



**REGULAR MEETING AGENDA  
TUESDAY, FEBRUARY 25, 2025, 6:30 PM  
BOARD OF COMMISSIONERS CHAMBERS**

**2<sup>nd</sup> Floor, Town Hall, 301 S. Brooks Street, Wake Forest, NC 27587**

Contact Historic Preservation Staff at [mmichael@wakeforestnc.gov](mailto: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 28, 2025, 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. **Public Hearing: COA-25-02: A request from Janet Rose for Amanda Rambo, owner of 239 N. Main St, Wake Forest being Wake County Tax PIN 1841-43-9040, to approve roof replacement and secondary chimney removal.**
7. Old Items
  - A. HPC Handbook Update
  - B. Strategic Planning Update
8. New Items
  - A. Staff Updates
  - B. Member Updates
9. Adjourn



## Wake Forest Historic Preservation Commission Minutes

The Wake Forest Historic Preservation Commission met on **28 January 2025**, at **6:30 p.m.** in the Board Room at Wake Forest Town Hall, 301 S Brooks Street.

**Historic Preservation Commission Members present** Elizabeth Miller, Chairperson, Jason Mobraten, Joni Falvey, David Bennett, Andrea Radford, Pamela Jeffries, Sarah Soleim, Angela Wright.

**Historic Preservation Commission Members absent:** Allen Jenkins.

**Staff Members present:** Michelle Michael (HPC Staff Liaison), Paige Regna (HP Planner), Sam Slater (Town Attorney), Jennifer Currin (Planning Director)

**Visitors:** Scott McLendon, Larry Green, Margaret Watkins, Beth Powell, Shweta Nanekar

### 1. Call to Order

Elizabeth Miller called the meeting to order at 6:30 p.m. A quorum was established.

### 2. Adoption of Agenda

**ACTION:** Approval of agenda for Regular Meeting held 28 January 2025.

**Mover:** David Bennett moved to adopt the agenda as presented.

**Seconder:** Andrea Radford

**Vote:** Motion carried 8-0

### 3. Approval of Minutes

**ACTION:** Approve December 2024 minutes as presented.

**Mover:** Jason Mobraten moved to approve the December 2024 minutes as presented.

**Seconder:** Andrea Radford

**Vote:** Motion carried 8-0

### 4. Public Comment (limited to 3 minutes per person)

No public comment.

## 5. Treasurer's Report

Paige Regna presented the Treasurer's Report for December 2024.

## 6. Public Hearing

**Public Hearing: COA-25-01:** A request from Scott McLendon, applicant on behalf of Robert Ford, owner of 546 N. Main St, Wake Forest being Wake County Tax PIN 1841-64-2266, to approve repair and replacement in-kind of deteriorated materials on the portico and wraparound porch.

Chairperson, Elizabeth Miller opened the public hearing at 6:34pm. Sarah Soleim disclosed that she is friends with the property owner and has accepted gifts from him in the past, but they have not communicated about COA-25-01. The HPC did not make a motion to recuse Dr. Soleim. Paige Regna, Planner 1-Historic Preservation, was sworn in to present the COA-25-01 application and staff report.

Scott McLendon, applicant, was sworn in and answered the HPC's questions about using kiln-dried SYP instead of Accoya and confirmed six large empire capitals will be replaced in-kind.

**Public Comment:** No other public comment.

Elizabeth Miller closed the public hearing at 6:51pm.

**ACTION:** To find that the application, specifications, and staff report meets the Secretary of the Interior's Standards for Rehabilitation.

**Mover:** David Bennett made a motion to find that the application, specifications, and staff report for COA-25-01 meets the Secretary of the Interior's Standards for Rehabilitation.

**Second:** Andrea Radford

**Vote:** Motion carried 8-0

**ACTION:** To find that the application, specifications, and staff report substantially meets the Wake Forest Historic District Design Standards.

**Mover:** Andrea Radford made a motion to find that the application, specifications, and staff report for COA-25-01 substantially meets the Wake Forest Historic District Design Standards.

**Second:** Joni Falvey

**Vote:** 8-0

**ACTION:** To approve the COA as presented or with conditions.

**Mover:** David Bennett made a motion to approve the COA with two conditions: 1) Any changes to the application must be reviewed and approved by staff, 2) All required building permits must be obtained from the Town of Wake Forest Inspections Department before work is completed.

**Second:** Sarah Soleim

**Vote:** 8-0

**ACTION:** To approve COA-25-01 as presented.

**Mover:** David Bennett moved to approve the COA order as presented.

**Second:** Jason Mobraaten

**Vote:** 8-0

## 7. Old Items

### A. Ailey Young House NE Gateway Park Update

Beth Powell and Shweta Nanekar from McAdams Engineering presented an update on the concept plan for the Gateway Park project around the Ailey Young House. The update included the acreage of the park, history of the house and landscape, site constraints, community engagement, and next steps for the project. HPC members asked questions about connectivity with the community and the rest of town, the interpretation of the landscape as a historic resource, and balancing history with recreation activities typically associated with parks.

### B. Quasi-Judicial Training

Michelle Michael, Senior Planner, did the annual quasi-judicial training for the Commission.

### C. HPC Handbook Update

Paige Regna, Planner 1, provided an overview of the revised draft HPC Handbook to the Commission. She asked specifically about changing the required members from nine to seven and removing the ex-officio position. The HPC decided to keep the number of required members at nine and remove the ex-officio position.

## 8. New Items

### A. Staff Updates

- State of the Town Address is at the Renaissance Centre on Monday, February 17<sup>th</sup> at 6pm.

- The last workshop for CLG Grant FY 2024 was held on January 16<sup>th</sup> and had 21 participants.
- CLG Grant FY 25 RFP for GPR at OBBC and FCBC is out and the deadline is February 10<sup>th</sup>.
- CLG Grant FY 26 grant cycle is suspended for now pending the federal funding freeze.
- The RFP to write National Register nominations for both churches will be released at the end of February.
- Two Major Work COAs have been submitted for the February meeting.

B. Member Updates

- Beth Miller and HPC members discussed event ideas that can replace the Home Tour.

<b>9. Adjournment</b>
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**ACTION:** Adjourn meeting.

**Mover:** David Bennett

**Second:** Joni Falvey

**Vote:** 8-0

**The meeting closed at 8:34 pm.**

Duly approved in open session this day 25 February 2025.

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Board Secretary

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Board Chair



# Certificate of Appropriateness Application

(Major Work (Additions/NewConstruction/Demo) Workflow)

Town of Wake Forest, NC  
301 S. Brooks St.  
Wake Forest, NC 27587-2932  
TEL (919) 435-9510 | FAX (919) 435-9539

## Project Overview #1607706

**Project Title:** Rambo - 239 N. Main St. Wake Forest NC 27587    **Jurisdiction:** Town of Wake Forest (Wake County)  
**Application Type:** Certificate of Appropriateness    **State:** NC  
**Workflow:** Major Work (Additions/NewConstruction/Demo)    **County:** Wake

## FILING INSTRUCTIONS

A submittal checklist is available to view additional documents which are required to submitted with this application. After answering the application questions, you will be asked to upload the required documents.

[VIEW CERTIFICATE OF APPROPRIATENESS SUBMITTAL CHECKLIST](#)

*Missing items will result in the application being declined and returned to the applicant to resubmit. A revised and complete application including all missing items must be received or the application will be not be deemed complete and routed for review.*

Please confirm that you have reviewed the associated submittal checklist for this permit and that you will submit all documents required on the submittal checklist: Yes

## Address & Basic Site Information

**Please Note:**

In some cases, a parcel address may not verify. In the event that our system is unable to verify the address you enter, please submit the project as an *Unverified Parcel* and provide zoning and land use information as requested below. For verified addresses, the zoning and land use information will be added to the application automatically (you do not need to provide it below).

