

September 22, 2009

The Greenville Historic Preservation Commission held a meeting on the above date at 7:00 p.m. in the City Council Chambers of City Hall located at 200 West Fifth Street.

**COMMISSION MEMBERS PRESENT:**

Ryan Webb	Dennis Chestnut	Minnie Anderson
Charlotte Cohen	Brad Ingalls	Ann Schwarzmann
Henry Doskey		

**COMMISSION MEMBERS ABSENT:**

Ashley Wetherington	Bryan Patonay	Roger Kammerer
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**STAFF MEMBERS PRESENT:** Seth Laughlin, Planner; Sarah Radcliff, Secretary; Jonathan Edwards, Communications Technician; Bill Little, Assistant City Attorney; Gary Coggins, Fire Marshall; Deana Castellow, GUC Water Resource Department

**APPROVAL OF MINUTES: AUGUST 25, 2009**

Motion was made by Ms. Cohen, seconded by Mr. Chestnut to approve the August 25, 2009 minutes. Motion carried unanimously.

**PUBLIC COMMENT PERIOD**

There were no public comments.

**NEW BUSINESS**

**COA 09-05: 505 East Fifth Street**

Mr. Laughlin stated this was a request to amend the previously approved COA to include alterations to the landscape plan and the location of an electrical transformer for the property located at 505 East Fifth Street. The applicants are requesting that the fire sprinkler backflow preventer and Fire Department Connection (FDC) "hot box" remain at its current location near the intersection of E. Fifth Street and S. Summit Street. They are proposing to buffer the hotbox through landscaping and painting the box's exterior. Applicants are also requesting the relocation of an electrical transformer on the north side of the reconstructed house near S. Summit Street. Alterations to the landscape plan include one dogwood tree in lieu of two on the S. Summit St. side of the connector, the substitution of two crape myrtles in lieu of one oak tree on the north side of the addition, and the omission of red bud trees along S. Summit St. side fence due to space constraints. Mr. Laughlin said the proposed alterations to the landscape plan would still fall within the City's guidelines for site plan and HPC vegetation requirements. An updated site-plan was given to each HPC member to be submitted as part of the packet. He stated the College View Historic District was established by ordinance #94-23 by City Council on Feb. 10, 1994, recorded in the Pitt County Register of Deeds in Deed Book 494, page 633. The following are the findings of fact. The COA application was submitted on August 24, 2009. The applicant was previously before the Commission for the demolition of an accessory structure and removal of one large tree,

and the reconstruction of the former “back house” destroyed by fire and associated site improvements. The previous COA’s 09-04 and 09-05 were approved. Mr. Laughlin said the Design Review Committee met on site with fraternity alumni and representatives of the architecture and landscaping firms on 9/18/09 and discussed the following items: painting the stainless steel hotbox green; reducing the size of FDC label; revising the proposed landscaping on the sides and rear to utilize taller specimens for more immediate buffering; and to keep those along Fifth St. low-growing. They are also asking for the reduction of one dogwood at the “connector” and the elimination of 11 redbud trees along the fence and brick piers. Applicable portions of the Design Guidelines are as follows:

Chapter	Title	Pages
2	Utilities and Energy Retrofit	36-38

13. Install mechanical equipment such as heating and air conditioning units in areas and spaces requiring the least amount of alteration to the appearance and the materials of the building. Screen the equipment from view.

Chapter	Title	Pages
4	New Construction, Landscaping	60-61

1. Retain and maintain landscaping that contributes to the character of the historic district.
5. If a landscape feature is completely missing, replace it with a new feature compatible with the character of the district.
6. When introducing additional landscaping features, keep them consistent with similar elements in the historic district.
7. When locating new landscaping features, keep their locations consistent with the location of similar elements in the district.
8. Incorporate existing large trees and other significant landscape elements into plans for additions and new construction.
15. Mechanical equipment such as air conditioners, heat pumps, etc., shall be located on non-character defining elevations of the structure whenever possible. The siting of these systems shall be screened by the use of planted material or appropriate fencing if they are easily visible from the street.

