

**MINUTES
TOWN OF FORT MILL
HISTORIC REVIEW BOARD
September 12th, 2023
112 Confederate Street
4:30 PM**

Present: Chairwoman Megan Brinton, Vice chairman David Booth, Hynek Lettang, Elizabeth Leventis, Jessica Scarlett, Planning Director Penelope Karagounis, Senior Planner Alex Moore

Absent: Scott Couchenour, Joanne Walker

Guests: Karli Phillips, Jennifer Hoover

CALL TO ORDER

Chairwoman Megan Brinton called the meeting to order at 4:30 PM.

APPROVAL OF MINUTES

Chairwoman Megan Brinton entertained a motion to approve the minutes from the July 11th, 2023, HRB meeting. Elizabeth Leventis made a motion to approve the minutes. Chairwoman Brinton pointed out an error in the minutes from the July 11th meeting in the third paragraph of the minutes. This consisted of a zero missing from the monetary amount of \$230,000.00. Ms. Leventis then made a friendly amendment to add a zero to the incorrect figure, and then made a motion to approve. Jessica Scarlett seconded the motion. Then, by a vote of 5-0, the minutes for the July 11th, 2023, meeting were approved.

NEW BUSINESS

1. Request for Final Bailey Bill Certification

The first item on the agenda included a request for final certification of the Bailey Bill project located at 219-221 Main Street.

Senior Planner Alex Moore gave a brief overview of the application and associated materials for this project. He noted that the owner of the property is 219-221 Main Street, LLC and that these buildings were constructed approximately 1900. Preliminary Bailey Bill approval for this project was granted by HRB on September 14th, 2021. Subsequently, the applicant began an extensive rehabilitation of the buildings.

Moore then stated that in addition to preliminary certification, Bailey Bill projects must receive a minimum investment of 20% of the Fair Market Value. In this instance, the FMV was determined via the sales contract, which was \$1,150,000.00. This project received \$1,503,561.00 of hard-cost investment alone. This is 131% of the FMV. Hard costs are those which involve labor and materials. Thus, the minimum investment has been met for this project.

The work to be reviewed by the HRB includes (1) Exterior improvements and/or alterations; (2) Any new construction on the property; (3) Alterations to interior, primary public spaces. Senior Planner Moore then noted the modification notice of action letter in Exhibit 5. This modification to the original certificate of appropriateness was granted on July 11th. This allows the demising wall between 219 & 221 Main Street to remain painted and to retain the TPO roofing.

Senior Planner Moore then stated that approval of the final certification shall be at the discretion of the HRB. A decision by HRB on final certification must weigh the standards for rehabilitation on page 10 of the agenda. Moore then read each of these standards for the record.

Senior Planner Moore then stated that staff recommended approval of this application for final Bailey Bill certification as submitted.

Chairwoman Brinton then asked if there were any comments or questions.

Chairwoman Brinton asked if the sandblasted area had been painted.

Senior Planner Moore replied that this area had been painted.

Chairwoman Brinton then asked if anything was done to the bricks or the mortar prior to being painted.

Senior Planner Moore directed HRB to the letter submitted by the project's architect, James Maynard. This letter was submitted as part of the application for final certification, and pursuant to the HRB's condition that the applicant include a letter indicating the appropriate manner for repairing and/or stabilizing that portion of the brick which was sandblasted.

Moore stated that the letter from Mr. Maynard indicated that the area which was sandblasted could be repainted by the same means, methods, and materials as were implemented on the rest of the demising wall. This letter also stated that prior to repainting, the wall should be inspected to determine if the exposed layer is softer than the brick face. Any brick with soft areas exposed should be removed and replaced with brick to match. The mortar in this area should also be inspected and repaired, if necessary, prior to painting. However, any undamaged brick may remain in place.

Upon hearing this information, HRB members had some additional questions about how the subsequent repair to the small, sandblasted area was carried out by the applicant.

Senior Planner Moore then asked the representative from Kuester Commercial in attendance, Karli Phillips, if she had additional information on how they handled the painting of the sandblasted area.

Ms. Phillips noted that when this small area of the demising wall was sandblasted that it was slightly damaged, but that the exposed brick in this section was not soft to the touch. She further indicated that since the brick was not soft to the touch, the Kuester maintenance person proceeded with painting this section of the demising wall per the recommendations provided by James Maynard.

Chairwoman Brinton asked Ms. Phillips if the mortar was also inspected.

Ms. Phillips stated that, yes, the mortar within the section which was sandblasted was also inspected.

Vice chairman David Booth stated that his concern was that a maintenance person performed the inspection and repainting rather than Charlotte Paint Company.

Ms. Phillips stated that this was correct, as Charlotte Paint Company had previously completed their work after the overall project was completed. Ms. Phillips also noted that it was their understanding that they were supposed to test a portion of the demising wall that had been painted to determine if that might be a viable means of removing all the paint from the demising wall.

Chairwoman Brinton then noted that it was made clear by the HRB that the demising wall area was not supposed to be sandblasted.

Vice chairman Booth stated that his concern continued to be that Charlotte Paint Company did not perform the inspection of the demising wall after the sandblasting and prior to the repainting. He indicated that this could have resulted in a lack of objectivity on the matter in that Kuester was essentially approving their own work, rather than having a more objective third-party contractor, in this instance Charlotte Paint, doing the inspection prior to the repainting.

