

**Charlotte-Mecklenburg  
HISTORIC LANDMARKS COMMISSION  
January 11, 2016  
Location: 2100 Randolph Road, Charlotte, N. C.  
Time: 6:00 p.m. – 7:56 p.m.**

**Minutes**

**Present:**

**Mr. Nathan Clark, County  
Mr. Larken Egleston/City  
Mr. Joe Elliott/City, HLC Treasurer  
Mr. David Erdman/Mayor  
Ms. Laura Hoover/County  
Ms. Paula Lester/County, HLC Chair  
Mr. Mark H. Miller/County  
Mr. Len Norman/City, HLC Projects Chair.  
Mr. Kenneth Pursley/County, Design Review Com. Chair  
Mr. John Shurley/County, HLC Vice-Chair  
Ms. Jill Walker/Mayor/HLC Secretary, Survey Com. Chair  
Mr. Cameron Wright/City  
Dr. Dan L. Morrill, HLC Consulting Director  
Mr. Stewart Gray, HLC Preservation Planner  
Ms. Mary Dominick, HLC Administrative Assistant  
Ms. Mary Lynn Morrill, HLC Recording Consultant  
Ms. Jennifer Errington, Attorney**

**Visitors:**

**Mr. Eric Levinson, Delburg Cotton Mill House  
Mike Rowan  
Debbie Rowan  
Steve Mersch, Streetcar 85  
Greg Pappanastos, Streetcar 85  
Shannon Brunet, 314 Main St. Pineville  
Bernard Brunet, 314 Main St. Pineville  
Travis Morgan, 314 Main St. Pineville  
Jeff Parsons**

**1. Consideration of Minutes**

**MR. ERDMAN PRESENTED A MOTION SECONDED BY MR. NORMAN THAT THE MINUTES FOR THE DECEMBER 9, 2015, MEETING OF THE HISTORIC LANDMARKS COMMISSION BE APPROVED AS DISTRIBUTED. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.**

**MR. SHURLEY PRESENTED A MOTION SECONDED BY MR. WRIGHT THAT THE MINUTES FOR THE DECEMBER 9, 2015 CLOSED SESSION MEETING OF THE HISTORIC LANDMARKS COMMISSION BE APPROVED AS DISTRIBUTED. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.**

**2. Chair's Report: Ms. Paula Lester**

**Ms. Lester welcomed everyone to the meeting.**

**Ms. Lester stated that Commissioners should keep a check on their attendance by reviewing the attendance sheet posted on the HLC's website. The new website address is [cmlandmarkscommission.org](http://cmlandmarkscommission.org).**

**3. Director's Report: Dr. Dan L. Morrill**

**1) Edward M. Rozzel House, 11647 Old Rozzels Ferry Road, Charlotte, N.C. Staff is continuing to work on arrangements associated with the prospective sale of the Edward M. Rozzel House. Technically, the Commission is submitting the application for rezoning of the existing historic landmark, which is scheduled to occur in March. Staff is in contact with the Federal Government to secure ownership of the adjacent government land. Finally, Staff will be assisting the County in submitting a request for County funding to purchase the government land, which will be immediately sold to the prospective buyers of the Edward M. Rozzel House historic landmark.**

**2) Delburg Cotton Mill House, 303 Delburg St., Davidson, N.C. Staff has halted the renovation of the house to await possible submission of an offer to purchase. An offer has been submitted and will be considered later in the meeting.**

**3) Torrence-Lytle School. 302 Holbrooks Road, Huntersville, N.C. The Commission voted to delay moving forward with approved improvements of the buildings until the March meeting of the HLC. This delay will hopefully allow the Town of Huntersville and the Historic Landmarks Commission to approve a preservation strategy for the property.**

**4) General Motors New Style Bus 1074. Clarke Power Co. has obtained a new refurbished engine for the bus and is moving forward with installation. The next step will be to drive the bus to Mooresville, where a new air conditioning system will be installed. Staff is scheduling meetings with the Charlotte Area Transit System to discuss a possible cooperative arrangement with CATS. Staff will also be discussing insurance for the bus and on-going maintenance.**

**5) Outen Pottery, 403 Jefferson St., Matthews, N.C. Improvements to the property are underway. Also, at its December meeting the HLC approved taking action to render the deed covenants on the property null and void. Peter Wasmer is the Project Manager of the physical changes to the property.**