**Project Address or PIN:** 239 N Main St (1841439040)

**Tax PIN:** 1841439040

**Acreage:** 0.39

**Name of Existing Development/Subdivision (if applicable--for reference only):**

**For unverified addresses/parcels only**, please provide below 1) the current use of the parcel, 2) the zoning district(s) it is in, and 3) any overlay districts that apply. Reference the [zoning map](#) and the [overlay districts map](#) on the town's website.

**Current Use & Zoning (required only if address/parcel is unverified):**

*Note: Projects falling outside the limits of the Town or ETJ will be required to submit an annexation petition in conjunction with their project submittal. In this case, please return to the home screen and select **Annexation Petition** from the application type drop down.*

## GIS Site Information (Automatically Generated - Not Available for Unverified Addresses)

**Parcel Area: GIS Acreage**

- 239 N Main St: 0.39

**Wake Forest (WF): Town Limits**

- 239 N Main St: WF

**Base District: Zoning**

- 239 N Main St: GR3

**In SH2-O Overlay:****In TND Overlay:****In HL-O Overlay:****In National Register of Historic Places: National Register**

- 239 N Main St: Yes

**Current Use: Land Use Development**

- 239 N Main St: Residential

**Planning and Zoning: Jurisdiction**

- 239 N Main St: WAKE FOREST

**In SH1-O Overlay:****In Water Supply Watershed Protection Overlay: Watershed Protection Overlay**

- 239 N Main St: yes (RC-WMA)

**In SF Overlay:****In MVCP-O Overlay:****In Flood Hazard Area:****GENERAL INFORMATION**

Please enter all project contacts related to your application.

This is an important step to ensure all members of the applicant team receive email notifications associated with the project which may include comments, requested revisions, scheduled meetings or hearings, and final decisions. This also informs Town staff of the team members assigned role with the project.

**Project Contact - Property Owner**

Janet Conway Rose  
 Conway Design Group, LLC  
 525 S. White Street, @ The Loading Dock  
 Wake Forest, NC 27587  
 P:9198103679  
[Janet@NorthWakeCommercial.com](mailto:Janet@NorthWakeCommercial.com)

**Project Contact - Applicant**

Janet Conway Rose  
 Conway Design Group, LLC  
 525 S. White Street, @ The Loading Dock  
 Wake Forest, NC 27587  
 P:9198103679  
[Janet@NorthWakeCommercial.com](mailto:Janet@NorthWakeCommercial.com)

**PROJECT INFORMATION**

**Project Type:** Major

**Description of Request:**

Roof Replacement

- Main Historic Structure
- Porches
- Prior Kitchen Addition

Removal of (1) Chimney

Reframing of Exterior Kitchen Wall Section & Associated Exterior Siding & Trim

Installation of (1) Kitchen Window Unit

**Was work completed prior to obtaining the required permit?:** No

**Name, address, and email that Zoning Verification Letter should be addressed to:**

Amanda L. M. Rambo

c/o Janet Conway Rose

Conway Design Group, LLC

[Janet@NorthWakeCommercial.com](mailto:Janet@NorthWakeCommercial.com)



## Staff Report

### Case COA-25-02: 239 N. Main Street

<b>Meeting Date</b>	February 25, 2025
<b>Requested Actions</b>	<p>The applicant is requesting to make the following exterior changes to 239 N. Main (PIN 1841439040):</p> <ol style="list-style-type: none"> <li>1. Removal of secondary chimney.</li> <li>2. Repair in-kind of two primary chimneys.</li> <li>3. Roof replacement of main structure from slate to architectural shingles. Roof replacement in-kind for kitchen addition from shingle to architectural shingles.</li> <li>4. Roof replacement of porch from galvanized metal to copper.</li> <li>5. Potentially bridging the gap between the roofs of the north façade porch and bay window to provide an adequate slope for water drainage.</li> </ol>
<b>Case Manager</b>	Paige Regna, Planner I- Historic Preservation

#### CASE INFORMATION

<b>Applicant</b>	Janet Conway Rose 525 S. White Street Wake Forest, NC 27587
<b>Property Owners</b>	Amanda Rambo 239 N. Main Street Wake Forest, NC 27587
<b>Location</b>	At the southwest corner of N. Main Street and W. Pine Avenue on the block between North Avenue (south) and E. Pine Ave (north).
<b>Address</b>	239 N. Main Street, Wake Forest, NC 27587
<b>Wake County Tax PIN(s)</b>	1841439040
<b>Acreage</b>	.39 acres
<b>Zoning</b>	GR3

**HISTORY & SIGNIFICANCE (FROM THE WAKE FOREST HISTORIC DISTRICT WALKING TOUR BROCHURE)**

This intact two-story Italianate house was built c. 1902 for Mr. Greason, an executive at the Royall Cotton Mill. His son, Wake Forest College basketball coach, Murray Greason lived here in the 1930s and 1940s. The house has corbelled chimneys and exposed rafter tails. The garage was added around 1990, and the kitchen addition on the south façade was likely added around the same time.

**UDO REQUIREMENT**

The Historic Preservation Ordinance (UDO 15.11.3) requires a public hearing and approval by the Historic Preservation Commission for roof replacement and secondary chimney removal.

For the purposes of analysis of this project, staff believes the following standards have relevance:

**SECRETARY OF THE INTERIOR’S STANDARDS FOR REHABILITATION**

<p><b>2.</b></p>	<p><b>Finding of Fact:</b> The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.</p> <p><b>Staff Analysis:</b> The original slate roof is being replaced with CertainTeed shingles that mimic the appearance of slate, and the metal porch roof is being replaced with copper. The secondary chimney is being removed; however, this chimney has been altered over time. The two chimneys on the primary structure are being repaired in-kind.</p>
<p><b>6.</b></p>	<p><b>Finding of Fact:</b> Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.</p> <p><b>Staff Analysis:</b> The chimneys on the primary structure will be repaired in-kind or reconstructed in-kind if necessary. The secondary chimney is being removed due to structural concerns and will not be replaced. A large concrete cap was added to this chimney at some point and has compromised the structural integrity of the chimney. There is currently mortar loss on the bottom half of the chimney, making it even less structurally sound. The slate roof has deteriorated beyond repair in many areas and will be replaced with shingles that will match the slate in design, color, and other visual qualities.</p>

