

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of Meeting of April 15, 2009

Commissioners Present: Staci Blatt, Bette Carter, Ralph Freeman (Chair), Barbara McCoy, John Ogletree, Larry Phillips, Brook Tate, Jo Tyler

Commissioners Absent: George Henry

Staff Present: Sue Anderson, Planning Director, Tim Murphy, City Planner; Lu Ann Welter, Administrative Assistant

- I Call to Order.** The Chair called the monthly meeting of the Hendersonville Historic Preservation Commission to order at 5:02 p.m.
- II Agenda.** *On motion of Commissioner Carter, seconded by Commissioner Tyler, the Commission approved the agenda.*
- III Minutes.** *On motion of Commissioner McCoy, seconded by Commissioner Ogletree, the minutes of March 18, 2009 were approved.*
- IV Main Street Local Historic District Expansion Public Comment.** Tim Murphy, City Planner, gave the following background:

The Planning Department is in receipt of a proposal from the City of Hendersonville's Historic Preservation Commission for the expansion of the Main Street Local Historic Overlay District. Local designation is a means by which the City, for the purpose of preserving historic districts and landmarks, can regulate the changes a property owner can make to the exterior facades of buildings and site landscapes located within a district.

On May 3, 2007, City Council enacted a Zoning Ordinance amendment to create a Local Historic Overlay District around Main Street. This amendment was based on a Designation Report prepared by Sybil Argintar Bowers in 2005 and was subject to public comment at various meetings held by the Historic Preservation Commission, Planning Department, and City Council. The adopted Main Street Local Historic Overlay District consists of a total of 77 properties fronting on Main Street from 1st Avenue to 6th Avenue and several properties on 5th Avenue East.

All of the properties in the current Main Street Local Historic Overlay District are also in the Main Street National Historic District. The significance of inclusion in a Local Historic District as opposed to a National Historic District is discussed further below. The Main Street National Historic District was added to the Department of the Interior's National Register of Historic Places on December 28, 1988 and was further expanded in October 2006. It is comprised of a total of 110 properties fronting on Main Street from 7th Avenue to Allen Street as well as properties on 1st thru 5th Avenues, King Street, and Church Street. When first proposed by the Historic Preservation Commission, the Main Street Local Historic District was intended to include all of the properties included in the Main Street National Historic District. However, the Main Street Local Historic Overlay District that was ultimately adopted excluded 33 properties that are included on the National Register.

The intent of the current proposal is to expand the Main Street Local Historic District so that its boundaries match those of the Main Street National Historic District. At a Historic Preservation Commission meeting on November 18, 2008, the Commissioners unanimously voted to direct Commission Chairman Ralph Freeman to address City Council to determine if they had an interest in expanding the Main Street Local Historic District. After a presentation to City Council by Mr. Freeman on December 4, 2008, City Council agreed to consider the expansion of the Main Street Local Historic District. On February 18, 2009, the Historic Preservation Commission unanimously voted to direct staff to prepare a Designation Report for the expansion of the Main Street Local Historic District to match the Main Street National Historic District boundary. Using information compiled by Sybil Argintar Bowers during the preparation of the previous Designation Report, staff prepared a Designation Report for the expansion dated March 4, 2009. The Designation Report has been forwarded to the North Carolina Department of Cultural Resources State Historic Preservation Office for comment as required by the City of Hendersonville's Code, Chapter 28: Historic Preservation. A response letter from the State Historic Preservation Office dated March 20, 2009 stated that "*The designation report provides adequate architectural and historic contexts for the significance of the district*".

Staff has mailed a written notice to the owner(s) of each property that is proposed to be added to the Main Street Local Historic Overlay District (see attached sample letter). If the Historic Preservation Commission takes action to recommend approval of the expanded Main Street Local Historic District, the attached Zoning Ordinance amendment will be reviewed by the Planning Board prior to the public hearing at City Council to adopt the proposed Zoning Ordinance amendment.

