

**Charlotte-Mecklenburg
HISTORIC LANDMARKS COMMISSION
November 13, 2023
Hybrid Meeting
Charlotte-Mecklenburg Government Center, Room 266
6:08 p.m. – 7:04 p.m.**

Draft Minutes

Present

Akadius Berry/County (remote)
Lesley Carroll/County/HLC Treasurer/Survey Committee Chair (remote)
Brian Clarke/County/HLC Chair
Andra Eaves/County
Nadine Ford/City/HLC Vice Chair
Victoria Grey/County/HLC Secretary
John Kincheloe/City
Emily Makas/Mayor
Stewart Gray, HL Director
Elizabeth Stuart, HL Senior Administrative Support Assistant
Tommy Warlick, HL Consulting Preservation Planner

Absent

Dontressa Ashford/Mayor
Robert Barfield/County
William Hughes/City
Edwin Wilson/City/Projects Committee Chair

Note: This meeting was held virtually through the Microsoft Teams video conferencing platform and in-person at the Charlotte-Mecklenburg Government Center.

1. Adoption of the Consent Agenda

a. Approval of October HLC Minutes

Note: This item was deferred until the Commission's December 11 meeting due to a lack of a quorum.

2. Chair's Report: Brian Clarke

Chair Clarke stated that the 50th anniversary celebration held at Camp North End on November 2 was well-attended and well-executed. He thanked those involved with planning the event.

Chair Clarke also stated that he and Director Gray attended the Preserve Mecklenburg gala in early October. He noted that the Historic Landmarks Commission was presented with an award for Best City-County Agency for the success of the revolving fund and the preservation of various properties throughout the years. He stated that George Smart who developed the US Modernist website was the keynote speaker.

Chair Clarke stated that the Community Outreach Committee held an informal meeting earlier in the evening. He asked for Commissioners to let him know of their interest in serving on this Committee.

3. Public Comment Period

Chair Clarke stated that this is the period where members of the public who have registered in advance to speak may make public comments. He explained that each speaker may speak for three minutes on a topic that is within the realm of the Commission's responsibility and which does not otherwise appear on tonight's agenda.

Before Amy Cortazar spoke, Chair Clarke provided context on her comments. He explained that the grounds of the Frank McNinch House at 2401 Sharon Lane, Charlotte, are the site of a Commission-approved infill development. He stated that Cortazar is the owner of this house.

Amy Cortazar stated that she purchased the house approximately two years ago to preserve the house. She explained the difficulties her family has encountered owning the house during the infill construction period.

4. Public Hearings

Commissioner Berry presented a motion seconded by Commissioner Kincheloe that the Historic Landmarks Commission open a public hearing for the Wyche-Dobson-McCoy House, 801 E. 8th Street, Charlotte; Savona Mill, 528 S. Turner Avenue, Charlotte; and the Benjamin DeWitt Funderburk House, 201 W. Charles Street, Matthews. The Commission unanimously approved the motion.

a. Wyche-Dobson-McCoy House, 801 E. 8th Street, Charlotte

Chair Clarke stated that this is one of the few surviving houses from First Ward that was relocated to its current location due to urban renewal.

Chair Clarke asked if any members of the public would like to speak on this property. There were no comments.

b. Savona Mill, 528 S. Turner Avenue, Charlotte

Chair Clarke stated that the adaptive reuse process on this property has been supervised by the North Carolina State Historic Preservation Office.

Chair Clarke asked if any members of the public would like to speak on this property. There were no comments.

c. Benjamin DeWitt Funderburk House, 201 W. Charles Street, Matthews

Chair Clarke noted that this house is already a designated landmark and that the designation will be amended to include the interior of the house.

Chair Clarke asked if any members of the public would like to speak on this property. There were no comments.

Commissioner Eaves presented a motion seconded by Commissioner Berry that the Historic Landmarks Commission close the public hearing. The Commission unanimously approved the motion.

Gray stated that the Commission must hold public hearings due to state law. He explained that the pertinent local governing bodies would also hold public hearings. He noted that since the local governing bodies decide on landmark designations it makes sense for individuals who would like to speak on designations to attend those meetings instead.

5. Closed Session to Discuss a Legal Matter

Gray stated that Senior Deputy County Attorney Ed Yeager will discuss this issue with the UNC School of Government prior to discussion with the Commission. Gray stated that the issue can be discussed in open session or can be discussed next month in closed session. Chair Clarke stated that the issue will be deferred and possibility revisited later in the meeting.

6. Quasi-Judicial Hearing for the William Grier House, 8120 Robbie Circle, Charlotte

Chair Clarke noted that the staff report indicates that this item is for a Certificate of Appropriateness application for the demolition of the William Grier House. He stated that Stuart Hair and Kevin Hennessey, representatives from Charlotte Douglas International Airport, are on the call. He explained that since there is not a quorum of Commissioners present in the room that the quasi-judicial hearing should not be convened. He stated that this item will be deferred until the December or January meeting.

