



*Maryland Department of Planning  
Maryland Historical Trust*

*Martin O'Malley  
Governor*

*Anthony G. Brown  
Lt. Governor*

*Richard Eberhart Hall  
Secretary*

*Matthew J. Power  
Deputy Secretary*

## Maryland Historical Trust

### NOTICE

The regular meeting of the Maryland Historical Trust Board of Trustees will be held on Thursday, February 3, 2011, in the Main Conference Room 1.100A, First Floor, DHCD in Crownsville.

Committee Meetings 9:30 a.m.

Management & Planning, Room 3.114

Capital Programs, Room 3.120

Survey, Registration, Community  
Education & Museums – OPS Open Area

Board Meeting 10:30 a.m.

Lunch 1:00 p.m.

This notice given January 5, 2011.

J. Rodney Little  
Director

Please respond by e-mail [skeyser@mdp.state.md.us](mailto:skeyser@mdp.state.md.us) or phone (410) 514-7603 by January 24, 2011.



*Maryland Department of Planning*  
**MARYLAND HISTORICAL TRUST**  
**BOARD OF TRUSTEES' MEETING**

**February 3, 2011**

**Main Conference Room 1.100A, Crownsville, MD**  
**Committee Meetings 9:30 a.m., Board Meeting 10:30 a.m.**

AGENDA

*\*Committee Only*

- S1 CALL TO ORDER
- S2 APPROVAL OF MINUTES
- S3 COMMITTEE REPORTS
- S100 Management & Planning
- S101 Discussion of "Superblock" Approval, West Side Memorandum of Agreement, Baltimore City
- S102 FY2011 Budget & Legislation - Report
- S103 Litigation & Legal Issues
- S104 Investment Committee - Report
- S105 Interim Actions of the Executive Committee - Report
- S200 Capital Programs
- S201 Introduction of New Staff, Troy Nowak, Amy Skinner, & Melissa Archer in the Office of Preservation Services & Mark Thompson, the new JPPM Director
- S202R Change to the Grant Agreement for the William Brown House at London Town
- S300 Survey, Registration, Community Education & Museums
- S301R Modification to the Scope of Work for a Museum Grant with the Maryland Association of History Museums

**MARYLAND HISTORICAL TRUST  
BOARD OF TRUSTEES' MEETING  
February 3, 2011  
DHCD, 100 Community Place  
Crownsville, MD 21032  
Committee Meetings 9:30 a.m., Board Meeting 10:30 a.m.**

Pursuant to notice, the regular meeting of the Board of Trustees of the Maryland Historical Trust was held at DHCD, 100 Community Place, Conference Room 1.100A, Crownsville, MD 21032.

Trustees present: Messrs. Wetherill, Edson, Buchanan, Gibson, Poffenberger, Luckenbach, Seidel, Lighthizer, and Turner, and Meses. Yerges and Wharton-Henley

Area Representatives present: Messrs. Brown, Charlton, Reed, Callan, Eshelman, and Azola and Ms. Tilghman

Ex Officio: Deputy Secretary of Planning, Matt Power

Del. Maggie McIntosh/Kristen Harbeson

Assistant Attorneys General: Philip Deters, Amanda Conn, and Shelley Wasserman

Guests: Marilyn Benaderet, Preservation MD; Tyler Gearhart, Preservation MD; David Terry, Reginald Lewis Museum; Ed Gunts, Baltimore Sun; Kathy Robertson, Baltimore Development Corp.; Johns Hopkins, Baltimore Heritage; Nell Ziehl, National Trust for Historic Preservation; Arlene Fisher, Baltimore Heritage; Albert Figinski, Peter Fillat, Architect; Henry Lord, MHT Advisory Council on Historic Preservation and Preservation MD; Ron Kreitner, WestSide Renaissance, Inc.; and Will Backstrom, Baltimore Heritage

MDP Guests: Mark Thompson, Executive Director, JPPM; Patricia Samford, MAC Lab Director; and Anne Raines, Melissa Archer, Shannon Marino, Andy Ratner, Amy Skinner, Nicole Diehlmann, Kendra Kennedy, and Jen Ruffner

*\*Committee Only*

S1 CALL TO ORDER

S2 APPROVAL OF MINUTES

Mr. Buchanan made a motion, seconded by Ms. Yerges, that the October 21, 2010 minutes be approved as submitted. The motion was approved unanimously.

