



AGENDA

Regular Town Board Meeting

November 7, 2022 - 6:00 PM

TOWN HALL (101 Huntersville-Concord Road)

Persons desiring to address the Board during a public comment period or a public hearing shall list their full name, address, telephone number, and subject matter to be discussed on the speaker sign-up sheet as provided by the Town Clerk prior to the beginning of the meeting. Once the meeting has begun, a person may not sign up to speak.
(Public Comment and Public Hearing Policy - Adopted April 19th 2021)

1. Pre-meeting - 5:15 p.m.

1.A. New Town Hall – Listening Sessions Update. *(Bobby Williams)*

2. Call to Order

3. Invocation/ Moment of Silence

4. Pledge of Allegiance

5. Staff Questions

6. Public Comments, Requests, or Presentations

6.A. Recognize Huntersville 101 Graduates. *(Kim Strickland)*

6.B. Public Art Commission School Spirit Peace Pole Project. *(Lynn Cavanaugh - PAC Member)*

6.C. Thanksgiving Event for Huntington Green Community. *(Parks & Recreation and Police Department)*

6.D. Small Business Saturday Proclamation. *(Mayor Bales)*

6.E. Family Court Awareness Month Proclamation. *(Mayor Bales)*

7. Agenda Changes/Adoption of Agenda

8. Consent Agenda

- 8.A. Approve the minutes of the September 19, 2022 Regular Town Board Meeting. (*Janet Pierson*)

9. Public Hearings

- 9.A. Conduct public hearing on the question of designating as a historic landmark a structure known as the "Cowan's Ford-Davidson College Monument," including the monument in its entirety and a 15' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as associated with the property listed under Tax Parcel 00902102, located at 14910 NC Highway 73 and owned by MDHB Properties LLC. (*Kayleigh Mielenz*)
- 9.B. Conduct public hearing on the question of designating as a historic landmark a structure known as the "General William Lee Davidson Monument," including the monument in its entirety and a 40' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as situated on the property listed under Tax Parcel 01315102, located at 5455 Cashion Road and owned by Duke Power Company. (*Kayleigh Mielenz*)
- 9.C. Conduct public hearing on the question of designating as a historic landmark a structure known as the "Rural Hill Directional Marker," including the marker in its entirety and a 38' radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker, all as situated on the property listed under Tax Parcel 01301250, located at 6645 Neck Road and owned by Herseng Yang. (*Kayleigh Mielenz*)

10. Other Business

- 10.A. Consider decision on the question of designating as a historic landmark a structure known as the "Cowan's Ford-Davidson College Monument," including the monument in its entirety and a 15' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as associated with the property listed under Tax Parcel 00902102, located at 14910 NC Highway 73 and owned by MDHB Properties LLC. (*Kayleigh Mielenz*)
- 10.B. Consider decision on the question of designating as a historic landmark a structure known as the "General William Lee Davidson Monument," including the monument in its entirety and a 40' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as situated on the property listed under Tax Parcel 01315102, located at 5455 Cashion Road and owned by Duke Power Company. (*Kayleigh Mielenz*)

- 10.C. Consider decision on the question of designating as a historic landmark a structure known as the “Rural Hill Directional Marker,” including the marker in its entirety and a 38' radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker, all as situated on the property listed under Tax Parcel 01301250, located at 6645 Neck Road and owned by Herseng Yang. (*Kayleigh Mielenz*)
- 10.D. Consider adopting Resolution to amend the Capital Improvement Program and apply for Charlotte Regional Transportation Planning Organization funding for the Stumptown Road Extension Project from Aberfeld Road to NC 115. (*Stephen Trott*)
- 10.E. Discuss Hambright Road Pedestrian Crossing request. (*Stephen Trott*)
- 10.F. Discuss Municipal Government structure changes including Board Member terms. (*Anthony Roberts*)
- 10.G. Discuss best practices for Town Board motions. (*Emily Sloop*)

11. Mayor and Commissioner Reports/Closing Comments

12. Adjourn

Special Accommodations: Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact the Town Clerk. The Clerk can be reached by phone or fax: 704-875-6541, email: clerk@huntersville.org or at 101 Huntersville-Concord Rd, Huntersville, NC 28078. We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

The Board reserves the right to deviate from the agenda.

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Lynn Cavanaugh - PAC Member

Date: November 7, 2022

Subject: Public Art Commission School Spirit Peace Pole Project

EXPLAIN REQUEST:

The members of the Public Art Commission will be working with the local Huntersville Schools on a Peace Pole project.

ACTION RECOMMENDED:

This will be an informative presentation on what Peace Poles are, the timeline of the project, and where the final artwork will be placed once completed. All final art work will be submitted to the PAC and Town Board for review and approval prior to painting on the poles and revealing at Hello Huntersville. Peace Poles will be installed in a Huntersville Park late Spring 2023.

FINANCIAL IMPLICATIONS:

Poles will be funded through the PTSO at the schools. Cost for each pole is approx. \$100-\$200.

ATTACHMENTS:

1. HPAC Town Council Presentation

Huntersville Public Arts Council Peace Pole Project

History:

- Peace poles were introduced in the 1950's to support a message of peace across the world.
- Original poles included the words "May Peace Prevail on Earth" although that is not followed strictly today
- The Poles have been placed in countries across the world

Examples



Details:

- The HPAC would work with the Huntersville schools to have each school complete a pole.
 - Detailed instructions will be provided to each school.
 - Designs will be submitted to HPAC and approved by the council.
- We are recommending that the art teachers create the designs and complete black outlines on the poles with the details painted by the students.
- We will ask that the designs include the name of the school.
- Once complete, the poles would be placed in our parks in groups of three or four, with the poles in the group varying in height from 4 foot to 6 foot (4' Elementary, 5' Middle, 6' High School). The PAC is recommending that we place poles in:
 - Huntersville Athletic Park
 - North Mecklenburg Park
- Poles are painted on PVC covers over wooden posts. They will be completed using outdoor paint and sealed before placement.
- Poles will be prepped by member of HPAC and provided to the schools with detailed instructions.
 - We estimate that the cost of materials and the installation will be between \$100 to \$200 per pole (depending on installation costs)
 - We are going to reach out to the Parent's Association of each school to cover the cost for their pole.
- We would work with the Park and Recs department to install the poles.

Timing

- Once approved by this council, letters would be mailed to the schools asking for their participation and providing a date for submission of designs.
- We anticipate that schools would need a couple of months to complete their designs, get approval of those designs and complete the poles. A sample time line is included below:
 - Dec 1st Proposal sent to the principal of each school
 - Dec 15th Proposal sent to PTSO's to support cost of poles
 - Jan 31st Designs submitted to HPAC
 - Feb 8th HPAC approves designs and provides materials to school
 - April 30th Poles completed
 - May Display completed (not yet installed) poles at Hello Huntersville
 - Ceremony to include schools
 - May Poles installed after Hello Huntersville
 - Pictures of poles and locations included in city website
 - HPAC will work with media to get articles in local papers

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Michael Jaycocks, Director of Parks & Recreation

Date: November 7, 2022

Subject: Thanksgiving Event for Huntington Green Community

EXPLAIN REQUEST:

Thanksgiving Event for Huntington Green Community from 11 a.m. to 2 p.m. on November 19 at Lakehaven Park.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Turkey Day (1)



Huntersville's Turkey Day

November 19th

11:00am - 2:00pm

Lakehaven Park - Huntersville

11925 Lakehaven Dr.



**FREE
LUNCH**

PRIZES

**FREE
CHRISTMAS
DECORATIONS**

**ARTS &
CRAFTS**

MUSIC

**BOUNCE
HOUSES**



Huntersville's Dia del Pavo

19 de Noviembre

11:00am - 2:00pm

Lakehaven Park - Huntersville

11925 Lakehaven Dr.

**ALMUERZO
GRATIS**

**ARTES Y
MANUALIDADES**

PREMIOS

MUSICA

**DECORACIONES
NAVIDENAS
GRATIS**

**CASAS
INFLABLES**



**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Melinda Bales, Mayor

Date: November 7, 2022

Subject: Small Business Saturday Proclamation

EXPLAIN REQUEST:

Proclaim November 26, 2022 as Small Business Saturday.

ACTION RECOMMENDED:

Proclamation.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Small Business Saturday - 2022

Town of Huntersville

Proclamation

WHEREAS, the Town of Huntersville, North Carolina celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are 32.5 million small businesses in the United States, they represent 99.7 percent of firms with paid employees, and they are responsible for 62 percent of net new jobs since 1995, and small businesses employ 46.8% of the employees in the private sector in the United States; and

WHEREAS, 79 percent of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday®, 70% report the day makes them want to encourage others to Shop Small®, independently-owned retailers, and 66% report that the day makes them want to Shop Small all year long; and

WHEREAS, 58% of shoppers reported they shopped online with a small business and 54% reported they dined or ordered takeout from a small restaurant, bar, or café on Small Business Saturday in 2021; and

WHEREAS, Town of Huntersville supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Melinda Bales, Mayor of the Town of Huntersville, do hereby proclaim November 26, 2022 as **Small Business Saturday** urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Huntersville to be affixed this the 7th day of November, 2022.

Melinda Bales, Mayor

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Melinda Bales, Mayor

Date: November 7, 2022

Subject: Family Court Awareness Month Proclamation

EXPLAIN REQUEST:

Family Court Awareness Month Proclamation.

ACTION RECOMMENDED:

Proclaim November Family Court Awareness Month.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Family Court Awareness Month - 2022

Town of Huntersville

Proclamation

WHEREAS, the mission of the Family Court Awareness Month Committee (FCAMC) is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interest of children; and

WHEREAS, the mission at the FCAMC is fueled by the desire to create awareness and change in the family court system for the conservatively estimated, 58,000 children a year ordered into unsupervised contact with physically or sexually abusive parents, while honoring the hundreds of children who have been reported as murdered during visitation with a dangerous parent; and

WHEREAS, the mission of the FCAMC is to increase awareness on the importance of empirically-based education and training on domestic violence, child emotional and psychological abuse, childhood trauma, child sexual abuse, coercive control, post separation abuse for all professionals working on cases within the family court system; and

WHEREAS, the mission of the FCAMC is to increase awareness on the importance of using scientifically valid, evidence-based, treatment programs and services that are proven in terms of safety, effectiveness, and therapeutic value; and

WHEREAS, the mission at the FCAMC is to educate judges and other family court professionals on evidence-based, peer-reviewed research. Such research is a critical component to making decisions that are truly in the best interest of children. This research includes The Adverse Childhood Experiences (ACEs) Study (co-principal investigator: Vincent Felitti, Kaiser Permanente-CDC); Child Custody Evaluators' Beliefs About Domestic Abuse Allegations (principal investigator: Daniel Saunders, University of Michigan, sponsored by the National Institute of Justice); and Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations (principal investigator: Joan S. Meier, GW Law School, sponsored by the National Institute of Justice).

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby declare the Month of November, to be **FAMILY COURT AWARENESS MONTH** and encourage all residents to support their local communities' efforts to prevent the harm of children in the hands of family members and to honor and value the lives of children.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 7th of November, 2022.

Melinda Bales, Mayor

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Janet Pierson, Town Clerk

Date: November 7, 2022

Subject: Approval of Minutes

EXPLAIN REQUEST:

Consider approving the minutes of the September 19, 2022 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**September 19, 2022
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

The Huntersville Board of Commissioners held a Pre-meeting at Huntersville Town Hall, 101 Huntersville-Concord Road, at 5:00 p.m. on September 19, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the Pre-meeting to order.

Debt Affordability Analysis. Mitch Brigulio, Davenport Public Finance, presented debt affordability analysis. *PowerPoint Presentation attached hereto as Exhibit No. 1.*

Closed Session. Commissioner Partee made a motion to go into closed session pursuant to N.C.G.S. 143-318.11(a)(5) to instruct staff or negotiating agents concerning the price and other materials terms for the acquisition of real property. Commissioner Boone seconded motion. Motion carried unanimously.

Upon return from Closed Session, there being no further comments, the Pre-meeting was adjourned.

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on September 19, 2022.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales presented a Life Saving Award to Huntersville Police Officers Zach Duncan and Jeff Guertin for saving the life of a 2-year-old that was involved in a motor vehicle accident. Huntersville Police Officer Betty Anderson was awarded a Police Commendation for assisting on the scene, caring for a sibling and parent of the injured.

Huntersville Police Officer Evan Tortorelli was presented a Life Saving Award for saving the life of someone who had overdosed by administering Narcan.

Mayor Bales proclaimed September 21, 2022, as the International Day of Peace.

Town of Huntersville Proclamation

WHEREAS, Rotary as a humanitarian organization, peace is a cornerstone of our mission. We believe when people work to create peace in their communities, that change can have a global effect; and

WHEREAS, Rotary creates environments of peace by carrying out service projects and supporting peace fellowships and scholarships, our members take action to address the underlying causes of conflict, including poverty, discrimination, ethnic tension, lack of access to education, and unequal distribution of resources; and

WHEREAS, the issue of peace embraces the deepest hopes of all peoples and remains humanity's guiding inspiration; and

WHEREAS, in 1981 the United Nations proclaimed the International Day of Peace be "devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples"; and

WHEREAS, the United Nations expanded the observance of the International Day of Peace in 2001 to include the call for a day of global ceasefire and non-violence, and invited all nations and people to honor a cessation of hostilities for the duration of the Day; and

WHEREAS, there is growing support within our nation for the observance of the International Day of Peace, which affirms a vision of our world at peace, and fosters cooperation between individuals, organizations and nations; and

WHEREAS, global crises impel all citizens to work toward converting humanity's noblest aspirations for world peace into a practical reality for future generations; and

WHEREAS, the Rotary Club of Lake Norman-Huntersville, is one of over 60+ Rotary and Rotaract clubs throughout our Rotary District 7680 with over 2,300 members sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities, and abroad; and

NOW, THEREFORE, I, Melinda Bales, Mayor of Huntersville, do hereby proclaim September 21 "INTERNATIONAL DAY OF PEACE" in Huntersville, North Carolina.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 19th of September 2022.

Sandra Marks and Kenya Joseph of the Hearts & Hands Food Pantry provided update to the Board on the services Hearts & Hands Food Pantry provides. *Refer to PowerPoint attached hereto as Exhibit No. 2.*

Colonial Pipeline Update. Meg Blackwood, Public Affairs Director, Colonial Pipeline, said what I thought I would do tonight is spend some time giving you an update about the site since the last time that we were here, as well as tell you about some of our activities that we are doing now, maybe a few things that are on the horizon, and then also to talk about some lessons learned since the incident.

I would like to thank and recognize the NCDEQ for being here as well. We have a lot of respect for this agency and we appreciate being able to collaborate with you all throughout the response remediation process. I know that you work closely with our technical team and meet with them twice a week.

Since the last time we were here, just a couple of updates. We resolved our litigation with the NCDEQ back in June. As part of that we gave a revised volume estimation. Again, a volume estimation I do want to stress is an estimate. Each time that we make an estimate is based on the best available data that we have at the time.

Prior estimates that we made were based on an environmental model. An environmental model takes into account conditions at the site, a lot of soil data and things of that nature. As we were doing this new estimation, one of the things we realized was that conditions at that particular site are a bit different than what we had initially thought them to be. There are unique subterranean geological formations in that area that made rerunning an environmental data a bit challenging, so we have pivoted and our new estimate is based on operational data. Operational data really looks at the product that we move and it takes into account that data. The new volume estimate that we released in July is 2 million gallons. We have recovered about 75 percent of that volume.

This is a process that took quite a bit of time. One of things we needed to do was to validate a release date. We did that internally and then retained a third party expert to validate that. When we learned it was July 27, we then began to look through the detailed operational data and that's how we reached the 2 million gallons number.

Let me talk a little bit about the current situation at the site. We currently have about 400 subsurface monitoring and recovery wells in place and those wells allow us to have detailed data about the site that we analyze and then we collaborate with NCDEQ and provide that information, then we talk about remediation plans.

Recently we established an electrical service at the site. What that allowed us to do then was to take some of those generators away, so it helped with noise at the site, it helped with emissions, and it also helped with some of the truck traffic on the road. We think that's a positive development for citizens in the area.

I do want to stress that product remains in the general vicinity of the release site. I know that's been a question we've heard from the public, and it does. There have been no impacts to any active drinking water supply wells. We have since the incident started routinely on a weekly basis sampled all drinking water supply wells within 1,500' of the incident site. That's a radius that was established with DEQ, and there have been no detections in any of those samples.

We also continue to work very closely with the Oehler Nature Preserve. That's the property where the incident occurred. It's owned by Mecklenburg County and we work very closely and in collaboration with them on all the plans that are put in place at the site. I really want to stress our appreciation for Chris Matthews in particular, who has been a very good partner. We've worked with him to develop the site plans. There's a picture up here of the right-of-way. This is where it was just a few months ago. Actually, just a few weeks ago. This was a wildflower blend that we worked with the Oehler Nature Preserve to select and to put back at the site. Our goal has always been, and our commitment I should say, has always been to remediate the site fully, to put it back as it was, and to work in collaboration with the county on those plans.

Just a little bit about our engagement and where we are heading. We do meet with the Planning and Zoning staff of the Town here on things like landscaping plans, storm water treatment plans, those things. Those conversations continue on a frequent basis.

Next steps – we are in the process of applying for a permit that's called a NPDES permit and what that will allow us to do in part is to turn on some deep wells called hydraulic control wells. Those will help with product recovery. As we do that, there will be a fair amount of water generated from that. What we propose to do is to create a facility on the property that we own and treat that water and then discharge that back into the environment. I want to stress that this water will be treated and there will be a treatment plan put in place that NCDEQ will monitor. There will be samples taken to make sure any water discharged back into the community and the environment meets all quality standards.

A couple of points I want to talk about with respect to that permit, from a community perspective. If we didn't have the permit our option would be to truck that water offsite, so it would be going several hundred miles and you would probably see upwards of 200 trucks a day leaving the site. Again, we think it is less impactful for the community to treat it onsite. Also, we have been in communications with the local riverkeepers, we've talked to the Yadkin, the Pee Dee and the Catawba riverkeeper about the impact of putting this water back in the watershed and it's actually a value to the community because it keeps water here rather than taking it out and dewatering the site.

We also continue to work with Mayor Bales, the Town Commissioners. We give them communications and we update them as well as the public. We still have our Incident Response site up. If you Google Colonial Huntersville, you'll find that site and we regularly post updates to it. You can see a snapshot from an infographic here. We try to make that information easy to understand and readily available to the public. There's also a button on there, if anybody has a question at any point in time, you can ask a question. Those questions come to Colonial and we respond to all of them, so I would encourage anybody who has a question to use that mechanism as well. We also regularly communicate with Mecklenburg County Commissioners, the State Senators and the Federal counterparts as well.

I'd like to touch briefly on some lessons learned. I know that the last time we were here that was a question, so I'd like to talk a little bit about it today. The question we get sometimes is what are you doing to make sure this type of incident doesn't happen again. Colonial is committed to, we have a motto of zero is possible, and we live that motto and we are trying to achieve that every single day.

What caused the incident here? When we repaired a dent back in the 1990's we put over what is called a Type A sleeve. A Type A sleeve is an approved regulatory repair. It's an additional piece of pipe that goes over to strengthen and enforce. This particular one was a segmented sleeve, which meant that there were several pieces stacked on top of the others. Over time, because it wasn't welded on the ends, moisture intruded underneath the sleeve and then led to some corrosion and then that corrosion is what led to a crack that then product released from.

After the Huntersville incident, but prior to any regulatory enforcement action, we began to look across our system for similar conditions. We have repaired and replaced all of the Type A segmented and stack sleeves on our main lines. Those no longer exist. They've all been converted to Type B pressure containing sleeves. What that means is when you have a Type B sleeve that's welded on the ends, even over time if something were to happen to that issue that's being repaired, let's say it's a crack or a dent, the pressure is contained so the product cannot get out of the pipe.

We also have done some different tool runs. One of the ways that we look at our asset is we run what are called inline inspection tools. We've implemented a new tool. It's got a very big name, so forgive me as I read, but it's an ultrasonic wall loss measurement tool. What that means is it can see corrosion. As I mentioned earlier what happened here was there was corrosion that grew under a sleeve. This new tool allows us to see those types of situations and to prevent them before they ever occur. We also

have asked our Senior Vice President of Operations, Wesley Dunbar, to chair a committee with the American Petroleum Institute to work with our colleagues in the industry on leak detection and leak prevention.

We appreciate the opportunity to be here. We appreciate the patience and the cooperation from the Huntersville community. We have been in this community for more than 50 years. We understand that this incident may have caused you to question your trust of us. I'm here to tell you that we are committed to re-earning your trust and I hope that there are actions you will see that we are committed and we are a company that is dedicated to you and again to restoring the environment to the conditions that you had it before this release occurred.

Wayne Randolph and Vance Jackson provided update from North Carolina Department of Environmental Quality (NCDEQ). *PowerPoint attached hereto as Exhibit No. 3.*

Mr. Randolph said I'm the head of a section within DEQ and I'm also the Emergency Response Coordinator.

Mr. Jackson said I'm the Chief of the Underground Storage Tank Section, which has regulatory oversight for the release.

Mr. Randolph said we are going to go over the Colonial Pipeline Consent Order. NCDEQ and Colonial Pipeline entered into a Consent Order Motion on June 30, 2022. The Consent Order was filed with the Superior Court on July 7, 2022 and became effective on that date.

The Summary of the Consent Order is within 30 days of the entry into the Order, Colonial shall provide the Department with an updated estimate of volume of gasoline released from the Pipeline. As mentioned earlier that information was submitted on July 22, 2022.

Within 120 days of entry into the Order, Colonial shall provide the Department an addendum to the October 30, 2021 Revised Comprehensive Site Assessment. You also may have heard of it as a CSA. That is due in November 2022.

Within 60 days of entry into the Order, Colonial shall submit a plan to conduct further assessment of the free product in the bedrock. This was actually turned in September 2, 2022. Within 180 days of approval of the plan stated above, Colonial shall implement the plan to conduct further assessment of free product in bedrock at the site. This is tentatively due March 2023. You will see some of the due dates are tentative. That's because the plan that they have submitted September 2, they submit that date and then we review it and once we approve it then that 180 days begins. That's why you will see tentative dates moving forward.

Within 120 days of implementing the approved plan for free product assessment, Colonial shall submit a revised Conceptual Site Model and revised Comprehensive Site Assessment, tentatively due July 2023.

Within 90 days of approved Revised Conceptual Site Model and revised Comprehensive Site Assessment, Colonial shall submit a Corrective Action Plan (CAP), that's tentatively due October 2023.

Within 30 days of entry into the Order, Colonial shall commence sampling for PFOA, PFOS and related constituents in identified monitoring wells. This is done by quarterly sampling over the course of 18

months. Also, monthly sampling of surface water. Monthly Monitoring Data and Site Activities will be submitted to DEQ in Quarterly Monitoring Reports.

Mr. Jackson said a little bit about the penalties contained within the Consent Order. Within 30 days of the Consent Order, penalties were to be paid to the Department. The civil penalty was \$4.5 million. That has been received by DEQ. The Department also recovered the cost of \$250,000 into an account for staff time for the Division of Waste Management. That money is with the Department. Ultimately, the civil penalty goes to the school system and that's by State statute.

Other penalties are incorporated into the Consent Order for failure to meet any of the specified timeframes. Those will be \$5,000 per day for each one that is late or just for some reason fails to be submitted. It's a legal way of establishing our relationship with Colonial as what is expected and what is required and carries with it the weight of those additional penalties should they become necessary.

NCDEQ is committed to oversight of remediation of the site and ensuring public health and environmental protection during the clean-up of the site. To date, there have been no receptors, those things which are pathways for human health impairment or danger to the public. We do monitor routinely. I lead a team of seven environmental professionals, at least four of us who are professional geologists, licensed geologists in the state of North Carolina. We meet weekly with Colonial's management and technical staff to discuss the site and the activities that are occurring at the site. We also have the ability to call on additional staff within DWM and senior level management all the way up to the Assistant Secretary and this does include toxicologists and engineers.

Our routine activities, some of which were touched on by Colonial, since the I believe second week after the release was discovered, Colonial, at our direction, has been sampling every water supply well within 1,500' of the release on a weekly basis. To date, we have seen no petroleum impacts to any of those wells. That continues as we speak on a weekly basis. On a quarterly basis we expand that another 500', so quarterly we go out to 2,000' and likewise we have seen nothing in any of those wells.

All the monitoring wells at the site are sampled on a monthly basis and we see that data routinely and evaluate that as it comes in. There are two creeks nearby and both of those are sampled monthly in conjunction with the Division of Water Resources and Mecklenburg County at agreed upon sites. To date, we have seen nothing in any of those surface waters.

There's also daily air monitoring for petroleum vapors for both total volatile content and specifically for Benzene. There have been some excursions from the standards for those, but those have been very limited and very temporally limited when they have occurred.

There is also one new residence located very close to the free product plume at this site that had the misfortune of being actually completed and ready for occupancy as the release occurred. In order to protect that family, Colonial does monthly vapor monitoring around that property to ensure that there's no vapor intrusion into the house that would create a health problem. Colonial has also installed a vapor abatement system for that house to protect that family.

You can find the Consent Order on our website and also any additional information. If you go on the DEQ website on the righthand side there is a ribbon that has a Colonial Pipeline selection and you can see everything that we have received.

Mayor Bales said I would like to open it up to the Board for questions.

