

**MINUTES**  
**HISTORIC DISTRICT COMMISSION**

Wednesday, October 1, 2008

7:00 pm, Town Barn

**MEMBERS PRESENT:** Chair Jessica Dockery, Vice Chair Mark Rhoades, Mark Bell, Joseph Council, and David McCullough.

**MEMBERS ABSENT:** Holly Snyder, absence excused.

**STAFF:** Planner Stephanie Trueblood.

**WITNESSES:** Jim Parker, Bridget Booher, Jane Montgomery, Bill Crowther, and Linda Killian.

**ITEM #1: Call to order, roll call, and confirmation of quorum.**

Ms. Dockery called the meeting to order at 7:00 p.m., and Ms. Trueblood called the roll and confirmed the quorum.

**ITEM #2: Reading of the Commission's Mission Statement.**

Ms. Dockery read the Commission's Mission Statement and provided information on the Commission's processes.

**ITEM #3: Additions to the agenda and agenda adjustment.**

There were no additions or adjustments to the agenda.

**ITEM #4: Approval of minutes from the September 3, 2008 meeting.**

**MOTION:** Mr. Council moved to approve the minutes of September 3, 2008 as presented.

**SECOND:** Mr. Bell.

**VOTE:** Unanimously approved.

**ITEM #5: Application for a Certificate of Appropriateness for Telesis Construction Management to install red brick pavers instead of concrete for sidewalks at the new library and Orange County Office Complex at 131 and 137 West Margaret Lane (TMBL 4.3.6.E.5, 5A).**

Ms. Dockery swore in Jim Parker and Stephanie Trueblood. Ms. Trueblood provided a brief overview of the application, stating that the request was to install red brick pavers like those used at the Gateway Center instead of concrete for sidewalks at the new library and the Orange County Office Complex. She said that some of the pavers would be engraved with names of donors of the Friends of the Library, so part of the project involved raising funds for the library.

Ms. Trueblood stated the Standards that applied were C for materials, D for texture, and R for groundcover and paving, and the Design Guidelines that applied were Walkways, Driveways, and Off-Street Parking.

Ms. Trueblood stated the Board had been given a revised site plan which showed the location of the sidewalks on the site and a grid that indicated where the brick pavers would be laid rather than the concrete sidewalk. She said the applicant had also provided photographs depicting what the pavers looked like in front of the Gateway Center for reference. Ms. Trueblood stated that the part of the sidewalk that went along Margaret Lane would be maintained by the Town, and the Public Works Supervisor had no issue with the installation of the pavers as long as there were no large trees planted nearby that could dislodge the pavers in the future.

Jim Parker provided the Board with a sample paver that had been engraved for reference.

After having been sworn, Bridgit Booher, President of the Friends of the Library, said that the paver project was a fundraiser for the library, with the idea that the pavers would beautify the new facility while allowing people who supported the library to have their names engraved on the pavers. She noted they had been told that the engraving should last at least 100 years. Ms. Booher stated they had gotten tremendous excitement from the community about the opportunity to buy pavers, and the library and the Friends were reserving the right to determine what would be engraved on the pavers, noting that if that needed to be reviewed by the HDC they would of course come back with that.

Ms. Dockery determined that none of the HDC members had a conflict of interest with the application. She also determined that there were no members of the public present to speak for or against the application.

Mr. Council stated he did not believe it was a conflict, but he had spoken to Mr. Horton about a month ago about possibly renting property from him at some point in the future. No one on the Board expressed concern that that conversation was a conflict of interest.

**MOTION:**           **Mr. Council** moved to find as fact that the Telesis Construction Management application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards C, D and R, and the Design Guidelines for Walkways, Driveways, and Off-Street Parking.

**SECOND:**           **Mr. Bell.**

**VOTE:**               Unanimously approved.

**MOTION:** Mr. Council moved to approve the application as submitted with no conditions.

**SECOND:** Mr. Bell.

**VOTE:** Unanimously approved.

Ms. Trueblood noted that there was no requirement that the Friends come back to the HDC to have the message on the pavers approved, as the HDC did not regulate messages such as those.

**ITEM #6: Discuss possible modification to a previously issued Certificate of Appropriateness for Judith Hauser due to the Preservation Fund requirements at 127 West King Street (TMBL 4.36.A.12A).**

Ms. Dockery swore in Jane Montgomery and Bill Crowther. Ms. Trueblood provided some background information on this issue, stating that this was a discussion item and no action was required unless the HDC decided to reopen the Certificate of Appropriateness that had already been granted to Judith Hauser. She said that in August Ms. Hauser had applied for a COA to remove an existing secondary chimney and replace the existing brick stoop with a covered porch and steps similar to the entrance porch on the front of the house. However, she said, the Conditional Use Permit required a preservation easement with the Preservation Fund of Hillsborough. Ms. Trueblood said that part of that easement requirement was that any exterior work be approved by the Preservation Fund in advance of the work, and in regards to the proposed work the applicant was unable to secure the approval from the Preservation Fund.

