

## ADOPTED MINUTES OF THE GREENVILLE HISTORIC PRESERVATION COMMISSION

September 22, 2020

The Greenville Historic Preservation Commission met on the above date at 6:00 pm via Zoom.

Jeremy Jordan - Chairperson - \*

Candace Pearce – Vice chair - *	Kerry Carlin - *
Myron Caspar – *	Roger Kammerer – X
Andrew Morehead - *	Israel Mueller -*
Justin Edwards - X	Scott Wells - X

The members present are denoted by an “\*” and the members absent are denoted by an “X”.

**PLANNING STAFF:** Chantae Gooby, Chief Planner; Thomas Barnett, Director of Planning and Development Services; Tony Parker, Planner I

**OTHERS PRESENT:** Donald Phillips, Assistant City Attorney; Kelvin Thomas, Communications Specialist

### ADDITIONS/DELETIONS:

**Motion by Ms. Pearce, seconded by Mr. Caspar, to add a discussion of the COA processes and procedures to the agenda. Motion passed unanimously.**

### MINUTES:

Mr. Caspar stated that he was not at the August HPC meeting, but did attend the DRC on July 28, 2020. He felt the minutes did not reflect the intent of the DRC's decision to not recommend approval of the replacement windows.

**Motion made by Ms. Pearce, seconded by Mr. Caspar, to table the July 28, 2020 minutes and to direct staff to refine them and present them at the September 22, 2020 meeting. Motion passed unanimously.**

City Attorney Donald Phillips read the following statement:

**Pursuant to North Carolina General Statute 160A-388 and Section 4, H. of the Historic Preservation Commission's Rules of Procedure:**

H. **Conflict of Interest.** No member of the Historic Preservation Commission shall participate in either the discussion or vote on any certificate of appropriateness in any manner that would violate the affected persons' constitutional right to a fair and impartial decision maker. Prohibited conflicts include but are not limited to a member having a fixed opinion prior to hearing the matter and not willing to consider changing his or her mind; undisclosed ex parte communications with the person before the Commission, any witnesses, staff or other Commission members; a close familial, business or other associational relationship with the affected person; or a financial interest in the outcome of the matter before the board. On any other matter before the Commission where such decision by the Commission shall be in an advisory capacity only, no member shall participate in the discussion or vote on such advisory matters where the outcome on the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Decisions on either a request for recusal by a member or objections by a person appearing before the board shall be decided by a simple majority vote. A member so disqualified will not be counted or included in the count to determine the appropriate voting majority for the issue before the Commission and will not negate a quorum of the Commission.

If a Commission member has had an ex parte communication that needs to be disclosed at this time.

**As a reminder, as members of the Commission conversations among yourselves during the discussion periods of this meeting and your committee meetings are NOT ex parte communications.**

**New Business**

**1. Major Work Certificate of Appropriateness (COA)**

2020-0018: 408 W. Fifth Street, Jesse R. Moye House, Local Landmark  
Applicant: Richard Lambeth, Lambeth Reconstruction and Building Company  
Project: Construct a deck at the rear of the house.

Dr. Carlin asked the commission to be recused from agenda item 1 due to his property abutting the applicant's property. Ms. Pearce asked Mr. Phillips if this was necessary. Mr. Phillips replied that out of an abundance of precaution and transparency the better option is to allow Mr. Carlin to be recused.

**Motion made by Dr. Edwards, seconded by Dr. Morehead, to allow Dr. Carlin to be recused from agenda item 1.**

**Motion approved 7:1 against. Ms. Pearce voted against.**

Ms. Gooby delineated and discussed the subject property and the architectural features. She shared photos of the house in its current state along with architectural drawings of what the deck will look like. The applicant intends to build a wooden deck on the rear of the house. This deck will be attached to the recently approved addition to the house and will not be visible from the street or the nearby parking lot. The deck will be designed so that it can be removed in the future with no damage to the original house. The height of the deck will align with the floor level of the house, and will not obscure the historic aspect of the house. She indicated how the windows of the house would line up with the deck and discussed the architectural features of the deck and how they will relate to the house. The Design Review Committee met on August 5, 2020 and recommended approval. Staff recommends approval.

Mr. Jordan then closed the public hearing and read the following statement:

"The Commission will now deliberate as to the findings of fact to adopt and whether additional findings of fact are required. The Commission will also begin its deliberation as to whether to approve the Application and issue a Certificate of Appropriateness or deny the Application and deny the Certificate of Appropriateness."

