



GUILFORD COUNTY PLANNING AND DEVELOPMENT DEPARTMENT
Guilford County Historic Preservation Commission

**Public Meeting September 22st, 2021 6:00 p.m.
McAdoo Room, 3rd Floor BB&T Building
201 W Market St, Greensboro, NC 27401**

MEETING MINUTES

The Guilford County Historic Preservation Commission met for a public meeting on Tuesday, September 21st, 2021, at the McAdoo Room, 3rd Floor BB&T Building, 201 W Market St, Greensboro, NC, commencing at 6:00 p.m.

MEMBERS PRESENT: Dawn Chaney; Sean Dowell; Abigaile Pittman; Theresa Hammond and Benjamin Briggs.

MEMBERS ABSENT: Jane Payne

STAFF PRESENT: Matt Talbott, Senior Planner; and Kaye Graybeal, Deputy Director of Planning and Development.

Chair Briggs called the meeting to order at 6:00 pm.

Roll Call of attendees was taken by Matt Talbott.

AMENDMENTS TO AGENDA: None

APPROVAL OF MINUTES:

July 20, 2021 (CORRECTED AND APPROVED)

Chair Briggs stated that he has already given some corrections to the Court Reporter and Mr. Donnell also had given her corrections to be made. Ms. Pittman pointed out a minor correction to the minutes on page 6, under Discussion: “The Commission does have the authority to add . . . “ and that should be “reduce the size of signs if they feel like the City Ordinance allows too much square footage for signs.” And then on page 7, Ms. Pittman was not included and she should have been. With these changes noted Ms. Chaney moved to recommend approval of the corrected July 20, 2021, Minutes. Ms. Pittman seconded the motion. The Commissioners voted 5-0 in favor of the motion. (Ayes: Chaney, Dowell, Pittman, Hammond, and Briggs. Nays: None)

OLD BUSINESS: None

NEW BUSINESS:

Chair Briggs explained the procedures to be followed for all Public and Evidentiary Hearing items and opened the public hearing.

Staff and the applicant were all sworn in for their testimony in the following case(s).

PUBLIC HEARING ITEMS:

- 1. Certificate of Appropriateness (COA) request for the Weaver-Sherwin Building, 603 S. Elm Street, Greensboro, NC – proposal of mural/sign on the north wall of the building facing Lewis Street. (CONDITIONALLY APPROVED)**

Kaye Graybeal stated that this was an historic landmark that the HPC designated in December 2020. This is an after-the-fact approval of a COA. The mural was installed by the tenant, Kontoor Brands of Levi/Lee, who is the tenant. The owner of the building, Eric Robert, is in attendance at the meeting tonight to speak. The exposed north brick wall of the Weaver-Sherwin Building faces Lewis Street. The Weaver-Sherwin Building, constructed in 1903, is a well-preserved Italianate masonry commercial building that housed some of the earliest commercial businesses in downtown Greensboro. The entire original exterior and interior, except for the rear addition, have been designated as a Guilford County Landmark. The building is a contributing building within the National Register District of South Elm Street. The exposed brick wall was originally an interior party wall given that there was formerly a brick building adjoining on the north side. That building was heavily damaged during the 1936 Downtown tornado in downtown, and was later demolished, leaving the party wall exposed, as indicated in the notes of the Downtown Greensboro Historic Property Survey Summary Appendix (1a-1d) by Heather M. Slane (updated 2018). Therefore, the exposed wall is not an original exterior feature of the building and its exposure altered the original appearance of the building.

The current paint application is not the first for the exposed brick wall in its recent history. At some point between 1973 and 2014, during occupancy by the business “Rhyne’s Corner Cupboard,” this wall was largely stuccoed and painted white – with these alterations including a large painted business name sign. This stucco, paint treatment, and sign is evident in a photo dating to between 1973 and 1980 and included in this report. The City of Greensboro does not have a formal approval process for painting murals on buildings located outside of City local historic districts, and therefore, did not review or oppose the mural. The tenants and owners took that as it was okay to go ahead and paint the sign not realizing that it was something that should have been reviewed by our Commission first. Ms. Graybeal noted that it is not painted onto a wall that was an original exterior wall of the building. Included in the staff report is information on what it takes to remove paint from old brick and what kinds of methods of paint removal would be appropriate. The Secretary of the Interior Standards say that “new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property.” The question is, does this exterior wall really characterize the building on a wall that doesn’t really contribute to the historic character of the property as much, since it is not original as an exterior wall. Typically, this is not something that the guidelines would support approval of, when the Secretary of the Interior Standards for painting unpainted brick. In this case, this brick has been painted before and the whole wall has been altered by the windows and doors being added, so it’s original character is lost due to that anyway.

