

**Minutes
City of Belle Meade
Historic Zoning Commission
August 9, 2022**

Commission Members Present

Mal Wall, Chairman	Jeannette Whitson, Vice Chairman	Bunny Blackburn
Gavin Duke	Ron Farris	Rene Poe
		Charlie Rankin

Staff Members Present

Beth Reardon, City Manager	Doug Berry, City Attorney
Lyle Patterson, Building Official	Rusty Terry, City Recorder

Call to order

The meeting was called to order by Chairman Wall at 3:00 p.m.

Chairman Wall stated he wished to move the second item under Old Business until after the first item in New Business, if there were no objections from the board.

All board members indicated they had no objection to the change.

Consideration of the Minutes of the HZC meeting held July 12, 2022

Minutes of the July 12, 2022 meeting were approved without objection

Old Business:

1. The application for a certificate of appropriateness for Sloan Thomas, (22071) 1220 Chickering Road, to construct multiple new accessory buildings, and a change to the front façade. Approval was granted to begin work on the main house at the June 21st meeting. The commission requested seeing a grading plan in relation to the elevation drawings of the accessory structures.

Applicant requested deferral until the September meeting

New Business:

1. The application for a certificate of appropriateness for Robert Echols, (22081) 4444 Tyne Blvd., (Property of Conservation) for demolition of existing home.

Presentation: Jamie Pfeffer, Architect with Pfeffer & Torode

Pfeffer stated that they had researched the home located at 4444 Tyne Boulevard at the Nashville Public Library, Metro and Tennessee Historic Commissions and the Center for Nashville Studies at Vanderbilt University to obtain information about the property, noting that the original structure was built between 1941 and 1944, with significant modifications between 1975 and 1989. These modifications included additions off of both sides, with subsequent additions off of the sides and the rear of home, with extensive renovations to the interior of the home. Using plans submitted with the application, Pfeffer pointed out the original footprint of the home, noting

that there was very little left of the original home, also pointing out what he thought was the original entrance. Pfeffer stated that the additions and renovations had also put wear and tear on the structure, and they were requesting the demolition so they could begin to work on a new concept for the owners of the property.

- Vice-Chairman Whitson: Looking at the home, it looks like the original structure is intact, but there were additions to the side and back, can you go through with me what was done to the original structure as far as the front façade. Do you have Sanborn photos, or any historical photos of the front?
- Pfeffer: We could not find any of the Sanborn mapping, or any of those types of imagery when we talked with Metro Historic and Tennessee Historic. The records indicate it was built in the early 1940s, but it did not appear on the record until the 1950s. We wanted to present the center piece, but what is not indicative about that graphic is that they carved through the center of the house and ripped off the back of the house. In my exhibit, the redline indicates the original house. It is not like the original rooms remain.
- Vice-Chairman Whitson: What about the front façade, was it altered?
- Pfeffer: Part of the stone is from the original structure but big chunks of it were moved out.
- Vice-Chairman Whitson: Are the windows original?
- Pfeffer: I do not believe they are.
- Blackburn: On the display, bottom left, is that stone portion original.
- Pfeffer: I think the section is original; indicating on the display, what he believed was added and modified as well.
- Blackburn: What Jeannette and I are trying to determine is can we identify the original parts of the home.
- Vice-Chairman Whitson: If you took off the wings and the back portion, you would have a façade, but the back would be completely open because it has been demolished.
- Pfeffer: Yes.
- Vice-Chairman Whitson: Is there another picture of the façade.
- Pfeffer provided those photos.
- Poe: Did your clients request to try to incorporate anything of the original structure into the new incarnation?
- Pfeffer: They have talked about it; they do want to retain original stone retaining walls on the property.

Public Comment

Steve Horrell, 4444 Manor Drive, noted that he and his wife live two doors down, and they have no objection to the home being demolished.

Public Comment Closed

Motion to allow demolition: Duke **Second:** Farris

Board Discussion

- Vice-Chairman Whitson: I felt like I had to peel back the layers on what has been done to this house, had it not been modified, I would not be voting for demolition. I am satisfied that the alterations, and this is specific only to this property, have been so extensive, that there is no historical integrity left.