Mr. Laughlin stated staff has no objection to the approval the Certificate of Appropriateness in accordance with the application.

Chairman Webb asked all those wishing to speak for or against the case to come forward and be sworn.

Richard King, Dunn and Dalton Architects, spoke in favor of the request on behalf of the applicant. Mr. King said the NC State Building Code requires that occupancies such as fraternities and sororities have sprinklers installed in them for any new construction or

major renovation of existing construction. In addition, local ordinances require that fraternities associated with ECU have sprinkler systems installed. In order to provide a sprinkler system, GUC requires that you install a backflow prevention device at the point of service. The backflow prevention device prevents water, should the system lose pressure, prevents contaminated water from getting sucked back into the line and into the drinking water supply line. Mr. King stated the backflow prevention device is required to be located above ground at the point of service and inside a protective box. He said the requirement for locating the hotbox at the point of service required that it be located somewhere along Fifth Street. He said the water line along Summit Street did not have sufficient capacity to support the sprinkler system. Mr. King said there was less than five feet on the west end of the property between the house and the property line, as well as three or four mature trees in that area. He said the sprinkler line could not go from Fifth Street to the sprinklerizer located in the house without destroying the trees. He said once it was determined that they couldn't bring the sprinkler system off of Summit Street and where they could locate it along Fifth Street, that was incorporated into the plans that were submitted to the city and the Fire Marshall for review. He said they then looked at what they could do to visually screen the box in accordance with Chapter 4, item 15 of the Design Guidelines. Mr. King said they had met twice with the Design Review Committee as well as with GUC, Baldwin and Janowski, and the landscaping company that was hired by the fraternity to come up with a scheme that will provide the visual screening they were looking for as well as maintain the sight triangle from the intersection and provide the minimum clearances required around the hotbox so that it can be serviced and maintained as the need may arise. He said the fire department connection is required by the Fire Marshall to be on the box and visible from the streets so emergency responders can easily see it in the event of a fire. He said at the most recent meeting of the Design Review Committee it was suggested to provide some taller shrubs along Summit Street to screen the bulk of the box so they are proposing some Japanese Holly's that will get to about 3' tall. They are proposing Parsons Junipers in front of the fire department connection. Mr. King said they were proposing taller Dwarf Burford Hollies on the house side. He said GUC required a new electrical transformer be placed on the property in order to provide the required electrical service to the property. The transformer is located to the north of the new driveway behind the fence line, so it will be screened by azaleas that will go in front of the fence. Mr. King said all of the landscaping changes were driven by issues with space.

Mr. Chestnut asked at what point they knew the hotbox would need to be installed.

Mr. King said they knew the building would be sprinkled from the beginning and that it would require a backflow prevention device but they did not know where the device would be located. He said as late as April they were still proposing that they might be able to put the sprinklerizer on the far north end of the back house where they would be able to locate the backflow prevention device in a closet inside the house. He said GUC would not allow the device to be inside; that it had to be at the point of service. He said when you are installing a sprinkler system they come out and test the water lines and

that's when they determine whether or not there was enough pressure there. He said all of that was going on after the fact. He said at whatever point it was determined they couldn't use the water lines on Summit Street, that's when it was determined where it had to go.

Mr. Chestnut said the terms "after the fact" is what he was questioning. He wanted to know how they missed all of that in the proposal.

Mr. King said the fraternity had given them an aggressive schedule with a very noble goal to have the project finished when school started this year. He said that impacted the timing and the need to go ahead with the COA application. He said in their mind for the backflow prevention device it was fixed as to where it could be and what could be done with it. He said he felt the issue was how they were going to screen it because it had to be there. He said it would have been helpful once they knew where it was going to be located after construction had started to put in the amended COA at that time.

Mr. Chestnut said he had the answer to his question.

Ms. Cohen said he had mentioned that all of the fraternities would have to comply with this and she wondered if they would all have this problem.

Mr. King said it was hard to say because they would all have unique circumstances (i.e. size of house, layout, etc.).

Mr. Laughlin said he had received contact information from the remaining three sororities that are in the College View Historic District. He said he would contact them to discuss these items so that it didn't come up after the fact.