Local designation differs from the National Register. The Main Street National Register district was established in 1988. National Register Fact Sheet 1 states, "[T]he listing of a property in the National Register places no obligation or restriction on a private owner using private resources to maintain or alter the property." This means that owners of property on the National Register can develop, redevelop, or rehabilitate their properties in any manner they wish if only using private funds. However, if federal or state funds are used (i.e. highway construction and/or Community Development Block Grant projects) the North Carolina Department of Cultural Resources State Historic Preservation Office is given the opportunity to negotiate the preservation of historic properties with the property owner or government agency involved. National Register designation does not provide absolute protection for the historic property or district.

Listing a property on the National Register is an honor that provides limited benefits. The main benefit of having one's property listed on the National Register is that the property owner is eligible to receive tax incentive credits (income producing property, 20% federal and 20% state; non-income producing, 30% state) for qualified rehabilitation projects approved by the State Historic Preservation Office. Owners of property listed on the National Register can also receive plaques identifying their building(s).

The National Register is sometimes confused with a locally designated historic district. Local designation includes a separate zoning overlay district which must be approved by City Council. Properties included in the overlay district will continue to be zoned as they are currently but will also be subject to the overlay district. The attached map shows the location of the proposed zoning overlay.

For properties included in the expanded Main Street Local Historic Overlay District, the practical effect would be that any new construction or alterations to the exterior of existing buildings would require a certificate of appropriateness from the Hendersonville Historic Preservation Commission. The process of obtaining a certificate of appropriateness may, depending on the extent of the work, be handled by staff or may require review by the Commission. There is no application fee for a certificate of appropriateness. The required certificate of appropriateness

must be approved by the Historic Preservation Commission. The Historic Preservation Commission classifies projects into three categories: normal maintenance which is allowed by right, minor works which can be approved by Historic Preservation Commission staff (the Planning Department), and major works which must be approved by the full Historic Preservation Commission.

Exterior improvements requiring a Certificate of Appropriateness will need to comply with the Main Street Local Historic District Design Guidelines adopted by the Historic Preservation Commission on May 16, 2007. The Commission uses the Design Guidelines as a basis for their decisions on applications for certificates of appropriateness. The Design Guidelines provide standards for site features such as signage and awnings, parking, lighting, changes to the building exterior such as storefronts, side and rear facades, windows and doors, and use of materials. For additions and new construction the design guidelines address setbacks, scale (height and bulk), materials, decks, and terraces. Demolition and relocation is also addressed in the design guidelines.

The power to recommend the local designation of historic districts and/or landmarks is given to the Historic Preservation Commission in Section 28-42(2) of the City's Historic Preservation Ordinance which is located in Hendersonville City Code, Chapter 28. Section 28-111 states, "[H]istoric districts established pursuant to this chapter shall consist of areas which are deemed to be of **special significance** in terms of their history, prehistory, architecture and/or culture, and to possess integrity of design, setting materials, feeling and association".

The following process regulates the local designation of historic districts and ensures that they are established on terms of special significance as described above. This process is outlined in Section 28-112 of Hendersonville City Code and includes the following: "(a) Investigation and recommendation by historic preservation commission; (b) Review by the department of cultural resources; (c) Review and comment by the planning board; (d) Designation by city council."

As was previously stated, comments from the Department of Cultural Resources State Historic Preservation Office have already been received. If the HPC votes to recommend approval to expand the Main Street Local Historic Overlay District, then a Zoning Ordinance amendment will be forwarded to the Planning Board for review and comment at their meeting on May 11, 2009. It is anticipated that City Council will review the proposed Zoning Ordinance amendment to expand the Main Street Local Historic Overlay District at their meeting on June 4, 2009. All affected property owners and owners of property adjacent to the affected properties will be notified of the Planning Board and City Council meetings, should the proposal move forward for adoption.

The current proposal would add 33 properties around Main Street that are currently located in the National Historic District to the Local Historic District. As is shown on the attached map, these properties are located on the 600 block of North Main Street; the 100 Block of South Main Street; on 3rd and 4th Avenues East and West; on Church Street; and on King Street. Twenty-eight (28) of the 33 properties that are proposed to be added to the Main Street Local Historic Overlay District are considered to be contributing to the character of the historic district. Parking lots occupy the five (5) non-contributing properties. Non-contributing properties can be included in a historic district when they are an integral part of the district (i.e. surrounded by or connecting contributing properties).