Commissioner Partee said Ms. Blackwood, I believe there was questions that were forwarded to you from commissioners here on the dais. Are you prepared to address those questions?

Ms. Blackwood said I believe some of those were responded to in writing and those were sent out on Friday. Let me just say this, I would hopefully be prepared to answer your questions, so please feel free to go ahead and ask. If I don't know the answer to it, I would be happy to try to take that back.

Commissioner Partee said I have a few questions I would like to have addressed. The first question happens to be has the dollar amount of damage to property, to citizens, and the Town, been determined?

Ms. Blackwood said I will just say from the outset that out of respect for the privacy of individuals we have dealt with, I'm not prepared nor I intend tonight to discuss specific conversations we've had with landowners. I would like to talk a little bit about some things we have done that don't necessarily tie to a specific individual.

From the outset of the release, as we mentioned, we've been monitoring these water supply wells. We also made the offer to anyone within 1,500' who takes their drinking water from an active water supply well, to convert them to the public water source at Colonial's expense. Some people took us up on that offer and so that offer still stands to those folks who have not. Additionally, we purchased some properties. Some of those were to accommodate workspace needs that we had and some of those were because landowners had questions for us. As I mentioned as well, we are in regular communications with the Oehler Nature Preserve and conversations with them about work that we are doing on the property and also how we might be able to remedy some of the damages to them.

I would just like to say as well, if any members of the public ever have a question or want to have a conversation with us about a concern that they have and ways that they think they may have been impacted, our door is always open. We have that mechanism on our website and certainly they are welcome to reach out to me as well.

Commissioner Partee said will a third party be used to affix real property value of loss or damages to Huntersville land value?

Ms. Blackwood said again, I'm not going to go into details of any of those specific transactions, but I will say in all of those, third party appraisers were involved. Colonial doesn't have any appraisers on staff and we retain third parties.

Commissioner Partee said my third question has been answered as far as safeguards. Presently, are safe alarms being put into place to avoid another incident for damages and loss of property? Will the company make the people of the town of Huntersville whole in the future?

Ms. Blackwood said if I could address those. I think those may be in two parts. When we enter into conversations with homeowners or landowners we always do that from a position of making sure that we are accommodating them and we understand what their concerns are and we are dealing with them in that manner. Our commitment to Huntersville is unwavering. We are committed to restoring this site, but more deeply than that we've been here for 50 years, we have employees who live and work here as well, we support a lot of local organizations and again we are always looking to support communities, so I hope you will see by our actions that we live up to those commitments.

Commissioner Partee said will Colonial Pipeline acknowledge the severity of present and future contamination and compensate in good faith, and we talked about good faith, working with other organizations, the Town of Huntersville and its citizens i.e. donate or sponsor greenways or trailways.

Ms. Blackwood said we are involved with many different local organizations. A couple that come to the top of my mind we support the Catawba Riverkeeper. We also support the Davidson Land Conservancy and there are other organizations we work with as well. Just to say publicly, we have a program that's built around supporting public organizations, 501c3's, we are always interested in having conversations with local organizations, so information about how an organization can reach out to us is available on our website as well and we welcome those conversations.

Commissioner Partee said not to just tie you down, but the citizens here in Huntersville have been damaged emotionally, psychologically by this spill, and would it be appropriate, maybe not, for a company as huge as Colonial Pipeline in good faith to say look, we are going to donate this amount of money for whatever expense – recreation, trailways, and we'll sponsor this particular trailway or bikeway or any other area you feel that the citizens would appreciate. I just want to put that on the record and make Colonial think about that to satisfy and be as far as good faith for our citizens here.

Ms. Blackwood said I appreciate your question. I recognize what's at the heart of that question is concern for your constituents and making sure that Colonia is a company that listens to their concerns, and we are. A couple of things on that, we have a long-standing commitment to this community and we support many organizations, but that's not to say that we wouldn't support others and we welcome those conversations. I hope the individuals we deal with and we have conversations with those around the release site and we've had some conversations with some of those people on purchasing properties that they would say that we've dealt with them in a fair and forthright manner as well.

Commissioner Kidwell said thank you for the presentation from both groups. I did the site visit last week and first of all let me just say that the ground crew out there was very professional. I enjoyed walking with them, talking with them. One young man, I believe his name is Adam, actually referees high school football, lives over in Denver. We had a good conversation about the area and how we've seen it grow over the years. During my trip I saw some of the pumps working. You could see them still activating coming out pulling the gas out of the land and that brought up the conversation about the water. A truck was coming in to obviously be filled and take it, so I know that we are already using trucks. How many trucks are we utilizing as of today.

Ms. Blackwood said I really appreciate you recognizing the hard work of the people at the site. They are very dedicated to their work and it was our pleasure to host you. I invite all the commissioners, that's an open invitation Mayor Bales, all of you anytime you would like to come you would be welcomed. I actually don't know the number of trucks per day. I will take that question back and see if I can get an answer for you.

Commissioner Kidwell said in regards to the onsite process, because I know there's a number of trucks leaving there daily, we're driving our water up to another place to have it safely decontaminated. The onsite building that you guys are talking about putting there to basically recover the fuel and put the water back in our environment, I know that you guys are going through the permit process with the State of North Carolina right now. It's going to be across the site and you purchased that land, it's going to go there, I know you are working with the Town to put up nice berms to kind of keep it hidden, my

question is how long will that be there? How long will Colonial have that particular structure working to recover? What is the baseline to say okay, we got it all, we can start shutting down and moving on.

Ms. Blackwood said the simple answer is we will be there as long as it takes. The timeline, and if I could just briefly expand on that. Our remediation is not based on gallons released, it's based on impact to the environment. All that to say if we released five gallons of gasoline, we wouldn't just recover five and say we're done. We're going to look at the data at the site and say what does it tell us, how is the environment responding and being remediated, so we will be there as long as it takes. I think you probably heard a little bit about this, we did design this plan to sort of minimize the visual impacts and also just the impacts of the community, so in addition to landscaping screening our plan is to construct some facades around it to make it look sort of like an agricultural setting, a horse farm if you will, to try to minimize those visual impacts as well. I do want to reiterate, that's our commitment is we are going to be here as long as it takes until the data tells us that the work is done.

Commissioner Kidwell said this particular pipeline as I understand it, is about 5,500 miles long, serves the east coast, 42" or somewhere in that ballpark.....I think the estimate is roughly a million gallons every 15 minutes.

Ms. Blackwood said it's about 80 million gallons a day that go through.

Commissioner Kidwell said it's a lot. What devices or what do you have in place to help detect leaks in the future. I know you talked about the sonar type device. Is there anything else technological-wise that is being utilized in place to help.....maybe it's not Huntersville, it might be somewhere down in Florida or somewhere down in South Carolina or north of us. Is there anything else that's being utilized to help detect and minimize any type of impact to the environment.

Ms. Blackwood said leak detection is certainly something we are focused on, but perhaps more importantly I guess your question is leak prevention, release prevention, what can we do to prevent the releases from happening. That's some of the work I was talking about earlier and forgive me I am not a technical expert, so I'll explain it to you the way that I best understand it. This ultrasonic wall loss measurement tool is one of them. When our program involves running a variety of what we call again inline inspection tools, or you might have heard the term PIGS before and that's what these are, these are tools that run through the pipe. We've added some new things and that includes this ultrasonic wall loss measurement tool as well as some other things. We are kind of piloting some use of some things called smart balls that were developed originally in the water industry and they roll along and they listen acoustically for the sound of a release, and then other things as well and I'm not the technical expert but I will tell you that we have spent a lot of time and energy to look at those technologies and again part of our plan with remediating those stacked and segmented sleeves was a lesson learned from here. What happened here was a failure under a stacked sleeve and so again you look at how you can prevent an incident, taking those steps and going and remedying those on your system I think is a good step.

Commissioner Munger said I do want to acknowledge and appreciate the staff that is out there. Their professionalism and dedication has been fantastic. I've been out to the site a couple of times. They are really wonderful individuals. I kind of got the answer on it, pipeline is 5,500 miles and a lot of these are going to be just give me an approximate.

Ms. Blackwood said that's the pipeline system. That includes all the stub lines and the main lines. It's not 5,500 linear miles.

Commissioner Munger said one of the things that I was told and maybe you can tell me if it has changed, is one of the ways that they were using to check to see leaks was a flyover along the length of the line. Is that done by a plane or is that done by a drone?

Ms. Blackwood said at the time it was done by a plane and we are exploring other technologies to use as well. What you are talking about is our aerial patrol program. I believe under the regulations from FEMSA we are required to do that every 15 days, but we actually do it every week. We fly the main lines every week.

Commissioner Munger said can you tell me approximately how high that plane is.

Ms. Blackwood said I do not know that answer off the top of my head.

Commissioner Munger said no approximates?

Ms. Blackwood said I apologize, but I don't.

Commissioner Munger said the next question you probably don't know either, the speed of that plane.

Ms. Blackwood said I don't know. Good questions and I'm happy to take those back to our Technical Team and get back to you.

Commissioner Munger said switching gears into what I referred to as the line crawlers and hopefully you understand what I'm saying that whatever is going through that pipeline to check.

Ms. Blackwood said the inline inspection tools.

Commissioner Munger said how many of those exist in that pipeline.

Ms. Blackwood said they are tools that we launch at various intervals, so they are not constantly in the pipeline, they are running a regulatory interval and I don't know that one off the top of my head either.

Commissioner Munger said my next question might be a little bit difficult, too. I'm just trying to figure out how much ground they cover. Overall, I guess what I'm trying to say is if you have 5,500 miles of line and you insert these things in, how much ground are they able to cover and how long before they come back to Point A where they started. Is that like a month, a year?

Ms. Blackwood said they don't make a roundtrip. I can explain this a little bit. When we launch a tool, our pipeline is one directional so we may launch it in one location and then it will run to another location and then it's removed from the pipe. The data from those inspection reports is generated by a third party vendor. It's analyzed by them and then sent to us as well and our internal team of experts looks at that data. From that data they make assessments around what do we need to do, is this something we need to go out and look at, are we going to monitor this over time. It's quite a complex program and again I apologize but I'm not a technical expert that can sit here and tell you how often we run each kind of tools. There are some regulatory requirements around the timing of it and I know in some cases we exceed those.

Commissioner Munger said is it potential or do you know for a fact that there are portions of the pipeline that are not actually monitored at any point in time. If you are saying they don't go the entire length, is it possible that there are portions of that pipeline that are not monitored by that device at all.

Ms. Blackwood said all segments of our main line are what we call piggable, that means that inspection tools can run through them.

Commissioner Munger said can, but do they.

Ms. Blackwood said they do at certain intervals, yes.

Commissioner Munger said all portions of that pipeline are covered at one point in time.....

Ms. Blackwood said yes, all sections of the main lines are inspected at different intervals.

Commissioner Munger said I share Commissioner Kidwell's concern, I doubt it will ever happen in Huntersville again, it happened, we hit it, we got nailed, whatever. I am very concerned about the next place and where that happens. The idea that a plane flies overhead to look for puddles of gas frightens me. I would like that system to be addressed. I bring it back to the lessons learned. This would be something I would say is a lesson that should be learned, even if you hired individuals to walk that line. The odds are they are going to find a 2 sq. ft. puddle rather than the plane flying let's say 500' overhead at 100 mph. That would be my takeaway to you, please consider doing something a little bit more intensive to find those leaks the next time it happens.

Ms. Blackwood said I appreciate that feedback and I appreciate the comment. If I may, aerial patrol is just one aspect of our leak detection systems. We have several different.....we have technologies that are analyzed from our Control Center. We have aerial patrol. We have a public awareness program as well that's built around educating the public, but I definitely understand and appreciate your concerns.

Commissioner Kovacs said sorry, I didn't send it my questions, but I know you said that the process I heard you tell Commissioner Kidwell it's until the environment is okay. What will happen with the land afterwards when you no longer have to be here. Will all of that be removed? Is it going to be there just in case it happens again? What will happen to all of that?

Ms. Blackwood said are you talking about on the Oehler Nature Preserve or on the properties that we own?

Commissioner Kovacs said properties that you own.

Ms. Blackwood said at this point in time we have not made a plan for the longer term than that, because again we are focused on the remediation and recovery and it would be a bit premature for us to sort of make that next step without knowing and frankly we are very focused on being here as long as it takes, so we are not looking at this as a short-term plan with an end game. We are here as long as that takes.

Commissioner Kovacs said I guess just because I'm new to all of this, I don't know if that's 5 years, 10 years, 30 years. I can't even fathom how long that could be. I guess my last question is for the DEQ. I heard you say that the \$4.5 million will be going to the local school system. When that is sent to them is there anyway to make sure that it actually goes to this portion of the school system or is it just sent as a whole to the school system.

Mr. Jackson said DEQ has no control over that whatsoever. That would come through the public school system.

Commissioner Kovacs said is that to the state or to actual local.

Mr. Jackson said state.

Commissioner Boone said I've got several questions and I'll start with Ms. Blackwood and in case you don't have a copy of the questions, here they are. I'm going to start out with your comment earlier, I believe it was your second paragraph, where you said there was 400 working wells. Out of those wells, how many are working as we speak, all 400?

Ms. Blackwood said yes, they are all either recovery or monitoring wells.

Commissioner Boone said you said at this time there was no drinking water to show contaminants.

Ms. Blackwood said that's correct. No active drinking water supply wells have been impacted.

Commissioner Boone said how about irrigation wells.

Ms. Blackwood said I do not know the answer to that question.

Commissioner Boone said that's a very important question for people who have irrigation wells where they want to irrigate their gardens and then we might have some brown areas, then we have a whole different problem, so you are saying right now that you don't think there's any problems with the irrigation wells.

Ms. Blackwood said I'll defer to my colleagues at DEQ who are much more into the weeds so to speak about the details of the water assessment.

Mr. Jackson said in our receptor survey we did not find any irrigation wells within 1,500' of the release.

Commissioner Boone said if there's a well that's at 2,000' and that water was tested on a quarterly basis and then it stopped and there was a chemical found that was not originally found, would you know that at this time.

Mr. Jackson said there have been no detections in any of the water supply wells or even the expanded radius we have seen no petroleum compounds in any of those wells.

Commissioner Boone said what is the current horizontal and vertical size of the flume of the spill site and has it grown or decreased in size since the Consent Order was signed.

Mr. Jackson said no, that is the simple answer. The flume covers aerially roughly 11 to 12 acres. There has been some minor horizontal expansion over the last two years, but currently that entire area is contained in the monitoring system, so nothing is getting beyond the monitoring system at this point. We are still working on the vertical delineation of the flume. There is free product present in at least two locations in the bedrock, which is of concern to us and that is the next thing that Colonial will be doing. They had submitted a plan to us. We should finish our review of that plan this week.

Commissioner Boone said have you seen any additional contaminants in that vertical study at this time.

Mr. Jackson said no.

Commissioner Boone said is Colonial self-insured or are they underwritten by an insurance company for liability coverage.

Ms. Blackwood said Colonial has an insurance tower, yes.

Commissioner Boone said so you are underwritten with other insurance companies.

Ms. Blackwood said yes.

Commissioner Boone said I just want to be sure that I've got this straight. Since the original oil spill and this is a DEQ question, no new chemicals have been identified in the soil within 2,000' of this spill.

Mr. Jackson said not within soil. That is different than groundwater, but we have not seen anything new within the soil profile either. There has been about 7,800 tons of soil removed from the site associated with the repair and that has been taken away for proper disposal and we have done investigation of the soil. As far as I know, there is no surface contamination soil there and we have not seen any expansion of soil contamination.

Commissioner Boone said if a citizen has an irrigation well and Colonial has tested it and they said you know what I'm going to go ahead and just do my own well – I'm going to drill a new well right next to it so I can water my garden. Well, guess what, Mecklenburg County has said no to that permit. Why is that.

Mr. Jackson said that's a question for Mecklenburg County, but I am aware that Mecklenburg County has the authority within their well ordinance to determine areas of impaired groundwater in which they will not permit a well.

Commissioner Boone said so you said impaired groundwater, so they did find something that they would not issue a permit for a brand new irrigation well.

Mr. Jackson said if it's next to a well within the potential scope of the release, yes they have that authority. Whether or not they are exercising that, that is Mecklenburg County's to deal with.

Commissioner Boone said you've heard two or three commissioners up here saying that all the fines are going to North Carolina educational system in Raleigh and I think you say there's four pillars of pots that Colonial can give back to the community, but you are sitting here with what might be the largest land spill in the United States and that doesn't fit in any of those four pillars in my view. I'll just leave it at that.

Ms. Blackwood said we have a program that encompasses four pillars of giving as you and I have talked about before and we would welcome any organizations that want to partner with us to talk with us about that. We are always looking for opportunities to engage.

Commissioner Phillips said I was curious how did you guys identify the parcels of land you bought on Huntersville-Concord Road and Asbury Chapel and how many parcels have you bought thus far.

Ms. Blackwood said as I mentioned earlier some of them were identified as needed for workspace for us, so if you drive by the site you will see that we have equipment there. A couple of others were landowners who approached us.

Commissioner Phillips said were they required to sign an NDA after they sold to you guys.

Ms. Blackwood said as far as I know, again I'm not going to speak about specifics of deals with different landowners or rather transactions. I believe that there were confidentiality agreements put in place, but I don't know specific details.

Mayor Bales said I would like to say, Ms. Blackwood, thank you so very much for being present at all the tours and for allowing not only myself but other Board members to come out to the site. I've been out there I couldn't tell you how many times to this point, but I was out there just recently within the last few weeks and there were definitely things that I noticed different. I noticed the noise and you addressed that with the fact that you removed the generators etc. off the site. It was more quiet. It did seem like I was in a nature preserve again. The other thing that I noticed was the flowers and I think that you did have a picture of that, but the bees, the insect life, the ecosystem, all of that looked pretty healthy. I would say a year ago when I was out there, the flowers didn't quite take so this time around I did notice that and one of the questions that I have really is around the groundwater and as you are continuing to pump all of the water out of our ecosystem, are we seeing any damage to the trees, especially those trees with the deep roots. Where are we at with that currently.

Ms. Blackwood said we did just recently do a tree survey in collaboration with the Oehler Preserve and the reason we did that is because we are wanting to just monitor the trees over time. The roots of those trees are very deep and so the good news is there haven't been any impacts to those trees. That's why we did the assessment is so we can continue to monitor them.

Mayor Bales said is there any concern from DEQ's perspective, and I guess I will ask this question of Mr. Randolph and Mr. Jackson. The new remediation where they are able to process onsite, as that water is then released back into the environment, is there any concerns with the impact of that additional water going into the streams, etc.

Mr. Jackson said that will be released under a permit issued by the Division of Water Resources and the treatment system will be designed to meet specific criteria set in that permit and that permit will be public noticed perhaps this week, so you can certainly look at that and it will probably be on Water Resources website. What has been relayed to us is the same thing that has been relayed to Colonial, that the riverkeepers and the people who monitor surface water actually thinks that this will be beneficial to the watershed because it will increase the flow in those creeks certainly during drought conditions and so forth. That's as we understand it. We have yet to see the permit. It's being issued by another division. We are anxiously awaiting that also. It will be pretty rigorously controlled and it is a large volume of water and will be a large system.

Mayor Bales said do you have concerns about the underground system as they are pulling all of this water out, because it's almost like we're taking and we're giving away.

Mr. Jackson said the object is to create an artificial drawdown of the water table to create an area in which in itself creates a barrier to any continued migration of contaminants and at the same time to do

additional remediation. I can't really do anything but give you an opinion. A hydrologist rather than a geologist would be the person to consult regarding that.

Mayor Bales said earlier this evening Ms. Blackwood you talked about the lessons learned and I know that was my question however long ago that was, what are we learning through this process and we talked about replacing the stack sleeves. Has Colonial replaced the stack sleeves throughout the entire 1,500 miles.

Ms. Blackwood said yes, all of the stacked and segmented A sleeves on main lines have been converted to pressure containing Type B's.

Mayor Bales said are there any along the lines that are not the main line.

Ms. Blackwood said yes, and we are assessing those and making those evaluations of whether those need to be monitored or whether they should be converted, but that's risk based assessment that we do in our integrity group.

Mayor Bales said I would like to also thank you and Colonial for continuing to look for other solutions to leak detection as well as leak prevention, because to Commissioner Munger's point, we don't want to see another community have to go through this and I'm sure Colonial doesn't want to have to go through this either. I'm just looking through here really quick to make sure I don't have any other questions before I finish up.

Commissioner Boone said you said that you monitored all the D clamps, right. Is that correct?

Ms. Blackwood said I'm sorry, I don't think I'm familiar with the term D clamps.

Commissioner Boone said what clamp did you just say, C.

Ms. Blackwood said I believe what I said is we've converted all the stacked and segmented A sleeves on the main lines to pressure containing B sleeves.

Commissioner Boone said there's a C clamp and a D clamp I believe on that pipeline.

Ms. Blackwood said I'm not familiar with those terms and I don't know that they exist on our system either.

Commissioner Boone said is there any other type of patchwork that you have on your pipelines other than what you just stated.

Ms. Blackwood said the B sleeves are the primary type of repair that we do or a cut-out, which is to remove the pipe and put a new segment in.

Commissioner Boone said but you are not familiar with a C or a D clamp.

Ms. Blackwood said I apologize, Commissioner Boone, those are not familiar terms to me.

Commissioner Boone said it upsets me that the flowers look great, but nobody can drink the water, unless it's coming in from Charlotte Water.

Ms. Blackwood said again, there have been no impacts to active drinking water supply wells and there are several people who still have those.

Commissioner Boone said I'm sure they are pretty nervous when they start drinking it.

Mayor Bales said I do not have any other questions for either organization, but I do want to thank you both for taking the time this evening to come and speak to this Board and to our community. I want to thank you for working together to truly remediate and clean this up. Just know that our community, our Board members, we are all continuing to watch and want to be part of the process and be able to share with our residents the clean-up that is actually happening and where you currently are. Again, thank you for taking the time out. It's greatly appreciated. I know that's something that we've been asking for quite some time.

Ms. Blackwood said thank you very much for the opportunity and for having us here tonight. I appreciate that as well.

Bob Creighton, 8523 Flanagan Court in Cedarfield, said I'm the President of the Cedarfield II HOA. We have a new development, I don't know if it's 58 or 78 homes, that there has been a request submitted to the Planning Council for additional homes. The only access for that development is on a residential street which is Angel Oak which goes through the heart of Cedarfield and approximately 30 percent of our residents are off that street. Angel Oak is not striped. There are four speed bumps on there. There are people walking their dogs. There are children playing along the street. It is inappropriate to have all the construction traffic and then years of 58 or 78 more homes and all the traffic without having any other way to get into that development. I understand that recently the Board made a change so that projects like this are not weighed by the Board and I do understand the need to delegate, but we are very concerned that a brand new process is in place here without adequate consideration for our input. We know that the developer has to have a public hearing, but there's no obligation for them to act on anything that we present to them. We rely on you the elected officials to watch out for and to balance the relationship of commerce and residential amenities and I need to ask you to play that role. We would like to have a traffic count to get a baseline number of cars going along Angel Oak before this development starts. I understand that there is also a traffic impact analysis that is required. Keep us involved, please. We will continue to monitor this, but we are very concerned with a new process that is going to create a lot of construction activity, especially during the first one, two years, when the land is cleared, when you've got workers going in there, moving trucks. It's going to be an interesting time.

John Carruthers, 13006 Angel Oak Drive, said I'm also a member of the Cedarfield II HOA Board. I'll try not to repeat everything that Bob said about Angel Oak, but I want to just tell you a few things about it. It is a lovely street. It's not a very wide street. It's less than 24' wide. It constantly has worker vans because people there maintain their homes. It's constantly got foot traffic. There's a sidewalk there. A good bit of our neighborhood uses that as the main access to the Torrence Creek Nature Trail. Where I live we are just past a blind curve down a hill from it and if you go two houses either direction from me on both sides of the street, there are 13 children ranging in ages from 1 to 12. The street is really the only access for already a large number of people and I would echo what Bob said, I think it horrifies many people on our street that would be the only access to another 58 or another 78 homes, primarily for the construction. I've never lived in a neighborhood where there's only one access before to the entire neighborhood. I don't know what that would mean for fire protection. I don't know what it would mean for the number of people who ultimately end up living there. I can imagine what it would mean for construction if there's no other access. I'm concerned, too, that it doesn't seem like there is a

way for us to have conversations with elected officials who are accountable now that the process has changed. Maybe I'm wrong about the process. I want to ask the Board to make sure that there is a way to weigh the feelings of the citizens who live in that area about public safety and just about the quality of living that this would cause. I'm hoping that there is some way.....I appreciated some of your campaigns, speaking about balancing the positives of development with the amenities of living in a desirable community. I know that everybody campaigned on a platform of listening to the community, so I just hope there's a way to do that.

AGENDA CHANGES/ADOPTION OF AGENDA

Commissioner Boone a motion to adopt the agenda. Commissioner Partee seconded motion. Motion carried unanimously.

CONSENT AGENDA

Approval of Minutes – September 6, 2022. Commissioner Phillips made a motion to approve the minutes of the September 6, 2022 Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution – Huntington Green Sidewalk Project. Commissioner Phillips made a motion to adopt Resolution to acquire right-of-way and easements for the Huntington Green Sidewalk Project. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 4.