No one spoke in opposition to the request.

Chairman Webb asked for a motion to approve the Findings of Fact as presented.

Motion was made by Mr. Chestnut, seconded by Ms. Cohen to approve the Findings of Fact. Motion carried unanimously.

Mr. Chestnut said he had issues with the amended COA being submitted after the box was already installed. He said the box changes the landscape of Fifth Street right at the beginning of the district. He said he thought there were overlays to prevent total changes of the streetscape.

Mr. Doskey agreed. He said the box created an industrial look that was totally inappropriate with the area.

John Langley with Sigma Phi Epsilon said they initially thought they would be able to use the access along Summit Street. He said there was no way they could have known

the size of the pipes under the streets. He felt the board would need to work more closely with GUC because that was where they said it had to be placed. He said they were doing everything they could to make it look better.

Mr. Chestnut said he believed he heard him say “that’s where it had to be placed”. He said he thought he had heard it was limited as to where else they might could put it.

Mr. Langley said it was required to be at that specific place.

Mr. Chestnut said if he was doing construction and he was going to get an architect and engineer and connect to anything in the city, it would be incumbent upon his engineer to see what is available.

Deana Castellow with the GUC Water Resource Department said when they received the site plan the backflow preventer was located in the corner and they approved it because it met their requirement of being at the point of service. She said their objective was to make sure they had the best possible water quality going out to their customers. In their opinion, the best location for the backflow preventer would be along the right-of-way. She said they didn’t necessarily say it had to be at one location, they requested it be along the right-of-way.

Chairman Webb asked how far that would be into the lot.

Ms. Castellow said the water main on Summit Street was a two inch main and usually an engineer would require flow data and they didn’t have any on Summit Street so they went off the six inch main on Fifth Street.

Chairman Webb asked if it was possible that the two inch might have worked.

Ms. Castellow said the two inch wouldn’t have enough capacity and you would have to have a larger main.

Chairman Webb asked if it was possible to have two backflow preventers. He said he assumed they had to have the bigger system because of the bigger house.

Ms. Castellow said it would depend on how many heads they put in it and what type of flow they need, which is determined by the fire sprinkler system installers.

Mr. Chestnut said what Chairman Webb was asking is if there were other possibilities, engineering wise, to still have boxes but with different structures.

Ms. Castellow said the backflow preventer at that house was the smallest there was.

Mr. Chestnut asked if that determined the size of the pipe on the outside of the house.

Ms. Castellow said they made a 2 inch fire tap there, which is what they requested. She said they don't engineer the size of the tap; they just make what their engineers have requested.

Mr. Chestnut asked if there were other possibilities to having the backflow rather than what was there.

Ms. Castellow said if you have an FDC (Fire Department Connection) the State of North Carolina requires you to have an RPDA (Reduced Pressure Detector Assembly), which has to be above ground. She said they don't determine where the tap is made. She said they requested it be along the right-of-way and that was where they asked them to put it.

Mr. Chestnut said they required it to be along the right-of-way, not at that intersection.

Ms. Castellow said they had requested it be along the right-of-way.

Ms. Schwarzmans asked if the hotbox had to be that big.

Ms. Castellow said there were many different types of enclosures and that was just one of them. She said the Fire Department required that the enclosure be heated, which required it to be a little bigger.

Mr. King said the hotbox was required to be located somewhere along the right-of-way on Fifth Street. He said it would have been more difficult and expensive to run the lines elsewhere. He said they couldn't go along the other side without destroying some of the trees that were there. Mr. King said his clients had been extraordinary clients for a project of this type and have worked very proactively with the City and the Commission to go over details of the project. He said based on their understanding of the Design Guidelines, they were in compliance with painting the box and landscaping around it to screen the area. He said it was never their intention to install it and get approval after the fact.

Mr. Chestnut asked if they could sub-divide the COA and vote on it that way. He felt there were other possibilities for the location and/or design of the box and wanted more time to discuss those. He made a motion to subdivide the COA to take each item individually. Motion was seconded by Mr. Doskey.