**6) Phillips House, Matthews, N.C. 131 West Charles Street, Matthews, N.C. The Commission owns the property. The current owner has a right of life tenancy in the property. Staff anticipates that the Commission will participate with the Town of Matthews in discussing future use of the property when appropriate.**

**7) William Grier House. Douglas International Airport owns this house. Staff will be actively pursuing meetings with Airport officials to develop a preservation strategy for the property.**

**8) Former Mt. Carmel Baptist Church. Campus St., Charlotte, N.C. Meetings occurred this month with Johnson C. Smith University officials to discuss how the Commission might participate in the preservation of the Former Mt. Carmel Baptist Church, a designated historic landmark. Discussions continue.**

**9) County Oversight of Projects. Discussions are occurring regularly with County officials about project management. It is clear that the projects undertaken by the Historic Landmarks Commission will hereafter be reviewed more closely by the County, especially in terms of profit or loss. Len Norman continues to work with Staff to develop a justification for replenishment money for the revolving fund.**

#### **4. Design Review Committee Report: Ken Pursley**

##### **Applications For Certificate of Appropriateness.**

**A. Consideration of unapproved changes to a portion of the Pineville Commercial Block (314 Main Street), Pineville, N.C.**

**Staff explained the background of this issue as follows:**

**At the December 14th meeting the following motion was tabled: THE DESIGN REVIEW COMMITTEE PRESENTED A SECONDED MOTION THAT THE HISTORIC LANDMARKS COMMISSION APPROVE THE CHANGES ALREADY MADE TO THE FRONT OF THE BUILDING AT 314 MAIN STREET, PINEVILLE, N.C. AND THAT A CERTIFICATE OF APPROPRIATENESS BE ISSUED FOR THESE CHANGES ONCE AN APPLICATION IS RECEIVED.**

**The following motion was approved: MR. ERDMAN PRESENTED A MOTION SECONDED BY MR. EGLESTON THAT THE MOTION BE TABLED UNTIL THE JANUARY 11, 2016, MEETING OF THE HISTORIC LANDMARKS COMMISSION AND THAT STAFF BE DIRECTED TO COMPOSE AN EXPLANATION OF THE CIRCUMSTANCES THAT CAUSED A BUILDING PERMIT FOR THE BUILDING AT 314 MAIN STREET, PINEVILLE, N.C., TO BE ISSUED AND THAT THIS EXPLANATION BE INCLUDED AS AN ADDENDUM TO THE MOTION. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.**

**Accordingly, Staff prepared the following report:**

**EXPLANATION OF THE CIRCUMSTANCES THAT CAUSED A BUILDING PERMIT TO BE ISSUED FOR 314 MAIN STREET, PINEVILLE, N.C**

**In October 2015, the HLC office was contacted by an architect from ALB Architecture who had previously done design work on 314 Main St. The architect was concerned that the HLC had allowed inappropriate changes to the front of the building. Staff visited the site and determined that inappropriate changes had been made to the façade, that the ca. 1935 recessed doorway had been demolished and that a flat storefront window and new brick knee wall had been constructed without a Certificate of Appropriateness (COA) for the project. On October 26, 2015, HLC sent a letter to the building's owner, SBX LLC of Indian Land, SC, advising the firm to contact the HLC. Staff met with the owner at the site on November 16th and explained to the owner that the property was a designated historic landmark and that a COA was required for material alterations to the property. The owner explained that he had met with Pineville officials and that they approved his plan. Staff explained that the property was designated, that the registered ordinance for the property clearly stated that a COA was required for any material changes to the property, and that it was the responsibility of the owner to understand the constraints on their property. Staff advised the owner to apply for a COA for the work that had been performed. The owner submitted an application, plans, and the design-review fee, and the project**

was presented to the Design Review Committee at its November 2015 meeting.

