

**MINUTES OF THE REGULAR MEETING OF THE  
SANFORD HISTORIC PRESERVATION COMMISSION  
7:00 PM, MONDAY, FEBRUARY 25, 2008  
WEST END CONFERENCE ROOM  
SANFORD MUNICIPAL BUILDING**

**Roll Call**

**Members Present:** Matthew Sakurada, Laura Younger, Michael Humphrey, Peter Thompson, Al Roethlisberger, Tim Mercer

**Members Absent:** Mark West

**Staff Present:** David Montgomery, Bruno Pursche, Carl Anglin, Susan Patterson

**Citizens:** Tammy Hebert, Josh Hebert

**APPROVAL OF THE PREVIOUS MEETING MINUTES FOR JANUARY 28, 2007 AND THE AGENDA FOR FEBRUARY 25, 2008**

Chair Matthew Sakurada called the meeting to order, and called the roll.

Chair Matthew Sakurada asked if there were any additions/deletions to the agenda for January 28, 2008 meeting. Al Roethlisberger proposed to discuss Alley Closure be added to agenda. Chair Sakurada entertained a motion to approve the agenda with the amendment to discuss alley closure. Commission member Al Roethlisberger moved that the amended agenda be approved and seconded by Laura Younger, member, and the motion carried unanimously.

Chair Matthew Sakurada asked the Commission if there were any additions/deletions to the previous meeting minutes for January 28, 2008. The word **area** was added on page 3; and the words **never** & **this** were deleted and **without a** was added on page 3 of Mike's address of COA 7-39. Commission member Mike Humphrey, moved that the minutes be approved as amended and seconded by Laura Younger, member and the motion carried unanimously.

**REGULAR AGENDA:**

Carl Anglin, Code Enforcement Supervisor, addressed the Historic Preservation Board regarding enforcement issues in the Rosemount/McIver Historic District. He gave each member a guide packet of information to assist them in their duties as block captains. He stated the primary function of the Code

Enforcement Division is **Safety**. This entails Chapter 16 (titled environment) & 22 (titled housing) of the Sanford Municipal Code of Ordinances.

He discussed minimum housing as being safe plumbing, electrical systems, heat, sewage systems and structurally sound housing. Brick, peeling paint, vinyl siding verses wood or roofing material is not enforceable by Chapter 22. What we are concerned with is whether the contractor has a proper building permit and whether the individual is meeting the NC building code. There are no monetary penalties for failure to obtain permits or failure to start construction under NC building codes; the only remedy for this is to condemn the project or post a stop work order.

Chapter 16, environmental enforcement entails two areas. The first is trash/junk, overgrown lots, debris and other violations which are enforceable by a \$100.00 a day fine. The second phase entails the identification, marking, notification, and removal of junk nuisance vehicles. The remedy, for noncompliance, is towing of the vehicles.

As for Historic Preservation Enforcement, Carl noted that the Unified Development Ordinance (UDO) replaced the old chapter 42 City of Sanford Zoning Code of Ordinances. Failure to obtain an approved COA for work started or completed on a property in one of the local historic districts is a violation of the UDO. Upon notification to Historic Preservation staff and staff determining that a violation has occurred, staff will send notice to Code Enforcement that a violation has occurred. Code Enforcement then will send property owners a letter to cease and desist on work until a COA has been approved by staff or the Commission, dependent upon the degree of work. Failure to attain a COA after all due process, is punishable by a \$100.00 per day penalty, just like any other zoning violation.

Code Enforcement has no authority to cite parking violations; sometimes the Police Department will ask our assistance with vehicles and we'll tag them; the owners have seven days to remove them just like anyone else. The Police Department handles drug dealers, drug houses, speeders, thieves and noise violations. Lee County animal control handles all animal complaints. Neighbor to neighbor disputes are purely civil in nature but if a situation is becoming physical in nature by all means call the Police.

Everything that gets reported to the enforcement office is logged in on a code enforcement complaint log and the office should respond to the complaint within 24 – 48 hours by me and two officers; Code Enforcement handles the entire city, Broadway and parts of Lee County.

Susan Patterson, City Attorney, addressed Mike Humphrey's enforcement of guidelines question and the action which can be taken for failure to obtain a COA and whether or not they followed the approved COA. Al Roethlisberger

presented hypotheses of varying COA applications and the due process for each situation and the possible outcomes. Carl explained when the new software is installed in Building Inspections, an applicant should not be able to get a building permit without the Preservation staff's or Commission's approval. For those who avoid the process, we could do a stop work order when reported on a complaint form that no COA exists. Susan instructed that the board has no authority to generate a desired activity of a homeowner. The proposed complaint form will generate an investigation by David to determine whether a COA is necessary; staff will then work with the individual to have a COA submitted. If staff is unable to get one, Code Enforcement will send a letter stating that they will be in violation of the UDO and subject to a \$100.00 day penalty for failure to obtain one. Carl explained the HP complaint generation for Code Enforcement and condemnation process. The ultimate goal is compliance under the Code not penalties.