Dates of construction of buildings located in the proposed district expansion range from 1850 to the 1970's. The period of significance ranges from 1850 to 1955. Predominant architecture found within the district is Commercial and Classical Revival. The surface materials of most buildings include brick or stone.

The Chair opened the public comment session. Luther Smith said he owned 119-123 3rd Avenue West and questioned the address in the designation report. He also noted that half of the building was shown on the map along with a parking lot. In reviewing the Main Street Design Guidelines, Mr. Smith's greatest concern is that the rear areas of buildings are subject to the COA process. He said he was on the committee that wrote the guidelines and thought they only applied to facades visible from the street. Mr. Smith said he did not mind being in the district but is concerned with the rear guidelines.

The Chair noted one letter was received, from TjF Enterprises, requesting 125 5th Avenue West be left out of the district.

With no further comments from the public, the chair closed the public comment session. The Chair remarked to Mr. Smith's concern of rear façade and said the guidelines may need to be reviewed. Commissioner Blatt agreed and asked how they could be changed. Ms. Anderson said the Commission could make any changes since they adopted them. The Chair asked the Commissioners review the Main Street Design Guidelines and discuss them at next month's meeting. Commissioner Blatt asked about the incorrect addresses. Ms. Anderson said staff can change that.

Commissioner Carter moved the Commission to recommend, based on the designation report and district boundary map, to the Planning Board and City Council the adoption of the proposed expanded Main Street Local Historic District as a zoning overlay district. The motion was seconded by Commissioner Blatt. In discussion, Commissioner Blatt asked about excluding 125 5th Avenue West. The Chair said City Council will decide if the boundaries should be changed. ***The motion passed unanimously.***

V Main Street Expansion RFPs. Mr. Murphy gave the following analysis:

On March 18, 2009, the Historic Preservation Commission directed staff to issue a Request for Proposal for a study for the expansion of the Main Street Local Historic District. The proposed expansion study area includes 99 properties around the existing Main Street Local Historic District and is bounded by 7th Avenue on the north; Grove Street on the east; Barnwell Street on the south; and Church Street, Washington Street, and Buncombe Street on the west. The selected consultant will conduct an architectural survey of the study area and prepare a Designation Report documenting the qualifications of each property for inclusion in an expanded Main Street Local Historic District.

Staff posted the Request for Proposal on the City of Hendersonville's website and notified potential bidders through the Historic Preservation Listserv at the University of North Carolina. Staff also directly contacted each of the National Register Consultants identified by the North Carolina Department of Cultural Resources and made them aware of the Request for Proposal.

Five (5) proposals were received by the submission deadline of April 10th. Staff has reviewed the proposals and has prepared the attached summary table, which outlines the consultants' qualifications, anticipated schedule, and cost for preparing the Main Street Local Historic District Designation Report. Two (2) additional proposals were received from Jaeger Consulting and Leora Studholme McAuliffe after the submission deadline.

Since the City has not previously worked with the lowest bidder, Acme Preservation, Chairman

Ralph Freeman requested on April 13th for Staff to obtain references from Acme's previous employers. Staff has contacted the following organizations that previously or currently have retained Acme Preservation: City of Asheville, Transylvania County, Town of Tryon, and Town of Black Mountain. References for Sybil Argintar were not checked because of the City's prior experience working with her. References for the other consultants who submitted proposals were not checked due to the cost of their proposals.

Mr. Murphy summarized the reference check on Acme Preservation.

The Commission reviewed the proposals. The Chair said he felt Sybil would be good to work on this as she has prior knowledge of the area. Commissioner Carter noted the different timelines. Ms. Anderson commented that whichever consultant is selected, the contract will reflect payment over this fiscal year and the next fiscal year. Commissioner McCoy added Sybil has a lot of experience in Hendersonville having done many other reports.

Commissioner Blatt moved the Commission to award the study to Sybil Argintar with the adjustment of payment schedule. The motion was seconded by Commissioner Carter and passed unanimously.

