

Minutes of the Regular Meeting of the  
Sanford Historic Preservation Commission  
Buggy Building Conference Room  
7:00 PM Monday, February 25, 2019  
115 Chatham Street

Roll Call:

Commissioners Present: Allen Gordon, Brian Mitchell, Rebecca Whitaker  
Jason Cline, David Underwood

Commissioners Absent: Greg Stoch & Phil Yarborough

Staff Present: Liz Whitmore, Historic Perseveration Planner II, Anne Sears,  
Secretary to the Commission and Al Benshoff, Commission  
Attorney

Government Official Present: Sam Gaskins

Witnesses and Guests: Nick Cane, Irene Smith, Joanne Thaxton, James Tucker,  
Chris Dalton and Martin Tuarez

Chair Mitchell called the meeting to order.

1. Staff Anne Sears called the roll and a quorum was determined.

2. **Approval of the Agenda for February 25, 2019:**

Chair Mitchell called for approval of the agenda for February 25, 2019. Commissioner Allen Gordon moved to approve the agenda; seconded by Commissioner Becky Whitaker and the motion passed unanimously.

3. **Approval of the January 28, 2019 Minutes:**

Chair Mitchell called for the approval of the minutes for January 28, 2019. Commissioner Whitaker moved to approve the minutes; seconded by Commissioner Underwood and the motion passed unanimously.

4. **Public Comment: N/A**

Chair Mitchell asked if there was any public comment.

At this time, Irene Smith of 547 W. Weatherspoon Street approached the podium. She stated she serves on the Lee County Arts Council board and she has had the privilege of working with the Public Arts projects. She shared that she wanted to tell the Historic Preservation Commission that you should be proud of the city for the public art projects that are being proposed in addition to the extraordinary murals that have been done. She noted that one of the things that pleases her the most is that people interact with these and she feels like it will draw people to the city. She gave praise to staff Whitmore, who has managed the Public Arts projects, and has done an extraordinary job. Ms. Smith shared that she felt like all of the pieces of art that have been done have met very high standards of artistic quality and interest.

Chair Mitchell thanked Ms. Smith for serving on the board.

Artist and muralist, Chris Dalton of 2604 Chippendale Trails approached the podium. She stated her interest on the “Before I Die” wall. She relayed that this wall is in seventy-eight countries including China and Iraq; it is all-over the world. She too also shared that this will cause people to interact. She shared that she felt like a lot of comments that will be written on the wall will reflect that they want to better themselves. In closing, she emphasized the importance and how great it will be.

**5. Public Hearings:** N/A

**Conflict of Interest:**

Chair Mitchell asked if there was any conflict of interest among the Commissioners pertaining to the case being heard tonight (COA-19-07 and COA–19-08.) There was none.

Chair Mitchell opened the Public Hearing:

**a. COA-19-07** – Application by Lisa Womble property owner of 129 S. Steele Street and the City of Sanford, who wish to install selfie public art, opportunities on the north facing wall (located in Charlie Watson Lane) of the subject property.

In accordance with the General Statutes, the public hearing was advertised once a week for two successive calendar weeks prior to the meeting date and all public notifications were fulfilled.

At this time, staff Liz Whitmore was given the oath.

Staff Whitmore noted that COA-19 - 07, is a joint application from Lisa Womble and the City of Sanford and the applicant Lisa Womble owner of 129 S. Steele Street is a professional trainer and she was unable to make the meeting tonight; because she had to work.

Staff Whitmore noted that the Downtown Guidelines does not speak to the installation of public art in downtown; however the matrix states that previously unpainted buildings should not be painted. The City of Sanford as part of their public arts program wishes to install selfie stations (Exhibits A, B, C and D pages 3-6) opportunities on the north facing wall (Exhibit E, page 7) of the subject property. The selfies will be a combination of paint and mosaics. Staff Whitmore shared that on the opposite wall is where the “Before I Die” wall will be placed and it has been approved at staff level. On page 8 (Exhibit F) shows different examples of the “Before I Die” wall. Staff Whitmore relayed that the property owner will review all selfie proposals prior to installation. With these selfie stations being located in the alley they will not be conspicuous. This location is used for ‘Art in the Alley’ (children’s arts projects) throughout the year. The plan for the “Before I Die” wall (Exhibit F, page 8) is to be installed on the south facing wall, which further creates art opportunity for the public to have interaction with the arts. Staff Whitmore shared that our cities vision has become a reality; we have become an Arts Destination. The addition of interactive art expands our Public Arts Program and has transformed our city into an Outdoor Art Gallery. Staff Whitmore noted that 129 S. Steele is a noncontributing building to the district.

Staff said she would answer questions at this time.