Ms. Cohen asked how tall the box was.

Mr. King said it was approximately 48 inches tall.

She asked if the landscaping at its tallest would exceed the height of the structure.

Mr. King said it did not. He said some of the shrubs for the Summit Street side to the

point of the FDC and on the lawn side would get between 3 and 4 feet tall. He said the shrubs along Fifth Street would get to around 18 inches. He said the DRC felt the Japanese Holly's on both sides of the intersection would obscure the intersection too much and cause cars to have to pull up past the crosswalk. He said they had researched some fiber glass boxes, but they were taller than the metal box that they chosen.

Ms. Anderson said she went back over to the site after DRC had met and it looked incomplete. She asked if they could lower the box into the ground and put the FDC on top of the box.

Ms. Castellow said it had to be a certain height above ground and the design of the backflow device is what determined where the FDC would be.

Mr. Chestnut reminded the members that there was a motion and second on the floor. He said he would like to call the question on the division of the COA.

Mr. Ingalls asked what they were dividing it into.

Mr. Laughlin suggested they break it into the three that he had on the staff report.

Motion carried unanimously.

Motion was made by Mr. Chestnut, to ask for further study on the possible alternatives to the present structure regarding style, structure and/or location, meaning he would like to continue part one regarding the backflow box.

Mr. Ingalls asked if the backflow preventer was of typical size for that structure.

Ms. Castellow said it would probably be typical for sorority and fraternity houses. She said it was the smallest size there was of that type.

Mr. Doskey asked if they had any kind of schematic for what was under the ground.

Ms. Castellow said the water line came up out of the ground into the box and goes back in the ground and into the house.

Mr. Doskey asked if the function of the water in that line depended on it being a straight line from the connection to the house.

Ms. Castellow said there had been elbows in lines from the main to the structure and that could be looked at.

Mr. Doskey said if the box was on the other side of the walkway and a diagonal line was run across underneath the lawn to a connection on that side of the house it would solve

the problem. He felt preserving the view and the look of the neighborhood was more important than a tree that could be grown back.

Mr. King said there was a limited amount of space between the sidewalk and the trees. He said the box would be more significantly screened coming from the west than from the east.

Ms. Castellow said they had already made a tap off the main line to that location and that tap couldn't be moved. She said they would have to go back and abandon that tap and that would weaken the water main.

Mr. Chestnut felt it was worth doing extra research to not sacrifice the district.

Ms. Schwarzmann said she felt they needed more time to study the project as well.

Mr. Chestnut said he would like to call to question his motion.

Motion was seconded by Ms. Schwarzmann. All but Mr. Ingalls voted in favor of the motion. Motion carried.

Motion was made by Mr. Chestnut, seconded by Ms. Cohen to approve the location of the electrical transformer on the north side of the reconstruction house near S. Summit Street. Motion carried unanimously.

Motion was made by Mr. Doskey, seconded by Mr. Chestnut to approve the alteration of the landscape plan to include one dogwood tree in lieu of two on the S. Summit St. side of the connector, the substitution of two crape myrtle trees in lieu of one oak tree on the north side of the addition, and omission of red bud trees along S. Summit St. side fence due to space constraints.

Motion was made by Mr. Chestnut, seconded by Mr. Doskey to allow 60 days for the study on the location, size and structure of the backflow preventer. Motion carried unanimously.

#### COA 09-07: 1001 East Third Street

Mr. Laughlin stated this was a request for the demolition of a circa 1940's children's playhouse located in the rear yard of 1001 E. Third Street. The COA was submitted on August 24, 2009. At the request of the applicant, planning staff met with Reid Thomas of the NC State Historic Preservation Office at the site on July 31, 2009 to assess the condition of the structure. The inspection did determine that the structure has extensive wood rot and termite damage throughout. Mr. Laughlin read the following email from Mr. Thomas:

"Seth,



Thank you for requesting my opinion on the condition of the ca. 1940 accessory structure located at 1001 E. 3<sup>rd</sup> street. From our cursory site inspection this morning this small frame building appears to have extensive termite and wood rot in the framing members including the sills, plates and wall studs. The pronounced sag in the room suggests that the roof frame may also have structural issues. The flat pine sheathing behind the asbestos siding appears to have extensive damage caused by termite activity and moisture related decay. There were several areas on the structure where the decayed sheathing as well as framing members are visible where the siding has fallen off. Overall the building does not appear to be salvageable due to the extensive amount of wood decay. With the building sitting very low to the ground, high levels of site moisture from overhanging tree limbs and vegetation, and that it was improperly insulated at some point, appears to be the likely reasons for the termite activity and wood decay.

