

**CITY OF ELIZABETH CITY  
HISTORIC PRESERVATION COMMISSION  
REGULAR MEETING  
THURSDAY, MARCH 8, 2018  
4:30PM**

**MEMBERS PRESENT**

Jarret Koch - Chairman  
Harvey Harrison - Vice Chairman (Absent)  
Georgene Falcon  
Gordon Adams  
Rachel Stallings  
Rick Boyd  
Doris Johnson

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; Yvette Chamblee, Secretary to the Commission; and members of the audience.

Chairman Koch called the meeting to order at approximately 4:30pm and stated there was a quorum. There was an introduction and roll call for the Historic Preservation Commission members.

Chairman Koch called for a motion to amend the agenda. Mr. Boyd made a motion to **AMEND** the agenda. Ms. Stallings seconded the motion. **ALL IN FAVOR: ADAMS, BOYD, FALCON, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

Chairman Koch called for a motion to adopt the amended agenda as presented. Ms. Stallings made a motion to **APPROVE** the amended agenda as presented. Ms. Falcon seconded the motion. **ALL IN FAVOR: ADAMS, BOYD, FALCON, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

Chairman Koch called for a motion to adopt the minutes of the Tuesday, January 11, 2018 Historic Preservation Commission as presented. Mr. Adams made a motion to **APPROVE** the Tuesday, January 11, 2018 Historic Preservation Commission minutes as presented. Ms. Stallings seconded the motion. **ALL IN FAVOR: ADAMS, BOYD, FALCON, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

Chairman Koch asked Ms. Chamblee, secretary to the Commission, to read the **STATEMENT OF DISCLOSURE** as follows:

Elizabeth City Code of Ethics provides that public officials and employees be independent, impartial, and responsible to the public; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for city public officials and its employees; disclosure of interest in legislative action must be stated for public record, as per City of Elizabeth City Code of Ordinances Section 32.04. Any official act or action before the Historic Preservation Commission shall be publicly disclose on the record of the Commission the nature and extent of such interest and the Commissioner shall withdraw from any consideration of the matter if excused by the Commission pursuant to G.S. 160A-75.

Chairman Koch read the following **STATEMENT FROM CHAIRMAN**:

Prior to today's meeting, notification was sent to neighbors living within 100' of the properties in question. Commission members received a copy of each application and were to visit the site. North Carolina law provides that persons have an opportunity to address an application; thus the Commission conducts a public hearing on the application. During the hearing the Commission receives evidence to determine that proposed changes are not incongruous with the special character of the historic district or the historic property. They review this evidence against guidelines listed in the City's ordinance before issuing a Certificate of Appropriateness. Each application is heard the same way. The judicial format of the hearing requires that they be impartial. Any written Staff comments are evidence presented just as any other evidence. If any Commission member has had reason to discuss the specific details of the application; they ask to be excused from hearing the application.

Because of the quasi-judicial format of the hearings, the Commission hears evidence and judges whether the change is not incongruous. The Commission is required by North Carolina law to swear in persons who speak before the Commission and offer evidence.

Chairman Koch asked the audience members to come forth and be sworn, if anyone plans to speak today in reference to HPC 05-18. Kaitlen Alcock, James Flanigan, Debbie Malenfant, and Paul Robinson came forth and were sworn.

Chairman read the **Consideration of Application** as follows:

**New Business No.: Application HP 05-18**, filed by HEWGMW 2 LLC, for exterior improvements to the structure located at 112 N Water Street. The applicant is proposing to remove the non-historic roof and replace it with a membrane roof.