- Blackburn: I agree with Jeannette, it has been established that the original house no longer exists.
- Rankin: It would be nice if it could be restored, but there doesn't appear to be anything left of the home to work with.
- Vice-Chairman Whitson: I do want to state that the current owners are not responsible for what has been done to the home; I do not want anyone to think they can make alterations, and then come and ask to demolish a property after making bad choices. This is important to me.

Vote: **All aye**

Old Business

Chairman Wall invited City Attorney, Doug Berry, to introduce item #2 under Old Business which was moved to follow New Business at the start of the meeting.

2. Historic Zoning Commission to review and take action concerning alleged violation of certificate of appropriateness for 1206 Nichol Lane, change of color for roof shingles.

City Attorney Berry: This matter that is before you, on notice of violation, was issued to Catalysts Builders, the builder at 1206 Nichol Lane. Let me just read a sentence or two of that violation of that notice for the record. This states the new construction of the above address was approved and granted a certificate of appropriateness by the Belle Meade Historic Zoning Commission on September 14, 2021. At that meeting, the HZC approved only an asphalt shingle with a quote "mid-gray" color, with the outcome to inform the board of their final decision. The roof has now been installed. And the shingles appear to be white, and with very light gray tones and markedly whiter than the sample shown at the HZC meeting.

As you know, you've now received a lot of written materials and documentation. I hope everyone has had a chance to read those materials and documentation. I'd like to suggest this procedure for you today.

First, that the homeowner and contractor and or their counselor be provided the opportunity to speak. We talked to attorneys yesterday and they did not believe they would be taking longer than 15 or 20 minutes.

And then of course the commission would have the opportunity to ask questions of either the attorneys or the parties during that time.

After that I would suggest that Lyle Patterson, the Building Official, come down and be available for questions from the commission or if necessary to rebut or restate the position if factual matters are in dispute, or if he has a different view, giving you the benefit of his testimony and of course he can be questioned and should be questioned as well.

In addition, because this is a quasi-administrative procedure, any other party who has an interest, and that would be the neighbors, not general public, they will have the opportunity to speak. Some of those I think have already provided written statements for your consideration.

And after that, as you would in any of your cases, you will close the public portion of the hearing portion and then begin deliberations. At that time, I will advise the board about whatever your legal options are.

Mr. Chairman, there may be a preliminary matter or two that is up to the commissioners who had mentioned to me the possibility of procedural motions and or recusal, so I'll let you all address that.

- Duke: I would like to recuse myself; I worked on the property previously with the architect and feel I should sit this one out.

Introducing himself, Shawn Henry stated that he is a Land Use attorney with the law firm Tune, Entrekin & White, and represents the property owners, the McLeans.

Russell McLean is here today. He can address this condition and answer any questions that you might have for him to the extent he knows the topic. The architect is here, and he's prepared to make statements to you as well. I want to first thank you, Mr. Chairman and commission members who were here last month for giving us a deferral providing more time to take a look at the documents that we received from the City Recorder. We appreciate that. As you just heard on September 14, Mr. Berry read the notice of violation, the Historic Zoning Commission approved only an asphalt shingle in the mid-gray color. And there were four members from this body that were present and voted on that. Mr. Wall, Mr. Farris, Mrs. Poe and Mr. Rankin. And then the concern being that after the shingles were installed, they appear to be whiter than what was approved. Your agenda has this labeled as an alleged violation. It is an allegation that we're here to put on some proof for you to consider. We think my client is innocent until proven guilty. The issue really is whether or not there's been a change of roof shingles color, not material. We submit the color installed, the Glacier White, which is what the manufacturer describes it as, is a mid-gray color, as the manufacturer says it is.