Al brought up discussion of the **alley** which runs between the 300 block of Summitt Drive and Green Street which accesses the rear of the properties and belongs to the City. Mayor Olive advised to pursue the dissemination of the alley to adjacent property owners since the City has expressed no interest in maintaining the alleyway or cleaning it up. This alleyway is full of dead animal carcasses, trash, overgrown trees/brush, fire hazards and throughway for criminals. This area is visible from the street and if this was a residence, we would have a problem with that. Mike concurred with Al that the City as owners is required to maintain that property. Susan stated that Al's concerns may be invalid; there are numerous alleys throughout the City that are plotted but do not exist and have never been offered for dedication or accepted by the City of Sanford. If they are plotted on the tax map, that doesn't necessarily mean that we have ever concerted any control or exercised any responsibility for it. In the 1920's there were maps done of the City, and those quite often created blocks for future development and had alleys planted in order for there to be access to the rear of the properties. If the City has not accepted those for dedication, they may not belong to the City. Susan did not know the status of this alleyway, but one can be closed that has never been opened just to get it off the map; there is a street closure procedure under the statutes which requires several public ads to be taken out. Al addressed that at the present time it is a non-maintained piece of property and a hazard and if we can do something with that it would really be nice. A discussion pursued regarding the alleyway closure and that the adjoining property owners should submit the request. Al stated that he had undertaken a petition and the adjoining properties were interested and advised of possible costs involved but that it would be a win-win for owners and City. Public Works stated to David they would rather give the property away than to maintain it.

Marshall Downey, Asst Dir of Community Development is proposing a UDO Historic Preservation text amendment since a problem exists with the current language. David read the proposed amendment stating that appeals to the HPC

should not be postmarked within 30 days following the decision of the Commission as it currently states rather within 30 days following an official order of the Commission sent to the applicant. A question was raised to Susan, City Attorney, how the Commission was going to determine when it is in the clerk's office; according to Susan it takes effect when the order is signed by the Chairperson. This board has not been following the proper process according to Matt; since a letter goes out, but no official order is ever signed by the chair. From now on when a COA is heard the finding of fact and an order of the decision will be signed by the Board Chair and sent to the applicant; the board should be cognizant that the order reflects the action taken. Susan explained that Council was not changing the UDO but correcting a minor error, by correcting the wording and following the State Statutes as it applies to Quasi Judicial Boards. This amendment is going before the Joint Planning Commission tomorrow for consideration.

Mike Humphrey questioned the validity and approval of the Historic Guidelines as they stand. He stated that City Council failed to vote on acceptance of the Guidelines in 1997.

Mike addressed the Judiciary function of the City Attorney; and that she could not represent Historic Preservation Board. She stated to Mike that an attorney might be advisable at our hearings.

#### **OLD BUSINESS:**

##### **Ad Hoc Committees Updates:**

**Guidelines Committee:** Laura stated the committee had not met, and had not finalized guidelines; the committee found another set of guidelines from Burlington, which make a lot more sense. Rather than reinvent the old guidelines the committee would like to take a look at those. The committee felt that the original guidelines were poorly constructed to begin with and had been a real struggle to rewrite.

Mike spoke about his meeting with Susan about the guidelines, whether they should subjective or objective; looking at Burlington guidelines they are specific. We need to decide whether we want general guidelines or clear and concise guidelines. The mission that this committee accepted was to clarify the guidelines. The feedback from the rewrite of the guidelines was that the Committee may have clarified them too stringently; the committee needs direction from this board as to what we really want. Matt considered the Burlington guidelines being specific but still using judgment; a discussion continued regarding guidelines versus rules. The consensus was that most Board members wanted minimal uncertainty when it came to the guidelines. Pete stated that the revisions he had looked were good; he would have never volunteered to do this if he got paid. Mike wants City Council to approve the

guidelines to get their buy-in on the guidelines; even though, this board has the authority to approve the guidelines as given it by the UDO.

**Marketing/Communication Committee:** Marketing met last Monday and setup the third Monday of each month at 6:00 PM as regular scheduled meeting at David's office. They discussed what some initiatives might be for the upcoming year; they talked about the signage and having those made for the Historic Districts. They also talked about getting the contents for the next newsletter and preparing a walking tour pamphlet. During the retreat we talked about having up to four educational sessions; it seems more realistic to have maybe two sessions during the year and bring maybe a number of people at one time giving a couple of options instead of just one presentation. Katie Zyla had joined the committee; she comes from the Marine Corps and worked with their marketing and public relations departments.

**Safety and Security Committee:** Matt mentioned that this is the committee that doesn't have a meeting and stuff just happens. Most of the committee wants to meet Tuesdays, Wednesdays, or Thursdays but this is when Matt does 60% of his traveling, but he'll try to have one in the next couple of weeks. The Committee is looking at **National Night Out** again and trying to get more crime statistics. The council is considering putting a four (4) way stop at Vance and Summitt which was brought up at the last Law & Finance meeting and tabled at the City Council meeting. Public Works has come out and marked all their no digs and marked all their lines as to where it is going.

