

**MINUTES OF THE REGULAR MEETING OF THE
SANFORD HISTORIC PRESERVATION COMMISSION**

**COUNCIL CHAMBERS
7:00 PM, MONDAY, MAY 24, 2010
SANFORD MUNICIPAL BUILDING**

Roll Call:

Commissioners Present: Al Roethlisberger, David Nestor, Donnie Worley
Brandon Atkins, Ed Page

Commissioners Absent: Shannon Gurwitch

Staff Present: Anne Sears

Government Official Present: Councilman Charles Taylor, City Liason,
Sam Gaskins, Attorney Leslie Moxley &
Director of Community Development, Bob
Bridwell

Citizens:

**APPROVAL OF THE PREVIOUS MEETING MINUTES (APRIL 26, 2010 AND
THE AGENDA FOR MAY 24, 2010 .)**

Chairman David Nestor called the meeting to order, and called the roll.

Chairman Nestor asked for approval of the agenda. Commissioner Roethlisberger made a motion to add three items to the agenda, under New Business, and seconded by Donnie Worley. 1. Minor corrections on the HPC web-site for staff. 2. How and when we would like to engage neighborhood participation in the Design Guidelines Review Process. 3. Progress Energy tree trimming practices.

Commissioner Page moved to approve the agenda as amended, and it was seconded by Commissioner Roethlisberger and the motion passed unanimously.

Chairman Nestor asked for approval of the minutes. Commissioner Atkins moved to approve the minutes, and seconded by Commissioner Worley and the motion passed unanimously.

There was no Public Comment.

OLD BUSINESS:

- Mr. Bridwell passed out a printout of minor COA cases for the month of May, and also the COA printout from three years back that Councilman Taylor had requested.

Sam Gaskins will not be the official liaison until June 1, 2010. Councilman Taylor said that he will be there to help Mr. Gaskins if he had any questions on past meetings.

NEW BUSINESS:

Commissioner Roethlisberger started the discussion with the three things that he had asked to be added to the agenda: 1. Website updates. 2. Neighborhood participation for Design Guidelines review process. 3. Progress Energy Tree Trimming practices.

The above three items were discussed.

The COA's procedures of closures were discussed. Attorney Moxley stated it is either closed or incomplete.

(Review of the Guidelines) was opened up for review by Chair Nestor. Commissioner Roethlisberger gave the background on the committee established to make revisions to the Rosemount McIver Historic Park Design Guidelines. Pages 6-14 of the guidelines were reviewed and discussed with some revisions being recommended. Following are some issues that were discussed:

- Deletion of Citizen Review Committee
- Distribution of final guidelines to neighboring district/ versus website, and Mr. Gaskins suggested for the guidelines to be placed on PDF file to download
- Discussion of Rules and Procedure- as outlined-
- The format of the Matrix and where is the proper place for this document, and should it be revised etc.
- Deletion of staff phone number – contact staff
- Design Review Committee
- Flow Chart
- Closure process for COA's
- Educational information in the Guidelines
- Appeals process
- Revisions to the guidelines were voted on, and Commissioner Worley agreed to make the changes and bring them to the June meeting.
- Fines were discussed. City sends out courtesy letters, then followed by a certified letter before fines are assessed.
- Discussion of COA applications- (They would like to do comparison between the new and old application, and bring it back to the next meeting.)

Commissioner Page asked that Section I/Subsection C-Design Review committee, to be struck. Commissioner Page moved that Roman number I, Subsection C Design Review

committee, that entire section be removed as well as any other reference in the guidelines to the Design Review Committee or the Design Review Team DRC, DRT and seconded by Commissioner Worley. There were four commissioners for and one against. (Commissioner Roethlisgerber) against. At this time, Commissioner Roethlisberger made a motion that Commissioner Worley will be rewriting, obtaining the Certificate of Appropriateness procedure, which we will be reviewing at the subsequent meeting, and second by Commissioner Worley. Commissioner Page noted that it was not his motion, and stated that his motion was on bottom of page 5, bottom of page 6, and then for example you are going to have to strike individual sentence. Commissioner Roethlisberger asked to modified that and to withdraw that motion. Commissioner Roethlisberger started with a new motion. Commissioner Roethlisberger made a motion that Commissioner Worley will rewrite Roman number II, obtaining a Certificate of Appropriateness surrendering references to DRC, and DRT while explaining high level over all procedure for obtaining a COA, and the encumbrances of bottom of page six through page nine, and seconded by Commissioner Worley, and it was passed unanimously. The matrix was discussed at this time, and the role it plays, and whom was for, and against it. Fines were discussed, and the role they played, and how they are enforced by Code Enforcement and Planning's involvement. The HPC commission does not want to fine people. Commissioner Page has a question about the last sentence of this paragraph, this review ensures the proposed changes within the historic districts – that the improvements are congruous / rather than consistent.

Summary of Attorney Leslie Moxley suggestions:

Mrs. Moxley, shared when you do guidelines, remember you can't predict every single situation that is ever going to come up, and you want to allow yourself some wiggle room, so you don't want to get specific. Your decisions over time, all of these COA's decisions that you make, become the precedent that binds you. She also suggested to steer clear of conflicts between other governing documents. Don't pin yourself in too much, the simpler the better. Guidelines are just Guidelines. If you have things that duplicate other documents, I recommend that you take it out. Attorney Moxley suggested in referring to the number of the board members, that they use the sentence consists of members who are appointed by city council. She also made a suggestion on the Appeals by saying please see such and such. Eliminate typo error as much as possible. Attorney Moxley mentioned your Rules and Procedures will not stand up against the Local Ordinances. Note: Referencing violations: Attorney Moxley stated that it is Council that does the enabling. Mr. Bridwell shared that we operate under the General Statues of N. C., and to follow established procedures. Mrs. Moxley stated if you see a violation, you could say there is a violation here, and refers it to staff. She thought overall it was very informative.

Discussion followed among members regarding violations.

Note: The Historic Preservation commission is a regulatory and advisory board composed of members appointed by the City Council to administer Historic District and local designated historic properties regulations.

With no further business to come before, Chairman Nestor entertained a motion to adjourn. Commissioner Page moved and seconded by Commissioner Worley and the motion passed unanimously.

Adopted this _____ day of _____

BY: _____

ATTEST: _____

Bob Bridwell, Director of Community Development