I hope you've had a chance to take a look at my letter, we attached some exhibits to that. And I have a larger scale, 11x17 examples of that same material. If you didn't have chance to see that, I'm happy to hand this out so you can see a larger size of it. You will see in the exhibit one to my letter that is the three examples of color that were submitted to Mr. Patterson, by the builder, consisting of Gray Mist, Old English, and Glacier White. The client, my clients, the property owner selected Glacier White. And the Glacier White is what's been installed. On exhibit 2 of my letter, we have some recent photos taken just last month of the property and I know Mr. Patterson has some fresh photos as well. What is pretty critical, I think you're going to hear from the architect, and certainly the designer, but the brick is not yet on this building. And the color of the brick once it's painted as approved, will significantly affect how those shingles appear to all of us. We then submitted a collective exhibit. We have these examples in a larger format, but again, if I may just pass these out. The purpose of these exhibits is simply to show that the color of shingle installed is comparable, compatible, it is appropriate in the context of other properties. In fact, what you have there are nine examples that we're supplying to you to consider. Nine other examples of comparable color shingles.

You also have on the last page, the artist's rendering of what the finished product will look like and since we don't have brick on the property that illustration is as good as we can get to demonstrate how the color of the shingles match up with the finished color of the home itself.

Attached to my letter is exhibit four and this is a comparison of Glacier White produced by TAMKO, with Cobblestone Gray produced by CertainTeed. And this is from one of the engineering consultants on the job. And he has a picture of this product attached to different roofs. And his question is which is which? It's up on the screen now. And importantly, it's hard to see but up here on the upper left-hand corner there's the reference to Glacier

White we'll see the color palette, particularly on the left there's a range of that mid-gray spectrum. The Glacier White comes directly from that spectrum of comparable colors. In addition, we have we have some supplemental information here for you to take a look at. What I've just handed out to you, are several pieces of information, first is a letter from the principal designer on the project, Lauren Moore. She's unable to attend this hearing. She prepared this letter on behalf of my client. I'll just quickly make a reference to middle paragraph. Her professional opinion is that a mid-grade gray is specified, while the McLean roof is certainly on the lighter end of that range, and the color name of Glacier White does seem to imply a light color, it is still categorized as mid-gray by the manufacturer.

On the second page, is a letter from the roofing subcontractor, Mr. Giles Ritchie, who I believe is here in the audience today and he is prepared to address you as well. He is the one that installed the roof, acquired the product. He spoke with the manufacturer's rep and Glacier White shingle is a medium gray. Glacier White interchanges with another manufacturer CertainTeed's Cobblestone Gray. Following the roofer's letter there's an email from Jackie Long and Jake Long at 413 West Brookfield Avenue. In their email, they state we live directly behind the property. You can see it from our backyard. We love our beautiful neighborhood appreciate the building regulations but have no objection whatsoever to the roof color on the property at 1206 Nichol Lane. Behind that is an excerpt from a text message, I think this also may have been sent to the city from Louise and Matt Beasley. They live directly across the street. Writing to let you know that as a neighbor who looks at the roofs every day we do not object to the chosen roof and hope this does not delay construction. And finally, on the last page, I just included this, is the notification after your public notice map, that I downloaded from a website. I just wrote down here where those folks live relative to the property. And then also you'll see the reference to Mr. Jeff Orr I spoke with the other day. And he said Shawn, you can absolutely speak on my behalf in front of that commission. And let them know. I absolutely have no problem with the color on that roof. Mr. Orr is currently renovating the home at 1201 Canterbury Drive.

We certainly want to make this supplemental evidence part of the record, and likewise, Mr. Berry, I did bring back the public records documents that we previously received. I would like to make these part of the record. Just officially if I may just give it right back to you, this a copy of what we previously received.

So, what's interesting about your certificate of appropriateness is, is there a checklist when someone is filling it out. They have to supply certain information. And one of the pieces of information is new construction materials list description and includes roof material. There is places where roof materials might be but no suggestion of color, no requirement to disclose color, no reference to color on the Application Checklist. One of the one of the things I mentioned at the end of my letter was that there really needs to be a sufficiently coherent visual color for roof color. And presently there's reference to a roof color in your timelines. But back on September 14 this commission decided that mid-gray is appropriate. The only question is whether the tone of mid-gray that's on the roof is consistent and comparable with the mid-gray as approved. And so, is there some ambiguity in what mid-gray means? We would submit yes, there's such a wide range of color in the mid-gray spectrum of colors. That yeah, there's some ambiguity.