Acceptance of Streets – Arrington Subdivision. Commissioner Phillips made a motion to accept the following streets in the Arrington subdivision for Town Maintenance. Commissioner Kovacs seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Caledonia Dr	Bud Henderson	Approx 160' NW of Grenfell Ave	900
Grenfell Ave	122' W of Caledonia Ave	Approx 60' NW of Barnmore Dr	705
Barnmore Dr	Grenfell Ave	Approx 190' NE of Grenfell Ave	190

Acceptance of Streets – Bryton Ridge. Commissioner Phillips made a motion to accept the following streets in Bryton Ridge for Town Maintenance. Commissioner Kovacs seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Bryton Ridge Pkwy	Old Statesville Rd / 115	Bryton Pkwy Roundabout	1460

Acceptance of Streets – Farrington Subdivision. Commissioner Phillips made a motion to accept the following streets in the Farrington Subdivision for Town Maintenance. Commissioner Kovacs seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
McDowell Crossing Place	Tullamore Glen Drive	Approx 607' N of Tullamore Glen Drive	610
Tullamore Glen Drive	Approx 75' E of McDowell Crossing Place	Dunloe Wood Drive	490
Dunloe Wood Drive	Journey's End Trail	Approx 75' S of Tullamore Glen Drive	1925
Adair Cross Place	Approx 185' S of Dunloe Wood Drive	Dunloe Wood Drive	185
Glenroe Drive	Approx 180' S of Dunloe Wood Drive	Dunloe Wood Drive	180
Journey's End Trail	Approx 110' NE of Dunloe Wood Drive	Approx 216' SW of Dunloe Wood Drive	325

Acceptance of Streets – Walden Phase 1. Commissioner Phillips made a motion to accept the following streets in the Walden Phase 1 subdivision for Town Maintenance. Commissioner Kovacs seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Morningate St	Huntersville Concord Rd	Ferrelltown Pkwy	1850
Bedford Hills Dr	Morningate St	Dead End	85
Devon Forest Ln	Morningate St	Dead End	100

Acceptance of Streets – Walden Phase 2. Commissioner Phillips made a motion to accept the following streets in the Walden Phase 2 subdivision for Town Maintenance. Commissioner Kovacs seconded motion. Motion carried unanimously.

Street Name	From	To	Approx. Length
Morningate St	Ferrelltown Pkwy	Approx 230' W of Ferrelltown Pkwy	230
Keyes Meadow Way	Approx 750' E of Beecher Commons Dr	Approx 680' W of Chopin Ridge Rd	1835
Beecher Commons Dr	Keyes Meadow Way	Approx 315' N of Keyes Meadow Way	315
Ellery Channing Dr	Chopin Ridge Rd	Approx 200' W of Chopin Ridge Rd	200
Chopin Ridge Rd	Keyes Meadow Way	Approx 130' N of Ellery Channing Dr	615

Resolution – Use of State Fiscal Recovery Funds. Commissioner Phillips made a motion to adopt Resolution authorizing use of State Fiscal Recovery Funds on General Government Services. Commissioner Kovacs seconded motion. Motion carried unanimously.

Resolution attached hereto as Exhibit No. 5.

PUBLIC HEARINGS

Historic Designation – Blythe House. Mayor Bales called to order public hearing on designating as a historic landmark the property known as the “Blythe House,” including the first and second level interior hallways and staircase of the building, the exterior of the building, and the approximately 0.397 acres of land listed under Tax Parcel 01711623.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 6.*

The Blythe House c. 1910, located at 121 Gilead Road, is a prominent two-story residence now used as commercial office space, located just west of Huntersville’s downtown district. The house has local historic significance as the family homestead of the William Brevard (W. B.) Blythe family for 60 years, including as the childhood home of William LeGette Blythe (1900-1993), a prolific novelist, esteemed journalist, enthusiastic local historian, namesake of a prominent Huntersville elementary school, and inductee of the North Carolina Literary Hall of Fame. The proposed designation is for the first and second level interior hallways and staircase of the building, the exterior of the building, and the entire tax parcel.

There being no further questions or comments, Mayor Bales closed the public hearing.

OTHER BUSINESS

Historic Designation – Blythe House. Commissioner Boone made a motion to approve the Blythe House, located at 121 Gilead Road, here in Huntersville, North Carolina as a historic landmark. This approval shall include the first and second level interior hallways, the staircase of the building, the exterior of the building and approximately 0.397 acres of land, listed under the Tax Parcel No. 01711623 in the Mecklenburg County Tax Office. The property is owned by HFH Investments, LLC.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Ordinance attached hereto as Exhibit No. 7.

Petition #S22-02. Petition #S22-02 is a request by Novant Health Special Sign District, a request by Lockwood Identity Inc. (SignArt) to amend the plan for the Special Sign District Overlay for Novant Health Hospital located at 10030 Gilead Road, Tax Parcel 01716601.

Kayleigh Mielenz, Planner I, entered the Staff Report into the record and reviewed the request. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 8.*

SignArt is requesting to amend the Novant Health Special Sign District Overlay to designate an exterior wall of a completed canopy addition as eligible for a wall sign.

The Planning Board recommended approval by a 9-0 vote at the August 23, 2022, meeting.

Commissioner Munger made a motion in considering the proposed Petition #S22-02, Novant Health Special Sign District, the Town Board recommends approval based on the Special Sign District complying

with Article 10.11.1 and being consistent with the Huntersville 2040 Community Plan Policies LU-8 and LU-8.1 It is reasonable and in the public interest to approve the Special Sign District plan because it is consistent with the greater flexibility in form and style desired by the Huntersville 2040 Community Plan and the sign itself is not to exceed 50 sq. ft.

Commissioner Boone seconded motion.

Motion carried unanimously.

Town Manager Merit Increase/Bonus. Commissioner Phillips made a motion to ratify previous action of the Town Board taken in Closed Session allowed under the North Carolina Open Meetings Law to award a 4.5 percent merit increase effective August 1, 2022 and a \$5,000 bonus for the Town Manager based on market analysis and performance evaluation. Commissioner Partee seconded motion.

Motion carried 5 to 1, with Commissioner Kidwell opposed.

Amendment to Preliminary Services Agreement for New Town Hall. Bobby Williams, Assistant Town Manager, reported that on September 6, Commissioners voted to approve and fund Option 4B for a new town hall complex, keeping the existing Town Hall and building a new annex on property owned by the Town to the immediate north. This request brings forth an amended contract to resume work with design-builder, incorporating advanced planning work already completed and beginning new preliminary services for Option 4B at the new site. As proposed in new preliminary scope, staff would be in the new town hall by the end of 2024 and final completion of the project would be January 2025. *Refer to slide attached hereto as Exhibit No. 9.*

Mayor Bales said does this include a public input session.

Mr. Williams said that is part of the schematic design. We do have a public input process to be defined.

Commissioner Kovacs said on this slide it says new town hall annex four stories 54,500 sq. ft. total and then this contract says square footage goals are 62,000 sq. ft.

Mr. Williams said that is adding this building into the new building.

Commissioner Kovacs said when looking between the old contract and the new one, I wanted to ask what a construction administration service fee of \$429,000 is, because it wasn't in the previous contract.

Mr. Williams said if you are looking at the Exhibit C, the last line on the clarifications, there's a section that's called clarifications that outlines costs that the Town would be responsible for and then the last item in there it talks about a construction administration fee for both Creech as the architect and Edifice as the builder. That was included in the first one, but they didn't call out the specific amount. For transparency purposes, it's called out in this one.

Commissioner Kovacs said under clarifications it says storm water design is now included.

Mr. Williams said that would be a redesign. That would be something the Town would be responsible for. The previous site was storm water ready.

Commissioner Partee said what would be the cost for that storm water assessment on this site.

Mr. Williams said I don't know that we have that yet. That will come as we get further through the site work and the design.

Commissioner Partee said to date what has the Town paid to Edifice in total.

Mr. Williams said we've spent about \$242,000 on the original \$960,000 contract that got put on pause. The remainder of that \$960,000 contract was the money that was used to acquire the land just north of Town Hall. We were about 25 percent through that original contract.

Commissioner Partee said that \$240,000 was for the site on the southwest corner, correct?

Mr. Williams said it was. It got us through the advanced planning and some of the initial schematic design, which from talking with the team we think we will be able to certainly that advanced planning rolls right over and some of that initial schematic design how we were laying out office space for departments, some of that will roll over as well, so not completely lost.

Commissioner Partee said I know we talked about this before, but just for the record, that \$1.9 million in cost is that included in the \$28 million as proposed.

Mr. Williams said it is. It would be \$29 million all in including the roughly \$1.9 million for the preliminary services.

Commissioner Munger said just for clarification, the presentation we had at the pre-meeting on debt issuance, my understanding and my takeaway from it was that if we want to keep the tax rate at its current level, we can afford to issue debt of up to \$25.825 million and this might be a Jackie question. If we need to fund a town hall of \$29 million, I would need to raise the tax rate 0.32 to zero this out.

Jackie Huffman, Deputy Town Manager, said we discussed at the pre-meeting the possibility of issuing \$20 million in debt in FY24 that could be used toward town hall. That would not complete this \$29 million project. We would need \$9 million from some other place. A potential place might be the ARPA funds. I would caution you about trying to balance the FY24 budget right now. I'm not sure how we will agree to use the ARPA funds. I'm not sure what else we might fund in the FY24 budget. Is it possible....it is possible. Is that the best method.....depends on who you ask maybe.

Commissioner Munger said just to remind me real quick, we have roughly \$100 million total in CIP projects.

Ms. Huffman said I think it's \$205 million.

Commissioner Munger said that would be a lot of tax increase to be able to cover that, especially if we are going to spend \$29 million on a town hall.

Ms. Huffman said during the pre-meeting presentation, wasn't it \$243 million, which would be ballpark a \$0.15 tax increase to fund \$243 million.

Commissioner Kidwell said how long has the Town had a CIP list.

Ms. Huffman said we have had a list for a very long time.

Commissioner Kidwell said and we'll continue to have a CIP list probably 50 years from now.

Ms. Huffman said I would recommend it and it will help you for bond issuance purposes.

Commissioner Kidwell said at any point in the history of the Town of Huntersville have we completed every project on the CIP list.

Ms. Huffman said and on time, no.

Commissioner Kovacs said I know we said we have \$12 million in ARPA funds. That does not include the ARPA funds that we supplanted that we received already, correct.

Ms. Huffman said true.

Commissioner Boone made a motion to approve the amendment to the Preliminary Services Agreement with Edifice, LLC incorporating advanced planning work already completed and begin new preliminary services for Option 4B of the new town hall site.

Commissioner Kovacs seconded motion.

Commissioner Partee said I have a question for Edifice. On your owner contingency sheet, Creech and Associates, potential cost and budget, you stated in the first paragraph, the design and construction cost plus or minus \$29 million has been based on utilizing a portion of the building as shell space for future growth used by the Town. Can you define shell space.

Representative from Edifice said shell space would be areas of the building that could be utilized later as the Town grows, but right now in the \$29 million we have that fully built out.

Mayor Bales called for the vote to approve the amendment to the Preliminary Services Agreement with Edifice LLC.

Motion carried 4 to 2, with Commissioners Munger and Partee opposed.

Amendment to Preliminary Services Agreement with Edifice LLC attached hereto as Exhibit No. 10.

Reimbursement Resolution – New Town Hall. Pattie McGinnis, Finance Director, said based on the contract you just approved from the architect, approval of this Reimbursement Resolution preserves our flexibility to use debt proceeds to minimize the impact of Fund Balance for design and site preparation. Approval of this Resolution does not commit us to issue debt, however if this Resolution is not approved, design and prep will be funded out of Fund Balance.

Commissioner Boone made a motion to approve the Reimbursement Resolution for design and construction of the new town hall.

Commissioner Phillips seconded motion.

Mayor Bales called for the vote to approve Reimbursement Resolution.

Motion carried 4 to 2, with Commissioners Munger and Partee opposed.

Reimbursement Resolution attached hereto as Exhibit No. 11.

Budget Amendment – New Town Hall. Pattie McGinnis, Finance Director, said this is appropriation of \$3 million to allow the Town to pay for architectural services and site prep as explained in the contract.

Commissioner Boone made a motion to approve budget amendment appropriating Fund Balance in the General Fund in the amount of \$3 million for the site preparation and design expenses of the new town hall.

Commissioner Kovacs seconded motion.

Mayor Bales called for the vote to approve budget amendment.

Motion carried 4 to 2, with Commissioners Munger and Partee opposed.

Abernathy Park Master Plan. Michael Jaycocks, Parks & Recreation Director, reviewed the Abernathy Park Masterplan. *Refer to PowerPoint attached hereto as Exhibit No. 12.*

Mayor Bales recognized Parks & Recreation Commission members who were present at the meeting.

Commissioners expressed concern about the elimination of the baseball field.

Commissioner Munger said one thing I had heard on the current configuration that the lights that are in existence cannot be upgraded due to property line issues.

Mr. Jaycocks said about two or three years ago we had funds to replace Waymer and Abernathy lights. The bids came back so high we just did the Waymer lights. We had Electricities inspect the poles at Abernathy last year and they felt safe with their current conditions.

Commissioner Munger said one of the things that I noticed is a complaint about the dust. Is there anything we can do in terms of controlling that.

Mr. Jaycocks said we try to go early in the morning when there's a dew. We haven't had as many as complaints recently.

The Parks & Recreation Commission unanimously approved the Abernathy Park Master Plan at their September 7 meeting. The community gave us positive feedback at our public input meeting in regards to removing the baseball field, which allows for a large open field with walking trails, fitness stations and seating areas. This change also allows for locating the new playground and basketball court away from the busy road that fronts the park. This layout also provides room for a covered shelter.

Anthony Roberts, Town Manager, said based on all this feedback, if the feedback from the Board is to sort of keep the baseball/softball field, maybe we can go back to the drawing board and come up with some better pictures for you to consider and seek feedback from the public.

Commissioner Partee made a motion that we have Mr. Jaycocks and the Parks & Recreation Commission go back and reconfigure the Abernathy Park and bring back their results to the Board.

Commissioner Munger seconded motion.

Commissioner Phillips said haven't we already approved that in the past, like the minor upgrades with keeping the baseball field, fence or getting a fence, the cosmetics and upgrading the playground.

Mr. Jaycocks said part of the budget was doing the playground, the fence and landscaping was originally part of the budget.

Ms. Sloop said if you are asking them to come back with a reconfiguration of the layout, that's something that could be incorporated in the motion as to wanting to see different renderings. Was that the purpose and intent.

Commissioner Partee said yes, it was.

Ms. Sloop said and you wanted to see the reconfiguration with the baseball field remaining.

Commissioner Partee said the baseball field yes, correct.

Commissioner Munger said I'm going to jump ahead to the next item. The next item pertains to a grant. Is there a specific timeline on when that grant might have to be filed for us to take this action.

Mr. Jaycocks said that grant is due November 1. My pre-review was due last Friday, so the state is reviewing it. It doesn't mean we can't change it.

Mayor Bales called for the vote to request the Parks & Recreation staff and the Parks & Recreation Commission go back and look at including the ballfield in the upgrades, then bring it back to the Town Board.

Motion carried unanimously.

Accessibility for Parks Grant Application for Abernathy Park Project. This request is to allow staff to submit a grant application for the Accessibility for Parks Grant for the Abernathy Park Project. The Town will use the \$200,000 approved in FY23 as its match. Our grant request will be for \$212,000. This grant request will help fund a new accessible playground, new walking trails, new accessible fitness stations, a basketball court and an accessible covered shelter. The state will announce grant recipients in the spring of 2023.

Commissioner Phillips made a motion to authorize staff to submit an application for the Accessibility for Parks Grant for the Abernathy Park project, if they deem it necessary and worthy.

Commissioner Munger seconded motion.

Motion carried unanimously.

Application attached hereto as Exhibit No. 13.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS

Mayor Bales

- Lake Norman Economic Development Corporation is currently working 43 projects.
- Next Metropolitan Transit Commission is September 28. That evening there will be a vote on the update for the 30 percent design for the Red Line.

Commissioner Phillips

- Provided update from Visit Lake Norman.

Commissioner Kidwell

- No Report.

Commissioner Partee

- Spoke to the Rotary Club on September 8.
- Attended Pottstown Public Input Meeting on September 14.
- Habitat for Humanity Information Session on critical home repair is September 24 at the Dellwood Center.
- Advocate for gun safety. Huntersville Police Department has free gun safety locks.
- Bring awareness to Cool Kids Clubhouse.

Commissioner Kovacs

- Provided update from Lake Norman Chamber of Commerce.

Commissioner Munger

- Public Arts Commission meeting was canceled.
- Angels & Sparrows had fundraising event last Friday that was a success.
- Consider supporting local non-profits.

Commissioner Boone

- Asked the Mayor if she was still taking the stand that she would not support the rail line they are studying to come up this way unless she has a seat at the table. Mayor Bales explained that the vote at MTC that she referred to in her report is for the update to the 30 percent design study in 2009, not the study where they were looking at alternative placements for the line, which she agreed with the decision of former Mayor Aneralla to vote no.

Commissioner Phillips expressed appreciation to Major Graham for his work is getting Narcan for arming police officers with Narcan.

Commissioner Kidwell expressed appreciation to his wife for allowing him to opportunity to serve on the Board.

CLOSED SESSION

Commissioner Munger made a motion to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(6) to consider the qualifications, competence, and performance of an employee.

Commissioner Phillips seconded motion.

Motion carried unanimously.

Upon return from closed session, there being no further business, the meeting was adjourned.

Approved this the ____ day of _____, 2022.

DRAFT

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: November 7, 2022

Subject: Public Hearing on Cowan's Ford-Davidson College Monument as Historic Landmark

EXPLAIN REQUEST:

Conduct public hearing on the question of designating, as a historic landmark, a structure known as the "Cowan's Ford-Davidson College Monument," including the monument in its entirety and a 15' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as associated with the property listed under Tax Parcel 00902102, located at 14910 NC Highway 73 and owned by MDHB Properties LLC.

ACTION RECOMMENDED:

Conduct public hearing

FINANCIAL IMPLICATIONS:

Property is located in Huntersville corporate limits. Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$1.16 Town of Huntersville taxes, and \$2.90 for Mecklenburg County taxes.

ATTACHMENTS:

1. Cowans Ford Marker Staff Report
2. Cowan's Ford Cover
3. E.L. Baxter Davidson Landmark Designation Report
4. Cowan's Ford Marker Exhibit
5. E. L. Baxter Davidson Monuments State Historic Preservation Letter
6. State Historic Preservation Memo
7. HLC Vote
8. 2022 Estimate of Historic Taxes
9. NCDOT Preliminary Plans R-5721A
10. Cowan's Ford Ordinance

Historic Landmark Designation: Cowan's Ford Marker

PART 1: BACKGROUND

There are several Edward Lee Baxter Davidson Historic Markers and Monuments (collectively, the "Markers") being proposed for historic designation, three of which are in Huntersville. The Markers are the direct result of a concerted effort in the 1920s by E.L. Baxter Davidson to memorialize his family's burial ground, to honor his family's Scottish-Irish heritage, and to celebrate American Revolutionary War happenings that occurred in north Mecklenburg County in 1780-1781. The Cowan's Ford marker is among those being proposed for historic landmark designation. The Cowan's Ford – Davidson College Monument is located to the immediate northeast of the intersection of Brown Mill and Beatties Ford Roads, associated with address 14910 NC-73.

PART 2: STAFF ANALYSIS

Historic landmark designation would be pursuant to Chapter 160D, Article 9, as amended, of the NC General Statutes. Chapter 160D-945 states: *"No property shall be recommended for designation as a historic landmark unless it is deemed and found by the historic preservation commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling, and/or association."*

According to the "E.L. Baxter Davidson Historic Markers and Monuments Designation Report" prepared by the Charlotte-Mecklenburg Historic Landmarks Commission (HLC):

"The Markers represent locations, institutions, events, and individuals of significance in the early history of Mecklenburg County. A Revolutionary War event of special meaning for Baxter Davidson and his family was the Battle of Cowan's Ford, an engagement at the Catawba River between patriot troops and the British and Tories on February 1, 1781. The American commander was General William Lee Davidson (1746-1781), a cousin of Baxter Davidson's great grandfather. General Davidson was killed at the Battle of Cowan's Ford, and his corpse was interred at Hopewell Presbyterian Church.

The monument's purpose is to instruct people traveling northward by automobile on Beatties Ford Road to turn left if they wish to proceed to the site of the Battle of Cowan's Ford (a February 1, 1781, Revolutionary War battle) or to turn right if they wish to visit Davidson College. The Cowan's Ford – Davidson College marker features a large metal plaque that depicts two stylized hands, one indicating the direction of the site of the Battle of Cowan's Ford and the other pointing toward Davidson College. The plaque reads "COWAN'S FORD, CATAWBA RIVER / WHERE / THE REVOLUTIONARY HERO, / GEN'L. WILLIAM LEE DAVIDSON / WAS KILLED IN ACTION FEB. 1, 1781 / BORN AT / LANCASTER, PA. / 1746 / DAVIDSON COLLEGE / FOUNDED 1837 / ERECTED BY / EDWARD LEE BAXTER DAVIDSON."

Planning staff has reviewed the designation report and concurs with the assessment of the significance of the Cowan's Ford marker proposed for historic landmark designation.

PART 3: CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION

Charlotte-Mecklenburg HLC held a virtual public hearing on September 12, 2022, focused on the question of designating, as historic landmarks, the E.L. Baxter Davidson Markers and Monuments.

Charlotte-Mecklenburg HLC recommends designating, as an historic landmark, a structure known as the "Cowan's Ford-Davidson College Monument", associated with the property listed under Tax Parcel Number

00902102, and including the monument in its entirety and a fifteen (15) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument.

PART 4: HUNTERSVILLE STAFF RECOMMENDATION

Town Staff met with the NC Department of Transportation (NCDOT) in October 2022 to discuss the Cowan's Ford and General Davidson markers. The monument is currently located in NCDOT right-of-way at the corner of Beatties Ford and Brown Mill Rd in Huntersville. NCDOT has planned roadway improvements in that area that will directly impact the marker (Project R-5721 A). Right-of-way acquisition for the improvements is scheduled to begin in February 2023 with construction starting around 2026.

Once a structure and/or property is designated historical, Chapter 160D-949 specifies a Certificate of Appropriateness must be obtained for the relocation, demolition, or destruction of a designated landmark or a building, structure, or site within a historic district. An application to the Charlotte-Mecklenburg HLC for a Certificate of Appropriateness for the relocation of the marker could not be denied but the effective date of the certificate can be delayed up to 365 days. Staff discussed with NCDOT the concern that if the marker is designated historical now, the relocation of the marker to allow for the planned road improvements could delay the road project.

In 2019 NCDOT discussed with the State Historic Preservation office the relocation of the marker within their right-of-way but out of the construction zone of the planned improvements. NCDOT recommended to Town Staff that after the marker has been relocated by them, the petition for historical designation of the Cowan's Ford marker be brought back before the Town Board for consideration. Town Staff concurs with the NCDOT recommendation and does not recommend historic landmark designation for the Cowan's Ford marker at this time.

PART 5: ACTION RECOMMENDED

Conduct the public hearing and then take final action.

PART 6: FINANCIAL IMPLICATIONS

Property is located in Huntersville corporate limits. Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$1.16 Town of Huntersville taxes, and \$2.90 for Mecklenburg County taxes.

PART 7: ATTACHMENTS

1. Cowan's Ford Cover Sheet
2. E.L. Baxter Davidson Landmark Designation Report
3. Cowan's Ford Exhibit
4. NC State Historic Preservation Office Letter
5. NC State Historic Preservation Office Memo
6. Charlotte-Mecklenburg HLC Vote
7. Mecklenburg County Tax Assessor's Office
8. Preliminary Road Plans for NCDOT Project R-5721 A
9. Ordinance

Cowan's Ford-Davidson College Monument
14910 NC 73 Highway, Huntersville, NC



The Cowan's Ford-Davidson College Monument, located at the intersection of Brown Mill and Beatties Ford Roads, commemorates and instructs motorists as to the directions of Davidson College and the site of the 1781 Revolutionary War Battle of Cowan's Ford. Commissioned by local real estate investor E. L. Baxter Davidson during the 1920s, the monument is one of a series of such stone structures located throughout north Mecklenburg County erected at Davidson's behest to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance. In aggregate, the Davidson monuments and markers constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution, using ordinary native materials and deceptively simplistic traditional structural designs to honor Mecklenburg County's history of extraordinary efforts and achievements by ordinary people in an understood but respectful manner that complements the local landscape and the region's customs.





