

**AGENDA  
CITY OF FAYETTEVILLE  
HISTORIC RESOURCES COMMISSION MEETING  
ARTS COUNCIL  
301 HAY STREET  
TUESDAY, MAY 23, 2023  
4:00 P.M.**

**1. ROLL CALL**

**2. APPROVAL OF THE AGENDA**

**3. APPROVAL OF THE CONSENT AGENDA**

- ❖ COA23-09: Major Order of Approval—600 Orange Street
- ❖ COA23-13: Major Order of Approval—116 Person Street
- ❖ COA23-17: Major Order of Approval—824 Branson Street

**4. APPROVAL OF THE MINUTES**

- ❖ Approval of the minutes from the April 25, 2023 meeting

**5. OTHER BUSINESS**

- ❖ Report by Marc Tunstall- PWC's Electric Systems Improvement Plan for Downtown Fayetteville-Relocation of Electrical Transformers in the Downtown Historic District

**6. ANNOUNCEMENTS**

**7. ADJOURNMENT**

**CITY OF FAYETTEVILLE  
HISTORIC RESOURCES COMMISSION  
ORDER TO APPROVE A CERTIFICATE OF APPROPRIATENESS**

**Property Address:** 600 Orange Street; REID # 0437586252000  
**Property Owner:** Orange Street School Restoration & Historical Association  
**COA Applicant:** Anthony Ramsey, or behalf of Theolive Washington  
**COA #:** 23-09  
**COA Summary:** Request to construct a brick column and aluminum picket perimeter fence, a sidewalk, new mechanical equipment, gutters, landscaping, an asphalt drive, wood exterior stairs, an outdoor shelter, and for painting and resealing an agricultural panel roof.

This Certificate of Appropriateness ("COA") application came before the Historic Resources Commission ("Commission") on April 25, 2023, upon a submission from Anthony Ramsey, Parks and Recreation Division, City of Fayetteville ("Applicant"), on behalf of Theolive Washington, Orange Street School Restoration & Historical Association, Inc. ("Owner").

Commission members present were Rebecca Meredith, Michael Pennink, Robert Tiffany, Michael Houck, and Michael Pinkston. Also present were Will Deaton, Planning and Zoning Division Manager; Lisa Harper, Senior Assistant City Attorney; and Lauren Long, Planner II; all appearing on behalf of the City.

Based on the submitted application, evidence, testimony of witnesses, and oral arguments of the parties, the Commission makes the following:

**Findings of Fact**

1. Article 30-2.C.8 of the City of Fayetteville's Code of Ordinances requires the proponents of exterior changes within the Historic/Landmark Overlay District obtain a COA prior to obtaining building permits and the commencement of work.
2. Certificate of Appropriateness/Minor Work of the Design Guidelines for Fayetteville's Historic Districts and Local Landmarks requires when an area is designated as a historic district or local landmark, the owner of the property within the district or local landmark cannot demolish the property, move it, or change its exterior features without a certificate of appropriateness issued by the Historic Resources Commission.
3. On April 21, 2023, the Applicant submitted a COA application to the Development Services Department. The application listed the property being located at 600 Orange Street ("subject property").
4. The subject property is identified as historically being the Orange Street School; located on the parcel identified as REID # 0437586252000.
5. The COA application is a request to:

- a. Construct a perimeter fence of black aluminum picket panels with brick post columns approximately 7' in height extending the length of the parcel's frontage on Orange and Chance Street with 12' aluminum picket gate panels located at the driveways on Orange and Chance Street as well as a brick column post gate with an aluminum picket gate to the building's entrance on Orange Street. Each brick post columns will be underlit with solar lights installed under the cap of each column.
  - b. Construct a black aluminum picket fence 7' in height along the eastern and northern frontages of the parcel.
  - c. Construct a sidewalk running the length of Orange and Chance Streets.
  - d. Construct an asphalt driveway connecting Orange Street to Chance Street internally to the parcel running behind the building.
  - e. Rebuild the wood stairwell located on the rear of the building visible from the right-of-way on Chance Street.
  - f. Install aluminum gutters and downspouts on all elevations of the building, painted to match the brick.
  - g. Installation of new mechanical HVAC equipment on the northern elevation of the building, painted to match the gutters and partially screened with landscaping at the ground level.
  - h. Grade, sod, and plant 9 trees. 5 trees along the northern parcel line and 4 at the intersection of Orange and Chance Streets.
  - i. Replace an existing outdoor shelter with a new prefabricated shelter.
  - j. Plant a vegetable garden at the rear of the site.
  - k. Paint and reseal standing seam metal roof.
6. The application included the COA application form, pictures of the completed and proposed site work as well as the proposed lights, design concept of the perimeter fence and entrance gate, a site plan, and an affidavit authorizing Anthony Ramsey to submit an application on behalf of Theolive Washington
7. On April 15, 2023, the applicant and adjacent property owners within 100 feet of the subject property were notified by letter of the hearing to consider the subject application.
8. The subject property was posted with a notification of the evidentiary hearing on the same date.
9. On April 25, 2023, an evidentiary hearing was held. Ms. Lauren Long, Planner II, presented the staff report and cited the applicable sections of the *Design Guidelines for*



*Fayetteville's Historic District and Local Landmarks* ("Design Guidelines") to the proposed COA application. The applicable sections were: Building Materials (pages 44-45), Site Features (pages 30-31), Fences and Walls (pages 34-35), Lighting (pages 36-37), Outbuildings (pages 40-41), Roofs (pages 46-47), Utilities (pages 62-63).

### **Conclusions of Law**

1. The Applicant and adjacent property owners were properly notified of the hearing and the property was properly posted.

2. The proposed work complies with the design guidelines as they concern building materials, site features, fences and walls, lighting, outbuildings, roofs, and utilities and would allow the site to maintain utility and relevance. The proposed site work does not affect the historic significance, character, or preservation of the building or site because no historic material is being removed or altered.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, COA 23-09 for the property at 600 Orange Street, Fayetteville, North Carolina, is hereby approved.

APPROVED (5-0)

This the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

Michael Pinkston, Chairman  
Historic Resources Commission



**CITY OF FAYETTEVILLE  
HISTORIC RESOURCES COMMISSION  
ORDER TO APPROVE A CERTIFICATE OF APPROPRIATENESS**

**Property Address:** 116 Person Street; REID Number: 0437635892000  
**Property Owner:** Isabella Effon  
**COA Applicant:** Jenkins Consulting Engineers, PA  
**COA#:** 23-13  
**COA Summary:** Request to construct a brick screen wall surrounding a concrete dumpster pad approximately 11 feet by 29 feet and 9 feet in height and install two security cameras, and a wall pack light fixture on the rear façade of 116 Person Street

This Certificate of Appropriateness (“COA”) application came before the Historic Resources Commission (“Commission”) on April 25, 2023, upon a submission from Jenkins Consulting (“Applicant”), on behalf of Tim Johnson, Parks and Recreation Division, City of Fayetteville, requesting permission to locate the proposed structure on the property of Isabella Effon (“Owner”).

Commission members present were Rebecca Meredith, Michael Pennink, Robert Tiffany, Robert Tiffany, Michael Houk, and Michael Pinkston. Also present were Will Deaton, Planning and Zoning Division Manager; Lisa Harper, Assistant City Attorney; and Lauren Long, Planner II; all appearing on behalf of the City.

Based on the submitted application, evidence, testimony of witnesses, and oral arguments of the parties, the Commission makes the following:

**Findings of Fact**

1. Article 30-2.C.8 of the City of Fayetteville’s Code of Ordinances requires the proponents of exterior changes within the Historic/Landmark Overlay District obtain a COA prior to obtaining building permits and the commencement of work.
2. Certificate of Appropriateness/Minor Work of the Design Guidelines for Fayetteville’s Historic Districts and Local Landmarks requires when an area is designated as a historic district or local landmark, the owner of the property within the district or local landmark cannot demolish the property, move it, or change its exterior features without a certificate of appropriateness issued by the Historic Resources Commission.
3. On February, 27, 2023, Jenkins Consulting Engineers, PA submitted a COA application to the Development Services Department. The application listed the property being located at 116 Person Street (“subject property”).
4. The subject property is identified as historically being the Cumberland Furniture Company; located on the parcel identified as REID #: 0437635892000.