7. Update on Torrence-Lytle School: Brian Clarke

Chair Clarke reminded the Commission that at their last meeting, they discussed the community meeting that Gray, Deputy County Manager Leslie Johnson and Commissioner Ashford recently held with the Pottstown community. He noted the outstanding proposal from Ezra and Associates and stated that the Commission discussed having a representative from this developer meet with the Pottstown community. He stated that after this discussion, he met with Gray and Johnson and now believes that this type of discussion would be premature. He stated that while this developer remains interested, further discussion is currently on hold due to pending litigation. He explained that a lis pendens has been placed on the property, which indicates that the title of the property could be affected by a lawsuit, and which means that the Commission cannot close on any transaction.

Clarke stated that this pause will be used to gather information regarding the potential adaptive reuse of the property. He stated that a community group is working on gathering this information and that community input should be ready to be considered at the Commission's January meeting.

Commissioner Berry asked if the Commission can still entertain proposals. Chair Clarke explained that in addition to the proposal from Ezra and Associates, two other groups are working on proposals. He stated that the information gathered will benefit everyone and will not delay the process beyond the inherent delay that is the result of litigation.

Gray explained that the Commission will benefit from survey information. He noted that the Commission wants to serve the community and anticipates this survey feedback.

Clarke stated that the survey will help mitigate expectations.

Commissioner Berry noted the need to engage with the community with realistic expectations.

8. Financial Report: Stewart Gray

Gray stated that the balance of the revolving fund remains approximately \$7.6 million. He stated that the Projects Committee met to discuss institutionalizing guidelines for the revolving fund. He stated that the Committee would meet soon to create action items out of the guidelines. He stated that the guidelines would be brought to the full Commission for adoption once ready.

Chair Clarke stated that the Projects Committee discussed dedicating a certain amount or percentage of the revolving fund on obtaining easements on properties. He stated that funds could be set aside to erect roadside markers or for emergencies. He asked Commissioners to let him know if they had any thoughts on the best use for the revolving fund.

Gray stated that the Mecklenburg Board of County Commissioners must be informed if the Commission uses the funds for projects besides buying and selling properties since the fund is currently set up for those functions. He explained that the Board has to approve revolving fund expenses.

9. Historic Landmarks Staff Report

a. Leeper-Wyatt Store Update

Gray reminded the Commissioners that a Certificate of Appropriateness for the demolition of this property was issued with the understanding that the owner would attempt to relocate the building. He stated that after that plan did not happen that a pair of restaurateurs expressed interest in relocating the building to preserve it. He explained that the rezoning has been approved by Charlotte City Council and that the final step is approval by the Historic District Commission (HDC), who have requested additional information about the rooftop addition. He stated that he would attend the HDC's December meeting and lobby for the changes to be approved.

b. Abernethy House Update

Gray stated that he, Consulting Preservation Planner Warlick, and Jack Thomson recently visited the Abernethy House. He explained that the owners have questioned the property's use once it is a designated landmark. He stated that the owners have signed a contract to not demolish the property and have committed to placing a preservation covenant on the property.

c. Recap of HLC 50th Anniversary Celebration

Chair Clarke covered this item in his report earlier in the meeting.

d. HLC Holiday Party: December 7

Senior Administrative Support Assistant Stuart stated that the Commission's holiday party will be held on December 7 at VBGB at the Music Factory, which is designated as the John B. Ross and Company Mill.

10. Old Business

Chair Clarke referred to Item #5 and explained that the legal matter is to receive advice of counsel on the scope of the Commission's design review authority over land that has been designated where the designated structure on that land no longer exists. He noted that in a recent quasi-judicial hearing, he stated that the Commission does retain design review on the land even if the building has been demolished. He stated that inquiries have been made to the UNC School of Government and the County Attorney's office regarding this issue. He stated that the Commission will need to decide whether to make it an official policy that if an ordinance

designates the land specifically that the land will be considered separate from the structure. He explained that the Commission cannot deny a Certificate of Appropriateness application for the demolition of a property but that considering the land separately would give the Commission more negotiation power since they would influence what would happen to the land even if the historic structure is demolished.

Commissioner Grey asked if the Commission could require that the new structure be a similar build to the original structure. Chair Clarke stated that the National Park Service has helpful guidance on this subject that would be worth consideration.

11. New Business

There was no new business.

Commissioner Grey presented a motion seconded by Commissioner Makas that the meeting of the Historic Landmarks Commission adjourn. The Commission unanimously approved the motion.

The meeting adjourned at 7:04 p.m.