

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

The Historic Preservation Commission met in regular session in the Buggy Conference Room, 115 Chatham Street, Sanford, NC, on Monday, June 27, 2022, at 6:00 PM.

ROLL CALL

Members Present: Brian Mitchell, Chair
 Greg Stoch, Vice-Chair
 Jason Cline
 Charles Petty
 Brenda Johnson

Staff Present: David Montgomery, Long Range-Transportation Planner
 Angela Baker, Clerk to the Board
 Kevin Hornik, Attorney

Having noted the presence of a quorum, Chair Mitchell called the meeting to order.

APPROVAL OF AGENDA

Board member Stoch made the motion to approve the agenda, seconded by Board member Johnson, the motion carried unanimously.

APPROVAL OF MINUTES

Board member Stoch made a motion to approve the May 23, 2022, minutes, seconded by Board member Cline, the motion carried unanimously.

NEW BUSINESS

Administer the Oath: Chair Mitchell called all participants speaking in favor of, or against the COA's, as well as staff, to come forward to be sworn in for testimony. Applicant Brian Wallace; Dennis Wicker and Staff David Montgomery appeared and took the oath.

Conflicts of Interest: None.

- A. COA-22-50 – Application by Punic Properties, property owners of 119 and 121 S. Steele Street who installed a 6-foot-tall chain link fence at the rear of the property without benefit of a COA – an after the fact review.

Staff Presentation: Staff Montgomery stated that the Historic Preservation Commission received a Certificate of Appropriateness COA-22-52 application from Punic Properties, property owners of 119 and 121 S. Steele St. who installed a 6-foot-tall black chain link fence at the rear of the property without benefit of a COA; this is an after the fact review. The

business is a Few Nice Things. It was advertised in accordance with the General Statues and posted on June 15, 2022, and June 22, 2022.

Exhibit A- Photo taken by Applicant
Exhibit B – Photo from Google maps.

Guidelines

4. Streetscape

c. Fences and Walls

- Use fences, gates and walls in addition to landscaping to appropriately screen parking lots, loading areas, trash receptacles, and utility structures.
- Design fences and walls to be compatible with and integral to the buildings they serve.
- Use appropriate materials for fences and walls such as tone, brick, iron and wood.
- Avoid chain link, basket weave and other incompatible fence types and styles.

i. Utilities.

- Use landscaping, walls and fences as appropriate to screen utility equipment and facilities.

Staff Analysis:

The applicant installed the black chain link fence without approval of COA. This is an after the fact review. The fence is located in a rather inconspicuous space to the rear of the property and not readily visible from Carthage Street, the only street it would be visible from. It should be pointed out that the applicant did install a black fence rather than an ordinary chain link fence. That being said, the guidelines clearly state to avoid chain link, basket weave and other incompatible fence types. Staff suggests that if the Commission is uncomfortable with the fence as is, to recommend screening the fence with horizontal or vertical wood slats or something comparable rather than removing the fence and replacing it with something else.

The staff report was entered into the record.

Board Questions:

Chair Mitchell asked on Exhibit B, where would it be located.
Staff Montgomery said under the gray roof line.

Board member Stoch asked if the applicant stated why they put up the fence.
Staff Montgomery stated they were concerned about people hiding down back in there. They had to dig it out, and when they did, it left an area where people could congregate. They wanted to make sure that it was safe and secure.

Applicant's Testimony:

Brian Wallace, Raleigh, NC.

Mr. Wallace apologized for coming before the board after the fact. This was an oversight on their part, and never intended to not follow the rules. He said the basement was full of mud and debris. It was cleaned out. The client spent about \$40,000 digging the basement out. It created a place for people to congregate. It left a 2ft wide place, with a 10 ft. drop. It created a situation. Didn't know they were in violation of Historic Preservation rules. It will be a safety concern, a liability standpoint, something needs to be there.

Board member Stoch asked what were the suggestions for a fence, other than wood. Mr. Wallace said applicant talked to the contractor about weaving vinyl panel through the fence to screen; if the Commission is looking for screening. He said that wood probably wouldn't last as long.

Board member Stoch said he appreciated the applicant be concerned for safety.

Board Discussion

Board member Stoch stated that he felt that the slats would allow people to get down there and hide.

The Board discussed the other chain link fences in the district.

The Board agreed that this fence was in the rear of the property; and would be the safety concerns.

Motion:

Board member Stoch moved that the Historic Preservation Commission find as fact that the proposed project COA-22-50, that the installation of the black chain link fence in the rear of the property, when completed in accordance with the Downtown Design Guidelines and the decision of the Commission, is not incongruous with the character of the district, for the reason that it is there for safety reasons, but it is in the center of the block, not facing the street side, and is done in a way that minimizes its visibility as much as possible therefore, for the following reasons are generally in harmony with the criteria in the design guidelines and the special character of the neighboring properties and the historic district as a whole. Seconded by Board member Cline. The motion carried.

Final Motion:

Board member Stoch moved that based on the preceding findings of fact, moved that the Historic Preservation Commission grant a Certificate of Appropriateness COA-22-50, to owner Punic Properties, 119 and 120 S. Steele Street as submitted. Second by Board member Johnson. The motion carried.

- B. COA-22-54 – The Historic Preservation Commission received a Certificate of Appropriateness COA-22-54 application from owner Kelly Perry and applicant Dennis Wicker, who wish to paint a mural on the north facing wall.

Staff Presentation: Staff Montgomery stated that the Historic Preservation Commission received a Certificate of Appropriateness COA-22-54 application from owner Kelly Perry and applicant Dennis Wicker, who wish to paint a mural on the north facing wall. This is the Kelly's School of Dance on N. Steele Street.