S3 COMMITTEE REPORTS

S100 Management & Planning

S101 Discussion of "Superblock" Approval, West Side Memorandum of Agreement, Baltimore City

Mr. Wetherill, Chairman, indicated that the Board would start the meeting with a discussion of the Superblock as a result of a letter Mr. Wetherill received from Preservation Maryland. The regular agenda was to follow after the Superblock discussion. The Maryland Historical Trust (MHT) staff was to present a brief background on the Superblock. Preservation Maryland was to make a presentation, and then the members of the public who have signed in were to make any comments. Baltimore Development Corporation (BDC) was invited to make a presentation but chose not to.

Michael Day presented background information on the Superblock for MHT Board members. Mr. Day stated that the origin of the West Side/Market Center Memorandum of Agreement (MoA) was appropriation by the 2000 General Assembly of funding for redevelopment of the Hippodrome project in Baltimore City. As part of this major investment the General Assembly required that MHT and Baltimore City enter into an agreement to protect and encourage a certain type of rehabilitation in the designated West Side area. That MoA was negotiated over a period of time by MHT staff and included a map of the area. Mr. Day provided a copy of the map to the MHT Board, and the map key that indicates the designation by color of each building. Buildings noted in purple are the highest priority for preservation. Yellow buildings were to be encouraged to be saved but were negotiable based on feasibility and economics. Blue buildings were not contributing and could be demolished. The Superblock includes buildings in all three categories.

The next project after the Hippodrome was Centerpoint. This project was not reviewed by MHT staff under the MoA but under the stricter requirements of the federal and state historic rehabilitation tax credit programs. Centerpoint had the same architectural firm that is involved in the Superblock. From a historic preservation standpoint, it was a successful project but it gave the developers a reason to believe this kind of rehabilitation in Baltimore City, abiding by the Secretary of the Interior's Standards, was not a profitable venture.

A number of years ago, BDC issued a Request For Proposals (RFP) for redevelopment of the Superblock. Nine proposals were submitted and analyzed by BDC and several others including the MHT. MHT staff made recommendations on those proposals with regard to how they addressed the terms of the MoA and the West Side Strategic Plan (Plan) which is referenced in the MoA. In the view of MHT staff, the developers that were finally chosen did not address any of the requirements of the MoA.

Following the selection of the development team, very little activity occurred over the next few years. MHT staff did negotiate with the developers early on in this process. In the beginning the team made it very clear that they had a program that they were supporting, that the program was nonnegotiable, and that they had not taken into consideration the terms of the MoA or the Plan in developing their proposal. From Mr. Day's perspective, the developers never misrepresented where they were coming from throughout the entire process.

A law suit was filed which took two years out of the seven year process. Ultimately, the court decided that the process of negotiation under the terms of the MoA had not been completed, and therefore, the case was not ripe for disposition. The case was dismissed without prejudice. Several more years followed with intermittent negotiations. The Secretary and Deputy Secretary of Planning, and Mr. Little, attended those meetings, followed by staff level meetings,

and yet there was no progress. In August, 2010 the development team led by the architects for the project came to MHT with a revised model that they thought included some concessions to accommodate the concerns of MHT staff. Mr. Day said that the staff consensus was that the program supported by BDC from day one, when they awarded the RFP, was not going to change. The developer had done market studies and they had done an analysis of the buildings and admitted that even though certain buildings were structurally sound, they were not workable in their plan. In order to meet the demands of the market study and the economic feasibility of the project, utilizing the existing buildings to the extent that the MoA had required was not possible. They asked for a compromise. Mr. Day responded that there is no compromise that meets the MoA or the Plan, and that if they expected to get any credit at all for attempting some preservation aspect of this project, they had to at least preserve the character of the community. Mr. Day stressed that as many of the original buildings that could be kept needed to be worked into their project. Mr. Day could not dictate to them how this would happen because they were aware of the demands of their program.

Mr. Day said that BDC and the developers called for another meeting in late September 2010 and came back with a model that is similar to the one on display today. In comparison to everything else MHT staff had seen for this project, this plan was better than anything else they had presented. This plan took into consideration the interiors of the purple buildings, whether or not they were intact historically or had been stripped and are now void of any historic character behind the front walls, and whether or not they had enough open floor plates to attract any destination businesses. They saved the facades of 121, 119, and 117 on Howard Street. They saved 109 entirely because this building is intact. They saved 104. In accordance with the MoA, while it is highly desirable to keep the yellow buildings, they really only kept 201-213 Lexington Street, the Braeger-Gutman building, because it fit into their long time plan. Mr. Day pointed out on the distributed map from their plan where entire buildings would be saved and where facades only would be kept. They respected the historic volumes of these buildings even though they were building them new. They propose to build them in the same basic footprint, same height, and at the roofs they hold back the high rise construction. Ultimately, it was a far better attempt at preserving the character of the community than any prior proposal. Without knowing any significance of the former Read's Drug Store (#123-127 Howard & Lexington), other than it was a yellow corner building on the MoA map, MHT staff realized that if the project is going to move forward, this latest plan is the best that MHT would get and still have the developer meet the requirements of their program. At that point MHT concluded its review. Since then MHT has learned additional information regarding the Read's building. Mr. Day said he could not say whether that new information would have a bearing on the developers' treatment of that corner. Discussion ensued.