But nonetheless, Glacier White is a tone of mid-gray. It is appropriate. It was selected. It was submitted to the building official. And we submit that you approved that color on September 14, anyway, had that Glacier White color of mid-gray been submitted and shown to you on September 14 2021. We submit that you would have approved it. To the extent that that you didn't get a chance to see that final selection of Glacier White, because it didn't come to you. To the extent that there's any procedural error there, a misstep that it didn't come to you. That's what we call in the legal world, harmless error; that it didn't really in essence, substantively, it didn't matter that it didn't come to you. You're building official is authorized to approve changes to the certificate of appropriateness that you approve. The building official is authorized to make adjustments to that, changes to that after construction begins, he is authorized to do that. And your regulations say that it either comes back to the Historic Zoning Commission or is approved by the building official. In this case, we believe it was approved, impliedly it was approved. It didn't come back to you all. That's not my client's fault. And so, we are asking you to accept the color because it is in a mid-gray color range. The homeowner would be under severe hardship, if there was a decision by this commission to do anything other than accept the color that was presented and installed on the roof. And of course, there were a number of inspections that occurred after and during the construction setup. In this case, I don't think Mr. Patterson did anything wrong. He accepted the color; he has the authority to do that. And that's what happened. So, that's the essence and conclusion of my statements. We don't believe there was a violation of the certificate of appropriateness, we think the color is appropriate, there are others that would like to address that point.

- Vice Chairman: I have a question; I am confused about something. It seems that everything is about the mid-gray color that was approved. I have looked through the minutes, and what they represented was that the color was dual black. Where is mid-gray coming from, is that in the minutes somewhere that I just don't remember?
- City Attorney Berry: That is something that should wait until board discussion.
- Henry: I can answer that, there is no mention of the dual black color in reference to 1206 Nichol Lane.
- Blackburn: You said earlier that we don't specify colors. We do have in our guidelines, let me read this so that we all have this. "Shingles should be of a dark color, predominantly dark gray or brown."
- Henry: You are right. The only reference to color in your guidelines is under roofing materials in the back of the document that talks about dark gray or brown but importantly in the case that I cited my legal analysis is that when this board decided to allow a mid-gray, when the mid-gray color was approved, brown and black or whatever dark, that was over with on September 14.

Chairman Wall: We need to hear from Lyle Patterson before we hear the rest of the public comment. According to the instructions from the attorney.

Building Official for the City of Belle Meade Lyle Patterson:

I'm going to reference the minutes of September 14; I believe that is in the packet. Mr. Billy Frank commented that the homeowners like the appearance of two asphalt shingles. One being a shake asphalt look the other slate look. A sample board if you remember was displayed. I believe there were three

samples on that board. A sample board display showing the two shingles and it was stated that owners feel like these fit in with the design. From the minutes:

- Chairman Mal Wall asked "Does anyone have a problem with either shingle"; either designates a choice between two, not three.
- Mr. Farris stated I do not, but I have a question on which shingle on the sample board is being referenced specifically.
- Mr. Frank said the owners will choose the slate look with mid-gray color.

In an email that was sent to me by Mr. Frank there was no indication of departure from either of the color choices that were shown to this board. The colors shown were narrowed down to two.

I would hope that if the owners did a 180 on the two submissions that this board saw that a new color change would have been called out. But this was not one of the choices that was presented to this commission. I do not know the name of these given shingles, when the email was sent out calling up a choice that was presented to the commission I trust that the selection is one that was presented to this commission. Actually, a commission member pointed out change of color to me.

- Vice Chairman Whitson: I do feel like they did try to notify us. This isn't really a case where they just did what they wanted. I am troubled a little bit that it got buried, but you did respond to the email; and so, I am worried that there was an attempt to tell us exactly what they were going to use.
- Farris: It just wasn't one of the two that was presented to us.
- Blackburn: I will say that I am the one who called Lyle and informed him of the white roof, I noticed it and could not believe that we approved it.
- Chairman Wall: We will have a board discussion after everyone else has spoken. Is there anyone else who would like to express an opinion?

