



At left is an inside look of the Whistle Stop building on Mill Street in June 2019.

Below shows the building's state as of Aug. 27

The building was considered a complete loss after a November 2017 fire, and council next month will vote on whether or not to abate the property.

ERIN TIERNEY/THE CHRONICLE



## WHISTLE continued from 1

### A LONG HISTORY

There have been at least four fires in the building since it was built in 1897, including a fire in 2014 and another in November 2017. City Manager Michelle Amberg said in a memo that there were several people living in the building for the '17 fire, despite it having been rendered uninhabitable from the 2014 fire.

Amberg also noted that the owners did not have a certificate of occupancy for the building. They were working on the building to bring it up to habitable standards when the 2017 fire occurred.

After that fire, the structure was considered a complete loss as well as a “dangerous building” by South Lane County Fire & Rescue Fire Chief John Wooten.

Rocky Garton said in a 2017 interview that the rebuild was expected to be completed in a minimum of two years. The plan was to build a cider pub and retail shops and keep with the historical significance of the building. The building was used to package, grade and ship fresh apples and pears around the country in the early 1900s, according to the book, “The Blue Valley: A History of Creswell.”

Within the first six months after the fire, at a meeting between the Gartons, Amberg, Code Enforcement Officer Shelley Humble and City Planner Maddie Phillips, Phillips advised that the building be completely removed. The foundation, however, can be left in place.

Humble said at a previous council meeting that the

Gartons wanted to demolish the second story and carefully remove the old beams from the first floor to use in the rebuild, “so it is more labor-intensive than demolishing.” The Gartons agreed to remove the building after salvage was completed, the memo reads, which the owners estimated was to be completed by the end of summer 2018.

It wasn't.

At the end of summer 2018, little progress had taken place, and the Gartons asked for an extension in anticipation of winter rain so that they could completely remove the second story and tarp up the first story.

Winter rain came and little had been done.

Garton was instructed to give Humble monthly progress reports of their clean-up efforts to complete the demolition of the second story and provide fencing and screening. Large piles of debris were made on the property and fencing and screening was eventually added, but not in a timely matter.

“If it is willful ignorance we are dealing with, it doesn't mean (the Gartons) don't have to do what they have to do – this affects all of us,” McReynolds said, noting that they missed their window to mitigate that cost of demolition themselves.

### AIR QUALITY CONCERNS

A general air quality complaint was filed with LRAPA on Aug. 15 concerning suspected asbestos on the property. The investigation reveals that an inspector

visited the property and spoke with Beau Garton, who said he initiated the demolition process as per the request of the City, but then realized an Asbestos-Containing Material (ACM) survey was required.

Carlton Garton briefly showed the investigator an ACM survey completed by environmental remediation company ATEZ, in which the survey identified two materials that contain asbestos. The Chronicle was unable to obtain a copy of the ATEZ completed survey by press time.

According to the investigation, Beau Garton asked the inspector if they could demolish the structure around the two materials containing asbestos. The inspector said that they could not, that the asbestos-containing material would first need to be removed. Garton said that was a problem since the City expected the building to be demolished in a couple of weeks. That deadline came and went on Aug. 26 and the building remains erect.

### NEXT STEPS

Demolition has been started, but is far from complete. Garton has pulled a demolition permit, but not any paperwork related to the disposal of materials containing asbestos, Humble said.

Business neighbor Bill Spencer, owner of the Union 76 and co-owner of Point S Tire & Auto, said that he would rather see the City work toward abatement than to see the Gartons fined by the City. He said abatement

would be a chance to get the job done, and would be a kind way to go about the situation.

“The Garton young men desire to remove the eyesore and have hit a barrier that is financial in nature,” Spencer said. “If the City can find a no-risk way to assist them it would be a real service to our community.”

If council were to vote to abate the property, due to the possible exposure to asbestos or lead, the City will contract with a professional demolition firm to complete the demolition, clean the property and dispose of the debris, Amberg's memo states.

City funding for this abatement may be paid through the City's general fund, but the property owners' total amount owed to the city will equal costs for the abatement, plus an amount equal to \$10 or 10% of the abatement costs for administrative overhead, whichever is greater.

Once the abatement is completed, a notice for the total amount owed to the city would be sent to the property owner; unless paid within 30 days, the amount assessed would become a lien against the property and a hearing would be held Oct. 14.

“I'm kind of done with it,” Amberg said at a previous meeting. “It is an atrocious mess.” Noting that the owners had a year and a half to clean up the property, she said she would like to “move forward on whatever needs to be done with it.”

Council will vote Sept. 9 whether or not to abate the property.



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