It was advertised in accordance with the General Statutes and posted on June 15, 2022, and June 22, 2022; letters were mailed to adjacent Property owners on June 15, 2022; and posted on June 15, 2022.

Exhibit A- Photo by Staff for North facing wall from Steele Street

Exhibit B – Photo by Staff for Wall Section for Mural

Guidelines

4. Rehabilitation of Existing Structures

e. Masonry

1. The regular inspection and maintenance of masonry, with an eye toward the effects of weathering, is preferable to repair and replacement.
2. When repair or replacement is necessary, the new material shall conform to the original texture, material and overall appearance.
3. Only originally painted masonry should be repainted. Avoid the painting of previously unpainted masonry surfaces.
4. Avoid masonry maintenance methods that are destructive to the original material.

Staff Analysis:

The Historic Commission granted approval of this mural at 221 Carthage Street in COA-21-66. The supporters of the mural have since changed their minds and would like to have the option of having the mural painted in this location. The original mural was to be 22.5' h x 28' w. The height of this wall is approximately 29'. Therefore, the new mural could be 29' h x 25' w. Staff would also like to have the ability to have another mural be painted at this location if this mural is not painted at this location provided the mural content is approved at the Staff level.

The staff report was entered into the record.

Board Questions:

Board member Stoch stated that we had approved this mural at a different location. Staff Montgomery said yes, the building across from La Dolce Vita building. That was an unpainted building as well.

Chair Mitchell, said that it was an un-contributing building. Staff Montgomery, said yes at the time, but it may be contributing now.

Board member Stoch the thought is to switch from one building to another. Staff Montgomery said yes.

Board member Stoch asked how many murals had been painted on contributing structures. Staff Montgomery said that he thinks most buildings were non-contributing, but are now contributing.

Attorney Hornik shared that the question whether or not this is a contributing structure is not necessarily relevant to whether or not this is not incongruous with the character of the district.

Applicant's Testimony:

Dennis Wicker, 1201 Burns Drive, Sanford, NC.

He stated that he represented a group of people that played on three back to back State football championships; Sanford Central High. He played with two of them, and one individual that played on all three and he is still living and lives in St. Louis. He was recruited by every college in America. He chose to go Duke University and there he became All American and set a rushing record for the ACC, and was ACC player of the year. He was drafted by the Los Angeles Rams and was traded with the St. Louis Cardinals where he played professional football for six years as a starting running back. He is legendary in this County. He was inducted in the NC Hall of Fame for what he accomplished. He is still living, and is confined to a wheelchair.

He stated that apparently that there is some interest from a developer that perhaps the building of the original location of the mural would possibly be torn down. He said that a grant from the legislature in the amount of \$10,000 for this mural and personal money has been obtained for the remainder of the cost. He said that they didn't want to spend the money with the possibility of it being torn down. With the advice of Liz, they began to look at another location. Chap and Kelly Perry are supportive of the mural going on the building, and remember the person very well.

Board member Stoch stated that brick is only original, unpainted once. He asked was there any other building that has been painted that could be considered with just as prominent view.

Mr. Wicker said that they have covered the area pretty well and they have not been able to find it. Owners are reluctant to have murals on their building.

Board member Stoch asked about the East side of Yarboroughs.
Mr. Wicker said that he would have to look at it to be sure.

Board member Stoch said he does not like to paint unpainted brick.
Mr. Wicker said this is a unique case. The owners of the building want to contribute.

Chair Mitchell said that in order to continue the mural project, eventually you would have to put murals on unpainted canvas'.

Mr. Wicker said that Sanford is being discovered, and one thing that is mentioned that is an attraction of the city are the murals. He said that he would advocate that this is going to be part of the Historic of the District.

Board Discussion

Chair Mitchell stated that he thinks the City would like the mural project to continue downtown. So, for that to happen, the buildings are limited.

Board member Petty discussed the murals being an addition to the District. It is not painting unpainted brick, but a canvas for the ongoing mural project.

Board member Johnson asked if the Appearance Commission had approved the mural.
Staff Montgomery said that they are aware of the mural, but have not come to that process yet.

Board member Stoch asked was the artist known.
Staff Montgomery said that Chris Dalton is the artist who's rendering has been chosen.

Board member Stoch said that the special character of the District is changing and the mural is the of a historical precedence.

The Board discussed in detail the painting of brick; the painting of brick as a mural; and the Historic factors of a mural for the Downtown.

Motion:

Board member Cline moved that the Historic Preservation Commission find as fact that the proposed project COA-22-54, that the painting of a mural on the north facing wall of the building, when completed in accordance with the Downtown Design Guidelines and the decision of the Commission, is not incongruous with the character of the district, for the reason that Sanford has an established mural project that is ongoing, the mural that is going to be painted is of someone from Lee County and a historic figure to the County, and it is not just painting brick a color it is to commemorate a historic figure, for the following reasons are generally in harmony with the criteria in the design guidelines and the special character of the neighboring properties and the historic district as a whole. Seconded by Board member Petty. The motion carried, with Board member Stoch voting no.

Final Motion:

Board member Cline moved that based on the preceding findings of fact, moved that the Historic Preservation Commission grant a Certificate Appropriateness COA-22-54, to owner Kelly Perry and applicant Dennis Wicker and approve the proposal as submitted. Second by Board member Petty. The motion carried, with Board member Stoch voting no.

Old Business

Staff Montgomery read the COA's that had been approved. Attached.

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned on motion of Board member Stoch, seconded by Board member Petty, and unanimously carried. The meeting was adjourned at 7:45 pm.

Adopted this 24th day of October, 2022.

BY: 
Chair

ATTEST:


Angela M. Baker, Clerk