Kevin Coffee, C Kevin Coffey Dwellings and Design, designed the house: I would like to address the color of the roof that is on the house now. I think that the roof will look appropriate when the house is finished, and I know that requires a leap of faith. One thing that's going on is right now you're driving up there and there's dark brown, red brick going all the way up to the cornice line. There's no gutter. The detail is not brought out the limestone yet. The white that is going to go on the exterior of the house is pure white, which is basically what it says, it does have a slight undertone of gray and the gray that is in it is really just to keep it from being super-stark. There's only one white that I know of in that family that's actually whiter. When that color goes on that house, gutters are installed, and the limestone details go in, I think it'll be a marked difference. I didn't think about saying this when it came in because I didn't know this was going to happen. And I know that photographs are a big fat liars, keep that in mind as well.

You showed pictures of a few previous projects earlier. And in the photos they all look like they have really light roofs. So, we are in a tenuous area on trying to juggle on what exactly is white what exactly is light gray and what exactly is gray? What is mid-gray and what is dark gray? That's a tough

area to negotiate. For us as designers it's a tough to negotiate because there are hundreds of different white paints. You can't just say white. Tamko on their site has a description of the Glacier White roof where they really acknowledge it's not really white because it's almost impossible for them to make a white shingle, there is a bit of hyperbole in this because it is an advertisement. They say "like a river of ice carving a canyon out of a mountainside, Glacier White is absolutely transformative. It brings a cool mix of white, ice grays and rocky undertones to the roofline creating depth, character and a totally refreshed look." Also, on any of these things when you look at them online, they all appear differently than in real life. All of us that are designers, know this, because we put up the sample boards. You know asphalt shingles are inherently a substitute for a natural material. That's how they were developed initially to replace wood shakes because of fire issues. If you remember initially we were going to use a cedar shake, a wood shake. At some point we decided to do the asphalt shingle. My mind moves more toward a gray slate at that point. If you look at any of those pictures of the light slates that are on a house, they will look an awful lot like this roof that is on this house right now. I just ask, I know it's hard, for patience; it is going to work out because the roof that's on there is going to look really good.

Russel McLean, homeowner of 1206 Nichol Lane

I appreciate what you're doing here today. And I do appreciate the historic nature of the neighborhood. My wife and I moved here with the intent of buying a house on a very quiet street next to a park for our family. We found this lot and decided to build it. What we tried to do, what we talked to the team about, was that we wanted to build a house that was beautiful, fit our family and most importantly fit into the neighborhood. We weren't trying to push the limits in architecture in any way. But in the end, we're not trying to break any rules. I thought we were going through the process in a reasonable way. I must admit that I was pretty unengaged in this process, unlike my wife who is more engaged. She is currently overseas for work for a couple of weeks, and so I'm stepping in. The one thing I can tell you is that from my perspective, and certainly from my wife's perspective, there is no intent to fool anyone or do anything that would be a violation of the rules. We are trying to be extremely good neighbors; I would like to move in and not have all my neighbors dislike me. It was shocking to me when I looked through the email discussions about this topic that we received in discovery to see so much animosity towards me. But I just want to say that the intent was not there to do anything or pull anything over anyone's eyes and I can promise you that going forward, myself, as well as my wife, will be much more engaged in this project.

Charlie Thornburg, 1212 Nichol Lane

As a homeowner in the neighborhood, I have no objection or complaint on the roof.

Giles Ritchie, contractor on the project at 1206 Nichol Lane

On the origin of the color. Ritchie stated he was involved in pulling sample boards from the beginning, pulling the original sample boards, and then when asked to pull new samples in the gray family he spoke with the supply house and told them he wanted samples in the mid-gray family, they provided Cobblestone and Glacier White, stating both were in the mid-gray family. This

is how the samples were presented to his customer and ultimately the homeowner.

Graham Matherne, attorney for Catalyst Builders, with Wyatt, Tarrant & Combs Nashville

We have presented material to the commission we know that has been reviewed and that the commissioner reviewed those and is considering them.

