

PUBLIC MEETING
GUILFORD COUNTY
HISTORIC PRESERVATION COMMISSION

May 17, 2022

6:00 p.m.

Public Meeting

McAdoo Room, 3rd Floor, Truist/B B & T Building

201 W Market St, Greensboro, NC

The public meeting of the regularly scheduled meeting of the Guilford County Historic Preservation Commission was called to order at 6:00 pm in the McAdoo Room, 3rd Floor of the Truist Building (former BB & T Building) at 201 W Market Street.

Roll Call

Members in attendance: Benjamin Briggs, Chair; Dawn Chaney; Jane Payne; Abigale Pittman; David Millsaps; Sean Dowell; Terry Hammond; David Horth; Megan Sommers.

Guilford County Staff in attendance: Kaye Graybeal, Deputy Director of Planning and Development

Agenda Amendments:

None.

Approval of minutes for March 15, 2022 meeting.

Mr. Dowell moved approval of the March 15, 2022 minutes as corrected, seconded by Ms. Payne. The Commission moved approval of the motion by a 9-0 vote. (Ayes: Briggs, Chaney, Payne, Pittman, Millsaps, Dowell, Hammond, Horth and Sommers. Nays: None.)

Old Business:

None.

Ms. Hammond and Mr. Horth joined the meeting around 6:05 p.m.

New Business:

Public Hearing Item:

1) Recommendation for local Historic Landmark Designation for Poplar Hall, 409 Sunset Drive, Greensboro, NC

Kaye Graybeal stated that the property owner is Ms. Helen Brooks, who is in attendance tonight. The application was prepared by Gate City Preservation LLC., here in Greensboro, by Samantha Smith. The property is referred to historically as Poplar Hall. It was designed by Hartford, Connecticut,

architect Breman Ellis, and it's one of the earliest residences in Irving Park. It was built for the family of Aubrey Lee Brooks, who was a lawyer/politician/author and General Counsel for the Jefferson Standard Life Insurance Company. It is a grand, brick, Neoclassical Revival house, with Neo-classical details. Brooks and his wife, Helen Higbee Brooks, built the house in 1914, naming it Poplar Hall after a substantial tulip poplar tree that originally stood in the front yard.

Poplar Hall is architecturally significant because it is an exceptional example of Neo-classical Revival architecture in Guilford County. This home was featured in the March 1950 issue of Architecture magazine and, moreover, the interior design updates by Greensboro's Otto Zenke in the 1970s add another layer of historical significance to the home. Along with its architectural significance, Poplar Hall tells the story of three generations of the Brooks family, who lived in the house.

Chair Briggs asked if anyone wished to speak on this application.

Samantha Smith, Gate City Preservation LLC, stated that many of the members have visited the house and the statement of significance tells the main highlights of the house, which are the fact that it is an incredible example of a revival house, so architecturally, it really does stand on its own, in that respect. But also, its connection to the Brooks family who are really important to Greensboro history, but even the architecture alone is just really incredible on this property.

Chair Briggs asked if any of the Commissioners had any questions or comments on this application.

Chair Briggs stated that he was going through the house and actually labeling things that he saw, so he was recognizing things of interest.

Dawn Chaney stated that she thinks it is tremendous that it has been restored and kept in the excellent condition that it is in, with the original radiators, the bathrooms, the door frames, porches, the moldings. It was unbelievable how much has been kept in excellent condition throughout the years since it was first built. She feels very honored to have that structure in Greensboro.

Chair Briggs stated that it is clear that this is a treasured home and that the owners really cherish it and have cherished it through the years.

Kaye Graybeal asked about the huge tulip poplar in the front yard as there are a couple there now and it looks like there has been a real effort to retain it. Ms. Graybeal added that there were many like that and this was the biggest one, but two of them fell in a storm.