Ms. Trueblood stated the application had come to the HDC and was approved for the original set of drawings, and at about the same time the Preservation Fund had written a letter that stated that they believed there were some minor changes that could be made to the roof pitch to tie it into the back rear shed. She said the HDC did not have a drawing of that at the time so the HDC had decided to approve the original drawing that was submitted rather than consider alternatives. Ms. Trueblood stated no Preservation Fund representatives had attended that HDC meeting.

Ms. Trueblood stated that Jane Montgomery, the architect, had been asked by Ms. Hauser to draw a second scenario as suggested by the Preservation Fund, and it was included in the materials along with the originally approved design. She stated that Ms. Hauser had been granted a COA by the HDC, and the Preservation Fund was asking the HDC to explain the rationale in approving the original application and try to come to some consensus with Bill Crowther as a representative of the Preservation Fund, so that the work could move forward.

Ms. Dockery asked about the roof pitch of the main house. Ms. Montgomery responded the pitch that they were using as a model was the existing front porch, not the main roof, and it was unusual in that it was tall and narrow. She said they had changed the proportions slightly but were still maintaining the small roof

pitch and architectural details that were found on the existing front porch to make it compatible with the existing architecture of the house. Ms. Montgomery stated they were attempting to create a graceful, inviting and safe covered stoop with railings, noting that was the main entrance for the law office. She said the location of the door constrained where the porch had to be located, and it made the most sense to create a roof that as the peak of the gable passed the wall of the main house that it became a shed, and fell into the right end of the tall roof and dived down onto the lower shed. Ms. Montgomery stated she, Ms. Hauser, and the HDC believed that the reasoning behind the design of the porch complied with the guidelines that were used by the HDC, and also achieved a blending of the original architecture of the house and formed a nice front entry.

Ms. Montgomery stated she understood that this design was somewhat unusual in that the gable passed across the shed roof and became a second shed at a different angle. She displayed another drawing that showed the exposed rake where the steeper shed fell down onto the lower shed, and said that structurally that was not a problem. She noted the plans had been reviewed by an engineer, and provided a letter from the engineer which said that the plans were acceptable.

Ms. Montgomery stated the question then became which elevation took priority, the one approaching the main entrance at the side of the house or the elevation from the rear where you saw the somewhat unusual conjuncture of two different slopes on the shed roof. She said that at present, there was large shrubbery that bordered the property which obstructed the view from King Street, but if trimmed back it would provide a clearer view. Ms. Montgomery stated their concern about joining the roof and the lower shed roof was that the whole porch had to drop to where the porch headers fell to the top of the door. She said that created a very different appearance than the porch on the front of the house that they were trying to emulate. Ms. Montgomery stated when they used the dropped version of the porch to align with the porch shed roof, the porch became squat and wide and its proportions were no longer as pleasing as the taller roof.

Ms. Montgomery stated tonight's discussion would be about the pros and cons of the two designs, noting that the first one had been approved by the HDC. She said the Preservation Fund was interested in hearing the HDC's reasoning behind that approval and why they believed the first design was the most appropriate for the house.

Ms. Trueblood commented that the Preservation Fund had its own contract through the Preservation easement with the property owner that the Town and the HDC had no regulatory authority over. She said the purpose tonight would be to come to some consensus between the two preservation groups, but added that the HDC did not have the authority to override the Preservation Fund. Ms. Trueblood stated the Preservation Fund, because of the Conditional Use Permit, had the authority to tell the applicant what was or was not appropriate.

Ms. Dockery asked Mr. Crowther if the Preservation Fund wanted the lower pitched roof for aesthetic reasons or was it more a concern with water being caught in that steeper gable. Mr. Crowther responded it was more function than form. He said with all due respect, this was a matter that should have received proper protocol in that the comments given to the applicant by the Preservation Fund should have been honored at the HDC's previous meeting with only one option considered, which would be the option preferred by the Preservation Fund. Mr. Crowther said the HDC had been given two options and had chosen to approve the original option that the Preservation Fund did not approve, and that was the reason for the quandary they now had.

Mr. Crowther displayed a model of the house and pointed out the form they would like to see on the house, noting that there was no precedent to say that the front had to be identical to the rear. He said that the form showed three roofs coming together to a point at the lowest point, so that all symmetry blended into the existing structure. Mr. Crowther stated that allowed for better water drainage than the design preferred by the applicant that would require siding and flashing on the back side. He stated that design was not as pleasing to the eye from Margaret Lane, and the design preferred by the Preservation Fund was the form and function that would best fit the house.

