

MINUTES ADOPTED BY THE GREENVILLE HISTORIC PRESERVATION COMMISSION

February 27, 2018

The Greenville Historic Preservation Commission held a meeting on the above date at 6:00 p.m. in Council Chambers of City Hall located at 200 West Fifth Street.

COMMISSION MEMBERS PRESENT:

Candace Pearce – Chairwoman	Justin Edwards
Jordan Koonts	Chris Nunnally
Mary Ellen Cole	Roger Kammerer
Bernard Schulz	Jeremy Jordan

STAFF MEMBERS PRESENT: Collette Kinane, Planner II; Thomas Weitnauer, Chief Planner; Domini Cunningham, Planner I; and Amy Nunez, Secretary

OTHERS PRESENT: Donald Phillips, Assistant City Attorney and Kelvin Thomas, Communications Technician

ADDITIONS/DELETIONS TO AGENDA

Mr. Nunnally made a motion to add ECU response to the Dail House after item number three under new business to the agenda for consideration and discussion. Mr. Schulz seconded and it passed unanimously.

APPROVAL OF MINUTES

Ms. Cole made a motion to correct the January 23, 2018 minutes under Announcements on page five to add that the televised portion of the meeting ended at 6:40 pm and that the training was using a fake COA application #2018-0000 at 707 W. 4th Street. Mr. Jordan seconded, and it passed unanimously.

NEW BUSINESS

Update on FIG Awards issued 2016-2017

Ms. Kinane reviewed FIGs from 2016-2017. She stated currently outstanding are FIGs 17-0003 at 712-716 Dickinson Avenue and 17-0016 through 17-0021 at 401 Evans Street. FIG 17-0002 at 511 Cotanche Street was not accepted by the applicant and therefore not paid out.

Chairwoman Pearce asked if anyone filed an extension.

Ms. Kinane stated yes. The property at 401 Evans Street was extended. The property of 712-716 Dickinson Avenue was also extended at the end of last year.

Update to FIG Guidelines

Ms. Kinane stated she and Attorney Donald Phillips had been working together to update the Façade Improvement Grant Guidelines. In the members' packets was a copy of both the original and updated draft copy of the guidelines. She stated the update was requested by the City Manager's Office. She reviewed the changes. The changes included the update to the Eligible Area Expansion the HPC requested last year. A Definitions section was added under the Introduction. Some changes under Eligibility included: 50 year rolling eligibility; disallow vertically subdivided buildings for multiple grants; grant for exterior renovation of an existing building only; and government owned and occupied buildings not eligible.

Chairwoman Pearce asked if Sheppard Library or the Chamber of Commerce properties are allowed grants since they are owned by the City Of Greenville.

Ms. Kinane stated no since they are owned by the City Of Greenville.

Mr. Nunnally suggested to consider a distinction between government owned/operated and government owned/leased by another tenant that is non-profit entity.

Mr. Jordan suggested looking at the lease agreement with the City to see who is responsible for maintenance.

Mr. Nunnally stated their goal is to have as many applications as possible and provide grants to those who have a greater need. If leased government buildings are barred, then there may not be as many applications. The softer issues should be considered at time of application.

Mr. Jordan suggested changing the phrase to "government owned and occupied structures".

Attorney Phillips suggested that the Commission should direct staff to research further the government owned structures eligibility 1.3.7 and bring it back to the Commission.

Chairwoman Pearce asked staff to research 1.3.7 and return with improved language.

Ms. Kinane stated that section 1.3.8 included that façade improvements must remain in place for three full years from completion with payback if altered and/or removed before then, with the exception of natural disasters. Section 1.3.9 is in compliance with NCGS 14-234 which does not allow a HPC member to benefit in any way from the contract and/or grant. No changes

were made in section 1.4 Funding. Ms. Kinane stated that section 1.5.3 are the required submission items per property applying for a grant.

Chairwoman Pearce was concerned if someone had outstanding taxes on other properties not applied for shows not good citizenship. She suggested Attorney Phillips look into section 1.5.3.

Mr. Nunnally clarified that Chairwoman Pearce would be proposing an explicit requirement that an applicant be current on taxes on all property owned by the applicant in the City.

