

GREENVILLE HISTORIC PRESERVATION COMMISSION MINUTES

September 25, 2007
Greenville, NC

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:

Dennis Chestnut	Candace Pearce	Rick Smiley
Greg Jarrell	Dale Sauter	Richard Weir
Jeremy Jordan, Chair	N. Yaprak Savut	

COMMISSION MEMBERS ABSENT:

Franceine Rees Chris Woelkers

STAFF MEMBERS PRESENT: Sandy Gale Edmundson, Secretary; Dave Holec, City Attorney; Carl Rees, Senior Planner; and Tom Wisemiller, Planner I

OTHERS PRESENT: Myron Caspar; Pat Dunn, City Council Member; and Steve Kirkman

APPROVAL OF MINUTES OF AUGUST 27, 2007

Mr. Weir made a correction to the minutes. On page 5, I stated that I was unsure if the fence was in the rear.

Motion was made by Mr. Greg Jarrell and seconded by Mr. Richard Weir to approve the August 27, 2007 minutes as amended. Motion carried unanimously.

PUBLIC COMMENT PERIOD

No public comments were made.

CONSIDERATION OF AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS (COA)

COA 07-08: 2909 Memorial Drive: Applicant failed to submit all necessary application materials and has requested a continuance to the October 23, 2007 Historic Preservation Commission Meeting.

Mr. Wisemiller: The applicant for 2909 Memorial Drive is back on the clock and has been issued a fine. Fines will escalate until a COA application is submitted. An application should be submitted by the October Commission meeting.

Motion was made by Dr. Dennis Chestnut and seconded by Mr. Richard Weir to continue COA 07-08 at 2909 Memorial Drive. Motion carried unanimously.

COMMITTEE REPORTS

Design Review Committee

The Design Review Committee has not met.

Selection Committee

The Selection Committee did not meet.

Publicity Committee

The Publicity Committee did not meet.

NEW BUSINESS

Minor Works Certificate of Appropriateness (MWCOA) Report

Mr. Wisemiller reported there no Minor Works Certificate of Appropriateness applications.

Update on Non-Compliant Historic Properties

Mr. Jordan: The next item on the agenda is an update on non-compliant historic properties.

Mr. Rees: I just wanted to take a moment to acknowledge some of the concerns received over the last two weeks from Commission members as well as some members of the public with regard to levels of enforcement in our historic districts. We certainly appreciate those concerns, because it shows that people are interested that the Commission is completing the charge of City Council to look after our historic resources which is certainly very important. I would acknowledge that our enforcement work has not been to the levels that staff would desire. That is for a number of reasons. We do have limited staff at the present time that we can send out into the field to do enforcement work. I think we have tried to balance in most cases the significant historic issues with the property rights of those individuals who are involved. We have had experience in the past not necessarily with historic issues but with other enforcement cases where we have seen that heavy handed enforcement can have a bit of a backlash as well, so it is important to maintain that balance. In light of these concerns and our own realization that we could perhaps do a little bit better job with enforcement, we went over as a staff to try to analyze what we have been doing and what we could