Questions from the commissioners were: Chair Mitchell asked if the building was painted? Staff Whitmore noted that it was. Commissioner Gordon asked when people write on the wall, what do they write with? Staff Whitmore noted that it was chalk. Commissioner Whitaker stated she had a question about the selfie art. She stated she loved the idea, and she had seen the ones with wings; but she couldn't envision the width of the alley, because some of these, if they are on a grander scale you would have to get a pretty good distance behind you to take a picture in order to frame the entire thing. She asked staff Whitmore if she thought the scale for these things would allow for that? Staff Whitmore stated yes and she asked everyone to look at the photograph on page 7 (Exhibit E.) Staff Whitmore added it is very popular and the intent is to have a mix of things; such as pets and there will be things for children and adults.

Chair Mitchell asked if there were any more questions for staff.

Being none, Chair Mitchell closed the Public Hearing.

Commissioner Gordon moved to close the discussion; seconded by Commissioner Underwood and it passed unanimously. Chair Mitchell wanted to share comments. He noted that the issue is that it is unpainted brick and generally in the historic district we don't approve painting brick as a guideline. Chair Mitchell reiterated that for the approval, he would like to have the language in the Finding of Fact, mentioning that it is a non-contributing building and generally in this alleyway, it is not visible; but the only way it would be visible is because of people going there for that purpose. Commissioner Whitaker added that she agreed with Chair Mitchell and generally it falls into an exception of that for a couple of reasons, first of all it enhances the property in the city and it is a city public project. Commissioner Gordon noted that he thought it would be a great project to do; that we have had previously approved public art. He continued saying that the art we have around the city now and it is part of the city's vision and it is a non-contributing building. Commissioner's discussion continued. Commissioner Cline asked if it would be a permanent structure? Staff Whitmore said yes and she felt like it would make the alley safer because it would provide activity in the alley. Commissioners agreed.

**FINDING OF FACT:**

Commissioner Whitaker moved in regards to COA-19-07, 129 S. Steele Street, that the Historic Preservation Commission find as fact that the installation of selfie stations when completed in accordance with the Downtown Design Guidelines and the decision of the Commission, is congruous with the character of the Historic District for the following reasons. The guidelines do not speak to the installation of Public Art; although they do speak to painting of unpainted brick and the subject building is a non-contributing building, the art wouldn't be immediately visible from the street and the front façade of the building and Sanford is becoming an art destination. and the city wants to expand its public art program and such programs enhances the city and for those reasons is generally in harmony with the criteria in the design guidelines, the special character of the neighboring properties, and the historic district as a whole; seconded by Commissioner Gordon and it passed unanimously.

**FINAL MOTION:**

Commissioner Whitaker moved based on the preceding finding(s) of fact that I move that the

Historic Preservation Commission grant a Certificate of Appropriateness to the City of Sanford and Lisa Womble for the installation of selfie art stations as shown in COA-19-07, 129 S. Steele Street; seconded by Commissioner Underwood and it passed unanimously.

**b. COA-19-08** – Application by the City of Sanford; property owner of Depot Park, 106 Charlotte Avenue who wishes to remove 7 (seven) Bradford pear trees located between the railroad tracks and the Moore Street retaining wall.

In accordance with the General Statutes, the public hearing was advertised once a week for two successive calendar weeks prior to the meeting date and all public notifications were fulfilled.

Staff Whitmore noted that the Downtown Guidelines important to this case talk about Streetscape. Staff Whitmore asked everyone to look at (Exhibits, A, B, C & D) on pages 8,9,10 and 11. Staff Whitmore shared on page 8, Exhibit A, it shows the wall and in the middle of those photographs it shows ginkgo trees, those trees will remain. Staff Whitmore shared that it is the large Bradford Pears shown on page 9 (Exhibit B) that will be removed; because they are constantly being sheared up so they won't hit the train and cause damage. On Page 10, (Exhibit C) is another view. She noted that there is a total of seven Bradford Pears and on page 11 (Exhibit D) shows another view. Staff Whitmore stated that it has been documented that Bradford Pears can be quite dangerous. Staff shared that the structural weakness makes the trees very susceptible to storm damage and the damage often causes lopsided trees that destroys their carefully cultivated symmetry. Staff Whitmore relayed that this statement comes from an article from the NC Cooperative Extension page 12, (Exhibit E) ("A Mixed Blessing in the Landscape".) Staff Whitmore added that it would allow the viewshed not to be interrupted; which is one of the criteria in these guidelines, Page 16, (Exhibit Fa.) She stated on page 17 (Exhibit Fb) shows a view from the center of the pavilion; but you can't get a good view of the park. Staff Whitmore shared on page 18, (Exhibit Fc) you can get a view from the corner of Wicker and Moore Streets looking north. On page 19 (Exhibit Fd) shows an uninterrupted view of Depot Park.