## WAKE FOREST LOCAL HISTORIC DISTRICT DESIGN STANDARDS

### ROOFS

<p><b>1.</b></p>	<p><b>Finding of Fact:</b> Identify, retain, and preserve historic roof features and materials including roof form, roof shape, roof pitch, overhang, roof materials, textures, shingles, flashing, ice stops, cresting, dormers, vents, gutters, and downspouts.</p> <p><b>Staff Analysis:</b> The roof form, roof shape, roof pitch, and overhang will be preserved. The roof material is changing from slate to architectural shingle, and the flashing will be replaced.</p>
<p><b>2.</b></p>	<p><b>Finding of Fact:</b> Protect and maintain historic roof features, forms, materials, and details through a program of regular maintenance and repair using accepted preservation methods.</p> <p><b>Staff Analysis:</b> The new roof will be regularly maintained.</p>
<p><b>3.</b></p>	<p><b>Finding of Fact:</b> Repair historic roof features, forms, materials, and details in kind matching the original in size, scale, color, design, material, detail, texture, and finish.</p> <p><b>Staff Analysis:</b> The new roof will match the old in all instances except material. The shingles mimic the appearance of slate in size, scale, color, design, and detail.</p>
<p><b>4.</b></p>	<p><b>Finding of Fact:</b> Replace deteriorated roof features, forms, materials, and details in kind only if it is deteriorated beyond repair. If replacement is required, replace only the damaged portion using materials that match the original in size, scale, color, design, material, detail, texture, and finish. Use substitute materials only if the original material is no longer available and match the original material as closely as possible.</p> <p><b>Staff Analysis:</b> The extant slate roof is very brittle and has deteriorated beyond repair. The entire slate roof over the main structure and roof over the 1980 kitchen addition will be replaced with Belmont CertainTeed shingles. Using slate to replace the extant slate roof is not an option due to the cost. The existing metal porch roof is being replaced with a copper roof and flashing.</p>
<p><b>5.</b></p>	<p><b>Finding of Fact:</b> It is appropriate to install low-profile ridge vents if they do not diminish the design of the roof or destroy historic roofing materials and details.</p> <p><b>Staff Analysis:</b> Any new ridge vent will meet this standard.</p>
<p><b>6.</b></p>	<p><b>Finding of Fact:</b> It is appropriate to replace gutters and downspouts with materials that match the original. Paint downspouts and gutters in a color appropriate to the building and historic district, except for copper</p>

	<p>gutters and downspouts which shall remain unpainted. It is inappropriate to damage or conceal architectural features and details with the installation of gutters and/or downspouts.</p> <p>Staff Analysis: The existing concealed gutters and downspouts on the north façade of the primary structure will likely be reworked as a part of this project in order to fix a drainage issue. There is a possibility the gap between the porch roof and bay window roof on the north façade will need to be bridged to allow for better water drainage off the roof and away from the foundation.</p>
7.	<p>Finding of Fact: It is appropriate to install new gutters and downspouts to prevent water infiltration and soil erosion provided they do not damage or conceal architectural features and details with the installation. New gutters and downspouts shall be painted or finished appropriately.</p> <p>Staff Analysis: A gutter will likely be added to the rear façade of the main structure or kitchen addition as a part of this project.</p>
8.	<p>Finding of Fact: It is inappropriate to replace concealed, built-in gutter systems with modern exposed gutters. If they are deteriorated beyond repair, abandon the system and cover over it with new sheathing and finished roofing to match the existing roofing as closely as possible.</p> <p>Staff Analysis: Does not apply.</p>
9.	<p>Finding of Fact: It is inappropriate to introduce new roof features and details like skylights, dormers, or vents that compromise the original roof design, roof materials, roof elements, or character of the district or landmark.</p> <p>Staff Analysis: Does not apply.</p>
10.	<p>Finding of Fact: It is inappropriate to use exposed tarpaper as finished roofing. It is also inappropriate to use roofing tar or asphalt (which causes further damage) on valley flashing or for patching slate, wood, or metal roofing.</p> <p>Staff Analysis: Does not apply.</p>

**DESIGN STANDARDS FOR BRICK AND OTHER MASONRY**

1.	<p>Finding of Fact: Identify, retain, and preserve brick and other masonry materials, features, and details, including but not limited to masonry walls, foundations, pointing patterns, chimneys, corbelling, cornices, arches, moldings, fences, retaining walls, plinths, etc.</p> <p>Staff Analysis: The two original chimneys on the primary structure will be repaired in-kind or reconstructed in-kind if necessary. The secondary chimney will be removed entirely.</p>
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2.	<p>Finding of Fact: Protect and maintain brick and other masonry materials, features, and their details.</p> <p>Staff Analysis: Two brick chimneys on the primary structure will be preserved, and the corbelling will be retained.</p>
3.	<p>Finding of Fact: Repair missing or damaged brick and other masonry materials, features, and details in-kind, matching the brick or stone with a similar size, color, texture, and mortar color, joint width, profile, and finish. Brick bond patterns and stone patterns shall be retained when repaired.</p> <p>Staff Analysis: Any new brick used for the chimney repairs will match the old in dimension, color, texture, mortar color, joint width, profile, and finish as closely as possible.</p>
4.	<p>Finding of Fact: Replace deteriorated brick and other masonry materials, features, and details only if the existing material is beyond repair. Replace missing or damaged brick and masonry in-kind, matching the existing in pattern, design, size, color, texture, and mortar in strength, color, joint width, profile, and finish. Additionally, brick bond patterns and stone patterns shall be retained when brick or other masonry is replaced.</p> <p>Staff Analysis: The extant secondary chimney is being removed due to structural concerns. The chimney poses a risk to the kitchen because of all the weight on the top half and mortar loss on the bottom half of the chimney. The primary chimneys will be repaired in-kind and the corbelling will be preserved. The brick will match in color, texture, and dimension, and the mortar will match in color, strength, joint width, profile, and finish.</p>
5.	<p>Finding of Fact: It is appropriate to repoint brick or masonry to preserve structural integrity or when excessive mortar damage is present.</p> <p>Staff Analysis: The primary brick chimneys will be repointed.</p>
6.	<p>Finding of Fact: It is appropriate to clean masonry surfaces with water (garden hose strength) and, if necessary, use mild detergents and soft bristle brushes.</p> <p>Staff Analysis: Brick will likely be cleaned using appropriate procedures during the repair process.</p>
7.	<p>Finding of Fact: It is inappropriate to use blasting of any kind (sand, glass, soda, etc.) on masonry finishes.</p> <p>Staff Analysis: Does not apply.</p>
8.	<p>Finding of Fact: It is inappropriate to use power tools such as saws and routers to remove deteriorated mortar joints. Such tools may overcut the joint</p>

	<p>and damage the brick or stone. Mortar shall be removed by hand to prevent damage of the masonry. The joint strength, width, profile, and finish must duplicate the original. The mortar must match the original in terms of its composition, content, color, texture, strength, and appearance. Portland cement is not appropriate to repair historic mortars as it can cause spalling and further deterioration. However, some mid-century buildings may have used Portland cement originally.</p> <p>Staff Analysis: Mortar will be removed by hand and will match the original as closely as possible in profile, strength, and color. Portland cement will not be used as a mortar.</p>
9.	<p>Finding of Fact: It is inappropriate to paint, waterproof, or coat unpainted or uncoated masonry. However, if masonry has historically been painted, it is appropriate to repaint.</p> <p>Staff Analysis: Does not apply.</p>
10.	<p>Finding of Fact: It is inappropriate to remove original stucco. Repair stucco with a mixture duplicating the original as closely as possible in composition, color, texture, style, and character. Do not point or repair stucco using Portland cement.</p> <p>Staff Analysis: Does not apply.</p>
11.	<p>Finding of Fact: It is inappropriate to paint stucco unless it has historically been painted.</p> <p>Staff Analysis: Does not apply.</p>

**PROPOSED FINDINGS OF FACT**

Staff offers the following findings for the Commission’s consideration:

1. Based upon the information contained in the application, specifications, and staff report, the Commission finds that the application to replace the roof and remove the secondary chimney **does/does not** meet the Secretary of Interior Standards for Rehabilitation.
2. Based upon the information contained in the application, specifications, and staff report, the Commission finds that the application to replace the roof and remove the secondary chimney **does/does not** substantially meet the Wake Forest Historic District Design Standards.

**PROPOSED CONDITIONS**

Staff offers the following conditions for the Commission’s consideration:

1. Any changes require additional review and approval from staff.
2. The applicant must obtain any required building permits from the Town of Wake Forest Inspections Department for structural work before it is completed.

## PHOTOGRAPHS



Photo 1: Primary façade showing slate roof to be replaced and porch roof will be copper.



Photo 2: First extant primary chimney that will be repaired in-kind.



Photo 3: Second extant primary chimney that will be repaired in-kind.