Mr. Jordan then asked if there is any discussion of the COA by the commission. Hearing none he then explained that the procedures for voting were a little different since the commission is meeting virtually. Mr. Jordan said he would read the directives and when he needed a motion he would ask for one.

Mr. Jordan then proceeded: Do I have a motion that Notice has been properly given in conformance with N.C.G.S. § 166A-19.24 (Session Law 2020-3) and that all provisions applicable for remote quasi-judicial hearings, particularly subsection (f) have been followed?

**Motion made Mr. Kammerer, seconded by Ms. Pearce, that all provisions applicable for remote quasi-judicial hearings have been followed. Motion passed unanimously.**

Mr. Jordan asked: Do I have a motion to adopt the Findings of Fact as presented by City Staff?

**Motion made by Mr. Mueller, seconded by Ms. Wells, to adopt the Findings of Fact. Motion passed unanimously.**

Mr. Jordan asked: Is there a Motion to Approve, Approve with Reasonable Conditions, or Deny the Certificate of Appropriateness?

**Motion made by Dr. Edwards, seconded by Dr. Morehead, that the requested proposal is congruous with the special character of the landmark or historic district and that the Applicant's Application for the Issuance of a Certificate of Appropriateness should be approved. Motion passed unanimously.**

Mr. Jordan affirmed the COA was approved with no additional conditions.

## **2. Discussion of COA processes and procedures**

Ms. Pearce began the discussion by stating that at no time does she believe that anyone on the HPC did not vote using the material in front of him or her in the very best way they possibly could. She went on to state that the fact that although none of the three members of the DRC were at the full HPC meeting (8/25/2020) it does not invalidate that the sitting board made a correct decision based on the facts before them. There was no fault of commission members or staff for the decision that was made. The commission needs to make sure procedures and documentation is so rigid that it will not matter if staff or commission members change. The blue piece of paper was an important step in the right direction as it offers a check list to be followed after the COA is approved.

Mr. Jordan asked for an explanation of what this is for those who were not on the commission prior to it being implemented.

Ms. Pearce said the paper is a checks and balances with the COA applicant and the approved materials. She does not know personally whether the windows put into the ZTA and the DZ house were the windows approved. Ms. Pearce said that she does know that the windows put into the Proctor-Young House either are the windows specified and the commission could not see what they were, or they were not the windows specified. It is much harder to go up against East Carolina University than it is against one owner. We need to follow through with our pieces of paper and our inspections, which is what the blue piece of paper does so that the commission does not have particle board windows covered in vinyl put in a house. She said this is the whole purpose of this discussion and the discussion of the blue piece of paper. *The Secretary of Interior Standards* and the *HPC Design Guidelines* allow for on-site visits for instance. The DRC used to have on-site visits. Staff would arrange for visits and the DRC would have to follow guidelines. She would like the on-site visits to resume. In the case of a local landmark, the commission should go to SHPO to ask for their opinion if there are any questions about the COA. The commission should direct staff to review processes and procedures. At the HPC workshop, the commission could review and modify them. She would like to stay within *The Secretary of Interior Standards* when possible. Any historic house should have a specialist look at the windows and make recommendations prior to any commission decision. She wants to be sure something is a part of the procedure. She was not trying to erase the past, but to be sure going forward the procedures are clear and simple so the applicant cannot alter findings before the full board.

**Motion made by Ms. Pearce, seconded by Dr. Caspar, to have staff review the procedure of COA reviews to include involving SHPO in the process.**

Dr. Caspar asked to amend the motion and to ask staff to look at the application for the COA, along with HPC input, to do away with hand drawn and written applications. He stated that the commission often has very strange and unreadable COA applications presented to them. He stated that for example, the current application the HPC reviewed at this meeting. He said all applications should have complete information along with photographs to be presented, and the whole thing be typed out and not written by hand in some type of scrawl.

Mr. Jordan asked staff to explain what the minimum requirements are to consider an application complete.

Ms. Gooby said typically there is a description of the project, photographs are required, drawings or elevations. She said that at the current meeting there is a hand drawing, whereas others may use a CAD generated drawing. There is nothing in the requirements that would have an applicant submit an electronic rendering unless the original is not readable.

Mr. Phillips stated that the HPC could either change the ordinance or could adopt a new procedure that would standardize the application to meet the requirements of the HPC. He suggested changing the ordinance would be the preferred way but a change of procedure would suffice.

Ms. Pearce said that having the HPC work together with staff to review what the HPC has the authority to ask for, and not to assume the staff member knows exactly what the commission is asking for. She said the commission, staff and the

city attorney should study the procedures and by either changing the forms, or ordinance, work together to come what is best and legally binding and simplest to follow for new staff members.