Chairwoman Pearce asked staff to review sections 1.3.6 and 1.5.3 to include that there is no delinquent taxes on all property owned by an applicant.

Ms. Kinane reviewed the rest of the changes in section 1.5 Process for Receiving a Grant: applicants must attend a Grant Workshop; contracts must be signed before work commences; all work to be done within one year of the date of contract; no structure may receive more than two grants for the same façade within three consecutive fiscal years; HPC members will not participate in negotiations between an applicant and their contractor; and all decisions made by the City Manager's Office are final. No changes were made in section 1.6 Requesting an Extension.

Chairwoman Pearce suggested thinking about giving out all the FIG money so that it is not lost due to not being rolled over or encumbered.

Ms. Kinane stated that in the past three years the funds have continued to roll over and be encumbered to the following fiscal year if not used. Once an amount is awarded, it is encumbered and considered used funds. Under section 1.7.2, the phrase "new construction" was removed since new construction is not eligible for a grant.

Chairwoman Pearce asked staff to review and clarify section 1.7.2 item 6 regarding awnings and canopies.

Ms. Kinane stated section 1.9 has been added regarding a grant recipient plaque or sign to be placed temporarily at applicant's property to improve FIG awareness once the City develops a program to advertise.

Chairwoman Pearce asked what method they use to do it.

Ms. Kinane stated if the Commission would come up with an idea for the sign, the Community Development Department would get them printed.

Mr. Edwards suggested having a permanent plaque made with the date the improvements were done with FIG funds. He stated they could discuss it in the Publicity Committee.

Ms. Kinane stated this completed the FIG Guidelines update.

Chairwoman Pearce introduced new HPC member Jordan Koonts.

Preservation Month/Biannual Awards

Ms. Kinane stated that May is Preservation month and will also be the month for this year's biannual awards. She encouraged the Commission to decide on the awards to be presented at the HPC regular May 22nd meeting or at a Special Meeting.

Chairwoman Pearce suggested having the awards ceremony at the regular May 22nd meeting.

Ms. Kinane stated that the 2016 HPC had a special meeting just for the award recipients with a reception followed after.

Mr. Kammerer suggested that once the agenda is known, if there are any pressing items, to tell recipients to show up later.

All were in accord of having the awards ceremony with the regular May 22nd meeting.

Ms. Kinane spoke about Jane's Walk Weekend scheduled for the first weekend in May. She showed a video on Jane's Walk. Jane's Walk Guidelines:

- Free, volunteered led, and open to everyone. There can be no registration fee, or donation associated with leading or participating in a Jane's Walk.
- Non-commercial and non-partisan. They cannot be used to promote a business or a candidate running for office.
- Seek to promote dialogue. Jane's Walks are dialogues that seek to engage participants in conversation. They are not walking lectures.
- Can vary from 45-90 minutes.

In 2016 the HPC worked with the Bicycle and Pedestrian Commission and did a Jane's Ride, they partnered with ECU for a walk, and did an Uptown History Walk. She asked for volunteers. Friday May 4th is First Friday and ECU Commencement. She suggested to take advantage of other activities going on in the City.

Chairwoman Pearce asked about the mayoral proclamation of May as Preservation Month.

Ms. Kinane stated that if the Commission wanted the proclamation and wanted the Mayor to present it at the May HPC meeting, they need to advise staff to put that request in.

Chairwoman Pearce asked staff to request a mayoral proclamation for May Preservation Month and to request the Mayor present such proclamation at the May 22nd meeting.

Mr. Kammerer stated he gives a two hour historical walk for the Historical Society usually the last Sunday in April. He stated he would speak with the Historical Society to see if it can be changed to May 6th.

Discussion of the ECU response to the Dail House

Mr. Nunnally asked if a representative from ECU was present.

Ms. Kinane stated no. A copy of a letter to City Manager, Ann Wall, from ECU Chief of Staff to the Chancellor, Mr. Hopf, regarding the Dail House was received by the HPC members at 5:30, before the meeting.

Mr. Kammerer stated the letter states that ECU is still planning on working on and developing the Dail House and the surrounding properties.

