

City Council – Action Request Form

Date: April 11, 2023

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Aaron King, Assistant City Manager
Chris Murphy, Planning & Development Services Director

Council Action Requested:
An Ordinance amending Chapter 10 of the *Unified Development Ordinances* (UDO) to revise the membership structure of the Forsyth County Historic Resources Commission – (UDO-CC22)

Strategic Focus Area: Livable Neighborhoods
Strategic Objective: No
Strategic Plan Action Item: No
Key Work Item: No



Summary of Information:

In May 2022, the City Manager’s Office directed Planning & Development Services staff to explore revisions to the Forsyth County Historic Resources Commission (HRC) membership structure to promote diversity on the Commission, allowing the Commission to better reflect the demographic makeup of the community.

The HRC is a twelve-member board that serves eight elected bodies in Forsyth County, four of which are Certified Local Governments that appoint Commission members. Certified Local Governments serve as partners to the State Historic Preservation Office and National Park Service in promoting preservation initiatives and programs at the local level. The City of Winston-Salem, Village of Clemmons, Town of Kernersville, and Forsyth County share the responsibility of making appointments to the Commission. The City is responsible for appointing five members. Under the current structure of the Commission, four of the City seats are categorical and one is at-large. The categorical seats are specified in the UDO as follows:

Committee Action:

Committee	Action
_____	_____
For	Against
_____	_____
Remarks:	

1. Historic District property owner, i.e., owner in Old Salem or Bethabara
2. Historic Overlay District property owner, i.e., owner in the West End
3. Archaeologist; landscape architect; arborist; planner; or surveyor
4. Architectural historian or historic preservationist

The categorical seats are rooted in the makeup of the 1948 Board of Architectural Review for the Old Salem Historic District, which was created at a time when the City-County Planning Board did not have professional historic preservation staff. Today, the Commission has two staff members that meet the federal professional qualifications standards in history, archaeology, architectural history, architecture, and/or historic architecture. A review of eight commissions in six North Carolina communities revealed that only one peer commission has professional categorical seats.

COMMISSION NAME	PROFESSIONAL CATEGORIES	RESIDENCE CATEGORIES	AT-LARGE
Asheville Historic Resources Commission	No	No	Yes
Charlotte Historic District Commission	No	Yes	Yes
Charlotte-Mecklenburg Historic Landmarks Commission	No	No	Yes
Durham Historic Preservation Commission	Yes	No	Yes
Greensboro Historic Preservation Commission	No	Yes	Yes
Guilford County Joint Historic Preservation Commission	No	No	Yes
Raleigh Historic Development Commission	No	Yes	Yes
Wilmington Historic Preservation Commission	No	Yes	Yes

After consideration and discussion at the July 2022 HRC retreat, the Commission recommended that the City Council retain its two categorical seats for owners of property in the locally-regulated districts while converting the other two categorical seats to at-large seats. This change

will significantly broaden the applicant pool for future HRC members when the terms of the current seat holders for those positions expire in November 2023 and June 2026. This was presented as an information item at Community Development/Housing/General Government Committee meeting on October 11, 2022. This was presented to the City-County Planning Board, which recommended approval of the amendment, on March 9, 2023. Staff will be available to present the amendment and answer questions at the April CD/H/GG Committee meeting.

UDO-CC22

AN ORDINANCE AMENDING CHAPTER 10 OF THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO) TO REVISE THE MEMBERSHIP STRUCTURE OF THE FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

Be it ordained by the _____, that the Unified Development Ordinances are amended as follows:

Section 1. Chapter 10 AUTHORITIES & ENFORCEMENT of the UDO is amended as follows:

Subsection 10.1.4 FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

C. FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

The Commission is designated as the historic preservation advisory and quasi-judicial body for Forsyth County.

1. COMPOSITION

The Commission shall consist of twelve (12) members appointed as follows:

- a. Five (5) by the Forsyth County Board of Commissioners, which shall include representation from Bethania, Lewisville, Rural Hall, and Walkertown;
- b. Five (5) by the Winston-Salem City Council;
- c. One (1) by the Kernersville Board of Alderman; and
- d. One (1) by the Clemmons Village Council.