Tyler Gearhart, Executive Director of Preservation Maryland (PM), gave a presentation. He said he had a fundamental disagreement with the findings that Mr. Day just presented and Mr. Little's approval of this project. Mr. Gearhart submitted a letter to Chairman Wetherill, stating PM's opposition to Mr. Little's December 22, 2010 letter which approved this Lexington Square proposal. Mr. Gearhart said he thought that fundamentally this project still does not meet the requirements of the MoA. Mr. Gearhart opined that the MoA is very clear and that the requirements in terms of historic preservation have been in place since 2001. He said MHT should not have taken into consideration that the developer started from not even being close to

part of the way there, now that it has been 7 years, and therefore approved the project. Mr. Gearhart passed out information and directed the Board's attention to the model on display. The first piece of information was the Plan including a picture of the Read's building that needs work -- when you stand in front of it today, you have no idea of the civil rights significance of the building. It is also a good architectural building and intended to be protected by the (MoA) from the beginning.

In Mr. Gearhart's view, the real issue began in 1998 with Baltimore City's effort to revitalize the West Side. The City sponsored two condemnation bills that affected 150 national register eligible buildings within the West Side district. PM and Baltimore Heritage stepped in to fight that plan. This was an old urban renewal type project. Mr. Gearhart felt that this was not the right type of style for retail in downtown Baltimore. PM felt that the historic buildings were one of the great assets of the West Side and that residential development should be the focus. PM nominated the area for the National Trust listing of the eleven most endangered properties nationwide, and it was selected and listed as a most endangered site in 1999. Richard Moe, President of the National Trust at that time, came to Baltimore and made a press announcement specifically related to that finding, and it became a national issue in terms of the importance of both historic preservation and downtown revitalization and strategy. In 2000, with funding from MHT, the National Register nomination was prepared and the area was subsequently listed on the National Register of Historic Places. Mr. Gearhart passed around a copy of the National Register nomination form. The West Side is referred to as the Market Center National Register Historic District. Mr. Gearhart said he would argue that it is one of the greatest collections of historically and architecturally significant buildings in any major downtown of any city in America. It is very intact and represents a wide range of periods and architectural styles from the 1820's through the early 20<sup>th</sup> century. The architecture of the buildings is Federal, Romanesque, Revival, and Art Deco. Many of these buildings are deteriorated and vacant. This is an area of national significance both in terms of its NTHP 11 most endangered status and subsequent listing on the National Register of Historic Places. There are over 400 contributing buildings in the West Side.

The business leaders in Baltimore were rallying around the need for a new performing arts center and, after considering the benefits of a new performing arts center or rehabbing some existing buildings, they decided it was more cost effective to renovate the Hippodrome Theatre and two adjacent bank buildings for a new performing arts center. About \$20 million of state funding was requested by the City for that project. The downside of the Hippodrome is that the people lobbying were saying "We know that the Hippodrome sits in a very deteriorated part of downtown, but we have a plan in place to tear down those ratty old buildings." "So you should feel confident in investing in this." Ten years ago, Mr. Gearhart came behind them and lobbied the members of the General Assembly. Barbara Hoffman was the Chair of the Senate Budget and Taxation Committee and Pete Rawlings, father of our current Mayor, was Chair of the House Appropriations Committee. PM came in and said, "The West Side has great historic buildings; would you please make a condition of the Hippodrome approval that they save the historic buildings as opposed to tearing them down." The Committee Chairs agreed to allow PM to float conditional budget language. This resulted in the MoA for historic properties. It also resulted in an agreement to fairly relocate businesses and merchants that would be displaced by the revitalization initiative.