Let me know if you have any questions.

Reid Thomas  
Restoration Specialist  
NC State Historic Preservation Office”

The City of Greenville Public Works Department placed a condemned placard on the building on August 31, 2009. Notice of this hearing was published in the Daily Reflector on September 7th and 14th, 2009. The following are applicable portions of the *Design Guidelines*:

Chapter	Title	Pages
5	Demolition of Buildings	68-69

Since demolition is an irreversible step, it should be considered carefully. Serious thought should be given to the following questions:

- Might another site serve the purpose equally well?
- Might the existing building be adapted to meet the owner’s needs?
- Might the property be sold to someone willing to use the existing building?

Another consideration is whether the proposed demolition will adversely affect other historic buildings in the district or the overall character of the district. The commission discourages demolition when no subsequent use has been proposed for the site. When considering demolition of a historic building, the property owner is encouraged to work closely with the commission in reviewing all alternatives

1. Work with the Historic Preservation Commission to seek alternatives to demolition.
  - Relocation.
  - Sale to an entity that is willing to restore it.
  - Restoration through state and federal tax incentives if listed in the National Register of Historic Places
2. If alternatives have been exhausted, follow these guidelines for demolition:
  - Make a permanent record of a significant structure before demolition.

- Work with the Commission to identify salvageable materials and potential buyers or recipients of salvaged materials.
- Clear the structure quickly and thoroughly. Submit a site plan illustrating proposed landscaping and any other site development to be completed after demolition

Mr. Laughlin stated staff has no objection to the approval the Certificate of Appropriateness in accordance with the application.

Mr. Chestnut asked if they had a proposed landscape plan as required.

Mr. Laughlin said property was a rental and the back area was used primarily for parking. He felt once the building was demolished it would revert back to its natural state, but nothing specifically had been submitted as far as the landscape plan.

Mr. Chestnut said according to the guidelines they would have to submit a landscape plan that is consistent with the neighborhood.

Ms. Schwarzmans asked if there were plans for the area after the playhouse was destroyed.

Mr. Laughlin said they just wanted to remove the building at this time and did not have any intentions of rebuilding the structure.

Chairman Webb asked if they were required to submit a landscape plan as part of the COA.

Mr. Little said the Commission could instruct what happens post-demolition, that the landscaping being completed according to zoning requirements.

Mr. Chestnut said the criteria that states they submit a proposal for the site had not been met. He asked if a building was condemned by the city what would happen if the owner did nothing.

Mr. Little said once the building is condemned the owner has so many days to respond and if the owner does not respond the city would go to the court and ask for an order directing that it be removed or if he does not remove it that the city will remove it at his expense.

Mr. Laughlin said he understood the guideline to say any additional landscaping that was proposed would have to come before the board. He said there were many properties in the district that were not heavily landscaped.

Mr. Chestnut said it says submit a site plan illustrating proposed landscaping and any other site development.

Mr. Ingalls said he understands it to say if he is proposing to do any landscaping then he needs to submit a site plan, and he is not so he didn't submit a plan.

Chairman Webb said if that was his intent, he needed to simply state that he didn't intend to do anything.

Mr. Laughlin said they could make that a requirement if they wanted to.

Mr. Doskey said he was concerned with it turning into a parking lot.

Mr. Chestnut said he would like to add to the Findings of Fact that a proposal had not been submitted for post-demolition development of the site. Motion was made by Mr. Doskey, seconded by Ms. Cohen to approve the Findings of Fact as amended. Motion carried unanimously.