Ms. Dockery stated that the HDC had not received the second version until they had received the materials for this meeting, noting they had not seen the second one and were not aware that there was another one. Mr. Crowther asked had the HDC been aware that the Preservation Fund had not approved that original drawing. Ms. Dockery responded no. Ms. Trueblood noted that the letter from the Preservation Fund had been submitted during that first meeting, and because there was no one present from the Preservation Fund the HDC had been unable to ask questions.

Mr. Bell stated it might be clearer to say that it was the applicant's duty to get approval from the Preservation Fund prior to bringing it to the HDC for approval.

Ms. Dockery stated that would have made this a smoother process, and while the HDC knew there was a concern expressed in the letter, they did not have a good idea of what the Preservation Fund's preference was. She said while she would agree that the fewer number of places that water could leak in was preferable, she believed that the gable pitch was aesthetically more preferable. Ms. Dockery asked was there a way to shift that gable slightly one way or the other. Mr. Crowther said that the dormer location prevented that.

Mr. Bell said with the lower pitched roof on the gable to match the shed, what you would be doing was extending one piece of the roof. Mr. Crowther stated that was correct, noting it would be flush. Mr. Bell asked if in the model that went back further. Ms. Montgomery responded yes, and pointed that out on the model, but added the model was not exactly representative of the original design.

The Board discussed with Mr. Crowther and Ms. Montgomery how the shed roof and the new roof would align from different angles, how the gable connected to the porch and the roof, how the ledge aligned with the rear wall, how the original design was similar to the existing porch, and likely problems that might arise, such as holding water. Ms. Montgomery stated that the design was not one that was particularly difficult to flash or to get water to run away from. She said the valley that would be created should accommodate any water issues.

Mr. Crowther stated he was a licensed general contractor and a carpenter, and this was a technique that he frowned upon. He stated even though an engineer may have okayed the design, it was not a technique that was encouraged because it caused problems. Mr. Crowther said overlaying three roofs in one spot was not a good thing to do. Ms. Trueblood stated that the reasoning behind the original approval by the HDC had to do with guidelines dealing with construction that essentially called for differentiated but compatible, which was why they got a lot of exposed original roof lines in the historic district. She said many times when a new roof line was approved by the HDC, there had been a request made by the HDC to leave the original roof pitch so that each piece of construction would be easy to identify and not necessarily connected to an earlier addition or the original structure. Ms. Trueblood stated that was a part of the original discussion when this application was first considered, as well as the guidelines for porches, entrances, and balconies that called for the historic pitches to be maintained in new construction. She said the HDC also had a precedent to look at the original drawing and why that might be more in keeping from a particular point of view which was not necessarily from the carpenter/contractor/structural point of view but from a more aesthetic, compatible, and differentiated point of view.

Ms. Dockery stated that the issue was that the drawing that the HDC had approved was closer to fulfilling the required guidelines than the one preferred by the Preservation Fund, which was a more practical approach to prevent water issues. She said the decision was in the Preservation Fund's hands because they had the easement. Ms. Trueblood stated if the Preservation Fund was not willing to change their minds and accept the original design approved by the HDC, then the issue was now between the property owner and the Preservation Fund to work out a compromise. Then, she said, if the property owner wanted to come back to the HDC for another COA or an amendment to the original COA then that was possible, but she did not believe the HDC had any other role to play in this issue. Mr. Crowther indicated that the Preservation Fund was not willing to change its stance on this issue as things now stood, but noted that the property owner would have an opportunity to appeal if she wanted to do so. He stated that if the applicant came before the full Board of the Preservation Fund, there may be more concerns that needed to be met on this particular addition, or, they could approve the preferred design that the property owner had proposed. Mr. Crowther stated the full Board met only once a year and they had just met tonight, so it may take some time to hear an appeal.

Ms. Trueblood asked if Ms. Hauser opted to construct the second option preferred by the Preservation Fund, did they want her to come back with a second set of drawings or did they want to consider it a Minor Work and have staff approve it. She said Ms. Hauser had indicated she may decide to do nothing and leave the structure as is.

Mr. Council stated it would have been helpful had a copy of the easement been provided to the HDC so that they could have had a better understanding of the issues.

After a brief discussion and with some reservations expressed, the Board agreed by consensus to allow staff to approve the change as a Minor Work if Ms. Hauser decided to proceed with the option preferred by the Preservation Fund with no changes.

The Board discussed the possibility of perhaps moving the door to help with alignment, or to consider another possible configuration of the roofs by lifting the porch somewhat higher and disassociate the upper gable roof from the lower shed. Ms. Trueblood stated that was commonly seen with the mill houses on West King Street. She said if Ms. Hauser wanted to consider other configurations, she suggested that she contact Mr. Crowther first. She said once there was some agreement reached with the Preservation Fund, if it was something other than the second design then Ms. Hauser would have to come back to the HDC for a new COA.

