



**REGULAR MEETING AGENDA
WEDNESDAY, FEBRUARY 8, 2023, 6:30 PM
BOARD OF COMMISSIONERS CHAMBERS**

2nd Floor, Town Hall, 301 S. Brooks Street, Wake Forest, NC 27587

Contact Historic Preservation Staff at mmichael@wakeforestnc.gov or 919-435-9516
for information or visit the Historic Preservation webpage under “Meetings” at
<https://www.wakeforestnc.gov/planning/historic-preservation>

6:30 Regular Business

1. Call to Order/Roll Call
2. Approval of the Agenda
3. Approval of Minutes of the January 11, 2023, Regular Meeting.
4. Public Comment (limited to 3 minutes per person) The HPC is interested in hearing your concerns, however, speakers should not expect HPC action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate Town Staff and may be scheduled for a future agenda.
5. Treasurer’s Report
6. Old Business
 - A. Update from Wake Forest Historical Museum/ Wake Forest University – Dr. Sarah Soleim, PhD., Manager of Community and Academic Engagement
 - B. Election of Vice-Chairperson
 - C. Strategic Planning – Historic Preservation Plan Implementation
 - a) Goals for 2023 – Results, Next Steps
7. New Business and Announcements
 - A. Staff Updates
 - Minor Works COAs
 - Upcoming Events
 - Follow-Up on Citizen Concerns from January Meeting
 - B. Member Updates
8. Adjourn



TOWN *of*
WAKE FOREST

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HISTORIC PRESERVATION COMMISSION MINUTES

WEDNESDAY, JANUARY 11, 2023

6:30 PM

Commission Members Present: Andrea Radford (Chairperson), David Bennett, Charlotte Jenkins, Nancy Ginger, Angela Wright, Melvin Hill, Jr., Elizabeth Miller, James Dyer (BOC Ex-Officio).

Commission Members Absent: Paige Bivens

Staff Present: Michelle Michael (HPC Staff Liaison)

Visitor's Present: Margaret Watkins, David Soper

1. CALL TO ORDER/ROLL CALL - Chairperson Andrea Radford called the meeting to order at 6:30 pm and performed a roll call vote. There were seven voting members present.

2. AGENDA – Chairperson Radford asked for approval of the current agenda. David Bennett moved to approve the agenda; Nancy Ginger seconded. There was no discussion, the motion was approved unanimously (7-0).

3. MINUTES - Chairperson Radford asked for an approval of the December 14, 2022, meeting minutes. Melvin Hill, Jr. moved to approve the minutes Elizabeth Miller seconded. The motion was approved unanimously (7-0).

4. PUBLIC COMMENT (limited to 3 minutes per person) -Margaret Watkins came forward to express her concern about the amount of development and the loss of the Town's culture and history. She feels that a lot of stories are being forgotten. She has contacted several developers to see if they are interested in preserving the history that is being lost and the response has been positive. Many are willing to incorporate the stories into the projects. However, as only one person, she cannot conduct all the research herself. She requested the assistance of the Historic Preservation Commission to conduct research on these places. Staff reminded Ms. Watkins and the HPC that they will not be able to respond tonight. Staff will research the issue and bring it back to them at the next meeting for discussion.

5. TREASURER'S REPORT – Staff provided the Treasurer's Report for October and November as follows, the beginning balance on November 30, 2022, was \$ 25,552.89, monthly interest was \$8.33 for a final balance on December 30, 2022, of \$25,561.22 which includes \$1,561 for the Ailey Young House. The estimated home tour deductions are \$4,119.84 which leaves an estimated ending balance of \$21,441.38. This information has not been finalized by finance.

Elizabeth Miller asked when they can expect the deposit from the home tour proceeds. Staff responded that all expenditures will be sent to the Finance Department for review before they are deducted. It usually takes at least 30 days to reconcile the account. Charlotte Jenkins moved to approve the Treasurers Report. Nancy Ginger seconded the motion. There was no further discussion and the motion passed unanimously (7-0).

6. OLD BUSINESS

A. Quasi-Judicial Training – Hassan Kingsberry, Town Attorney

Attorney Kingsberry thanked the membership for their service to the town. He began by explaining that there are four types of zoning decisions. They are administrative, legislative, quasi-judicial, and advisory. We will talk mostly about quasi-judicial tonight. Administrative decisions are things that Town staff handles, they are routine, non-discretionary and zoning warnings. Legislative decisions are policymaking. When you think of legislative you generally think of the Board of Commissioners. It allows for public notice and input at public hearings without evidential limitations. And there's no prohibition on ex parte communication, or board members having a fixed opinion on the matter. On the other hand, quasi-judicial decisions involve investigated facts. A hearing is required to gather evidence on the record and to draw conclusions from that evidence. They apply policies to individual situations, such as variances, special use permits, appeals of administrative decisions, and the only type of decisions the HPC will hear are called COA's.