When the current owner of 314 Main St applied for a building permit in July 2015, the permit was issued because there was no zoning hold in place. Designated historic landmarks in Mecklenburg County are protected from unapproved alterations with "historic zoning holds." These holds prevent the issuance of a building permit unless a COA is issued that matches the proposed work. When a project is approved and a COA is issued, Charlotte and Mecklenburg County staff can allow the project to proceed by releasing the "project hold" for individual projects. Unfortunately, the historic zoning hold for 314 Main St Pineville was essentially removed in November 2014, when a COA for a separate approved project was issued. At that time someone with Mecklenburg's Land Use and Environmental Services (LUESA) mistakenly released the "address hold" for 314 Main St. Once an address hold is released, there is no historic design review check for the issuance of building permits for a property in Mecklenburg County.

HLC staff has recommended to the Mecklenburg County Code Enforcement office that the ability to alter the historic address holds be strictly limited to the HLC staff and just one management team in the Code Enforcement office. Staff has also completed an audit of all 436 designated properties in Mecklenburg County to ensure that current address holds are active for all of the designated historic landmarks. Until changes are made in the permitting system, it will be necessary for the HLC to audit periodically the status of the historic zoning holds for all of the designated historic landmarks in Mecklenburg County.

**MR. ERDMAN PRESENTED A MOTION SECONDED BY MR. SHURLEY THAT THE MOTION TABLED AT THE DECEMBER 14TH MEETING OF THE HLC BE TAKEN OFF THE TABLE. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.**

**MR. NORMAN PRESENTED A MOTION SECONDED BY MR. EGLESTON THAT THE HISTORIC LANDMARKS COMMISSION APPROVE THE CHANGES ALREADY MADE TO THE FRONT OF THE BUILDING AT 314 MAIN STREET, PINEVILLE, N.C. AND THAT A CERTIFICATE OF APPROPRIATENESS BE ISSUED FOR THESE CHANGES ONCE AN APPLICATION IS RECEIVED, WITH THE FURTHER STIPULATION THAT THE REPORT ENTITLED "THE EXPLANATION OF THE CIRCUMSTANCES THAT CAUSED A BUILDING PERMIT TO BE ISSUED FOR 314 MAIN STREET, PINEVILLE, N.C" AND THE STATEMENT: " IN THIS INSTANCE, THE OWNER WAS GIVEN NO REASONABLE NOTICE OF THE HISTORIC ZONING HOLD. THE OWNER RECEIVED A BUILDING PERMIT WHICH ALLOWED THE CHANGE TO THE FACADE TO OCCUR. THE WORK WAS SUBSTANTIALLY COMPLETED WHEN THE MATTER**

**CAME TO THE ATTENTION OF THE HLC" BE APPENDED TO THE CERTIFICATE OF APPROPRIATENESS. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.**

**5. Survey Committee Report: Jill Walker**

**Ms. Walker stated that the Survey Committee did not meet.**

**6. Projects Committee Report: Len Norman**

**Mr. Norman reported that five items were before the Commission for consideration, two in open session and three in closed session.**

**A. Consideration Of An Offer To Purchase the Delburg Cotton Mill House at 303 Delburg Street, Davidson, N.C.**

**Mr. Wright left the meeting at 7:02 p.m.**

**Staff explained that State Law requires that the Historic Landmarks Commission discuss the prospective sale of property in open session. Staff explained the offer presented by the prospective buyer, Eric Levinson, who explained his conditions for closing on the property. The Commission carefully considered the offer and reached a consensus.**

**MR. MILLER PRESENTED A MOTION SECONDED BY MR. ERDMAN THAT THE HISTORIC LANDMARKS COMMISSION APPROVE THE FOLLOWING COUNTER TO THE OFFER PRESENTED BY MR. LEVINSON TO PURCHASE THE DELBURG COTTON MILL HOUSE LOCATED AT 303 DELBURG STREET, DAVIDSON, NORTH CAROLINA: 1) THE PURCHASE PRICE SHALL BE EQUAL TO THE TOTAL EXPENDITURES OF MONEY THE COMMISSION HAS MADE TO DATE ON ALL ASPECTS OF ITS ACQUISITION AND OWNERSHIP OF THE DELBURG COTTON MILL HOUSE, 2) THAT THE DUE DILIGENCE PERIOD SHALL TERMINATE AT THE MARCH 14, 2016, MEETING OF THE HISTORIC LANDMARKS COMMISSION, SO THAT THE PROSPECTIVE BUYER MIGHT HAVE TIME SUFFICIENT TO SEEK HLC APPROVAL OF A CERTIFICATE OF APPROPRIATENESS FOR THE MATERIAL ALTERATIONS HE WISHES TO MAKE TO THE PROPERTY, AND 3) THAT THE EXECUTIVE COMMITTEE OF THE HLC BE AUTHORIZED TO ENTER INTO WHATEVER NEGOTIATIONS MIGHT BE NECESSARY. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.**