VI West Side Historic District. Mr. Murphy reminded the Commission at last month's meeting, staff was directed to bring this map before them to see if local designation was something they would like to revisit. The Chair said this came up from a comment by the Mayor. Commissioner Blatt said she did not feel the Commission should move forward with this. The Chair agreed based on limited funds. Commissioner McCoy said Sybil did the National Report for this district and would know a lot about it. Ms. Anderson suggested a letter be sent out to poll residents if they are interested. ***The Commission agreed not to move forward at this time.***

VII Downtown Hendersonville Inc., Trolley. Commission Carter distributed a summary of the Ad Hoc Committee's work on a downtown trolley. In discussion, the Commission addressed the stops, cost and possible uses of a trolley.

VIII Façade Grant. Mr. Murphy gave the following background:

At the January 21, 2009 meeting of the Historic Preservation Commission, Lee Henderson-Hill mentioned that Downtown Hendersonville, Inc. is interested in coordinating with the Commission on the distribution of grants for façade restoration. Staff subsequently met with Lee Henderson-Hill on March 6th and received input on the scope of the program and its administration. Staff then met with Staci Blatt of the District Improvements Committee on March 12th and received her recommendations on what type of façade improvements the program should cover. The recommendations provided by Lee Henderson-Hill and Staci Blatt were provided to the Historic Preservation Commission in a memo dated March 16th.

At the Historic Preservation Commission meeting on March 18th, the Commissioners agreed to contribute a total of \$ 2,000 to the façade grant program during the next fiscal year. The maximum grant match to be provided by the Historic Preservation Commission for each project is \$ 500, so the Commission will essentially contribute to 4 façade grant projects per year. At the March 18th meeting, the Commissioners also provided input on what type of improvements will and will not be covered by the façade grant program.

Staff has now incorporated the Historic Preservation Commission's comments into a draft façade grant program procedure and brochure (see attached). The procedure has been

reviewed by Lee Henderson-Hill of Downtown Hendersonville, Inc. and the draft procedure has been revised in accordance with her comments. The procedure and brochure are now being provided to the Historic Preservation Commission for your comments.

The procedure and brochure need to be approved by the Historic Preservation Commission and Downtown Hendersonville, Inc.'s Board prior to enacting the program. Staff will also see that the procedure is reviewed by City Attorney Sam Fritschner and that if necessary a sample contract between the Historic Preservation Commission and façade grant applicants is prepared. Once the procedure and brochure has been approved, Staff will work with Downtown Hendersonville, Inc. on distributing the brochure. The procedure, brochure, and application will also be posted on the Historic Preservation Commission's website.

Commissioner Tate suggested that item 4 not include "repair". The Chair asked if DHI has had any feedback from the public. Lee Henderson-Hill, of DHI, said only the Design Committee was aware of this process. Ms. Hill did ask if a member of HPC would serve on the Design Committee when there is a review for a façade grant outside the HPC jurisdiction. Commissioner Tate volunteered.

Commissioner Tate moved the Commission adopted the Façade Grant Program Procedures. Commissioner McCoy seconded the motion which passed unanimously.

IX Committee Reports –

- Designation Committee – No report.
- Community Affairs – Ms. Welter reported on events planned for Preservation Week. She also said that a newsletter would be going out soon. The Commission discussed the Main Street Walking Brochure.
- District Improvement – No report.

X Commissioners Comments. The Chair directed staff to look into a clean up day in the historic district for the fall.

XI Staff Comments. Ms. Anderson updated the Commission on the Grey Hosiery Mill Easement. She said City Council has decided to put the matter on hold and investigate the possibility of a city backed conference and civic center at that site.

Mr. Murphy reported back to the Commission the city has no requirements concerning the removal of graffiti.

Mr. Murphy reviewed the National Forestry and cell tower inquiries sent to the Commission for comment. The Commission had no comment as both inquiries were outside their jurisdiction.

XII Financial Report. *On motion be Commissioner Phillips, seconded by Commissioner Blatt, the financial report was approved.*

XIIAdjournment. *The meeting adjourned at 6:44 p.m.*