do better. One of the things that was really clear was that we have not been doing as good of a job as we would like following up with existing enforcement cases. These would be situations where perhaps someone did not submit a COA for repairs being done to their home, they perhaps came into the Commission and they received instructions or received a COA but did not follow up on it, or perhaps they did not come into see us to apply for that COA, so there are known cases, and we have not always kept up with those as well as we would like and follow with enforcement activities to get them to comply or make whatever repairs are necessary. With that in mind, as we have evaluated what we can do with limited staff, we tried to look within the Community Development Department to see if there is some other enforcement resources that we could team up with, and I think we will be able to do that. I think we will be able to find a way to get assistance, so maybe on those we can follow-up a little bit better. As we continue to make that evaluation, we do realize though that we simply do not have the staff resources at this time to do a whole lot of proactive enforcement. We would like to do that and more. We would like to be out and looking at our historic resources. Even as Tom pointed out as we had these discussions, it would be really nice when you see someone doing beginning some work that is not exactly correct it would be nice to stop and have a front porch seminar. At this point in time, we do not feel that this is realistic for us. We will continue to make a case for additional human resources to assist with that. This is evaluated from the City's budget process. We will certainly ask to see if we can get additional personnel. We also have relied in the past on the public and the Commission to let us know what is not quite right with the historic resources and this has been moderately effective. We have thought about in the past to put out yard signs and we have had limited success with that to identify where something is going on. As we talked about in the office, we thought that perhaps an additional or a new and separate approach is to do something different similar to what is done with the building permits. By having something up on the window or someone's front porch would be a signal that the right thing is going on. We think this is a possible approach that will aid the citizen lead enforcement processes. We did want to acknowledge to the Commission that we appreciate the concerns, we are aware of them, and we are always trying to improve the quality of the service provided given the resources that we have. With that, Tom has a report with the existing open enforcement cases in a detailed report and hopefully, be a good jumping off point for us to do a better job with enforcement in the future.

Mr. Wisemiller: Staff has prepared a report on properties currently identified as being in violation of local historic regulations, or as potentially in violation of those regulations. Ongoing enforcement actions:

Fines were issued to three (3) properties on September 24, 2007: 407 South Holly Street; 1001 East Third Street; and 2909 Memorial Drive.

The owner of 2909 Memorial Drive has been informed that he must complete a COA in time for his matter to be placed on the October 23, 2007 Agenda of the HPC or additional fines will be issued.

The owner of 400 South Summit Street has been informed that he must complete a COA in time for his matter to be placed on the November 27, 2007 Agenda of the Commission, or fines will be issued.

The owner of 401 Jarvis Street has been informed that he must complete the work approved under COA 07-06 (to house exterior ductwork) within 30-days, or fines will be issued.

The owner of 805 Evans Street has been informed that he must complete a Minor Work COA and complete related exterior repainting within 30-days, or fines will be issued.

Altogether, staff has identified 10 historic properties for which enforcement actions are in progress, or an investigation is pending.

407 South Holly Street:

Issue: Cut new doorway prior to/without COA; COA denied; original condition of house must be restored; or applicant must amend COA.

Enforcement Action: Stop Work Order requested; first offense fine has been issued; fines will continue to escalate until owner restores original condition or submits amended COA.

401 South Jarvis Street:

Issue: Installed inappropriate exterior ductwork without COA; after-the-fact February 2007, COA approved by HPC to house ductwork; however, not yet completed.

Enforcement Action: If applicant does not either complete work as described in COA 07-06 within 30-days of the date of the enforcement letter, fines will be issued on an escalating basis.

Ms. Pearce: Do we have any kind of time limit for beginning the work of a COA?

Mr. Wisemiller: In the guidelines, it states you should begin within a six month time or the COA is expired, and the process has to start over. We have had some flexibility with that if it looked like it was a good project and it was going to be completed. We would see the good project through. We have had instances where staff has COAs to be resubmitted.

Ms. Pearce: I'd like to see us create a situation unless you have contacted staff to give a reason to get an extension, we should automatically after the first six months is over, start then. The method that we are using is resulting in decreased historical fabric in

our historic district, because we are either not applying our COA the way we are supposed to be or we are not following up on them or we are not issuing anyone any fines. If we have no teeth in this at all, it is just making some of the people mad and some of the people madder.

Mr. Jordan: If a homeowner does something to a property that requires a COA and do not receive a building permit, but just does it, how long before a fine is issued?

Mr. Wisemiller: The approach we have been taking is more or less to send a warning letter for a COA to be submitted in a certain number of days and if there is no response, then a fine is issued. If we have interpreted it as a good faith effort, Staff has worked with that person.

Mr. Jordan: I do not have a problem with that especially if it was the first time. After the first extension, they should be fined.

Ms. Pearce: Staff can give a report on what the status is for the COAs.

Mr. Wisemiller: We can make the report as a regular agenda item.