Ms. Graybeal pointed out that Mr. Dowell has brought this up before, about this is a precedent setting Commission and what is approved for one case should also be approved for other cases. The reason the Commission reviews on a case-by-case basis is because each situation is different and it needs to be defined as to how it is different and how in one case one treatment

or change or alteration may be approved and may not be inappropriate, but it is in another. So, it needs to be distinguished how this may differ.

Chair Briggs asked if the applicant would come forward to be sworn in and speak to this matter.

Eric Robert, 816 S. Elm Street, Greensboro, NC, was sworn in and stated that he came before the Commission previously to get the historic designation because it is truly a magnificent building that is unlike any others and should be protected. After he went through the 2nd Ordinance with the City, and the County decided that even if they removed the painted brick portion, that the tax benefits to the building were only going to be 32% instead of what was to be 50%. From the time he acquired the building, the architect that he uses, Jerry Leimenstoll and his wife, Jo, used to be with the Historic Commission before. So, he understood that the wall, having been an interior wall originally, was never going to be subjected to the historic designation. After some conversations with other people, he understood the damage that painting buildings actually does to brick, as it traps water and moisture. That prompted him to do something different with the Flour Mill further down the street. He tried to remove the stucco and additional paint as much as he could to preserve the integrity of the building and the brick itself. The tenants went to the Chamber of Commerce and then to the Greensboro Planning and Zoning Departments, which led them to the Historic Department and they got approval. He did not know that they did not include the County in the approval, but the City was well aware of it. This has been a very laborious process because what they wanted to do was not just a mural, which is technically protected under the 1st Amendment, it was a commercial sign and went under a whole other set of restrictions. The City of Greensboro does not allow this type of sign, but in this case, they did, not only through Planning and Zoning, but also at some other City level. He did not realize anything was wrong until he heard from Ms. Graybeal.

Questions posed by Commissioners:

Mr. Dowell asked who the applicant had spoken to at the City that had given the approval? Mr. Robert responded that it was Mike Cowhig with the Historic Preservation within the City.

Ms. Pittman stated that she understands about the 1st Amendment Rights, but murals are considered art, but the applicants have said the City considered this a sign? Mr. Robert stated that when it is considered a sign it is subjected to a very strict City Ordinance and have to be approved by the City. Ms. Pittman asked if there was a sign permit and Mr. Robert responded that they did get a sign permit. They submitted the application and it was approved but it had to go through a whole other process. Ms. Pittman stated she was surprised they got approval because of the size of the large mural.

In response to a question posed by Mr. Dowell, Kaye Graybeal responded that the Historic Preservation Office does not review changes, you only have to report them if there are State Rehab Tax Credits working with the State.

Chair Briggs stated that the applicant did not apply for this to be a tax credit painting so it is not under their jurisdiction.

Chair Briggs stated that he would do the Findings of Fact for this case:

- 1) This was originally an interior wall and never intended for exterior exposure. The materials used in the wall are insufficient for exterior exposure. The brick shown in the photographs is a pale colored orange or salmon colored brick. The dark-fired brick that maybe is a little higher is more weather resistant for the freeze/frost cycle that takes place in the wintertime. This very soft brick dissolves and the cement between the bricks survives and the bricks deteriorate. This is proof that these materials were not meant to be exposed to the exterior.

- 2) Paint is not a permanent material. As the HPC saw, the original paint job that was done in 1980 is pretty much gone. There are elements of it still showing, but for the most part it is disappearing. It can be reversed with a lot of difficulty and it is not destroying the materials in this example. With the materials being insufficient, paint is not destroying the materials, in fact, paint might be saving the materials to a degree.
- 3) The wall will likely need to be reconstructed at some point. The building known as Liberty Oak which is further north on Elm Street, that building had a wall just like this with a mural on it until about 20 years ago. It also deteriorated and needed to be rebuilt. This wall may be considered an impermanent wall.
- 4) The wall has been painted before and it was also stuccoed before.
- 5) This is not an historic façade. He differentiated that the front façade of this building is an historic façade. If an owner or occupant of Natty Green's, the DGI building, the Groome-Shevil building across the street wanted to paint a mural of Ivy or animals or people on the front façade of those building, that is a primary historic façade and he, personally, would not be in favor of that. This is a secondary façade that has very little historic material on it that was intended to be portrayed to the public, so it is different from the front facades. Even the side facades of the Jones building where Natty Green's is, the façade there was meant to be exposed originally. This side was not ever meant to be exposed. The 1936 tornado exposed it.