5. The COA application is a request to:

- a) Construct a brick screen wall with brick columns to surround a dumpster pad approximately 11 feet by 29 feet and 9 feet in height.
- b) Install a wall pack light and two security cameras on the rear wall of 116 Person Street as seen from Otis Jones Parkway.

6. The application included the COA application form, design concept of the proposed structure and a site plan.

7. On April 15, 2023, the applicant and adjacent property owners within 100 feet of the subject property were notified by letter of the hearing to consider the subject application.

8. The subject property was posted with a notification of the evidentiary hearing on the same date.

9. On April 25, 2023, an evidentiary hearing was held. Ms. Lauren Long, Planner II, presented the staff report and cited the applicable sections of the *Design Guidelines for Fayetteville's Historic District and Local Landmarks* ("Design Guidelines") to the proposed COA application. The applicable sections were: Building Materials (pages 44-45), Fences and Walls (pages 34-35), Lighting (pages 36-37), Utilities (pages 62-63)

#### **Conclusions of Law**

1. The Applicant and adjacent property owners were properly notified of the hearing and the property was properly posted.

2. The proposed work is in general harmony and congruence with the character of the downtown historic district because the location of the structure is not highly visible from the pedestrian way and the structure and installation of a security system and lights do not affect the historic significance of the building where the structure is being located adjacent. The proposed work also complies with the guidelines for building materials, fences and walls, lighting, and utilities.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, COA 23-13 for the property at 116 Person Street, Fayetteville, North Carolina, is hereby approved.

APPROVED (5-0)

This the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

Michael Pinkston, Chairman  
Historic Resources Commission



**CITY OF FAYETTEVILLE  
HISTORIC RESOURCES COMMISSION  
ORDER TO APPROVE A CERTIFICATE OF APPROPRIATENESS**

**Property Address:** 824 Branson Street; REID # 0437144282000  
**Property Owner:** NCHCCWER Foundation  
**COA Applicant:** Vines Architecture  
**COA #:** 23-17  
**COA Summary:** Request to construct a covered, open air pavilion that will include three enclosed, heated, and mechanically ventilated restrooms, a storage room, and electrical closet, install concrete paving connecting the pavilion to the Arsenal House, expand an existing waste receptacle enclosure, as well as a rain garden located in front of the Davis House.

This Certificate of Appropriateness ("COA") application came before the Historic Resources Commission ("Commission") on April 25, 2023, upon a submission from Vines Architecture ("Applicant"), on behalf of the NCHCCWER Foundation ("Owner").

Commission members present were Rebecca Meredith, Michael Pennink, Robert Tiffany, Michael Houck, and Michael Pinkston. Also present were Will Deaton, Planning and Zoning Division Manager; Lisa Harper, Senior Assistant City Attorney; and Lauren Long, Planner II; all appearing on behalf of the City.

Based on the submitted application, evidence, testimony of witnesses, and oral arguments of the parties, the Commission makes the following:

**Findings of Fact**

1. Article 30-2.C.8 of the City of Fayetteville's Code of Ordinances requires the proponents of exterior changes within the Historic/Landmark Overlay District obtain a COA prior to obtaining building permits and the commencement of work.
2. The City of Fayetteville's Design Guidelines for Fayetteville's Historic Districts and Local Landmarks requires that a certificate of appropriateness be obtained from the Historic Resources Commission when an area is designated as a historic district or local landmark, before the owner of the property within the district or local landmark can demolish the property, move it, or change its exterior features.
3. On February 24, 2023, the Applicant submitted a COA application to the Development Services Department. The application listed the property being located at 824 Branson Street ("subject property").
4. The subject property is identified as historically being the location of the U.S. Arsenal Site; located on the parcel identified as REID # 0437144282000.
5. The COA application is a request to:
  - a) Construct a covered, open air pavilion that will include three enclosed, heated, and mechanically ventilated restrooms, a storage room, and electrical closet;



- b) Expand an existing trash/recycling enclosure located behind the Arsenal House;
- c) Install concrete paving connecting the proposed pavilion to the Arsenal House; and
- d) Install a rain garden in front of the Davis House.

6. The application included the COA application form, design concept and construction plans of the proposed structure, archeological survey, and a site plan.

7. On April 15, 2023, the Applicant and adjacent property owners within 100 feet of the subject property were notified by letter of the hearing to consider the subject application.

8. The subject property was posted with a notification of the evidentiary hearing on the same date.

9. On April 25, 2023, an evidentiary hearing was held. Ms. Lauren Long, Planner II, presented the staff report and cited the applicable sections of the *Design Guidelines for Fayetteville's Historic District and Local Landmarks* ("Design Guidelines") to the proposed COA application. The applicable sections were: Building Materials (pages 44-45), New Construction (pages 68-69), Archaeology (page 42), Paving Patterns (Pages 32-33).

#### **Conclusions of Law**

1. The Applicant and adjacent property owners were properly notified of the hearing and the subject property was properly posted.

2. The historic significance of the site will be retained and preserved and the proposed new construction complies with the guidelines for building materials, new construction, archaeology, and paving patterns.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, COA 23-17 for the property at 824 Branson Street, Fayetteville, North Carolina, is hereby approved with the following condition:

- a) The plans submitted, awaiting review by the Environmental Review Branch of the State Historic Preservation Office, must receive final review confirmation to validate the Historic Resource Commission's approval of the proposed work.

APPROVED (5-0)

This the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

Michael Pinkston, Chairman  
Historic Resources Commission

**MINUTES  
CITY OF FAYETTEVILLE  
HISTORIC RESOURCES COMMISSION MEETING  
ARTS COUNCIL  
APRIL 25, 2023 @ 4:00 P.M.**

**MEMBERS PRESENT**

Rebecca Meredith  
Michael Pennink  
Robert Tiffany  
Michael Houk  
Michael Pinkston

**STAFF PRESENT**

Clayton Deaton, Planning and Zoning Manager  
Lauren Long, Planner II  
Lisa Harper, Assistant City Attorney  
Catina Evans, Office Assistant II

**MEMBERS ABSENT**

Jennifer Lockart

The April 25, 2023, Meeting of the Historic Resources Commission was called to order by Planner Lauren Long at 4:03 p.m.

**I. ROLL CALL**

Lauren Long conducted a roll call for the members of the Commission present and each member acknowledged themselves as their name was called.

**II. APPROVE THE AGENDA**

**MOTION:** Robert Tiffany made a motion to approve the agenda with an amendment to add the election of officers under Other Business.

**SECOND:** Michael Pennink

**VOTE:** Unanimous (5-0)

**III. CONSENT AGENDA TO INCLUDE APPROVAL OF THE MINUTES FROM THE DECEMBER 6, 2022 MEETING**

**MOTION:** Robert Tiffany made a motion to approve the consent agenda.

**SECOND:** Michal Pennink

**VOTE:** Unanimous (5-0)

Ms. Harper introduced herself and said she would preside over the evidentiary hearings, explaining that the previously elected Chair and Vice Chair were no longer serving on the board and until new officers were elected, she would fulfill that role. Ms. Harper swore in the speakers for the evidentiary hearings.

**IV. EVIDENTIARY HEARINGS**



Lauren Long presented the request for a Certificate of Appropriateness (COA) that was submitted by Anthony Ramsey, who works for the City of Fayetteville Parks and Recreation, requesting the COA for a property owned by the Orange Street Restoration and Historical Association (600 Ramsey Street). Mr. Ramsey had requested the COA to build a brick column and aluminum picket perimeter fence, a sidewalk, new mechanical equipment, gutters, landscaping, an asphalt drive, wood exterior stairs, an outdoor shelter, and for painting and resealing an agricultural panel roof. Ms. Long pointed out to the Commission that as seen in the staff report, most of the work has already been completed. Therefore, the applicant is applying for the COA after the fact.

