

**MINUTES OF THE REGULAR MEETING OF THE  
HISTORIC PRESERVATION COMMISSION  
SANFORD, NORTH CAROLINA**

The Historic Preservation Commission met in regular session in the Buggy Building Conference room at the Buggy Building, 115 Chatham Street, on Monday, January 27, 2020, at 7:00 PM.

**ROLL CALL**

Members Present:                Brian Mitchell, Chair  
   Greg Stoch, Vice-Chair  
   Philip Yarborough  
   David Underwood  
   Jason Cline  
   Allen Gordon

Council Member Absent:        Rebecca Whitaker  
   Sam Gaskins

Staff Present:                    Liz Whitmore, Historic Preservation Planner II  
   Angela Baker, Clerk to the Board  
   Al Benschhoff, Attorney

**APPROVAL OF AGENDA**

Having noted the presence of a quorum, Chair Mitchell called the meeting to order, and entertained a motion to approve the agenda. Board member Yarborough made the motion, seconded by Board member Allen, the motion carried unanimously.

**PUBLIC COMMENTS:** There were no public comments.

**APPROVAL OF MINUTES**

Chair Mitchell asked for a Motion to approve the September 23, 2019, and the October 28, 2019, minutes. Vice-Chair Stoch made a motion, seconded by Board member Underwood, the motion carried unanimously.

**NEW BUSINESS**

Chair Mitchell read the quasi-judicial reference statement.

**Administer the Oath:** Chair Mitchell called all participants speaking in favor of, or against the COA's, as well as staff, to come forward to be sworn in for testimony. Applicants Gene Phelps, Nick Bowen, Kelli Laudate; ; and Staff Liz Whitmore, Staff Marshall Downey, and Staff McMillen appeared and were administered the oath.

- A. **COA-20-01** Application by Laura Phelps property owner of 110/12 Carthage Street who wishes to add an additional store front to the subject property, and remove the existing planters.

Staff Presentation: Staff Whitmore stated that the Historic Preservation Commission received a Certificate of Appropriateness (COA-20-01) for 110/112 Carthage Street application from Laura Phelps (owner), who wishes to add an entry door at 112 Carthage Street. Remove planter boxes in front of 110 and 112 and level entry and sidewalk with concrete. The site was advertised on January 15 and 22, 2020; and posted on January 15, 2020.

The site is a non-contributing property to the Historic District. Exhibit A, page 9 is the front façade of 110 and 112 Carthage Street.

Downtown Design Guidelines:

a. Maintenance and Repaired

1. The property maintenance and repair of historic buildings and original elements is preferred over their removal, replacement, or reconstruction.

Comment: The applicant is proposing to install a doorway located at 112 Carthage Street (Exhibits A, B, and C, pages 9-11). 112 is located on the right-hand side of Exhibit A of the subject property. The two planter boxes are to be removed. See Exhibit A and B, pages 9 and 10. The planter boxes have termite damage, water is getting into the building, and they are rotten.

2. Do not replace complete elements when portion of the element could be patched or replaced.

Comment: The applicant is proposing to install a new door system Exhibits A and B, and replace with doors that are arches. The proposed doors replicated the balcony doors of the Carolina Hotel to the east of the subject property (Exhibit D, page 14).

3. Repair damaged elements by using like materials or other materials, which have the same appearance and are compatible with any remaining part of the original element.

Comment: The applicant is proposing to remove the planter boxes on both sides of 110 and 112 Carthage Street due to rot and termite infestation. The planter boxes will be replaced with like concrete. See Exhibits A and B, pages 9-11. The applicant will need to coordinate with the Street Department to make sure that there is a smooth transition in the concrete and the concrete compliments the existing concrete in that location.

b. Windows and Openings

1. Do not replace historic windows with contemporary treatments.

Comment: The existing windows are not historic, the applicant is proposing to install arched French doors much like what is present in Exhibit D, page 14.

2. The original size, shape, and number of windows shall be maintained. Retain the original number of window lights (panes).

Comment. The applicant is proposing to install a new arched French doors to provide access to 112 Carthage Street (Exhibits B and C, pages 10-13). She is proposing to move the Chocolate Cellar to this location so to have more foot traffic.