Terry Hammond stated that she was sorry that she missed the site visit because after she looked at the pictures, the home is just astounding. She asked if the Commission would be setting a precedent today by including the adjacent lot, since it is a separate parcel #. She asked whether the Commission has done that before and if there's a problem with doing that? She agrees completely that it is a good idea to preserve the whole piece of property for the context of the home, but she just wonders about designating a separate lot and is it even up to this Commission to worry about it or something that the Tax Department is going to worry about?

Chair Briggs stated that they can designate a lot. His understanding is that the Commission has a lot of latitude to designate what they feel, as an Historical Architectural Commission, has significance. So, he thinks it would be within their purview, that the adjacent lot is within the general acreage of that house and that house was meant to be seen as a suburban estate. So the curtilage around it becomes

incredibly important to the story of that house, because that was meant to be a country setting 110 years ago. He stated that there were other houses that have been diminished through the years, like the Scales House in Hamilton Lakes that was subdivided without the Commission's awareness and they ended up with another house on the property without a COA. In this case, it makes sense because, historically, this property was associated with this house.

Samantha Smith responded that it happened with the Simpson House and the Brooks House, which is next door. She also did that application and there was a second lot that was separate that was also included as part of that designation. That's probably the best example of precedent. Ms. Graybeal pointed out that it must be owned by the property owner and requested for designation in the same application as part of the context. The Commission is charged with considering the historical context and it can be part of a lot, because the boundaries don't always align with tax or political boundaries or jurisdictional. It's just whatever contributes to the historical context, then the Commission has the authority to decide what the boundaries should be based on what is requested in the application.

David Millsaps asked if there is covenant with the property that keeps it unified. Chair Briggs stated that, as an example, if in 100 years from now and the two properties become owned by two different owners and someone decides to build on the vacant lot, then it would need to go through the Design Review process. An easement would be the only way that anybody could really control that moving forward in the future, such as an easement held by a group like Preservation North Carolina. That's really the only way to prevent land from being built on and really controlling it through the legal document that outlines what exactly could be done with that particular property. Mr. Millsaps asked if the owners are aware of that concept.

Helen Brooks, owner of the property, stated that they are aware of it and they are considering doing an easement. Mr. Millsaps stated that he felt that would benefit their intentions.

Dawn Chaney asked if the Simpson House had the extra lot put on the application, Chair Briggs stated that it was. Ms. Chaney stated that it is clear that the Commission has done this before so it is protected.

Sean Dowell stated that it is notable that this is a National Register District and a Contributing Structure, but did it get credits for the rehabilitations. As a side note, he thought it was really interesting that you have Eleanor's Room where Eleanor Roosevelt stayed, and normally something like that, you put it in the significance, but with this house and its history is hidden in the back, so that's sort of interesting. As you go through this, it's noted that this is an interior and exterior designation. He asked, "Purely from a housekeeping item, do we need to note as to what is designated on the interior and how does that relate to the 1970s updates, which are only referenced regarding the kitchen?"

Kaye Graybeal stated that when the entire interior is requested to be designated, that does mean the floor plan, the layout, where the walls are, the stairs, all the architectural features. If anything is moved, that must be reviewed, but it also means any of the details and features of the doors, mantels, specific window treatments that are attached to the house, floor boards, casings, everything, light fixtures, and then in certain cases --- and this is a good question to define because we have layers of finishes, say where there was original plaster or the original floors, how the bookcases in the library are finished, all those finishes are also included. Someone asked when we were on the tour about the wallpaper, and typically, we don't regulate wallpaper unless it is the original or very early and it has been pointed out as something special. But this report does point out the interior design by Otto Zenke, so she asked if there is any wallpaper dating to the 1970s. Ms. Brooks stated that some of it is recent in the library and

they wanted to take it down, but it is such a chore they have not done that. Ms. Graybeal stated that would bring up the question of if that something that needs to be explored. They don't know if the wallpaper is exactly 50 years old, but that may be something the Commission wants to exclude in case the owner ever does want to replace it since they don't know the exact age of it.

