

Minutes of the Regular Meeting of the
Sanford Historic Preservation Commission
Buggy Building Conference Room
7:00 PM Monday, June 25, 2018
115 Chatham Street

Roll Call:

Commissioners Present: David Nestor, Allen Gordon, Philip Yarborough,
Brian Mitchell, Rebecca Whitaker & Greg Stoch

Commissioners Absent: Sam Gaskins

Staff Present: Liz Whitmore, Historic Preservation Planner, Anne Sears,
Secretary to the Commission; Al Benschhoff, Commission Attorney

Government Official Present: N/A

Witnesses and Guests: Jocelyn Stoch, Tom Snell, Laura Phelps, Lance Grames, Joni
Martin, Jim Womack, Sherry Lynn Womack, Marla Davis, Regina
Marsh, Jr. Lisa Ragan, Chris Kremer & Don Hudson

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 June 25, 2018:**

Chair Mitchell called for approval of the revised agenda for June 25, 2018.

Commissioner Gordon moved to approve the agenda; seconded by Commissioner
Whitaker and the motion passed unanimously.

3. **Approval of the April 23, April 24 and May 21, 2018 Minutes:**

Chair Mitchell called for the approval of the minutes for April 23, April 24 and May 21,
2018. Commissioner Greg Stoch moved to approve the minutes; seconded by
Commissioner Phil Yarborough and the motion passed unanimously.

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

Chair Mitchell asked if there was any public comment. There was none.

5. **Public Hearings:**

Explanation of a Quasi-Judicial Hearing was read by Chair Mitchell. (Exhibit A)

Staff Liz Whitmore, Citizens Sherry Womack, Jim Womack, Joni Martin, Regina Marsh,
Jr. and Don Hudson were given the oath.

Chair Mitchell noted that neither the applicant nor the property owner is here tonight for COA-
18-41, so the Commission needs to make a decision on whether we would hear the case or table it
until the next meeting.

Commission Attorney Al Benshoff shared that the applicant and the property owner are not required to attend this hearing. In the past the HPC has continued the hearing as a courtesy to the property owner or the applicant; but there is a General Statute that states that if an application is not decided it is automatically granted after sixty days; so in order to avoid that result, if the meeting was continued, then I would recommend that the decision be made at the July meeting; so it is not approved automatically. He added that the Commission has a choice, it is your hearing and it is up to this board how it is handled; you can continue everything until next month, or you can start the public hearing and hear the witnesses that are here and continue the public hearing; that is the Commission's decision. Commissioner Gordon asked if there was anyone here to speak about this and Mrs. Womack noted definitely. Commissioner Whitaker stated she didn't have a preference one way or another; that we could hear the folks that are here tonight and hold over our decision here for additional folks next time; but she didn't want to make a decision on the application, without the proprietor of the business; Mrs. Amanda Derry being here and she encourage the commission not to do so. Mr. Benshoff stated you always have that choice, you are not required to ever make a decision right after the public hearing; that is just tradition. Commissioner Yarborough thoughts are that we should hear them while they are here; instead of waiting until the next meeting or ask them to come back. Mr. Benshoff shared that it would be a reasonable thing to do and it is often done; and he was just relaying to the Commission about what their legal choices are. Commissioner Stoch stated he would support hearing from the folks that are here tonight and make a decision at the next meeting. Chair Mitchell noted that assuming that this is our decision; and we as a board cannot discuss this case outside of this meeting. Their testimony will be part of the record. Mr. Benshoff told the board that you can do it either way; either hears them while they are here; or carried the public testimony to the next meeting. Commissioner Whitaker stated she would like to add since the hearing is going to be held in two parts; that she would like to hear from the applicant. Mr. Benshoff stated as Chair Mitchell read in the introduction, that this is a quasi-judicial body, which means it is similar to a court hearing; that these people before you are appointed to be the judges, it is improper for them to consider evidence outside of this room, it is unfair for them to be lobbied individually when the other side cannot hear what is being told, so if this board is contacted, they will probably say something like I can't hear that; they are not being rude; they are just following the law; and only following the process to be fair.