Motion was made by Mr. Chestnut, seconded by Mr. Cohen to approve the COA with the condition that a post-demolition site plan be submitted within 30 days.

#### Update of FIG Funds Availability

Mr. Laughlin: Item number 3, update on the Façade Improvement Grant Funds availability. We have the fall cycle coming up. We currently have \$26,773.44 cents available to be awarded if the Commission chooses to do so. The fall workshop will be held on Monday, October 5, 2009 at 4p.m. It will be held in the third floor conference room of City Hall. Something that I wanted to bring up, and I included an email exchange in your packet, in 2008 fall cycle, four applications were awarded to a single property, Mr. George Saad, Jr. It's the former Carolina Grill property on Dickinson Avenue. To date, no work has begun. It is slated for completion on the 25<sup>th</sup> of this month. He has personally not ever submitted a request for an extension. One came via a former HPC member. I did request on August 25<sup>th</sup> that he submit a formal request and have not received that. In addition, the city has been waiting on the completion of two required forms since the original awards. Those are the W-9 and the Request for Vendor form. Those are crucial. As a matter of fact, we can't even encumber the money without those forms so those monies are reserved. I personally have left two voice mails and had three emails asking for these things to be submitted and they have not been. In discussions with legal staff, we'd perhaps recommend instilling a permanent deadline that everything be submitted by a certain date or the monies will go back into the general fund for Façade Improvement Grants. Again, this is \$20,000 that could be available for future grants.

Mr. Chestnut: It would go back into our part?

Mr. Laughlin: That's right. The money is reserved. It's not going anywhere else.

Mr. Chestnut: I have a question. Seth, you help me with this one. This is really an informational question.

Mr. Laughlin: I hope I can answer it.

Mr. Chestnut: If you – first of all there's a process to be followed to get the grant. It's not something that we just throw up, there is a procedure. We even have a workshop to go through it.

Mr. Laughlin: That's right.

Mr. Chestnut: So from the very beginning with the award of this, really to be honest, I guess we could go back and look at awarding things when it's not completed.

Mr. Laughlin: That process was before I became involved with this.

Mr. Chestnut: No, no, no, no, no. That's not what I'm trying to say.

Chairman Webb: Those forms are part of the application.

Mr. Laughlin: At least now. And in the Spring 2009 we had one that was not counted because two of the required elements were not included. Any future Façade Improvement Grants...

Mr. Chestnut: Will happen that way. And I guess what I always...

Mr. Laughlin: And that's probably a reaction to this case.

Mr. Chestnut: But I always want to say when I'm stating things about the facts, it doesn't imply about staff at all, ever, really. Because if I had something about that I would call you, Seth. So the point I'm making about this is that this applicant did not go through the complete process. We awarded the money and staff has already made the request. To me that is already a violation. I don't know why we need to, if we need to set another timeline. Is it not sufficed when they have not – does staff not have that? You didn't need it to end this grant in return?

Mr. Little: At the time that this application was presented and approved, the new items that we are now requiring were not part of the package.

Mr. Chestnut: Okay.

Mr. Little: The best course, and this is what Seth and I discussed today, is that in all of his communication there has not been a drop dead date.

Mr. Chestnut: Okay.

Mr. Little: And in our communication today I suggested that with the board's approval we establish a drop dead date that if the laundry list of items are not all completed by

that date then the money would be reverted back to the fund.

Mr. Chestnut: That's my point, and whenever it comes time to make a motion...

Chairman Webb: Is September 25<sup>th</sup> not already a drop dead date?

Mr. Ingalls: That's for completion of work.

Mr. Laughlin: Yea, that's for completion of work. As far as removing the monies all together, I think it does need to be clearly stated.

Mr. Little: And that was the thing, that work was supposed to be completed by that date and there had been a de facto request for an extension which we had accepted. When I say we, the City, had accepted as an extension of time; however there has never been a definitive time as to when that extension would expire. What Seth and I discussed this morning was that when we establish, or whatever the commission decides is the drop dead date to have all these things completed, the commission can use or establish whatever date it wants because there's never been, other than the award date way back when the application was approved, for the work to be completed by. That's the only date that's ever been in concrete.