Dr. Edwards said that it would be easiest if the application is illegible or the photos blurry to ask the applicant for extra documentation or to clarify statements rather than change the ordinance. He said that his interpretation is that the HPC has the right to ask for information of the applicant, and the applicant has the right to submit the information if it bears upon their application.

Dr. Morehead stated that from his experience it is better to change procedure than ordinance. Several of the changes the commission is talking about are subtle, and that the commission should take this up during a workshop. The procedure has the power of the ordinance by reference in the procedure. By doing this they are not crafting an ordinance that requires city council approval every time they desire to change the ordinance. Procedures can be voted on by the majority of the commission and implemented more quickly.

Dr. Edwards said that these changes could delay an approval of a COA for three to four months, and could essentially have those interested in improving their property either not make the improvements, or proceed without a COA. The turnaround time for COA approval should be reasonable.

Mr. Jordan asked if we had a workshop tentatively scheduled.

Ms. Gooby said a workshop has not been scheduled.

Ms. Pearce said that she feels the misunderstanding is that the DRC believes they are making a statement. That at times the DRC meetings can go on for three to four hours as they dig deep into and review the application. She feels like there is not a clear enough message to the commission of what the DRC's intent was during their review of the COA. Staff is not writing down what the DRC is saying, and the DRC is not saying what they want to say. She agrees that procedurally they would be better off than holding applicants up for four months.

Ms. Pearce said that local landmarks have taxes deferred by Pitt County and Greenville, and that those properties would have to be held to higher scrutiny and standards to remain qualified as local landmarks.

Mr. Jordan stated that local landmarks have had architectural surveys, so the HPC will already know of any special attributes of the house before proceeding.

Ms. Pearce said that should local landmark designations come before the commission with a COA request SHPO should be asked to be involved.

Mr. Jordan asked how the commission should move forward tonight.

Mr. Phillips said the motion may need to be restated.

Ms. Pearce rescinded her original motion.

**Motion made by Ms. Pearce, seconded by Dr. Morehead, that the HPC workshop review as a commission the procedures for handling COA applications and that the before then staff and legal staff review procedures and the rights of the HPC before approval of a COA application. Motion passed unanimously.**

Ms. Pearce said that if the commission has to meet virtually for a workshop, then the DRC and staff will have to meet in-person or virtually and work out documented language to bring to the virtual workshop. She said meeting virtually would be problematic and recommended meeting in October, but not beyond November.

Mr. Mueller said he thought Dr. Caspar was talking about the application itself. It is acceptable to ask for a typewritten application, but not for the homeowner to have to bear the burden of added expense by hiring an individual to create a CAD drawing for the application.

Dr. Edwards asked if the DRC did an on-site visit of the Skinner House prior to making a recommendation.

Mr. Jordan said the DRC has not done an on-site visit in years, and that it used to be standard procedure.

Dr. Edwards stated that the issues the commission is discussing can be solved by procedural changes. He suggested the commission keep the procedure as simple as possible to allow homeowners to do the right thing and apply for a COA. If the commission attaches too many requirements to the application, then homeowners will bypass the HPC altogether.

Dr. Morehead suggested that the current discussion is what should be taking place at their workshop.

Ms. Pearce said the HPC needs to create an image of friendliness so homeowners will want to come to the commission for guidance.

### **3. Public Comment Period – Refer to page 2 of agenda for public comment guidelines**

No Public Comments

### **4. Committee Reports**

1. Design Review Committee – met August 5, 2020 to discuss COA 2020-18
2. Publicity Committee – did not meet
3. Selection Committee – did not meet

### **5. Approved COA/MWCOA Staff Update**

Ms. Gooby presented the staff update for COA/MWCOA projects.

Ms. Pearce said there were three houses on Eastern Street that needed to have zoning violation notices sent.

Dr. Edwards stated that the commission needs to be careful as to how far they want to take this, stating that there could be more than the commission could handle and it could become overwhelming.

Mr. Mueller stated that there needs to be a better way to resolve issues, because through the city compass app, several things are marked as resolved and they are not.

Ms. Pearce said the commission needs to be vigilant before the neighborhood slips further into low rent housing.

### **6. Announcements / Other**

Mr. Jordan thanked everyone for being patient as the commission navigated its first virtual meeting.

**Motion made by Ms. Wells, seconded by Mr. Kammerer, to adjourn. Motion passed unanimously.**

Meeting adjourned at 7:43 pm.

**Respectfully submitted,**

**Tony Parker**

**Planner I**