2. MEMBERSHIP AND ORGANIZATION

a. MEMBERSHIP AND QUALIFICATION

- i. All members of the Commission shall reside within Forsyth County.
- ii. All members of the Commission shall have a demonstrated interest or competence in, or knowledge of, historic preservation; and a majority of members shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.
- iii. The Commission shall consist of ~~six (6)~~ **eight (8)** at-large members and ~~six (6)~~ **four (4)** categorical members. The categorical members shall include at least one (1) each of the following categories:

- 1. Architect licensed in the State of North Carolina;
- ~~2. Architectural historian or historic preservationist;~~

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

~~3. Archaeologist, landscape architect/designer, planner, surveyor, or arborist;~~

4.2. Historic (H) District property owner;

~~5.3.~~ Historic Overlay (HO) District property owner; or

6.4. Local Historic Landmark (LHL) property owner.

b. APPOINTMENT OF CATEGORICAL MEMBERS

The ~~six (6)~~ **four (4)** categorical members shall be appointed as follows:

i. The Forsyth County Board of Commissioners shall appoint one (1) architect licensed in the State of North Carolina, and one (1) Local Historic Landmark (LHL) property owner; and

ii. The Winston-Salem City Council shall appoint ~~one (1) architectural historian or historic preservationist, one (1) archaeologist, landscape architect/designer, planner, surveyor, or arborist,~~ one (1) Historic (H) District property owner; and one (1) Historic Overlay (HO) District property owner, ~~in accordance with regulations required by certified local government status.~~

c. TERM

i. The regular term of office for Commission members shall be four (4) years.

ii. A member may be reappointed for a second consecutive term, but, thereafter, a member shall be ineligible for reappointment until one (1) full term has elapsed from the member's termination of service.

iii. Members shall continue in office until a successor has been appointed and qualified.

iv. Service of less than 50 percent of a normal term shall not be deemed a term, and service for more than 50 percent shall be deemed a term.

d. COMPENSATION

Members shall serve without compensation.

e. MEETINGS

i. The Commission shall establish a meeting time, and shall meet at least monthly, unless there is not sufficient business to warrant a meeting.

ii. All meetings of the Commission shall be open to the public and subject to the North Carolina Open Meetings Law.

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f. RULES OF PROCEDURE

The Commission shall adopt and publish Rules of Procedure for the conduct of its business.

g. ANNUAL REPORT

i. An annual report shall be prepared and submitted by December of each year to the Elected Bodies.

ii. Such report shall include a comprehensive and detailed review of the activities and actions of the Commission, as well as any budget requests and/or recommendations.

h. MEETING MINUTES

i. The Commission shall keep permanent minutes of its meetings.

ii. The minutes shall record attendance of its members, its resolutions, findings, recommendations, and other actions.

iii. The minutes of the Commission shall be a public record.

3. COMMISSION POWERS

a. GENERAL RESPONSIBILITIES OF THE HISTORIC RESOURCES COMMISSION

The Commission shall act to promote, enhance, and preserve the character and heritage of Forsyth County.

b. SPECIFIC AUTHORITY AND POWERS

The Commission shall have all powers of an historic preservation commission as provided in Chapter 160D-942 of the North Carolina General Statutes including the following duties and responsibilities:

i. To undertake inventories of properties of historical, archaeological, architectural, and/or cultural significance;

ii. To recommend to the Elected Bodies that individual properties be designated as Local Historic Landmarks (LHL) and/or that areas be designated as Historic (H) or Historic Overlay (HO) Districts;

iii. To recommend that the Elected Bodies revoke historic landmark and/or district designations, in whole or part, for cause;

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iv. To review and act on proposals for exterior alteration, relocation, new construction, or demolition of, or within, designated historic landmarks or districts in accordance with Section 160D-947 of the North Carolina General Statutes;

v. To review and act on proposals for alteration of interior features of designated historic landmarks if such features are specified in the designation ordinance;

vi. To delay the relocation, demolition, or destruction of a designated landmark, or a building, structure, or site located within a designated historic district for not more than three hundred sixty-five (365) calendar days from the date of approval.

vii. To negotiate with property owners who have received a Certificate of Appropriateness to demolish or relocate designated historic landmarks and/or properties within designated historic districts, in an effort to find a means of preserving the properties;

viii. To delay demolition or destruction of buildings, sites, or structures proposed for historic landmark designation or located in areas proposed for historic district designation, for which the Commission has voted to recommend designation, for up to one hundred eighty (180) days, or until the Elected Bodies take final action on the recommendation, whichever occurs first;

ix. To report violations of the law to the appropriate Inspections Division of the County/City/Town/Village responsible for enforcement, and/or institute action to prevent, restrain, correct, or abate violations of this Ordinance;

x. To organize itself and conduct its business by whatever legal means it deems proper;

xi. To appoint advisory bodies or committees, as appropriate;

xii. To receive and spend funds appropriated by the Elected Bodies for operation and performance of the Commission's duties;

xiii. To accept funds granted to the Commission from private or nonprofit organizations or individuals;

xiv. To contract for services or funds from the State of North Carolina and agencies or departments of the United States government;

xv. To obtain the services of private consultants in order to perform the Commission's official duties;

xvi. To negotiate with property owners for acquisition or protection of historic properties;