Photo 4: Kitchen addition showing secondary chimney that will be removed.



Photo 5: Secondary chimney to be removed; concrete cap compromises structural integrity.



Photo 6: North façade; gap between roofs of porch and bay window might be bridged.

# Town of Wake Forest

| Historic Preservation Commission Handbook

Effective: February 25, 2025

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## INTRODUCTION

Members of the Wake Forest Historic Preservation Commission have been entrusted to review proposed alterations, renovations, and new construction to Local Historic Landmarks and properties in the Wake Forest Local Historic District. This handbook provides an overview of the roles and responsibilities of the Historic Preservation Commission and has been prepared to assist members in fulfilling the important duties of their position.

In compiling this handbook, information was taken from multiple sources including the State of North Carolina General Statutes, State Historic Preservation Office, Preservation North Carolina, the Wake Forest's Unified Development Ordinance (UDO), Wake Forest Historic Preservation Plan, and Town policies. In the event of a conflict between this handbook and any official state or local law or policy, the subject law or policy shall prevail. In the event a law and policy conflict, the law shall prevail.

## ESTABLISHMENT AND AUTHORITY

### Establishment

The Wake Forest Historic Preservation Commission exercises authority under North Carolina General Statutes and the UDO and is governed by these statutes and ordinances as adopted and amended by law.

### Powers and Duties

In accordance with NC General Statute 160D-942 and Section 14.6.1 of the UDO, the Historic Preservation Commission has been granted the following powers and duties:

#### **1. Property Inventory**

The Historic Preservation Commission is responsible for undertaking an inventory of properties of historical, pre-historical, architectural, archaeological, and/or cultural significance.

#### **2. Historic Districts and Landmarks**

The Historic Preservation Commission is responsible for recommending individual buildings, structures, sites, areas, or objects as local historic landmarks, and areas as historic districts to the Board of Commissioners.

#### **3. Certificate of Appropriateness**

The Historic Preservation Commission is responsible for reviewing and acting upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks.

#### **4. Demolition Permit**

The Historic Preservation Commission is responsible for reviewing and acting on demolition of historic structures applications as described in Section 15.11.4 of the UDO.

### **5. Acquire Historic Properties**

The Historic Preservation Commission has the power to acquire, by any lawful means, properties within established historic districts or that have been designated as landmarks to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.

### **6. Maintain Historic Properties**

The Historic Preservation Commission is responsible for restoring, preserving, and operating any historic property that it acquired.

### **7. Revoke Historic Designation**

The Historic Preservation Commission has the power to recommend to the Board of Commissioners that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed.

### **8. Education Programs**

The Historic Preservation Commission has the power to conduct an educational program regarding historic properties and districts within its jurisdiction.

### **9. External Contracts**

The Historic Preservation Commission may, when authorized by the Board of Commissioners, contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.

### **10. Historic Property Access**

The Historic Preservation Commission may only enter private lands for an examination or survey in performance of its official duties and at reasonable times. No Commission member or employee may enter any private building or structure without the express consent of the owner or occupant.

### **11. Stay of Demolition Period**

The Historic Preservation Commission has the power to take steps during the period of postponement of demolition or alteration of any historic landmark or property to ascertain what the local governing body can or may do to preserve such property, including consultation with private civic groups, interested private citizens, and other public boards or agencies, and including

investigation of potential acquisition by the Board of Commissioners when the preservation of a given historic property is clearly in the interest of the general welfare of the community and such property is of certain historic and architectural significance.

### **12. Preservation Policies**

The Historic Preservation Commission has the power to prepare and recommend the official adoption of a preservation element as part of the Town's Comprehensive Plan.

### **13. Negotiate with Property Owners**

The Historic Preservation Commission has the power to negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

### **14. Other Powers and Duties**

The Historic Preservation Commission shall also have any additional powers and duties as set forth in NCGS §160D-303(d), as amended, the UDO, or at the direction of the Board of Commissioners.

## **MEMBERSHIP**

A member of the Historic Preservation Commission represents the Town of Wake Forest. Along with the opportunity to serve the Town, comes the requirement of abiding by all applicable rules and laws that govern ethical and professional behavior, including the Code of Ethics for Members of the Advisory Boards, Committees, Commissions & Board of Commissioners of the Town of Wake Forest attached hereto, as amended.

### **Appointments**

1. The Historic Preservation Commission shall consist of nine regular members.
2. A majority of the members shall have a demonstrated special interest, experience, or education in history, archaeology, or related fields.
3. All members shall be residents of the Town's incorporated area or extraterritorial jurisdiction (ETJ) and the incorporated members shall be appointed by the Wake Forest Board of Commissioners.
4. A minimum of one member shall reside in a designated Local Historic Landmark or the Local Historic District.
5. A minimum of one member shall be a resident from within the Town's extraterritorial jurisdiction (ETJ), unless the proportional calculation for ETJ representation, which shall be determined based on the population of residents of the extraterritorial area, requires more than one ETJ member. The ETJ

member(s) shall be appointed by the Wake County Board of Commissioners, after receiving a recommendation from the Wake Forest Board of Commissioners, and shall have equal rights, privileges, and duties as all other members of the Historic Preservation Commission. If no applications are received for the ETJ position, the Wake County Board of Commissioners may appoint other residents from Wake County.

6. The Board of Commissioners may appoint, one, but no more than two, youth ex officio (non-voting) members. Youth ex officio members must attend a high school located with Town limits.

## Terms

### **1. Regular Members**

Regular members shall serve 3-year terms. No member shall serve more than two full consecutive terms. Once a member has served two full consecutive terms, the member must be off the Historic Preservation Commission for a minimum of one year before being eligible to serve again. This term limit requirement may be waived by the Board of Commissioners.

### **2. Youth Ex-Officio Members**

The appointment cannot exceed four years or until graduating from high school.

## Vacancies

Vacancies occurring for reasons other than expiration of the term shall be filled by appointment for the period of the unexpired term only by the body that appointed the vacating member.

## Resignations

Historic Preservation Commission members who wish to resign their position shall notify the staff liaison, Commission Chair, or Town Clerk in writing.

## Replacements

Unless otherwise provided by law, ordinance, or resolution, appointed Commission members serve at the pleasure of the Board and may be removed from the Historic Preservation Commission at the discretion of the Board.

## Quorum

According to NCGS 160D-406, a quorum shall constitute a majority of the members, not including vacant seats. Vacant seats and disqualified/recused members are not considered members of the Commission for calculation of a majority. The presiding Chair is counted in determining whether a quorum is present. In the absence of a quorum, the Commission shall not conduct any

business. Quorum is established at the beginning of the meeting. Subsequent recusals or abstentions do not affect quorum.

## Oath of Office

All Historic Preservation Commission members shall, before entering their duties, take an oath of office.

## Required Policies and Training

### **1. New Appointments**

Newly appointed Historic Preservation Commission members are required to attend orientation, ethics training, and affirm appointed Commission specific Town policies within 60 days of their appointment and prior to attending any Historic Preservation Commission meeting. If a Commission member is unwilling or unable to agree to the terms of the required trainings and policies, the appointment will be rescinded.

### **2. Tenured Appointments**

All Commission members are required to attend annual quasi-judicial training. Furthermore, the Town may elect to require additional training for Commission members. All Historic Preservation Commission members are expected to attend these trainings. Required trainings may be in person or virtual. Commission members who fail to attend a required training may not be able to participate in Historic Preservation Commission meetings. Commission members unable to participate in required training will be counted as absent and subject to dismissal in accordance with the attendance policy. (See Attendance.)