Ms. Kaitlen Alcock presented her report;

The first case for review this afternoon is HP 05-18 filed by HEWGMW2 LLC for property located at 112 N Water St. Better known as the Hurdle Hardware building, the structure was originally constructed in 1885. A Certificate of Appropriateness was issued in 2006 to a former property owner authorizing the extension of the roof to a height of 39 feet, with a new metal roof offset from the existing parapet by at least two feet. The current applicant is seeking to remove the rooftop addition and replace it with a flat membrane roof that would not be visible from the street. Staff has had numerous conversations with staff at the State Historic Preservation Office in recent years regarding this building, during which time removal of the roof was recommended. In speaking with Reid Thomas with the State office a few weeks ago, he stated it was his belief that removal of the roof would be a good first step to restoring the property to its historic condition. If the Commission deems the request appropriate and the Certificate is approved, Staff recommends the following as conditions of the approval:

- Care be taken by the contractor when removing the rooftop addition so as not to damage the historic fabric of the remaining structure;
- All construction debris generated by the project should be properly disposed of and removed from the site within 14 days of the project's completion;
- To the extent possible, all construction equipment and machinery shall be located within the rear parking area of the site;
- The property owner and/or contractor shall confer with City Administration should temporary closure of the sidewalk be necessary; and
- The applicant and/or contractor shall secure all necessary building permits prior to commencing work.

Mr. Paul Robinson came forth to address the Historic Preservation Commission. Mr. Robinson commented on the following:

- Numerous engineering issues with the building;
- Creating a venue on the second floor of the brewery project;
- Floor loads wouldn't allow keeping the third floor on the building; and
- Removing the roof would potentially bring back the historical significance in the building.

Mr. Adams concern was anything going to be put on top of the roof. Mr. Robinson responded, not at this time.

Ms. Falcon questioned staff about the existing roof on the building.

Chairman Koch called for a motion for HPC 05-18. Ms. Stallings made a motion to **APPROVE** application HPC 05-18 as presented as long as the applicant obtains all appropriate permits. Mr. Boyd seconded the motion. **ALL IN FAVOR: ADAMS, BOYD, FALCON, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

**New Business Case No.: Application HP 04-18**, filed by Weatherly Lofts LLC for exterior improvements to the structure located at 211, 215, & 229 N Water Street. The applicant is proposing various improvements including the removal on the non-historic brick cladding and recreation of the historic wooden storefront at 211 & 215 N Water St; installation of new steel lintels as needed; refurbishing of existing windows including clear glass, to be reglazed and painted; addition of storm windows; installation of new aluminum windows; installation of a new storefront on the alley elevation; installation of new roofs throughout; repair and/or replace gutters and downspouts; refurbish metal clad shutters; repaint sign on 229 N Water Street; addition of rooftop amenity space at 215 N Water Street. The applicant is also requesting designation as a local landmark.

Ms. Kaitlen Alcock presented her report:

The second case for review this afternoon is HP 04-18 filed by Weatherly Lofts LLC for property located at 211, 215, and 225 N Water Street. 225 N Water Street is listed on the National Register as the W.H. Weatherly and Company Building constructed circa 1921. 211 and 215 N Water Street are identified on the National Register as rental property built between 1914 and 1923 for Charles Kramer. It is the applicant's intention to utilize the buildings for 45 apartment units, first-floor parking, and various rooftop amenities. To this end, the applicant is requesting a Certificate approving numerous exterior renovations including the removal of the non-historic brick cladding on the first floor façade of 211 and 215 N Water Street, installation of a wood storefront at the ground level of 211 and 215 N Water Street, installation of new storefront on the alley elevation of all buildings to provide access to the apartments, installation of new metal grille garage doors, one to be reinstalled in a historic opening and a second to be installed in a new location on the north side of 225 N Water Street, and painting of "Weatherly Lofts" sign in the historic location of the Weatherly & Co sign. Complete lists of requested improvements are included on pages 2 and 3 of the staff report provided to the Commission. The applicant has worked closely with the State Historic Preservation Office throughout the project and is in the process of applying for historic tax credits, Part 1 of which has already been approved. If the Commission

recommends approval of the project, either in whole or in part, Staff recommends the following conditions of approval:

- Care be taken when completing the improvements so as not to damage the historic fabric of the structure,
- The applicant or their designated contractor shall secure all necessary building permits prior to commencing work;
- Utilize the gentlest means possible when cleaning the historic masonry; and
- The applicant shall secure all necessary permits for the sign to be located at 225 North Water Street.