#### **COA Staff Update:**

COA# 8-03 523 148 S Steele St, Steve & Lora Wright: 1) Take down metal awning; 2) resecure outer siding; 3) paint siding.

COA# 08-04 206 Carthage St, First Citizens Bank: Replace two existing monument signs with two new monument signs per drawing.

COA# 08-06 119 Gulf St, David & April Montgomery: Remove dying maple tree from ROW on Sunset Drive.

COA# 08-07 311 Summitt Dr, LD & Thelma Kitts: Install concrete driveway in rear yard.

COA# 08-08 206 Gulf St, Ralph & Vivian Monger: Repair and reshingle roof.

David read the summary of denial of the Rosemount/McIver Historic District signs on U.S. 1 from NCDOT; he had received a call from Blaine Ritter that DOT no longer places cultural historic district signs along controlled access state highways. They do place business specific signs under (TODS) Tourist Oriented Directional Signing; annual fees are \$200.00. They also allow cultural

signs on non-controlled state roads they are call Way Finding Signs. They are designed to be real close to the actual destination.

**NEW BUSINESS:**

David spoke with Mike last week, there are some outstanding issues with 2 fences and David needed feedback from the board on how he needed to handle it or whether it needed to come before the board.

The first issue is 314 Summitt Drive, the Myers' house where the temporary fence in the front yard has been out there for approximately six months. When David talked with Scott Myers, he said his dog was on its last legs and just put that out there until the dog dies. Matt told David he should never make a decision. Al recused himself from discussion on 314 Summitt Drive. Mike stated he couldn't understand why the fence had to be in the front, he felt there could be some alternatives, and there are other violations like the deck being built for 2 years without a COA or building permit; it seems like they are thumbing their nose at us and we still have the roof issue. Mike believes putting up the fence without a COA issued, is just that a violation and that is not to say that if they came and asked for one that the board may not approve it. Laura Younger, member moved that the alleged violations be brought before the board for a COA; Pete Thompson, member, seconded and the motion passed unanimously.

The second fence issue is at 519 Summitt Drive, Jim Floyd's two tone stucco house. He had put up two chain link posts; he stated to David that he had taken the fence down 1½ - 2 years ago with the intention of putting it back up, and he considered that to be routine maintenance. Laura stated that due to the length of time expired, it should be considered as a new project, since the typical COA timeframe is one year. Tim mentioned on one of his projects, that if it took longer than 180 days the grandfather clause expired and became null and void. Asked if he would consider a wooden fence by David, Jim Floyd stated he didn't want to do that since it would not match the other side of the house. Mike stated then we need to ask him for a COA for his hot tub, his deck addition, and the vinyl windows that he has installed. Al Roethlisberger, member, moved that the maintenance on the chainlink fence at 519 Summitt Drive is not routine maintenance and that the Floyd's needed to apply for a COA. Laura Younger, member, seconded and the motion passed unanimously.

According to Mike the City Public Works is grinding the sidewalk where sidewalk panels are rising and falling due to tree roots. The City does not have a COA for this work and what they are doing looks terrible. Mike believes there has to be a better way to handle this. He also believes the City should follow the guidelines for COAs just like residents. David had spoken to the street superintendent, and she said that sidewalk grinding is the most economical way of getting more years out of a sidewalk before replacement. They have an annual sidewalk rehabilitation contract of \$100,000 a year. Entire

replacement is much more labor intensive and greater in material cost. A discussion pursued about picking the battle with the city based on what is most important to the citizens and the board. Tim mercer mentioned he would like more time to think about the issue.

David made the Commission aware of the Treemendous Tree Program workshop scheduled Thursday February 28 at 10:00 AM – 3:00 PM at the Public Works; cost is \$15.00 and includes lunch.

David addressed the letter by the Appearance Commission to Horner Blvd Property Owners, for the revitalization/redevelopment of Horner Blvd corridor from US 1 to RR Bridge. A charette presentation is scheduled for Monday March 10, 2008 at 5:30 PM at the West End Conference Room if anyone from the Commission was interested.

Jimmy Johnson’s house at 304 Oakwood Ave is being marketed by Preservation North Carolina and should be on their website pretty soon.

The annual spring cleanup for April was discussed by Mike; based on his conversation with Mayor Olive, she would like to see that as an effort to pickup the neighborhood. The City of Sanford may get involved with trash pickup and hauling debris. Mike submitted his area check for the board’s consideration.

**ADJOURNMENT:** With no further business to come before the Commission, Chair Sakurada entertained a motion to adjourn. Commission member Laura Younger moved and seconded by Tim Mercer, member and the motion carried unanimously.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_

BY: \_\_\_\_\_  
**Matthew Sakurada**  
**Chairperson**

**ATTEST:**

\_\_\_\_\_  
**DAVID MONTGOMERY, PRESERVATION PLANNER**