Mr. Gearhart said he thinks that the MoA was clear, but the fact that contributing historic structures rated in an A and B category in terms of significance resulted in being referred to as purple and yellow is somewhat regrettable. He hopes the Board will view these as contributing structures. He pointed to a map of the National Register District showing the purple and yellow buildings as contributing structures within that district. The blue are non-contributing structures. The red buildings are contributing structures but are permitted to be demolished for new development under a prior compromise. The red block across the street from the Superblock proposal was recently demolished and is slated for new development by the Weinberg Foundation and the Cordish Companies. Since the agreement has been in place, a number of great projects have happened. These projects are the Hippodrome Theatre, Centerpoint, an entire city block of 14 contributing structures, the former Hecht Company building renovated as the Atrium, and the Stewart's building renovated for Catholic Relief Services.

The RFP for the Superblock was issued by the BDC in 2003. PM and others asked that the initial West Side plan that called for a lot of demolition be thrown out and a new plan developed. In order to save money, BDC went back to the same architectural firm that came up with the demolition plan and had them switch it to a preservation-based revitalization plan. This was adopted by the City as the West Side Strategic Plan. This plan incorporated the requirements of the MoA. In addition, the Market Center Urban Renewal Plan in Baltimore City was also amended to cite the MoA and the Strategic Plan requirements. The MoA states: 1) Preserve the contributing structures within the West Side; 2) Preserve whole buildings, not just facades; 3) Preserve intact street walls, continuous groups, major landmarks, and corner buildings within the West Side; 4) Conform to the Secretary of the Interior's Standards for Rehabilitation; 5) Make new construction compatible with the character of the Market Center National Register Historic District.

The developers' original plan did not include preservation of any of these buildings. MHT has reached out to PM, Baltimore Heritage, WestSide Renaissance, and the Baltimore City Commission for Historical & Architectural Preservation (CHAP) to reinforce the preservation issues within the West Side. Mr. Gearhart passed around a letter from CHAP from 2009 to Mr. Little that talks about surveying the Superblock parcel and then recommends certain buildings that are eligible for designation as individual local landmarks. This letter reinforces that contributing structures covered by the MoA, including the building Value Plus, where the facade had been removed, are all contributing structures within the National Register Historic District.

Four plans have been submitted by the developer and BDC to MHT staff. MHT staff rejected all of those four previous submittals. The letters in response from MHT were specific in terms of compliance with the MoA. The last plan was provided in February 2009 and denied by MHT. The Shulte Building was slated for demolition. The Superblock has been stalled for many years, which is frustrating for all sides. PM has had a vision of the Superblock as a thriving mixed use historic district.

Mr. Gearhart said that since redevelopment of the Superblock stalled, the City now has a new Mayor, Stephanie Rawlings Blake. She has wanted to step in and do something about the West Side. She engaged the Urban Land Institute (ULI) which provides advice to help local governments deal with complex redevelopment issues. A ULI panel came in mid December and

spent a week in the City interviewing various stakeholders. They presented their recommendations at the end of the week. The panel said that the West Side's greatest asset is its collection of historic buildings. PM believes that ULI should partner with the City to revitalize this area, specifically if the Superblock developers are unwilling or unable to meet the MoA requirements for the Superblock. The City should allow their land disposition agreement with the developer to expire at the end of the year and find another developer. Instead, the following week, BDC went to the City and had the land disposition agreement extended for an additional 6 months. The MHT Director's letter came out and explained why the project does not conform to the MoA, and the developer's business model does not fit, but MHT approved the project.

A Save America's Treasures grant of \$100,000 went to the group in Greensboro, N.C., that was trying to preserve the old Woolworth's building where the civil rights sit-in occurred in 1960. The sit-in at Read's Drug Store in the Superblock occurred five years earlier, in 1955.

Mr. Gearhart said that PM believes this project has made progress from where it started. However, the issue is floor plates for the type of retail they have in mind, which is not the appropriate strategy for a downtown revitalized area. PM thinks that with a little flexibility in terms of that business model and expertise in terms of design for reuse of historic properties, these buildings could be viably preserved. PM does not think that economic infeasibility and technical infeasibility were sufficiently documented to justify approving this project. PM would argue that Mr. Little had no authority to sign a letter that in essence undermines the key requirements of a binding MoA between MHT and the City of Baltimore. PM would also argue that the MHT Board certainly has the authority to review and remedy that situation and an obligation to do so.

Mr. Edson asked what "A" buildings are being torn down. Mr. Gearhart answered that the map shows the yellow and purple buildings within the MoA. It also has a blue line that emphasizes the intent of the MoA to preserve contiguous blocks. In the Superblock, Lexington St. is a contiguous block of historic buildings. Howard St. is almost a contiguous block with the exception of the corner building. Only the facades of the purple buildings will be saved, which does not conform to the Secretary of the Interior's Standards. The demolition includes the façade of the Shulte Building, Reads, and McCrory's. The remainder of the yellow buildings are slated for demolition.