Ms. Dockery summarized by saying that the second design could be approved by staff as a Minor Work if no changes were made, but if something other than that was proposed then it would have to come back to the HDC.

**ITEM #7: Application for a Certificate of Appropriateness for Linda Killian to replace the existing exterior monument sign and wall sign to reflect the change of occupants at 241 St. Marys Road (4.31.C.5).**

Ms. Dockery swore in Linda Killian. Ms. Trueblood provided a brief overview of the application, stating that the request was to replace the existing exterior monument sign and wall sign to reflect the change of occupants. She said that the Guidelines that applied were C for materials and O for appurtenant fixtures, and the Design Standard that applied was Signage.

Ms. Trueblood noted that the materials provided contained a graphic representation of what the new signs would look like, listing the five new occupants as well as the street address. She confirmed with Ms. Killian that the material for the new signs were aluminum with vinyl lettering, and the material of the existing signs were wood with vinyl lettering.

Ms. Dockery stated that the picture showed that the metal sign was all the way down to the monument brick, and asked was it resting on it or would it be evenly spaced between. Ms. Killian stated the way it was drawn was that it was resting on it, but it could be changed if the Board preferred. Ms. Dockery stated she believed it was strange to have it straight down and resting flush to the bottom, noting if it were evenly spaced it would look more balanced. She said that was personal preference more than any guideline.

Ms. Trueblood stated that the picture was somewhat misleading, and believed what Ms. Dockery was saying was that in between the sill and the rowlock it should be evenly spaced. Ms. Dockery agreed.

Mr. Council stated he was concerned about the configuration of having five ovals against a blue background appearing somewhat busy and cluttered, especially for a sign of that size. He said he knew of no other sign in the district that conformed to that configuration. Mr. Council said he had no concerns regarding the sign on the structure itself, and the only concern he had about the one on the wall was the physical size. He stated his concerns were in regards to page 57 of the Guidelines, #5 and #6, where it referred to mounting small identification signs on building sides. Mr. Council stated the sign was 2 feet by 30 inches, which appeared to be much larger than the existing sign, and he was not sure the one proposed would fall into scale with that façade. Ms. Killian stated the existing sign was approximately 16½” by 22½”. She said she was proposing a sign at 24” by 30” which she did not believe was that much bigger.

Mr. Rhoades asked if the proposed sign on the structure meet the Design Guidelines in terms of size. Ms. Trueblood responded yes. Mr. Rhoades asked Mr. Council if he had any issue with the material.

Mr. Council stated he had no issue with the material because metal was one of the materials that was allowed, referring to #7 on page 57 of the Guidelines.

Ms. Dockery asked if the sign on the wall would be 2’ by 30” in order to be seen from the road, or just to be able to fit all the names on it. Ms. Killian said one of the concerns was that they wanted to get all the names on it, and not necessarily be seen from the road but at least be seen from the parking lot. Ms. Dockery stated she believed the sign could be a little smaller and still be seen from the parking lot. She said she believed a sign similar in size to the existing sign would be more acceptable, which was 16½ by 22½, noting a smaller sign would still serve the desired function and not be out of scale with that section of the wall.

Mr. Bell stated he would much rather see a wood sign since that was what was currently there, and believed the Guidelines stated that if you were going to replace a sign that it be compatible in design, scale, and exterior material. He said he personally believed a wooden sign would be much more in keeping with the district, even though it would require more maintenance.

Ms. Dockery agreed, but noted that the existing sign was a newer wooden sign rather than an historic wooden sign, and the one previous to it had been a metal sign. She said it would be a more attractive sign if it were ovals on the brick background, but did not believe the Guidelines stipulated that.

Mr. Council said he was more concerned with having five separate ovals on a big blue field against a big red field. He said there were two issues, the first being the big blue background and the second being what was in essence five separate signs conglomerated on the one bigger sign. Mr. Council stated that a linear configuration as opposed to multiple ovals was a common configuration within the district. Ms. Killian clarified that it was their intention to have the blue be coordinated with the shutters, which was a Colonial blue, and much softer than what was depicted.

Ms. Dockery stated with the number of names the sign required, if they were in a linear pattern it would be difficult to read as you drove by. She said certainly for this size that was very appropriate, but did agree that this would be the first multiple oval business sign in the district.

Mr. Council said with this being the first one, his thought was that they did not want to set a precedent they would regret later.

Ms. Dockery stated she agreed the sign on the wall should be somewhat smaller, but was comfortable with the multiple ovals.

Mr. Bell stated there appeared to be six tenants, but only five ovals were depicted. Ms. Killian explained that one of the tenants was actually subletting space, and that name would appear only on the wall sign and not the street sign.