3. Do not use darkened or shaded glass as replacements for clear glass.

Comment: Any replacement glass for windows, doors or any other openings darkened or shaded shall not be used. Staff recommends that this be a condition of the application is approved as submitted.

#### E. Masonry

1. When repair or replacement is necessary, the new material shall conform to the original in texture, material, and overall appearance.

Comment: The applicant is proposing to remove the existing planters on both sides of 110 and 112 Carthage Street. The area where the planters are to be removed will be replaced with like concrete. Staff recommends that a condition be placed that the owner should coordinate with the Street Department.

#### Staff Comments and Analysis:

The applicant is proposing to install new arched French door in 112 Carthage Street. Staff recommends that the arched doors in Exhibit B the Elena model be installed. These doors compliment the balcony doors located at the Carolina Hotel located at 100-104 Carthage Street. It is also recommended that the planter boxes be removed from the front façade of 110 and 112 Carthage Street.

#### Board Questions

Board member Stoch asked if the planter boxes were original to 1947 or if they were added later ?

Staff Whitmore stated that she does not have any photographs that proved one way or another.

Board member Gordon asked if Ms. Phelps agreed with Staff ?

Staff Whitmore stated that her flight was delayed, but she had two representatives to speak, but yes, she agreed.

#### Applicant's Testimony:

Gene Phelps (Laura Phelps son) works in the Chocolate Cellar as the General Manager; 528 Oakland Drive, Raleigh, NC.

Nick Bowen an employee of the Chocolate Cellar; 6928 James Road, Cary, NC.

Board member Gordon asked if it was Mr. Phelps understanding that she agrees with the staff recommendations ?

He stated yes, she understands that things need to be kept as close as possible to the same design.

Board member Yarborough asked about the rot of the planters ?

Mr. Phelps stated that the water has gotten behind the planters, run into the building, and is causing termite damage.

Kelli Laudate, Executive Director for DSI, stated that Laura presented her plan to the Board. The Board supports her façade improvements under Staff recommendation.

#### Board Discussion:

Chair Mitchell stated that he didn't see any problems, because it isn't a contributing building.

Board member Stoch stated that the French doors would mimic the adjoining building.

Board member Gordon stated that the planters are causing problems and damage to the building.

Motion: Board member Gordon made a motion that in regard to COA-20-01, moved that the Historic Preservation Commission find as fact that the installation of the arched French Door, style Elena, Exhibit B, and the removal of the planter boxes in front of 110 and 112 Carthage Street and replaced with like concrete when completed in accordance with the Downtown Design Guidelines and the decision of Commission, is congruous with the character of the Historic District for the reasons that it is a non-contributing building; it will be replaced with French doors similar to the Carolina Hotel; and the plantar boxes have termite damage and is causing water damage to the building, 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. Motion seconded by Board member Yarborough.

Chair Mitchell called for a vote. The motion carried unanimously.

Final Motion: Board member Gordon made a motion based on the preceding findings of fact, moved that the Historic Preservation Commission grant a Certificate of Appropriateness (COA-20-01) to property owner Laura Phelps, 110-112 Carthage Street, with the following conditions: coordinate with the Street Department and match the concrete on the planter boxes; clear glass in the doors; door and muttoms will compliment with the Carolina Hotel doors; an Elena as shown on Exhibit B, page 10.

Chair Mitchell called for a vote. The motion carried unanimously.

- B. COA-19-63: Application by AK&K property owner of 121 S., Steele Street and the City of Sanford (applicant) who wish to install public are on the south facing wall of the subject property.

Staff Presentation: The Historic Preservation Commission received a Certificate of Appropriateness (COA\_19-63) 121 S. Steele Street application from owner AK&K Corporation and the City of Sanford (applicant) who wishes to paint an interactive public art installation on the south facing wall of 121 S. Steele Street. It was advertised in the Sanford Herald on January 15 and 22, and site posted on January 15, 2020.

The building is a non-contributing building in the Downtown Historic District. The Downtown Guidelines do 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 art program wishes to install interactive art opportunities on part of the south facing wall of the subject property. It should be noted that the subject property is a non-contributing property to the district. The interactive art installations will be a combination of mosaics and paint. The first one will be entirely paint (Exhibits A-C, pages 8-10). The installation will be located midway down the alley and will not be conspicuous from S. Steele Street. This location is used for "Art in the Alley" throughout the year. The Before I Die

wall has been installed in the alley and is very popular. It is cleaned once a week and it is full every time it is cleaned. The building opposite 121 S. Steele Street is 129 S. Steele Street (One on One Fitness) which is also a non-contributing building to the district. It should be noted originally these installations were approved to be installed on the north facing wall of 129 S. Steele Street (COA-19-07). After further examination of the wall, it was found to be unacceptable due to the mortar being recessed from the brick face by 1 ½ inches making painting very difficult to keep things aligned.