**Designation Report on the
E. L. Baxter Davidson Historic Markers and Monuments**



*Cowan's Ford – Davidson College Monument
Huntersville*



*General Davidson Memorial
Huntersville*



*Rural Hill Direction Marker
Huntersville*



*Battle of McIntyre's Farm Monument
Charlotte*



*Williams Memorial Presbyterian Church Marker
Charlotte*



*Williams Memorial Presbyterian Church Wall
Charlotte*

1. Name Of The Properties. The E. L. Baxter Davidson Historic Markers and Monuments (collectively, the “Markers”) are located at various sites in north Mecklenburg County, within the spheres of influence of Charlotte or Huntersville. The exhibit(s) accompanying this report provide specific information about the structure(s) recommended for historic landmark designation and are incorporated herein by reference.
2. Designation Report Contents. This report contains a brief historical sketch and general physical description (both prepared by Dr. Dan L. Morrill) applicable to all of the Markers, representative photographs of the Markers, and documentation as to why and how the Markers meet the criteria for designation set forth in N.C.G.S. § 160D-945. More detailed information about the individual structure(s) recommended for historic landmark designation is available in the exhibit(s), including information as to current tax parcel reference and ad valorem tax appraisal, the location and ownership of the associated property, a map of the location, the recommended scope of the designation, additional photographs, and a brief architectural description of the structure(s).
3. Statements of Significance and Integrity.
 - a. *Statement of Significance in Terms of its History, Architecture, and/or Cultural Importance:* The Charlotte-Mecklenburg Historic Landmarks Commission judges that the E. L. Baxter Davidson Historic Markers and Monuments possess special significance in terms of their history, architecture, and cultural importance to Charlotte, Huntersville, and all of Mecklenburg County. The Commission bases its judgment on the following considerations:
 - i. Erected during the 1920s, the Markers represent locations, institutions, events, and individuals of importance in the early history of Mecklenburg County, including the Revolutionary War Battles of McIntyre’s Farm and Cowan’s Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and Williams Memorial Presbyterian Church (founded in 1885).
 - ii. In aggregate, the Markers located throughout Mecklenburg County constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution. The use of ordinary native materials and deceptively simplistic traditional structural designs commemorates Mecklenburg County’s history of extraordinary efforts and achievements by ordinary people in an understated but respectful manner that complements, rather than dominates, the local landscape and the region’s customs.
 - iii. The Markers bear lasting witness to the commitment and impact of a single person, E. L. Baxter Davidson, to the importance of making the general public more aware and appreciative of historically important locations, institutions, events, and individuals in the early history of Mecklenburg

County.

- b. *Statement of Integrity of Location, Design, Setting, Materials, Workmanship, Feeling, and Association.* The Charlotte-Mecklenburg Historic Landmarks Commission judges that the “Physical Description” included in this report and the attached exhibit(s) demonstrates that the E. L. Baxter Davidson Historic Markers and Monuments meet this criterion as follows:
- i. Location: Except in limited instances – when necessitated to preserve a structure (such as the relocation of the General Davidson Memorial due to construction of the Cowan’s Ford dam, and the repair and relocation of the Rural Hill Directional Marker to a safer distance from a busy thoroughfare) – the Markers remain in their original, highly visible public locations, continuing their decades-old service of memorializing the past for the citizens of Mecklenburg County.
 - ii. Design: The original structural designs of the Markers, embodying within their vernacular styles the traditional folkways of North Carolina’s Piedmont region, remain intact and unchanged since their original installation in the early decades of the twentieth century.
 - iii. Setting: Each Marker stands in or near its original setting. While in some instances their surroundings may have been changed or modernized over the decades (such as, for example, the Markers lining the ever-busy Beatties Ford Road corridor), each Marker remains situated in a highly visible setting, bearing testament to simpler times when those settings were more rural in nature, while continuing to commemorate local historic achievements.
 - iv. Materials: The materials – stone and mortar – are indigenous to the local region and appropriate to the purpose of longstanding remembrance of past times and people. In large part, the constituent elements of the Markers are the original materials used when the structures were first installed.
 - v. Workmanship: Both the durability and absence of significant deterioration of the Markers, as well as the aesthetic symmetry and traditional artisanship reflected in their design and execution, indicate the unique skill and quality of the builders’ workmanship.
 - vi. Feeling: The locations and settings of the Markers, positioned at or near the actual locales of the events, institutions, or individual lives commemorated, convey a sense of the Markers’ historical and cultural significance. That feeling is furthered by the design, execution, and materials comprising the Markers, reflecting Mecklenburg County’s indigenous natural elements, traditions, and artistic skills. The longevity of their presence further invests the Markers with a familiarity that has made them recognizable landmarks skillfully crafted in a manner characteristic of the region.

- vii. Association: As intentionally commemorative structures, the Markers are intimately associated with the persons, institutions, and events they represent, as well as the individual (E. L. Baxter Davidson) whose personal mission to preserve the County's past within the memories of future generations prompted the installation of the Markers in the first place.
- 4. Recommendation for Designation. The Commission recommends the Marker(s) identified in this report and attached exhibit(s) for historic landmark designation. To maintain the integrity and built environment of each Marker, the Commission further recommends the inclusion within the landmark designation of a portion of the property immediately surrounding each Marker, consisting in each case of a radius measured from the central point of the applicable Marker, as further detailed in the attached exhibit(s).
- 5. Ad Valorem Tax Appraisal. The Commission is aware that designation would allow the owner of the property upon which each Marker sits to apply for an automatic deferral of up to 35% of the Ad Valorem taxes on all or any portion of the property that becomes a designated "historic landmark." The total appraised value of the entire parcel of land containing the Marker(s) is stated in the attached exhibit(s).

Date of the Preparation of this Report: April 16, 2018

Prepared by: Dr. Dan L. Morrill; updated by Tommy Warlick (December 2021)

Brief History of the E. L. Baxter Davidson Historic Markers and Monuments



Edward Lee Baxter Davidson (1858-1944)

The E. L. Baxter Davidson Historic Markers and Monuments (collectively, the “Markers”) are the direct result of a concerted effort in the 1920s by a Mecklenburg County resident to memorialize his family’s burial ground, to honor his family’s Scots-Irish heritage, and to celebrate American Revolutionary War happenings that occurred in north Mecklenburg County in 1780-1781. Edward Lee (E. L.) Baxter Davidson (1858-1944) spent his boyhood and young adulthood in an area full of reminders of the American Revolutionary War. He was born at Rural Hill, the 1,300-acre north Mecklenburg County estate established in the late 1700s by Major John Davidson (1735-1832), his great grandfather. Rural Hill, or the Major John Davidson Homestead, was located on Neck Road near the Catawba River.¹ His family worshipped at nearby Hopewell Presbyterian Church, which owed its early success largely to Alexander Craighead (1707-1766), a fiery Presbyterian preacher known for his intense anti-British proclivities.² Among the stories the young Davidson heard was how a band of patriot militia had fired on British troops on October 3, 1780, at the so-called “Battle of the Bees” at McIntyre’s Farm on Beatties Ford Road, a few miles south of Rural Hill.³ A Revolutionary War event of special meaning for Baxter Davidson and his family was the

¹ Chalmers Gaston Davidson, *The Plantation World Around Davidson* (Davidson NC: Mecklenburg Historical Association, 1973), 59-60; *Charlotte Observer*, May 8, 1928; Charlotte-Mecklenburg Historic Landmarks Commission, “Survey and Research Report for Rural Hill,” October 5, 1987, <http://landmarkscommission.org/wp-content/uploads/2018/06/Rural-Hill-Plantation-SR.pdf> (accessed December 13, 2021).

² Charlotte-Mecklenburg Historic Landmarks Commission, “Survey and Research Report for Hopewell Presbyterian Church,” January 5, 1977, <http://landmarkscommission.org/wp-content/uploads/2018/05/Hopewell-Presbyterian-Church-SR.pdf> (accessed December 13, 2021).

³ Charlotte-Mecklenburg Historic Landmarks Commission, “Survey and Research Report for McIntyre Site,” <http://landmarkscommission.org/wp-content/uploads/2018/06/McIntyre-Farm-Site-SR.pdf> (accessed December 13, 2021). For an account of the battle, see David A. Norris, “McIntyre’s Farm, Battle of,” in *Encyclopedia of North*

Battle of Cowan's Ford, an engagement at the Catawba River between patriot troops and the British and Tories on February 1, 1781. The American commander was General William Lee Davidson (1746-1781), a cousin of Baxter Davidson's great grandfather. General Davidson was killed at the Battle of Cowan's Ford, and his corpse was interred at Hopewell Presbyterian Church.⁴ Davidson was told that his great grandfather was a signer of the alleged Mecklenburg Declaration of Independence (May 20, 1775), a document which purportedly was the first outright rejection of Royal authority in Colonial America.⁵ Not surprisingly, Baxter Davidson was a staunch and persistent defender of the authenticity of the so-called "Meck Deck."

Baxter Davidson believed that educating the local citizenry about Mecklenburg County's role in the American Revolutionary War was serious business. "The work we are accomplishing in preserving the history of our country cannot be underestimated," declared Davidson in a speech to the Sons of the American Revolution ("S.A.R."). "The erection of monuments and markers," he continued, "not only does honor to those patriots who established the republic . . . it also impresses the youth of the land and inspires them to emulate the achievements of their illustrious ancestors."⁶ Davidson understood that markers and monuments can be evocative elements in the manmade or built environment. Scholars agree. "In general, we cannot remember something if we were not aware of it in the first place," writes Rupert Sheldrake in his monograph, *The Presence of the Past*.⁷ The purpose of the rock walls, monuments, and markers that Baxter Davidson paid for and caused to be erected in north Mecklenburg County in the 1920s was to keep the past alive. "Monuments are history made visible," says historian Judith Dupre. "The best of them are redemptive, allowing us to understand the past that is meaningful to the present."⁸ A reporter wrote the following about Baxter Davidson in 1941: "He has had more to do with the marking of historic spots in the county than any other individual and wherever he thought one should be, he had it erected and quietly paid for it himself."⁹

A graduate of Davidson College in 1880 and its largest individual benefactor, Baxter Davidson amassed considerable wealth from the acquisition, management, and selling of real estate and eventually became a wealthy man.¹⁰ His father, Alexander Brevard Davidson (1808-1896), moved his family from Rural Hill to Charlotte in 1871, where he established a residence on South Tryon

Carolina, ed. William S. Powell (Chapel Hill: University of North Carolina Press, 2006), 723.

⁴ See Robert Henry, David Vance, and David Schenck, *Narrative of the Battle of Cowan's Ford* (Greensboro NC: Reece & Elam, 1891); Jerry L. Cross, "Cowan's Ford, Battle of," in *Encyclopedia of North Carolina*, 308.

⁵ See William Henry Hoyt, *The Mecklenburg Declaration of Independence* (Boston: Da Capo Press, 2006).

⁶ Manuscript in the Davidson College Archives.

⁷ Rupert Sheldrake, *The Presence of the Past, Morphic Resonance and The Habits of Nature* (New York: Vintage Books, 1989), 197.

⁸ Judith Dupre, *Monuments, America's History in Art and Memory*, (New York: Random House, 2007), xii.

⁹ *Charlotte Observer*, August 3, 1941.

¹⁰ *Charlotte Observer*, April 30, 1941.

Street. The elder Davidson, like his son, was an astute businessman. He was a leading advocate for the building of railroads and factories in the postbellum years.¹¹ When his father died in 1896, Baxter Davidson inherited considerable property in the heart of Charlotte.¹² Baxter Davidson remained a bachelor until April 1935. He had no children and devoted most of his professional time to his real estate interests.¹³



Alexander Brevard Davidson



Hornet's Nest on the Cowan's Ford – Davidson College Monument. The Hornet's Nest was the historic Revolutionary War symbol of Mecklenburg County.



Hornet's Nest Symbol on the Sons of the American Revolution (S.A.R.) medal worn by E. L. Baxter Davidson at the National S.A.R. Convention in Charlotte in May 1931.

Baxter Davidson exhibited powerful patriotic feelings throughout his adulthood and spent much time and money giving expression to them as an avocation. He was a prominent leader of the S.A.R. organization and a charter member of the Mecklenburg Monument Association, which was organized on May 19, 1890. The latter organization raised the funds to erect a monument honoring

¹¹ *Charlotte Statesman*, July 16, 1993; Chalmers G. Davidson, "Davidson, Adam Brevard," *NCPedia*, January 1, 1986, <https://www.ncpedia.org/biography/davidson-adam-brevard> (accessed December 13, 2021).

¹² *Charlotte Observer*, July 14, 1896.

¹³ *Charlotte Observer*, October 11, 1944.

the signers of the Mecklenburg Declaration of Independence. Dedicated on May 20, 1898, the marker was originally located at the Mecklenburg County Courthouse on South Tryon Street. It now stands in front of the former Courthouse on East Trade Street.¹⁴



Original Location of Signers' Monument



E. Trade St. Location of Signers' Monument

On May 20, 1909, when President William Howard Taft visited Charlotte on the anniversary of the signing of the Mecklenburg Declaration of Independence, Baxter Davidson joined thirteen other descendants of “Meck Deck” signers atop the “float of floats from the historical standpoint” in a reportedly four-mile-long celebratory parade.¹⁵ In March 1925, he appeared before the Mecklenburg County Board of County Commissioners to request that the “old Mecklenburg method of marking roads with iron signs in the form of a hornet’s nest” be revived as an emblem of “historical significance.”¹⁶ Always devoted to his family’s legacy, Davidson had a portrait of his father hung in the Charlotte Public Library in May 1921.¹⁷

In May 1925, Baxter Davidson was a cast member in a historical pageant honoring Mecklenburg County’s heritage that was held in a “mammoth open-air theater” in Charlotte, “out under the stars.”¹⁸ The *Charlotte Observer* described Davidson as a man “known for his philanthropies and for his interest in historic research.”¹⁹ In May 1931, the Daughters of the American Revolution

¹⁴ *Charlotte Observer*, October 15, 1925.

¹⁵ *Charlotte Observer*, May 21, 1909.

¹⁶ *Charlotte Observer*, March 3, 1925.

¹⁷ *Charlotte Observer*, May 22, 1921.

¹⁸ *Charlotte Observer*, April 24, 1925.

¹⁹ *Charlotte Observer*, April 21, 1935.

(“D.A.R.”) unveiled a monument at the site of the Battle of McIntyre’s Farm (also known as the “McIntyre Skirmish”). The brass plaque on the monument was a gift from Baxter Davidson.²⁰ Davidson also partly funded the erection of a grave marker at the General William Lee Davidson’s burial site at Hopewell Presbyterian Church.²¹



D.A.R. Battle of McIntyre’s Farm monument



General Davidson gravestone

The most imposing historic monument Baxter Davidson erected and paid for was the embellished stone wall that still encircles the Davidson family burial ground at Rural Hill in Huntersville.²² In a letter of January 15, 1927, Davidson wrote: “I am proud of my progenitor – Major John Davidson, signer of the Mecklenburg Declaration of Independence, who is buried at Rural Hill . . . and the wall 150 x 300 that I had built at great expense is in honor of him and his numerous descendants.”²³ Baxter Davidson hired Lee Collier, an English architect, to superintend the job. It took two months to complete the cemetery wall at Rural Hill, and the effort required the participation of a foreman, sixteen laborers, and fifteen wagons. The cost of this impressive stone structure was reportedly \$20,000.²⁴ “To hear Mr. Davidson talk about designs and markers,” said a local journalist, “one rightly concludes that he is a connoisseur of stones, and knows the artistic arrangement of them.”²⁵ Davidson also provided a monument to Major John Davidson at the

²⁰ *Charlotte Observer*, May 17, 1931; University Library, University of North Carolina at Chapel Hill, “Commemorative Landscapes – Battle of McIntyre’s Farm Monument, Charlotte,” *Documenting the American South*, <https://docsouth.unc.edu/commland/monument/464/> (accessed December 13, 2021).

²¹ Letter of E. L. Baxter Davidson to Chalmers G. Davidson (January 15, 1927) in the Davidson College Archives (hereinafter cited as “Letter”).

²² *Charlotte Observer*, October 11, 1944. As early as 1904, Baxter Davidson was advocating the construction of a wall at the Rural Hill Cemetery. See *Charlotte News*, January 16, 1904.

²³ Letter.

²⁴ *Charlotte Observer*, May 8, 1928.

²⁵ *Charlotte Observer*, December 9, 1928.

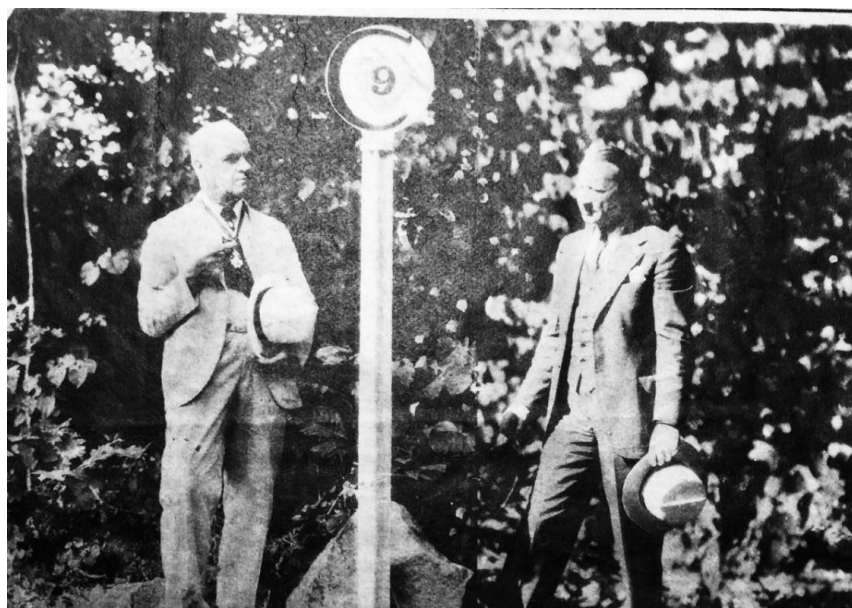
cemetery entrance, consisting of a bronze plaque mounted on a 4.5-foot-tall stone pier of two stacked boulders attached via stonework and mortar to the cemetery wall. Both the wall and the monument are prominent landscape features of the Rural Hill property and are included within a prior designation of Rural Hill as a local historic landmark by the Mecklenburg County Board of County Commissioners.²⁶



Northwestern Stem leading to Entry Gate of Rural Hill Cemetery



Major John Davidson Marker



E. L. Baxter Davidson (on left) at Historic Highway Marker at Hopewell Presbyterian Church

²⁶ Mecklenburg County Board of County Commissioners, “An Ordinance designating a property known as the ‘Rural Hill Plantation’ (the exterior of all improvements, the interior of all improvements, and the entire 221.04 acres comprising the plantation) as historic property, said property being located on both sides of Neck Road in Mecklenburg County, North Carolina, and recorded on tax parcel numbers 013-042-18, 013-042-19, 013-042-20, 013-181-01, and 013-181-02 in the Mecklenburg County tax office,” Mecklenburg County Register of Deeds, Real Estate Book 5687, Page 582, December 21, 1987.

Baxter Davidson was also responsible for the construction of stone structures at Huntersville's Hopewell Presbyterian Church (10500 Beatties Ford Road), including stone walls lining both sides of Beatties Ford Road (each approximately 500 feet in length), a stone pier marker approximately 6 feet tall identifying the church and its founding date, and a pair of 6-foot-tall stone piers that support an engraved wooden church sign. Those stone structures are prominent landscape features of the Hopewell church property and are already included within a prior designation of the property as a local historic landmark by the Mecklenburg County Board of County Commissioners.²⁷



East Wall – Hopewell Presbyterian Church

²⁷ Mecklenburg County Board of County Commissioners, “An Ordinance designating a property known as the ‘Hopewell Presbyterian Church’ (the entire exterior of the church building, the entire interior of the church building, the entire exterior of the education building, the entire interior of the education building, a tract of land bounded on one side by a straight line running along the eastern exterior wall of the education building and extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and bounded on the other side by the edge of the public right-of-way of Beatties Ford Road extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and the rock walls on the tracts of land recorded in the Mecklenburg County tax office under tax parcel numbers 023-052-26 and 023-042-04) as historic property, said property being located on both sides of Beatties Ford Road near its intersection with Sample Road, in Mecklenburg County, North Carolina, and recorded on tax parcel numbers 015-171-09, 023-052-26, 023-042-04 in the Mecklenburg County tax office,” Mecklenburg County Register of Deeds Real Estate Book 5733, Page 226, March 21, 1988.



Hopewell Church Marker



Hopewell Presbyterian Church Sign

The historical stone markers and monuments that Baxter Davidson had built in the mid-1920s throughout north Mecklenburg County were almost certainly designed by Lee Collier, because the designs are so similar to the Rural Hill structures that Collier designed for Davidson.²⁸ Like the Rural Hill cemetery wall, they are all composed of three types of native stone: white rock, brown rock, and flint rock. They include: (1) a marker originally located at the spot where General William Lee Davidson was killed at the Battle of Cowan's Ford (relocated in the early 1960s when construction of the Cowan's Ford Dam submerged the marker's original location beneath Lake Norman; the marker was moved to a small park on N.C. Highway 73); (2) a monument at the intersection of Beatties Ford and Brown Mill Roads, which displays a plaque referencing General Davidson's death and offering directional indicators for Davidson College and Cowan's Ford; (3) a directional marker at the intersection of Beatties Ford and Neck Roads incorporating a directional indicator for Rural Hill; (4) a rock wall and pier at Charlotte's Williams Memorial Presbyterian Church; and (5) a stone monument commemorating the Battle of McIntyre's Farm, located on Beatties Ford Road.²⁹

Davidson took an active role in the construction and design of the monuments, markers, and walls he caused to be placed in north Mecklenburg County. He was not a passive observer. "Mr. Davidson is not content to merely plan, design and designate where the walls and markers are to be erected, but he personally supervises them," reported the *Charlotte Observer*. "If they do not suit his fancy, he instructs the workers to tear them down and reconstruct them." There were times

²⁸ E. L. Baxter Davidson had another stone marker erected on Beatties Ford Road at the Mecklenburg County-Iredell County Line. That site is now part of Iredell County, and the marker has been destroyed. This writer remembers seeing it in the early 1980s. There is also mention of a marker having been erected on Highway 115 just north of Davidson. This writer has been unable to locate it if it was constructed or still exists.

²⁹ Letter.

when he ordered the walls and monuments destroyed and for the entire process to begin again.³⁰ Davidson ordered the plaques for the monuments and markers from the Newman Manufacturing Company in Cincinnati, Ohio.³¹ The entire project, including the Rural Hill cemetery wall, cost approximately \$30,000.³²

Baxter Davidson's bachelorhood ended on April 20, 1935, when at age 76 he married a 48-year-old widow, Sarah Williams Vosburg (1886-1973), who was a descendant of William A. Williams, a signer of the U.S. Declaration of Independence on July 4, 1776. The newlyweds purchased a home at 1401 Providence Road in July 1935, which in March 2000 was designated a local historic landmark by the Charlotte City Council. Baxter Davidson continued to be active in Davidson College alumni affairs and in patriotic organizations until his demise. He died in his sleep at home on October 10, 1944. His funeral was held at Hopewell Presbyterian Church, and his body was interred in the Rural Hill Cemetery.³³ The extant stone monuments, walls, and markers he caused to be built are his greatest legacy in terms of the built environment of Mecklenburg County. In this writer's opinion, considered aggregately, these rock features constitute the most architecturally significant collection of historic public art in Mecklenburg County.

³⁰ *Charlotte Observer*, December 9, 1928.

³¹ Newman Manufacturing Company invoice in Davidson College Archives.

³² *Charlotte Observer*, December 9, 1928.

³³ Charlotte-Mecklenburg Historic Landmarks Commission, "Survey and Research Report for E. L. Baxter Davidson House," March 30, 1998, <http://landmarkscommission.org/wp-content/uploads/2018/05/Davidson-House-E.L.-Baxter-SR.pdf> (accessed December 13, 2021); Charlotte City Council, "Ordinance designating as a Historic Landmark a property known as the 'E. L. Baxter Davidson House' (listed under Tax Parcel Number 155-121-02 as of November 15, 1999, and including the entire exterior of the E. L. Baxter Davidson House and the entire parcel of land listed under Tax Parcel Number 155-121-02 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of November 15, 1999)," City of Charlotte Ordinance Book 50, Page 95-98, March 20, 2000; *Charlotte Observer*, April 21, 1935, October 11, 1944.

**Physical Description
of the E. L. Baxter Davidson
Historic Markers and Monuments**



E. L. Baxter Davidson laying ceremonial stone at Hopewell Presbyterian Church wall (October 1928)

The E. L. Baxter Davidson Historic Markers and Monuments are built of stone, the most durable construction material provided by nature. That Baxter Davidson selected stone for his markers, monuments, and walls indicates that he wanted them to endure. His intent was to make these edifices instructive. Davidson hoped that generations of Mecklenburg County residents would learn from them and be inspired by them. Alas, that desire has largely been unrealized. Most people are unaware of the Markers' existence and intended commemorative and instructional purposes.

Human beings have been erecting rock structures, such as castles, forts, and cathedrals, for thousands of years. They have also gathered stones and piled them into dry stone walls, *i.e.*, without mortar. For example, the original stone wall enclosing the Hopewell Presbyterian Church,

constructed long before the Markers, was a dry-stacked wall. The use of stone in that wall may have influenced Davidson's decision to use stone in his walls and monuments. Also, rocks are plentiful in the fields of north Mecklenburg County. Builders have often embedded stones in mortar or plaster and constructed vertical structures (or piers) to provide greater stability for their rock walls. Stone is a superb building material. The best rock is highly resistant to weathering and to water penetration. Rock walls are held in place by gravity. One advantage of using stone is that it can tolerate a variety of soil types, thereby increasing a stone structure's resistance to ground shifting. The foundation or footing is a critical component of a stone structure, as are provisions for drainage. The footing locks the entire system into place and supports the stem, which is the main visible portion of a wall or other vertical structure. Many vertical stone structures have a "toe," an extension at the base of the stem that keeps the structure upright, prevents overturning, and reduces bearing pressures. Masonry walls require proper capping, which can extend the life of the wall, reduce maintenance, and aid sustainability. To be effective, caps must deflect water. If water is allowed to penetrate the top of a rock structure, the entire system will eventually fail.