This concluded Ms. Alcock's presentation.

Mr. James Flanigan came forth to answer any questions the Historic Preservation Commission may have.

Mr. Boyd commented on the bricks on the lower portion of the Weatherly Loft. Mr. Flanigan responded the two story section of the bricks, which aren't original, will be removed.

Mr. Adams commented on the storm windows. Mr. Flanigan responded the renovation to all the windows would include saving the existing metal windows, removing the existing glass windows, and the windows aren't going to be operable.

Mr. Flanigan commented on including a roof top deck on the two story portion of the Weatherly Loft and adding a gathering space.

Mr. Adams commented on the project adding any windows facing the alleyway. Mr. Flanigan responded the project isn't adding any windows on the alleyway but, the project will be adding four doors to access the four apartments from the back. Those doors will go underneath the historic windows and the project would have additional windows on the north and south side of the building.

Mr. Flanigan also gave a detail description on how the Weatherly Lofts' roof, masonry, and paint repair work would be completed.

Ms. Falcon commented on the anticipated time frame of the project. Mr. Flanigan responded the anticipated time frame for the Weatherly Loft project would take between twelve to fourteen months.

Mr. Adams commented on the amount of apartments within the Weatherly Lofts. Mr. Flanigan responded there would be forty-five apartments and thirty-five parking spaces.

Ms. Deborah Malenfant, Director of Elizabeth City Downtown Inc., came forth to address the Commission. Ms. Malenfant spoke highly of the Weatherly Lofts project and how supported ECDI was of the project.

Chairman Koch asked for a motion. Ms. Johnson made a motion to **APPROVE** the application of HP 04-18. Ms. Stallings seconded the motion. **ALL IN FAVOR: ADAMS, BOYD, FALCON, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

**New Business Case No.: Application HP 04-18**, filed by Weatherly Lofts LLC for exterior improvements to the structure located at 211, 215, & 229 N Water Street. The applicant is also requesting designation as a local landmark.

Ms. Kaitlen Alcock presented her report for the local landmark support status of HP 04-18:

The final item for consideration this evening is the local landmark report submitted by Weatherly Lofts LLC for the entire property located at 225 N Water St, better known as the Weatherly Candy Factory. General Statute 160A-400.5 authorizes a municipalities governing board to designate local landmarks within its jurisdiction. Prior to such designation, the local historic preservation commission must deem the landmark to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, and/or association. If designated a local landmark, the property owner is eligible for an annual 50% property tax deferral as long as the special character of the historic property is maintained. It is the role of the Historic Preservation Commission to evaluate the request by Weatherly Lofts LLC and determine if a substantial case was made in support of the property's special significance and integrity. A property can be deemed significant based on its age, association with a historical event, association with a person significant to the City's local history, its architecture, or archeological value. According to the applicant the Weatherly Candy Factory is significant for the following reasons:

- Built circa 1921-1923, the property is more than 50 years old and architecturally distinctive as one of the first commercial, postbellum buildings constructed on the waterfront. The utilitarian style lies in stark contrast to the late 19th and early 20th century neighboring buildings which feature more elaborate and decorative storefronts.

- The building is also associated with three generations of the Weatherly Family, who were a driving force of the expansion and growth of commerce in the City. The Weatherly's remained active in the operation until it closed in 1977. The founder, W.H. Weatherly also served on the City's Board of Alderman
- The Weatherly Candy Company, which operated in third floor of the structure from the 1920's through the 1970's, was a significant employer for the City. At the height of production, the company employed a total of fifty workers.
- The Weatherly's distributed candy both nationally and internationally, with the first international shipment being sent to Puerto Rico in November of 1926.
- The family also ran a successful wholesale grocery and tobacco establishment on the second and third floors of the structure
- In an article from the Daily Advance in December of 1925, the paper reported the Weatherly Company as the state's biggest manufacturer of hard candies, producing about 3.5 tons of candy per day.