The next presentation was from Johns Hopkins, Executive Director of Baltimore Heritage, Inc. Mr. Hopkins passed out pictures of the buildings, both contemporary and historic, with notes on their fates under the proposed plan. Read's Drug Store, 123-27 N. Howard, is scheduled for full demolition; McCrorys, 227-229 W. Lexington, is scheduled for full demolition; Woolworths, 223 W. Lexington, is scheduled for full demolition; therefore, the Lexington Street wall will be demolished in full. Bickfords, 105-107 N. Howard, is scheduled for full demolition; Howard Theater, 113 N. Howard St., for façade retention; 220-224 W. Fayette, Pre 1850's building, is scheduled for full demolition; and McCrory's/Cast Iron building, 117-121 N. Howard, for façade only preservation.

Mr. Hopkins reported that on January 20, 1955 a group of students staged the first student-led successful desegregation sit-in at the Read's Drug Store. Baltimore Heritage recently helped

bring the significance of the Read's Building to light. Mr. Hopkins said that it is up to the party proposing to alter or demolish each historic structure to find out the history of that building before the alteration or demolition occurs. The Superblock development team has had the project for 7 years, and they still have not brought on a preservation consultant. Seven years with the project, involving seventeen historic buildings, in the heart of downtown, with a preservation agreement between the city and the state, and an urban renewal plan, and a strategic plan, all that call for preservation guidelines, and the developers still have not brought on a preservation consultant. Mr. Hopkins asked that the Director's December 22, 2010 letter be rescinded.

The next speaker was Nell Ziehl, a program officer at the National Trust for Historic Preservation. She is a resident and homeowner in Baltimore's West Side. The Superblock can accommodate new development on a fairly large scale and can benefit from state historic preservation tax credits. Its proximity to an extraordinary and underutilized mass transit system makes it an even more appealing location for progressive, world class redevelopment that meets high standards of preservation, sustainability, and design excellence. A recent study by ULI supported a preservation-based incremental approach to economic development in the West Side. Ms. Ziehl believes that Lexington Square Partners has offered the City of Baltimore a series of mediocre proposals for the Superblock that exhibit little or no preservation effort. Although they have been awarded the opportunity to redevelop this critical piece of Baltimore's historic urban fabric, they have made no attempt to understand or incorporate into their plan what they have inherited. As others have described, the MoA signed by the City and MHT represents the baseline scenario for a minimum of preservation. In some cases such as Read's Drug Store, new information about architectural integrity or historic significance may dictate a higher standard for preservation than expressed in the details of the MoA. The MHT Director's December 22, 2010 letter describes all the ways in which the recent Lexington Square Partners proposal does not comply with the MoA. The letter essentially supports preservation as long as it does not hamper the economic development model proposed by Lexington Square Partners. As such, the National Trust believes that MHT's approval of this plan contradicts the letter and spirit of the MoA, and strongly believes the December decision should be rescinded. The National Trust is considering a new nomination of the Superblock for America's Eleven Most Endangered Historic Places. Previously all of the West Side was listed. Since the threat now is so significant, this would be the second time the Superblock has been listed.

Arlene Fisher, Board member of Baltimore Heritage, resident of the West Side, and an alumnus of Morgan State University, spoke next. She said she was speaking for a lot of groups when she speaks about the civil rights history of the Superblock. Read's Drug Store is not the only building with civil rights history. If anyone has lived in Baltimore City or utilized downtown, it was the retail district for most of the surrounding communities. Ms. Fisher's communities were left out of the developer's proposal. These were the communities of Washington Village, Highland Park, Upton, and East Baltimore. Ms. Fisher's mother took her to Braeger-Gutmans where you could buy Catholic school uniforms. Her mother could only take one child in the store at a time. Ms. Fisher's four siblings would remain outside. She could not be a sales associate in Stewarts or purchase clothes in Stewarts, but she could box and wrap clothes for Christmas. The current Superblock plan provides no exits to Fayette Street where the buses stop. Ms. Fisher opposed Mr. Little's December 2010 letter.