## OFFICERS

### Officer Appointments

The Historic Preservation Commission shall vote one of its members to serve as its Chair and another as its Vice Chair. The vote of a Chair and Vice Chair will take place at the February regular meeting each year, giving new members the opportunity to vote.

#### **1. Chair**

A Chair shall be elected by the voting members of the Historic Preservation Commission. His/her term shall be for two (2) years, and he/she may serve for no more than two (2) consecutive terms. The Chair shall appoint any committees found necessary to investigate any matters before the commission.

#### **2. Vice-Chair**

A Vice-Chair shall be elected by the voting members of the Historic Preservation Commission. His/her term shall be for one (1) year, and he/she

may serve for no more than two (2) consecutive terms. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.

### **3. Treasurer**

The Treasurer shall be the Finance Director for the Town of Wake Forest or designee. The Treasurer shall keep an account of all receipts and disbursements. No disbursement of Commission funds may be made without the consent of the voting members of the Commission. The Treasurer shall be responsible for maintaining the ledger of accounts, for receiving and reconciling all bank statements with the ledger accounts and for the proper filing and maintenance of all financial records. These records include the ledger, bank statements, cancelled checks, receipts, and bills. The Treasurer and/or Secretary shall present a report of the status of funds to the Commission at each regular monthly meeting of the Commission and shall prepare an annual report of financial activities for the Town Board of Commissioners.

### **4. Secretary**

The Secretary of the Historic Preservation Commission shall be a staff person of the Wake Forest Planning Department. The Secretary, subject to the direction of the Chairman, shall keep all records, shall conduct all correspondence of the Commission and shall generally supervise the clerical work of the Commission. Official record of the Commission is on file at the Wake Forest Town Hall.

## **Duties**

It shall be the duty of the Chair to preside over all meetings and to sign all official Historic Preservation Commission papers. The Vice Chair shall preside over the Historic Preservation Commission meetings in absence of the Chair. If both the Chair and Vice Chair are absent, the Historic Preservation Commission shall vote to determine who serves as acting Chair for the meeting.

## **Vacancies**

Whenever the Chair or Vice Chair appointment is vacated due to a resignation, dismissal, death, or otherwise, a new Chair or Vice Chair shall be selected by the Historic Preservation Commission without undue delay.

## **STAFF**

### **Staff Liaisons**

#### **1. Planning Director**

The Planning Director, or their designee, serves as the official professional staff liaison for the Historic Preservation Commission, and is the Commission's secretary, providing administrative support, notifying members of Commission meetings, and keeping the minutes of meetings.

## **2. Planning Department Staff**

Planning Department staff is available as a resource to advise the Historic Preservation Commission members and assist them in fulfilling their duties. To ensure that the Historic Preservation Commission has the information it needs to fulfill its duties, members are encouraged to contact Historic Preservation staff in the Planning Department with any questions prior to the Commission meeting. Staff will respond in accordance with law on all quasi-judicial matters.

## **3. Town Attorney**

The Town Attorney may be consulted on legal issues through the Planning Director's office. The Town Attorney will attend Historic Preservation Commission meetings if requested by the staff liaison or Town Manager.

## Role of Staff

Staff are Town employees with significant staff responsibilities that relate to their work with the Historic Preservation Commission. Staff does not work "for" or "at the direction of" the Historic Preservation Commission. The Historic Preservation Commission does not supervise or manage staff and may not direct staff to perform work on behalf of the Commission. The Historic Preservation Commission may make reasonable requests for information or resources by contacting the staff liaison.

## MEETINGS

### Meeting Schedule

The Historic Preservation Commission shall adopt an annual schedule of regular meetings prior to the end of each calendar year. A copy of the schedule shall be kept on file with the Town Clerk or designee. The staff liaison may cancel a regular meeting upon a determination that there are no agenda items for consideration and may call a special or emergency meeting in accordance with state law.

Meetings, when held, are currently scheduled on the fourth Tuesday of each month at 6:30 p.m. in the Board Chambers of Wake Forest Town Hall, 301 South Brooks Street, 2<sup>nd</sup> Floor, Wake Forest, North Carolina.

### Meeting Notice

All Historic Preservation Commission meetings shall be open to the public in accordance with state law and shall be noticed for as follows:

1. Changes to the regular meeting schedule shall be filed with the Town Clerk or designee at least seven calendar days before the first meeting held pursuant to the revised schedule.
2. Notice of a meeting and the business to be conducted shall be given to each member of the Commission at least 48 hours prior to the meeting. Special

meetings of the Commission may be called at any time by the Chair, but notice of special meetings must be posted at least 48 hours in advance of the meeting in accordance with state law.

3. Public hearings shall be noticed to the public as set forth in Section 15.3, Public Notification, of the UDO.
4. When there is no business for the Board, the staff liaison may dispense with a regular meeting by giving notice to all not less than 48 hours prior to the time scheduled for the meeting. The Town Clerk or designee shall then cause a meeting cancellation notice to be posted 48 hours before the scheduled meeting as required by law.
5. The Commission may continue a meeting or agenda item to a specified date and time without the meeting becoming a special meeting and without further notice being required to members of the public provided that the time and place in which the next meeting is to be continued is announced in open session.

## Meeting Record

The Town Clerk or designee shall keep a record of its members' attendance, discussions, findings, and recommendations. Meeting minutes shall be a public record in accordance with state law.

## **RULES OF PROCEDURE**

The following are the established Rules of Procedure for the Historic Preservation Commission. Modifications to the following Rules of Procedure may be approved by a majority vote of those Historic Preservation Commission members present at a meeting and must be consistent with state and local law.

## Agenda Preparation

The business of a Historic Preservation Commission meeting is controlled by the agenda. The agenda is prepared as described in this section.

1. The Planning Department prepares the agenda.
2. Items may be placed on the agenda by the following methods:
  - a. Request of a majority of the Board of Commissioners,
  - b. Request of the Town Manager, Planning Director, or Town Attorney, or
  - c. Request of a majority of the Historic Preservation Commission members.

Historic Preservation Commission agendas are generally published seven days prior to the meeting on the Town's website. Copies of the agenda are provided in sufficient quantity at each regular meeting for the public to obtain copies.

In the event that confidential material is distributed with the agenda, such as a memorandum from the Town Attorney advising the Commission on a legal issue, such information shall be marked as confidential. Commission members shall not discuss confidential material at any open meeting or with any members of the public.

## Agenda Order

The agenda shall be set in the following order.

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes
4. Public Comment
5. Treasurer's Report
6. Old Items
7. New Items
8. Staff Comments
9. Historic Preservation Commission Comments
10. Adjournment

## Consideration of Scheduled Items

To ensure full consideration of matters before the Commission, presentations related to each item shall customarily be taken in the order set forth below. Items may be taken out of order at the discretion of the Chair.

1. Town staff presentation and recommendation.
2. Presentation (maximum of 10 minutes) by applicant. The Chair can extend the maximum up to 20 minutes if warranted.
3. Questions from the Historic Preservation Commission.
4. Comments from the public during public hearing.

5. Discussion by the Historic Preservation Commission.
6. Closure of the public hearing.
7. Motion and recommendation by the Historic Preservation Commission.