Mr. Jarrell: How do we follow up on these applications? Is it our responsibility or Staff's responsibility?

Mr. Wisemiller: It would be Staff's responsibility but mainly we have relied on complaints or people pointing it out to us. As per the request of the Chair, starting the subsequent month, we are going to review all of the past COAs and make sure that they are going to do what they said they were going to do and that they are up to date. If they are approved with conditions and they are not done with the conditions yet, then make sure the conditions are either completed or the property goes back to where it was before the COA.

Ms. Pearce: Would this be a regular agenda item?

Mr. Wisemiller: Yes.

Ms. Pearce: Could we also get a monthly Façade Improvement Grant report as well?

Mr. Wisemiller: Yes.

Mr. Jordan: That is a good idea.

Mr. Wisemiller: Some examples of zoning enforcement actions pertaining to historic properties since April 2006 would be:

402 South Library Street with the issue of painted exterior masonry without first

submitting a COA. The first offense fine was \$50.00. Owner submitted a COA in August 2006; after consultation from the State Historic Preservation Office (SHPO), it was decided that the owner needed only a MWCOA.

1105 Harding Street with the issue of replaced front door without first submitting COA. The first offense was \$50.00. Owner submitted COA in August 2007; the COA was continued with the understanding that the owner would have 12 months to propose alternative (conforming) door replacement via amended COA. As for follow up enforcement, a letter is being prepared which will request that the owner submit an amended COA within 30-days of enforcement or enforcement will be initiated.

1000 East Third Street with the issue of erected privacy fence without first submitting a COA. A letter requesting compliance with a threat of fine has been completed. The owner submitted a COA on February 2007 and an amended COA in August 2007. As for follow up enforcement, a letter to the owner requesting that the fence be modified in accordance with conditions of approved COA or be removed within 30 days or enforcement will be initiated.

123 West Third Street with issue of removed exterior damaged stucco and replaced and repaired of exterior wall surfaces involved the use of newer material beyond the scope of MWCOA issued in March 2006. A stop work order was issued with a letter requesting compliance within 30 days (threat of fine). Owner submitted COA in April 2006. In response to site visit consultation with the SHPO, owner took steps to mitigate the impacts from improper application of new exterior material.

1303 East Fifth Street:

Issue: Extent of ongoing work all fall under February 2006 MWCOA?

Enforcement Action: Under investigation, if ongoing work is deemed to fall outside February 2006 MWCOA, staff will request Stop Work Order and fines will be initiated.

805 Evans Street:

Issue: Exterior paint job incomplete: paint cracking and falling off; primer coat inappropriate if left exposed.

Enforcement Action: Owner given 30-days to submit MWCOA and complete exterior repainting to the satisfaction of staff or fines will be issued on escalating basis.

1000 East Third Street:

Issue: COA application approved with conditions; fence must be removed or be altered

to meet conditions of COA.

Enforcement Action: Owner has 30-days from the date of the enforcement letter to alter fence according to conditions of approved COA or to remove the fence.

1101 Johnston Street:

Issue: COA approved on condition that fence be painted; not yet completed.

Enforcement Action: Letter to owner reminding him that August 2005 COA was approved under condition that fence be painted according to the conditions of the COA; owner given 30-days from the date of letter to meet that condition; if the condition is not met by deadline, fines will be issued on escalating basis.

505 East Fifth Street (Sigma Phi Epsilon):

Issue: Installation of halogen lights in front yard without COA.

Enforcement Action: Lights currently inoperable; trustee contact has agreed to phone staff prior to getting lights back on, in conjunction with MWCOA to tone down lighting.

1001 East Third Street:

Issue: Replacement of (non original) door without COA.

Enforcement Action: First offense has been issued; fines will continue to escalate until owner restores original condition or applies for COA.

2909 Memorial Drive (Oakmont):

Issue: Replaced windows, made other repairs without COA; owner requests continuance until October 2007 HPC Meeting.

Enforcement Action: COA pending: multiple fines have been issued; fines will continue to escalate until owner submits COA.