The procedures are specified in UDO and the standards are spelled out in Section 15. Hearings must be conducted in accordance with fair trial standards. It is not an actual trial, but you have to use trial decorum. Findings of fact must be based only on competent material and substantial evidence in quasi-judicial decisions. In allowing or denying an application, you must state the basic facts with sufficient specificity to inform the parties as well as the court of your decision. If the decision is appealed, the appeal body will only have the record as evidence. Therefore, the decision must be clearly set out in the record.

Attorney Kingsberry continued by explaining the procedures of the public hearing and the fair trial standards that must be followed. He provided the requirements of competent evidence, expert testimony and the findings of fact. The difference between competent evidence versus personal opinions was discussed and explained especially when rendering a decision in the quasi-judicial forum. The findings of fact and conclusions based on the relevant testimony and standards are valid.

The disclosure of ex parte communication was also discussed. Attorney Kingsberry provided that members of the commission must disclose ex parte communication before the testimony is given. Ex parte communication includes speaking with someone outside of the hearing, email communication, getting information before the hearing, a close familial business or other association or relationship with an effected person, or a financial interest in the outcome of the case. Staff Liaison, Michelle Michael interjected to the board that in the past, the HPC has operated that even the perception of a conflict of interest should be disclosed. For example, if you run into an applicant at the grocery store, and they mentioned the case to you and you reply, "I'm sorry, I can't talk to you, I'm on the commission". It's best if you go ahead and disclose that at the public hearing. We then have it on the record, and it is out in the open. The record is important because if the case is appealed, it first goes to the Board of Adjustment and then to Wake County Superior Court. Appeals are based solely on the record and the written decision. Attorney Kingsberry asked if there were any questions and reminded the group that they can contact him with any concerns or questions in the future.

6. OLD BUSINESS – STRATEGIC PLANNING

Staff Liaison, Michelle Michael, provided a slide illustrating the four overarching goals of the Historic Preservation Plan and the implementation schedule. She continued by going through each implementation schedule and explaining the items that are already part of the program but can be strengthened. Ms. Michael then passed out copies of the implementation schedules and asked the membership to mark their top three "short-term" goals under each of the four goal categories. The group completed the task and returned the papers to staff who will compile the results and bring it back in February. One of the items was the inclusion of sidewalk historic markers. Commissioner Dyer explained that he had seen historic markers in the sidewalk of Wall Street in New York and showed staff a photograph. Staff will research the markers for public works.

Staff asked the HPC if anyone on the commission has ideas for implementation items. Chairperson Radford stated that she would like to plan additional events in addition to the home tour. The ice cream social we had in the historic district a few years ago was successful. Elizabeth Miller added that she would like to see historic facts added to the "What's Up Wake Forest" and other communications. Charlotte Jenkins stated she would like for us to add tours of other areas. We should continue partnering with local businesses and organizations to accomplish our common goals. Ms. Michael provided that in February they will refine the short-term goals for this year and check in quarterly for progress reports until the end of the year.

One of the goals is to increase transparency and web-based information. Staff walked the group through the webpage improvements including the location of all the historic resources surveys and design standards as well as navigating through the website to other preservation pages. Staff explained where the information on how to file a COA is on the website and instructions for navigating the electronic review. She added that a mailing will go out to all historic property owners about the COA process in the February mailing.

7. NEW BUSINESS

A. Staff Update – Staff provided the following updates:

- There were no minor works COAs in December/January
- Historic Preservation Plan Implementation to date:

- Website Updates
- Additional Historic Preservation Staff approved by BOC
- Dr. Sarah Soleim, Manager of Community and Academic Engagement with WFHM will be at the February meeting to provide an overview of museum and University activities.
- February is Black History Month. Staff will offer walking tours of the NE Community every Thursday at 1:00. Registration is required.
- Citizens Planning Academy will be held May 1, 8, and 15th. Applications are required.
- Public Transit Plan Survey is now available. An open house will be held on February 2nd from 1-2:30 and 6-7:30 pm at the Alston Massenburg Center.

B. Member Updates – There were no updates.

9. ADJOURN – David Bennett made a motion to adjourn. Charlotte Jenkins seconded, there was no discussion and the motion passed unanimously (6-0). The meeting adjourned at 7:15 pm.

Respectfully submitted,

Andrea Radford, Chairperson

Michelle Michael, Senior Planner