Ms. Long showed the Commission an aerial image at the intersection of Chance and Orange Street in order to orient them to the landmark's location. Ms. Long also showed the Commission a picture of what the site looked like a few months ago, prior to the requested work, and pointed out to the Commission that the property had undergone significant changes since these photos were taken. Ms. Long stated that according to the site plans, the sidewalk depicted had already been installed along Chance Street and Orange Street, and that the brick pillar fence had already been constructed along Orange and Chance Street. The site had also already been graded and the gates had already been built (She showed the Commission pictures of the gates). Ms. Long explained that the design for gates installed at the entrance on Orange Street were inspired by those in front of Fayetteville State University. Ms. Long explained that the shelter to the rear of the site had been demolished and the applicant would like to rebuild a new pre-fab shelter in the same location, as depicted on the site plan. Ms. Long explained that the applicant is also requesting to install a vegetable garden and additional parking along an asphalt drive that would be located at the rear of the property, internally connecting Orange Street to Chance Street. Ms. Long showed the Commission a picture of the proposed pre-fabricated shelter. Ms. Long informed the Commission that the rear stairs has already been replaced with new wood and that the stairs were identical in style to the original stairs. The only change had been to replace damaged wood.

Ms. Long showed the Commission pictures of new HVAC units and a new chase that had been installed on the northern façade of the building, visible from Orange Street. Ms. Long also noted that the applicant was proposing to screen the mechanical equipment with landscaping and install additional landscaping to increase the visual appeal of the property. She showed a picture of the brick pillars that had already been constructed. The applicant had the metal aluminum rails removed, but he will reuse these between the brick peers. Ms. Long showed the Commission the design that the applicant submitted for the front gate. She showed the Commission a picture of the lights that the applicant had proposed to underlight the perimeter fence. Ms. Long stated that the applicable guidelines for the proposed work were in the staff report and that The Secretary of the Interior's Standards were also applicable. Ms. Long explained that based on the scope of work being requested, almost all the guidelines were applicable to include: building materials, site features and planting guidelines, fences and walls, lighting, outbuildings, roofs, and utilities.

Ms. Long also stated that of the work that has been completed to date, the remaining work that had not been completed were the planting of the proposed trees, the completion of the perimeter fence (that is located along the northern portion of the site), and the shelter had not been built. The proposed vegetable garden and the asphalt drive had also not been installed. Ms. Long confirmed that all other work that has been proposed on-site has been completed.



Ms. Harper opened the evidentiary hearing.

Speakers in favor:

Anthony Ramsey, Parks and Recreation, 121 Lamon Street, Fayetteville NC 28301

- Mr. Ramsey declined to present any additional information but stated that he was present to answer any questions the commissioners might have.

Mr. Tiffany asked Mr. Ramsey when the previous shelter was built. Mr. Ramsey stated that he did not know, but he informed Mr. Tiffany that the shelter is wooden with asphalt shingles, constructed over a concrete foundation. Mr. Tiffany expressed concern that the proposed shelter was very different in style to the building and that the shelter would be visible from Chance Street. Ms. Harper closed the evidentiary hearing so the Commissioners could make a motion or discuss the case.

Mr. Tiffany expressed concern over the additional costs and design time that would be required to design a shelter that was stylistically similar to the landmark building but explained that he did not believe the proposed shelter was consistent with the architectural character of the area. Mr. Pennink asked Mr. Tiffany if the proposed work that caused him concern was isolated to the the proposed shelter. Mr. Pennink then asked the Commission if they felt that the general aspect of the building and its historic significance were being preserved. Mr. Pennink then asked if the Commission felt that the proposed work detracted from the preservation of the site as far as it concerned its preservation. Mr. Tiffany stated he did not believe this to be the case. Mr. Pennink stated that he would be ready to make a motion based on those grounds that the building was being preserved and that none of the proposed work would result in the detriment of the preservation of the building.

Mr. Pinkston confirmed there had been a shelter that had been demolished on site. This was confirmed by Ms. Long and an image was shown of the original shelter. Ms. Long explained that it had not been original to the site. Mr. Pennink stated that if was not original to the site it did not concern him. Mr. Houck stated that the proposed shelter would be an improvement to the site. Mr. Tiffany asked which direction the shelter would face. Ms. Long stated that the site plan depicted it facing Orange Street. Mr. Tiffany explained he felt that it would be less obtrusive if the proposed shelter faced the same direction the original shelter faced. Mr. Pennink asked if the shelter had already been constructed. Mr. Tiffany confirmed that it has not and explained he has visited the site to confirm this. Mr. Pinkston asked if there were alternate designs for the shelter that had been submitted. Ms. Harper explained that for Mr. Ramsey to answer any questions, the Commission would have to re-open the evidentiary hearing.

Mr. Tiffany stated that what he understood from what Mr. Pennink had said, the Commission must "get with the times". Mr. Pennink explained that this was not untrue of what he had said and explained that as nothing was occurring to change the building, that it was his concern to preserve the building as the historic element of the site. Mr. Pennink stated that he felt the proposed work was reasonable and that it would be an investment to improve the site that would allow the site to remain relevant and useful. Mr. Tiffany asked if there would be any



power or water out to the shelter. Mr. Ramsey responded there would not be and Ms. Harper explained to Mr. Ramsey that he was unable to answer that question without opening the evidentiary hearing. Mr. Pennink asked Mr. Tiffany if it mattered to him whether or not there was. Mr. Tiffany responded that it did not. Mr. Tiffany stated that he wished to yield the floor if Mr. Pennink would like to make a motion.

**MOTION:** Michael Pennink moved to grant a Certificate of Appropriateness to Anthony Ramsey based on the following Findings of Fact:

The proposed Certificate of Appropriateness is constructed according to plans submitted on April 25, 2023. And the proposed project is not incongruous with the character of the district for the following reasons:

1. The historic character of the property is retained and preserved by the plans presented.
2. There is no removal of historical material.
3. The alterations and features and aspects of the space and character of the property do not affect the historical character of the property as a whole.
4. It is in general harmony with the character of the adjoining properties in the Historic District.

**SECOND:** Robert Tiffany

**VOTE:** Unanimous (5-0)

### **COA23-13.**

Mr. Pennink stated he needed to recuse himself from this case because he is on the Commission of Directors for Cool Springs Downtown.

**MOTION:** Robert Tiffany made a motion to allow Michael Pennink to recuse himself from case P23-13.

**SECOND:** Michael Houck

**VOTE:** (4-0)

Lauren Long stated that COA23-13 is an application to construct a brick screen wall surrounding a concrete dumpster pad. It is approximately 11 feet by 29 feet and 9 feet in height. The applicant is Jenkins Consulting, and this is on behalf of Isabella Effon who is the property owner at 116 Person Street. Ms. Long showed the Commission a picture of the rear view of 116 Person Street as seen from Otis Jones Parkway. The applicant is requesting to build what is a brick screen wall that is off the rear of 116 Person Street as well as to install two security cameras as well as a wall light fixture on the rear wall of 116 Person Street. The proposed screening wall is composed of brick columns separated by different brick bonding styles and will not be directly attached to 116 Person Street. Ms. Long stated that the security cameras and the wall pack light will be mounted on the rear wall of 116 Person Street. The applicable guidelines for the project would be the Secretary of the Interior's Standards as well as the Guidelines for building materials, fences and walls, lighting, and utilities. Ms. Long explained that in order to install the lights and security system, the applicant would need to run electrical lines below grade but that utility work below grade was not within the purview of the HRC to review as a COA.

Ms. Harper opened the evidentiary hearing for speakers.

Speakers in favor:



- Mr. Jenkins stated that his firm had been asked by the City of Fayetteville to evaluate and identify a location for a shared dumpster around the proposed location for the property owners in the area. Mr. Jenkins stated that Ms. Effon had agreed to have the dumpster placed on her property.
- He said the structure would be simple with a two-sided brick wall with gates on the front. The dumpster and the trash compacter (if it was selected) would be inside that enclosure and hidden from street view.
- The type of brick has not yet been picked, but that it would be selected to match the existing building. The gates would have a metal frame that would allow them to be closed and secured.
- The lighting is a small wall pack to illuminate the dumpster for use at night.
- Mr. Jenkins said that the two security cameras being proposed would be monitored by Homes Security for Ms. Effon.
- Mr. Jenkins said he would answer questions the commissioners had about any of the proposed work.