A specific physical description of the structure(s) recommended for historic landmark designation is detailed in the attached exhibit(s), incorporated herein by reference.

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Mecklenburg County Board of County Commissioners. “An Ordinance designating a property known as the ‘Hopewell Presbyterian Church’ (the entire exterior of the church building, the entire interior of the church building, the entire exterior of the education building, the entire interior of the education building, a tract of land bounded on one side by a straight line running along the eastern exterior wall of the education building and extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and bounded on the other side by the edge of the public right-of-way of Beatties Ford Road extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and the rock walls on the tracts of land recorded in the Mecklenburg County tax office under tax parcel numbers 023-052-26 and 023-042-04) as historic property, said property being located on both sides of Beatties Ford Road near its intersection with Sample Road, in Mecklenburg County, North Carolina, and recorded on tax parcel numbers 015-171-09, 023-052-26, 023-042-04 in the Mecklenburg County tax office.” Mecklenburg County Register of Deeds Real Estate Book 5733, Page 226, March 21, 1988.

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EXHIBIT B

Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments

Cowan's Ford – Davidson College Monument Huntersville, N.C.



South Face of Cowan's Ford – Davidson College Monument

1. Name and Location of the Property. The Cowan's Ford – Davidson College Monument is located at 14910 NC 73 Highway, within Huntersville's sphere of influence. The tax parcel number for the property on which the marker stands is 00902102, and its UTM Coordinates are 17S 507553E 3920242N.
2. Name and Address of Parties to be notified.
 - a. North Carolina Department of Transportation
Division 10, District 2 Office
7605 District Drive
Charlotte, N.C. 28213
District Engineer: Wendy Taylor
Direct Phone and Email: (980) 523-0000; wataylor1@ncdot.gov
 - b. MDHB Properties LLC
1500 East Main Street
Lincolnton, N.C. 28092-3904
P.O. Box 795
Lincolnton, N.C. 28093
Registered Agent: David M. Boyd
Direct Phone: (704) 735-3092

3. Ad Valorem Tax Appraisal. As of January 2021, the total appraised value of the property on which the Cowan's Ford – Davidson College Monument stands is \$1,990,700.
4. Recommendation for Designation. The Cowan's Ford – Davidson College Monument in its entirety, as well as a fifteen (15) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, is recommended for historic landmark designation.

The Cowan's Ford – Davidson College Monument

The Cowan's Ford – Davidson College Monument is located to the immediate northeast of the intersection of Brown Mill and Beatties Ford Roads. The monument's purpose is to instruct people traveling northward by automobile on Beatties Ford Road to turn left if they wish to proceed to the site of the Battle of Cowan's Ford (a February 1, 1781, Revolutionary War battle) or to turn right if they wish to visit Davidson College. The proximity of the monument to a busy Beatties Ford Road intersection that lies less than 400 feet south of North Carolina Highway 73 places the monument's continued integrity at risk, given the rapid growth of both development and vehicular traffic in the immediate area.



*Aerial Image of Cowan's Ford – Davidson College Monument
(arrow indicates monument's location) (source: Polaris 3G)*

The design, size, and configuration of the Cowan's Ford – Davidson College Monument is unique among the E. L. Baxter Davidson Historic Markers and Monuments, all of which were erected in the 1920s. An approximately 11-foot-tall stone pier of dark brown rock, topped by a pyramidal cap and finial of flint rock (together adding another 18 to 24 inches in height to each pier), is positioned at each of the two ends of the monument's stem or visible face. An arch of dark brown rock connects the two piers, and the remainder of the monument's stem is infilled with white rock. All stones are embedded in mortar. The overall monument stands approximately 10 feet long and 2.5 feet wide.

A large metal plaque is positioned on the south-facing side of the monument. It reads “COWAN’S FORD, CATAWBA RIVER / WHERE / THE REVOLUTIONARY HERO, / GEN’L. WILLIAM LEE DAVIDSON / WAS KILLED IN ACTION FEB. 1, 1781 / BORN AT / LANCASTER, PA. / 1746 / DAVIDSON COLLEGE / FOUNDED 1837 / ERECTED BY / EDWARD LEE BAXTER DAVIDSON.” The top of the plaque features a depiction in relief of a hornet’s nest attached to a tree branch surrounded by flying hornets, the historic Revolutionary War symbol of Mecklenburg County. That image incorporates similar design elements as the hornet’s nest featured at the bottom of the Major John Davidson Marker plaque located at the Rural Hill Cemetery (also created at the behest of Baxter Davidson), but the two designs are decidedly different in overall conception and execution. The Cowan’s Ford – Davidson College Monument plaque also depicts two stylized hands, one indicating the direction of the site of the Battle of Cowan’s Ford and the other pointing toward Davidson College.



*Plaque on Cowan's Ford –
Davidson College Monument*



Plaque on Major John Davidson Marker



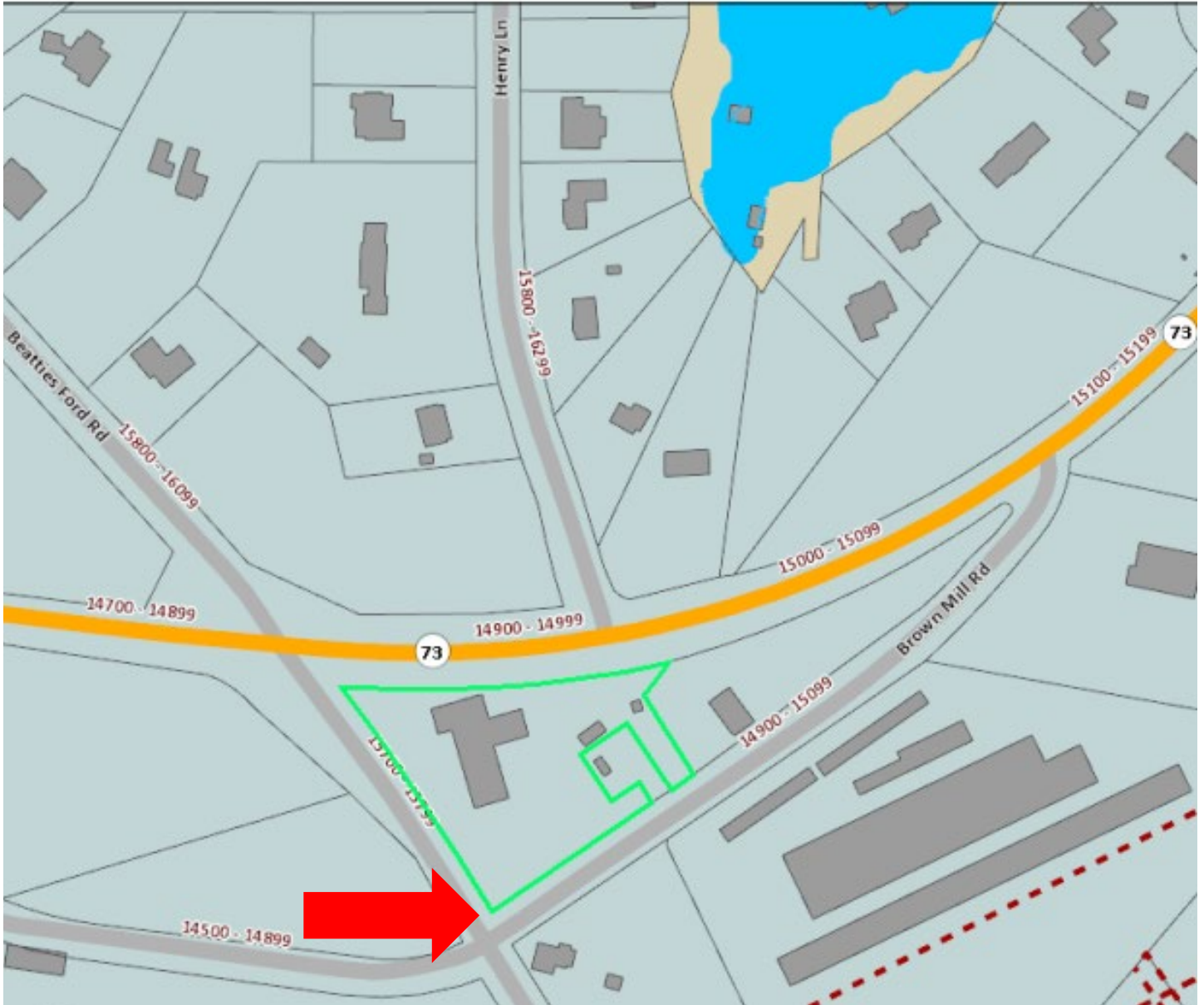
North Face of Cowan's Ford – Davidson College Monument



South Face of Cowan's Ford – Davidson College Monument

Polaris 3G Map – Mecklenburg County, North Carolina Cowan's Ford/Davidson College Monument

Date Printed: 9/22/2021 9:43:44 PM



Arrow indicates approximate location of Cowan's Ford – Davidson College Monument



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

March 18, 2022

Stewart Gray
Preservation Planner
Charlotte-Mecklenburg Historic Landmarks Commission
2100 Randolph Road
Charlotte, NC 28207

**RE: Proposed Designation of the E.L. Baxter Davidson Historic Markers at multiple locations
throughout Mecklenburg County**

Dear Mr. Gray:

Thank you for the report we received on the proposed designation of the E.L. Baxter Davidson Historic Markers located throughout Mecklenburg County. We have reviewed the report and offer the following comments in accordance with North Carolina General Statute 160D-946.

The E.L. Baxter Davidson Historic Markers have special local significance for commemorating local historic events, places, and people; as a “uniquely sophisticated collection of Mecklenburg County public art”; and as representatives of Baxter Davidson’s 1920s campaign to educate the public about local history.

We have shared recommendations with staff to perform very minor changes to the report. With these minor changes, we believe the commission and the local governing board will be able to more accurately determine if the E.L. Baxter Davidson Historic Markers possess the requisite special significance and integrity required for local historic landmark designation.

Landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and appearance to the property is subject to the design review procedures of the preservation commission.

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, nonbinding. Once the governing board has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.

This letter serves as our comments on the proposed designation of the E.L. Baxter Davidson Historic Markers. Please contact me at Kristi.brantley@ncdcr.gov (preferred) or 919-814-6583 should you have any questions about our comments.

Sincerely,

A handwritten signature in black ink that reads "Kristi Brantley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Kristi Brantley
Local Preservation Commissions / CLG Coordinator

CC: Commission Chair

Enclosure

MEMO

To: File – E. L. Baxter Davidson Historic Markers and Monuments
From: HLC Staff
Date: May 4, 2021

Re: Comments from State Historic Preservation Office on Designation Report and Exhibit for Cowan's Ford-Davidson College Monument, Huntersville

By email dated March 18, 2022, SHPO staff provided feedback based on their review of the Designation Report and Exhibit for the Cowan's Ford-Davidson College Monument. In summary, the issues raised included the following:

- Greater clarity of vantage points within photo captions; and
- A typographical error.

Following review of the Designation Report and the SHPO feedback, the HLC staff revised and updated the Designation Report to address the issues raised.

RECORD OF THE VOTE OF THE HISTORIC LANDMARKS COMMISSION ON THE

Cowan's Ford-Davidson College Monument

February 14, 2022

Motion: THE SURVEY COMMITTEE PRESENTED A SECONDED MOTION TO THE HISTORIC LANDMARKS COMMISSION THAT IT PROCESS THE E. L. BAXTER DAVIDSON HISTORIC MARKERS AND MONUMENTS WITH THE PROTECTED RADII AS RECOMMENDED BY STAFF FOR HISTORIC LANDMARK DESIGNATION. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.

Favor

Mr. Akadius Berry, Ms. Lesley Carroll, Mr. Brian Clarke, Mr. William Hughes, Ms. Elizabeth Luke, Mr. Garrett Nelson, Mr. Jeffrey Parsons, Mr. Edwin Wilson

Oppose

None

Abstain

None

Absent

Ms. Diane Althouse, Mr. Robert Barfield, and Mr. Joshua Shope



MECKLENBURG COUNTY

Assessor's Office
Real Estate Division

May 24, 2022

Tommy Warlick
Consulting Preservation Planner
Charlotte-Mecklenburg Historic Landmarks Commission
2100 Randolph Rd.
Charlotte, NC 28207

In Re: Parcel Number 00902102

The Cowan's Ford-Davidson College Monument

14910 NC73 Highway (The monument and 15ft radius of the land)
Huntersville, NC

Dear Mr. Tommy Warlick,

Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$1.16 City of Huntersville taxes, and \$2.90 for Mecklenburg County taxes.

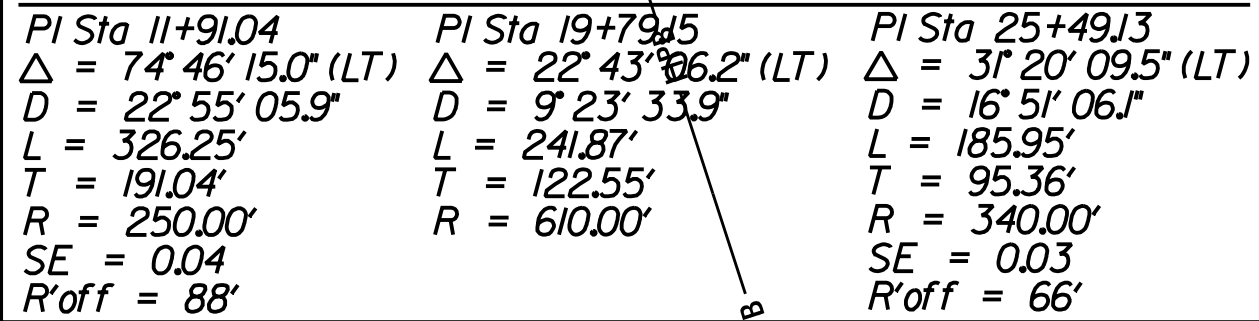
Very truly yours,

Mecklenburg County Real Estate Appr. Div.

LIVE * WORK * RECREATE

3205 Freedom Drive * P.O. Box 31127 * Charlotte, North Carolina 28231 * (980) 314-4226

SEE SHEET 17 FOR -L- PROFILE
SEE SHEET 23 FOR -Y22- PROFILE
SEE SHEET 24 FOR -Y24- PROFILE
SEE SHEET 25 FOR -Y25- PROFILE
SEE SHEET 26 FOR -Y26- PROFILE



-Y24-

PI Sta 11+79.38
 $\Delta = 19^{\circ} 26' 08.9''$ (LT)
 $D = 8^{\circ} 03' 30.5''$
 $L = 241.18'$
 $T = 121.76'$
 $R = 711.00'$
 $SE = 0.04$
 $R'off = 96'$

-Y22- POC Sta. 26+39.71 =
-Y24- POT Sta. 14+54.08 =
-Y25- POT Sta. 20+60.18

BEGIN CONSTRUCTION
-Y22- POT STA. 23+90.00

$$\frac{-L- \text{POC Sta. } 314+63.18}{-Y24- \text{POT Sta. } 10+00.00}$$
$$\frac{-L- \text{POC Sta. } 314+63.18}{-Y24- \text{POT Sta. } 10+00.00}$$

-L- PT Sta. 309+31.87

$$\frac{-L - POT \text{ Sta. } 311+11.36}{-Y23 - POT \text{ Sta. } 17+80.35} =$$

DANIEL EE PHILLIPS &
MADELINE PHILLIPS &
HELGA HADDIX
DB 28863 PG 194

-Y24- PC Sta. 10+57.62

-Y24- PT Sta. 12+98.81

MDBH PROPERTIES LLC
DB 29907 PG 805

MATCHLINE
-Y24- STA. 16+00
SEE SHEET 16

-Y22- MATCHLINE
STA. 15 + 50. SEE SHEET 4

319+00

2' 0" C&G

1' 6" C&G

2' 6" C&G

6' CONC. SW

MATCHLINE SEE SHEET 6

CAR VENTURES, LLC
DB 3032 PG 899

STA. -Y25-
SEE SHEET 16+50

REVISIONS

ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK A STRUCTURE KNOWN AS THE “COWAN’S FORD-DAVIDSON COLLEGE MONUMENT” (ASSOCIATED WITH THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 00902102, AND INCLUDING THE MONUMENT IN ITS ENTIRETY AND A FIFTEEN (15) FOOT RADIUS OF THE LAND IMMEDIATELY SURROUNDING THE MONUMENT, MEASURED IN EACH DIRECTION FROM THE CENTRAL POINT OF THE MONUMENT, ALL AS ASSOCIATED WITH THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 00902102 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC, AS OF JULY 1, 2022). THE MONUMENT, STANDING NEAR THE INTERSECTION OF BROWN MILL AND BEATTIES FORD ROADS, IS ASSOCIATED WITH THE PROPERTY LOCATED AT 14910 NC 73 HIGHWAY, HUNTERSVILLE, N.C., WHICH IS OWNED BY MDHB PROPERTIES LLC.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 17th day of October, 2022, on the question of designating a structure known as the Cowan’s Ford-Davidson College Monument as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at

a public hearing held on the 12th day of September, 2022, on the question of designating a structure known as the Cowan’s Ford-Davidson College Monument as an historic landmark; and

WHEREAS, the Cowan’s Ford-Davidson College Monument is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre’s Farm and Cowan’s Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the Cowan’s Ford-Davidson College Monument specifically commemorates both Davidson College and the site of the 1781 Revolutionary War Battle of Cowan’s Ford, offering motorists directions to both sites; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County’s history of extraordinary efforts and achievements by ordinary

people in an understood but respectful manner that complements the local landscape and the region’s customs; and

WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the Cowan’s Ford-Davidson College Monument, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the Cowan’s Ford-Davidson College Monument possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a

protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the Cowan’s Ford-Davidson College Monument, which stands near the intersection of Brown Mill and Beatties Ford Roads, is associated with property owned by MDHB Properties LLC.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the structure known as the “Cowan’s Ford-Davidson College Monument” (associated with the property listed under Tax Parcel Number 00902102, and including the monument in its entirety and a fifteen (15) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as associated with the property listed under Tax Parcel Number 00902102 in the Mecklenburg County Tax Office, Charlotte, NC, as of July 1, 2022), is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is associated with the property located at 14910 NC 73 Highway, Huntersville, N.C., near the intersection of Brown Mill and Beatties Ford Roads. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said structure has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

Ordinance – Cowan’s Ford-Davidson College Monument

6. That the owners of the property associated with the historic landmark known as the Cowan’s Ford-Davidson College Monument be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: November 7, 2022

Subject: Public Hearing on General William Lee Davidson Monument as Historic Landmark

EXPLAIN REQUEST:

Conduct public hearing on the question of designating as a historic landmark a structure known as the "General William Lee Davidson Monument," including the monument in its entirety and a 40' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as situated on the property listed under Tax Parcel 01315102, located at 5455 Cashion Road and owned by Duke Power Company.

ACTION RECOMMENDED:

Conduct public hearing

FINANCIAL IMPLICATIONS:

Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$4.02 Town of Huntersville taxes, and \$10.31 for Mecklenburg County taxes.

ATTACHMENTS:

1. General Davidson Marker Staff Report
2. General Davidson Cover
3. E.L. Baxter Davidson Landmark Designation Report
4. General Davidson Exhibit A
5. General Davidson Exhibit B
6. R-5721A Prelim Plans
7. E. L. Baxter Davidson Monuments State Historic Preservation Letter
8. States Historic Preservation Memo
9. HLC Vote_Genl Davidson
10. 2022 Estimate of Historic Taxes 01315102_Genl Davidson
11. General Davidson Ordinance with 40 foot radius

12. General Davidson Ordinance with 8 foot radius

Historic Landmark Designation: General Davidson Marker

PART 1: BACKGROUND

There are several Edward Lee Baxter Davidson Historic Markers and Monuments (collectively, the “Markers”) being proposed for historic designation, three of which are in Huntersville. The Markers are the direct result of a concerted effort in the 1920s by E.L. Baxter Davidson to memorialize his family’s burial ground, to honor his family’s Scottish-Irish heritage, and to celebrate American Revolutionary War happenings that occurred in north Mecklenburg County in 1780-1781. The General Davidson marker is among those being proposed for historic landmark designation. The monument stands on property located at 5455 Cashion Road Huntersville, NC and is owned by Duke Power Company.

PART 2: STAFF ANALYSIS

Historic landmark designation would be pursuant to Chapter 160D, Article 9, as amended, of the NC General Statutes. Chapter 160D-945 states: *“No property shall be recommended for designation as a historic landmark unless it is deemed and found by the historic preservation commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.”*

According to the “E.L. Baxter Davidson Historic Markers and Monuments Designation Report” prepared by the Charlotte-Mecklenburg Historic Landmarks Commission (HLC):

“The Markers represent locations, institutions, events, and individuals of significance in the early history of Mecklenburg County. The General William Lee Davidson Monument commemorates General William Lee Davidson, an officer in the North Carolina militia and Continental Army who was killed during the February 1, 1781, Revolutionary War Battle of Cowan’s Ford.

The marker stands approximately 6 feet tall and originally marked the location where General William Lee Davidson was believed to have been killed during the Revolutionary War Battle of Cowan’s Ford in February 1, 1781. Construction of the Cowan’s Ford Dam in the 1960s forced relocation of the memorial to its present location, as its original location is now submerged beneath Lake Norman. The pier bears a metal plaque which reads: “COWAN’S FORD, / WHERE FELL / THE REVOLUTIONARY HERO, / GENL WM LEE DAVIDSON, / 1781. / ERECTED BY / E. L. BAXTER DAVIDSON.”

Planning staff has reviewed the designation report and concurs with the assessment of the significance of the General Davidson marker proposed for historic landmark designation.

PART 3: CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION

Charlotte-Mecklenburg HLC held a virtual public hearing on September 12, 2022, focused on the question of designating, as historic landmarks, the E.L. Baxter Davidson Markers and Monuments.

Charlotte-Mecklenburg HLC recommends designating, as an historic landmark, a structure known as the “General William Lee Davidson Monument”, listed under Tax Parcel Number 01315102, and including the monument in its entirety and a forty (40) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument.

PART 4: HUNTERSVILLE STAFF RECOMMENDATION

Town Staff recommends designating, as an historic landmark, a structure known as the “General William Lee Davidson Monument”, listed under Tax Parcel Number 01315102, and including the monument in its entirety and an eight (8) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument.

NC Department of Transportation (NCDOT) has planned roadway improvements to widen NC-73 in the same area as the marker (Project R-5721A). Right-of-way acquisition for the improvements is scheduled to begin in February 2023 with construction starting around 2026. NCDOT indicated the existing parking area in front of the marker may be impacted by the road project. Thus, Staff is recommending a reduced radius of land around the marker be dedicated historic so the radius does not include the existing parking area (General Davidson Exhibit B).

PART 5: ACTION RECOMMENDED

Conduct the public hearing and then take final action.

PART 6: FINANCIAL IMPLICATIONS

Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$4.02 Town of Huntersville taxes, and \$10.31 for Mecklenburg County taxes.

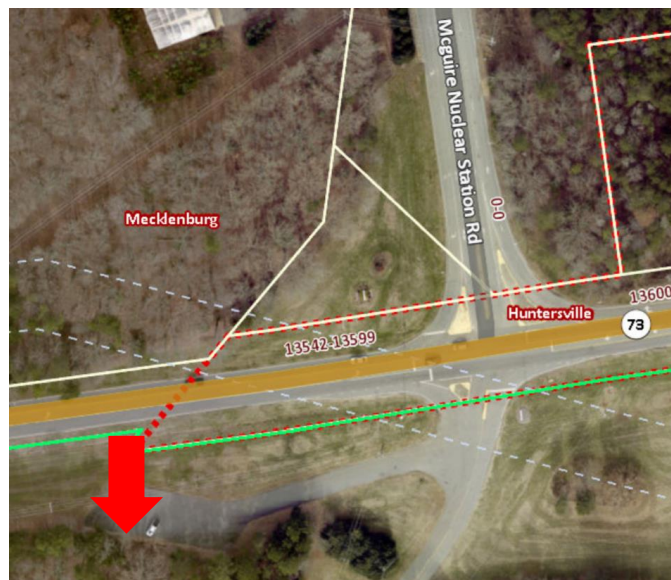
PART 7: ATTACHMENTS

1. General Davidson Cover Sheet
2. E.L. Baxter Davidson Landmark Designation Report
3. General Davidson Exhibit A
4. General Davidson Exhibit B
5. Portion of Preliminary Road Plans for R-5721A
6. NC State Historic Preservation Office Letter
7. NC State Historic Preservation Office Memo
8. Charlotte-Mecklenburg HLC Vote
9. Mecklenburg County Tax Assessor’s Office
10. Ordinance for Adoption with 40’ radius
11. Ordinance for Adoption with 8’ radius

General William Lee Davidson Monument 5455 Cashion Road, Huntersville, NC



The General William Lee Davidson Monument – located in a small memorial park near the intersection of North Carolina Highway 73 and McGuire Nuclear Station Road – commemorates General William Lee Davidson, an officer in the North Carolina militia and Continental Army who was killed during the February 1, 1781, Revolutionary War Battle of Cowan’s Ford. Originally placed at the believed location of Davidson’s battlefield death, the memorial was moved to its present location when construction of the Cowan’s Ford Dam in the 1960s submerged its original location beneath Lake Norman. Commissioned by local real estate investor E. L. Baxter Davidson during the 1920s, the monument is one of a series of such stone structures located throughout north Mecklenburg County erected at Davidson’s behest to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance. In aggregate, the Davidson monuments and markers constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution, using ordinary native materials and deceptively simplistic traditional structural designs to honor Mecklenburg County’s history of extraordinary efforts and achievements by ordinary people in an understated but respectful manner that complements the local landscape and the region’s customs.





