

DRAFT
Smithfield Historic Properties Minutes
Thursday, July 20, 2020
3:00 P.M., Town Hall, Conference Room

Members Present:

Chairman-Dr. Oliver Johnson
Vice-Chair-Art Andrews
Paul Worley
Rachel Ayers
Jan Branch

Members Absent:

Mary Nell Ferguson
Deanna Simmons

Staff Present:

Stephen Wensman, Planning Director
Mark Helmer, Senior Planner
Julie Edmonds, Admin Support Specialist

Staff Absent:

Call to Order

Approval of the minutes January 16th, 2020

Art Andrews made a motion to approve the minutes from January 16, 2020; seconded by Paul Worley. Unanimously Approved

Public Hearing

None

New Business

Mark Helmer stated at the last meeting there was discussion about looking into the Neuse Little Theater could be designated as a local historic district or structure. He did some research and found that it wasn't on the National Registry. If the board wanted to pursue the issue, you would need to apply for a nomination. Once the structure is nominated then you can move forward by generating the research reports needed to have the structure considered for the National Registry. Once placed on the National Registry they could encourage it to be on the designated local structure, then the HPC would have some jurisdiction over the exterior. He was told a report on a well-documented structure could run around \$1000. He doesn't think there is an application fee associated with becoming nominated. Other structures mentioned were the boy and girl scout hut or the bridge abutment on Bridge Street. It's possible that one is on the National Registry and this board may want to look into having it added to the list of local structures. At that time this board would have jurisdiction over that.

Stephen Wensman stated there was hurricane grant money tied to Historic Structures that Gary Johnson from Parks and Recreation applied for. He wasn't sure if it was tied to the Girl Scout Hut or the Neuse Little Theater. He suggested to Gary that the HPC be brought up to date so everyone

could work together. Gary doesn't think they will be eligible for the money but Todd Johnson from the Heritage Center is trying to assist with it.

Paul Worley asked if the board would like to look at the whole riverfront. He wonders what the impact would be to have all of that as a historic district.

Art Andrews stated that there was an abutment across the river. If the board was going to look at once abutment, they needed to look at them all.

Mark Helmer said the Hastings House is already on the National Registry and is on the list of Local Structures. The Primitive Baptist Church and the Cemetery could be included as well, considering all the history in that block.

Stephen Wensman discussed the Town of Smithfield Code of Ordinances, Article III. He said there had been a delay in getting these ordinances in front of the Town Council for adoption. This particular one was part of Article III as a whole but as we were looking at changes to other parts of the code, this one was delayed. We're looking at Conditional Zoning which is similar to a Planned Unit Development type zoning. He's hopeful it will be going before the Council in August in a workshop setting with the Planning Board. He hopes to bring all of this forward once he receives the green light from the Council.

Mark Helmer wanted to mention to the board that Julia Narron had approached the Planning Department about securing a Certificate of Appropriateness for some work she would like to have done on a building she owns at the corner of Market and South Third. After reviewing her application, the work she will have done will fall under maintenance and minor work. Therefore, staff would issue a Certificate of Appropriateness once her application is complete and she would decide to go forward.

Stephen Wensman stated that there was a donation made for the upkeep of the Neuse Little Theater building. He doesn't know how much money was donated or what it will be used for but he knows there are some strings attached.

Art Andrews asked what needed to be done to the Neuse Little Theater.

Mr. Wensman said there is always maintenance but if we're looking at Historic Preservation Improvements, he isn't sure what they would be.

Dr. Oliver Johnson asked Mr. Wensman about section 3.5 Historic Preservation Commission. He wanted to know if 3.51 should read the Purpose of this Commission instead of District.

Mr. Wensman said you've raised a good point and asked Mark Helmer to speak on that.

Mark Helmer asked if it was the part of the text amendment that is being rolled over into the UDO. He agreed it probably should say commission.

Dr. Johnson moved on to the Proclamation of Pine Acres Subdivision. He asked staff to give an update.

Mark Helmer said it had already been approved by Town Council.

Mark went back over the Historic Preservation Basics. He stated the key thing about the National Registry is that it's strictly voluntary. You can be placed on the National Registry then do as you

please with the structure. You can have your plans reviewed and awarded tax credits for any projects providing they meet the standards for rehabilitation. Some years there's money available and some there's not. Very seldom is money available for residential structures. Therefore, most tax credits will be for income generating properties. If a structure, district or place is locally designated, the HPC would use the design guidelines would review permitting authority for those projects. Town Council has to approve Local Designation after the HPC recommends it.

Mr. Helmer mentioned quasi-judicial hearings are held to a higher standard than administrative decisions. Certificates of Appropriateness are quasi-judicial. When you hear a case such as that you're working at a judge and jury. You're receiving facts from competent witnesses and weighing out all the facts of the case and basing your decision on all your findings.

Art Andrews asked who would pay for any court action that might occur.

Mark Helmer said the Town Attorney would represent but it's unlikely the HPC would be taken to court.

Mark concluded the meeting by talking about Evidentiary Hearings. He said some evidence will be more substantial than others. You're most likely going to be challenged when you deny someone. First, they will look for procedural errors then they will look at Mark's work. It would go before a judge in a court review. As long as the board based their decision on sound evidence and abiding by standards and procedures in place, the judge will rule in your favor more than likely.

Dr. Johnson asked if that wasn't the issue with the RV park that would abut up to Pine Acres Subdivision.

Mark said it was a special use permit but was a quasi-judicial matter. If you're coming forward and saying a proposed project will hurt property values you need an appraiser giving that testimony.

Old Business

None

Adjournment

Art Andrews made a motion to adjourn the meeting; seconded by Paul Worley. Unanimously approved

Dr. Johnson adjourned the meeting.

The next HPC meeting is scheduled for October 15th, 2020 at 3pm.



Julie Edmonds
Administrative Support Specialist
Planning Department