Theses interactive arts installations will create more opportunities for the public to interact with the arts, much like with the “Before I Die” wall and “Bringing the ARTS together” mural located at 220 S. Horner Blvd.

The Downtown Guidelines do not speak specifically to painting an existing wall that has not been previously painted, however, the matrix states the following:

1. Painting when there is a change in color is Minor Work.  
Comment: The painting of the metal trim may or may not destroy historical features that define the property.

#### Staff Comments and Analysis:

The City of Sanford vision of becoming an Arts Destination has become a reality. We are getting wonderful feedback from the citizens of Sanford and beyond. Our program has been featured in two National Trade Magazines, numerous articles in magazines and newspapers and we have been featured on Tar Heel Traveler. Other cities throughout the state are inquiring about our program. Most recently I was contacted by Kinston about our program and will be meeting with them within the month to share how our program works.

Additionally we have gotten a grant from DSI for half the cost of the mural and the Public Arts Program was presented to City Council January 7<sup>th</sup> and they are supportive of the long range public arts program.

The City of Sanford downtown has become an Outdoor Art Gallery.

#### Board Questions

Board member Stoch asked if the mural will be on the same wall as the “Before I Die Wall” ? Staff Whitmore said yes.

Board member Gordon asked who the artist will be ? Staff Whitmore said Chris Dalton. The butterflies at the top will be 3-dimentional.

#### Comments in Support

Kelli Laudate, DSI Director, 1806 Crepe Myrtle Drive, Sanford, stated that the Board has granted the Public Art program a 1:1 matching grant, building improvement grant. This alley gets a lot of foot traffic and this is the beginning of the transformation of the alley as a safe

passageway between Steele Street and the public parking in the back of the building. It will bring another piece of art to entice people to walk through the alley.

Board Discussion:

Chair Mitchell stated that he supported the art program; the art will not be very visible from Steele Street.

Board member Stoch said that it is an addition to the mural program in the City.

Motion:

Board member Cline made a motion in regards to COA -19-63, moved that the Historic Preservation Commission find as fact the painting of interactive art installations, 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 reasons that it is a non-contributing building; the Before I Die Wall is in the same location; Sanford is becoming an Arts destination; and this also replaces art installments that were approved last year that could not move forward due to some brick and mortar issues. 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. The motion was seconded by Board member Underwood.

Final Motion:

Board member Cline made a motion based on the preceding findings of fact, moved that the Historic Preservation Commission grant at Certificate of Appropriateness (COA-19-63) to the City of Sanford for the interactive art installations as shown in COA 19-63 for 121 S. Steele Street Carthage as submitted. The motion was seconded by Board member Underwood.

- C. COA-19-61: Application by the City of Sanford for 223 Hillcrest Drive for the demolition of the structure, removal of trees in the front yard. The removal of the wall or rebuilding of the wall adjacent to the sidewalk.

Staff Presentation:

Staff Whitmore stated that the City of Sanford wishes to demolish 223 Hillcrest Drive and wishes to hire an engineer to evaluate the retaining wall associated with the property to determine its stability and if it should be demolished or repaired. The ad was placed in the Sanford Herald on January 15 and 22, 2020. The property site was posted on January 15, 2020.

The house is a contributing building to the Historic District.

Downtown Design Guidelines

6. Demolition

Demolition of historically significant structures is the antithesis of preservation. The policies of this Plan emphasize rehabilitation and adoptive reuse over demolition. Consequently, the

Commission will use its authority to delay demolition of historic structures whenever possible to investigate means to save the building.

However, it is recognized that, in some cases, older structures may deteriorate to the point that rehabilitation is technically infeasible. In such cases, it is the responsibility of the property owner to demonstrate that rehabilitation is not appropriate.