400 South Summit Street:

Issue: Window replacement without COA; applicant preparing COA, requests to be placed on November 2007 HPC Agenda.

Enforcement Action: COA pending: if applicant does not complete COA application by deadline, fines will be issued on escalating basis until COA is submitted.

Mr. Jordan: Is there a reason why the applicant could not have the application

completed by the October meeting?

Mr. Wisemiller: He claimed to be out of the country.

Ms. Pearce: He also claimed that he had no idea he was living in the Historic District. Aren't all of the signs on the street indicative of the Historic District? This excuse is getting old.

Mr. Wisemiller: The applicant said the realtor nor the contractors told him the property was in the Historic District. Staff hopes that the proposed permit style signage will be posted by the HVAC contractors in order to alleviate this problem and educate property owners about the Historic District.

Ms. Pearce: Weren't we planning for two years on the online database for College View?

Mr. Wisemiller: We are working on that. We had a bunch of stuff come up recently. It is high priority on the Commission's Work Plan. We will be working on that in the next couple of months.

Ms. Pearce: The Tar River University Neighborhood Association has a community watch program. I wish this association would also keep an eye out for work being done in the Historic District.

Mr. Jordan: When a house in a historic district is sold, does it have to be disclosed that the house is in the Historic District?

Mr. Holec: It does not have to be disclosed. The realtor cannot hide that from the person.

Mr. Wisemiller: Staff has sent realtors postcards about the Historic District.

Ms. Pearce: Attorneys and bankers should be made aware of the Historic District as well.

Mr. Wisemiller: If a property transfers, we will try to figure out how that can be brought into the process as well.

Ms. Pearce: We have talked about we are going to talk about these things at another time are we talking about it at committee meeting or is staff going to talk about these.

Mr. Wisemiller: I would encourage the committees to meet.

Ms. Pearce: Let's have the committees meet prior to the October Commission meeting.

The Commission agreed to do so.

Mr. Jordan: When will the Historic District signs be completed so that they can be installed to help people know that they are in the Historic District.

Mr. Wisemiller: Public Works should be signing off on the signs soon. I am not sure how quickly the signs will be installed.

Ms. Pearce: Please find out when the funds for the signs were encumbered. Knowing when the funds were encumbered may indicate a good time to start with installation.

Mr. Wisemiller: This brings the Commission up to date on the current COAs. Next month Staff will present past COAs to the Commission.

Mr. Weir: How long does it take for the fines to escalate?

Mr. Wisemiller: First offense is \$50.00. The next week is \$100.00, one week after that is \$250.00 and \$250.00 for each week thereafter.

Ms. Pearce: Please explain the property tax on Historic Landmark Properties.

Mr. Holec: To the issue of recovery of back taxes, there is a statutory mechanism for recovery of the amount of taxes which a designated historic landmark saves as a result of the provisions of North Carolina General Statute 105-278 which designates designated historic landmarks as a special class of property which results in the property being taxed on the basis of 50% of the true value of the property. The amount of the savings resulting from the classification is a lien on the property of the taxpayer that is not payable until the property loses the benefit of this classification either as a result of a change in the ordinance or a change in the property (except by fire or natural disaster) which causes its historical significance to be lost or substantially impaired. Since the benefit of the classification is triggered by the property being designated as a historic landmark by ordinance, an ordinance to repeal the designation of the property as a historic landmark would be necessary in order to disqualify the property from this benefit. The tax for the fiscal year which opens in the calendar year in which the disqualification occurs would be based upon 100% valuation and taxes for the preceding 3 fiscal years that have been deferred are payable immediately.

Ms. Pearce: I would like for the Commission to have some way that informs property owners of this process.

Mr. Holec: This is an educational process.

Ms. Savut: Thank you for the informative presentation.

ANNOUNCEMENTS/OTHER

Mr. Wisemiller: Greenville was selected for 2008 as one of the three cities for the State Historic Preservation Office's training sites.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Tom Wisemiller
Planner I