

**HISTORIC PRESERVATION REVIEW COMMISSION**  
**232 N. Queen Street**  
**October 2, 2017**  
**Regular Meeting, 7:00 PM.**  
**J. Oakley Seibert Council Chambers**

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With a quorum present, Chairman Gary Gimbel called the regular scheduled meeting of the Historic Preservation Review Commission to order at 7:05 pm. The following members were present: Gary Gimbel, Steve Knipe, Mark Jordan, Brance McCune and John Stillwagon. Absent was: Ryan Perks, Terry Colburn and Chris Cox. Also in attendance were Legal Counsel Chris Peterson, City Planner Tracy Smith and Planning Secretary Holly Hartman.

**APPROVAL OF September 11, 2017 MEETING MINUTES**

Commissioner Jordan made the motion to approve the September meeting minutes as presented. Commissioner Stillwagon seconded the motion, which was followed by a unanimous vote of “aye”. Motion carried.

**STATEMENT OF PURPOSE**

Read by Chairman Gimbel. Zoning Ordinance Article 10

**I. UNFINISHED BUSINESS: None**

**II. NEW BUSINESS:**

- 1. CASE #HP 17-00013. 315 W. King Street. Public Hearing.** Application requesting a Certificate of Appropriateness to install a digital sign. First Baptist Church, applicant.

Edward Pierce, representing First Baptist Church, provided an explanation of the project stating that they would like to install an LED sign in the middle of the existing sign where the interchangeable letters are located. Mr. Pierce stated that the church owns land out on Ridge Road, but have decided to invest money into their current location instead of relocating to the county.

Chairman Gimbel opened the public hearing at 7:10 pm.

- Barbara Bratina, 116 N. Tennessee Avenue, spoke against the request. Ms. Bratina would like to preserve Martinsburg’s historic nature. She feels that the sign is not congruent with the zoning ordinance for several reasons. Ms. Bratina referenced sections 440.2, 440.3(n) and 440.53 of the MZO. She stated that at the time the MZO was enacted in 1970, digital video signs did not exist. There were only the changeable letter message boards. The sign is too large, is able to have an interchangeable message board and there is no specific code for graphic video signs. Ms. Bratina stated that it is only fair to have each change in the graphics approved ahead of time as this would have to be done when changing a

normal business sign in the historic district. Last month the HPRC approved a digital sign and it was agreed that the sign would be black with white lettering with no blinking or shining graphics used; which fits within code 440.2.

As no one else came forward to speak for or against this request, the public hearing was closed at 7:15 pm.

City Planner Tracy Smith stated that interchangeable message boards are applied under section 440.53. According to this section and the math shown on the photo passed around to the commissioners, the requested sign does meet allowable size criteria.

Commissioner Knipe asked for the intended use of the sign. Mr. Pierce responded that the digital message board will predominately show the same message as the changeable letters do now, but that the sign is capable of video use.

Ms. Smith stated that the sign ordinance was updated within the last ten years. She reference section 440.3(n) has only been applied to the identifying name of a church, not the advertising type of sign. Ms. Smith stated that as she was not in attendance at the last meeting she was not sure of the specific discussion regarding the digital sign. Commissioner Stillwagon stated that the type of lighting, messaging and the sign not being used as a television or being used with color were all discussed.

Chairman Gimbel asked legal counsel if reapplying for each sign change of a digital sign applied in this type of case. Legal Counsel Chris Peterson replied that if it is only being used as a digital message board, it is basically an updated version of an allowed use. Ms. Smith added that banners are allowed to be changed every fifteen days without HPRC review. Ms. Smith further stated that she spoke to the sign company earlier in the day and that the proposed sign is capable of only having a white background with black letters. Mr. Peterson stated that the current ordinance is not flexible enough to allow for changes on a sign to be done without prior approval. Ms. Smith stated that if the ordinance were updated, the HPRC would be included in any sections that pertained to the historic district.

Commissioner Stillwagon asked if the church would agree to only use the sign as a message board with black and white letters. Mr. Pierce stated that he cannot say for sure. He does not know if the church will still want the new sign if they can only use it in the requested manner, but that if they do proceed with installing the sign, he would give his word that it would be used as requested. Mr. Peterson stated that the commission could give a conditional approval, allowing the digital sign to be installed but only used with black or white letters and background.