Conflict of Interest:

Chair Mitchell asked if there was any conflict of interest among the Commissioners pertaining to the cases being heard tonight (COA-18-41, COA-18-44.) There was none.

Chair Mitchell opened the Public Hearing:

COA -18-41- A Certificate of Appropriateness application from Amanda Derry, property owner of 128 Carthage Street, who without the benefit of a Certificate of Appropriateness painted the exterior (including all metal trim) teal and yellow including the sconce on the left hand side of the entrance to 128 Carthage Street.

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. The site was posted on Wednesday June 13, 2018.

Staff Whitmore noted that the guidelines important to this case are: on page 2: Streetscape:

4. Streetscape is a general term used to describe the urban landscape. The streetscape includes streets, sidewalks, plazas, advertising and identification signs, traffic signs, utility lines and fixtures, planters, and landscape plantings, awnings, street lighting fixtures, fountains and water features, benches, trash, receptacles, bicycle racks, bus shelters and any other sidewalk furniture. It generally includes privately-owned spaces, as well as, public spaces and rights-of-way.

On page 3: The Downtown Guidelines do not speak specifically to painting the metal trim in downtown. However Section d. Street Furniture speaks to the appropriate use of colors in the downtown district. Staff Whitmore noted that what has happen there is that the exterior of the building has been altered from its original form. The architectural feature has been painted in a different way.

The matrix states the following in regard to painting: Painting when there is a change of color is Minor Work. The front façade of the Masonic Lodge building is Exhibit A, page 8. Staff Whitmore asked if you go to Exhibits B & C, pages 9 and 10, it shows the colors of that portion, there are two bays, this is the eastern bay, and the next one is the entrance to the upstairs and then the next one is the western bay. The three bays make up the front facade of the building. Commissioner Gordon asked if all three bays had been painted and staff Whitmore noted no; only the eastern bay had been painted (1/3 of the front facade of the building.) Staff Whitmore asked everyone to turn to page 11, Exhibit C, where it shows the sconce that was spray-painted yellow and while in the process of spray-painting the sconce, overspray got on the front building façade. Staff noted that while it is not impossible it is very difficult to get paint overspray off the building. She stated that the Matrix comes into play with this. The Matrix states the following in regard to painting. Painting when there is a change in color is Minor Work. The front façade of the Masonic Lodge building is Exhibit A, page 8. Staff noted that the applicant failed to apply for a Certificate of Appropriateness for the painting that has been done to the exterior of the building (Exhibit B and C, pages 9 & 10.) While the change of color is deemed Minor Work, staff would have elevated this proposal to Major Work due to the colors chosen and the fact that the metal trim is painted. Under Street Furniture: on (page 3) d. 1. States that: do not use inaccurate and inappropriate historic styles for street furniture (benches, lighting, landscape structures, etc.) and water features. (This guideline does not apply). 2. Avoid brightly colored and high gloss surfaces for street furniture and water features. Note: The applicant has painted the metal on the front façade teal and yellow, including the sconce. This painted bay is 1/3 of the total linear frontage of the building. Staff's opinion is that the entire front façade of 128 Carthage Street should have had a consistent cohesive appearance and therefore staff believes that all the paint the applicant has applied to the front façade should be removed; or if the Commission decides to allow the front façade to be painted, the entire front façade should be painted with colors that complement the historic downtown core. Staff recommends that all yellow and teal paint be removed from the front façade, including the sconce which has been painted yellow, of 128 Carthage Street.