Mr. Edwards stated the letter also stated that ECU will begin work on the Proctor Young House in the next few months.

Mr. Nunnally stated the letter conspicuously does not state the long term plan for the Dail House to be the Chancellor's residence. In the COAs he has read, it was a consistent part of the application process. He believes the issue before the HPC last month involved a relatively narrow legal question about whether or not ECU had in fact discontinued work or failure of lack of progress achieving compliance with the COAs. Also they wanted to know if ECU was going to continue to have the Chancellor's residence there.

Mr. Kammerer stated they want to use the residence for entertainment.

Ms. Kinane stated there are no COAs currently pending or submitted for the Chancellor House.

Mr. Nunnally stated the COAs are for the adjacent properties as part of the university's plan to develop the Dail House as the Chancellor's residence. His understanding of the letter is that there is no plan.

Mr. Schulz stated he understands it to be a modified purpose or plan. The plans to keep the Dail House the Chancellor's residence or not is not the HPC decision to make. They need to look at the four COA properties that were approved for relocation and/or demolition.

Ms. Cole stated a motion was made in June 2016 that the properties needed to be documented before demolition and to contact staff to salvage reusable materials. Nothing has been done yet. The properties are no longer in the university's name but in the name of the State.

Mr. Schulz stated the ECU Foundation converted the properties to the State so they can be advertised for sale.

Mr. Kammerer is concerned with their intent of taking down 27 trees unnecessarily.

Chairwoman Pearce stated the COAs were approved. She asked if they were no longer valid, would the applicant need to reapply.

Ms. Kinane stated yes.

Mr. Nunnally stated that if they find that the approved COAs are no longer valid due to the change of circumstances and require them to reapply, it would buy more time. The reality is there is a public outcry. If it is the goal of ECU to work with the City, then there is no need to reapply. His desire is to see the Dail House preserved and keep the neighborhood intact.

Mr. Schulz asked what the limitations for the properties are once the houses are relocated or demolished.

Ms. Kinane stated that anything proposed for development will require a COA at the HPC.

Chairwoman Pearce asked how the applications can be invalid due to the change of circumstances.

Ms. Kinane stated that there is not a provision based on change of circumstances.

Mr. Nunnally stated that they have discontinued work.

Ms. Kinane stated the properties were advertised for sale for relocation through their bid process which shows progress achieving compliance with the COA.

Attorney Phillips stated the wording of the ordinance at Section 9-7-13 subsection A-3 states: *The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of six months shall render the certificate null and void. An application shall be made for a new certificate before work can recommence.* He compared that with ordinance 9-17-17 subsection A-Demolition of Buildings that refers to: The maximum period of delay authorized by this section shall be reduced by the Historic Preservation Commission if the owner was to have extreme hardships. He stated there is no finding by the HPC to determine progress to declare a COA null and void.

Ms. Kinane stated in the same section of Demolition (9-17-17) refers to the ability of the HPC to negotiate with the applicant and/or owner. The HPC is entitled to a conversation but not to recall a COA.

Ms. Cole stated that the memo in their packet referenced a communication in December 2017. She asked what happened.

Ms. Kinane stated, via email communications, she found out that the advertisement for bids went out in November 2017 and as of December 2017 there were no inquiries.

Mr. Jordan stated that ECU is still working. He asked what happened with the previous delay requests and could demolition happen tomorrow.

Ms. Kinane stated they were waived when it was decided ECU would save the Proctor Young House and they were not able to advertise for bids with the delay in place. She stated yes, demolition could be at any time.

Ms. Cole stated that they could not demolish without complying with the documentation of the properties and the salvaging of reusable materials.

Ms. Kinane stated that documentation started last summer by Preservation North Carolina and an intern with the ECU Interior Design Program.

Ms. Schulz made a motion to thank Mr. Hopf for the ECU response and to remind him and staff of the June 2016 motion to document the properties and salvage reusable materials and share the information with the HPC.

Mr. Nunnally stated, that since the HPC can negotiate, they should request that ECU give a certain amount of days' notice before demolition occurs as a good faith courtesy.