When determining whether or not a structure maintains its integrity, the Commission should consider the following:

- Does the building look like it did in the period it gained significance?
- Has it been substantially altered?
- Is it deteriorated or dilapidated?

In support of the property's maintained integrity, the applicant states the following:

- Few changes have been made to the structure throughout the years. The original windows, floors, and internal exposed brick walls are still intact.

Included in the application are additional details to support the site's significance and integrity including numerous newspaper articles.

If the Commission determines the property satisfies the criteria for significance and integrity and recommends the property be designated a local landmark, the report will then be sent to the State Historic Preservation Office for their comment. While not binding, the SHPO's comments will be included in the report to the City Council. Ultimately, the decision to designate the property as a local landmark lies with the City Council.

This concluded Ms. Alcock's presentation.

Mr. James Flanigan came forth again to address any questions the Commission may have concerning the local landmark support status for the Weatherly Lofts.

Mr. Boyd commented about the double hung windows being an original asset to the Weatherly building. Mr. Flanigan responded the windows are still operable windows. After much discussion, the windows Mr. Boyd saw in an old photo of the Weatherly Loft weren't the current windows on the Weatherly building now. Mr. Boyd commented about the facade on the building. Mr. Flanigan responded the Weatherly Loft project wouldn't be changing the front facade. Mr. Flanigan also shared with the Commission about other counties having the local landmark support status.

Ms. Deborah Malenfant, Director of Elizabeth City Downtown Inc., came forth to address the Commission. Ms. Malenfant spoke in favor of the Weatherly Lofts project becoming a local landmark support status.

Chairman Koch called for a motion. Ms. Johnson made a motion to **APPROVE** the local landmark support status for the Weatherly Lofts. Mr. Boyd seconded the motion. **ALL IN FAVOR: ADAMS, BOYD, FALCON, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

#### **STAFF REPORT**

- 413 West Main Street - No contact or correspondence from property owners in two months.
- Vice Chairman Mr. Harvey Harrison has missed four consecutive Historic Preservation Commission meetings. Therefore, the Ordinance states after three consecutive absences for a Historic Preservation Commission meeting the individual is relinquished of their duties as a Commissioner of the Historic Preservation Commission.
- Matthew Schelly, Director of Community Development for Elizabeth City, requested to speak to the Commission after the Historic Preservation Commission meeting in regards to their thoughts about the Waterfront Master Plan.

A nomination was made for a new Vice Chairman for the Historic Preservation Commission. Ms. Stallings nominated Mr. Rick Boyd as Vice Chairman of the Historic Preservation Commission. Mr. Boyd accepted the nomination and no other nominations were given. Ms. Stallings made a motion to **APPROVE** Mr. Boyd as the Vice Chairman of the Historic Preservation Commission. Ms. Falcon seconded the motion. **ALL IN**



**FAVOR: ADAMS, BOYD, FALCON, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

**OLD BUSINESS**

- Staff will check the tax foreclosure status of the house located on the corner of Persse Street and West Main Street with Pasquotank County Clerk of Superior Court office.
- Staff will check with Angela Cole, Assistant City Manager, about a previous demolition by neglect that was done.

No **NEW BUSINESS** given.

Chairman Koch called for a motion to adjourn. Mr. Boyd made a motion to **ADJOURN** the Historic Preservation Commission meeting. Ms. Johnson seconded the motion. **ALL IN FAVOR: ADAMS, BOYD, FALCON, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

Historic Preservation Commission meeting adjourned at approximately 5:10PM.

Respectfully submitted,

Yvette M. Chamblee