Mr. Bell said as the list of tenants grew or shrunk, it would be a much more efficient use of space if they were in two columns, which would allow for larger lettering and more flexibility. He said the blue on the brick with the ovals in a five configuration was three layers for the eyes to focus on, and believed the design was just too busy and difficult to read. Mr. Bell said when he looked at the other sign, trimmed in black and gold, it was barely visible and that was the only things tying the two together.

Mr. McCullough stated there was a sense of clutter with the five ovals, and wondered if the street address was placed elsewhere it would take away some of that clutter.

Ms. Dockery stated the Guidelines did not specify clutter or color matching between signs.

Mr. Council stated he believed it was related to the configuration within the historic character of the building, site, and the district, which was on page 57, #5.

Ms. Dockery asked was that configuration of the location of sign in respect to the buildings around it. Mr. Council read #5 to the Board, and argued that the configuration would refer to the arrangement of words, images, and figures within the sign itself. Ms. Dockery stated her interpretation of configuration would refer to monument signs as opposed to standing signs, such as flags, banners, and the like. Mr. Council stated he believed that would refer to height, scale and material types of things.

Ms. Dockery suggested separating the two signs and deciding on them individually. She said regarding the one on the wall, did the Board feel strongly enough about the size that they would like to specify a reduction in size. The Board agreed by consensus that the size should be reduced. Ms. Trueblood stated the Board needed to specify a size that was “no larger than” so that Ms. Killian would know exactly what the Board was requesting.

Mr. Council said at present the sign was elongated with the oval running long ways, and if it was squared out and run the other way it would be a smaller version of what was proposed.

Ms. Dockery suggested that the sign be no larger than 18” x 24”. Ms. Killian stated she was fine with that.

Ms. Dockery said regarding the monument size, the preference would be wood but metal was acceptable since the Guidelines allowed it, and that the Guidelines did not speak to color. Mr. Council commented he would prefer that the color match the shutters.

Ms. Dockery stated the only issue left to be address was the cluttered appearance of the sign. Mr. Council stated there were five signs that could stand on their own or as one sign.

Mr. Bell suggested that the names be in two columns so that the names could be larger and more in keeping with more traditional signs. Ms. Dockery asked if Ms. Killian would consider something that would more closely match the sign on the building, which was rectangular. She agreed that placing the names in two columns would address the cluttered appearance of the proposed sign. Ms. Killian stated she believed they had proposed ovals because that was how the former sign was designed.

Ms. Dockery said she believed there was consensus that the use of wood or metal was appropriate, and that the configuration would be more linear in keeping with other signs in the district. Mr. Council commented the most appropriate course would be to have the two signs matching.

Ms. Killian said those points were well taken, and she would be willing to change the configuration to a linear one and to make it consistent with the wall sign.

Mr. Bell suggested that since the sign was going to be redesigned, that the applicant should consider using wood rather than aluminum. Ms. Killian stated they had considered wood, but found it to be more expensive than aluminum.

To summarize, Ms. Dockery stated the wall sign would be no larger than 18” wide and no taller than 24”, and that the monument sign would be metal with a linear pattern matching the wall sign in design.

Ms. Dockery determined that none of the HDC members had a conflict of interest with the application. She also determined that there were no members of the public present to speak for or against the application.

**MOTION:**           **Mr. Council** moved to find as fact that the Linda Killian application is in keeping with the overall character of the district and complies with all relevant standards of evaluation based on the discussions of the application and the standards of evaluation in Section 21.6.3 of the zoning ordinance, and adherence to Standards C and O, and the Design Guideline for Signage.

**SECOND:**           **Mr. Bell.**

**VOTE:**               Unanimously approved.

**MOTION:**           **Mr. Council** moved to approve the application as submitted with the conditions that the wall sign be no wider than 18” and no taller than 24”, that the monument sign will have linear configuration and that it be coordinated with the wall sign, and that it be aluminum with vinyl letters.

**SECOND:**           **Mr. Bell.**

**VOTE:**               Unanimously approved.

**ITEM #8: Interview Dana Dannehower for the HDC vacancy.**

Ms. Trueblood commented that Ms. Dannehower was not present, but she would contact her to identify when she would be available to appear for an interview.

**ITEM #9: Interview Zackary Vernon for the HDC vacancy.**

Ms. Trueblood introduced Zackary Vernon, noting he had attended the last meeting of the HDC as a guest.

Mr. Council said that Will Moye had recommended Mr. Vernon, which was a great reference. He said he had talked previously with Mr. Vernon and had read his letter and his resume, and believed there were a number of things that recommended him to the HDC. Mr. Council said specifically, some of those things were his interest in history and architecture of his hometown, that he had a

basic understanding of architecture and construction, that he had experience working in general construction, and that he had struggled with these types of issues personally. He said he also was pleased that Mr. Vernon was currently attending real estate school. Mr. Council said he believed Mr. Vernon understood the demands associated with serving on the HDC that he was well spoken and articulate, and he would be pleased to have him serve on the HDC.