Commissioner Whitson, I want to talk about the boards that were presented back in September of last year. We do not have them either. We understand though that they presented an array of colors, it wasn't a choice of two, but it presented a mid-gray coloration of a slate like look of shingles. And when we look at the board meeting minutes of the September 14 hearing, and then also as reflected in the notice of violation, what was approved was the mid-gray range slate look shingle. In that conversation, the representative of Catalyst did ask that the board approve the ability to say that while the homeowner had not made the decision yet as to what color had been selected that we would give notice back. Clearly, the notice of violation shows that at that the September 14 meeting the HZC approved only an asphalt shingle with a mid-gray color. So, the approval was for a mid-gray color. And we were to give notice to the board through Mr. Patterson of that selection, and we did so on March 2, 2022. We provided Mr. Patterson, as a conduit to this board, or this commission, the selection that the homeowner had made. We asked in that email to Mr. Patterson that if you have any questions, please contact us. There was no comment back, question back, concerns back communicated to us. What we got back was a response saying thank you. In reliance upon that, the shingle that was presented in that email to Mr. Patterson was purchased and installed.

- Blackburn: Did the email say that it is not something that was presented, but this is what we are choosing.
- Matherne: No, the heading of the email was roof selection 1206 Nichol Lane.
- Blackburn: Did it reference it had been a change from what was presented to the commission.
- Matherne: No, and I don't know that we think it was a change, it was a color in the mid-gray range approved by the commission.
- Wall: We saw two shingles on the board, and we approved either of those, for the client to choose which one of those. Is the shingle that is on the roof one of the two that we saw on the board.
- Matherne: I do not know. But what we did do, respectfully, is submit the color that was selected by the homeowner asking for comment or concern because we were told at the September 14 meeting to present to the Commission through Mr. Patterson the selection of the color of the shingle. No comment back, no discussion in regard to that. Now, if you look at that March 2 email there was discussion of another property. It's not as if the email was just randomly looked at. It actually says thanks and then talks about another aspect of what our client, Catalyst Builders, was dealing with on another construction project here. So, it was not as if it were not paid attention to. It was responded to and

acknowledged in relation to the color selection. And notice of that color selection

- Blackburn: You think that Mr. Patterson should have known the name of the color and that it had been changed?
- Matherne: He should have known that we had selected the color.

Andy Pulliam, attorney with Wyatt, Tarrant and Combs, also on behalf of Catalyst Builders

Your assumptions are incorrect that the minutes of the September 14 meeting limited the selection to what was presented.

If you read the minutes, they say "displayed the sample board and the two types of shingles and stated the owners feel these fit in with the design of the house. Does anyone have a problem with either shingle? I do not but the question is which one sample board is being referenced specifically, Mr. Frank, I believe the owners will choose the slate look with a mid-gray color."

There was no commitment to either of those samples, by the way, which had an array of colors on both. So, this notion that it was limited to only one of those boards is not correct, respectfully.

Matherne: Thank you for your consideration that reliance has been had in communications, the procedure; the procedures were followed, and the selection of a color was given notification of with no objection and the roof was placed on the house and that there should be no question that it is a mid-gray color, and we would ask the notice of violation be voided.

Public comment closed

City Attorney Berry presented possibilities to the board, noting there may be other options.

1. The work violated the terms of the COA established at the September 14, 2021 and order the work be redone or modified to comply with the COA.
2. Find the work deviated from the COA but forego ordering a modification because of the circumstances brought to your attention and the cost and hardship claim by the builder and the owner, and consider remanding the matter to the building official to consider a civil penalty, which he would have to obtain in city court.
3. Find that the work deviated from the terms of the COA but was still in compliance with the guidelines overall and no modification should be ordered, and no violation found.
4. There is no violation period.