Chair Briggs stated that what they are doing in designating the interior, they are not saying that the house is frozen in time, not saying that the house will remain forevermore, as it is in 2022. The Commission is saying that they trust a future Commission to review any request that might come out of this house and somebody asks to do something through this packet that Samantha Smith put together, the Commission has prioritization of what is important. And generally speaking, they are going to put greater emphasis on the entry hall and the staircase and the library and the reception room and the dining rooms, maybe up to the upstairs hall, but things like the kitchen, if somebody wanted to update the kitchen or maybe a bathroom, depending, it goes through this evaluation process. Or the kitchen, maybe things can be changed, so that's why we have a COA review, so we're not being asked to freeze the house in time, we're asking to have a smart discussion with future owners about prioritizing what gets preserved and what can change, so that ours and future knowledge here, sort of steers that.

Sean Dowell asked if these were enough interior photographs for staff in the future to be able to be evaluate now versus then. Kaye Graybeal responded that everything the Chair has said is totally correct. She stated that when they do designate properties and they only specify certain interior features, that means that the other features and parts of the interior of the building, they don't have to come to the Commission to ask permission to change those. An example would be the Wafco Mills, the individual townhomes, the inside of those are not necessarily reviewed, but the common areas are, like at Proximity Mills. In this case, they're going for the full tax credits and they're saying that everything is designated, so if they do want to change something, then they would check with staff first and then staff would make a determination if they needed to come to the Commission. Sometimes owners unknowingly change something and we don't have a record of what was there, so we do need to have plenty of photographs of the full interior. The wallpaper in the library has been pointed out as something the owner might like to change some day, but they that they want to keep it at this time. She did take a lot more photos when she was there and they do show a lot of the interior features, so between her photos and the older photos there should be plenty of documentation.

Chair Briggs stated that this house has over-the-top details so it's good that there are so many photographs.

Ms. Hammond moved to recommend approval of landmark designation for Poplar Hall, located at 409 Sunset Drive, and the adjacent .08 acre lot at 411 Sunset Drive in Greensboro. Also, recommend designation of the exterior and interior of Poplar Hall, located at 409 Sunset Drive, based on the evidence provided in the application for landmark designation and the discussions presented at this meeting. The property is architecturally significant as an exceptional example of neo-classical Revival architecture in Guilford County and is one of the earliest homes in Irving Park. It is also significant as the home of three generations of the Brooks family, prominent citizens, professionals and philanthropist. The property has a high degree of integrity, the skillful workmanship that's preserved the home's architectural details and features and many of the original materials and finishes have been preserved or restored, such as the original wood windows, doors, shutters, built-ins, moldings, grand stairways, floors and the exterior brickwork, seconded by Mr. Dowell. The Commission voted unanimously (9-0) in

favor of the motion. (Ayes: Briggs, Chaney, Hammond, Millsaps, Payne, Pittman, Horth, Sommers and Dowell. Nays: None.)

Chair Briggs stated that this recommendation will go to the Greensboro City Council for their consideration and this will be the fourth landmark property in Irving Park. The property is certainly a high-water mark of architecture in Greensboro and is incredibly well-preserved and is a representation of all of our history.

Other Business

Kaye Graybeal presented a package containing copies of the most recent Rules of Procedures with the Table of Contents in it. She thanks Mr. Dowell for reading it thoroughly and providing comments. She has highlighted the parts that have substantive changes to bring it to the members' attention. She would like input from the members on these particular changes.

On page 1, "Members representing towns or City jurisdictions based on the inter-local agreement with Guilford County shall be recommended by the governing body of that participating jurisdiction and appointed by the Board of County Commissioners", that is in response to a comment that there should be more explanation about how members are appointed to the Commission, given that there are different jurisdictions. This is modeled mostly after the State Statute, which spells out the skills, background, education, experience, so she added this comment in that here in Guilford County, we have participating jurisdictions via agreements and those jurisdictions pay a fee each year to manage this process for them.

