

**LOUISVILLE – SOUTHERN INDIANA
OHIO RIVER BRIDGES PROJECT**

**Kentucky Historic Preservation Advisory Team (KHPAT) Meeting
April 16, 2009 – 10:00 AM at the KYTC D-5 Conference Room**

The following summarizes the discussions of the KHPAT meeting held at the Kentucky Transportation Cabinet (KYTC) District 5 on April 16, 2009 for the Louisville – Southern Indiana Ohio River Bridges Project (Project). An agenda was distributed to the KHPAT by mail on March 31, 2009.

Opening Remarks: Mr. John Sacksteder, CTS-GEC

Mr. Sacksteder welcomed everyone to the KHPAT and asked those in attendance to introduce themselves and their affiliations.

Project Update: Mr. Mark Dennen, KY SHPO

Mr. Dennen indicated that he and members of his staff had completed the inspection of the Edison House on February 16, 2009 and documented the findings in a Building Condition Assessment (prepared by Wendy Wheatcraft). The Assessment defines the scope of work of the exterior building rehabilitation that could be available for funding under the Memorandum of Agreement (MOA), provided the easement is placed. The Assessment was distributed on April 8, 2009 to the KYTC, the Historic Homes Foundation and CTS-GEC. Mr. Segrest requested a copy of the report, which is to be sent to him by Kentucky Heritage Council (KHC).

On March 13, 2009, the FHWA held a meeting with KHC to discuss issues related to the preservation easement for the Wesley House. Mr. Dennen indicated that a request for resolution of the structures that comprise the Wesley House was sent to the Advisory Council on Historic Preservation (ACHP) by his office on November 25, 2008. In a response dated February 11, 2009, the ACHP concurred with the KHC that four buildings comprised the Wesley House. However, information developed by the FHWA as part of the Section 106 process indicated that only the two original Italianate homes were of consideration for the rehabilitation funding mentioned in the MOA. As such, the KHC had initiated the dispute resolution clause of the MOA with the FHWA.

It was also questioned if federal funds could be utilized on privately owned property that was to be developed into a profit venture. The FHWA Legal Division stated that federal funds could be utilized, but any renovations performed prior to the receipt of federal approval were not eligible for reimbursement. Ms. Abner reported that FHWA requested an independent evaluation of the historical elements of the property and an architectural assessment of completed improvements to determine if the renovations were in accordance with the Secretary of Interior standards. KYTC is waiting on direction from FHWA to initiate this effort. Completion of the preservation easement is pending from the KY SHPO.

Mr. Segrest stated that the Wesley House has always consisted of the four buildings as interpreted by the KHC. Ms. Runyon added that River Fields would co-sign a letter with Mr. Segrest/Butchertown Neighborhood Association attesting to this fact.

The final comment from Mr. Dennen questioned the development of the Treatment Plan for Rosewell and the KHC comment letter of September 19, 2008. Mr. Sacksteder stated that the necessary repairs to the property from the hurricane storm damage were completed. The scope of work for the rehabilitation of the property has been developed and the plans are under preparation with an expected preliminary plan review at the 30% complete stage. It is anticipated that the 30% complete plans could be complete in the spring 2009 and submitted to the KHPAT for comment in June 2009.

Grocers Ice and Cold Storage Treatment Plan – Draft: Mr. David Kroll, CTS-GEC

Mr. Kroll, Ratio, presented the Final Draft of the Treatment Plan developed for the Grocers Ice and Cold Storage Company Building. The MOA) for the Project contained specific mitigation measures for the Building. Stipulation III.K.10 of the MOA reads:

“Grocers Ice and Cold Storage Company (601 - 615 East Main Street) – KYTC shall, in consultation with the KY SHPO, make a reasonable effort during the Project development to provide a plan that supports the adaptive reuse of this property. In the event such a plan cannot be developed, the KYTC shall develop documentation at a level agreed upon by the KY SHPO, KYTC, and FHWA and proceed to demolish the structure once the agreed upon documentation has been accepted.”

The Kennedy Interchange realignment as currently designed would impact the western portion of the property. Based on overlay sketches, the new right-of-way would run diagonally from the elevator tower at the north end to the northwest corner of the Kentucky Bison tenant space. The proposed right-of-way would impact the multi-level Cooler G (four stories), the two-story space that is the former ice tank room and the one-story garage addition. Overall, 16,102 square feet of the building total of 60,730 square feet would be impacted by this proposed right-of-way.