**Designation Report on the
E. L. Baxter Davidson Historic Markers and Monuments**



*Cowan's Ford – Davidson College Monument
Huntersville*



*General Davidson Memorial
Huntersville*



*Rural Hill Direction Marker
Huntersville*



*Battle of McIntyre's Farm Monument
Charlotte*



*Williams Memorial Presbyterian Church Marker
Charlotte*



*Williams Memorial Presbyterian Church Wall
Charlotte*

1. Name Of The Properties. The E. L. Baxter Davidson Historic Markers and Monuments (collectively, the “Markers”) are located at various sites in north Mecklenburg County, within the spheres of influence of Charlotte or Huntersville. The exhibit(s) accompanying this report provide specific information about the structure(s) recommended for historic landmark designation and are incorporated herein by reference.
2. Designation Report Contents. This report contains a brief historical sketch and general physical description (both prepared by Dr. Dan L. Morrill) applicable to all of the Markers, representative photographs of the Markers, and documentation as to why and how the Markers meet the criteria for designation set forth in N.C.G.S. § 160D-945. More detailed information about the individual structure(s) recommended for historic landmark designation is available in the exhibit(s), including information as to current tax parcel reference and ad valorem tax appraisal, the location and ownership of the associated property, a map of the location, the recommended scope of the designation, additional photographs, and a brief architectural description of the structure(s).
3. Statements of Significance and Integrity.
 - a. *Statement of Significance in Terms of its History, Architecture, and/or Cultural Importance:* The Charlotte-Mecklenburg Historic Landmarks Commission judges that the E. L. Baxter Davidson Historic Markers and Monuments possess special significance in terms of their history, architecture, and cultural importance to Charlotte, Huntersville, and all of Mecklenburg County. The Commission bases its judgment on the following considerations:
 - i. Erected during the 1920s, the Markers represent locations, institutions, events, and individuals of importance in the early history of Mecklenburg County, including the Revolutionary War Battles of McIntyre’s Farm and Cowan’s Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and Williams Memorial Presbyterian Church (founded in 1885).
 - ii. In aggregate, the Markers located throughout Mecklenburg County constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution. The use of ordinary native materials and deceptively simplistic traditional structural designs commemorates Mecklenburg County’s history of extraordinary efforts and achievements by ordinary people in an understated but respectful manner that complements, rather than dominates, the local landscape and the region’s customs.
 - iii. The Markers bear lasting witness to the commitment and impact of a single person, E. L. Baxter Davidson, to the importance of making the general public more aware and appreciative of historically important locations, institutions, events, and individuals in the early history of Mecklenburg

County.

- b. *Statement of Integrity of Location, Design, Setting, Materials, Workmanship, Feeling, and Association.* The Charlotte-Mecklenburg Historic Landmarks Commission judges that the “Physical Description” included in this report and the attached exhibit(s) demonstrates that the E. L. Baxter Davidson Historic Markers and Monuments meet this criterion as follows:
- i. Location: Except in limited instances – when necessitated to preserve a structure (such as the relocation of the General Davidson Memorial due to construction of the Cowan’s Ford dam, and the repair and relocation of the Rural Hill Directional Marker to a safer distance from a busy thoroughfare) – the Markers remain in their original, highly visible public locations, continuing their decades-old service of memorializing the past for the citizens of Mecklenburg County.
 - ii. Design: The original structural designs of the Markers, embodying within their vernacular styles the traditional folkways of North Carolina’s Piedmont region, remain intact and unchanged since their original installation in the early decades of the twentieth century.
 - iii. Setting: Each Marker stands in or near its original setting. While in some instances their surroundings may have been changed or modernized over the decades (such as, for example, the Markers lining the ever-busy Beatties Ford Road corridor), each Marker remains situated in a highly visible setting, bearing testament to simpler times when those settings were more rural in nature, while continuing to commemorate local historic achievements.
 - iv. Materials: The materials – stone and mortar – are indigenous to the local region and appropriate to the purpose of longstanding remembrance of past times and people. In large part, the constituent elements of the Markers are the original materials used when the structures were first installed.
 - v. Workmanship: Both the durability and absence of significant deterioration of the Markers, as well as the aesthetic symmetry and traditional artisanship reflected in their design and execution, indicate the unique skill and quality of the builders’ workmanship.
 - vi. Feeling: The locations and settings of the Markers, positioned at or near the actual locales of the events, institutions, or individual lives commemorated, convey a sense of the Markers’ historical and cultural significance. That feeling is furthered by the design, execution, and materials comprising the Markers, reflecting Mecklenburg County’s indigenous natural elements, traditions, and artistic skills. The longevity of their presence further invests the Markers with a familiarity that has made them recognizable landmarks skillfully crafted in a manner characteristic of the region.

- vii. Association: As intentionally commemorative structures, the Markers are intimately associated with the persons, institutions, and events they represent, as well as the individual (E. L. Baxter Davidson) whose personal mission to preserve the County's past within the memories of future generations prompted the installation of the Markers in the first place.
- 4. Recommendation for Designation. The Commission recommends the Marker(s) identified in this report and attached exhibit(s) for historic landmark designation. To maintain the integrity and built environment of each Marker, the Commission further recommends the inclusion within the landmark designation of a portion of the property immediately surrounding each Marker, consisting in each case of a radius measured from the central point of the applicable Marker, as further detailed in the attached exhibit(s).
- 5. Ad Valorem Tax Appraisal. The Commission is aware that designation would allow the owner of the property upon which each Marker sits to apply for an automatic deferral of up to 35% of the Ad Valorem taxes on all or any portion of the property that becomes a designated "historic landmark." The total appraised value of the entire parcel of land containing the Marker(s) is stated in the attached exhibit(s).

Date of the Preparation of this Report: April 16, 2018

Prepared by: Dr. Dan L. Morrill; updated by Tommy Warlick (December 2021)

Brief History of the E. L. Baxter Davidson Historic Markers and Monuments



Edward Lee Baxter Davidson (1858-1944)

The E. L. Baxter Davidson Historic Markers and Monuments (collectively, the “Markers”) are the direct result of a concerted effort in the 1920s by a Mecklenburg County resident to memorialize his family’s burial ground, to honor his family’s Scots-Irish heritage, and to celebrate American Revolutionary War happenings that occurred in north Mecklenburg County in 1780-1781. Edward Lee (E. L.) Baxter Davidson (1858-1944) spent his boyhood and young adulthood in an area full of reminders of the American Revolutionary War. He was born at Rural Hill, the 1,300-acre north Mecklenburg County estate established in the late 1700s by Major John Davidson (1735-1832), his great grandfather. Rural Hill, or the Major John Davidson Homestead, was located on Neck Road near the Catawba River.¹ His family worshipped at nearby Hopewell Presbyterian Church, which owed its early success largely to Alexander Craighead (1707-1766), a fiery Presbyterian preacher known for his intense anti-British proclivities.² Among the stories the young Davidson heard was how a band of patriot militia had fired on British troops on October 3, 1780, at the so-called “Battle of the Bees” at McIntyre’s Farm on Beatties Ford Road, a few miles south of Rural Hill.³ A Revolutionary War event of special meaning for Baxter Davidson and his family was the

¹ Chalmers Gaston Davidson, *The Plantation World Around Davidson* (Davidson NC: Mecklenburg Historical Association, 1973), 59-60; *Charlotte Observer*, May 8, 1928; Charlotte-Mecklenburg Historic Landmarks Commission, “Survey and Research Report for Rural Hill,” October 5, 1987, <http://landmarkscommission.org/wp-content/uploads/2018/06/Rural-Hill-Plantation-SR.pdf> (accessed December 13, 2021).

² Charlotte-Mecklenburg Historic Landmarks Commission, “Survey and Research Report for Hopewell Presbyterian Church,” January 5, 1977, <http://landmarkscommission.org/wp-content/uploads/2018/05/Hopewell-Presbyterian-Church-SR.pdf> (accessed December 13, 2021).

³ Charlotte-Mecklenburg Historic Landmarks Commission, “Survey and Research Report for McIntyre Site,” <http://landmarkscommission.org/wp-content/uploads/2018/06/McIntyre-Farm-Site-SR.pdf> (accessed December 13, 2021). For an account of the battle, see David A. Norris, “McIntyre’s Farm, Battle of,” in *Encyclopedia of North*

Battle of Cowan's Ford, an engagement at the Catawba River between patriot troops and the British and Tories on February 1, 1781. The American commander was General William Lee Davidson (1746-1781), a cousin of Baxter Davidson's great grandfather. General Davidson was killed at the Battle of Cowan's Ford, and his corpse was interred at Hopewell Presbyterian Church.⁴ Davidson was told that his great grandfather was a signer of the alleged Mecklenburg Declaration of Independence (May 20, 1775), a document which purportedly was the first outright rejection of Royal authority in Colonial America.⁵ Not surprisingly, Baxter Davidson was a staunch and persistent defender of the authenticity of the so-called "Meck Deck."

Baxter Davidson believed that educating the local citizenry about Mecklenburg County's role in the American Revolutionary War was serious business. "The work we are accomplishing in preserving the history of our country cannot be underestimated," declared Davidson in a speech to the Sons of the American Revolution ("S.A.R."). "The erection of monuments and markers," he continued, "not only does honor to those patriots who established the republic . . . it also impresses the youth of the land and inspires them to emulate the achievements of their illustrious ancestors."⁶ Davidson understood that markers and monuments can be evocative elements in the manmade or built environment. Scholars agree. "In general, we cannot remember something if we were not aware of it in the first place," writes Rupert Sheldrake in his monograph, *The Presence of the Past*.⁷ The purpose of the rock walls, monuments, and markers that Baxter Davidson paid for and caused to be erected in north Mecklenburg County in the 1920s was to keep the past alive. "Monuments are history made visible," says historian Judith Dupre. "The best of them are redemptive, allowing us to understand the past that is meaningful to the present."⁸ A reporter wrote the following about Baxter Davidson in 1941: "He has had more to do with the marking of historic spots in the county than any other individual and wherever he thought one should be, he had it erected and quietly paid for it himself."⁹

A graduate of Davidson College in 1880 and its largest individual benefactor, Baxter Davidson amassed considerable wealth from the acquisition, management, and selling of real estate and eventually became a wealthy man.¹⁰ His father, Alexander Brevard Davidson (1808-1896), moved his family from Rural Hill to Charlotte in 1871, where he established a residence on South Tryon

Carolina, ed. William S. Powell (Chapel Hill: University of North Carolina Press, 2006), 723.

⁴ See Robert Henry, David Vance, and David Schenck, *Narrative of the Battle of Cowan's Ford* (Greensboro NC: Reece & Elam, 1891); Jerry L. Cross, "Cowan's Ford, Battle of," in *Encyclopedia of North Carolina*, 308.

⁵ See William Henry Hoyt, *The Mecklenburg Declaration of Independence* (Boston: Da Capo Press, 2006).

⁶ Manuscript in the Davidson College Archives.

⁷ Rupert Sheldrake, *The Presence of the Past, Morphic Resonance and The Habits of Nature* (New York: Vintage Books, 1989), 197.

⁸ Judith Dupre, *Monuments, America's History in Art and Memory*, (New York: Random House, 2007), xii.

⁹ *Charlotte Observer*, August 3, 1941.

¹⁰ *Charlotte Observer*, April 30, 1941.

Street. The elder Davidson, like his son, was an astute businessman. He was a leading advocate for the building of railroads and factories in the postbellum years.¹¹ When his father died in 1896, Baxter Davidson inherited considerable property in the heart of Charlotte.¹² Baxter Davidson remained a bachelor until April 1935. He had no children and devoted most of his professional time to his real estate interests.¹³



Alexander Brevard Davidson



Hornet's Nest on the Cowan's Ford – Davidson College Monument. The Hornet's Nest was the historic Revolutionary War symbol of Mecklenburg County.



Hornet's Nest Symbol on the Sons of the American Revolution (S.A.R.) medal worn by E. L. Baxter Davidson at the National S.A.R. Convention in Charlotte in May 1931.

Baxter Davidson exhibited powerful patriotic feelings throughout his adulthood and spent much time and money giving expression to them as an avocation. He was a prominent leader of the S.A.R. organization and a charter member of the Mecklenburg Monument Association, which was organized on May 19, 1890. The latter organization raised the funds to erect a monument honoring

¹¹ *Charlotte Statesman*, July 16, 1993; Chalmers G. Davidson, "Davidson, Adam Brevard," *NCPedia*, January 1, 1986, <https://www.ncpedia.org/biography/davidson-adam-brevard> (accessed December 13, 2021).

¹² *Charlotte Observer*, July 14, 1896.

¹³ *Charlotte Observer*, October 11, 1944.

the signers of the Mecklenburg Declaration of Independence. Dedicated on May 20, 1898, the marker was originally located at the Mecklenburg County Courthouse on South Tryon Street. It now stands in front of the former Courthouse on East Trade Street.¹⁴



Original Location of Signers' Monument



E. Trade St. Location of Signers' Monument

On May 20, 1909, when President William Howard Taft visited Charlotte on the anniversary of the signing of the Mecklenburg Declaration of Independence, Baxter Davidson joined thirteen other descendants of “Meck Deck” signers atop the “float of floats from the historical standpoint” in a reportedly four-mile-long celebratory parade.¹⁵ In March 1925, he appeared before the Mecklenburg County Board of County Commissioners to request that the “old Mecklenburg method of marking roads with iron signs in the form of a hornet’s nest” be revived as an emblem of “historical significance.”¹⁶ Always devoted to his family’s legacy, Davidson had a portrait of his father hung in the Charlotte Public Library in May 1921.¹⁷

In May 1925, Baxter Davidson was a cast member in a historical pageant honoring Mecklenburg County’s heritage that was held in a “mammoth open-air theater” in Charlotte, “out under the stars.”¹⁸ The *Charlotte Observer* described Davidson as a man “known for his philanthropies and for his interest in historic research.”¹⁹ In May 1931, the Daughters of the American Revolution

¹⁴ *Charlotte Observer*, October 15, 1925.

¹⁵ *Charlotte Observer*, May 21, 1909.

¹⁶ *Charlotte Observer*, March 3, 1925.

¹⁷ *Charlotte Observer*, May 22, 1921.

¹⁸ *Charlotte Observer*, April 24, 1925.

¹⁹ *Charlotte Observer*, April 21, 1935.

(“D.A.R.”) unveiled a monument at the site of the Battle of McIntyre’s Farm (also known as the “McIntyre Skirmish”). The brass plaque on the monument was a gift from Baxter Davidson.²⁰ Davidson also partly funded the erection of a grave marker at the General William Lee Davidson’s burial site at Hopewell Presbyterian Church.²¹



D.A.R. Battle of McIntyre’s Farm monument



General Davidson gravestone

The most imposing historic monument Baxter Davidson erected and paid for was the embellished stone wall that still encircles the Davidson family burial ground at Rural Hill in Huntersville.²² In a letter of January 15, 1927, Davidson wrote: “I am proud of my progenitor – Major John Davidson, signer of the Mecklenburg Declaration of Independence, who is buried at Rural Hill . . . and the wall 150 x 300 that I had built at great expense is in honor of him and his numerous descendants.”²³ Baxter Davidson hired Lee Collier, an English architect, to superintend the job. It took two months to complete the cemetery wall at Rural Hill, and the effort required the participation of a foreman, sixteen laborers, and fifteen wagons. The cost of this impressive stone structure was reportedly \$20,000.²⁴ “To hear Mr. Davidson talk about designs and markers,” said a local journalist, “one rightly concludes that he is a connoisseur of stones, and knows the artistic arrangement of them.”²⁵ Davidson also provided a monument to Major John Davidson at the

²⁰ *Charlotte Observer*, May 17, 1931; University Library, University of North Carolina at Chapel Hill, “Commemorative Landscapes – Battle of McIntyre’s Farm Monument, Charlotte,” *Documenting the American South*, <https://docsouth.unc.edu/commland/monument/464/> (accessed December 13, 2021).

²¹ Letter of E. L. Baxter Davidson to Chalmers G. Davidson (January 15, 1927) in the Davidson College Archives (hereinafter cited as “Letter”).

²² *Charlotte Observer*, October 11, 1944. As early as 1904, Baxter Davidson was advocating the construction of a wall at the Rural Hill Cemetery. See *Charlotte News*, January 16, 1904.

²³ Letter.

²⁴ *Charlotte Observer*, May 8, 1928.

²⁵ *Charlotte Observer*, December 9, 1928.

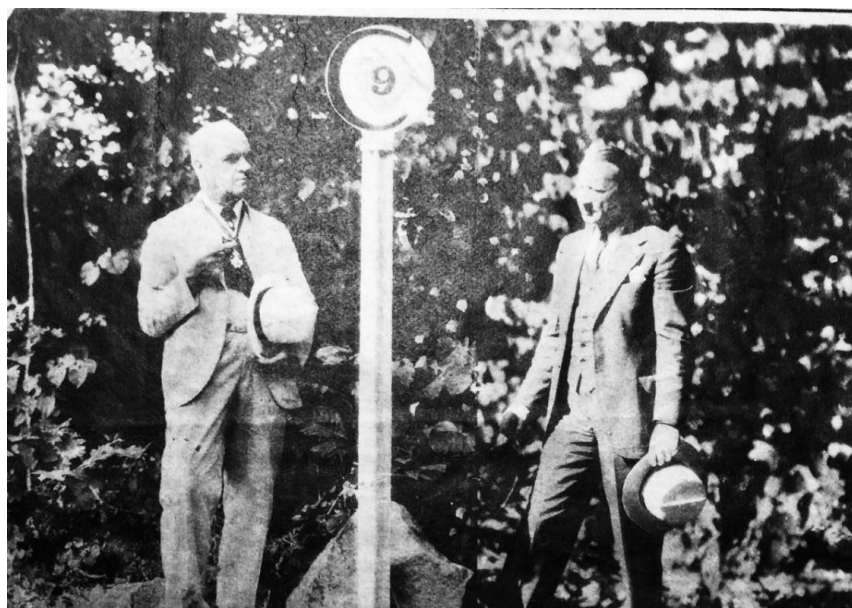
cemetery entrance, consisting of a bronze plaque mounted on a 4.5-foot-tall stone pier of two stacked boulders attached via stonework and mortar to the cemetery wall. Both the wall and the monument are prominent landscape features of the Rural Hill property and are included within a prior designation of Rural Hill as a local historic landmark by the Mecklenburg County Board of County Commissioners.²⁶



Northwestern Stem leading to Entry Gate of Rural Hill Cemetery



Major John Davidson Marker



E. L. Baxter Davidson (on left) at Historic Highway Marker at Hopewell Presbyterian Church

²⁶ Mecklenburg County Board of County Commissioners, "An Ordinance designating a property known as the 'Rural Hill Plantation' (the exterior of all improvements, the interior of all improvements, and the entire 221.04 acres comprising the plantation) as historic property, said property being located on both sides of Neck Road in Mecklenburg County, North Carolina, and recorded on tax parcel numbers 013-042-18, 013-042-19, 013-042-20, 013-181-01, and 013-181-02 in the Mecklenburg County tax office," Mecklenburg County Register of Deeds, Real Estate Book 5687, Page 582, December 21, 1987.

Baxter Davidson was also responsible for the construction of stone structures at Huntersville's Hopewell Presbyterian Church (10500 Beatties Ford Road), including stone walls lining both sides of Beatties Ford Road (each approximately 500 feet in length), a stone pier marker approximately 6 feet tall identifying the church and its founding date, and a pair of 6-foot-tall stone piers that support an engraved wooden church sign. Those stone structures are prominent landscape features of the Hopewell church property and are already included within a prior designation of the property as a local historic landmark by the Mecklenburg County Board of County Commissioners.²⁷



East Wall – Hopewell Presbyterian Church

²⁷ Mecklenburg County Board of County Commissioners, “An Ordinance designating a property known as the ‘Hopewell Presbyterian Church’ (the entire exterior of the church building, the entire interior of the church building, the entire exterior of the education building, the entire interior of the education building, a tract of land bounded on one side by a straight line running along the eastern exterior wall of the education building and extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and bounded on the other side by the edge of the public right-of-way of Beatties Ford Road extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and the rock walls on the tracts of land recorded in the Mecklenburg County tax office under tax parcel numbers 023-052-26 and 023-042-04) as historic property, said property being located on both sides of Beatties Ford Road near its intersection with Sample Road, in Mecklenburg County, North Carolina, and recorded on tax parcel numbers 015-171-09, 023-052-26, 023-042-04 in the Mecklenburg County tax office,” Mecklenburg County Register of Deeds Real Estate Book 5733, Page 226, March 21, 1988.



Hopewell Church Marker



Hopewell Presbyterian Church Sign

The historical stone markers and monuments that Baxter Davidson had built in the mid-1920s throughout north Mecklenburg County were almost certainly designed by Lee Collier, because the designs are so similar to the Rural Hill structures that Collier designed for Davidson.²⁸ Like the Rural Hill cemetery wall, they are all composed of three types of native stone: white rock, brown rock, and flint rock. They include: (1) a marker originally located at the spot where General William Lee Davidson was killed at the Battle of Cowan's Ford (relocated in the early 1960s when construction of the Cowan's Ford Dam submerged the marker's original location beneath Lake Norman; the marker was moved to a small park on N.C. Highway 73); (2) a monument at the intersection of Beatties Ford and Brown Mill Roads, which displays a plaque referencing General Davidson's death and offering directional indicators for Davidson College and Cowan's Ford; (3) a directional marker at the intersection of Beatties Ford and Neck Roads incorporating a directional indicator for Rural Hill; (4) a rock wall and pier at Charlotte's Williams Memorial Presbyterian Church; and (5) a stone monument commemorating the Battle of McIntyre's Farm, located on Beatties Ford Road.²⁹

Davidson took an active role in the construction and design of the monuments, markers, and walls he caused to be placed in north Mecklenburg County. He was not a passive observer. "Mr. Davidson is not content to merely plan, design and designate where the walls and markers are to be erected, but he personally supervises them," reported the *Charlotte Observer*. "If they do not suit his fancy, he instructs the workers to tear them down and reconstruct them." There were times

²⁸ E. L. Baxter Davidson had another stone marker erected on Beatties Ford Road at the Mecklenburg County-Iredell County Line. That site is now part of Iredell County, and the marker has been destroyed. This writer remembers seeing it in the early 1980s. There is also mention of a marker having been erected on Highway 115 just north of Davidson. This writer has been unable to locate it if it was constructed or still exists.

²⁹ Letter.

when he ordered the walls and monuments destroyed and for the entire process to begin again.³⁰ Davidson ordered the plaques for the monuments and markers from the Newman Manufacturing Company in Cincinnati, Ohio.³¹ The entire project, including the Rural Hill cemetery wall, cost approximately \$30,000.³²

Baxter Davidson's bachelorhood ended on April 20, 1935, when at age 76 he married a 48-year-old widow, Sarah Williams Vosburg (1886-1973), who was a descendant of William A. Williams, a signer of the U.S. Declaration of Independence on July 4, 1776. The newlyweds purchased a home at 1401 Providence Road in July 1935, which in March 2000 was designated a local historic landmark by the Charlotte City Council. Baxter Davidson continued to be active in Davidson College alumni affairs and in patriotic organizations until his demise. He died in his sleep at home on October 10, 1944. His funeral was held at Hopewell Presbyterian Church, and his body was interred in the Rural Hill Cemetery.³³ The extant stone monuments, walls, and markers he caused to be built are his greatest legacy in terms of the built environment of Mecklenburg County. In this writer's opinion, considered aggregately, these rock features constitute the most architecturally significant collection of historic public art in Mecklenburg County.

³⁰ *Charlotte Observer*, December 9, 1928.

³¹ Newman Manufacturing Company invoice in Davidson College Archives.

³² *Charlotte Observer*, December 9, 1928.

³³ Charlotte-Mecklenburg Historic Landmarks Commission, "Survey and Research Report for E. L. Baxter Davidson House," March 30, 1998, <http://landmarkscommission.org/wp-content/uploads/2018/05/Davidson-House-E.L.-Baxter-SR.pdf> (accessed December 13, 2021); Charlotte City Council, "Ordinance designating as a Historic Landmark a property known as the 'E. L. Baxter Davidson House' (listed under Tax Parcel Number 155-121-02 as of November 15, 1999, and including the entire exterior of the E. L. Baxter Davidson House and the entire parcel of land listed under Tax Parcel Number 155-121-02 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of November 15, 1999)," City of Charlotte Ordinance Book 50, Page 95-98, March 20, 2000; *Charlotte Observer*, April 21, 1935, October 11, 1944.

**Physical Description
of the E. L. Baxter Davidson
Historic Markers and Monuments**



E. L. Baxter Davidson laying ceremonial stone at Hopewell Presbyterian Church wall (October 1928)

The E. L. Baxter Davidson Historic Markers and Monuments are built of stone, the most durable construction material provided by nature. That Baxter Davidson selected stone for his markers, monuments, and walls indicates that he wanted them to endure. His intent was to make these edifices instructive. Davidson hoped that generations of Mecklenburg County residents would learn from them and be inspired by them. Alas, that desire has largely been unrealized. Most people are unaware of the Markers' existence and intended commemorative and instructional purposes.