Mr. Dowell stated that he would like to add to the Findings of Fact. If this is not an exterior wall, what precedent does it set for HPC that they only protect one wall on the front? Why don't they designate the whole building when HPC isn't going to protect the rules that HPC sets as standards? He would make a Finding of fact that the size and scope of this mural do not fit historically with a 2-foot tall for a max area. And no one is supposed to paint unpainted brick through the State Historic Secretary's rules. Maybe the wall doesn't apply, but if this were to come in front of the HPC it would not be approved if this were a commercial façade. Chair Briggs pointed out that there is the argument that the paint actually protects this façade because it keeps the bricks somewhat covered. If it were not painted, they might want to put some sort of penetrative clear material on it that would be like paint, but it would help seal the water out. The wall has some serious issues because it was not meant to be exposed to the natural elements.

Mr. Dowell asked if when someone says they designate their exterior, is the HPC saying that is only the front façade? Chair Briggs stated that in some cases it is. Mr. Dowell asked if the HPC needs to make the rules that when someone asks for a designation of the exterior, they should be asked what they are designating like they do for an interior wall. Chair Briggs stated that they usually do. Mr. Dowell pointed out that it is usually all of the exterior, not just a portion of it. The HPC should be more clear in future applications for what exterior walls the HPC is designating.

Ms. Graybeal stated that was a really good point because they ran into some issues with some interior designations when the HPC wasn't specific enough. In the past, the HPC has been saying the entire building meaning the entire exterior so assume that they mean every wall. She thinks it is good that staff didn't exclude this wall in the designation because they do want to review what is done to it.

Ms. Pittman stated that she is concerned that if the HPC were to ask them to remove it, the quality of the brick as an interior wall, would do more damage to this wall. If you look at the Secretary of the Interior's Standards, #7, it talks about sandblasting and chemical treatments and things like that and not doing something like that, especially after Mr. Briggs told the Commission about the brick deteriorating. She is concerned that the wall would be severely damaged.

Ms. Chaney stated that she would like to make sure if the wall has to be changed in the future, that it would be coming through the HPC procedure and they would have input into the types of structure that it would be and actual product or materials.

Chair Briggs stated that he feels the HPC can craft an approval of this COA without making any precedent related to any historic facades or additions on buildings.

Ms. Pittman stated that there should be some conditions put on the approval of the COA about future tenants in regard to the removal of the mural in the future should Wrangler-Lee move out.

Mr. Dowell pointed out that this is not just some alley, this is a hard corner in downtown Greensboro that people consider an historic building and he is concerned that the next historic building owner feels that they can add any kind of sign they wish as long as it is art or a mural.

Chair Briggs asked if anyone would like to make a motion. Kaye Graybeal stated that before a motion is made, she would not include the finding that that Fact it can be reversed, that painting is reversable, because that is true on any building. Someone could say, "Well, I'm going to go paint mine without getting permission because HPC has said it was reversable." She suggested that the Finding not say that it would do more damage to remove it, because someone else could say, "Well, it does damage the bricks too much to remove it." The main difference here is that this wall has already been altered, it's not an original exterior wall, which in her opinion, a Finding that makes it unique and sets it apart because the other ones don't. In response to a question posed by Ms. Pittman, Ms. Graybeal stated that it is not even a condition, it is a law, they have to prove that it was an altered wall. If an applicant comes back to remove the paint, they have to come back to HPC for approval.

Mr. Robert added that he thinks that someone is going to remove it is unrealistic. He thinks what is going to happen is that it will fade over time, or it may get stuccoed again and covered. He agrees that trying to remove it with chemicals or other means is only going to damage the bricks further. He does not pretend to control anything, he knows he cannot control what would happen next. Mr. Dowell stated that he is not just picking on Mr. Robert, he is concerned about all of these buildings. Mr. Robert stated that he understands and he wants to help preserve the buildings as much as he can.

Chair Briggs asked Ms. Graybeal what she thinks about the precedent of the wall already having been painted or stuccoed in the past? Ms. Graybeal responded that was okay. If another wall comes before the HPC it would need to be able to say it used to be an interior wall and wasn't meant to be exterior and has already been altered a couple of times by adding the stucco and painting it, and the sign and they took the stucco off and then they put the windows in, so it would have had to suffered through several alterations. Now, the HPC is narrowing it down to something very specific.