As was presented and discussed at the October 16, 2008 KHPAT meeting, the Treatment Plan includes two sections: 1) Existing Conditions and 2) Rehabilitation and Reuse Recommendations. Team members visited the property in May 2008 to conduct field investigations of the building, evaluate the condition of the existing features, materials and systems; photographically document the current conditions and appearance; and develop existing floor plan and elevation drawings. Conceptual plans for the rehabilitation and reuse of the remaining portions of the building were developed; two options were explored. Both options included space planning, requirements for egress and accessibility and recommendations for improvements to the building structures including masonry and roof systems. The first option reconfigures the remaining space for the continued use by the current owner and their current business venture (Creation Gardens and their current tenant, Kentucky Bison). The second option rehabilitates the facility for mixed commercial/residential use. This would be in keeping with other development in the immediate neighborhood. In order to accommodate this change in use, additional demolition would be required to create light wells for natural light and ventilation to interior spaces. The change in use would also require compliance with the current building codes in effect when construction commences. The 2007 Kentucky Building Code was in effect at the time of this study. General rehabilitation recommendations and conceptual cost magnitudes were prepared for both options. The proposed rehabilitation and reuse

recommendations were designed to comply with the Secretary of Interior's "*Standards for Rehabilitation*".

Since the October 16, 2008 presentation, the BSHCT had requested minor revisions to the Plan. These included placing the existing and proposed right-of-way lines on the floor plan drawings, identifying and locating the current uses on the existing floor plans, and reformatting the document to an 11" x 17" size.

Under Option 1, Mr. Segrest requested that the loading dock on Washington Street at Creation Gardens be designed so that trucks would no longer impede the flow of traffic. He also stated that this design could relieve routing of commercial traffic onto residential streets.

Mr. Sacksteder stated that a hardship acquisition request had been received from the property owner, Mollie Turnier, on February 13, 2009. KYTC has approved this request for early acquisition of Creation Gardens, who desire to relocate to new Jefferson Market as an anchor store. The next step is to begin the property appraisal. He also stated that if the building is vacated, there are no assurances as to future tenants or future traffic flow patterns.

Status of Memorandum of Agreement Stipulations: Mr. Mark Dennen, KY SHPO and Mr. John Sacksteder, CTS-GEC

Mr. Dennen distributed copies of a memorandum dated March 17, 2009 to the KHPAT, which contained a listing of discussion items from the MOA for consideration and discussion. Following is a bullet point listing of items and the resolution of each. Mr. Sacksteder facilitated this discussion.

4.3.3. Minority Historic Rehabilitation Craftsman Training Program

Responsibility of KHC/KY SHPO to develop processes

Bob Hardley at Jefferson Community and Technical College (JCTC) was contacted regarding the potential for placing the Training Program at the site

\$1.4 million to be provided for program – KYTC to work with KHC to provide funding

KHC has no available staff to implement the program on a day-to-day basis

Could CTS-GEC act as facilitator

Additional discussion within KHC is to occur; KHC is continuing to research how to implement program

Stipulation III.J. Trolley Barn/4.3.4. Rehabilitation of Trolley Barn Buildings in West Louisville

\$10 million federal highway funds obligated; no federal highway grants were used; funding from other sources also received

Construction is completed and an audit is underway; River Fields and Butchertown contend that rehabilitation was not completed in accordance with the *Secretary of Interior Standards*, which is a violation of federal law; additional meetings with Metro and KHPAT requested to resolve

Preservation easement was placed on property prior to 2003; KY SHPO believes that renovations are in violation of easement restrictions

MOU between KYTC and Metro

KYTC procured copies/amendments and distributed by KYTC to KHC during the week of April 9, 2009 via e-mail

FHWA advised that Ted Pullen of Louisville Metro said that KHC should have all info and all work was coordinated through Scott Walters of the KHC office; River Fields requested copies and Mr. Sacksteder is to facilitate

Stipulation III.K.2. Witherspoon Extension

Pending dispute resolution; FHWA has indicated that dispute resolution would be delayed until Kentucky determines further project direction

Witherspoon and Geiger alignments have not been completely assessed, per FHWA

Right-of-way was developed by SDC 1 in 2007; presently on hold

Additional discussion within KHC is to occur

Stipulation III.K.5. Wesley House (also previously discussed)

FHWA held a meeting with KHC on March 13, 2009 to discuss the following:

Legal opinion on use of federal funds for private ownership

How many buildings constitute the Wesley House – two or four

An architectural assessment should be performed of improvements to determine if renovations are in accordance with the Secretary of Interior standards

No deed restrictions on property, per Ron Widman, project developer

Draft PE complete and in KHC office; estimate of value of improvements is pending

Metro has copies of approval letters from KHC of prior improvements to property

Stipulation III.K.10. Grocers Ice and Cold Storage Company Building (also previously discussed)

Hardship acquisition request received from Mollie Turnier on February 13, 2009

HABS – level documentation probable; will coordinate with DEA – Treatment Plan could be used in HABS documentation