- a. If a historic building's condition is deteriorated such that rehabilitation and use of the building is judged not to be feasible, a COA for demolition shall be granted effective immediately. It is the responsibility of the property owner to demonstrate that rehabilitation is not reasonable.

Comment: Site inspections have been conducted by both Code Enforcement Supervisor Barbara McMillen and Historic Preservation Staff and both have determined that the deterioration of the buildings and it is recommended that a COA for demolition be granted (Exhibits A-G, pages 9-17)

- b. If a historic building's condition is such that rehabilitation and use of the building is clearly feasible, a COA for demolition shall be granted with an effective date extended for the maximum time allowed by law. If public safety is threatened, interim steps may have to be taken to close and secure the structure.

Comment: Per the Findings of Fact Order, Parcel # 9642-39-9483-00, Case # 12-15-477, #2 (Exhibit G, Pages 15-17) which states:

'That the residential structure on the property has been damaged by fire, has been continuously open and unsecured, is dilapidated, and is unfit for human habitation by reason of the conditions found to be present and to exist in and about said swelling, as follows: it constitutes a fire or safety hazard; it is dangerous to live, health, or other property, it is likely to cause or contribute to blight, disease, vagrancy, or danger to children, and poses an attractive nuisance; and it has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance, and there is evidence of trespass, vandalism, and of vagrants entering and / or occupying the structure. The Code Enforcement Supervisor further finds that the retaining wall on the property appears to be in a state of disrepair and partial collapse and that it constitutes a safety hazard and danger to children and passerby.'

The house experienced a fire in 2008. It has been vacant for a long time. Before Ms. McMillen was the Code Enforcement Supervisor, Carl Anglin was the Supervisor and he would board up the building and the vagrants would still go in the structure. There are holes in the floor and in deplorable condition. It is very unsafe.

- c. Removal of a portion of a historic building shall be considered to be demolition for the purposes of these guidelines.

Comment: The entire residential structure will be demolished. An engineer has been contacted to inspect the wall and make a recommendation as to repair or demolish.

An engineer has been contacted to inspect the wall and to make a recommendation as to repair or demolish. Staff is not qualified to make that determination.

- d. Any application for a COA for demolition shall include plans, if available, for the site after demolition.

Comment: At this time there are no plans to review for the site after demolition. Staff recommends that the site be graded to appear normal in the landscape and the site shall either be seeded, or sod shall be used to stabilize the site after demolition.

Staff Comment and Analysis:

A fire gutted the structure in 2008, the building has been vacant and unsecured since that time. The site has been boarded numerous times; however, vagrants have pulled off the boards and have used the building for shelter on numerous occasions.

Staff recommends a Certificate of Appropriateness be released to the City of Sanford for the demolition of 223 Hillcrest Drive. Staff further recommends that in regard to the retaining wall that the recommendation of the civil engineer be followed upon such times as a recommendation is submitted to address the wall.

Applicants Testimony:

Marshall Downey, Planning and Development Director for Sanford / Lee County stated that property is not owned by the City. The property is owned by Heirs to the property and there is no willingness to take any action on the property.

Barbara McMillen, Code Enforcement Supervisor for the City of Sanford stated that she took over the case in 2014. This was the second fire at the property, the first being in 2008. Carl Anglin, the previous Supervisor began the minimum housing process to order the owner to repair or demolish the structure. The owner got a permit for repairs, but never moved forward. The owner moved to Pennsylvania and was gravely ill in 2014 and she passed away in December 2015. In February 2016, the process was started over. There is a daughter in Sanford; and a son and a daughter in Pennsylvania. They are not willing nor financially able to do anything with the property. One daughter thought she had a will that left her the property but did not. She put the property up for sale, but the contract fell through.

Unfortunately it is time to move forward with the Minimum Housing Ordinance. The due process has been completed by advertising in the paper and it is up to the HPC to decide whether or not to demolish. The costs of repairs would be more than the structure is worth at this point.

Board Questions:

Board member Yarborough asked what happens to the property after demolition; would it remain to the heirs?

Staff McMillen stated that it would remain in the name of the heirs and if they failed to pay the taxes it would go into tax foreclosure. She said that the taxes are currently 2 years past due.

Board member Allen asked if there would be a lien on the property?

Staff McMillen stated that yes there would be a lien on the property for all costs associated with the demolition.

Board member Yarborough asked about the demolition of the wall?