Questions for staff by the Commission were: Chair Mitchell asked if the steel was the original color? Staff Whitmore noted it was a steel color. Commissioner Gordon asked if the two colors on there were only yellow and teal, the photograph that was provided shows the yellow as a darker color and that it looks more orange? Commissioner Whitaker asked staff if normally changing paint colors would be Minor Work, approved at staff level; however, if they do it

without a COA, it has to come before the board; but she also asked staff that you said based on the colors chosen; you may have elevated it to be a Major? Staff said that is correct, that staff has the right to elevate Minor Work to be Major Work. Staff noted that this is something that is appropriate for staff to do. Commissioner Whitaker asked staff that even if they had applied for a Certificate of Appropriateness you would have elevated it to a Major? Staff Whitmore stated yes. Commissioner Stoch noted that there are three bays and wanted to know if they were separate buildings? Staff Whitmore reiterated that it is one building with three bays. Staff asked everyone to look at (page 8, Exhibit A) behind the white car is the bay that she is referring to. Commissioner Stoch noted that what have been painted are the one metal sconce and all the trim that is metal. Commissioner Whitaker asked that in (Exhibit A) on page 8, that it looks like there are two sconces and staff noted that was correct; but only one has been painted and they are original to the building. Commissioner Yarborough shared that he knew there was only one building; but it looked like three store-fronts after looking at (Exhibit C, page 11.) Staff said that as you look at (page 11, Exhibit C), you can see in this photograph that one sconce is painted and the other one is not. Chair Mitchell noted that this color evidently doesn't work in the historical district, and staff said that is correct. Commissioner Whitaker asked what type of material the sconces are mounted on; that it looked marbled to her; staff Whitmore said that it was limestone. Commissioner Yarborough asked if that was the Masonic building at one time and staff noted that it was the original Masonic Lodge and Commissioner Yarborough noted that the "Bootery" shoe store was there at one time.

Chair Mitchell asked if there were any other questions for staff. There was none.

Attorney Commission Al Benshoff noted that the applicant is not here tonight and if witnesses would like to speak, that they could speak for three minutes and it would be timed.

Mrs. Sherry Womack approached the podium.

Mrs. Womack stated she lives at 1615 Boone Trail Rd. She said she was here on behalf of the applicant, Amanda Derry. Commissioner Whitaker asked Mrs. Womack if she was there on the applicant's behalf? Mrs. Womack stated yes. At this time, Mrs. Womack requested to give the remainder of her time to Mr. Womack.

Staff Whitmore asked Chair Mitchell and Mr. Benshoff if Mr. Womack could use the remainder of her time of one minute and seventeen seconds from Mrs. Womack, he stated yes.

Mr. Jim Womack approached the podium.

Mr. Womack stated he lives at 1615 Boone Trail Rd. He is also here on behalf of Amanda Derry. Mr. Womack said that he felt like that all the evidence was not being presented tonight. He provided photographs which were passed around to the commission and noted that there were a lot of things that have changed about the building over the years and he doesn't know if there is a record of a Certificate of Appropriateness of the changes; but some of the things that were presented tonight is not correct. He would like to say that his statement is that Ms. Derry actually repainted that sconce, the same color as original of the building. He said she paid \$450.00 for globes to put on those sconces to make the building original and that should bear importance. He

noted that the sconces are being returned to the original color that they were and if there is a little paint on the wall, then they would remove that paint. Mr. Womack said that he thinks the second complaint is invalid; because it says there are no standards for metal paint. He said he didn't see any standards in the ordinance or in the rules; therefore it says it should be minor work; therefore it is staff opinion not a fact; the truth is that it is really minor work, and when Ms. Derry painted the sconce, she wasn't aware of the color scheme. He said when she asked for color schemes, she didn't get them. He added that it is almost like this committee knows what right looks right when they see it; but they can't tell you what that would be in advance. He relayed that he has occupied his building that is across the street from Mrs. Derry for about eight years and he had provided photographs of what the adjacent bay had looked like. Mr. Womack noted that the actually trim color was not steel; but it was actually a painted color in the first bay. The trim of what it looked like was not attractive per Mr. Womack, and he guessed it was acceptable, but that is not what the original building looked like and if you would look at the photographs of the building that he presented earlier shows the building painted a terra cotta brick color and it was covered by metal. He added since there is no standard on what the metal should like, that he would argue that simply it is a matter of taste. He shared that, Don Hudson, whom is an artist of pottery, could provide us more details about the artistic side and symbolism of the building. Mr. Womack said the question is that Ms. Derry painted a small amount of trim at the bottom of the building and it is not a major part of the building and his thoughts are that it is just a matter of taste on whether or not that color is appropriate. He noted that there are similar colors in our downtown district and Lee Furniture is similar to that color and we have street furniture that color and there are also some pots that are similar in color. Mr. Womack reiterated that he has pictures to support his argument. He stated that a picture of the globes was also included and passed around and he said she was willing to paint the other sconce to match the other one with the landlord's permission, because they were rusty and ugly. He feels like that by painting the other sconce and putting the globes on would look a lot better than it would be now. In closing, he added in the absence of an actual paint scheme and the inability of staff now to provide her with what an acceptable paint scheme would be and what is left is your taste or your preference of what the color should look like. At this point, Mr. Womack time is up. Commissioner Stoch asked Chair Mitchell if he could ask Mr. Womack a question. Commissioner Stoch asked Mr. Womack that by looking at the historic pictures that Mr. Womack submitted, could Mr. Womack agree that all three bays have the same paint scheme? Commissioner Whitaker asked Mr. Womack the source of that rendering and he noted that the resource came from the historic research on the City of Sanford website. Mr. Womack sits down.