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xvii. To acquire under Commission ownership, manage, and dispose of properties designated as historic landmarks or within designated historic districts, pursuant to Section 160D-942 of the North Carolina General Statutes;

xviii. To enter private lands to examine or survey them, at reasonable times and with the consent of the owner or occupant, in order to perform the Commission's official duties;

xix. To give advice to property owners concerning treatment of the historic and related visual characteristics of their properties;

xx. To conduct educational programs on historic resources within Forsyth County;

xxi. To publish information about, or otherwise inform the public and/or owners of designated historic landmarks or property within designated historic districts of any matters pertinent to the Commission's duties, organization, procedures, responsibilities, functions, or requirements;

xxii. To undertake programs of information, research, or analysis relating to any matters under the Commission's purview;

xxiii. To recommend to the Elected Bodies and the State of North Carolina buildings, structures, sites, objects, or districts worthy of national, State, or local recognition;

xxiv. To cooperate with State and federal governments on matters related to historic preservation;

xxv. To cooperate with local governmental boards, commissions, or agencies or other governmental units; and to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest;

xxvi. To prepare and recommend adoption of a preservation element as part of a comprehensive plan for the County/City/Town/Village;

xxvii. To propose to the Elected Bodies changes to this or any related ordinance, and to propose new ordinances or laws relating to designated historic landmarks or districts, or relating to the total program for the development of the historic resources of Forsyth County; and

xxviii. To exercise such other powers and perform such other duties as are required elsewhere by this Ordinance, State law, or by the Elected Bodies.

Section 2. This ordinance shall be effective upon adoption.

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**UDO-CC22
STAFF REPORT**

STAFF: [Heather Bratland](#)

REQUEST

Text amendment to Chapter 10 of the *Unified Development Ordinances* to modify the structure of the Forsyth County Historic Resources Commission (HRC).

BACKGROUND

In May 2022, the City Manager's Office directed staff to explore revisions to the HRC membership structure to provide greater opportunities for diversity on the Commission, allowing the Commission to better reflect the communities it represents.

ANALYSIS

The HRC is a twelve-member board that serves eight elected bodies in Forsyth County, four of which are Certified Local Governments that appoint Commission members. Certified Local Governments serve as partners to the State Historic Preservation Office and National Park Service in promoting preservation initiatives and programs at the local level. The City of Winston-Salem, Village of Clemmons, Town of Kernersville, and Forsyth County share the responsibility of making appointments to the Commission. The City is responsible for appointing five members. Under the current structure of the Commission, four of the City seats are categorical and one is at-large. The categorical seats are specified in the UDO as follows:

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The categorical seats are rooted in the makeup of the 1948 Board of Architectural Review for the Old Salem Historic District, which was created at a time when the City-County Planning Board did not have professional historic preservation staff. Today, the Commission has two staff members that meet the federal professional qualifications standards in history, archaeology, architectural history, architecture, and/or historic architecture. A review of eight commissions in six North Carolina communities revealed that only one peer commission has professional categorical seats.

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Staff presented this proposal as an information item at the Winston-Salem City Council’s Community Development/Housing/General Government Committee meeting on October 11, 2022. Discussion at this meeting was generally favorable, and the Committee asked staff to bring the proposal through the formal adoption process. Staff believes that the proposed increase in at-large representation on the Commission will further the stated intent of increasing membership diversity by significantly broadening the pool of potential applicants.

RECOMMENDATION: Approval

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC22
MARCH 9, 2023**

Heather Bratland presented the staff report.

Jason Grubbs asked questions related to diversity and categorical appointments of HRC members. George Bryan stated that a categorical seat should be established for a lawyer. Jack Steelman suggested that the HRC should undertake recruitment efforts in historic neighborhoods. Chris Murphy explained the need for change in the membership structure and the fact that most of our peer communities did not have categorical appointments.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Mo McRae

VOTE:

FOR: George Bryan, Clarence Lambe, Chris Leak, Jason Grubbs, Mo McRae, Salvador Patiño, Jack Steelman

AGAINST: Jason Grubbs

EXCUSED: None

Chris Murphy, AICP/CZO
Director of Planning and Development Services