Ms. Dockery provided some brief information regarding the HDC's schedule, training, and work, noting that the work was important and the HDC members played an important role that carried a lot of responsibility.

Mr. Vernon asked about the relationship between the Preservation Fund and the HDC. Ms. Trueblood stated there was no formal relationship. She said the reason for the issue discussed tonight was that there was a use category in the Zoning Ordinance that would allow someone to apply for a commercial use in an historic structure in a residential district, but, in order to apply for the commercial use a Preservation easement would have to be obtained. Ms. Trueblood stated that easement did not have to come from the Preservation Fund since there were other preservation groups, but that was where Ms. Hauser had obtained hers.

Mr. Vernon asked if the HDC's power extended outside of the historic district, such as at Ayr Mount. Ms. Trueblood replied no, that the boundaries were Nash Street to the west, and one layer of parcels to the east of Thomas Ruffin, basically the river to the south side of Corbin Street.

Ms. Dockery remarked that there was a County historic preservation group, but they only had landmarks and no district. Ms. Trueblood stated there may be a time when there potentially could be more than one historic district in Hillsborough, noting there may be one or more neighborhoods that were eligible for National Register nomination and then eventually local district designation. She said if that did happen, that new district would likely fall under the HDC but with a different set of guidelines and possibly different standards. Ms. Trueblood stated the existing district had about 200 contributing structures and 600 non-contributing structures for which the HDC was responsible for regulating development.

Mr. Vernon asked who determined if a structure was contributing or non-contributing. Ms. Trueblood responded there was an architectural inventory that was done in 1995, and was updated around 2004. She said that inventory was done by a preservation consultant, Ruth Little, who had inventoried every structure and determined whether it was contributing or non-contributing.

Mr. Vernon provided the Board with photos of his home, noting some work had been done on the inside to improve the historic character of the house, such as removing some dark wood paneling that had been installed in the 1950's, sanding the original hardwood floors to remove the paint, rebuilding the chimneys,

restoring the original 1920 kneeboard, choosing colors from historic pallets, and removing the drop ceilings.

Mr. Bell stated he had a concern that Mr. Vernon being a student may not allow him to serve for a length of time. He asked Mr. Vernon what his plans were after his schooling was completed. Mr. Vernon replied that at present he had a five-year contract with UNC to teach and get his Ph.D., so he would be in Town at least five years. He said he hoped to get a post-doctorate after that, and he and his wife had no plans to leave Hillsborough unless they were unable to get tenure track jobs at UNC, Duke or NC State, and perhaps even Greensboro.

Mr. Bell asked had Mr. Vernon served on any boards where he might have been in contentious situations where people were anxious or exposed their tempers. Mr. Vernon responded not on that scale, that he had served as a general reader for Clemson's literary magazine and had served his last year there as the chief art editor. He stated there was often contention regarding the poems picked, the stories picked, or the paintings picked to be featured in the magazine. Mr. Vernon stated he was now a general reader for the Carolina Review, which was a much larger publication, but he experienced the same situations where people had radically different visions of what art was or what a good story or essay was. He stated he had never been in a situation where a decision of his affected someone's home.

Mr. Bell stated many of the applications were straightforward, but there were times when some of the issues before the Board were more crucial or impact to the applicant. He stated there had been times that applicants had gone to great expense to do work on their homes and the Board had been obligated to reverse some of that action, and there were also times when the HDC was divided in regard to certain applications. Mr. Bell asked Mr. Vernon did he believe he was up to that challenge. Mr. Vernon replied he believed so, noting he believed in historic preservation enough to not be worried about offending people, noting the end justified the means.

Mr. Council stated Mr. Vernon had teaching experience, and understood what it took to explain to someone why they were not getting the grade they thought they deserved. He stated he was confident that Mr. Vernon could deal with people in those kinds of emotional situations, because he had likely done that as a teaching assistant. Mr. Vernon stated he had been faced with that, noting that with a school like UNC they got the top five percent of students from high schools and those students came into college never having made anything below an A or A+, then after writing their first paper they received a C and it crushed them. He stated with the HDC, they also had to convey to people in a civilized way that what they did was for a reason, which would ultimately benefit the Town, and was not done to persecute for any personal reason.

Mr. Bell asked when Mr. Vernon had moved to Hillsborough. Mr. Vernon noted four years ago, and had moved into their current home about a year ago.

**ITEM #11: Commission and Staff Reports/Updates**

**Colonial Inn:**

Ms. Trueblood stated that the newspaper had indicated that the Colonial Inn was supposed to be on tonight's agenda, but that reporter had made an error. She said that would be on the agenda on November 5, as per the 30 to 60 days specified in the ordinance.