Henry Lord, a member of the MHT Advisory Board on Historic Preservation and Vice-President of PM's Board spoke. Mr. Lord distributed a copy of exhibit A to the MoA. He pointed out that there are more purple buildings and more yellow buildings percentage wise in this Superblock than any other West Side block. The proposal that was originally submitted 7 years ago on page 19 shows all of the demolition in green. Over 50% of the block was slated to be demolished. The brief that PM filed in the recent lawsuit was on behalf of PM, Baltimore Heritage, and the National Trust. The current developer's plan is an illegal proposal because it does not comply with the MoA which was incorporated in the bidding documents. Mr. Wetherill asked, "If this cannot be stopped in any other way, what is the likelihood that there will be another law suit?" In Mr. Lord's view, if this proposal is declared by the MHT Board to be non-valid, non-responsive, and non-compliant, that would either stop the project or slow it down. The Mayor has appointed a West Side Consulting Group in the last couple of weeks.

Ronald Kreitner, Executive Director of WestSide Renaissance, Inc. commented that Centerpoint was a very successful 400 unit fully occupied residential project in a historic building. The proposed West Side development is the wrong concept for historic buildings. Read's was a corner contributing building in a National Register district part of an intact street wall. Any serious developer would have employed consultants and researched the history of Read's. Mr. Kreitner was a participant in the ULI report. If this developer cannot come up with a plan to use historic buildings, a new developer should be selected. He said that unless this Board nullifies the December 2010 letter and disapproves the current plan, then in effect the Board is terminating the MoA. This MoA was celebrated nationally. Mr. Kreitner said he is in favor of the MHT Board acting to rescind the December 2010 letter. Discussion ensued.

Larry Gibson, a MHT Board member who is also a professor at the University of Maryland Law School, said he has taught a course "Race in the Law, the Maryland Experience" at the law school for a number of years. Mr. Gibson reported as to why there is sensitivity about the Superblock. As of 1950, although this was the commercial center of the City, it was not the commercial center of the City for African-Americans. African-Americans were not welcome to shop in any of the major department stores which included Hutzler's, Hochschild-Kohn's, and Hecht's. They could not eat at any lunch counter in the department stores or in any of the restaurants downtown. In 1951 the major department stores began to accept black customers; however, they could not try on clothing. A string was used to measure African Americans' feet so that they could buy shoes. All sales to African-Americans were marked final sale which meant that nothing could be returned. In 1953, African-Americans could sit down and eat at Woolworths (223 W. Lexington), McCorys, and Grants. Around that time the department stores were accepting black customers, but they were not made to feel welcome. The principle downtown department store for blacks was Braeger-Gutman's. None of the department stores would allow charge accounts, but they had lay-away. Mr. Gibson's mother could take only one child at a time into the Braeger-Gutman's department store.

Morgan State College students tried to eat at a Read's Drug Store near their campus (Loch Raven Drive and Cold Spring Road). In 1954 they picketed and had sit-ins but without success. In January 1955 someone came up with the idea to simultaneously demonstrate at Read's Drug Stores. This demonstration was successful at the Read's store at the Loch Raven and Cold Spring location and also at the other 37 Read's Drug Stores.

In 1959 the Morgan students succeeded by sitting in at the Northwood Shopping Center and desegregating Arundel Ice Cream. The Superblock was the African-American downtown. By 1960, African-Americans were welcome in the other department stores but not the lunch counters. The lunch counters outside of this block were not desegregated until April of 1960. The Morgan students were focused on the Northwood Shopping Center, and they were having hundreds of students demonstrate, but then a judge issued an injunction permitting only six picketers, two at the restaurant, two at the movie, and two at the shopping center. Thus the sit-in movement moved downtown to the lunch counters with hundreds of picketers. In about two weeks they desegregated the lunch counters in the main department stores. The entire Superblock is very important because that was downtown to the African-Americans. Mr. Gibson said he thinks that this block and the corner buildings should be protected.

Discussion ensued. Mr. Wetherill commented that an Attorney General's letter has advised that Mr. Little had the authority to write the December 22, 2010 letter without consulting the Board, primarily because the Board had not involved itself in West Side issues up until now. Therefore, the Board had delegated that authority to Mr. Little. Ms. Harbeson questioned whether BDC had been invited to this meeting. BDC sent a letter declining to attend the meeting. The developer would be subject to review under the MoA, although they were not a signatory to the agreement. The agreement is between MHT and the City. Discussion ensued. Mr. Azola questioned if the MoA was binding. The MoA is a contract facilitating law, so it has two authorities. The first authority is Mr. Little's authority as Director of MHT under the MHT statute. He has the authority to review projects where there is state funding for a state capital project. This started with the Hippodrome project in the Market Center Historic District. The MoA was entered into and there is a secondary authority for the MoA which was the 2001 State budget appropriation language itself. The MoA is a contract and it is binding.

