

**Virginia-Highland Civic Association Board of Directors Monthly Meeting Minutes
Monday, August 8, 2016; 7:00 PM; Ponce de Leon Library**

Meeting Minutes

Call to Order and Adoption of Agenda

Board members in attendance: Peggy Berg, David Brandenberger, Lola Carlisle, Emily Gilbert, Paige Hewell, Catherine Lewis, Robin Ragland, Jack White, Lauren Wilkes Fralick, and Jess Windham.

Captain Gourly of AD's Zone 6 provided crime statistics, which remain at low levels, with car brake-ins being a persistent exception. Crime is down 14% year to date in Zone 6. Crime is down in Virginia-Highland 51% over the last 35 days compared to last year. He reinforced the Clean Car Campaign. Personal items are stolen out of cars including guns (6-7/week in Zone 6). He asked that any personal surveillance cameras be oriented to the street when that is possible without compromising the property's own security goals.

Other public officials & municipal representatives:

Park Cannon, our State Representative for District 58, greeted the group and offered to assist citizens in any way she can.

Planning Committee

Variance applications

V-16-080; 674 Cooledge Ave. NE; R-4

Applicant Falcon Murty seeks a variance the zoning regulations to reduce the west side-yard setback from 15 feet to 4'8" construct a new rear deck immediately behind the existing home, whose main structure already has that setback there. (A second-floor will also be added, entirely within the existing footprint.)

To compensate for the square footage in the new deck, the applicants are removing an equivalent or greater amount of existing concrete in the right rear (the northwest) of the lot. This includes removing a concrete trough that collects and transmits stormwater downhill off the existing yard onto neighbors. The applicants are adding a rain garden that will absorb stormwater; the final outcome should be a diminished volume of stormwater leaving the site

On a site visit on 4-29-16 by Lola Carlisle and Chip Bullock, no tree or stormwater issues were observed.

No tree issues were observed; neighbor notification is complete. Both the VHCA Planning Comm. and Board unanimously recommended support to NPU-F.

V-16-084; 1040 Bellevue; NE; R-4

Applicant and owner Karon Abe seeks a variance (with an amended referral certificate) to reduce the east side-yard setback from 15' to 3' (existing) to allow for the conversion of an old porch into a new

internal room and the addition of a new porch to replace the old one. The new lot coverage will be 39.4%.

Two trees will be lost; two new ones will be planted and additional recompense paid. No existing or new stormwater or other tree issues were observed. Neighbor notification is complete. The Planning Committee and Bod unanimously recommended approval to NPU-F.

Potential redevelopment of Briarcliff Terrace Apts – Jack White

Jack White reported that the property owner and a potential developer have reached out to VHCA and Alex Wan, and adjacent neighbors regarding potential redevelopment of Briarcliff Terrace Apartments. No plans have been filed. The Planning Committee has consulted with VHCA's planner, Aaron Fortner, our and Zoning Attorney, Bob Zoekler, who are examining the context and details of the concept, especially as they relate to the Virginia-Highland Master Plan and NPU-F's Comprehensive Development Plan.

Renew Atlanta Bond - Jess Windham

Ms. Windham reported that Renew Atlanta will hold a public meeting on Monroe Drive improvements on 8-13-16 at the Grady High Cafeteria. They aspire to have a recommended design by end of Q2 2017, followed by final design and construction to begin after those designs are approved. Public comment will be available at www.renewatlantabond.com

T-SPLOST improvements (to be voted on in November) were discussed as well. They include improvements along the entire length of N. Highland (including changes along the streetscape at Atkins Park that were identified in the Master Plan), Cheshire Bridge sidewalks, city-wide traffic signalization, and Beltline right-of-way improvements.

FS 19 – Catherine Lewis

Dr. Lewis reported that – as expected- finalizing the contract with the city for architectural services to reflect the contractual elements our the lawyers and architects think are essential for FS19 has taken some time. The process is nearly complete, and we anticipate a meeting to examine a preliminary schedule for letting the construction context and getting to work before next Mont's VHCA meeting.

Streets Alive - Jess Windham:

Streets Alive is coming back to VaHi on September 25. Bike Parade kicks off at 2pm in Virginia-Highland. Activities will also be all along the route and in North Highland Park. We need an ambassador to work with Streets Alive. Please reach out to planning@vahi.org if you're interested in helping with Streets Alive.