## Certificate of Appropriateness Application Procedures

1. For all Major Work Certificates of Appropriateness, an application must be filed in the Planning Department at least thirty (30) calendar days prior to the next meeting of the Commission, accompanied by sketches, drawings, photographs, specifications, descriptions, etc. of the proposed project. Application must be obtained and filed at the Wake Forest Town Hall in the Planning Department via Electronic Plan Review.
2. As stated in Section 15.11.3, for all Major Work COAs, the Commission will hold an evidentiary public hearing concerning the application as part of the regular meeting.
3. The Commission must issue or deny a Certificate of Appropriateness within one hundred eighty (180) days after the filing of the complete application, except when the time limit has been extended by mutual agreement between the applicant and the Commission.
4. If the application is approved, the Secretary for the Commission shall transmit a Certificate of Appropriateness in letter form, clearly describing the nature of the work which has been approved.
5. If the application is denied, written reasons for denial shall be made available to the applicant.
6. After the vote of the Commission, it will direct the preparation of an order consistent with the Commission vote, which shall contain the Commission's determination of contested facts and their application to the applicable standards. The Commission will approve the order at the meeting, after which it will be signed by the Chairperson. The staff liaison shall file the decision with the Secretary for the Commission and the Town Clerk. The decision will be mailed to the applicant via certified mail.

# Procedure of Consideration of Applications for Certificates of Appropriateness

## **1. Swear Witness**

Announce that the Public Hearing portion of the meeting is beginning and that the Commission is ready to consider applications. Make statement that North Carolina law requires that anyone who speaks either for or against an application must be sworn. The Town Attorney swears all witnesses, including attorneys (all can be sworn at the same time). In the absence of the Town Attorney, the Chairperson will swear all witnesses.

## **2. Conflict of Interest**

Call case according to the agenda and open the public meeting. Determine if any commission member has a conflict of interest with respect to the particular case. Procedure for making that determination: 1) the Town Attorney will inquire of Commission members if any of them have a conflict; 2) allow parties and Commission members to present claims of conflicts of interest (there will be no examination of a commissioner); 3) Commission member will be allowed opportunity to respond to claim he/she has a conflict; 4) if Commission member who another claims has a conflict of interest refuses to step aside for the purpose of this hearing, the Commission will, by majority vote, determine if there is a conflict (the Commissioner alleged to have a conflict will not vote); 5) if a conflict is found by the Commission, the Commissioner found to have a conflict shall not participate, in any way, in the hearing or decision-making process of the case.

## **3. Introduce Application**

The staff liaison or designee will be called upon to be sworn and present the application and in doing so shall: identify the property on the historic district map; indicate impacts on adjoining property and visibility of work from the street; present the application and analysis regarding the Secretary of the Interior's Standards for Rehabilitation and Wake Forest Historic District Design Standards.

## **4. Questions for Staff Regarding the Application**

Commission members may ask the staff liaison initial questions about the application.

## **5. Support**

The Chair calls upon applicant for evidence in support of the application. The Chair notes the Commission will consider only competent, material, and substantial evidence and any party believing the evidence offered does not qualify as competent, material, and substantial is free to object. The Chair, with the assistance of counsel, will rule on any objections. The applicant will be given a reasonable time in which to present his/her evidence, and any other persons in support of the application will be heard.

## **6. Questions/Cross Examination for Applicant**

Any witness offering evidence in support of the application will be subject to cross examination by commission members and those in opposition to the application. A reasonable time will be allocated for this process.

## **7. Against**

The Chair calls upon others (record name and address), if any, for evidence against the application. A reasonable time will be allocated for this evidence.

## **8. Questions/Cross Examination**

Any witness offering evidence against the application will be subject to cross examination by commission members and the applicant or his/her attorney. A reasonable time will be allocated for this process.

## **9. Staff Statement**

The Chair will call upon the staff or other public official (from a commission or department of the Town of Wake Forest, any state agency, any local historic preservation or neighborhood association, etc.) for any statements they wish to make in support of or in opposition to the application. Commission members and the parties who have presented evidence will be given the opportunity to examine the staff or public official making any statement.

## **10. Rebuttal**

If evidence is offered against the application, the applicant will be given the opportunity to rebut that evidence.

## **11. Final Questions/Discussion**

The Historic Preservation Commission will be provided a final opportunity to ask questions and discuss during the open public hearing. Staff will ask any questions for clarification and provide a summary of the discussion.

## **12. Close Public Hearing**

After all the evidence is presented, the Chair will close the public hearing portion of the meeting and entertain a motion to approve (as submitted or in a modified form) or deny the certificate of appropriateness based on the findings of fact. The Commission will discuss the motion and vote. The Commission is to consider only competent, material, and substantial evidence and will note its consideration of those findings of fact necessary to support the approval or denial of the application. The Town Attorney will advise the Commission of the relevant and necessary findings of fact.

## **13. Approval/Denial of Application and Certificate of Appropriateness**

A motion must be made to Once a motion to approve/deny the application and Certificate of Appropriateness has been finalized by majority vote of the Commission, the staff liaison will provide the documentation to the applicant. Documentation will also be provided to relevant Town departments.

#### **14. Preparation and Entry of Order**

After the vote of the Commission, it will direct the preparation of an order consistent with the Commission's vote, which shall contain the Commission's determination of contested facts and their application to the applicable standards. The Commission will approve the order at the meeting, after which it will be signed by the Chairperson. Staff to the Commission shall file the decision with the Town Clerk or designee. The decision will be mailed to the applicant via certified mail.

### **PUBLIC PARTICIPATION**

The Historic Preservation Commission is responsible for ensuring a fair process for individuals participating in a public hearing.

#### **Participation**

##### **1. Public Comment**

A specific time during Historic Preservation Commission meetings in which the public can comment on specific Historic Preservation Commission items that are legally required by law.

#### **Procedure**

##### **1. Register to Speak**

Speakers must first sign up to speak no later than 3pm the day of the meeting. If someone desires to speak, but has not signed-up, the Chair can, at their discretion, allow the person to speak.

##### **2. Speaking at the Podium**

At the appropriate time, the Chair will acknowledge those persons who have signed up to speak and they will be called upon in the order registered. Speakers will address the Commission as a whole, from the podium at the front of the room and begin their remarks by stating their name and address. If representing a group, the spokesperson must also identify the group they are representing.

Speakers needing additional information or questions answered will be contacted by the Town Clerk or designee and provided contact information for the appropriate staff person.

##### **3. Time Allotment**

Unless otherwise indicated by the Chair, individual comments shall be limited to three minutes. Someone speaking on behalf of group shall be limited to ten minutes. Once comments have been made, speakers cannot speak again, unless specifically called upon by the Chair or applicant for cross-examination. The Chair may, at their discretion, interrupt a public hearing and elect to continue

it to another meeting due to, among other reasons, the lateness of the hour or to allow consideration of other items on the agenda.

When a public hearing is continued from previous meetings, previous individuals that have spoken, either representing themselves or a group, cannot speak at a continued public hearing, unless specifically called upon by the Chair or applicant for cross-examination. Additionally, speakers cannot both represent themselves individually and speak on behalf of a group throughout a public hearing, even if held over multiple sessions.

## MANNER OF ACTING

The act of a majority of the Commission present at a meeting at which a quorum is present shall be the act of the Historic Preservation Commission unless the act of a greater number is required by law.

### Motions

The Historic Preservation Commission shall follow Trey Allen's *Suggested Procedural Rules for Local Appointed Boards* in considering and acting on any business and shall act through the use of a motion. Motions may be made by any Historic Preservation Commission member, with the exception of the Chair. All motions require a second. Once a motion has been duly made, it is up for discussion and debate by the Historic Preservation Commission. The following is summary of four of the most common types of motions.

#### 1. Main Motion

A main motion is the original motion made on an item. After a motion has been made and seconded, the Chair shall recognize Commission members desiring to discuss the matter under consideration and shall determine in which order Commission members shall speak about the request. All members will be given an opportunity to discuss an item prior to a vote.

*Example: "I move that \_\_\_\_\_."*

#### 2. Motion to Amend

Once a motion has been seconded and is on the floor for consideration, any member may move to amend the motion. Motions to amend are typically made if a member wishes to add to, delete from, or substitute language in the main motion. When a motion to amend has been duly made, seconded, and stated by the Chair, it must then be voted upon. If the vote on the amendment passes, then a vote is taken on the amended motion. If the vote on the amendment fails, the un-amended main motion remains before the Commission for action.