Staff Whitmore noted that previously the trees had white lights on them and some of them were not removed. On pages 10 thru 28 (Exhibits Fd,Ga,Gb,Gc,Gd,Ge,Gf,Gh,Gi, and Gj ) shows different views of lights either tangled into the trees or grown into the trees or the cords have been cut. Staff Whitmore stated at the last Downtown Sanford Inc. meeting the board took a vote to remove these trees and it was unanimous. Staff Whitmore shared one of the reasons why we are requesting to take the trees out are that we have a large piece of art, being proposed to go on that wall. Staff relayed that it will be back-lit, it will involve historical buildings, it is railroad related and they have started to work on a design. Staff Whitmore stated that as you look at page 3, #7, it talks about the Bradford Pears being too close to the wall. In the past the railroad has asked us to remove the trees and the trees are constantly topped and these trees are very susceptible to disease and limbs break easily. Staff Whitmore shared that there is still a possibility that we may have to pay a fee to the railroad to access the wall while doing the mural; but however, we have money in the budget to do that. Staff Whitmore shared that Mayor Mann is excited about the project being proposed. Staff Whitmore said that she has spoken to the Train Master, Cole Gaster and after speaking with Public Works they has agreed to take the trees down. Staff Whitmore added that once we get the design totally done, and it has gone before

City Council and we get their approval is when staff proposes to call the railroad's corporate headquarters and politely ask if they would like to have their name on the plaque if they forgave the fee. Staff Whitmore stated she didn't think the fees would exceed four thousand dollars. Staff Whitmore said this is her analysis and comments and DSI supports the removal of the Bradford Pears.

Questions from the commissioners were: Chair Mitchell asked if the ginkoes will stay? Staff Whitmore noted that they will stay and the art will be designed around them. Staff Whitmore shared that she has reached out to some local companies to see if they could help with the project and she has found a company that would be able to do so. Chair Mitchell asked if the trees that will be taken out be replaced? Staff Whitmore stated they would not. She shared that the whole wall will be painted a copper color. Staff Whitmore added that the wall is 500 feet long and the actual piece of art will be 100 feet long, and the individual pieces will average in height from three to five feet tall. Chair Mitchell relayed that there has been talk about placing smaller trees in large planters on the sidewalk above the wall. Staff Whitmore said she doesn't think there would be room; neither does she think it would be appropriate to replant any more trees or shrubbery. Commissioner Whitaker stated that the article mentioned that these trees have suffered storm damage and she wanted to know if we have had any storm damage issues from these trees. Staff Whitmore stated that they have been topped and pruned back so much and these types of tree can't carry a lot of weight, therefore, they tend to split. Staff Whitmore noted that all the Bradford Pears over at City Hall has been removed.

Commissioner Gordon made a motion to close for discussion; seconded by Commissioner Whitaker and it passed unanimously.

Discussion was held among the commissioners. Some of the questions were:

Chair Mitchell stated that previously when this submittal to remove the trees had come before the board that there were people who didn't want the trees to come down. Commissioner Gordon shared that Downtown Sanford, Inc. had unanimously approved for them to be cut down. Commissioner Gordon also stated that he hated to see them go; but it will give a nicer view of the park and we will have a wall that we will be able to put some decorative paintings on. Commissioner Whitaker stated she did not like the trees; because of their smell. There were no other questions for staff.

**FINDING OF FACT:**

Commissioner Cline moved in regards to COA-19-08, 106 Charlotte Avenue, known as Depot Park, that the Historic Preservation Commission find as fact that the removal of the seven Bradford pear trees (*Pyrus calleryana*) located between the railroad tracks and the retaining wall adjacent to Moore Street when completed in accordance with the Downtown Design Guidelines and the decision of Commission, is congruous with the character of the Historic District as the trees are prone to wind damage, falling limbs, brushing up against the train as they come by, blocking the view of Depot Park and the pavilion and they also have Christmas lights that have grown into the trees or tangled and we have had to cut them out; and therefore is generally in harmony with the criteria in the design guidelines, the special character of the neighboring

properties, and the historic district as a whole; seconded by Commissioner Underwood and it passed unanimously.

**FINAL MOTION:**

Commissioner Cline moved based on the preceding finding(s) of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to the City of Sanford for the removal of seven (7) Bradford pear trees (Pyrus calleryana) as shown in COA19-08, 106 Charlotte Avenue, Sanford known as Depot Park; seconded by Commissioner Whitaker and it passed unanimously.

**7. New Business:**

- a. Staff Update: Staff Whitmore noted that she had included a copy of the 2019 Meeting Schedule and the deadlines for submittal of complete applications.
  - 1. Staff Whitmore provided updates on Minor and Major COA's included by reference.
  - 2. Staff Whitmore noted that there will be at least two major COA's are coming before the board at the March meeting.

**8. Announcements:**

Staff Whitmore stated that the "Before I Die" wall will be completed and revealed at StreetFest on April 13, 2019.

**9. Call for Adjournment:**

Chair Mitchell called for adjournment. Commissioner Gordon moved to adjourn; seconded by Commissioner Cline and the motion passed unanimously. The meeting adjourned at 7: 39 pm.

Adopted this 25 day of March 2019

Respectfully submitted: ,

B. J. Mitchell  
Chair: Brian Mitchell

Attest: Anne Sears  
Secretary to the Commission: Anne Sears