Motion that I find the COA was violated, but that there is no requirement to change it due to extenuating circumstances during the decision-making process about the roof, and mitigate any need to change the roof material:

Whitson Second: Poe

Board Discussion

- Vice Chairman Whitson: We do not require sample materials, moving forward I believe we do that. This board is still relatively new, and

we are figuring things out. I might have considered option 3 or 4 had the actual shingles been brought to me and I could see what difference there is and maybe one wasn't a violation, which is what their attorney suggested. But they didn't, so I can't say, you can never tell from photographs, we need the actual materials before us. And the second factor I find, is they did submit this to us, I think Mr. Patterson has a lot on his plate, and a lot of things are coming to him, and everyone has a hiccup, and we had a hiccup that day. Some would say they should have had a confirmation, but I also see where you could say there was no reference about the color in the response, and it was okay. Going forward people will need to be further along in their process. The reason we haven't done it is because we've allowed people to say, well this is what we are considering, they get their approval, and then there is too much not being decided by the commission and placed on Mr. Patterson. I don't feel that there was any malice here. We want to work with homeowners, we want everybody to feel they have a voice here, neighbors and homeowners. And we are going to settle things rationally and fairly.

- Chairman Wall: We were presented a display board with two shingles on it. I can assure you that if the shingle that is on that house was one of those two shingles, that display board would be here today. For whatever reason, the homeowner made a change, and thought that was communicated to the ruling bodies, but the shingle is not the one that we approved.
- Blackburn: We expect trust here. We don't have staff to go out, if there is going to be a change, as the chairman states at the beginning of the meeting, "if you deviate from this in any way." I don't know how we resolve this. The precedent we are setting is concerning to me.
- Farris: I do recall seeing two colors, and reading the minutes, my interpretation is they were going to pick one of those two. I think Lyle assumed they were picking one of the two colors they had shown us, otherwise I think he would have reached out to me, or one of the other commissioners and said there has been a change in color, come and look at it, as he has done before. I don't have any issue with the way he replied. We do have a clear statement in our guidelines on roofing materials.
- Poe: I was at the September 14 meeting, and we were presented with two samples; to Jeannette's point earlier, based on the communication from the McClean team back to us, it is reasonable to assume that they would perceive the response the way they did. Now to address that in the future, we may need to clarify what we mean by mid-gray. It would behoove this board to be more specific and avoid these moments.
- Rankin: I would add that I was there for the roof, and my recollection is that we were presented two samples, and we said either is fine, please let us know which one is chosen. The wording of the email sent to Lyle did not raise a red flag that anything was different. I think there is enough ambiguity in the approval process and what is required. I do support the motion made.

Vote: Vice Chairman Whitson, Poe, Farris, Rankin

Aye

Chairman Wall, Blackburn
Motion Passes

No

City Attorney Berry

On the agenda we have a Public Hearing on proposed amendments to the City-Wide Conservation Overlay Design Guidelines

Chairman Wall: Public Hearing is now in progress if anyone wishes to speak.

Chris Goldbeck, not a resident of Belle Meade but has presented about a half-dozen projects to the HZC, as well as projects to Nashville and Franklin's historic boards. Goldbeck stated that he supported the wording change regarding properties of conservation or significance. Goldbeck also offered some suggestions on how to obtain more diverse designs on homes, noting that the city of Nashville and Franklin provided additional steps and/or informal meetings on design.

City Attorney Berry: On the amendments to the Conservation Overlay Design Guidelines, they are simple, there are on 3 pages of the guidelines. One is in the description of property of significance, all the ands be deleted and or be inserted and the same on the property of conservation on page 5. Commissioner Dale was here and pointed out a mistake in the description of Property of Conservation and could be corrected by adding an amendment. The other main change on page 7 and 8; we have language in the guidelines about COA application and meeting the city staff, but it also states that the applicant will work with the HZC. One can't really work with the HZC except in called meetings. This should be removed from the guidelines and put into the procedure and bylaws, this way it is procedural.

Motion to approve the amendments to the Interim Design Guidelines:

Farris

Second:

Poe

All aye

City Attorney Berry: Send me comments regarding the procedures and we will move the vote on procedural changes to next month.

Meeting adjourned at 4:45 p.m.

The next scheduled Historic Zoning Commission meeting will be held **Tuesday September 13, 2022**, at 3:00 P.M. at **Belle Meade City Hall**.

Chairman Mal Wall

City Recorder Rusty Terry