KYTC and FHWA have approved request for hardship acquisition of Creation Gardens

Creation Gardens wants to relocate to new Jefferson Market as anchor store

Next step is property appraisal

Stipulation III.L.3. Baer Fabrics Company Building

Owner of Baer Fabrics, Mr. Goldberg, informed SDC 1 that reports indicating that Baer went into bankruptcy were inaccurate; bank closed line of credit, preventing him from doing business

There were seven businesses in the building and all are closed; KYTC has initiated advanced acquisition of property while building is presently empty

Mr. Goldberg has been looking to turn the building into an office complex; may reopen Baer at smaller level in suburbs; Mr. Goldberg indicated to appraiser that he had no interest in reopening in another historic building in the Downtown; ROD has commitment to aid in relocation of business, but there is not presently any business to relocate

Additional steps postponed

KYTC to do advance acquisition; appraisal received on March 9, 2009

Stipulation III.L.4. Vermont American Building

No activities have been initiated for this property to date; several attempts to arrange site visit, but to no avail. Access is required to initiate Treatment Plan
 BSMT advised to cease attempts to contact the current owner due to pending lawsuit between the current owner and previous owner over environmental issues
 Property does not have local landmarks protection, which should be created; this can be placed without the consent of the property owner
 MOA provides for preparation of Treatment Plan for building rehab; exploring options for reuse and rehab of building exterior if recommended in Treatment Plan

Stipulation III.N.2. Drumanard

Owners have indicated that they want to be purchased and currently have no desire to retain the property
 Appraisals of 2008 pending review by KYTC; no further activities set pending further project decision

Stipulation III.O.1. Allison-Barrickman House

KYTC to make recommendation to KHC on possible Preservation Easement for the Allison-Barrickman Cemetery; property owner (Carney) is not interested in Preservation Easement for property, but would maintain cemetery
 Prospect is opposed to the currently proposed development of property by Carney
 KHPAT Co-chairs requested contact with Carney for position on the Easement (in writing); CTS-GEC is working through SDC 4 and a response is pending
 KHC was to confirm that the Werenskjolds were sent the easement and tax information they requested; follow-up meeting is to be scheduled with CTS-GEC to continue discussions

Stipulation III.P.1 Rosewell (also previously discussed)

Bob Burry is currently preparing rehabilitation plans; KYTC issued a Notice to Proceed for this work approximately two weeks ago
 The rehabilitation plans will be reviewed at a 30%, 70 %, and final plans stage; 30% plans are due in Spring 2009 and will be submitted to the BSHCT and KHPAT for comment following approval by KYTC; 70% plans will include the draft specifications and are due in Fall 2009; final plans and specifications are due at the end of 2009
 A letting is not scheduled until early 2010 with a currently projected completion in the Summer of 2010

River Fields stated that until such time as the Project is delayed or stopped due to the current economic climate, the MOA is a legal document to which the terms and conditions must be met. Ms. Runyon urged that pragmatic goals should be set to ensure compliance with the MOA. Mr. Sacksteder noted that the MOA is considered in place for 20 years and that no aspect of the design has advanced in the time frame that was originally considered.

Mr. Segrest questioned if noise analyses were to be completed at the Wesley House and at the MOA designated churches in Butchertown (St. Joseph's Church, Franklin Street Baptist Church, and Grace Immanuel United Church of Christ; Marcus Lindsay Methodist Church is being developed into condominiums). Mr. Sacksteder stated that these surveys are routinely performed immediately prior to and following completion of construction activities. He also indicated that renovations to each church, including air conditioning and replacement windows could potentially be considered to further abate traffic noise.

Mr. Dennen asked that the KHPAT review the memorandum and responses and provide any additional comments to his office and to CTS-GEC. He stated that his office would formally address the memorandum to the FHWA.

Final Comments: Mr. John Sacksteder, CTS-GEC

Mr. Sacksteder asked that any additional comments be provided to CTS-GEC by May 1, 2009 for inclusion in the record of the meeting. The next scheduled KHPAT meeting is June 18, 2009 at 10:00 AM in the KYTC District #5 conference room. The meeting was adjourned at 11:45 AM.

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KHPAT Co-chairs: Amanda Abner – KYTC
Mark Dennen - KY SHPO

Butchertown Neighborhood Association: Jim Segrest

City of Prospect: Ann Simms

Louisville Metro Historic Preservation: Richard Jett

River Fields, Inc.: Meme Sweets Runyon

CTS-GEC: John Sacksteder and Jeff Vlach

Audience:

KYTC: Andy Barber

KY SHPO: Wendy Wheatcraft

City of Prospect: Sandra Leonard

Kentucky Ombudsman: Lee Douglas Walker

CTS-GEC: Jim Hilton, David Kroll and Bob Lauder