Ms. Harper asked if there were any further questions for the applicant. Hearing none, she closed the hearing. She asked if there were any questions for staff. She then told the Commission they could discuss and make a motion. She pointed out that in the commissioner's binder there is a document that contains the language to assist the Commission in making a motion for approval or disapproval of a COA.

**MOTION:** Robert Tiffany made a motion that the Historic Resources Commission grant a Certificate of Appropriateness to Ms. Isabella Effon based on the following Findings of Fact:

1. The proposed COA is constructed according to the plans submitted on the date of the meeting, being April 25<sup>th</sup>. The proposed project is not incongruent with the character of the Historic District for the following reasons:
2. It will not be highly visible.
3. It will not materially or historically affect the building for which it will be constructed adjacent.
4. It is generally in harmony with the character of the adjoining properties and the Historic District.

**SECOND:** Michael Houk

**VOTE:** Unanimous (4-0)

Ms. Harper informed the applicant they would receive the signed Facts of Finding once they had been reviewed and signed by the Commission at their next meeting.

#### **COA23-17.**

Lauren Long stated COA23-17 is an application to construct a covered open-air pavilion with heated and ventilated restrooms, a storage room, and an electrical closet, which would require the extension of sewer and water through the site from Myrover Street. Ms. Long stated the applicant is also requesting to connect the proposed pavilion to the Arsenal House with a pathway and install a rain garden. The applicant is Vines Architecture. Ms. Long stated that although the application has the project listed at 824 Branson Street, there are several addresses associated with the parcel for the extent of the proposed work. Ms. Long showed the



Commission a picture of the site as seen from Myrover Street and a site plan submitted by the applicant for the proposed work. Ms. Long stated that the site has been a landmark since 1980 and that the pavilion was phase II of a three phase plan for the construction of the History Center. Ms. Long stated that Phase I had been completed in 2019 and involved the relocation of the Arsenal and Davis House to create the Vanstory History Village and that phase III would involve the construction of the museum itself. Ms. Long also informed the Commission that although the applicant had submitted the original archeological survey, that final review and determination was pending from the Office of State Archeology (OSA). She explained that she had contacted the office on March 10, 2023, to confirm the applicant had submitted the plans to the OSA. Ms. Long explained that although she could confirm that the state had received plans, the number of modifications to that plans required that the current submission was still under review. Ms. Long stated that she had sent the plans to the state to confirm that they matched what had been submitted to the state but had received no response. Ms. Long explained that in order to address this potential discrepancy, the Commission, should they wish to approve this COA request, could add a condition that the proposed plans were approved on the condition that they matched what had been submitted to the Office of State Archeology. Mr. Tiffany asked if there was a timeline for them to approve the plans. Ms. Long said there is no timeline for the OSA's approval of the survey. Ms. Harper said they can have conditions that the COA approval is based on approval by the North Carolina Office of State Archeology (OSA). Mr. Pennink asked if they would have to get approval from the North Carolina Office of State Archeology with or without the Commission's Certificate Of Appropriateness conditions, and Ms. Long confirmed this. Ms. Long stated that if they had to come back to the Commission for approval, it may add additional review and may slow down the building permit approval. Mr. Tiffany asked the Staff if there was any way of securing the area with a fence when it was not in use. Ms. Harper said the Commission could ask the applicant this question after the Staff's presentation.

Ms. Harper opened the evidentiary hearing.

Speakers in favor:

Adam Brakenbury, Vines Architecture, 819 W Hargett Street, Suite 102, Raleigh, NC 27603

- Mr. Brakenbury said he thinks they are in compliance with the original survey and plans to continue compliance with the requirements of the OSA. This is in addition to buildings that were later added and the proposed limits of disturbance have been designed around. If there is an additional step required to obtain full approval of the proposed work, then the applicant had every intent to follow through with the
- He is looking at the pavilion as an improvement to the park.
- Mr. Brakenbury stated that he is not mimicking the historical aspects of the building in order to protect its integrity, but he is complementing them through materials and details with the use of wood. The height will complement the scale of the houses. Mr. Brakenbury points out that the floor is elevated.

Mr. Houck asked if the pavilion would touch surrounding houses. Mr. Brakenbury said no. Mr. Tiffany asked the applicant about securing the structure when not in use. He asked Mr. Brakenbury if this would be done to avoid the building being occupied when not in use. Mr. Brakenbury said there would be a security system but the park itself would not be secured and that it would ultimately be maintained by the State. Mr. Tiffany suggested that trash, occupation after operational hours, and graffiti would be an issue. Mr. Tiffany asked if the property is City-owned and Mr. Brakenbury said it would be operated and maintained by the State.



Ms. Harper closed the evidentiary hearing.

Mr. Tiffany said he would make a motion without conditions, but his concern is how the site would be maintained and who would pay for it. Mr. Tiffany asked, concerning the archeological aspect of the proposed COA, whether or not the proposed work would be reviewed prior to the issuance of a building permit and whether or not the review by the OSA would have to be complete. Ms. Long stated that the Staff would verify this when a building permit application is placed with the City. Then, they can make sure this is approved by the OSA.

**MOTION:** Michael Pinkston moved that the Historical Resources Commission grant a Certificate of Appropriateness to Vines Architecture based on the follow Findings of Fact:

The proposed COA is constructed according to the plans that were submitted on April 25, 2023. The proposed project is not incongruence with the character of the district for the following reasons:

1. The historical character of the property shall be retained and preserved and is generally in harmony with the character of the adjoining properties. Ms. Harper asked Michael Pinkston if he was requesting that any plans should be in line with the archeology report, and Mr. Pinkston said replied in the affirmative.

Ms. Harper asked the Commission members if they understood the motion, and they conferred that they understood the motion.

**SECOND:** Michael Pennink

**VOTE:** Unanimous (5-0)

## **V. OTHER BUSINESS**

### **TA23-20-25**

Ms. Long stated that in 2011, when the Unified Development Ordinance (UDO) was adopted, the Historic District were separate from local landmarks. When the City Council adopted the Unified Development Ordinance (UDO), they created the Historic/ Landmark Overlay that was intended to have the powers of the Historic Resources Commission (HRC) to broadly apply to local landmarks as well as the two local historic districts. Part of the procedural requirement for inclusion in the overlay was a map amendment. However, a map amendment was never processed in order to include local landmarks into that overlay. This has created an issue when it comes to the authority of the HRC to have purview over the review of local landmarks. This issue must be addressed because the municipality is required by the State of North Carolina and the Certified Local Government agreement, signed by the City, to regulate locally designated landmarks.

Mr. Tiffany asked Ms. Long who gets to call something a local landmark. Ms. Long replied that the City Council approves an ordinance and then it goes through the local landmark designation process that goes to the HRC and



to the State Preservation Office and then back to City Council which decides if it becomes a City Ordinance. Mr. Pinkston asked Ms. Long (as an example) if the City wanted Zorba's to be a local landmark, if they would have to go through this process. Ms. Long conferred that the State may have something to say about Zorba's being designated a local landmark. Ms. Long clarified that a local landmark receives up to a 50% tax deferment for the maintenance of the property for the era of significance for which it was designated. Mr. Pinkston said Zorba's is close to meeting the timeframe for historic significance.

Ms. Long continued to explain that when 160D came into effect under the North Carolina General Statutes, the City of Fayetteville failed to change the legislation from 160A to reflect the necessary enabling authority. The new proposed text amendment was to reference all enabling legislation to 160D. Along with the Certificate of Appropriateness and the powers and duties of the HRC, staff was proposing a new section for the local landmark designation procedure. Ms. Long also explained that the Historic/ Landmark Overlay would need to be renamed the Local Historic Overlay as well as remove the sections in the Historic/ Landmark Overlay that designated the ability to designate a landmark through a map amendment procedure to include the landmark in the overlay.

Mr. Tiffany asked if the Commission had any say over this and Ms. Long stated that this is why they are going through this process.