**B. Consideration Of An Offer To Purchase the Three Lots owned by the HLC at 3215 Avalon Avenue, Charlotte, N.C.**

**Staff explained that the lots currently contain no structures and were purchased by the Historic Landmarks Commission as part of the McQuay House Historic Landmark. The owners of the McQuay House wish to acquire the three lots to provide greater protection and historic context for the McQuay House.**

**MR. MILLER PRESENTED A MOTION SECONDED BY MR. SHURLEY THAT THE HISTORIC LANDMARKS COMMISSION ACCEPT THE OFFER SUBMITTED BY MICHAEL B. HOPKINS TO PURCHASE THE PARCEL (TAX PARCEL NUMBER 06504204 AT 3215 AVALON AVENUE, CHARLOTTE, N.C.). THE TERMS OF THE CONTRACT ARE: 1) PURCHASE PRICE - \$35,000, 2) \$1000 EARNEST MONEY DEPOSIT, 3) EXAMINATION PERIOD UNTIL FEBRUARY 12, 2016, AND 4) CLOSING ON OR BEFORE MARCH 18, 2016. THE COMMISSION APPROVED THE MOTION WITH MR. PURSLEY VOTING IN OPPOSITION.**

**Mr. Miller left the meeting at 7:30 p.m.**

**MR. PURSLEY PRESENTED A MOTION SECONDED BY MR. SHURLEY THAT THE HISTORIC LANDMARKS COMMISSION CONVENE IN CLOSED SESSION TO CONSIDER A LEASE CONTRACT, TO CONSIDER THE PURCHASE OF REAL ESTATE, AND TO RECEIVE LEGAL ADVICE. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.**

**MR. SHURLEY PRESENTED A MOTION SECONDED BY MR. NORMAN THAT THE HISTORIC LANDMARKS COMMISSION RECONVENE IN OPEN SESSION. THE COMMISSION UNANIMOSLY APPROVED THE MOTION.**

**Special Note: In Closed Session the Commission approved the terms of a lease of Charlotte Streetcar 85 to the North Carolina Transportation Museum. The Commission agreed to submit an offer to purchase the property at 114 S. Main Street in Huntersville, Finally, the Commission affirmed its support for seeking release from the deed covenants restricting the use of the Outen Pottery Historic Landmark at 403 Jefferson Street, Matthews, N.C.**

#### **7. Treasurer's Report: Mr. Elliott**

**Mr. Elliott distributed the Treasurer's Report and explained its contents.**

#### **8. Old Business**

**Staff stated that consistent with the Commission's earlier decision to pursue purchase of property on Rozzells Ferry Road owned by the F.A.A., the Commission should recommend to the Charlotte City Council that the property be designated as a historic landmark.**

**Staff assured the Commission that the F.A.A. property was once part of the Edward M. Rozzel Farm.**

**MR. SHURLEY PRESENTED A MOTION SECONDED BY MR. NORMAN THAT THE HISTORIC LANDMARKS COMMISSION RECOMMEND TO THE CHARLOTTE CITY COUNCIL THAT THE PROPERTY OWNED BY THE FEDERAL AVIATION ADMINISTRATION (TAX PARCEL NUMBER 031-222-58 AT 11601 OLD ROZZELLES FERRY ROAD, CHARLOTTE, N.C.) ADJACENT TO THE EDWARD M. ROZZEL HOUSE HISTORIC LANDMARK BE DESIGNATED AS A HISTORIC LANDMARK. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.**

#### **9. New Business**

**Mr. Elliott noted that Historic Charlotte had merged with the Charlotte Museum of History.**

**Ms. Walker stated that she has been meeting with zoning officials to determine how a front porch might be constructed on the Atherton Cotton Mill House at 2005 Cleveland Avenue, Charlotte N.C.**

**The Commission adjourned at 7:56 pm.**