Commissioner Stillwagon made the motion to approve the request for the digital sign, but only to be used with black or white scrolling letter. Commissioner Knipe seconded the motion that was followed by a vote of "nay" from Commissioner McCune. Motion approved.

- 2. CASE #HP 17-00014. 409 W. King Street. Public Hearing.** Application requesting a Certificate of Appropriateness to paint business sign. Kia Johnson, applicant.

This request was tabled until the next meeting as the applicant was not present.

- 3. CASE #HP 17-00015. 525 W. Martin Street. Public Hearing.** Application requesting a Certificate of Appropriateness to demolish house. Susan Johnson, applicant.

Raymond Johnson provided an explanation of the project stating that they would like to demo the requested structure as the property has a lot of structural damage. He added that the home was approved for demolition previously, but the church had decided to try and save the house. As they now know the house is beyond repair, he would like to return the land to green space.

Chairman Gimbel opened the public hearing at 7:31 pm. As no one came forward to speak for or against this request, the public hearing was closed at 7:31 pm.

Chairman Gimbel provided background information on the area stating that other homes in this area were demolished prior to it being a part of the historic district and that one demolition was approved in the area after being added to the historic district. He voiced concern with losing a home to a parking lot. Commissioner McCune agreed but mentioned that the financial burden of a restoration may be too great. Commissioner Stillwagon agreed that the home is no longer historic as there have been levels and additions added over time and would be hard to return to its original character as it is poorly constructed. Mr. Johnson advised that the space would not be a parking lot, it will be returned to green space.

Commissioner Knipe made the motion to approve the request as submitted. Commissioner Jordan seconded the motion that was followed by a vote of “nay” from Chairman Gimbel. Motion approved.

- 4. CASE #HP 17-00018. 127 Tuskegee Drive. Public Hearing.** Application requesting a Certificate of Appropriateness to install an iron fence. Susan Johnson, applicant.

Raymond Johnson provided an explanation of the project stating that they would like to install a black iron fence in the locations that used to be chain link as it will be a better look.

Chairman Gimbel opened the public hearing at 7:39 pm. As no one came forward to speak for or against this request, the public hearing was closed at 7:39 pm.

Commissioner Stillwagon made the motion to approve the request as submitted. Commissioner Jordan seconded the motion that was followed by a unanimous vote of “aye”. Motion approved.

5. **CASE #HP 17-00016. 101 N. Queen Street. Public Hearing.** Application requesting a Certificate of Appropriateness to paint. Anthony Montanio, applicant.

Anthony Montanio provided an explanation of the project stating that they would like change the colors as shown in the application.

Chairman Gimbel clarified that the window trim will be changed to white and the lower bar will be blue with white trim above and below the blue. Mr. Montanio stated that the owner would like to paint the upper bar white with blue trim, which was not requested on the application. Ms. Smith and the Commissioners clarified the color choices and locations with the applicant.

Chairman Gimbel opened the public hearing at 7:39 pm. As no one came forward to speak for or against this request, the public hearing was closed at 7:39 pm.

Commissioner Stillwagon made the motion to approve the request as amended. Commissioner Jordan seconded the motion that was followed by a unanimous vote of “aye”. Motion approved.

6. **CASE #HP 17-00019. 131 N. Queen Street. Public Hearing.** Application requesting a Certificate of Appropriateness to renovate storefront. Andrew Johnson, applicant.

This request was tabled until the next meeting as the applicant was not present.

Chairman Gimbel asked if there were review changes that needed to be made in regards to digital signs. Ms. Smith stated that she has spoken to legal counsel about it because it affects the HPRC, Planning Commission and City Council.

III. **OTHER BUSINESS: None**

IV. **DISCUSSION ITEMS: None**

V. **ACTION ITEMS: None**

VI. **ADJOURNMENT:**

Commissioner Jordan made the motion to adjourn. Commissioner Knipe seconded the motion that was followed by a unanimous vote of “aye”. The meeting was adjourned at 7:53 pm.

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Gary Gimbel, Chairperson

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Holly Hartman, Secretary