Staff McMillen stated that the Engineer said that moving the wall and removing trees and grading; changing the grade in terms of cost would be about half of the cost of a new wall.

Chair Mitchell asked if the property was legally condemned?

Staff McMillen stated that it has been condemned in 2012 under minimum housing. At this point it has been condemned under the Unsafe Building Exception. It is starting to impact the neighborhood; it can't be kept secured; and trespassers. It has been placarded again as unsafe. It has been condemned at least twice.

Board member Greg Stoch asked if you can't maintain the building, can you maintain parts of the building; is there any option to be able to have salvage companies salvage any of the property ?

Staff McMillen stated that it is required in the Minimum Housing Ordinance that at the time of the Ordinance of Demolition; the demolition contractor is required to auction or sell the useable salvageable parts of the building. The items that are sold are credited towards the cost of demolition to offset the lien.

Attorney Benshoff asked if the City was proceeding under the Unsafe Building statute and not under the Minimum Housing statute ?

Staff McMillen stated that the Unsafe Building is an option under the Minimum Housing ordinance; Chapter 22 of the City of Sanford Code of Ordinances.

Attorney Benshoff stated for the record that the Marshall Downey acting for the City of Sanford as the Applicant, and the COA if issued will be issued to the City of Sanford only.

Public Comments:

Billy Liggett 213 Hillcrest Drive, Sanford.

Rob Dietrich 205 Hillcrest Drive, Sanford.

Shay Benton 549 Summit Drive, Sanford.

Susan Hardy 552 Summit Drive, Sanford

Mr. Liggett stated that all these neighbors are within the visibility of the house. He stated that it has become not only an eyesore, but the danger it presents to the children; the numerous cats; recent squatters; drug activity; and several calls to the police.

Ms. Benton stated that the house has been abandoned and vacant for the past 10 years.

Mr. Dietrich stated that the retaining wall is unsafe, and he has his kids walk on the side of the road and not the sidewalk for their safety. I live in the Historic District proudly and I don't

want that house to represent the neighborhood. The house doesn't represent what the Historic District represents.

Ms. Hardy said that leaves pile up on the sidewalk because no one is maintaining the yard. Senior citizens live in the community and it is dangerous to walk on the sidewalk.

Mr. Liggett stated that the house use to be a beautiful house and it was what drawn them to the area. The people that lived there didn't live there very long. He has been in the neighborhood for 12 years, and for 10 of those years the house has been in disrepair.

Board Discussion:

Chair Mitchell stated that he would like the house to be renovated and it doesn't sound feasible with the damage and the costs of repair.

Board member Stoch stated that it is a shame because old houses need to be repaired. At this time it is not feasible to be repaired, and although wish it could be different, in support of the demolition.

Board member Yarborough stated that he saw inside the home before the fire damage and it needed a lot of work at that time. It was quite a house in the day, but not quite a house now.

Board member Allen stated that in his opinion the house is beyond repair and needs to be demolished for safety concerns.

Motion:

Board member Yarborough made a motion to move that the Historic Preservation Commission find as fact that the demolition of 223 Hillcrest Drive, with the following condition in regard to the retaining wall, 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 reasons that home is in horrible condition; holes in the floor; fire damage from two fires; and overall unsafe condition of the home, 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. A condition that upon inspection of the retaining wall by a qualified engineer the city shall follow the engineer's recommendation as to repair or demolish. The motion was seconded by Board member Underwood.

Chair Mitchell called for a vote. The motion carried unanimously.

Final Motion:

Board member Yarborough made a motion based on the preceding findings of fact, moved that the Historic Preservation Commission grant a Certificate of Appropriateness (COA-19-61) to the City of Sanford with the following condition that upon inspection of the retaining wall by a qualified engineer the city shall follow the engineer's recommendation as to repair or demolish. The motion was seconded by Board member Stoch.

Chair Mitchell called for a vote. The motion carried unanimously.

Announcements

The interactive wings should be done by March.  
The street piano's will be mobile and will be placed on the street.

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned on motion of Board member Stoch, seconded by Board member Cline, and unanimously carried. The meeting was adjourned at 8:15 pm.

Adopted this 24 day of February, 2020.

BY: Brian Mitchell  
Brian Mitchell, Chair

ATTEST:  
Angela M. Baker  
Angela M. Baker, Clerk