



Minutes
Architectural Review Board
September 23, 2019
3rd Floor Conference Room, Executive Plaza
Fredericksburg, Virginia

FILED

DEC 27 2019

Members Present

Jonathan Gerlach, Chair
Carthon Davis, III, Vice Chair
Kerri S. Barile
Karen Irvin
Susan Pates
Sabina Weitzman
James Whitman

Members Absent

Staff

Kate Schwartz
Kathleen Dooley

**FREDERICKSBURG
CIRCUIT COURT**

Mr. Gerlach called the Architectural Review Board meeting to order at 7:01 p.m.

OPENING REMARKS

Mr. Gerlach determined that a quorum was present, and asked if public notice requirements had been met. Ms. Schwartz noted that they had.

APPROVAL OF AGENDA

The agenda was approved as written.

CONTINUED ITEMS

- A. **COA 2019-42** – 401-405 William Street – The City of Fredericksburg proposes to relocate the Slave Auction Block at the corner of William and Charles Streets to the Fredericksburg Area Museum.

Ms. Schwartz provided a brief summary of the plan for relocation of the auction block. Ms. Dooley provided a presentation that included an overview of the community process conducted with the International Coalition of Sites of Conscience (ICSC) and a discussion of historic significance and the ARB's criteria. She said her goal was to set the ARB's decision in context, engage the ARB, and hear its thoughts.

Mr. Gerlach noted that a vote of the ARB could occur at its next regular meeting and said he would like to see the ARB give its views to the City Council, whether as a group or individual members. He said he was in support of the recommendations initially provided by staff, including consulting with DHR, appointing a liaison to the Memorials Advisory Commission, and maintaining the context of the block with the Planter's Hotel through interpretation. He shared the example of a crosswalk redrawn by an artist in Charlottesville with interlocked black and white fingers as an example of future interpretation or improvement at the site.

Ms. Pates said that she felt the decision was a reaction to what had occurred in Charlottesville and that it would be viewed as a mistake in the future. Moving the block interrupts the ability to interpret the "walk to freedom." She described sites in Africa and the concentration camps that are preserved and feels this decision to relocate contradicts the global perspective.

Mr. Gerlach asked Dr. Barile for clarification about the National Register eligibility of the block. Dr. Barile said that the block was a contributing element of the eligible Planter's Hotel site.

Ms. Weitzman said she appreciated the presentation. Though the guidelines make the ARB's position for maintaining an object in context straightforward, she agreed there was a bigger picture to consider and that the City Council is the right body to make the decision. She described learning how hurtful the block is to many people, and that relocation becomes a piece of its history that can promote healing in the community.

Mr. Gerlach asked the group who might serve as liaison to the Memorials Advisory Commission. Ms. Weitzman volunteered.

Mr. Davis said he believes the ARB can't contradict the decision made by the City Council. He said he was willing to comment on a relocation plan, but that not enough detail had been provided. Ms. Schwartz provided a brief overview of the plans for relocation and Ms. Dooley noted that a comment had been received regarding thorough documentation of the block and its location. This has been incorporated into the plan. Dr. Barile also noted that Dovetail had consulted with the Maryland Archaeological Conservation Laboratory and the Virginia Department of Historic Resources on cleaning detergents.

Mr. Whitman said he did not believe this had been a good process and that the ARB's guidelines did not allow for removal of the block. He said that it is a great teaching tool and should stay in its place. Vandalism or damage is a low risk and should not be used as the reason to relocate.

Ms. Irvin said she has a personal opinion on the block, but believes as a member of the ARB that the Board cannot act.

There was some discussion regarding the Board's ability to consider the COA. Ms. Dooley noted that there was no impetus to file an ARB application until the Council voted in favor of relocation. The COA application was filed because City projects are not exempt from the review process. If the ARB does not act within the 90 days specified by the City Code, the non-action is appealed to the City Council. Ms. Dooley discussed the option of referring the application to the City Council with any comments the ARB wishes to make.

Mr. Gerlach and Mr. Davis would consider the referral with a better understanding of the Board's authority and process for this. Mr. Whitman and Ms. Pates said they were in favor of denial. Ms. Irvin said she was not in favor of a vote on the application.

Ms. Pates left the meeting at 8 p.m.

Some additional discussion about the Board's authority to act on the application took place.

GENERAL PUBLIC COMMENT

Matt Kelly, City Councilman, 1309 Hanover Street, stated his concerns and disagreement regarding the process taken for relocation of the block. He said this process has implications for many other sites throughout the city and he felt strongly that the ARB members should state their opinions and vote on the application.

Robert Lamb, Spotsylvania County resident, discussed the ARB's responsibility to act. He said the Council had made a political decision, but that the ARB has a duty to vote based on their standards. He said mitigation for the removal would be insufficient. He also said that removing the word "slavery" from the plaque on the block would assuage those offended by it.

David James, 213 Princess Anne Street, said the ARB has a responsibility to review this application within their narrow guidelines. He compared the block to World War II sites and expressed concerns over this relocation setting a precedent for other sites in Fredericksburg. He asked the ARB to deny the application.