Human beings have been erecting rock structures, such as castles, forts, and cathedrals, for thousands of years. They have also gathered stones and piled them into dry stone walls, *i.e.*, without mortar. For example, the original stone wall enclosing the Hopewell Presbyterian Church,

constructed long before the Markers, was a dry-stacked wall. The use of stone in that wall may have influenced Davidson's decision to use stone in his walls and monuments. Also, rocks are plentiful in the fields of north Mecklenburg County. Builders have often embedded stones in mortar or plaster and constructed vertical structures (or piers) to provide greater stability for their rock walls. Stone is a superb building material. The best rock is highly resistant to weathering and to water penetration. Rock walls are held in place by gravity. One advantage of using stone is that it can tolerate a variety of soil types, thereby increasing a stone structure's resistance to ground shifting. The foundation or footing is a critical component of a stone structure, as are provisions for drainage. The footing locks the entire system into place and supports the stem, which is the main visible portion of a wall or other vertical structure. Many vertical stone structures have a "toe," an extension at the base of the stem that keeps the structure upright, prevents overturning, and reduces bearing pressures. Masonry walls require proper capping, which can extend the life of the wall, reduce maintenance, and aid sustainability. To be effective, caps must deflect water. If water is allowed to penetrate the top of a rock structure, the entire system will eventually fail.

A specific physical description of the structure(s) recommended for historic landmark designation is detailed in the attached exhibit(s), incorporated herein by reference.

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Mecklenburg County Board of County Commissioners. “An Ordinance designating a property known as the ‘Hopewell Presbyterian Church’ (the entire exterior of the church building, the entire interior of the church building, the entire exterior of the education building, the entire interior of the education building, a tract of land bounded on one side by a straight line running along the eastern exterior wall of the education building and extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and bounded on the other side by the edge of the public right-of-way of Beatties Ford Road extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and the rock walls on the tracts of land recorded in the Mecklenburg County tax office under tax parcel numbers 023-052-26 and 023-042-04) as historic property, said property being located on both sides of Beatties Ford Road near its intersection with Sample Road, in Mecklenburg County, North Carolina, and recorded on tax parcel numbers 015-171-09, 023-052-26, 023-042-04 in the Mecklenburg County tax office.” Mecklenburg County Register of Deeds Real Estate Book 5733, Page 226, March 21, 1988.

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EXHIBIT A

Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments

General William Lee Davidson Memorial Huntersville, N.C.



North and east faces of General William Lee Davidson Memorial

1. Name and Location of the Property. The General William Lee Davidson Memorial is located at 5455 Cashion Road, within Huntersville's sphere of influence. The tax parcel number for the property on which the marker stands is 01315102, and its UTM Coordinates are 17S 50592E 3920425N.
2. Name and Address Of Parties to be Notified.
 - a. North Carolina Department of Transportation
Division 10, District 2 Office
7605 District Drive
Charlotte, N.C. 28213
District Engineer: Wendy Taylor
Direct Phone and Email: (980) 523-0000; wataylor1@ncdot.gov
 - b. Duke Energy
Attn. Christy Churchill, Project Manager for Historic Preservation
526 S. Church Street – EC12Q

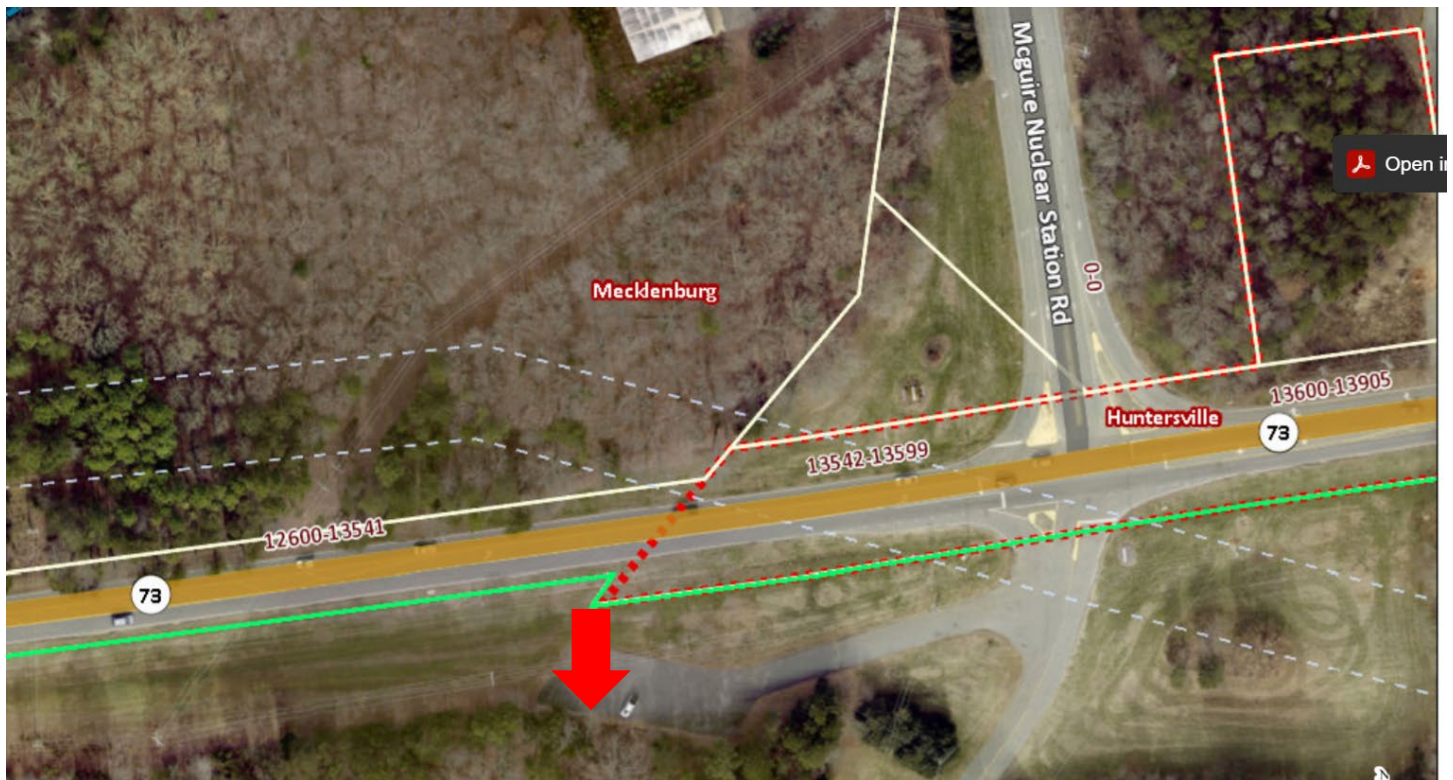
Charlotte, N.C. 28202

Direct Phone and Email: (980) 373-4183; Christy.Churchill@duke-energy.com

3. Ad Valorem Tax Appraisal. As of January 2021, the total appraised value of the property on which the General Davidson Memorial stands is \$15,450,200.
4. Recommendation for Designation. The General Davidson Memorial in its entirety, as well as a forty (40) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, is recommended for historic landmark designation.

The General William Lee Davidson Memorial

The General William Lee Davidson Memorial is one of only two extant solitary rock piers erected by Baxter Davidson, both of which are located in Huntersville. The second such standalone marker is the Rural Hill directional marker, located northwest of the intersection of Beatties Ford and Neck Roads. The General Davidson Memorial is in a small memorial park lying on the south side of North Carolina Highway 73, just west of the intersection of McGuire Nuclear Station Road and an unnamed service road with Highway 73. The park is situated directly across from the McGuire Nuclear Station and east of the Catawba River.



Aerial Image of General Davidson Memorial (arrow indicates monument's approximate location) (source: Polaris 3G)

The General Davidson Memorial, which stands approximately 6 feet tall, originally marked the location where General William Lee Davidson was believed to have been killed during the Battle of Cowan's Ford, a February 1, 1781, Revolutionary War battle. Construction of the Cowan's Ford Dam in the 1960s forced relocation of the memorial to its present location, as its original location is now submerged beneath Lake Norman. The pier bears a metal plaque which reads: "COWAN'S FORD, / WHERE FELL / THE REVOLUTIONARY HERO, / GENL WM LEE DAVIDSON, / 1781. / ERECTED BY / E. L. BAXTER DAVIDSON."



Plaque on General Davidson Memorial

Like the Rural Hill directional marker, the stem or visible face of the General Davidson Memorial is composed of alternating strings of rough-faced dark brown and white stones. The stones are embedded in mortar, and the stem of the pier rises perpendicularly from a toeless foundation to a pyramidal cap (comprising approximately 12 inches of the entire memorial's height) that is partially decorated with small, smooth, white stones. Given its physical similarity to the Rural Hill directional marker, one would expect the cap of the General Davidson Memorial to be fully decorated with more small stones and topped with a large rock finial, like its Rural Hill counterpart. Over time, however, many of the decorative stones comprising the memorial's cap appear to have been dislodged, leaving the cap's surface bare and dimpled in several places. The slightly flattened top of the memorial's cap suggests that it may also have originally featured a stone finial. The memorial is approximately 2.5 feet in both length and width.



North face of General William Lee Davidson Memorial

Polaris 3G Map – Mecklenburg County, North Carolina General Davidson Memorial

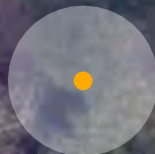
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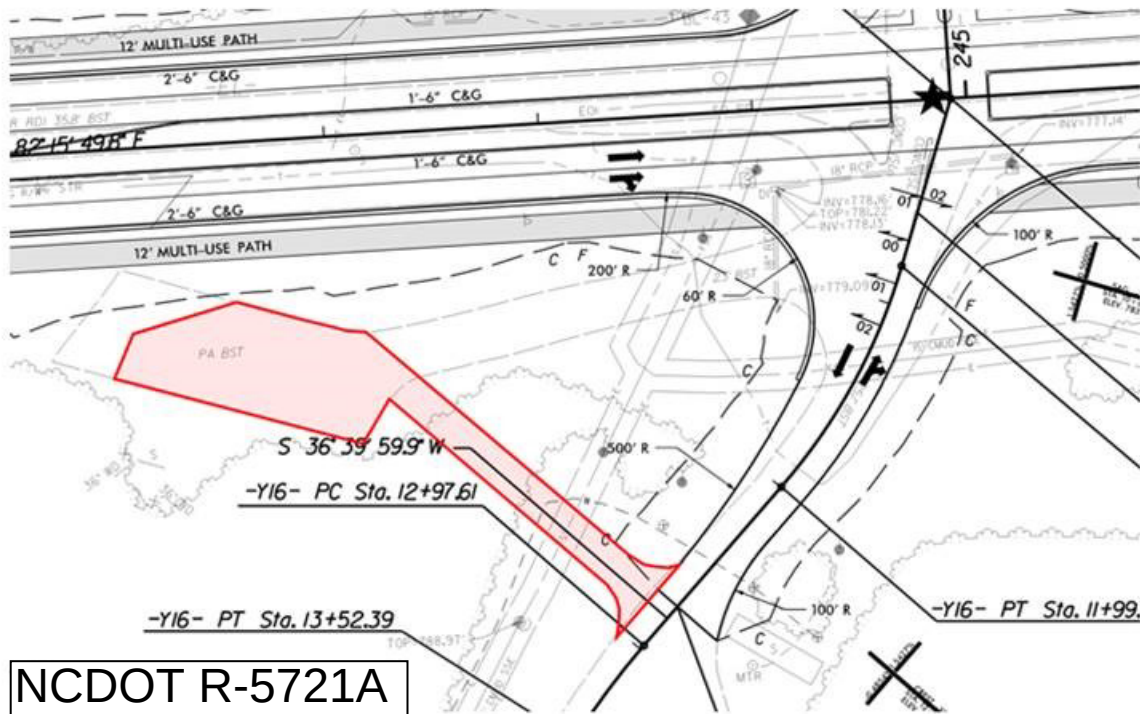


Arrow indicates approximate location of General Davidson Memorial

General Davidson Exhibit B

**General Davidson
Historic Marker
8' Buffer**





NCDOT R-5721A



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

March 18, 2022

Stewart Gray
Preservation Planner
Charlotte-Mecklenburg Historic Landmarks Commission
2100 Randolph Road
Charlotte, NC 28207

**RE: Proposed Designation of the E.L. Baxter Davidson Historic Markers at multiple locations
throughout Mecklenburg County**

Dear Mr. Gray:

Thank you for the report we received on the proposed designation of the E.L. Baxter Davidson Historic Markers located throughout Mecklenburg County. We have reviewed the report and offer the following comments in accordance with North Carolina General Statute 160D-946.

The E.L. Baxter Davidson Historic Markers have special local significance for commemorating local historic events, places, and people; as a “uniquely sophisticated collection of Mecklenburg County public art”; and as representatives of Baxter Davidson’s 1920s campaign to educate the public about local history.

We have shared recommendations with staff to perform very minor changes to the report. With these minor changes, we believe the commission and the local governing board will be able to more accurately determine if the E.L. Baxter Davidson Historic Markers possess the requisite special significance and integrity required for local historic landmark designation.

Landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and appearance to the property is subject to the design review procedures of the preservation commission.

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, nonbinding. Once the governing board has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.

This letter serves as our comments on the proposed designation of the E.L. Baxter Davidson Historic Markers. Please contact me at Kristi.brantley@ncdcr.gov (preferred) or 919-814-6583 should you have any questions about our comments.

Sincerely,

A handwritten signature in black ink that reads "Kristi Brantley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Kristi Brantley
Local Preservation Commissions / CLG Coordinator

CC: Commission Chair

Enclosure

MEMO

To: File – E. L. Baxter Davidson Historic Markers and Monuments
From: HLC Staff
Date: May 4, 2021

Re: Comments from State Historic Preservation Office on Designation Report and Exhibit for General William Lee Davidson Monument, Huntersville

By email dated March 18, 2022, SHPO staff provided feedback based on their review of the Designation Report and Exhibit for the General William Lee Davidson Monument. In summary, the issues raised included the following:

- Greater clarity of vantage points within photo captions; and
- A typographical error.

Following review of the Designation Report and the SHPO feedback, the HLC staff revised and updated the Designation Report to address the issues raised.

RECORD OF THE VOTE OF THE HISTORIC LANDMARKS COMMISSION ON THE

General William Lee Davidson Monument

February 14, 2022

Motion: THE SURVEY COMMITTEE PRESENTED A SECONDED MOTION TO THE HISTORIC LANDMARKS COMMISSION THAT IT PROCESS THE E. L. BAXTER DAVIDSON HISTORIC MARKERS AND MONUMENTS WITH THE PROTECTED RADII AS RECOMMENDED BY STAFF FOR HISTORIC LANDMARK DESIGNATION. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.

Favor

Mr. Akadius Berry, Ms. Lesley Carroll, Mr. Brian Clarke, Mr. William Hughes, Ms. Elizabeth Luke, Mr. Garrett Nelson, Mr. Jeffrey Parsons, Mr. Edwin Wilson

Oppose

None

Abstain

None

Absent

Ms. Diane Althouse, Mr. Robert Barfield, and Mr. Joshua Shope



MECKLENBURG COUNTY

Assessor's Office
Real Estate Division

May 24, 2022

Tommy Warlick
Consulting Preservation Planner
Charlotte-Mecklenburg Historic Landmarks Commission
2100 Randolph Rd.
Charlotte, NC 28207

In Re: Parcel Number 01315102

The General William Lee Davidson Monument

5455 Cashion Road (The monument and 40ft radius of the land)
Huntersville, NC

Dear Mr. Tommy Warlick,

Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$4.02 City of Huntersville taxes, and \$10.31 for Mecklenburg County taxes.

Very truly yours,

Mecklenburg County Real Estate Appr. Div.

LIVE * WORK * RECREATE

3205 Freedom Drive * P.O. Box 31127 * Charlotte, North Carolina 28231 * (980) 314-4226

ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK A STRUCTURE KNOWN AS THE “GENERAL WILLIAM LEE DAVIDSON MONUMENT” (LISTED UNDER TAX PARCEL NUMBER 01315102, AND INCLUDING THE MONUMENT IN ITS ENTIRETY AND A FORTY (40) FOOT RADIUS OF THE LAND IMMEDIATELY SURROUNDING THE MONUMENT, MEASURED IN EACH DIRECTION FROM THE CENTRAL POINT OF THE MONUMENT, ALL AS SITUATED ON THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 01315102 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC, AS OF JULY 1, 2022). THE MONUMENT STANDS ON PROPERTY LOCATED AT 5455 CASHION ROAD, HUNTERSVILLE, NC, AND OWNED BY DUKE POWER COMPANY.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the ____ day of _____, 2022, on the question of designating a structure known as the General William Lee Davidson Monument as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 12th day of September, 2022, on the question of designating a

structure known as the General William Lee Davidson Monument as an historic landmark;
and

WHEREAS, the General William Lee Davidson Monument is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre's Farm and Cowan's Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the General William Lee Davidson Monument originally marked the location where General William Lee Davidson was believed to have been killed during the 1781 Battle of Cowan's Ford, but was relocated to a nearby memorial park due to the construction of the Cowan's Ford Dam; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County's history of extraordinary efforts and achievements by ordinary

people in an understood but respectful manner that complements the local landscape and the region's customs; and

WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the General William Lee Davidson Monument, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the General William Lee Davidson Monument possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a

protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the General William Lee Davidson Monument stands on property owned by Duke Power Company in a memorial park located near the intersection of North Carolina Highway 73 and McGuire Nuclear Station Road.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the structure known as the “General William Lee Davidson Monument” (listed under Tax Parcel Number 01315102, and including the monument in its entirety and a forty (40) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as situated on the property listed under Tax Parcel Number 01315102 in the Mecklenburg County Tax Office, Charlotte, NC, as of July 1, 2022) is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated in a memorial park near the intersection of North Carolina Highway 73 and McGuire Nuclear Station Road on property located at 5455 Cashion Road, Huntersville, NC. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said structure has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the property on which the historic landmark known as the General William Lee Davidson Monument stands be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK A STRUCTURE KNOWN AS THE “GENERAL WILLIAM LEE DAVIDSON MONUMENT” (LISTED UNDER TAX PARCEL NUMBER 01315102, AND INCLUDING THE MONUMENT IN ITS ENTIRETY AND AN EIGHT (8) FOOT RADIUS OF THE LAND IMMEDIATELY SURROUNDING THE MONUMENT, MEASURED IN EACH DIRECTION FROM THE CENTRAL POINT OF THE MONUMENT, ALL AS SITUATED ON THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 01315102 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC, AS OF JULY 1, 2022). THE MONUMENT STANDS ON PROPERTY LOCATED AT 5455 CASHION ROAD, HUNTERSVILLE, NC, AND OWNED BY DUKE POWER COMPANY.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 17th day of October, 2022, on the question of designating a structure known as the General William Lee Davidson Monument as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 12th day of September, 2022, on the question of designating a

structure known as the General William Lee Davidson Monument as an historic landmark;
and

WHEREAS, the General William Lee Davidson Monument is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre's Farm and Cowan's Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the General William Lee Davidson Monument originally marked the location where General William Lee Davidson was believed to have been killed during the 1781 Battle of Cowan's Ford, but was relocated to a nearby memorial park due to the construction of the Cowan's Ford Dam; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County's history of extraordinary efforts and achievements by ordinary

people in an understood but respectful manner that complements the local landscape and the region's customs; and

WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the General William Lee Davidson Monument, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the General William Lee Davidson Monument possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a

protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the General William Lee Davidson Monument stands on property owned by Duke Power Company in a memorial park located near the intersection of North Carolina Highway 73 and McGuire Nuclear Station Road.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the structure known as the “General William Lee Davidson Monument” (listed under Tax Parcel Number 01315102, and including the monument in its entirety and an eight (8) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as situated on the property listed under Tax Parcel Number 01315102 in the Mecklenburg County Tax Office, Charlotte, NC, as of July 1, 2022) is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated in a memorial park near the intersection of North Carolina Highway 73 and McGuire Nuclear Station Road on property located at 5455 Cashion Road, Huntersville, NC. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said structure has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the property on which the historic landmark known as the General William Lee Davidson Monument stands be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: November 7, 2022

Subject: Public Hearing on Rural Hill Directional Marker as Historic Landmark

EXPLAIN REQUEST:

Conduct public hearing on the question of designating, as a historic landmark, a structure known as the "Rural Hill Directional Marker," including the marker in its entirety and a 38' radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker, all as situated on the property listed under Tax Parcel 01301250, located at 6645 Neck Road and owned by Herseng Yang.

ACTION RECOMMENDED:

Conduct public hearing

FINANCIAL IMPLICATIONS:

Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$0.17 in Town of Huntersville taxes, and \$0.45 for Mecklenburg County taxes.

ATTACHMENTS:

1. Rural Hill Staff Report
2. Cover_Rural Hill
3. E.L. Baxter Davidson Landmark Designation Report
4. Rural Hill Exhibit
5. State Historic Preservation E. L. Baxter Davidson Monuments Letter
6. State Historic Preservation Memo Rural Hill
7. HLC Vote_Rural Hill
8. 2022 Estimate of Historic Taxes 01301250_Rural Hill
9. Neck Rd Project - CIP Budget FY2023
10. Rural Hill Ordinance with 10 foot radius
11. Rural Hill Ordinance with a 38 foot radius

Historic Landmark Designation: Rural Hill Marker

PART 1: BACKGROUND

There are several Edward Lee Baxter Davidson Historic Markers and Monuments (collectively, the “Markers”) being proposed for historic designation, three of which are in Huntersville. The Markers are the direct result of a concerted effort in the 1920s by E.L. Baxter Davidson to memorialize his family’s burial ground, to honor his family’s Scottish-Irish heritage, and to celebrate American Revolutionary War happenings that occurred in north Mecklenburg County in 1780-1781. The Rural Hill marker is among those being proposed for historic landmark designation. The Rural Hill marker is located at the intersection of Neck and Beatties Ford Rd, associated with address 6645 Neck Rd, and owned by Herseng Yang.

PART 2: STAFF ANALYSIS

Historic landmark designation would be pursuant to Chapter 160D, Article 9, as amended, of the NC General Statutes. Chapter 160D-945 states: *“No property shall be recommended for designation as a historic landmark unless it is deemed and found by the historic preservation commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.”*

According to the “E.L. Baxter Davidson Historic Markers and Monuments Designation Report” prepared by the Charlotte-Mecklenburg Historic Landmarks Commission (HLC):

“The Markers represent locations, institutions, events, and individuals of significance in the early history of Mecklenburg County. The Rural Hill Directional Marker recognizes and instructs motorists as to the direction of Rural Hill, the antebellum homestead of Major John Davidson, a delegate to the 1773 colonial North Carolina Assembly and an officer in the state militia and Continental Army. E. L. Baxter Davidson (1858-1944) was born at Rural Hill, the 1,300-acre north Mecklenburg County estate established in the late 1700s.

The Rural Hill directional marker stands approximately 8 feet tall, and measures approximately 3 feet in both length and width. It features a metal plaque, which reads: “MAJOR JOHN DAVIDSON’S / HOMESTEAD. / BUILT 1788 BURNED 1886.” Atop the plaque is a stylized depiction of a hand indicating the direction of the homestead, also known as Rural Hill.”

Planning staff has reviewed this report and concurs with the assessment of the significance of the Rural Hill marker proposed for historic landmark designation.

PART 3: CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION

Charlotte-Mecklenburg HLC held a virtual public hearing on September 12, 2022, focused on the question of designating, as historic landmarks, the E.L. Baxter Davidson Markers and Monuments”.

Charlotte-Mecklenburg HLC recommends designating, as an historic landmark, a structure known as the “Rural Hill Directional Marker”, listed under Tax Parcel Number 01301250, and including the marker in its entirety and a thirty-eight (38) foot radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker.

PART 4: HUNTERSVILLE STAFF RECOMMENDATION

Town Staff recommends designating, as an historic landmark, a structure known as the “Rural Hill Directional Marker”, listed under Tax Parcel Number 01301250, and including the marker in its entirety and a ten (10) foot radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker.

Town Engineering/Public Works has a Town Capital Improvement Plan (CIP) to realign Neck Rd and construct turn lanes at the intersection of Beatties Ford and Neck Rd. A CIP identifies capital projects, including transportation projects, and provides a planning schedule and options for financing the plan. The adopted CIP budget is from fiscal year 2023-2027. The Beatties Ford/Neck Rd project is listed in the future category of the budget, meaning it will not commence until after 2027.

Due to the lack of project plans and construction date for the CIP project, Town Engineering does not contest the proposed historical designation but recommends a reduced radius of land to be dedicated historical to keep as much existing Town right-of-way out of the radius as possible. Planning Staff concurs with the Engineering Staff recommendation.

PART 5: ACTION RECOMMENDED

Conduct the public hearing and then take final action.

PART 6: FINANCIAL IMPLICATIONS

Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$0.17 Town of Huntersville taxes, and \$0.45 for Mecklenburg County taxes.

