition.** Boone County Judge/Executive Gary Moore began the discussion by stating how upset he was that the University of Nebraska Foundation demolished the Frank S. Machine Shop without acquiring the proper permit and/or notifying any county office. Mr. Moore stated that he met with Building Inspector Jim Key, Assistant County Administrator Tim Williams and Review Board Staff Matt Becher to discuss how the county can stay better informed about potential demolitions. Several steps will be taken to address the issue, including: (1) access for the Building Inspector's Department to an active list of historic structures in Boone County, through the county's GIS system and also in paper form; (2) letters to all contractors who typically do demolition work in the county, reminding them of proper procedures; (3) advising Fire Districts that they should ensure that a demolition permit has been obtained for any building they use as a "controlled burn;" (4) exploring the potential for higher fines for failing to obtain a demolition permit for a historic structure; and (5) public education, perhaps through an article in *What's Happening in Boone County.*" Judge Moore went on to say that he,

Pat Fox and, Mr. Williams had a conference call with Keith Miles, Vice-President for the University of Nebraska Foundation. Mr. Miles admitted that their failure to obtain a demolition permit was due to an oversight on his part relating to the contract with their demolition contractor, Taylor Brothers Construction. Ms. Wingo questioned whether Taylor Brothers had an occupational license in Boone County and that this may be a way to notify contractors about the demolition permit requirement. A general discussion ensued pertaining to ideas proposed for the UN Foundation to compensate for the demolition. The Judge is prepared to write a letter to the UN Foundation outlining these requests. Among the ideas discussed were the comprehensive research and publication of a book about Frank Milburn, development/installation of a permanent display about Mr. Milburn at a local museum (such as the Cincinnati Museum Center or Behringer-Crawford Museum), and/or acquisition of a Kentucky Historic Highway Marker commemorating Mr. Milburn and his work. Judge Moore observed that the UN Foundation does not represent the University of Nebraska, that it is a separate organization and that asking the University to research or fund something may not be realistic. He suggested that it might be better to request funding from the UN Foundation to allow the Review Board and County control over a project of their choosing. Judge Moore questioned why a title search did not reveal the National Register status of the Milburn property. Mr. Becher noted that the National Register does not place any type of deed restriction on a property. There was general discussion about the feasibility of adding National Register status to property descriptions at the local level. Ms. Wingo said that such an approach could be very contentious and that property owners would be suspicious over potential loss of property rights. Mr. Clare stated that he is very angry over this issue and expects the UN Foundation to be held accountable for their actions. He feels that the Foundation was given property in Boone County and that intention is to sell it for a profit to benefit the University of Nebraska at the expense of Boone County heritage. Mr. Clare stated that the UN Foundation should donate a minimum of 20% of the sales price of the Milburn property to Boone County. Ms. Fox noted that the UN Foundation raised \$77 million for the University of Nebraska in 2008 and agreed with the Judge's earlier comment that it might be best to ask for funds to complete a project honoring Frank Milburn. Judge Moore stated that the board needs to be careful about what they ask from the UN Foundation. Asking for an outright donation of the Milburn property, for example, might cause the UN Foundation to simply walk away from the table. The Judge closed by saying that he will wait for the Review Board to submit several ideas to his office before he sends a letter to the UN Foundation. Ms. Fox asked Mr. Becher to send a draft of the letter to the board members for consideration and comment.

- 2. 1927 Mt. Zion Rd.** Mr. Becher noted that Union Baptist Church has acquired the properties to the east of the existing church, including the small house at 1927 Mt. Zion Rd. The church has begun the process of demolishing the house, which was built c. 1880 and appears on the 1883

Atlas with the name L.C. Corbin. Mr. Clare has been in contact with the church's representative, Mr. Don Tanner, and is planning to salvage some of the lumber in the floors and walls. Mr. Clare noted that the house was originally two small rooms but has had a series of additions. The barn behind the house is of timber frame construction and is in excellent condition. If Bruce Ferguson is unable to relocate the barn, Mr. Clare said he would like to have it. Mr. Becher stated that there is also a well-built wood shed on the property and that he hopes to find someone to relocate and rebuild it.

3. **County Attorney Coordination.** The board decided to delay discussion of this issue until the May or June meeting, due to the importance of the Milburn Machine Shop demolition.
4. **Preservation Awards and May Review Board Meeting Dates.** The board decided to move their May meeting from the second Thursday to the last Thursday of the month, May 28. The board will hold a brief business meeting at 5:00 PM on May 28 at the Main Library on Burlington. The 2009 Preservation Awards reception will begin at 6:00 PM that night at the library.
5. **Other. (1) Proposed Cell Tower near Belleview.** Mr. Becher stated that the he has been advised by the Kentucky Heritage Council (KHC) that CTL Engineering, on behalf of Verizon Wireless, is planning to move forward with the construction of a 315-foot cellular communications tower at 9273 East Bend Rd. The tower will be sited on a prominent ridge top east of McVile and will create a significant visual impact in the area, affecting historic properties from Belleview south to East Bend Rd. The KHC has found that the tower will have an adverse effect on the National Register listed J. Clore House (BE-332) on East Bend Rd. KHC staff has asked the Review Board to consider potential mitigation measures for the project. Mr. Becher mentioned the possibility that CTL/Verizon could set up a cemetery preservation fund for Boone County although KHC staff was not sure whether this would be acceptable. Ms. Striker supported the idea, stating that there are many small cemeteries in that part of the county. Mr. Becher asked board members to consider the issue and get any other ideas to him.
(2) Old Burlington Cemetery Fund. Mr. Becher stated that the trust fund maintained by the Huntington Bank for the cemetery is now just over \$35,000, including \$1,150 raised by the Burlington Ghosts/Mysteries Tour last fall and \$430 deposited by the Johnson-Wilson Cemetery Stewards Association. An additional \$139 from sales in late 2008 of *Images of America: Burlington* was just deposited and is not reflected in the current account balance; **(3) Jan Hancock.** Ms. Fox reminded the board that Jan Hancock's contract with the Planning Commission was recently terminated and that she would no longer be taking meeting minutes. Ms. Fox asked the board to consider honoring Ms. Hancock for her years of service to the board and also for her volunteer efforts with the Library and the Boone County Oral History Project. The board agreed to individually contribute to an honorary plaque or memento and that Ms. Fox would coordinate. Ms. Hancock will be honored during the 2009 Preservation Awards reception.

There being no further business to come before the Board, Ms. Striker moved to adjourn. Ms. Wingo seconded the motion and it was approved by all. The meeting adjourned at 6:15 PM. The next meeting of The Historic Preservation Review Board will be on May 28, 2009 at 5:00 PM at the Main Library, Boone County Public Library.

Respectfully submitted,

Matt Becher, Rural/Open Space Planner
Boone County Planning Commission

Pat Wingo, Recording Secretary

Pat Fox, Chair
Historic Preservation Review Board

Date