Ms. Long stated that the first text amendment is an update to the enabling legislation for the Historic Resources Commission (HRC). The second text amendment is to the Certificate of Appropriateness and the changes would include language that would specifically reference the landmarks, giving purview to HRC. This language would also have to be reflected under the powers and authority of HRC. As the language currently exists, the HRC only had power over buildings and structures in the Historic/Landmark Overlay and a COA was only applicable to buildings and structures in the Historic/Landmark Overlay.

Mr. Pennink asked the Staff if the Commission could just talk about each point as they discuss them, and Ms. Harper noted that it was up to the Commission.

Mr. Pennink stated that the first case that the Commission heard during the meeting (on Orange Street and Chance Street) was outside the Historic Overlay. His first thought was that it is not in the Historic District so do we (the Commission) even have jurisdiction over this? Mr. Pennink referred to the design review process and the guidelines in regard to the Historic District and the overlay, and he pointed out that even though this area does not fall into the Historic District, the design review process allows for the Commission to issue a COA on this property.

Ms. Long stated that based on the language that is in the UDO right now, the HRC only has the authority over what is in the Historic Landmark Overlay. Mr. Pennink referred back to the case on Orange Street, and he asked if the Commission had the right to issue that COA. Ms. Harper stated that according to the standards the Commission had the right to issue the COA. Yet, the City realizes that this is not stated in the ordinance. Ms. Long stated that once City Council approves these text amendments, it will clarify the ordinance and the Commission would have authority. Mr. Tiffany noted that is a time-related issue.



Ms. Long pointed out that under the powers and duties of the HRC, there will be specific language that states that the HRC has purview over local landmarks instead of just those in the overlay. The overlay would continue to exist in the local historic district and this would be listed under the powers and duties. Currently, under the Historic Landmark Overlay, there is an additional procedural requirement that a map amendment must take place in order for a local landmark to be designated. However, this isn't a requirement of the state and that the public forum this added to the process was already taken care of under the City Council, the HRC's and the State's review, which was required of local landmark designation.

Ms. Long stated that the City had imposed, through its adopted ordinance, an additional requirement of a map amendment to include local landmarks under the Historical/Landmark Overlay. Mr. Tiffany asked for clarity if this was just removing a redundancy and Ms. Long conferred that this was the case. Ms. Harper clarified that the City is removing an unnecessary requirement. Ms. Long said it was currently an additional step that slowed down the entire process and was unnecessary. Ms. Long said if the City was to remove this process from the Historic Overlay, a new amendment would be required to provide for the designation of local landmarks. This would tie everything back to the authority of HRC and the requirement to obtain a COA. Ms. Long clarified this process for Mr. Tiffany and explained that the Commission would then have purview over local landmarks. Ms. Harper clarified that the Overlay District is the Historic Overlay District, and the HRC has governance over the local landmarks due to City Council action. Mr. Tiffany asked if landmarks could be statues and Ms. Long said yes.

There was further discussion about current local landmarks. Mr. Pinkston said statues (located in the City) have been taken down and Ms. Harper clarified that they were not designated as a local landmark and the owners voluntarily took the statues down.

Ms. Harper opened and closed the hearing.

**Motion:** Robert Tiffany moved that we accept the staff recommendations as presented.  
**Second:** Michael Pinkston  
**Vote:** Unanimous (5-0)

Mr. Harper asked for the new and current Commissioners to introduce themselves. The new members introduced themselves. Michael Pinkston, Michael Pennink, Michael Houck, Robert Tiffany, and Rebecca Meredith spoke.

Mr. Clayton Deaton, Planning and Zoning Manager, introduced himself to the Commission. Planner Lauren Long introduced herself to the Commission as well, and Attorney Lisa Harper introduced herself to the Commission. Mr. Pennink asked if the next meeting can be run as it was today, and Ms. Harper said the meeting will run smoothly when they nominate a chair and vice chair.

**MOTION:** Michael Pennink nominated Michael Pinkston as Chair of the Historic Resources Commission.  
**SECOND:** Robert Tiffany  
**VOTE:** Unanimous (5-0)

**MOTION:** Michael Pinkston nominated Rebecca Meredith as Vice-Chair of the Historic Resources Commission.  
**SECOND:** Robert Tiffany  
**VOTE:** Unanimous (5-0)

## **VI. ANNOUNCEMENTS**

Ms. Harper instructed the Commission to review the Findings of Fact and approve them for the cases from this meeting. Ms. Harper said Mr. Pinkston would sign these documents, and if he was not available Ms. Meredith would sign the documents. Ms. Harper said that there would be a change in the script and Ms. Long would send it to Commission.

## **VII. ADJOURNMENT**

**MOTION:** Ms. Harper adjourned the April 25, 2023 meeting.  
**SECOND:** Robert Tiffany  
**VOTE:** Unanimous (5-0)

The meeting adjourned at 5:33 p.m.  
Respectfully submitted by Catina Evans



**TO:** Historic Resources Commission

**FROM:** Will Deaton, AICP – Planning and Zoning Division Manager  
Lauren Long – Planner II

**DATE:** May 23, 2023

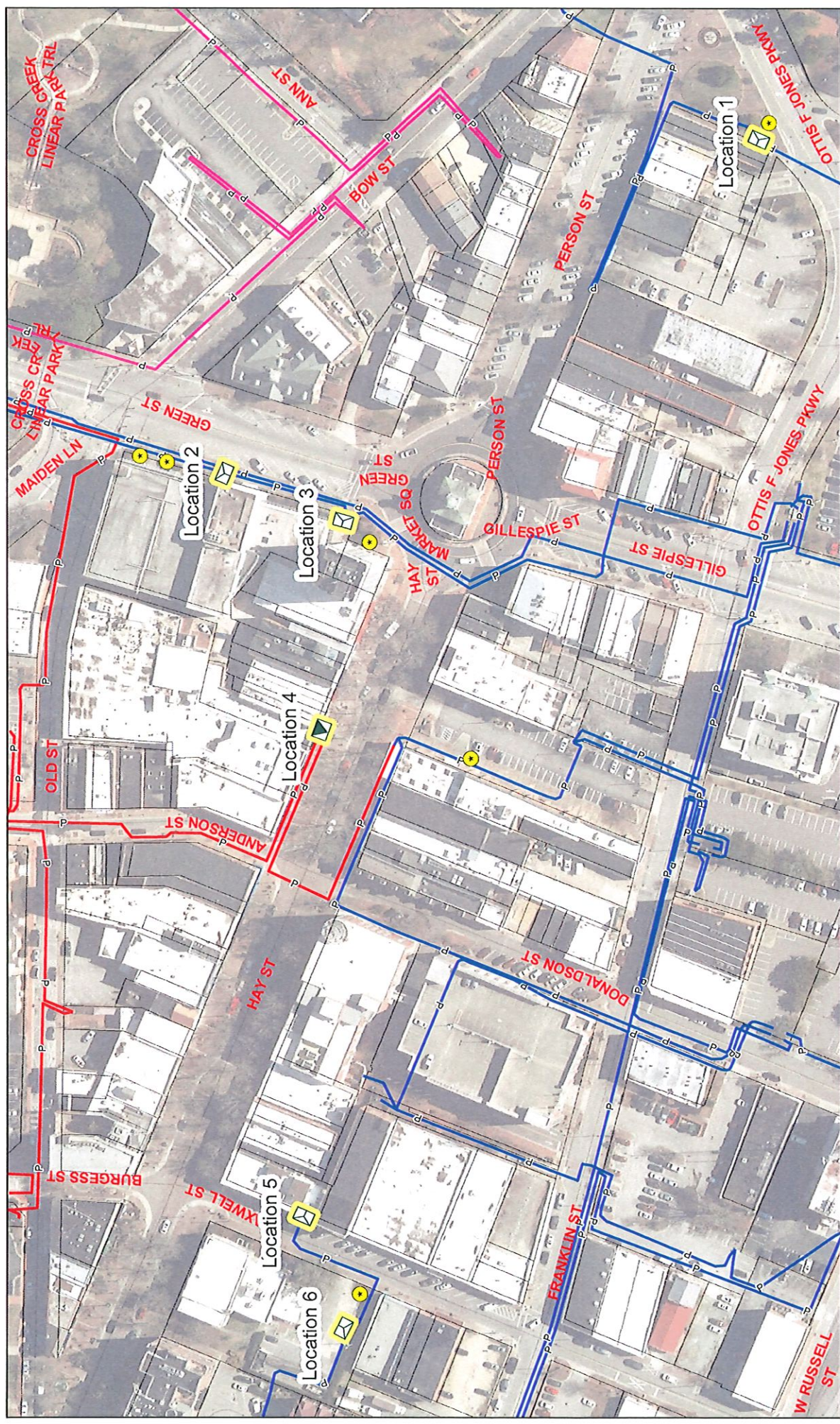
**RE:** Relocation of Electrical Transformers in the Downtown Historic District