**Text Amendments:**

Ms. Trueblood said that the text amendment regarding the Design Guidelines being adopted into the Zoning Ordinance as an interpretive document of the Standards of Evaluation would go to public hearing on October 16, noting at Mr. Council would be attending but everyone was welcome. She said that same night, there would be a text amendment for creating a new use in the Zoning Ordinance for a special events center, and that text amendment was a byproduct of the rezoning that Frances Henry and the Colonial Inn, LLC requested last year. Ms. Trueblood stated it had become apparent that the rezoning would be denied so it was withdrawn, and now the Town Board would be considering a type of zoning that could be used in a situation like the Colonial Inn but that anyone who fit the criteria could apply for. She stated the public hearing would begin at 7:00 p.m. in the Gordon Battle Courtroom.

**Faith Kiffney Issue:**

Ms. Trueblood stated that Faith Kiffney's property at 326 Margaret Lane remained in Notice of Violation regarding the window that was out of compliance, and she had no new updates. She stated that was a Code Enforcement issue and the Code Enforcement Officer was moving forward with that issue.

**Robbin Taylor-Hall Issue:**

Ms. Trueblood stated that Robin Taylor-Hall had been sent a Code violation letter on October 1, and she had until October 10 to secure the building before the Town would either do it and bill her for it, or start levying a fine. But, she said, Ms. Taylor-Hall had called and indicated she had received her building permit and would begin construction right away. Ms. Trueblood stated she understood that the Code Enforcement Officer's stance would be that either construction had to be underway on October 10 and the construction site secured, or that the building be secured if construction was not yet underway.

**ITEM #9:** Ms. Trueblood stated that while she was out of the office, Ms. Dannehower had spoken to Planning Director Margaret Hauth and had indicated that she would call back on Monday. She said that Ms. Dannehower had not called back.

Mr. Bell asked if there was only one vacancy. Ms. Trueblood replied there was only one at this time.

Mr. Rhoades stated he regretted to inform the Board that he would be stepping down at the end of the year due to family commitments. He stated once his children were older, he hoped he would be invited back to serve.

Ms. Trueblood stated they were now going into month four with this vacancy, and it should have been filled by month three. She said her feeling was that if Ms. Dannehower wanted to interview next month, then she could be considered for an upcoming vacancy. Or, she said, the Board could wait until next month and have Mr. Vernon and Ms. Dannehower compete for the one vacancy.

Ms. Dockery said she believed they should go ahead and fill the vacancy now.

Mr. Bell stated he agreed, but was still concerned about Mr. Vernon's student status. Mr. Council stated he believed Mr. Vernon was too good a candidate to lose.

Mr. Bell stated as far as real estate went he was concerned that Mr. Vernon could perhaps have a motive to be on the HDC in order to meet more people in the area. Mr. Rhoades stated he had a real estate license, so the same argument could be applied to him.

Mr. McCullough stated Mr. Vernon was impressive, but he, too, had been bothered somewhat by the real estate aspect.

Mr. Rhoades stated there was some chance that he would not be leaving the HDC at the end of the year, but he would keep everyone appraised.

**MOTION:** Ms. Dockery moved to recommend to the Town Board appointment of Zackary Vernon to a vacancy on the Historic District Commission.

**SECOND:** Mr. Council.

**VOTE:** Unanimous.

Ms. Trueblood stated that now that the vote had been taken, she wanted the HDC to know that Mr. Vernon had contacted her on several occasions and asked questions, that he had gone through the Guidelines and gotten a copy of the notebook ahead of time, that he had then called to ask more questions, and he had attended the last meeting of the HDC. She said his dedication appeared genuine to her.

**Colonial Inn:** Ms. Trueblood noted that the information the HDC had received in their packets was the same information that would be provided at the public hearing.

Ms. Dockery commented that the situation was sad. Ms. Trueblood said all they could do with the Demolition by Neglect was to investigate the complaints that were put forward in the original complaint letter.

Mr. Council asked would Mr. Henry be represented by counsel. Ms. Trueblood noted he did not need to be and did not need to be present at all, that it would be only a staff report to the HDC, with the HDC being asked to determine whether or not there was evidence from the staff report that suggested that the building may be experiencing Demolition by Neglect. If so, she said, the HDC would need to make a motion to request the Planning Director to call a hearing, and she asked that everyone read the Demolition by Neglect ordinance prior to that meeting so that they would have a clear understanding of the process and exactly the way issues needed to be stated.

Mr. Rhoades asked were they to assume that the findings on the site were fact, and that there was no need for them to do an on-site visit. Ms. Trueblood stated they should not go onto the property, but could visit the area and stand in the public right-of-way. She said the Commission members should not attempt to bring any new evidence to the meeting, such as pictures they had taken, so that only the staff report was used to make the decision so that it would all be on record.