Citizen Reginald Marsh, Jr. of 2607 Cemetery Road, Sanford, N. C. approached the podium. He stated he was speaking on behalf of Mrs. Derry too. He shared that Ms. Derry is very passionate about her craft and her pottery shop. He stated that everyone has their own vibe and noted how her pottery is different and it brings life and adds character to our downtown. Mr. Marsh sits down.

Commissioner David Nestor arrives.

Citizen, Don Hudson of 1214 Hawkins Avenue approached the podium. He said he looked at those colors that were on the sconces and building and he thought they looked great. He said the mustard color that was on the sconce matches the next four buildings up. Mr. Hudson stated that

the Temple Theatre is not pulling down the appearance of downtown Sanford with their copper awning. (Mr. Hudson time is up.)

At this time, Citizen Lisa Ragan is sworn in by Chair Mitchell. Ms. Ragan approached the podium. Ms. Ragan stated her name and she lives at 2624 Lanier Drive. She said that she and her daughter spend time downtown and she had notice her working on this building day and night with her heart and soul into it. Ms. Ragan said that Mrs. Derry is good with keeping everything historical and she would like to ask the Commission to give her lead way to be creative on this building. She asked to give the rest of her time to Jim Womack.

Mr. Womack approached the podium. He added that there is around seven empty store fronts right now in that area and we don't need any more empty storefronts, what we need is striving businesses and he thinks that the Mayor Mann would agree. Mr. Womack said he is willing to volunteer his time and assistance, and even our money to help repaint certain parts of that which would merits repainting and make the entire Masonic building look the same. He said he realized that the Commissioners had concerns that that one bay looks different from the rest of the building; but there are really two bays and a stairwell and we can make those trim match, so it is attractive and we can make both scones look like the original look on the building, which will restore the building. He said what we want to do is make it right, so everyone is a winner in this case and to make everyone a winner this is what we can work with, on the paint scheme and trim, and fix that trim and make it match to a color that the Commission would find acceptable. Mr. Womack said he would like to get the landlord to remove that metal to see if the terra cotta brick is there, and then if it is, I would like to see it put back. He closed by saying, that they were willing to help her repaint the part that needs to be done and remove any exterior overpainting that was done over that limestone. Mr. Womack time was up.

Chair Mitchell Closed the Public Hearing:

Commission Attorney Al Benschoff relayed to the Commission that he would recommend making a motion to continue the hearing until the July's meeting. Chair Mitchell and Commissioners Stoch, and Whitaker noted that they would like to extend the grace and opportunity to hear from Ms. Derry after she has had a chance to recovery from the exposure of the shooting on June 23rd and continue this hearing at the July 23, 2018 meeting.

At this time, Chris Kremer enters the room to attend the meeting.

Commissioner Stoch moved to continue the hearing on COA- 18-41, 128 Carthage Street to the meeting on July 23, 2018. There was no second at this time.

Citizen Sherry Womack asked at this time if the COA sign could be taken up, staff stated no; that it could be placed inside the window.