Sara Poore, CEO of the Fredericksburg Area Museum, said she appreciated every member of the ARB and asked that they take a stand, whatever that might be. She said it may not affect the outcome, but that the Board members should say what they believe.

OTHER BUSINESS

Ms. Schwartz announced the archaeology ordinance public meeting would take place on Monday, September 30 at 6 p.m. at the Dorothy Hart Community Center.

ADJOURNMENT

The meeting adjourned at 8:21 p.m.

Jonathan Gerlach, ARB Chair

Carthon Davis, III Acting



Minutes

Architectural Review Board

October 14, 2019

Council Chambers, City Hall

Fredericksburg, Virginia

Members Present

Jonathan Gerlach, Chair
Carthon Davis, III, Vice Chair
Kerri S. Barile
Karen Irvin
Susan Pates
Sabina Weitzman (arrived 7:13 p.m.)
James Whitman

Members Absent

Staff

Kate Schwartz
Cathy Eckles
Tammy Guseman

Chairman Gerlach called the Architectural Review Board meeting to order at 7:01 p.m.

OPENING REMARKS

Chairman Gerlach determined that a quorum was present, and asked if public notice requirements had been met. Ms. Schwartz confirmed that they had.

APPROVAL OF AGENDA

Chairman Gerlach suggested that Item No. 9, Continued Cases, COA 2019-42, be moved until after Item No. 11, General Public Comment. Dr. Barile motioned to approve the agenda as amended. Ms. Pates seconded. The motion carried 6-0.

APPROVAL OF MINUTES

Chairman Gerlach asked if there were any changes or additions to the minutes of the regular meeting dated September 9, 2019. Dr. Barile motioned to approve the minutes as written. Ms. Irvin seconded. The motion carried 6-0.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Chairman Gerlach asked if any Board member had engaged in any *ex parte* communication on any item before the Board. Chairman Gerlach noted he had conversations with the City Attorney limited to the procedures of the ARB regarding the slave auction block. No other Board members had any *ex parte* communication to report.

DISCLOSURE OF CONFLICTS OF INTEREST

Chairman Gerlach asked if any Board member had a conflict of interest for any item before the Board. Dr. Barile noted that she had a continuing conflict with COA 2019-42, 401-405 William Street.

Chairman Gerlach noted that on COA 2019-53, 601 Caroline Street, he is a member of the baseball Founder's Club but he has no financial interest and there is no conflict. Additionally, for COA 2019-54, 600 Caroline Street, he had provided legal representation for the owners, but that representation is finished and there is no conflict. Dr. Barile further noted that on COA 2019-53, 601 Caroline Street, Dovetail Cultural Resource Group is helping the baseball team with a portion of their stadium but there is no conflict with the application. There were no further conflicts of interest reported.

CONSENT AGENDA

- i. COA 2019-53 – 601 Caroline Street – Signs**
- ii. COA 2019-54 – 600 Caroline Street – Signs**
- iii. COA 2019-56 – 215 William Street – Signs**
- iv. COA 2019-57 – 817 Caroline Street – Signs**

Mr. Davis made a motion to approve the Consent Agenda as presented. Ms. Irvin seconded. The motion carried 6-0.

Ms. Weitzman arrived at 7:13 p.m.

PUBLIC HEARING

- i. COA 2019-49 – 623 Caroline Street – Greg Shalawylo requests approval for the construction of a wood stage platform in the rear yard of the Chimneys property for the Billikens restaurant.**

Ashlie Shalawylo was present to represent the application.

Ed Sandtner, 132 Caroline Street, said he had no issue with the stage, but is concerned about after-the-fact applications and enforcement in the Historic District. There were no further public comments.

Dr. Barile noted that the deck is currently not anchored to the ground, but should the applicant decide to anchor it and digging occurs, she is requesting that the site be monitored for archaeological deposits as the potential for this site is extremely high.

Mr. Davis motioned for approval of the application with staff recommendations and Dr. Barile's friendly recommendation. Ms. Weitzman seconded. The motion carried 7-0.

- ii. COA 2019-50 – 513 Dunmore Street – Benjamin McDavid requests to install two roof vents on the front roof slope at this single-family attached residence.**

The applicant, Benjamin McDavid, 513 Dunmore Street, was present. There were no public comments.

Mr. Davis asked if the existing soffit vents would be abandoned. Mr. McDavid noted that the HOA plans to replace the roofs within a few years and the vents will be abandoned at that time.

Ms. Weitzman stated she had no problem approving but cautioned applicant regarding new roof penetrations due to maintenance concerns. Mr. McDavid said he was planning for annual cleaning and maintenance.

Ms. Weitzman motioned for approval of the application with staff recommendations. Ms. Irvin seconded. The motion carried 7-0.

- iii. COA 2019-51 – 1310 Caroline Street – Chris Bradford requests to replace shingle roofing over the porch and bay window with copper roofing at this single-family residence.**

The applicant, Chris Bradford, 1310 Caroline Street, was present. There were no public comments.

Mr. Davis motioned for approval of the application as submitted. Mr. Whitman seconded. The motion carried 7-0.

- iv. **COA 2019-52** – 1312 Caroline Street – Gregory Upperman requests to replace the front entry door at this single-family residence with a new solid wood door.