Ms. Pittman moved to accept the Findings of Fact and Chair Briggs asked that someone make a new motion to revise the Findings of Fact:

Ms. Pittman made a motion that the COA be issued for 603 S. Elm Street as the request to retain the mural/sign on a side (north) wall, based on the background information and guidelines as posted in the staff report; and Findings of Fact that the HPC wants listed out. She asked that Chair Briggs read those restated Findings of Fact as follows:

- 1) Originally this was an interior wall and was never intended to have exterior exposure and the materials are insufficient for exposure;
- 2) The wall will likely continue to be in poor repair and will likely be reconstructed;

- 3) The wall has been painted and stuccoed in the past and windows and doors;
- 4) The materials of the brick are compromised, not the structure of the wall.

Ms. Pittman continued by stating that the Findings of Fact presented and discussed in this evidentiary hearing and she emphasized that in the future, any changes to this wall would need to come back before this Commission. Mr. Horth seconded the motion. The Commissioners voted 5-0 in favor of the motion. (Ayes: Chaney, Dowell, Pittman, Hammond, and Briggs Nays: None)

Chair Briggs stated that it is obvious that Mr. Robert loves this building and the Commission loves this building, so they will work together and will be creative and help him. The HPC is here as a service to him. Mr. Robert stated that he apologizes for any miscommunication and he will work closely with the HPC in the future.

OTHER BUSINESS:

1. Review and/or adoption of 2022 HPC meeting schedule

Kaye Graybeal stated that a couple of the meetings fell after a Monday holiday.

Ms. Pittman moved to adopt the 2022 HPC meeting calendar, seconded by Ms. Chaney. The Commissioners voted 5-0 in favor of the motion. (Ayes: Briggs, Chaney, Dowell, Pittman, and Hammond. Nays: None)

NEXT SCHEDULED MEETING:

The next scheduled meeting for the Guilford County Historic Preservation Commission is scheduled for October 19, 2021.

Matt Talbott stated that there haven't been any cases requested for October and today is the cut-off date, so there probably will be no need for the October meeting.

Kaye Graybeal stated that someone has purchased the Green Hill Gatekeepers cottage and there has been work going on there, work that doesn't require and COA. The windows for the Country Club Apartments are out there and she does not know what might come back to the HPC. Those are the only two that she has heard about waiting in the wings.

Ms. Pittman asked about the status of the Mendenhall House.

Chair Briggs stated that he has heard that the Mendenhall House property is being considered for a Publix grocery store at that location. The HPC approved demolition after a 365-day delay. The developer walked away but has now come back, so it is currently going through the process of rezoning in High Point. The High Point Preservation Society is trying to try to figure out where the votes lie right now. The neighborhood is very much against it but they would be in favor of it if it was a parking development, but they are not happy with the Publix grocery store at that location. Even if the commercial zoning gets struck down, the house is still quite vulnerable. The owner of the Mendenhall House is quite active in this redevelopment. There was a public meeting that had a presentation of what the shopping center would look like and, as of right now, the proposal is to move the house, not tear it down, to the northeastern corner of the property to act as a buffer between the Publix and the residential properties to the east and the house would be relocated but they don't have any definitive terms of what the final outcome will be. Ironically, if it is redeveloped as a commercial site, the building might be saved but if it is redeveloped as an apartment or high

density residential, it might not be saved. The City Council person who represents that District said that there is nothing that the City Council can do to not uproot the zoning. He will continue to give updates as he gets any information.

Ms. Pittman added that she knows for a fact that the design of Skeet Club did not incorporate any commercial development and it was based just kind of coping with the residential growth being fulfilled along that corridor. DOT and the City of High Point had a traffic study that that design was based on. Those traffic studies are evidence that can be used. Those designs based on those studies are evidence and can be submitted at the hearings. Kaye Graybeal added that they can always submit it and see if it is accepted or if they want an expert to interpret it but it's already in effect. Mr. Dowell stated that the local representative for the DOT should be brought in.

Chair Briggs asked Ms. Graybeal if she had another announcement she wanted to make?

Kaye Graybeal stated that she received an email from the owner this morning because she had emailed him to ask him for updates back in August when the Order expired August 13th. The owner stated the house is still waiting for zoning and land use permits, the contract with the developer will expire on January 31st, 2022. If the permits are not obtained they will retain the house.

Chair Briggs stated that the contract had expired back in August and evidently it was extended by six months.

Kaye Graybeal noted that she had received just before this meeting that Preservation North Carolina about their virtual conference. Ms. Graybeal presented copies of the information to each Commission member. Members have until the end of September to get credit for these training session opportunities and she will send further information to each member also.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:02 p.m.

Respectfully Submitted,

Benjamin Briggs, Chairman
Secretary

Kaye Graybeal, Board

BB:jd