Commissioner Nestor stated after looking at this issue, and we are talking about colors, and asked if this is something that is going to be congruous with our Downtown District then I feel like staff should deal with the applicant. Chair Mitchell relayed to Commissioner Nestor that because of the colors that was chosen by the applicant, it would have been changed to be a

Major. Staff Whitmore said that the applicant never came to her and asked about colors and she meet with her several times. Staff said that she did come into the office one time and meet with me and Planning Technician Bill Morgan. Staff stated she has color charts in her office that I take out and give to people and Mrs. Womack son did come in today and I gave him a few samples. Staff added that she has no specific color charts like Pinehurst has where you have to use among a palette of colors. She said that that the charts are for reference only. The applicant never discussed color with staff because the applicant painted the front façade without staff's knowledge. Staff said that the time of significance is when the historic building was designated by the National Park Service and the condition of the building at the time of designation, not at the time the building was built. Historic photos are used many times when a building is being restored to original. Staff said that they refer to the National Park Service written description and photographs that are provided with the description. It was not made an historic district until 1986.

Commissioner Yarborough noted that Ms. Derry had a lot of support that was here for her tonight, but we still have a situation that we have to deal with at staff level. Chair Mitchell noted that he didn't think the solution would be at staff level; but his thought is a recommendation to the solution; something that could be presented to the Commission at the next meeting. It was noted there had been no second to Commissioner Stoch's first motion; so Commission Yarborough seconded the motion and it passed unanimously.

Citizens Laura Phelps, Lance Grames, Jim Womack, Sherry Womack, Marla Davis, Regina Marsh, Jr., Don Hudson, and Lisa Ragan leave.

COA- 18-44 – A Certificate of Appropriateness was received Downtown Sanford, Inc. for the installation of public art to be installed in the northeast corner of Depot Park.

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 around.

Staff Whitmore noted that this piece of sculpture will be in Depot Park and it is a piece of sculpture that would recognize and honor all volunteers and especially Helen Hincks, who set the standard of volunteers in downtown.

Downtown Guidelines important to this case include: page 2: (Streetscape) Staff relayed that as of now we have a very aggressive public arts program that has been successful and City would like to introduce a sculpture into downtown. The location is on page 8 (Exhibit A.) Staff Whitmore noted that this a computer image of the sculpture and somewhat three-D in dimension. Staff stated it will be built out of iron and the water coming out of the can will be iron and it will be blued and the watering can will be galvanized steel. It will not have that copper color on it and it will represent Re-birth; because the water turns blue and the concept is the rebirth of flowers. Staff asked everyone to look at page 8 (Exhibit A.) Staff said it will go in the right hand corner, in the northeast corner of Depot Park: pages 9 & 10 (Exhibits B and C.) Staff shared that Ed Walker with Carolina Bronze will be fabricating it.

Staff said that the Downtown Design Guidelines do not speak to the installation of public art however, the public art that is to be installed will replicate the fencing that surrounds the fountain area (the sculpture will be affixed to a piece of fencing to stabilize the sculpture.) The sculpture will be a watering can made out of galvanized steel with iron water coming out of the sprinkle can which will give the impression that the coneflowers below are being watered. The coneflowers will be enameled metal (providing color); the metal water will be treated so it turns blue as it gets closer to the coneflowers. The sculpture represents the rebirth of spring time and will recognize all the volunteers and in particular (Helen Hincks) that have dedicated countless hours to the beautification of Downtown Sanford. It appears that the material chosen for this public art sculpture are compatible with the materials and reflect the railroad which dissects the park with it being metal and iron. The fence to which the sculpture will be attached will be a replica of the fence that now surrounds the fountain in the Park. Staff asked Commissioners if they had any questions?