For Terms of Office, there was a question about why it is for four (4) years, as that could deter some people from making that kind of commitment. She looked at the Policy of the Board of Commissioners for their Board appointments and it states that three (3) years is the recommended or preferred term for them. It seems that two (2) years is rather short because sometimes it takes a couple of years to get some precedent under your belt and to see a variety of situations and to get seasoned. This Commission is still not up to full capacity, as there are eleven (11) positions on this Commission. It is suggested that the term be changed to three (3) years so it doesn't deter potential members with that kind of commitment. It is limited to two (2) terms unless the Board of County Commissioners waive it.

Kaye Graybeal continued to page 2, where the three (3) years is highlighted, with a two (2) term limit. Page 4 speaks to "approved absences", 3.6.2, it says that "known work commitments are not approved absences". It was pointed out that this is a volunteer Committee and you don't want a strike against you if you do have unexpected or unplanned work commitments that is during this time that requires you to attend a meeting because your primary job is your priority so if that requires you to miss a meeting, then that should be excused. Ms. Graybeal felt it is appropriate to add that in, as "unexpected or unplanned work-related obligations would be an approved absence."

Page 6, it was noted that sometimes the day needs to be changed because of an election or COVID or other locations, so it should say, "The location as properly advertised."

Page 11, it was commented that the Advisory Review Public Meeting, it was indicating what should or should not be stated, and she has a separate handout for that. Basically, it has been pared down to say, "All the HPC is doing during that meeting is determining whether the project is or is *not* consistent with certain Secretary of Interior Standards that are used."

Page 12, it was asked if there should be some kind of Press Policy, as it talks about an ex parte communication in 5.2.4, "a member cannot discuss a Certificate of Appropriateness with anyone prior to the HPCs deliberations prior to the hearing." It does not address whether a member can say something afterwards. Technically, once a decision is made, one can, but it is not recommended, especially since there is an appeal period because if somebody does appeal the decisions within their fifteen (15) days. This could be seen as not being impartial. Members should use discretion when talking about a decision the HPC has made in the past, because one is allowed to say, "Well, here is why we made this decision." Try to make it as unbiased as possible even if you were the only dissenting person. Members should not appear political, arbitrary or capricious in their decision.

In 5.3 regarding Conflict of Interest, she added in, "*shall* not convey an opinion about a quasi-judicial decision, which is the Certificates of Appropriateness, to any person or agency, including the press until after the fifteen (15) day appeal period.

Mr. Dowell stated that his suggestion was if a member talks to anyone outside of the meeting, staff should be made aware of anything that happens, so that this Board would not be caught off guard.

Ms. Hammond asked if anyone had watched the training that was done in Nashville, Tennessee, as she felt they really did a good job of giving concrete examples about the dangers of talking out-of-hand. Ms. Graybeal stated she thought she had that power-point presentation and she can provide it to anyone that wants it. Several members requested a copy and Ms. Graybeal stated she would send it out.

Ms. Graybeal stated that she will also check with the Public Information Officer and see what information is available on talking to the Press. She asked that if a member does talk to the Press in the future, to please let her know.

Item number 15, "A failure by a member to vote in attendance, counts as an affirmative vote." The purpose of that is so that if a member someone feels uncomfortable or the item is controversial and they don't feel comfortable putting their vote out there because they want to avoid any kind of hostility, or because they are not prepared -- they should not abstain for that reason. If you recuse yourself, it's because you have a conflict of interest or may have a connection to the case. The Commission can then vote to recuse you from the procedures if you state a valid reason as to why you're recusing yourself.

Item number 16 does not mention that the Commission is also an Advisory Board and are not always the final decision-makers. The HPC wears two hats depending on what type of case it is. If it is advisory where the Commission is making a recommendation to the City Council and Board of Commissioners on a landmark designation, then HPC is not the final decision-maker. If it is for a Certificate of Appropriateness, and is quasi-judicial, the Commission are judges and are the final decision-makers. Those decisions can be appealed to Superior Court. She printed out section 2.6 and will send it to everyone after the meeting. In the Unified Development Ordinance, under Article 2, Administration, it explains what the HPC authorities are and that it does explain in that Code that the Commission is advisory for Landmarks and quasi-judicial in COAs.