Mr. Doskey: What is that date?

Mr. Little: Twenty-five September. That was the only date that was ever established in concrete. So, as a result, since there had not been any other concrete dates then it gives us now an opportunity to establish a definitive concrete date that all these things have to happen and including in that is the exact timeline, if it's going to be continued, the exact timelines of performance and when that final completion date is going to be. So it's not just one item that's going to be in this communication. There will be several that have to be done by that date.

Chairman Webb: And the extension that staff, I guess, quasi gave to him in May, haven't extensions normally came before the board or do we have a procedure for how extensions work?

Mr. Little: In the past, no. In the past what's happened is as long as there appears to be good faith performance in the process, then staff would grant those continuances.

Chairman Webb: Not saying three months, six months, nine months...

Mr. Little: Right, there was not a set time. It only would rise back to the commission when nothing would happen or they became a super problem. Then we would come back to the commission and ask for definitive guidance on how to approach that particular problem. But, as long as someone was making progress, and it appeared that they were making satisfactory progress toward that goal, because as you well know in

your renovation project things don't always go along as you wish they had gone. And so when those renovation projects, everybody who's done any renovation, if you've renovated a bathroom, if you've renovated a garage, there's never been one that's gone exactly on schedule. But as long as we can see progress being made, staff felt comfortable in making those extensions. But now, as in some other cases we've had, when on or when work stopped or when progress stopped, then it became a problem that staff could no longer address and it was elevated. Now, if the commission wants to, it has the ability to change the façade grant guidelines to come back and set definitive milestones for actions to get reports so that this kind of thing might not happen. There's always that possibility they would even with the definitive guidelines, but that is something that the commission could itself make a decision on. The guidelines that have been out there being used right now, except for the change that was made back in the spring based upon this incident, have been the same ones I think since about 2002. I've found records back that far looking to be about the same guidelines.

Mr. Ingalls: In this particular case, the forms that haven't been submitted, are those particular forms ones that could be required to be submitted with the application upfront to begin with?

Chairman Webb: They are now.

Mr. Laughlin: They are.

Mr. Ingalls: Okay.

Mr. Chestnut: The point in this, and I understand clearly what the legal – and I think that we do perhaps need to have a workshop day where we look at our guidelines because there are several places where we could clean them up and that perhaps is a workshop kind of thing, and we have traditionally had half-day once a year to work on items. What is significant to me about this particular application, first of all, the work has not even begun. Is that correct? Is that what I'm understanding?

Mr. Laughlin: Yes sir.

Mr. Chestnut: No work has begun. So we are already at completion date and you haven't even started so any kind of deadlines we would even put for saying we are going to take the money because even if I were to say we'll give you thirty days to get the forms in, then how much longer are we going to give them to complete the project? We are really then almost at least a year into the cycle to me and what we are doing is we're clogging up the façade grant system. You know we've had already some little bumps in there, so and the point is that the applicant has never himself requested any extension, not only is he not responding, he never himself, it was done by someone on his behalf on the commission so I'm saying you didn't spend the money, you're not responding at all, so for me to be trying to track you down to give you \$20,000 and it doesn't even look like you're going to meet the criteria ever, I say in a very clean fashion

I propose that we remove the \$25,000 at the completion date, which is September 25<sup>th</sup> and return it to the funds if the criteria have not been met. No, that's...

Chairman Webb: \$20,000.

Mr. Chestnut: \$20,000, that we return it if it's not by the completion date.

Mr. Doskey: Where is this \$20,000 now? What is it doing? Is it just sitting somewhere?

Ms. Radcliff: It's reserved in an account for this purpose.

Mr. Doskey: Is it drawing interest?

Mr. Laughlin: We may have to talk to finance about that. I've never looked into interest.

Chairman Webb: It usually doesn't sit there that long. We usually try to...

Mr. Doskey: What was the date of the original grant? I missed that.

Mr. Laughlin: I didn't bring all those files with me. They were in the fall cycle of '08, so it would have been in November of '08.

Mr. Doskey: So it's almost a year.