Questions for staff were: If the tree would have to be removed and staff noted no, how it would be attached and staff stated it would have a base that the sculpture would be attached too, and the blue water showing coming out of the watering can will be iron, the overall sculpture is six feet tall. A plaque will be mounted on the fence stating:

‘GROWING VOLUNTEERS
This sculpture was made possible by DSI,
Citizen Contributions (other names)
and is dedicated to All Volunteers
who have Given Countless Hours
to the Beautification of Downtown
in which Helen Hincks set the standard.
Winter 2018’

Attorney Commission Al Benschhoff asked staff Whitmore if DSI is giving the sculpture to the City or will it belong to DSI. Staff stated that she and the Public Art Program did a presentation to City Council and they gave the ok to move forward. Even though it is on City’s property, DSI is paying for it, so DSI will maintain the sculpture. Chair Mitchell asked if there were any more questions. There was none.

Applicant Joni Martin approached the podium. She stated she lived at 1313 Picket Road, Sanford N. C. and she was a committee member and she is working on this project. She shared that they had started a fundraiser, and she went before City Council in February to get permission from them to place the sculpture in Depot Park. Commission Attorney Al Benschhoff asked who will own the sculpture after it is erected? Mrs. Martin stated it is a gift to the City and it will be funded by private dollars. She said the sculpture will be named ‘Growing Volunteers’. There were no other questions for the applicant. Mrs. Martin sits down.

Commissioner Nestor asked if it would be congruous or complimentary in the Finding of the Fact motion? Commission Attorney Al Benschhoff added that congruous is a legal term, and if the board decides it is congruous, then it is congruous or you could say it is complimentary. An example was provided by Mr. Benschhoff. Discussion continued.

FINDING OF FACT:

Commissioner Whitaker moved in regards to COA- 18-44, 106 Charlotte Avenue, known as Depot Park that the Historic Preservation Commission find as fact that the proposed public art sculpture which will recognize all the volunteers who have dedicated countless hours to the beautification of Downtown (and in particular Helen Hincks), when completed in accordance with the Downtown Design Guidelines and the decision of the Commission is congruous with the character of the historic district because the fence portion purposed will be congruous with existing fencing, the materials to be used are compatible with other materials used downtown and are representative of the railroad and the installation as a whole will be complimentary to the existing downtown area. The art installation which is the property of the City of Sanford, and as such is complimentary and 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 Nestor and it passed unanimously.

FINAL MOTION:

Commissioner Whitaker moved based on the preceding finding (s) of fact, I move that the Historic Preservation Commission grant a Certificate of Appropriateness to (COA-18-44, 106 Charlotte Avenue, known as Depot Park) for the installation of a public art sculpture to be dedicated to all volunteers (especially Helen Hincks) who have given of their time to beautify the downtown historic district as shown in COA-18-44, 106 Charlotte Avenue Sanford and known as Depot Park; seconded by Commissioner Gordon and it passed unanimously.

Applicant, Joni Martin leaves.

5. **Old Business:** N/A

6. **New Business:**

a. **Staff update:**

1. Staff Whitmore provided updates on Minor and Major COA's included by reference. COA-18-41 was continued until the July 23, 2018 meeting.
2. Commissioner Stoch shared that he and his wife Jocelyn attended the Historic Preservation Day in Tarboro. He noted it was very informative and they have topics and demonstrations for beam construction/shingling houses, etc.
3. Commissioner Stoch and his wife Jocelyn also went to the Architectural Salvage in Rocky Mount where they take items from houses being torn down or fallen down and take any architectural features out of these homes and sell these at their business. He said they also attended other Salvage stores in Salisbury and Greensboro and that they do a really good job of presenting these products.

Announcements:

Chair Mitchell wanted to mention he went to the meeting that spoke about the Splash Pad coming, and the plan to redo five to six parks in the areas. He noted they spoke about how the small Kiwanis will connect to the large Kiwanis.

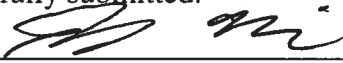
Praise was given to Commissioner Nestor for his service to the board for seven years.

Call for Adjournment:

Chair Mitchell called for adjournment. Commissioner Nestor moved to adjourn; seconded by Commissioner Yarborough and the motion passed unanimously. The meeting adjourned at 8:00 pm.

Adopted this 23 day of July 2018

Respectfully submitted:



Chair: Brian Mitchell

Attest: Anne Sears

Secretary to the Commission: Anne Sears