

## HISTORIC RESOURCES COMMISSION

Tuesday, December 8, 2015

The Historic Resources Commission held a called meeting on Tuesday, December 8, 2015 at 6:00 p.m. in the Council Chambers of the Graham Municipal Building. Commission Members present were Helen Sharpe, Denise Baker, Cary Worthy, and Larry Brooks. Members absent were Grace Baldwin, Brenda Sykes, and Lauren Nance. Staff members present were Nathan Page, City Planner and Martha Johnson, Zoning/Inspections Technician.

Larry Brooks called the meeting to order and explained the function of the Commission.

1. Approve minutes of the October 13, 2015 meeting. Helen Sharpe made a motion for approval, second by Denise Baker. All voted aye.
2. Continued discussion regarding the North Main Street Historic District. Nathan Page stated he was asked to check into potential guidelines based on what other cities are using. The City of Burlington was the closest and was not a good example for what we are trying to do in this location. Mr. Page said the City of Burlington regulations covers a lot more than what this Commission is interested in getting involved with. Mr. Page gave the following rough guidelines that he was presenting for discussion:

Adhere to neighborhood for

- Build to line
- Massing
- Garage and parking to side/ rear

Trees within the viewshed (within 30' of the front of lot) need to be replanted if removed.

Porch must cover 50% of the front façade for new construction, or in the case of demolition of front façade of structure, the porch must be at least as large as was previously existing. Façade(s) visible from a street must be clad with brick or stone masonry, wood, stucco or similar appropriate material. The use of textured vinyl siding can be used but shall not exceed 25% of the visible side(s) of the building.

Ms. Sharpe talked about her concern with property owner turnovers in the future. Ms. Sharpe was worried about the number of families moving into one residence. Cary Worthy agreed with her but he wasn't sure if the Commission was allowed to do that. Mr. Page said although we can't define the number of families but we can dictate the only use in the district is single family dwelling. Mr. Worthy mentioned that some would need to be grandfathered in if there are any multi use there now. Mr. Worthy stated that it would protect the neighborhood.

Next Guy Sinclair gave his comments about the proposed district. Mr. Sinclair said he and his wife live at 507 North Main Street which is in the heart of your newly proposed Local Historic District – My wife and I have lived at 507 North Main Street for more than 25 years. My wife and I also own a two story building at 113 North Main Street; that building is next door to the Graham Cinema and we have owned that building for more than twenty years – so my comments here this evening pertain not only to your newly proposed Local Historic District but also to the current Local Historic District.

I have studied your current handbook – (The Handbook of the Historic Resources Commission). Page PO-4 of your handbook states the following: *“Graham’s current Local Historic District is governed by the City of Graham’s Development Ordinance. Violation of this development ordinance shall constitute a misdemeanor.”*

When I saw the word “misdemeanor” I became concerned and did some research – I found that North Carolina law divides misdemeanors into four categories;

The first category is a class 3 misdemeanor; this is the least serious type of misdemeanor. A Class 3 misdemeanor carries a maximum penalty of twenty days in jail and a fine of \$200.

The second category is a Class 2 misdemeanor – A class 2 misdemeanor carries a maximum penalty of sixty days in jail and a fine of \$1000.

The third category is a class 1 misdemeanor – A class 1 misdemeanor carries a maximum penalty of 120 days in jail and a discretionary fine - a discretionary fine means that the amount of the fine is left to the judgment of the court.

The fourth category of misdemeanor is a class 1A misdemeanor – a class 1A misdemeanor carries a maximum fine of 150 days in jail and also carries a discretionary fine.

So that I, and others, may understand more about this proposed North Main Street Area Local Historic District I have three questions for your seven commissioners.

#1: In reference to these misdemeanor penalties please explain why you would expose me, your fellow neighbors, your friends, and your fellow citizens to possible jail times and fines which they would incur if they are unable or otherwise fail to comply with your rules and regulations. Do any one of you seven commissioners truly believe I should be jailed if I paint my steps a color which you determine to be inappropriate? Please raise your hand if you truly believe money should be taken from me if I reroof my home with a single of which you disapprove.

#2 As long as current zoning laws and building codes are met please explain why a homeowner should have to have your permission before painting their front steps, reroofing their house, planting shrubbery in their front yard, or installing new window shutters. As long as current zoning laws and building codes are met what makes your judgment superior to those of the individual homeowner?

#3 My last question is; will any home or property owner be allowed to opt out of this newly proposed Local Historic District?

Thank you, I will listen intently to your answers to my three questions and I trust I will see my questions and your answers soon published in the minutes of this meeting.

Mr. Brooks said the rules were setup as guidelines to protect the district and not to penalize anyone. Mr. Brooks said he didn't know of any historical district that gives the option to opt out of it. Mr. Brooks said he did agree with Mr. Sinclair that he does have certain rights on his property.

Several of the Commission Members have heard from the neighbors in that location, some in favor of the district and some not in favor. After much discussion concerning the setbacks and build line Mr. Brooks suggested not to take any action on this tonight. Mr. Brooks said the Commission still needs to pursue getting additional comments or suggestions and if Mr. Page comes up with anything else.

3. COA1503- Opera Sign: An application by Jason Cox of Carolina Property Holdings for a new projecting sign located on the NE side of the building. Mr. Cox explained he was installing an illuminated projecting sign for the second floor. Mr. Cox said he hopes this sign will help people to get into the building on the second floor instead of coming in the front of the building. Mr. Cox stated the sign is “old looking” with white letters.

Denise Baker made a motion to approve, second by Cary Worthy. All voted aye.

Mr. Page mentioned the Commission might want to create some things that are approved on a staff level. Mr. Page said if it meets the requirements that are laid out as being historically appropriate sign locations it might be beneficial as long as it isn't illuminated and is in an approved location, that it not need the Commission's approval. This would be a Development Ordinance change that would have to go before the Planning Board and City Council for voting. Cary Worthy made a motion to approve, second by Denise Baker. All voted aye.

Brian Fisher 148 Chuck Garner Trail is opening a new restaurant where Barristers was located. Mr. Fisher said they wanted to close in the existing door into the patio along with inside renovations for an upscale restaurant. Mr. Fisher is asking the Commission to meet next week on the 16<sup>th</sup> or 17<sup>th</sup> of December. Mr. Page suggested that he contact all members to see which night and time works for them to attend this called meeting.

With no further business the meeting was adjourned.

Respectfully Submitted,  
Martha Johnson