Fundraising Committee

Tour of Homes – Robin Ragland: Sponsorships at now at about \$46K; gross revenue may reach \$80K this year. We have 4 restaurants for the 8 homes. There will be a couple of trolley shuttles used again, plus a repeat of the History Tour. Additional help is always welcome..

AGM - Jess Windham and Lola Carlisle and Peggy Berg

The VHCA Annual General Meeting will be at Inman Middle School on September 22nd at 7 PM. Nominations will be accepted through 9/6/16 for inclusion on the printed ballot. The article about nominations is on vahi.com.

Treasurer Report –Peggy Berg

Grant applications are available at vahi.org; they are due by August 29th.

Calendar: (All meetings public)

- A. NPU-F; Hillside; Mon., 8-18-16; 7:00 PM
- B. Monroe Dr. Complete Streets Meeting; Grady HS Cafeteria, 8-23-16; 6-8:00 PM
- C. VHCA Planning Comm.; Wed., 9-7-16; Garrison Hall, Church of Our Saviour; 7:00 PM
- D. VHCA BoD; Mon., 9-12-16, Ponce Library; 7:00 PM
- E. VHCA AGM, Thurs., 9-22-16, IMS, 7 PM
- F. Streets Alive in VaHi; 9-25-16; 2-6 PM

New Business

Todd Memorial Cemetery report and update

VHCA resident Daniel Moriarty of Sapp, Green, and Moriarty is VHCA's attorney; he was one of two different lawyers who researched and advised us on this.

The Todd Cemetery Memorial was created in the late 1980's in memory of the family of the first settlers who moved to today's Virginia-Highland after the state acquired the land in the early 1820.

Public access to the Memorial (a cylindrical marker and memorial enclosure) is established by a public easement that was first recorded in the Fulton County property records in 1990. From the easement's inception to 2014, members of the public freely visited the memorial unchallenged by fences or gates.

After buying the property in 2014, the current owners of the house built a fence and gate that limited visitors' access.

Over the next year, two citizens - one a family member - found their path blocked by the fence. Both notified us.

The VHCA Board retained an attorney to examine the public's right to access and the specific obligations of the owners on this point.

That attorney explained to the homeowners his conclusion that the easement was legal and enforceable and urged them to hire their own lawyer to examine the matter.

After further negotiations over a several month period, our lawyer and the homeowners agreed to place a sign on their new fence informing the public of their right to visit. We agreed to pay for the sign.

Shortly thereafter, we learned that the monument had been destroyed; an inspection revealed that the large historic marker was gone and the wrought iron fence had been dismantled. The owners reported that unidentified 'vandals' were responsible. Subsequent investigation produced substantial evidence that the owners themselves were responsible.

We proposed non-binding professional mediation to resolve the issue; the owners accepted. The first (and only) mediation session was productive and professional. There was no further mention of vandals and no disagreement about who bore responsibility for rebuilding the monument.

The property owners also proposed relocating a rebuilt monument in front of the house rather than in the rear, to which the Todd family agreed. The owners asked for a month to research that issue and any claims they might have against their title insurer. They agreed to meet again in early July.

That meeting was canceled, and the homeowners have not responded to efforts to reschedule it, nor offered any report of progress on the issues that they had identified.

We worked on this issue in Executive Session for a long time in an effort - and in the hope of - resolving this peacefully and without embarrassment to the owners. Those efforts – including mediation – were not, and we've sadly and reluctantly come to the conclusion that legal action may be necessary.

The costs of this effort and our goal of recouping significant legal fees were discussed. The Board undertook this because we believe that the evidence shows the easement exists, that the memorial has historic significance to the neighborhood and the city, that its destruction was unlawful, and that it needs to be replaced. The fees since the agreement of December 2015 are about \$25,000, with a cap on future expenses.

The board reiterated its belief and hopes that this could be settled with as little embarrassment to the property owners and as little expense as possible, an approach premised on the belief that a settlement based on the facts was both logical and desirable for the property owners.

A motion was made and seconded to authorize Attorney Daniel Moriarty to notify the property owners of our intent to file suit. After additional discussion, the board approved the motion unanimously. The suit was expected to be filed in the week of 8/15/16.

The meeting was adjourned at approximately 8:30 PM.