Senior Planner Moore then noted that the letter did state that prior to repainting that portion of the brick which was sandblasted that the brick should be inspected to determine if the exposed layer is softer than the brick face. He then stated that Ms. Phillips had, earlier in the meeting, indicated that the brick of the demising wall was indeed inspected prior to it being repainted.

HRB member Elizabeth Leventis stated that the language of the letter from the architect, indicating that the brick should be inspected prior to repainting, was vague and that it was difficult to definitively state that Kuester did not follow what the letter specified.

Chairwoman Brinton generally concurred and noted that the applicant, in providing the letter from the architect, had done what the HRB asked.

Planning Director Karagounis then asked the HRB if the letter from the architect would suffice for the final certification review.

Chairwoman Brinton responded that she believed it would.

Ms. Leventis then stated that she believed the HRB must look at the entire scope of the project. The sandblasted area on the demising wall is small in comparison with the overall scale of the property rehabilitation. The standards for final certification are met for the balance of the project.

Chairwoman Brinton agreed and asked if there were any other questions or comments. Hearing none, she entertained a motion.

Vice chairman David Booth made a motion to approve the application for Bailey Bill final certification.

Jessica Scartlett seconded the motion.

Then, by a vote of 5-0, the HRB approved the motion to grant final Bailey Bill certification for the rehabilitation project at 219 & 221 Main Street.

2. Request for Certificate of Appropriateness (COA)

The second item on the agenda included a request for a certificate of appropriateness for window signage at 231 Main Street. Senior Planner Moore stated that he had stopped by the applicant's place of business at 231 Main Street just to remind her of this afternoon's meeting. He stated that, from this, it was his understanding that the applicant would indeed be at this meeting. However, she was not in attendance.

Planning Director Penelope Karagounis called the applicant's phone number as supplied on the application to reach her and remind her of the HRB meeting. There was no answer, but Planning Director Karagounis left a detailed message regarding the meeting. The applicant did not return the phone call from Planning Director Karagounis.

There was then discussion regarding whether to proceed with hearing the application without the applicant in attendance.

HRB member Hynek Lettang then asked if staff recommended that the board approve it without the applicant in attendance.

Planning Director Karagounis stated that this would be a decision for HRB to make.

Mr. Lettang then stated that he wanted to go ahead and add several items to the dialogue for the record. First, he noted that it appeared that the masonry on the façade of this building was eroded which, it seems, may contribute to instability, and potentially lead to falling bricks. Second, he stated that the plywood covering the 2nd floor windows were delaminating from the connection points and pulling out the fasteners providing secure attachment. Thus, a bad storm may lead to detachment of the plywood from the building. Third, he stated that he had concerns regarding the exterior, first level ingress point to the second level of the building, which currently is boarded up. His worry with this nailed, shut door, covered with plywood, involved lack of exterior fire department access to the second floor in the event of a fire within this building.

Mr. Lettang then stated that while he very much respected the tenants of this building trying to make a go of it as a business, but he was unsatisfied with the substandard nature of this building to the point of creating safety hazards for folks walking down the street. He stated that he believes this needs to be addressed.

Planning Director Karagounis replied to Mr. Lettang that these were good points. However, these were more from a property management perspective since with the current case we are only dealing with the tenant who is leasing the building from the owner. She said that she could take these three safety concerns identified by Mr. Lettang and let the interim town manager, Chris Pettit, know. But, for this case, we must focus on the request for the approval of the window signage.

Vice Chairman David Booth then pointed out that if the tenant follows the procedures, then they must pull the proper applications and permits to obtain a certificate of occupancy. For example, fire would have checked to see that there were proper exits for this building. Mr. Booth stated that he was not in disagreement with the valid points that Mr. Lettang had made, but that the owner of such a building would more likely be reprimanded via a code enforcement violation than from anything that the HRB could do about such conditions.

Mr. Lettang stated that he reviewed the HRB guidelines and his reading of them would mean that 231 Main Street is currently in violation on issues such as the boarded-up windows. He went on to note his observation that recent applicants were not abiding by HRB standards. This included placing stuff on windows, not showing up to meetings, and not following explicit HRB instructions. Mr. Lettang stated that the HRB must have the teeth to enforce these types of things, and that the first bite to get things correct should be 231 Main Street. He believes that having this building looking like it is still in a state of repair from a fire that gutted the inside of the upper floor is not acceptable. Mr. Lettang stated that he feels for the tenants on the first floor who are trying to get business and folks coming in.

You have people walking by a door that is not even a door, with rotted wood. This is not right. We as stewards of the Fort Mill historic district cannot allow or condone this.

Vice Chairman David Booth reiterated that he agreed with what Mr. Lettang had put forth. However, he was not sure how we could hold up the issuance of a certificate of appropriateness due to these issues.

Vice Chairman Booth then made a motion to defer the application until the next HRB meeting, provided that the applicant amend the application to include seasonal, temporary window signage, and any written information, guidelines, or procedures that the applicant would like to follow or that she plans to do and that staff reviews what was approved for Improper Pig and make sure it aligns with this request. If the application is not amended, then HRB will only approve the permanent window signage for this business.

Mr. Lettang seconded the motion.

Then, by a vote of 5-0, the HRB approved the motion to grant a certificate of appropriateness for the window signage with the condition as noted.

There being no further business, Chairwoman Brinton adjourned the meeting at 5:39 PM.

Respectfully submitted,

Alex J. Moore, AICP

Senior Planner

October 24th, 2023