

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

The Historic Preservation Commission met in regular session in the City Council Chambers at City Hall, 225 E. Weatherspoon Street, on Monday, June 28, 2021, at 7:00 PM.

ROLL CALL

Members Present:                Brian Mitchell, Chair  
   Allen Gordon  
   Philip Yarborough  
   David Underwood  
   Jason Cline  
   Charles Petty

Council Member:                Sam Gaskins

Staff Present:                    Liz Whitmore, Historic Preservation Planner II  
   Angela Baker, Clerk to the Board

APPROVAL OF AGENDA

Having noted the presence of a quorum, Chair Mitchell called the meeting to order, and entertained a motion to approve the agenda. Board member Petty made the motion, seconded by Board member Underwood, the motion carried unanimously.

APPROVAL OF MINUTES

Chair Mitchell asked for a Motion to approve the May 24, 2021, minutes. Board member Yarborough made a motion, seconded by Board member Petty, the motion carried unanimously.

NEW BUSINESS

Administer the Oath: Chair 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 Tim Emmert and Staff Liz Whitmore appeared and took the oath.

- A. COA – 21-48: Application by Brandon Atkins, property owner of 229 Wicker Street and applicant Tim Emmert who wish to build a deck with seating in the far corner of the Hugger Muggger Beer Garden of which 7 linear feet of the eastern part is owned by the City of Sanford.

Conflicts of Interest: Each member and Applicant confirmed that there were no conflicts.

Staff Presentation: Staff Whitmore stated that the Historic Preservation Commission received a Certificate of Appropriateness (COA) Application, COA -21-48, from Brandon Atkins

property owner of 229 Wicker Street and applicant Tim Emmert who wishes to install a deck and associated seating in the far corner of the Hugger Mugger Beer Garden. The case was advertised in accordance with the General Statutes, and the site was posted on Monday, June 16, 2021.

The applicant intends to build a deck to cover an area 14 feet 5 inches by 8 feet with a seating (approximately 1 foot wide) around the outside edge on three sides. A low railing consisting of a single board will act as a seat back on these sides. Skirting consisting of pine board will run from the decking to the ground. The deck will be supported / connected by four treated pine four by fours seated on small concrete pad on the ground.

The decking will be built over a storm drain that Kris Furmage with the City indicates was privately installed and is not maintained by the city nor are there any particular requirements for treatment of it. It appears the decking will be no higher than 11 inches off the ground to clear the storm drain. A step may be required to reach from the beer garden to the decking.

Exhibit A, Page 9; Photo of area where seating and deck is to be installed.

#### Guidelines:

##### Street Furniture

1. Do not use inaccurate and inappropriate historic styles for street furniture (benches, lightning, landscape structures, etc.) and water features.  
Comment: The proposed deck and associated seating will be constructed of wood (Exhibits B and C, pages 10 and 11). The beer garden has an array of different styles of seating such as pine picnic tables (Exhibit D, page 12), cedar picnic table (Exhibit E, page 13) and wood benches (after-the-fact COA 21-47) (Exhibit F, page 14)/
2. Avoid brightly colored and high gloss surfaces for street furniture and water features.  
Comment: The proposed deck and associated seating is not brightly colored or a high gloss finish.

#### Staff Analysis:

Exhibit G, page 15 is an email from Kris Furmage, Facilities and Beautification Administrator which states:

“.... have signed the COA’s but I am doing so with the understanding that if City Staff / Crews needed to gain access to the areas where these pieces of furniture are being placed, for whatever reason; repair a utility, install a utility, etc., it is understood that these pieces of furniture will not be mounted permanently in such a way that they can’t be removed to gain that access. Also, it needs to be understood that the City of Sanford will not be held liable for any damages to these pieces of furniture as a result of them being located on City property. As long as these things are understood, there shouldn’t be a problem with this request.”

Prior to the release of the Placard the applicant shall obtain zoning approval and shall acquire building permits prior to commencing the construction of the deck and associated sealing and provide copies to Historic Preservation staff for the inclusion in the official file.

The above comments are the opinion of staff only and it is the Commission's discretion whether to agree or disagree with staff and make any additions or deletions as they deem fit.

Board Questions:

Board member Yarborough asked if the structure design would be up to the building code and inspections department.

Staff Whitmore stated yes.

Board member Yarborough asked if the design and appearance would be up to Staff.

Staff Whitmore stated yes.

Applicant's Testimony:

Tim Emmert 229 Wicker Street, Sanford. He stated that everything seems to be in order as presented.

Chair Mitchell asked if he was in agreement with the City of Sanford's email.

Mr. Emmert stated yes, that he also had the same agreement with Duke Energy.

Board Discussion:

Chair Mitchell stated that there was nothing unusual; it is typical; it is at the back of the building; and presents less questions.

Staff Whitmore stated that the 7-foot strip is owned by the City of Sanford and has given permission for it to be used and built upon.

Motion:

Board member Cline moved that in regards to COA-21-48, 229 Wicker Street, that the Historic Preservation Commission find as fact that the installation of a deck with associated seating located in the Beer Garden when completed in accordance with the Downtown Design Guidelines and the decision of the Commission, is congruous with the character of the district, the placement will not be visible from Wicker Street; using wood and there will be no paint or glossy finish and for the reasons that and therefore is 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 Yarborough.

Chair Mitchell called for a vote. The motion carried.

Final Motion:

Board member Cline moved that based on the preceding findings of fact, moved that the Historic Preservation Commission grant a Certificate Appropriateness to property owner Brandon Atkins and applicant Tim Emmert for the installation of a deck with associated seating located in the Beer Garden located at 229 Wicker Street (COA-21-48) subject to the following conditions:

1. Prior to release of the placard for the construction of the deck and associated seating the applicant shall provide a copy of the Zoning Clearance as well as a copy of the building permit if one is required.

Second by Board member Yarborough.

Chair Mitchell called for a vote. The motion carried.

B. COA's. Staff Whitmore read off the COA's that had been approved.

C. Announcements:

- a. Starting with the July meeting Historic Preservation Meetings will begin at 6:00 pm
- b. September Meeting change date of September 20, 2021.
- c. Carolina Indie Fest September 18 and 19.
- d. Downtown Street Fest and Fireworks October 9 – HPC will have a table and will give out information.

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned on motion of Board member Petty, seconded by Board member Underwood, and unanimously carried. The meeting was adjourned at 7:30 pm.

Adopted this 26th day of July, 2021.

BY: Brian Mitchell  
Brian Mitchell, Chair

ATTEST:

Angela M. Baker  
Angela M. Baker, Clerk