---

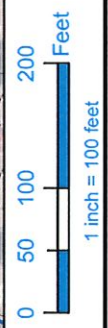
**Executive Summary:**



Under section 30-2.C.8.b.2.c Certificate of Appropriateness, exemptions, the UDO allows construction, reconstruction, alteration, restoration, or demolition, where the City Manager certifies that the activity is required for the public's safety because of an unsafe or dangerous condition. The Public Works Commission has identified 6 locations where electrical transformers are located in the right of way that are of concern for public safety. As part of PWC's Electric Systems Improvement Plan for Downtown Fayetteville, they are identifying locations to relocate the transformers. They are also converting the transformers from vault style to above ground and mounted. The new locations that have been identified are less populated and easily accessible in order to service the transformers. The attached images are possible locations where PWC is considering relocating the transformers. A Certificate of Appropriateness will not be required for the relocation of the transformers but Marc Tunstall of PWC will be available to explain the steps that PWC is taking to relocate the transformers and will be available for questions.



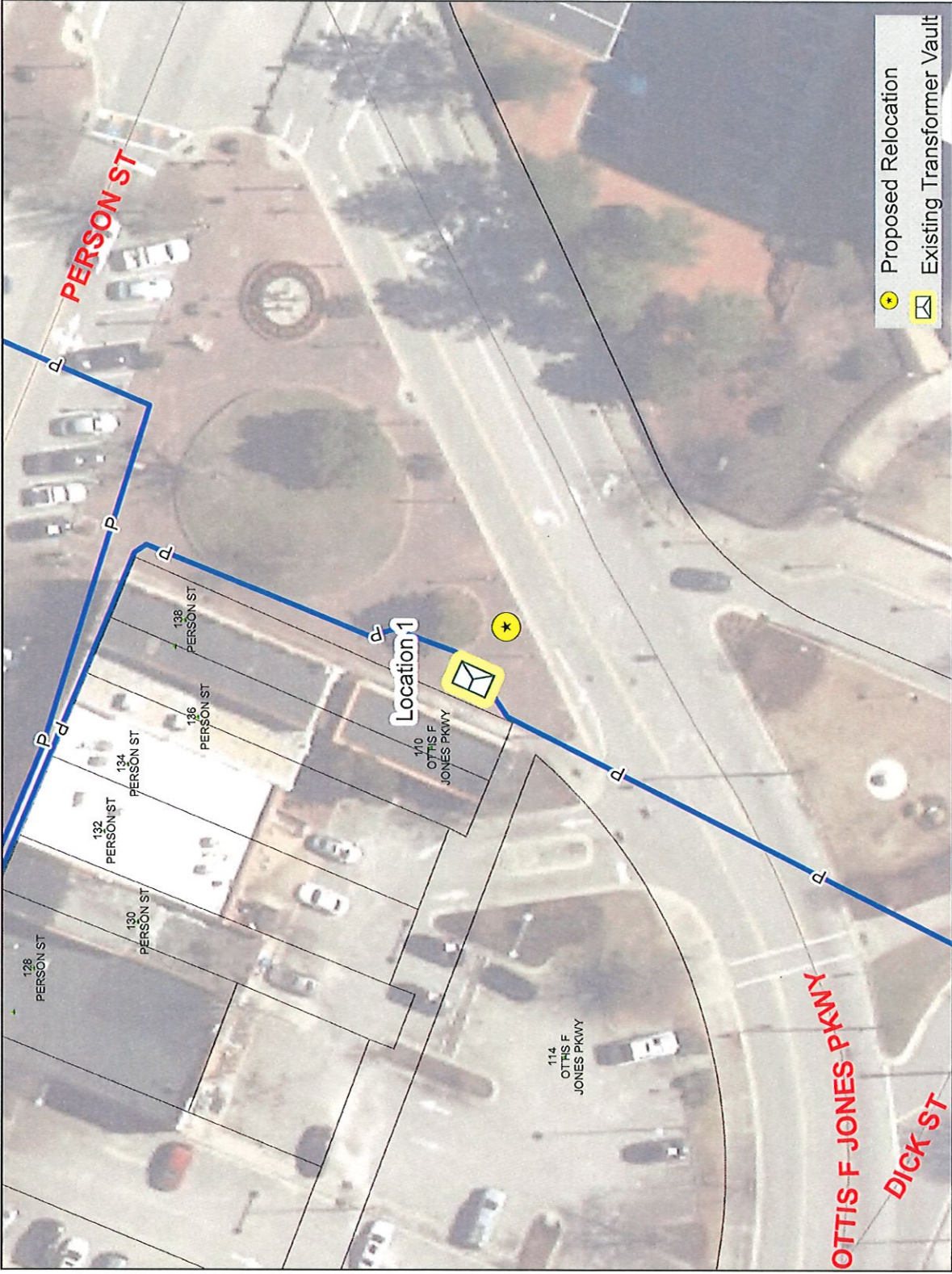
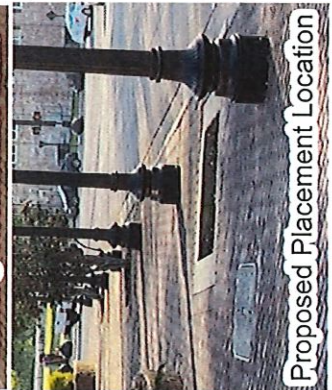
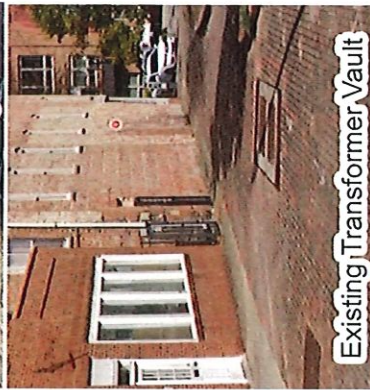