Mr. McCullough asked about the barriers that had been erected. Ms. Trueblood stated that about a month ago Commissioner Gering had sent a picture to Ms. Hauth that said from the porch of his house, he could see that the chimney above the central chimney that rose out of the original front gable had some buckling because of the lack of mortar between the joints, meaning the bricks were loosening. She said she had no idea how long it had been in that condition because they had no picture to compare it to. Ms. Trueblood stated that the condition of the chimney was one of the issues that came up with the Demolition by Neglect complaint, so they had checked into that and it was now a part of the staff report the Commission would have for next month's meeting.

Ms. Trueblood stated the Town had taken no action at that time, but Commissioner Gering had then sent the picture to her several days ago and said he believed it was a public safety issue. She said Commissioner Gering was concerned that a strong wind or some other issue could cause the bricks to further loosen and the whole chimney could come down, or that bricks could break loose and slide across the roof to the porch and fall down into the public right-of-way and injure someone or cause damage to someone's property. Ms. Trueblood stated that was not a call that could be made by the Planning Department, that it was a Public Works call, so she had sent all the information and pictures to Nicole

Ard, who was the Assistant Town Manager/Public Works Director, and she had sent Ken Hines to the site. She said Mr. Hines had determined that it did not appear that the chimney was in imminent danger of falling, but there was no reason not to go ahead and block off two parking spaces if that would potentially save someone from injury. She said that was the purpose of the barriers and it had nothing to do with the Demolition by Neglect action, and it was only a precautionary measure to protect the public.

Mr. McCullough asked why Mark Bell was recusing himself from consideration of this action. Mr. Bell responded that for the past two and one-half months he had been negotiating with Mr. Henry to facilitate the sale of the Colonial Inn, so he had likely 100 hours of communication with many people in Town as well as extensive communication with Mr. Henry. He said they had discussed money, terms, and so forth. Mr. Bell said not that he stood to gain financially from a potential sale, but it was possible, and he felt that he could have the appearance of a conflict of interest. He said that appearance alone could allow someone to argue that a finding against Mr. Henry should be overturned.

Ms. Trueblood stated they did not want any perception of a conflict or a bias with any decision that was made in regards to Demolition by Neglect, and because of that relationship it was simpler to have a five-person Commission hear the issue, or a six-person Commission should the Town Board appoint Mr. Vernon prior to that meeting.

Ms. Dockery commented that the Commission would have to vote to recuse Mr. Bell at the appropriate time.

Mr. Bell said despite whatever opinions he may have about the sale of the property and Mr. Henry, he felt that he could be completely unbiased, that he could weigh the evidence and read the Guidelines and make a decision. But, he said, it was safer for the integrity of the Commission and the transparency of its intentions that he not participate in that discussion and decision.

Ms. Dockery stated having Mr. Bell recused would bolster the Commission's reputation as an unbiased board.

Ms. Trueblood said if reporters questioned the Commission about the Colonial Inn, she asked that they be referred to her. Ms. Trueblood asked that they also recognize that being respectful and professional with this particular property owner, if he did choose to appear next month, would be greatly appreciated by the staff as well as by Mr. Henry. She said it was an intimidating event to be charged with Demolition by Neglect, and it was an intimidating position to have to come before the HDC and potentially go to a hearing. Ms. Trueblood asked that they all make sure they were following everything to the letter of the law, and that any emotions be left out and the issue be handled professionally and respectfully.

Mr. Rhoades asked did she expect a large audience next month. Ms. Trueblood replied she had no way of knowing, but if people understood that it was only a staff report and the HDC would not be making any kind of decision other than to ask the Planning Director to get involved, then she saw no reason for a large attendance. She said proximity neighbors who had been following the issue all along may well attend. Ms. Trueblood stated the barriers had caused much interest, and she had even received a call about them from a woman in Boston who had not lived in Hillsborough for 25 years. She said that should give them some idea of how important the Colonial Inn was to people who lived in Hillsborough or had ties to Hillsborough.

Mr. McCullough asked what had caused staff to conduct the original inspection. Ms. Trueblood stated the Town had received an official complaint letter from Joe Reece in late July, and that triggered the procedures for enforcement of Demolition by Neglect. She reiterated how important it was that the Commission review those procedures for enforcement so that they were very familiar with exactly how those procedures worked and exactly what their role was. Ms. Trueblood encouraged the Commission to contact her with any questions prior to the meeting.

**ITEM #10: Annual election of Officers – Chair and Vice Chair.**

No action was taken.

**ITEM # 12: Adjourn.**

Ms. Dockery moved to adjourn the meeting at 9:05 p.m., seconded by Mr. Bell. The vote was unanimous.

Respectfully submitted,

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Stephanie Trueblood, Secretary