*Example: "I move that the motion be amended by adding the following words \_\_\_\_\_."*

#### 3. Substitute Motion

A substitute motion is made when a main motion is pending. If approved, a substitute motion, disposes of and replaces the main motion.

*Example: "I move a substitute motion that the Commission oppose \_\_\_\_\_."*

#### **4. Motion to Table or Continue**

A motion to table or continue consideration of an item to a later meeting may be made by the Commission. Generally, such motions are made if an applicant has requested time to amend an application in response to feedback from the public or Commission or if additional time is needed to compile information requested by the Commission that is relevant to the request. Motions to table or continue may be made on any item.

A motion to continue a public hearing must include the date, time and location of the meeting that the item will be considered or else the public notice will lapse, and a new notice must be published before the item can be taken back up by the Commission. In making a motion to table or continue, the Commission should be mindful that applicants have a right to due process and to have their requests considered in a reasonable timeframe.

If a motion to table or continue fails, then the item remains before the Commission for further action. If adopted, the matter is tabled or continued under the terms of the motion and a motion to open and continue consideration of the item is required at the next meeting before the Commission may consider the matter again.

*Example: "I move we postpone this matter until \_\_\_\_\_."*

## **Voting**

The vote of a majority of those members present, unless 4/5ths required by law, shall be sufficient to decide matters before the Commission, provided a quorum has been established. The vote of each member on each item acted on by the Commission shall be recorded in the minutes.

### **1. Voice Vote**

Motions are typically made by a simultaneous voice vote of those in favor followed by a simultaneous voice vote of those opposed.

### **2. Roll Call Vote**

At the Chair's discretion, a roll call vote may be taken. During a roll call vote, each member shall state their vote out loud upon being called on by the Chair.

### **3. Abstention**

A Commission member may abstain from voting on an item. When an abstention is made, the abstaining member is counted as an affirmative vote.

The member abstaining can participate in the deliberation; they simply cannot vote.

#### **4. Recusal**

A Commission member can request to be recused from voting on an item due to a conflict of interest (see Conflict of Interest). A vote of a majority of members present, excluding the member requesting recusal, is required to recuse a member. The recused member shall remove themselves from the room while the discussion takes place and until the vote is taken. When a recusal is made, a majority of members present, excluding the recused member, is needed to decide an item.

As a policy, Commission members that need to recuse from consideration of an item due to a conflict of interest shall inform the staff liaison, Historic Preservation Commission Chair, and Town Attorney at least 48 hours in advance of the meeting.

## **TYPES OF DECISIONS**

The Historic Preservation Commission has been assigned decision-making authority for quasi-judicial matters.

### **Quasi-Judicial Decisions**

A quasi-judicial decision is like a court decision in several important ways. It requires the deciding board to use its judgment in applying general law to a particular land use situation while ensuring the constitutional due process rights of the parties.

## **OPEN MEETINGS LAW**

All meetings of the Historic Preservation Commission are open to the public and any member of the public may attend.

### **Broadcasting or Recording of Meetings**

Any media entity is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape-record, or otherwise reproduce any part of the meeting required to be open.

### **Closed Session**

The Historic Preservation Commission may go into closed session to discuss those items set forth in NCGS §143.318.11.(a) of the State of North Carolina General Statutes (hereinafter “Open Meetings Law”). An example includes to consult with an attorney employed or retained by the Town on legal matters.

The Commission may only hold a closed session upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in the Open Meetings Law.

## Emails

The Commission shall not conduct business outside of regularly scheduled or properly called special meetings. Email correspondence outside of a public meeting (questions/comments/suggestions) should be directed to the Planning Director (or designee) only and should not include other Commission members. Staff will respond to the entire Commission or copy the Chair, if appropriate.

To avoid any conflict with the open meetings law, individual members should not “reply all” to staff emails that include the entire Commission but should respond directly to staff.

## GENERAL CONDUCT

### Attendance

Each member of the Historic Preservation Commission is responsible for faithfully attending all regular and special called meetings. Any regular member who expects to be absent at a meeting shall notify the staff liaison at least 24 hours prior to the meeting. Should a member fail to attend three (3) consecutive meetings of the Commission, and should there be no adequate excuse for such absences, the Chair, with the concurrence of a majority of the entire Commission, shall recommend to the Board of Commissioners that a vacancy be declared and that the vacated position be filled.

### Conduct

When participating in a meeting or conducting Town business (whether in person, via email, or other communication method), members shall conduct themselves in an ethical and professional manner. Any member who engages in inflammatory, hostile or threatening language or behavior toward others, including but not limited to elected officials, staff or another Commission member, will be removed from the meeting by Chair, staff liaison, and/or Town Attorney. Any member who engages in the aforementioned behavior is also subject to dismissal from the Commission.

### Conflict of Interest

A member of the Commission shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex-parte communications,

a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

A "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

## Dress Code

Commission members are expected to be well groomed, cleaned, and dressed in business casual attire. Shorts and t-shirts are not permitted. If a Historic Preservation Commission member is dressed or groomed inappropriately for a meeting, they will be prevented from participating and counted as absent.

## Meeting Preparedness

To successfully prepare for a meeting, the Historic Preservation Commission is provided agenda materials in advance. Historic Preservation Commission members are expected to review materials ahead of the meeting to provide the best possible service to the community.

## *Template for COA Motions*

### **Findings of Fact (2 motions for each COA action)**

#### **First Motion: To Accept the Findings in the Staff Report:**

“I move to accept the finding, as described in the staff report, that the COA request 25-XX substantially meets the Secretary of the Interior’s Standards for Rehabilitation and the Design Standards for Wake Forest’s Local Historic District and Local Landmarks.”

Second:

Any Discussion?

All in favor? Opposed?

Motion carries or motion fails.

#### **To Change Findings in Staff Report in regard to the Secretary of Interiors Standards and/or the Design Standards for Wake Forest’s Local Historic District and Local Landmarks:**

“I move to accept the finding that the COA request substantially *meets or does not meet* the Secretary of Interior’s Standards for Rehabilitation and the Design Standards for Wake Forest’s Local Historic District and Local Landmarks for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Second:

Any Discussion?

All in favor? Opposed?

Motion carries or motion fails.

#### **Second Motion: Granting or Denying COA**

##### **To Grant the COA Without Conditions:**

“I move to approve the request and grant the COA to Name of Applicant for COA Number without conditions *or with the conditions contained in the staff report.*”

##### **To Grant the COA with additional Conditions:**

“I move to approve the request and grant the COA to Name of Applicant for COA Number with the following conditions:

1. \_\_\_\_\_

2. \_\_\_\_\_

Second:

Any Discussion?

All in favor? Opposed?

Motion carries or motion fails.

**To Deny the COA:**

“I move to deny the request for COA to Name of Applicant for COA Number for the following reasons:

1. It does not substantially meet the Secretary of Interiors Standards for Rehabilitation;
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_ and/or
2. It does not substantially meet the Design Standards for Wake Forest Local Historic District and Local Landmarks.
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_

Second:

Any Discussion?

All in favor? Opposed?

Motion carries or motion fails.

After the vote of the Commission, it will direct the preparation of an order consistent with the Commission’s vote, which shall contain the Commission’s determination of contested facts and their application to the applicable standards. The Commission will approve the order at the meeting, after which it will be signed by the Chairperson. Staff to the Commission shall file the decision with he Town Clerk. The decision will be mailed to the applicant via certified mail.