Ms. Tilghman made a motion, seconded by Dr. Seidel, that the Board rescind Mr. Little's December 22, 2010 letter, based on the Board's strong opposition to the project as it now stands. The motion received 5 aye votes, and 6 nays, and therefore failed.

Discussion ensued. Shelley Wasserman, Assistant Attorney General and Principal Counsel to the Maryland Department of Planning, said that the letter of advice states that the main basis of the letter that went out on December 22, 2010 was Mr. Little's specific statutory authority for approval of a project that receives state capital money. The 30-day time period in the MoA for MHT to act on any West Side plan has come and gone. The City has accepted Mr. Little's letter and the conditions in that letter. The Board has an independent ability to comment on any historic preservation activity in the State. Some action can be taken to say that the Board disagrees with the letter, or that the Board regrets that the letter was sent out and that the letter does not take into account the preservation requirements of the MoA. Mrs. Wasserman said she did not believe that the Board at this point can rescind that letter or require Mr. Little to rescind the letter. Discussion ensued.

Ms. Tilghman made a motion, seconded by Mr. Edson, that the Board strongly opposes Mr. Little's December 22, 2010 approval of the project, and requests him to make all efforts to rescind his approval. The motion was approved on a 10 to 2 vote.

Dr. Seidel made a motion, seconded by Mr. Reed, that in the future, the Board's Executive Committee, or the full Board, if possible, be consulted and approve all actions under the January 31, 2001 Memorandum of Agreement between the City of Baltimore and MHT. The motion was approved on an 11 to 1 vote, with Mr. Power opposed.

Discussion ensued. Dr. Seidel said he believes that in the case of Read's Drug store, which is beyond repair, the City of Baltimore should be held responsible like any other owners of historic properties. Failing to maintain the building constitutes demolition by neglect, and MHT should urge BDC and the City to take whatever steps are needed immediately to remedy that situation and stabilize the building.

Dr. Seidel made a motion, seconded by Mr. Edson, that the Board urges the Baltimore Development Corporation to take all steps necessary to preserve the Read's Drug Store building. The motion was unanimously approved.

#### S102 FY2011 Budget & Legislation – Report

Ms. Hughes reported that the Governor's proposed FY2012 budget has been submitted to the General Assembly. It includes \$10 million for the Tax Credit Program which is good news considering the economic climate, \$40,000 for the Non-Capital Historic Preservation Grant Program, \$0 for the Capital Historic Preservation Grant program, \$2.5 million for the Heritage Areas Program (a reduction of \$500,000 from prior years), \$0 for the Museum Assistance Grant Program, and \$0 for the Maryland Humanities Council pass-through grant. The Governor's proposed capital budget includes the full \$1 million proposed for the African-American Heritage Preservation Grant Program. There are no layoffs proposed for this year.

Mr. Power informed the Board that MDP is working on two tax credit bills. MHT is trying to make sure that adequate fees are generated from the tax credit program to operate the program. MHT is also looking at a change that would allow the credit to be allocated differently.

#### S103 Litigation & Legal Issues

Mr. Deters reported that the tax credit program is now 15 years old. There is a provision in the tax credit statute which states that after a tax credit project is complete, for five years the taxpayer cannot alter a project in a way that would not meet the Secretary of the Interior's Standards for Rehabilitation. MHT is beginning to see some projects which have been completed, received the tax credit, and thereafter but still within the five years, made changes which are not appropriate, therefore requiring MHT to initiate the recapture process set out in the law. This is true for both commercial and residential projects. Mr. Day explained that MHT learns of inappropriate work usually when a neighbor reports the work to MHT.

#### S104 Investment Committee – Report

There is nothing to report.

S105 Interim Actions of the Executive Committee – Report

The following interim action took place on October 26, 2010 at 4:00 p.m.

MARYLAND HISTORICAL TRUST BOARD OF TRUSTEES  
EXECUTIVE COMMITTEE TELECONFERENCE  
OCTOBER 26, 2010, 4:00 P.M.

Attendees: Messrs. Buchanan, Edson, and Ms. Yerges  
Staff: Rodney Little and Anne Raines

Ms. Yerges moved, Mr. Buchanan seconded and the following resolution was unanimously approved:

RESOLVED, that Resolution R106R approved by the Maryland Historical Trust Board of Trustees on October 21, 2010, be amended to read as follows:

RESOLVED, that the Maryland Historical Trust Board of Trustees concurs with the Maryland Commission on African American History and Culture in the recommendation of those projects described in Exhibit A (African-American Heritage Preservation Program Grant Chart for Fiscal Year 2012, REVISED 10/26/2010) to the Department of Budget and Management for funding in the state capital budget for FY2012, contingent on compliance with the Smart Growth – Priority Funding Area requirements of the Program.