The applicant, Gregory Upperman, 1312 Caroline Street, was present. There were no public comments.

Ms. Weitzman asked if the glazing would match the existing obscure glazing on the door. Mr. Upperman said the existing appearance was due to an applied film, but that they were planning to use obscure glass. Ms. Weitzman asked what was planned regarding the hardware. Mr. Upperman said they plan to use similar hardware.

Ms. Weitzman motioned for approval of the application as submitted. Dr. Barile seconded. The motion carried 7-0.

- v. **COA 2019-55** – 1015 Prince Edward Street – Mark Steele requests to replace wood siding on the rear elevations with new fiber cement siding at this commercial property.

The applicant requested to postpone this application until the November 18, 2019 hearing.

GENERAL PUBLIC COMMENT

David James, 213 Princess Anne Street, President of the Board of Directors of the Historic Fredericksburg Foundation, Inc. (HFFI), stated that HFFI's request is that this historic object be maintained and left in place due to the context of the location with the addition of explanatory materials. Mr. James spoke further about the City Attorney's memo to the Board dated September 4, 2019, outlining the Board's options regarding the slave block relocation, and about the Board's responsibilities regarding this matter. He asked the Board to deny the application.

Ed Sandtner, 132 Caroline Street, stated he has spoken at previous meetings and won't repeat that. He believes the first approval was a political move due to pressure on the Council, which came from citizens disturbed by having the auction block on the street. However, he disagrees with those citizens and believes that is their problem, not the City's. Quoting Jody Hill, a graduate student documenting slave dwellings across the country, Mr. Sandtner summarized the importance of preserving these artifacts and not hiding them away due to some people's uncomfortableness. He requested denial of the application.

Robert Lamb, resident of Spotsylvania County, stated that he believes the process was turned around and the criteria not applied correctly. He criticized the City Attorney's letter and said he does not agree that vandalism or deterioration is a risk, or that these should factor into the decision. He also said he does not agree that the block meets the definition of an historic object, and is a structure.

Danae Peckler, 1410 Prince Edward Street, stated that the block had not been evaluated as an object and that there had been a failure to evaluate the block in association with the historic hotel. She said that the lack of specific guidelines in this case doesn't matter, and that the National Register guidelines make it clear that relocation will remove the historic significance.

CONTINUED CASES

- i. **COA 2019-42** – 401-405 William Street – The City of Fredericksburg proposes to relocate the Slave Auction Block at the corner of William and Charles Streets to the Fredericksburg Area Museum.

Chairman Gerlach stated that the public hearing for the application had been closed, but that the Board had provided an opportunity to respond during the General Public Comment period. He thanked all members of the Board and staff for their work and noted that many minds, including members of City Council, had been changed during the robust International Coalition of Sites of Conscience process. He noted his appreciation for the community in spite of disagreements.

Mr. Whitman made a motion to deny the application for relocation. Ms. Pates seconded.

Ms. Weitzman stated that she was not in favor of the motion and said it was important for the Board members to state their reasons why. Mr. Whitman said he thinks the Board's responsibility and guidelines are clearly against relocation.

Ms. Pates said that removing the block is a way to have history hidden and is opposed to this. She said the city would lose the opportunity for interpretation of many stories and that much black history had already been lost.

Ms. Weitzman said that she believed the decision was best made by the City Council, whose purview is wider than the ARB's. She agreed that the guidelines are clear about keeping historic objects, but that these are not ordinary circumstances. She noted disappointment that the preservation community seemed to have no room for compassion. The block is a visceral, grotesque reminder that is different than choosing to visit slave dwellings or concentration camps. She noted the difficult position for members of the ARB who want to follow the guidelines and recognized that not all groups share the same idea of what is considered historic or valued in the community. She said she could not support the motion for denial.

Mr. Davis said he would abstain from the vote because he did not believe the Board had the authority to vote.

Ms. Irvin said she also would abstain because she did not believe that the ARB could vote on an action already approved by the City Council.

Chairman Gerlach said he appreciated the City Attorney's work, but felt the ARB could not second-guess the City Council's decision. He said he also would abstain and that he hoped this would never happen again.

The Chairman called for a vote and the motion failed on a 2-1-4 vote with Mr. Whitman and Ms. Pates in favor of denial, Ms. Weitzman against, and Dr. Barile, Mr. Davis, Ms. Irvin, and Chairman Gerlach abstaining.

OTHER BUSINESS

A. Transmittal of Planning Commission Agenda for October 9, 2019.

STAFF UPDATE

Ms. Schwartz announced that a public forum on the Renwick complex would be scheduled at the end of October or in early November.

COMMITTEE REPORT

Chairman Gerlach said that Ms. Weitzman had volunteered to serve as the liaison to the Memorials Advisory Commission for their work on long-term interpretation of the Slave Auction Block site.

CHAIRMAN'S REPORT

None.

ADJOURNMENT

Mr. Davis motioned to adjourn and Ms. Irvin seconded. The meeting adjourned at 8:00 p.m.


Jonathan Gerlach, ARB Chair

Carthon Davis, III Acting