## **Code of Ethics for Members of Advisory Boards, Committees, & Commissions of the Town of Wake Forest, North Carolina**

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics and, pursuant to Section 160A-86, the Town of Wake Forest Board of Commissioners has previously adopted a Code of Ethics for the Mayor and Board of Commissioners, and

WHEREAS, it is appropriate that members of Town boards, committees, and commissions, as well as Mayoral and Board of Commissioners appointees to non-Town bodies (hereinafter "Advisory Board Members"), also adhere to a Code of Ethics.

NOW THEREFORE, in that proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental 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, we the Board of Commissioners do hereby adopt the following General Principles and Code of Ethics to guide Advisory Boards members in their lawful decision-making.

### **General Principles Underlying the Code of Ethics**

- A. The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- B. Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- C. Advisory board members must be able to act in a manner that maintains their integrity and independence yet are responsive to the interests and needs of those they represent.
- D. Advisory board members must always remain aware that they may, at various times, play different roles:
  - a. As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions, and
  - b. As decision-makers, who arrive at fair and impartial determinations.

- E. Advisory board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- F. Advisory board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and Board Members and the citizens of the Town of Wake Forest. Each advisory board member must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.
- G. *Definitions.* For the purpose of these guidelines, the following definitions should be used:
- 1) *“Financial Interest”* means any pecuniary benefit accruing to the advisory board member.
  - 2) *“Close personal relations”* means a relationship involving an advisory board member’s spouse, parent, child (including stepchild) or sibling and includes the advisory board member’s “in-laws.”
  - 3) *“Close business relations”* means a relationship involving some person or entity with which the advisory board member is associated for business purposes, and includes the advisory board member’s employer, partner, co-owner, and a client for whom the advisory board member is presently working or regularly does work.
  - 4) *Financial interest in the matter.* That appointed advisory board members refrain from publicly advocating for or against, discussing, debating or voting on advisory decision that are or will be before their advisory board, when they have a direct and identifiable financial interest in the matter before the advisory board. If the financial interest is very small and is shared by others in similar situations, or if the impact for the decision on the advisory board member is remote or speculative, then the advisory board member may disclose that interest and shall discuss, debate and vote after such public disclosure.
  - 5) *Close personal or business relations with party.* That appointed advisory board members refrain from advocating for or against, discussing, debating and voting on advisory decisions, which are or will be before their advisory board, when they have close personal or business relations with any party in the matter.
  - 6) *No appearance of impropriety.* That appointed advisory board members conduct themselves in a manner that does not raise a reasonable perception or belief that there is a conflict of interest or an abuse of their position (“appearance of impropriety”). Complying with this requirement may require that an advisory board member refrain from advocating, discussing, debating and voting even if they have no direct and identifiable financial interest or close personal or business relation in the matter. For instance, an advisory board member should not publicly lobby or advocate concerning a matter that will come before their advisory board nor should an advisory board member use, for their own financial interest, information obtained because of their position on the advisory board before such information is generally available to the public. Advisory board members should not do business with the Town other than the type of business that might be engaged in by a citizen of the Town, such as obtaining permits and approvals. In some cases, the appearance of impropriety may be adequately dispelled with disclosure and explanation of the perceived impropriety.

- H. Planning, Board of Adjustment, Historic Preservation Commission, and Design Review Board advisory board members must be able to act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent. Planning and Board of Adjustment advisory board members shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- I. Planning Board members must always remain aware that at various times they play different roles:
  - 1) As advocative advisers who strive to make recommendations that advance the goals and policies of the Wake Forest Community Plan.
  - 2) As advisors on legislative matters who balance the public interest and private rights in making recommendations to the Board of Commissioners.
  - 3) As advisors on decisions who arrive at fair and impartial quasi-judicial and administrative recommendations.
- J. Planning Board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- K. Planning, Board of Adjustment, and Design Review Board board members with any financial interest, or who have any conflicting interest, shall be held to these guidelines:
  - 1) The Board of Adjustment, Historic Preservation Commission, and Design Review Board exercise quasi-judicial functions. For “quasi-judicial” decisions, the law requires all the elements of a fair trial, including an impartial decision-maker. Therefore, the conflict of interest standard for the Board of Adjustment, Historic Preservation Commission, and Design Review Board member when making quasi-judicial decisions is higher than that for other advisory boards and is established by state law. At a minimum:
    - i. A member of any advisory board exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member’s participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

## **Advisory Board Etiquette**

- A. During public meetings, advisory board members should conduct themselves with professionalism and show courtesy to fellow advisory board members, other town representatives and the public.

- B. At meetings, advisory board members should approach disagreements in a positive fashion, and refrain from personal criticisms of meeting participants and other town representatives.
- C. Once a majority of any advisory board reaches a decision, the minority should respect and honor the decision.

## Communications & Social Media Guidelines

Close working relationships between council members and advisory board members are essential to fulfilling public responsibilities. For this and similar reasons, advisory board members shall also be mindful of the following:

- A. For all advisory boards, any contact with the media in an official capacity should be reported to the Town's Communications & Public Affairs Director and conducted in accordance with information set forth by Town policies and procedures.
- B. Advisory board members using social media should be especially mindful of their connection to town government and conduct themselves as a representative of the Town of Wake Forest. Therefore, advisory board members are urged to use discretion whenever posting or commenting. Once comments or posts are made, they can be seen by anyone and may not be able to be recanted.
- C. In addition, advisory board members should agree to the following before posting or commenting:
  - 1) As a Wake Forest advisory board member, take your role and responsibilities as an advisory board member very seriously. Take care to ensure that you are always representing the interests of the Town of Wake Forest in a professional and respectful manner.
  - 2) Refrain from using social media accounts to communicate with Town employees about Town-related matters as this creates a public record on employees' personal accounts that must be retained per North Carolina Public Records law, NC Gen. Stat. Section 132-1 *et seq.*
- D. Do not speculate. Do not repeat rumors. If you do not know it to be true, do not say it.
- E. **Set an appropriate example for addressing Town-related issues or concerns. If you are aware of an issue, problem or situation the Town should possibly address or improve, do not post it on social media. Instead, be an agent for positive change by informing your advisory board liaison and/or contacting the appropriate department. Also, direct other posters with Town-related issues and concerns to appropriate Town resources and/or staff.**
- F. Do not try to be first to share with the public. If you know of something that should be used in a news release, or on the Town's other sites, contact the Communications & Public Affairs Director.
- G. Think About Consequences: You are sharing information publicly. Are you willing to back it up?
- H. Celebrate the Town's accomplishments by "liking" positive stories and posting encouraging comments. Also, share these posts with your "friends."

*The Wake Forest Board of Commissioners acknowledges and appreciates the freedom of speech rights to which all advisory board members are entitled. The Board of Commissioners members acknowledge the importance of maintaining a relationship of mutual trust and respect for one another, particularly as such applies to the fulfillment of their use of social media.*

**ACKNOWLEDGEMENT OF RECEIPT OF Code of Ethics for  
Members of Advisory Boards, Committees, and Commissions of the Town  
of Wake Forest, North Carolina**

On the date written below, I received the "Code of Ethics for Members of Advisory Boards, Committees, and Commissions of the Town of Wake Forest, North Carolina" I acknowledge this policy contains basic information related to serving as a volunteer on an advisory board or commission.

I understand that I am responsible for reviewing the contents of this policy and asking questions if I do not understand any part of it.

DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

IDENTIFY SPECIFIC ADVISORY BOARD OR COMMISSION:

\_\_\_\_\_

SIGNATURE: \_\_\_\_\_

(A signed copy of this form will be maintained in the Town Clerk's Office with the application once appointed to serve.)