On page 8, 4.7.3 under Type of Hearing, this is where it talks about that the Commission follows quasi-judicial evidentiary hearing process for COAs and concludes certain findings, based on sworn testimony and it spells out that the Commission is the final decision-makers. The appeal process is spelled out in the Code, and State Law.

Another one that was mentioned, Number 6, "How long after their term can someone float?" The Rules of Procedure say that someone can continue to serve in their position if it is expired until someone else is appointed for their position. There is no time limit provided on that.

Mr. Dowell moved approval of the updated Rules of Procedure, with today's revisions including spelling out Secretary of Interior's Standards and retaining that the appointments are a four (4)-year term, as a base term, seconded by Mr. Horth. The Commission voted unanimously (9-0) in favor of the motion. (Ayes: Briggs, Chaney, Hammond, Millsaps, Payne, Pittman, Horth, Sommers and Dowell. Nays: None.)

General Business

Kaye Graybeal stated that she had received emails from both Sean Dowell and Abigail Pittman about an update on the Mendenhall-Blair House. Ms. Pittman stated that the developers took a second swipe at rezoning that corner which has two (2) lots at Johnson and Skeet Club, with the inner lot being the Mendenhall-Blair lot and to designate the land use plan for commercial development and then develop the property for commercial. It was again recommended to be denied by the Planning Board, unanimously, which put them in a super-majority requirement position for HP City Council, and they were again, denied, unanimously, last night. She wishes that the City would go further and put some resources behind saving the property.

Chair Briggs stated that the High Point Preservation Society has stepped forward and is paying for the application to be composed and that has been done and sent to the State Historic Preservation Office. It is anticipated that it would go to the National Register Advisory Commission meeting which is in October. Upon recommendation there, it would go to the National Parks Service, so it could be designated by the end of this year or early next year. All this is with the consent of the property owner, Mr. Cardona, who came and presented with the HPC. Samantha Smith is working with him as a consultant in this process.

Kaye Graybeal stated that she has an update on the William G. Wiley House de-designation in Jamestown. She heard back from the State on that since they need to make their recommendation, they want more information from her pertaining to the reasons why the Commission wanted to de-designate that house. Their comments are advisory, but it will be forwarded to the Board of Commissioners after the State has a better understanding of the HPC's recommendation. The Commission did vote to de-designate the property because the owner made several unauthorized changes that are irreversible, without a COA. They replaced the original front door and windows without a COA, demolished a spring house and built a metal garage on the property. The Jamestown Planner was new and didn't realize that permission from the HPC was needed. They did add new gutters, some new siding, and several other things that cannot be changed.

Ms. Pittman stated that it continues to happen, here and there, over the years that the Planner is not aware and she doesn't know how that is --- does the Commission need to make a better connection with the data?

Chair Briggs pointed out that it's been a struggle for years. Ms. Graybeal stated that data is sent back to the Planning Office when something is certified, and she stated that the Jamestown Planner is now informed and will flag it in their system. It's getting more computerized in Guilford County where a Planner issuing a permit has to look in the digitized system to see if there are any overlays or notes about the property. Previously, they had to look at a piece of paper in a file or happen to see it on a map

on the wall, but now it can be computerized and systematic. The County is now going to a new system called, EnerGov, and the HPC procedure is eventually going to be in EnerGov, so it will be easier for at least the County Planners to obtain pertinent information on historic properties.

Kaye Graybeal stated that next Wednesday is a free workshop on historic cemeteries in Mooresville, sponsored by the State, and she hopes to be able to attend. Anyone wanting to attend, please let her know.

Chair Briggs stated that at the June meeting, there will be election for officers.

There being no further business before the Commission, the meeting adjourned at 7:16 p.m.

The next scheduled meeting is June 21st, 2022

Respectfully submitted,

Benjamin Briggs, Chair

BB/jd

Other Business:

2) Vote on adoption of HPC Rules of Procedure draft 5/11/22 Work Session on procedural items

Adjournment

There being no further business before the Commission the meeting adjourned at 7:16 p.m.

The next scheduled meeting is June 21, 2022