# Transformer Relocation: Location Overview



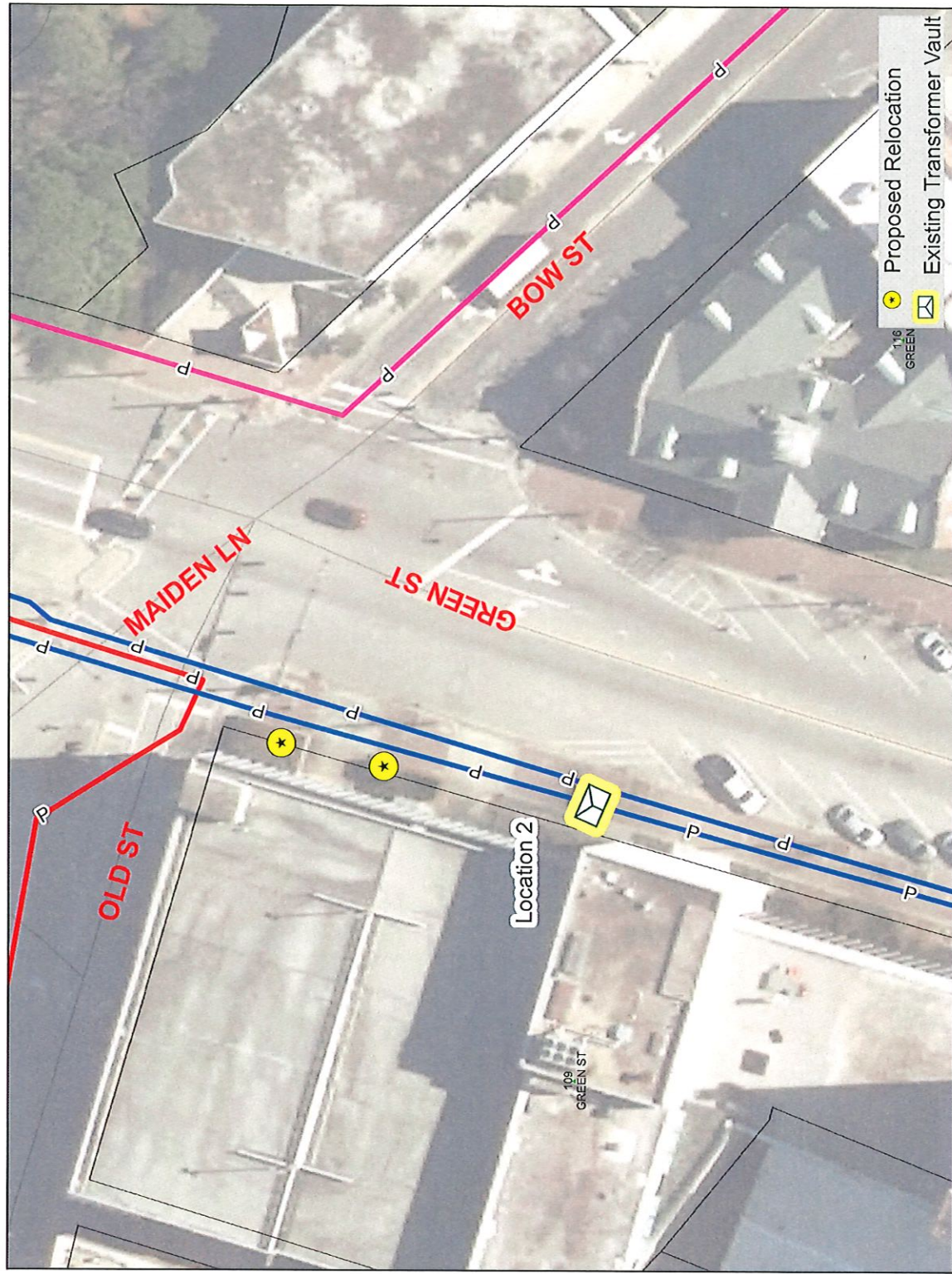
-  Proposed Relocation
-  Existing Transformer Vault





# Transformer Location 1: Ottis Jones Pkwy





## Transformer Location 2: Metro Room Building





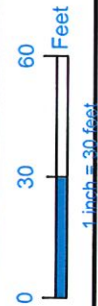
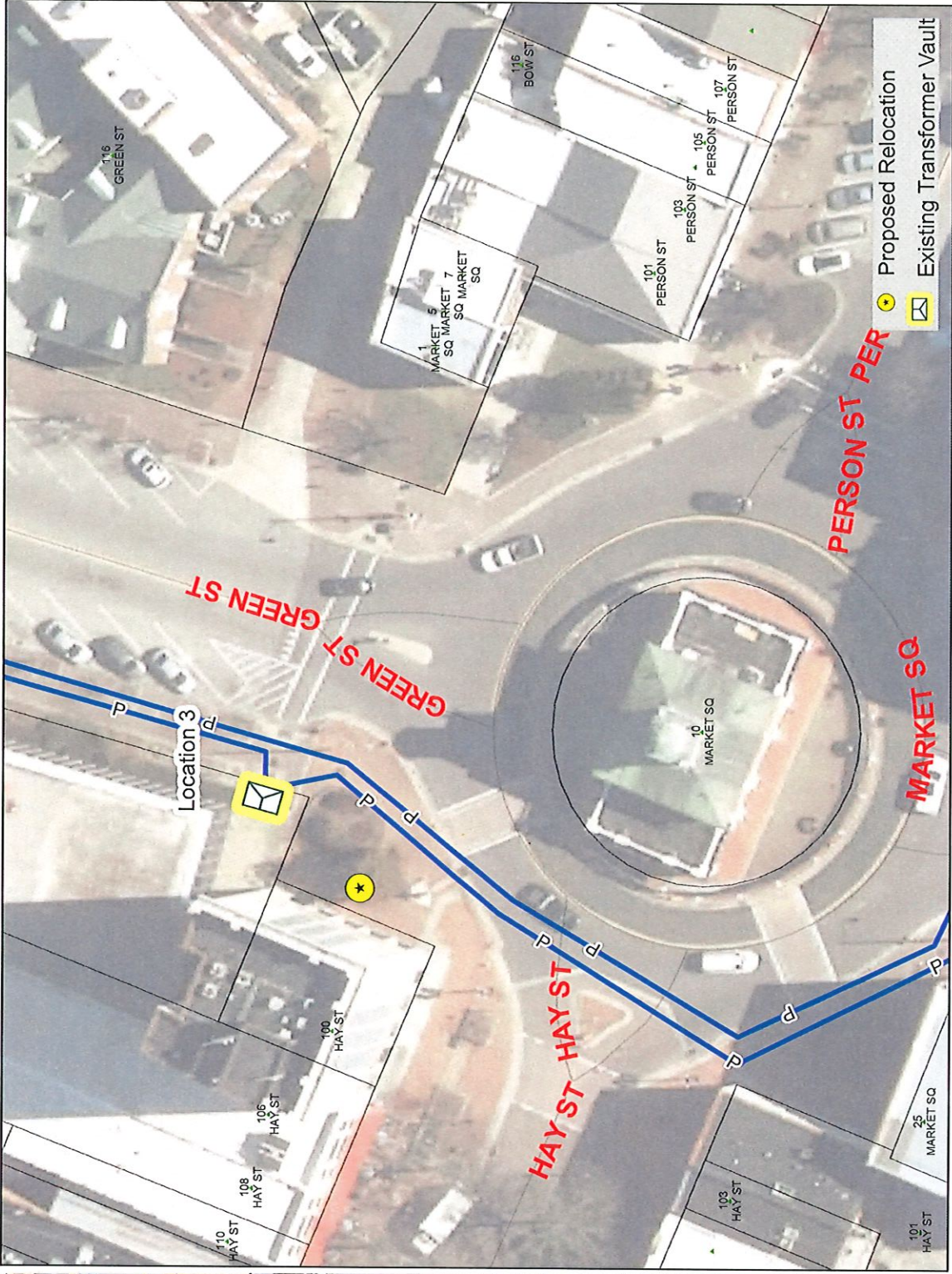
Transformer Replacement Example