The October 22, 2010 revision to the grant chart recommends changing funding for Loving and Charity Hall, Montgomery County, to \$50,000, and funding the Bauernschmidt Mansion, Baltimore City, at \$52,993.

S200 Capital Programs

S201 Introduction of New Staff, Troy Nowak, Amy Skinner, & Melissa Archer in the Office of Preservation Services, Mark Thompson, the new JPPM Director, & Kendra Kennedy, GIS, Office of Research, Survey & Registration

Mr. Wetherill introduced Mark Thompson, the new Director of Jefferson Patterson Park and Museum (JPPM). Ms. Hughes thanked Tricia Samford for her service as Acting Director. Troy Nowak is MHT's new underwater archeologist. Troy was out with the flu. Amy Skinner is our new Easement Administrator and Melissa Archer is our Assistant Easement Administrator. Melissa's position is funded by the MHT Board. Claudette Sherman has a contract position and processes only easements. Mr. Day introduced Kendra Kennedy, GIS on behalf of Research, Survey, & Registration.

S202R Change to the Grant Agreement for the William Brown House at London Town

Ms. Anne Raines reported that the William Brown House at London Town had a capital grant for \$50,000 to make repairs to the porches, windows, and doors and to do some repointing. They have completed all of these repairs, they have \$5,500 left, and they have asked to make some interior repairs with the remainder of that money.

Ms. Yerges made a motion, seconded by Mr. Edson, to adopt the following resolution, which was unanimously approved.

**Amendment to Scope – FY 2009 Capital Grant for William Brown House, Anne Arundel County**

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends to the Secretary of Planning an amendment to the scope of work for the FY 2009 MHT Historic Preservation Capital Grant to London Town Foundation, Inc., for work on the property known as the William Brown House located at 839 Londontown Road in Edgewater, Anne Arundel County. The amended scope of work will include: repairs to masonry, carpentry, systems, and interior finishes.

**Background:** The London Town Foundation successfully completed repairs to porches, windows, and doors, and some areas of masonry repointing as outlined in their grant application, expending less of the capital grant funds than anticipated. They have requested to spend the remainder of the funds, \$5,583 of the original \$50,000 grant, to make necessary repairs to the HVAC system and to interior finishes.

S300            Survey, Registration, Community Education & Museums

S301R          Modification to the Scope of Work for a Museum Grant with the Maryland Association of History Museums

Mr. Callan recommended that the Board adopt the following amendment to the scope of FY2011 Museum Assistance Program Grant for the Maryland Association of History Museums, Inc. There was little demand for participation in the AASLH's Standards and Excellence Program so the money would be used for small emergency grants.

Mr. Callan made a motion, seconded by Dr. Seidel, to adopt the following resolution, which was unanimously approved.

**Amendment to Scope – FY 2011 Museum Assistance Program Grant for Maryland Association of History Museums**

RESOLVED, that the Maryland Historical Trust Board of Trustees recommends to the Secretary of Planning an amendment to the FY 2011 MHT Museum Grant to Maryland Association of History Museums, Inc. The current agreement supports funding for Maryland museums to participate in the American Association of State and Local History's Standards and Excellence Program for History Organizations (StEPs). This resolution would allow for funds also to be provided for small emergency grants.

**Background:** The Museum Assistance Program has worked with the Maryland Association of History Museums to support state-wide efforts to build institutional capacity. The American Association of State and Local History recently developed its Standards and Excellence Program for History Organizations (StEPs) to assist museums in six areas of museum practice through nationally recognized self-assessment tools. MAP FY2011 funds were granted to MAHM to provide for support for Maryland museums to participate in StEPs at a cost of \$150 per institution. Requests for this support have not been as popular as anticipated. The Museum Assistance Program seeks to expand the scope of this grant to allow for MAHM to respond to requests for small emergency grant funding.

**Announcement:**

Mr. Callan announced that the Awards Committee will meet on Tuesday, March 1, at 10:00 a.m. in Crownsville.

Mr. Wetherill welcomed Kristen Harbeson who is representing Delegate Maggie McIntosh.

The meeting adjourned at 2:00 p.m.

Harrison Wetherill, Chair

J. Rodney Little, Director