Mr. Chestnut: And nothing has been done. Which it's also a question of fairness, I believe, to people who did do façade grants. We turned people down sometimes for different issues and then here's a person that we gave four at one time which we've sort of moved away from. So it looks like we were really behind this and I know we all are familiar with that property and what it could mean to that area but this just does not look to be in good faith and it's clogging our system and also making us, with the façade grant, for people who did do them and follow through, they wonder why won't you give us if we're doing it if this person you're giving it to doesn't want to. So I believe, you know, we need to look at (inaudible) close it out.

Mr. Laughlin: Okay, so you were making a motion to take the money on the 25th...

Mr. Chestnut: That we stick with the required completion date of 9/25/09 should those criteria not be met, we re-encumber the \$20,000, or we take the \$20,000, I guess I need to use that kind of word, and return it to the general fund.

Chairman Webb: And that would be in time for us to give it out at the next cycle if we need to.

Mr. Chestnut: That's my motion.

Chairman Webb: Is there a second to that motion?

Ms. Cohen: I'll second that.

Chairman Webb: Take a vote. All the Aye's?

All: Aye.

Chairman Webb: Any nays? Motion passes. So do we need to instruct Seth to write a letter at all or is this...

Mr. Laughlin: We've been corresponding through email and that's the fastest and I'm going to do that in the morning.

Chairman Webb: Okay.

Staff Report: Minor Works COA's

Mr. Laughlin stated he issued a Minor Works COA for 703 E. 4th Street to repair and paint wood siding and fascia and to paint window trim. A Minor Works COA was issued for 117 S. Harding Street to repair and paint siding and columns on the front porch.

Staff Report: Update on non-compliant historic properties

Mr. Laughlin stated there were not currently any non-compliant properties.

Mr. Chestnut asked about the status of the CLG grant survey.

Mr. Laughlin stated the SHPO expanded their list to out of state consultants. He said we had received three RFP's from Pennsylvania, Richmond and one from Raleigh. He said he would be meeting with the SHPO tomorrow to discuss a date for phone interviews.

Mr. Chestnut asked once the interviews were complete if the information would be brought back to the commission for selection or if that would be done at the staff level.

Mr. Laughlin said the SHPO would make the primary decision on who receives the work. He said the SHPO welcomed any of the HPC members to sit in on the interviews.

Mr. Chestnut said he just wanted to clarify the process for a matter of record.

Mr. Laughlin said the SHPO awarded the contract and manage the contracts. He said the City provides matching funds up to \$7,500.

Mr. Chestnut said the Commission was part of the City government and with \$7,500 being awarded by the City, they should have a voice in the matter.

Mr. Laughlin again stated they would allow someone from the Commission to sit in on



the interview process. He said he felt their opinions would be heard and considered. He suggested Mr. Chestnut be that person.

Mr. Chestnut said he would and asked Mr. Laughlin to let him know of the date and time.

#### COMMITTEE REPORTS

##### Design Review Committee

Mr. Webb said the DRC had met twice to discuss the COA's presented tonight.

##### Publicity Committee

Mr. Ingalls said the Publicity Committee had a meeting scheduled for October 6<sup>th</sup> at 5:30p.m. He said their regularly scheduled meeting would be the first Tuesday of each month and he would let the committee know what room they would be in when he found out.

##### Selection Committee

Mr. Chestnut said Selection Committee had a meeting scheduled for October 13<sup>th</sup> at 5:45p.m. in room 126 at City Hall.

#### **ANNOUNCEMENTS/OTHER**

Mr. Little stated he wanted to clarify the order for George Saad. He asked if it was the order of the Commission that not only all the forms that have been neglected but all of the work that was proposed in the application to be completed by September 25<sup>th</sup> or was it all the applications with a detailed project timeline completed by September 25<sup>th</sup>.

Mr. Chestnut said his motion was for all the forms and the work to be completed by September 25<sup>th</sup>.

Mr. Little said he just wanted to clarify that was the intent.

There being no further business, the meeting adjourned at 8:58p.m.

Respectfully submitted,

Seth M. Laughlin  
Planner II