Chairwoman Pearce stated that ECU can do what they want. The fact that ECU came before the HPC to request COAs is an indication of their good faith. She suggested tabling any action at this time. She suggested everyone write letters.

Attorney Phillips stated the ordinance refers to the body of the HPC and not its individuals when it refers to the ability to negotiate. He suggested the HPC request an agenda item at the next meeting to discuss details of a letter they propose to send.

Ms. Kinane stated that it could start at the Committee meeting. When they have the outline of their letter, let staff know so it can be added as an agenda item at the next meeting. Therefore discussion and changes can be made by the HPC as a whole body.

Ms. Cole asked if staff could request an ECU representative be present.

Ms. Kinane stated yes. She also stated that a building permit is required before demolition can commence. Historic properties required the Planning Division to sign off on demolition permits and attach a copy of the COA application. Therefore that is when verification that the documentation of the property, salvaging materials, and the tree plan has been followed.

Mr. Nunnally feels that there are grounds to require another COA on these properties. He stated they need to force ECU to clarify because this letter is not enough.

Ms. Schulz stated he feels that the actions of ECU are not imminent.

Mr. Edwards stated that he feels their intent is to demolish. He also questioned if an email in December between ECU and staff constitutes progress, who decides that, and is it inactive since it has been longer than six months.

Chairwoman Pearce asked if there were any actions they wanted to take now.

Mr. Edwards stated a draft letter should be put together in the Committee meeting and asked staff to request ECU to send a representative.

Mr. Jordan suggested an ad hoc committee.

Chairwoman Pearce stated she would like to have an ad hoc committee to respond to the ECU letter.

Attorney Phillips stated section J of the Rules of Procedures say a Chair may appoint committees as necessary to investigate any matters before the Commission. The committee should not be less than two and no more than four people and shall be advertised.

Chairwoman Pearce appointed the following to an Ad Hoc Committee to respond to the ECU letter: Jeremy Jordan, Chris Nunnally, Roger Kammerer, and Bernie Schulz. The meeting will be on Thursday March 8th in the conference room on the third floor of City Hall.

Committee Meetings

Ms. Kinane stated that the Chair suggested recurring monthly committee meetings.

Chairwoman Pearce stated that recurring meetings may not be perfect but the current method of scheduling has not been working.

Ms. Cole mentioned the Publicity Committee met twice last year and the Selection Committee met once. She has a problem with establishing regular meeting times if there is nothing to be discussed. The Chair of each committee should call and schedule the meeting as necessary.

Ms. Kinane stated the problem is there should have been meetings but the Commissioners were not able to agree on a time.

Mr. Jordan stated that a recurring meeting could always be cancelled if there is no business.

Ms. Cole stated that the public would not receive information of a cancellation.

Mr. Nunnally agreed with having a standing meeting because the advance scheduling is good.

Mr. Edwards stated the meeting would be advertised when the meeting is confirmed.

Ms. Kinane stated the advertisement is placed in City Hall 48 hours in advance.

Chairwoman Pearce stated that the Chairs of the committees will interact with their committee members and pick a standing recurring meeting time.

Public Comment Period

No public comments were provided.

Committee Reports

The Committees did not meet.

Announcements/Other

Ms. Kinane stated she received an invitation for the HPC to participate in the Annual IGCC Day (Inter-generational Community Center) on Saturday April 14, 2018 from 10:00 am to 3:00 pm. She encouraged the HPC to volunteer to man a booth.

Mr. Schulz stated that Pirate Fest is the same weekend.

Ms. Cole suggested inviting the new council liaison, Will Litchfield, to the HPC meeting.

Chairwoman Pearce stated she has invited him.

Ms. Kinane stated this is her last meeting and will no longer be working for the City. She stated Chief Planner Thomas Weitnauer will step in until a replacement is found.

Chairwoman Pearce thanked Ms. Kinane for her service and gave her a card on behalf of the members of the HPC.

With no further discussion, Ms. Cole made a motion to adjourn, Mr. Kammerer seconded, and it passed unanimously. The meeting adjourned at 7:50 pm.

Respectfully Submitted,

Collette Kinane, Planner II