Existing Transformer Vault

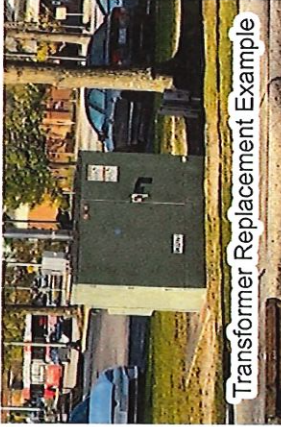


Proposed Placement Location



### Transformer Location 3: Metro Room Building





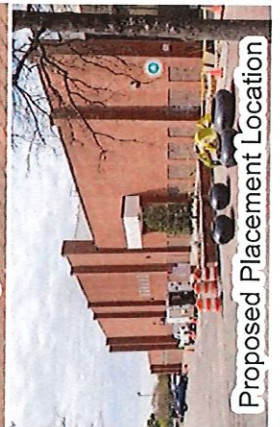
Transformer Replacement Example



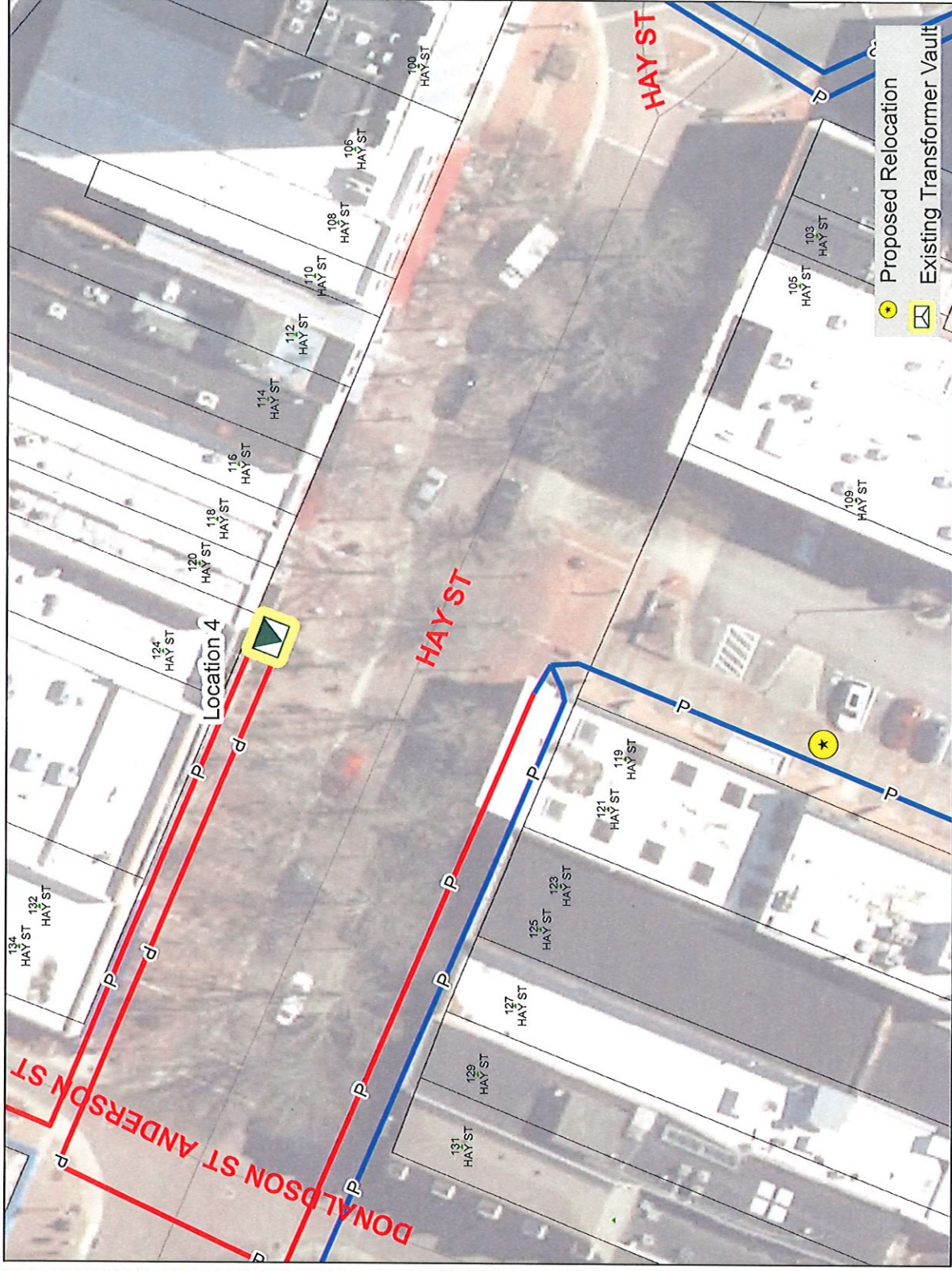
Baricade Example



Existing Transformer Vault

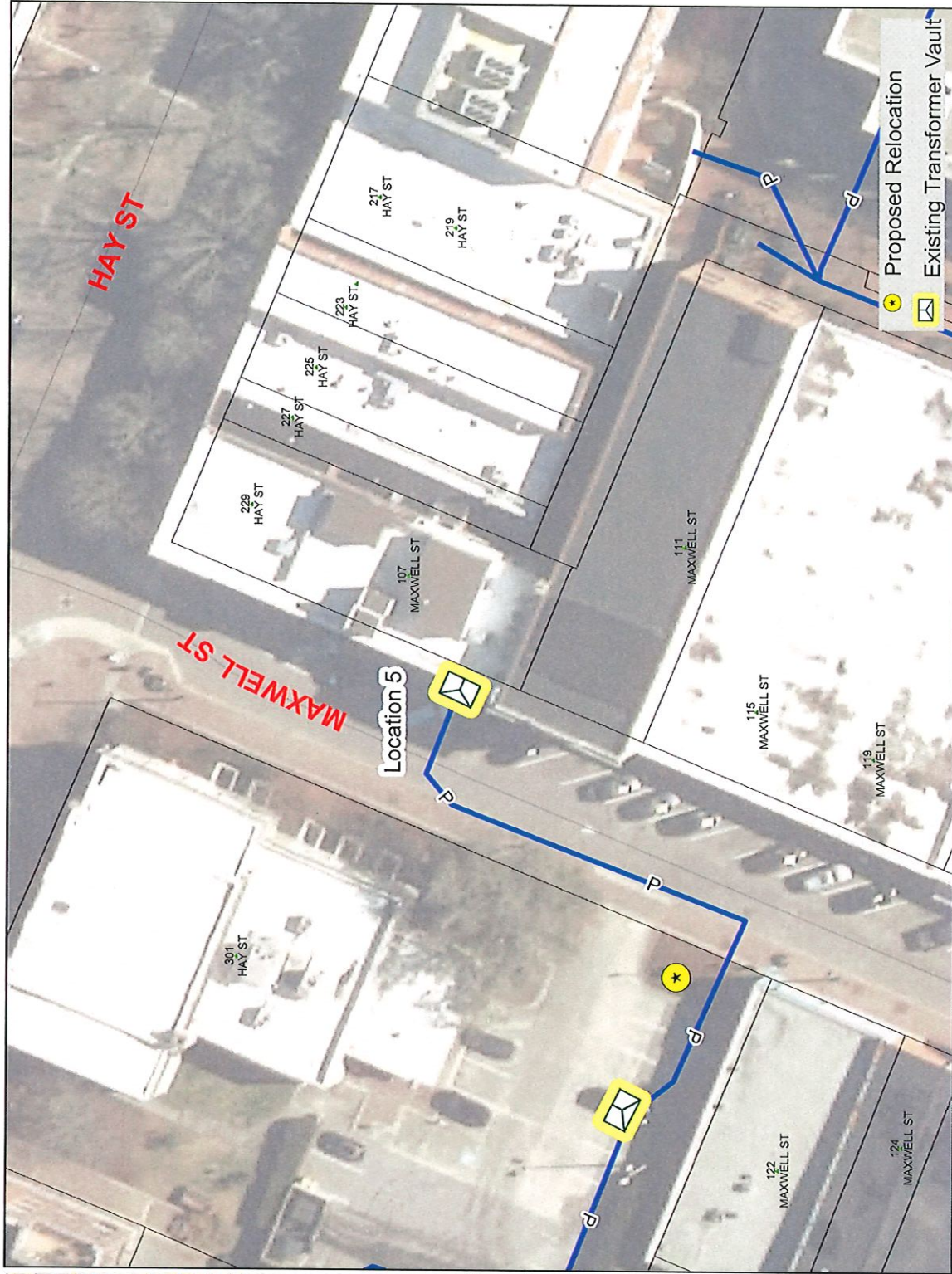
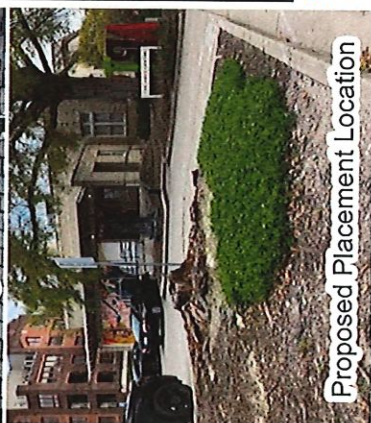
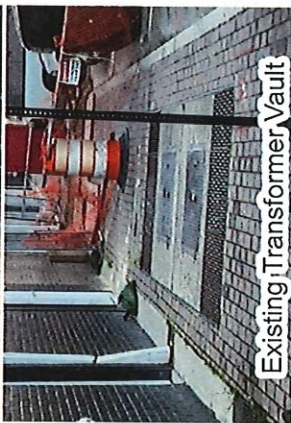


Proposed Placement Location



# Transformer Location 4: Gaston Brewing





# Transformer Location 5: Lumbee Guarantee