PART 7: ATTACHMENTS

1. Rural Hill Cover Sheet
2. E.L. Baxter Davidson Landmark Designation Report
3. Rural Hill Exhibit
4. NC State Historic Preservation Office Letter
5. NC State Historic Preservation Office Memo
6. Charlotte-Mecklenburg HLC Vote
7. Mecklenburg County Tax Assessor’s Office
8. Adopted town Budget for CIP
9. Ordinance for Adoption with 38’ radius
10. Ordinance for Adoption with 10’ radius

Rural Hill Directional Marker 6645 Neck Road, Huntersville, NC



The Rural Hill Directional Marker, located near the intersection of Beatties Ford and Neck Roads, recognizes and instructs motorists as to the direction of Rural Hill, the antebellum homestead of Major John Davidson, a delegate to the 1773 colonial North Carolina Assembly and an officer in the state militia and Continental Army. Commissioned by local real estate investor E. L. Baxter Davidson during the 1920s, the marker is one of a series of such stone structures located throughout north Mecklenburg County erected at Davidson's behest to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance. In aggregate, the Davidson monuments and markers constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution, using ordinary native materials and deceptively simplistic traditional structural designs to honor Mecklenburg County's history of extraordinary efforts and achievements by ordinary people in an understated but respectful manner that complements the local landscape and the region's customs.





**Designation Report on the
E. L. Baxter Davidson Historic Markers and Monuments**



*Cowan's Ford – Davidson College Monument
Huntersville*



*General Davidson Memorial
Huntersville*



*Rural Hill Direction Marker
Huntersville*



*Battle of McIntyre's Farm Monument
Charlotte*



*Williams Memorial Presbyterian Church Marker
Charlotte*



*Williams Memorial Presbyterian Church Wall
Charlotte*

1. Name Of The Properties. The E. L. Baxter Davidson Historic Markers and Monuments (collectively, the “Markers”) are located at various sites in north Mecklenburg County, within the spheres of influence of Charlotte or Huntersville. The exhibit(s) accompanying this report provide specific information about the structure(s) recommended for historic landmark designation and are incorporated herein by reference.
2. Designation Report Contents. This report contains a brief historical sketch and general physical description (both prepared by Dr. Dan L. Morrill) applicable to all of the Markers, representative photographs of the Markers, and documentation as to why and how the Markers meet the criteria for designation set forth in N.C.G.S. § 160D-945. More detailed information about the individual structure(s) recommended for historic landmark designation is available in the exhibit(s), including information as to current tax parcel reference and ad valorem tax appraisal, the location and ownership of the associated property, a map of the location, the recommended scope of the designation, additional photographs, and a brief architectural description of the structure(s).
3. Statements of Significance and Integrity.
 - a. *Statement of Significance in Terms of its History, Architecture, and/or Cultural Importance:* The Charlotte-Mecklenburg Historic Landmarks Commission judges that the E. L. Baxter Davidson Historic Markers and Monuments possess special significance in terms of their history, architecture, and cultural importance to Charlotte, Huntersville, and all of Mecklenburg County. The Commission bases its judgment on the following considerations:
 - i. Erected during the 1920s, the Markers represent locations, institutions, events, and individuals of importance in the early history of Mecklenburg County, including the Revolutionary War Battles of McIntyre’s Farm and Cowan’s Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and Williams Memorial Presbyterian Church (founded in 1885).
 - ii. In aggregate, the Markers located throughout Mecklenburg County constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution. The use of ordinary native materials and deceptively simplistic traditional structural designs commemorates Mecklenburg County’s history of extraordinary efforts and achievements by ordinary people in an understated but respectful manner that complements, rather than dominates, the local landscape and the region’s customs.
 - iii. The Markers bear lasting witness to the commitment and impact of a single person, E. L. Baxter Davidson, to the importance of making the general public more aware and appreciative of historically important locations, institutions, events, and individuals in the early history of Mecklenburg

County.

- b. *Statement of Integrity of Location, Design, Setting, Materials, Workmanship, Feeling, and Association.* The Charlotte-Mecklenburg Historic Landmarks Commission judges that the “Physical Description” included in this report and the attached exhibit(s) demonstrates that the E. L. Baxter Davidson Historic Markers and Monuments meet this criterion as follows:
- i. Location: Except in limited instances – when necessitated to preserve a structure (such as the relocation of the General Davidson Memorial due to construction of the Cowan’s Ford dam, and the repair and relocation of the Rural Hill Directional Marker to a safer distance from a busy thoroughfare) – the Markers remain in their original, highly visible public locations, continuing their decades-old service of memorializing the past for the citizens of Mecklenburg County.
 - ii. Design: The original structural designs of the Markers, embodying within their vernacular styles the traditional folkways of North Carolina’s Piedmont region, remain intact and unchanged since their original installation in the early decades of the twentieth century.
 - iii. Setting: Each Marker stands in or near its original setting. While in some instances their surroundings may have been changed or modernized over the decades (such as, for example, the Markers lining the ever-busy Beatties Ford Road corridor), each Marker remains situated in a highly visible setting, bearing testament to simpler times when those settings were more rural in nature, while continuing to commemorate local historic achievements.
 - iv. Materials: The materials – stone and mortar – are indigenous to the local region and appropriate to the purpose of longstanding remembrance of past times and people. In large part, the constituent elements of the Markers are the original materials used when the structures were first installed.
 - v. Workmanship: Both the durability and absence of significant deterioration of the Markers, as well as the aesthetic symmetry and traditional artisanship reflected in their design and execution, indicate the unique skill and quality of the builders’ workmanship.
 - vi. Feeling: The locations and settings of the Markers, positioned at or near the actual locales of the events, institutions, or individual lives commemorated, convey a sense of the Markers’ historical and cultural significance. That feeling is furthered by the design, execution, and materials comprising the Markers, reflecting Mecklenburg County’s indigenous natural elements, traditions, and artistic skills. The longevity of their presence further invests the Markers with a familiarity that has made them recognizable landmarks skillfully crafted in a manner characteristic of the region.

- vii. Association: As intentionally commemorative structures, the Markers are intimately associated with the persons, institutions, and events they represent, as well as the individual (E. L. Baxter Davidson) whose personal mission to preserve the County's past within the memories of future generations prompted the installation of the Markers in the first place.
-
- 4. Recommendation for Designation. The Commission recommends the Marker(s) identified in this report and attached exhibit(s) for historic landmark designation. To maintain the integrity and built environment of each Marker, the Commission further recommends the inclusion within the landmark designation of a portion of the property immediately surrounding each Marker, consisting in each case of a radius measured from the central point of the applicable Marker, as further detailed in the attached exhibit(s).
 - 5. Ad Valorem Tax Appraisal. The Commission is aware that designation would allow the owner of the property upon which each Marker sits to apply for an automatic deferral of up to 35% of the Ad Valorem taxes on all or any portion of the property that becomes a designated "historic landmark." The total appraised value of the entire parcel of land containing the Marker(s) is stated in the attached exhibit(s).

Date of the Preparation of this Report: April 16, 2018

Prepared by: Dr. Dan L. Morrill; updated by Tommy Warlick (December 2021)

Brief History of the E. L. Baxter Davidson Historic Markers and Monuments



Edward Lee Baxter Davidson (1858-1944)

The E. L. Baxter Davidson Historic Markers and Monuments (collectively, the “Markers”) are the direct result of a concerted effort in the 1920s by a Mecklenburg County resident to memorialize his family’s burial ground, to honor his family’s Scots-Irish heritage, and to celebrate American Revolutionary War happenings that occurred in north Mecklenburg County in 1780-1781. Edward Lee (E. L.) Baxter Davidson (1858-1944) spent his boyhood and young adulthood in an area full of reminders of the American Revolutionary War. He was born at Rural Hill, the 1,300-acre north Mecklenburg County estate established in the late 1700s by Major John Davidson (1735-1832), his great grandfather. Rural Hill, or the Major John Davidson Homestead, was located on Neck Road near the Catawba River.¹ His family worshipped at nearby Hopewell Presbyterian Church, which owed its early success largely to Alexander Craighead (1707-1766), a fiery Presbyterian preacher known for his intense anti-British proclivities.² Among the stories the young Davidson heard was how a band of patriot militia had fired on British troops on October 3, 1780, at the so-called “Battle of the Bees” at McIntyre’s Farm on Beatties Ford Road, a few miles south of Rural Hill.³ A Revolutionary War event of special meaning for Baxter Davidson and his family was the

¹ Chalmers Gaston Davidson, *The Plantation World Around Davidson* (Davidson NC: Mecklenburg Historical Association, 1973), 59-60; *Charlotte Observer*, May 8, 1928; Charlotte-Mecklenburg Historic Landmarks Commission, “Survey and Research Report for Rural Hill,” October 5, 1987, <http://landmarkscommission.org/wp-content/uploads/2018/06/Rural-Hill-Plantation-SR.pdf> (accessed December 13, 2021).

² Charlotte-Mecklenburg Historic Landmarks Commission, “Survey and Research Report for Hopewell Presbyterian Church,” January 5, 1977, <http://landmarkscommission.org/wp-content/uploads/2018/05/Hopewell-Presbyterian-Church-SR.pdf> (accessed December 13, 2021).

³ Charlotte-Mecklenburg Historic Landmarks Commission, “Survey and Research Report for McIntyre Site,” <http://landmarkscommission.org/wp-content/uploads/2018/06/McIntyre-Farm-Site-SR.pdf> (accessed December 13, 2021). For an account of the battle, see David A. Norris, “McIntyre’s Farm, Battle of,” in *Encyclopedia of North*

Battle of Cowan's Ford, an engagement at the Catawba River between patriot troops and the British and Tories on February 1, 1781. The American commander was General William Lee Davidson (1746-1781), a cousin of Baxter Davidson's great grandfather. General Davidson was killed at the Battle of Cowan's Ford, and his corpse was interred at Hopewell Presbyterian Church.⁴ Davidson was told that his great grandfather was a signer of the alleged Mecklenburg Declaration of Independence (May 20, 1775), a document which purportedly was the first outright rejection of Royal authority in Colonial America.⁵ Not surprisingly, Baxter Davidson was a staunch and persistent defender of the authenticity of the so-called "Meck Deck."

Baxter Davidson believed that educating the local citizenry about Mecklenburg County's role in the American Revolutionary War was serious business. "The work we are accomplishing in preserving the history of our country cannot be underestimated," declared Davidson in a speech to the Sons of the American Revolution ("S.A.R."). "The erection of monuments and markers," he continued, "not only does honor to those patriots who established the republic . . . it also impresses the youth of the land and inspires them to emulate the achievements of their illustrious ancestors."⁶ Davidson understood that markers and monuments can be evocative elements in the manmade or built environment. Scholars agree. "In general, we cannot remember something if we were not aware of it in the first place," writes Rupert Sheldrake in his monograph, *The Presence of the Past*.⁷ The purpose of the rock walls, monuments, and markers that Baxter Davidson paid for and caused to be erected in north Mecklenburg County in the 1920s was to keep the past alive. "Monuments are history made visible," says historian Judith Dupre. "The best of them are redemptive, allowing us to understand the past that is meaningful to the present."⁸ A reporter wrote the following about Baxter Davidson in 1941: "He has had more to do with the marking of historic spots in the county than any other individual and wherever he thought one should be, he had it erected and quietly paid for it himself."⁹

A graduate of Davidson College in 1880 and its largest individual benefactor, Baxter Davidson amassed considerable wealth from the acquisition, management, and selling of real estate and eventually became a wealthy man.¹⁰ His father, Alexander Brevard Davidson (1808-1896), moved his family from Rural Hill to Charlotte in 1871, where he established a residence on South Tryon

Carolina, ed. William S. Powell (Chapel Hill: University of North Carolina Press, 2006), 723.

⁴ See Robert Henry, David Vance, and David Schenck, *Narrative of the Battle of Cowan's Ford* (Greensboro NC: Reece & Elam, 1891); Jerry L. Cross, "Cowan's Ford, Battle of," in *Encyclopedia of North Carolina*, 308.

⁵ See William Henry Hoyt, *The Mecklenburg Declaration of Independence* (Boston: Da Capo Press, 2006).

⁶ Manuscript in the Davidson College Archives.

⁷ Rupert Sheldrake, *The Presence of the Past, Morphic Resonance and The Habits of Nature* (New York: Vintage Books, 1989), 197.

⁸ Judith Dupre, *Monuments, America's History in Art and Memory*, (New York: Random House, 2007), xii.

⁹ *Charlotte Observer*, August 3, 1941.

¹⁰ *Charlotte Observer*, April 30, 1941.

Street. The elder Davidson, like his son, was an astute businessman. He was a leading advocate for the building of railroads and factories in the postbellum years.¹¹ When his father died in 1896, Baxter Davidson inherited considerable property in the heart of Charlotte.¹² Baxter Davidson remained a bachelor until April 1935. He had no children and devoted most of his professional time to his real estate interests.¹³



Alexander Brevard Davidson



Hornet's Nest on the Cowan's Ford – Davidson College Monument. The Hornet's Nest was the historic Revolutionary War symbol of Mecklenburg County.



Hornet's Nest Symbol on the Sons of the American Revolution (S.A.R.) medal worn by E. L. Baxter Davidson at the National S.A.R. Convention in Charlotte in May 1931.

Baxter Davidson exhibited powerful patriotic feelings throughout his adulthood and spent much time and money giving expression to them as an avocation. He was a prominent leader of the S.A.R. organization and a charter member of the Mecklenburg Monument Association, which was organized on May 19, 1890. The latter organization raised the funds to erect a monument honoring

¹¹ *Charlotte Statesman*, July 16, 1993; Chalmers G. Davidson, "Davidson, Adam Brevard," *NCPedia*, January 1, 1986, <https://www.ncpedia.org/biography/davidson-adam-brevard> (accessed December 13, 2021).

¹² *Charlotte Observer*, July 14, 1896.

¹³ *Charlotte Observer*, October 11, 1944.

the signers of the Mecklenburg Declaration of Independence. Dedicated on May 20, 1898, the marker was originally located at the Mecklenburg County Courthouse on South Tryon Street. It now stands in front of the former Courthouse on East Trade Street.¹⁴



Original Location of Signers' Monument



E. Trade St. Location of Signers' Monument

On May 20, 1909, when President William Howard Taft visited Charlotte on the anniversary of the signing of the Mecklenburg Declaration of Independence, Baxter Davidson joined thirteen other descendants of “Meck Deck” signers atop the “float of floats from the historical standpoint” in a reportedly four-mile-long celebratory parade.¹⁵ In March 1925, he appeared before the Mecklenburg County Board of County Commissioners to request that the “old Mecklenburg method of marking roads with iron signs in the form of a hornet’s nest” be revived as an emblem of “historical significance.”¹⁶ Always devoted to his family’s legacy, Davidson had a portrait of his father hung in the Charlotte Public Library in May 1921.¹⁷

In May 1925, Baxter Davidson was a cast member in a historical pageant honoring Mecklenburg County’s heritage that was held in a “mammoth open-air theater” in Charlotte, “out under the stars.”¹⁸ The *Charlotte Observer* described Davidson as a man “known for his philanthropies and for his interest in historic research.”¹⁹ In May 1931, the Daughters of the American Revolution

¹⁴ *Charlotte Observer*, October 15, 1925.

¹⁵ *Charlotte Observer*, May 21, 1909.

¹⁶ *Charlotte Observer*, March 3, 1925.

¹⁷ *Charlotte Observer*, May 22, 1921.

¹⁸ *Charlotte Observer*, April 24, 1925.

¹⁹ *Charlotte Observer*, April 21, 1935.

(“D.A.R.”) unveiled a monument at the site of the Battle of McIntyre’s Farm (also known as the “McIntyre Skirmish”). The brass plaque on the monument was a gift from Baxter Davidson.²⁰ Davidson also partly funded the erection of a grave marker at the General William Lee Davidson’s burial site at Hopewell Presbyterian Church.²¹



D.A.R. Battle of McIntyre’s Farm monument



General Davidson gravestone

The most imposing historic monument Baxter Davidson erected and paid for was the embellished stone wall that still encircles the Davidson family burial ground at Rural Hill in Huntersville.²² In a letter of January 15, 1927, Davidson wrote: “I am proud of my progenitor – Major John Davidson, signer of the Mecklenburg Declaration of Independence, who is buried at Rural Hill . . . and the wall 150 x 300 that I had built at great expense is in honor of him and his numerous descendants.”²³ Baxter Davidson hired Lee Collier, an English architect, to superintend the job. It took two months to complete the cemetery wall at Rural Hill, and the effort required the participation of a foreman, sixteen laborers, and fifteen wagons. The cost of this impressive stone structure was reportedly \$20,000.²⁴ “To hear Mr. Davidson talk about designs and markers,” said a local journalist, “one rightly concludes that he is a connoisseur of stones, and knows the artistic arrangement of them.”²⁵ Davidson also provided a monument to Major John Davidson at the

²⁰ *Charlotte Observer*, May 17, 1931; University Library, University of North Carolina at Chapel Hill, “Commemorative Landscapes – Battle of McIntyre’s Farm Monument, Charlotte,” *Documenting the American South*, <https://docsouth.unc.edu/commland/monument/464/> (accessed December 13, 2021).

²¹ Letter of E. L. Baxter Davidson to Chalmers G. Davidson (January 15, 1927) in the Davidson College Archives (hereinafter cited as “Letter”).

²² *Charlotte Observer*, October 11, 1944. As early as 1904, Baxter Davidson was advocating the construction of a wall at the Rural Hill Cemetery. See *Charlotte News*, January 16, 1904.

²³ Letter.

²⁴ *Charlotte Observer*, May 8, 1928.

²⁵ *Charlotte Observer*, December 9, 1928.

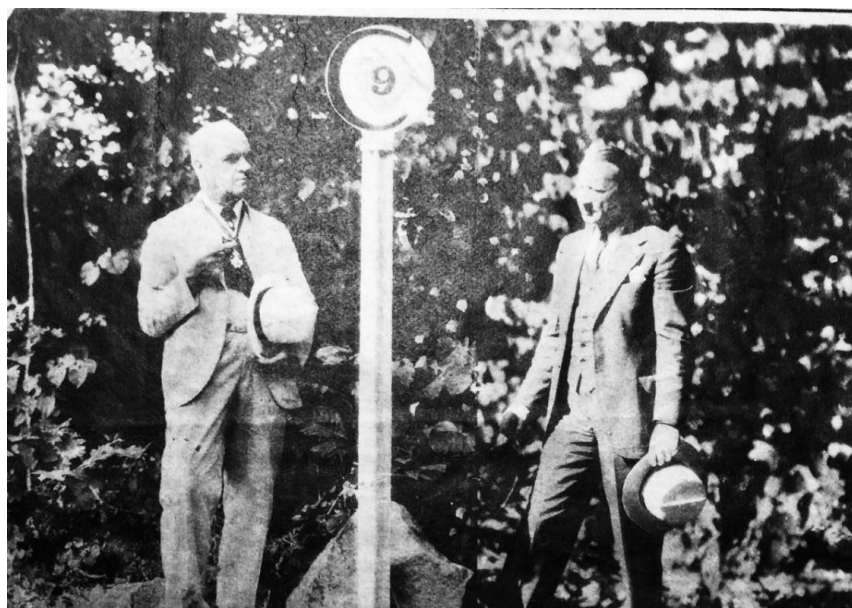
cemetery entrance, consisting of a bronze plaque mounted on a 4.5-foot-tall stone pier of two stacked boulders attached via stonework and mortar to the cemetery wall. Both the wall and the monument are prominent landscape features of the Rural Hill property and are included within a prior designation of Rural Hill as a local historic landmark by the Mecklenburg County Board of County Commissioners.²⁶



Northwestern Stem leading to Entry Gate of Rural Hill Cemetery



Major John Davidson Marker



E. L. Baxter Davidson (on left) at Historic Highway Marker at Hopewell Presbyterian Church

²⁶ Mecklenburg County Board of County Commissioners, “An Ordinance designating a property known as the ‘Rural Hill Plantation’ (the exterior of all improvements, the interior of all improvements, and the entire 221.04 acres comprising the plantation) as historic property, said property being located on both sides of Neck Road in Mecklenburg County, North Carolina, and recorded on tax parcel numbers 013-042-18, 013-042-19, 013-042-20, 013-181-01, and 013-181-02 in the Mecklenburg County tax office,” Mecklenburg County Register of Deeds, Real Estate Book 5687, Page 582, December 21, 1987.

Baxter Davidson was also responsible for the construction of stone structures at Huntersville's Hopewell Presbyterian Church (10500 Beatties Ford Road), including stone walls lining both sides of Beatties Ford Road (each approximately 500 feet in length), a stone pier marker approximately 6 feet tall identifying the church and its founding date, and a pair of 6-foot-tall stone piers that support an engraved wooden church sign. Those stone structures are prominent landscape features of the Hopewell church property and are already included within a prior designation of the property as a local historic landmark by the Mecklenburg County Board of County Commissioners.²⁷



East Wall – Hopewell Presbyterian Church

²⁷ Mecklenburg County Board of County Commissioners, “An Ordinance designating a property known as the ‘Hopewell Presbyterian Church’ (the entire exterior of the church building, the entire interior of the church building, the entire exterior of the education building, the entire interior of the education building, a tract of land bounded on one side by a straight line running along the eastern exterior wall of the education building and extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and bounded on the other side by the edge of the public right-of-way of Beatties Ford Road extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and the rock walls on the tracts of land recorded in the Mecklenburg County tax office under tax parcel numbers 023-052-26 and 023-042-04) as historic property, said property being located on both sides of Beatties Ford Road near its intersection with Sample Road, in Mecklenburg County, North Carolina, and recorded on tax parcel numbers 015-171-09, 023-052-26, 023-042-04 in the Mecklenburg County tax office,” Mecklenburg County Register of Deeds Real Estate Book 5733, Page 226, March 21, 1988.



Hopewell Church Marker



Hopewell Presbyterian Church Sign

The historical stone markers and monuments that Baxter Davidson had built in the mid-1920s throughout north Mecklenburg County were almost certainly designed by Lee Collier, because the designs are so similar to the Rural Hill structures that Collier designed for Davidson.²⁸ Like the Rural Hill cemetery wall, they are all composed of three types of native stone: white rock, brown rock, and flint rock. They include: (1) a marker originally located at the spot where General William Lee Davidson was killed at the Battle of Cowan's Ford (relocated in the early 1960s when construction of the Cowan's Ford Dam submerged the marker's original location beneath Lake Norman; the marker was moved to a small park on N.C. Highway 73); (2) a monument at the intersection of Beatties Ford and Brown Mill Roads, which displays a plaque referencing General Davidson's death and offering directional indicators for Davidson College and Cowan's Ford; (3) a directional marker at the intersection of Beatties Ford and Neck Roads incorporating a directional indicator for Rural Hill; (4) a rock wall and pier at Charlotte's Williams Memorial Presbyterian Church; and (5) a stone monument commemorating the Battle of McIntyre's Farm, located on Beatties Ford Road.²⁹

Davidson took an active role in the construction and design of the monuments, markers, and walls he caused to be placed in north Mecklenburg County. He was not a passive observer. "Mr. Davidson is not content to merely plan, design and designate where the walls and markers are to be erected, but he personally supervises them," reported the *Charlotte Observer*. "If they do not suit his fancy, he instructs the workers to tear them down and reconstruct them." There were times

²⁸ E. L. Baxter Davidson had another stone marker erected on Beatties Ford Road at the Mecklenburg County-Iredell County Line. That site is now part of Iredell County, and the marker has been destroyed. This writer remembers seeing it in the early 1980s. There is also mention of a marker having been erected on Highway 115 just north of Davidson. This writer has been unable to locate it if it was constructed or still exists.

²⁹ Letter.

when he ordered the walls and monuments destroyed and for the entire process to begin again.³⁰ Davidson ordered the plaques for the monuments and markers from the Newman Manufacturing Company in Cincinnati, Ohio.³¹ The entire project, including the Rural Hill cemetery wall, cost approximately \$30,000.³²

Baxter Davidson's bachelorhood ended on April 20, 1935, when at age 76 he married a 48-year-old widow, Sarah Williams Vosburg (1886-1973), who was a descendant of William A. Williams, a signer of the U.S. Declaration of Independence on July 4, 1776. The newlyweds purchased a home at 1401 Providence Road in July 1935, which in March 2000 was designated a local historic landmark by the Charlotte City Council. Baxter Davidson continued to be active in Davidson College alumni affairs and in patriotic organizations until his demise. He died in his sleep at home on October 10, 1944. His funeral was held at Hopewell Presbyterian Church, and his body was interred in the Rural Hill Cemetery.³³ The extant stone monuments, walls, and markers he caused to be built are his greatest legacy in terms of the built environment of Mecklenburg County. In this writer's opinion, considered aggregately, these rock features constitute the most architecturally significant collection of historic public art in Mecklenburg County.

³⁰ *Charlotte Observer*, December 9, 1928.

³¹ Newman Manufacturing Company invoice in Davidson College Archives.

³² *Charlotte Observer*, December 9, 1928.

³³ Charlotte-Mecklenburg Historic Landmarks Commission, "Survey and Research Report for E. L. Baxter Davidson House," March 30, 1998, <http://landmarkscommission.org/wp-content/uploads/2018/05/Davidson-House-E.L.-Baxter-SR.pdf> (accessed December 13, 2021); Charlotte City Council, "Ordinance designating as a Historic Landmark a property known as the 'E. L. Baxter Davidson House' (listed under Tax Parcel Number 155-121-02 as of November 15, 1999, and including the entire exterior of the E. L. Baxter Davidson House and the entire parcel of land listed under Tax Parcel Number 155-121-02 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of November 15, 1999)," City of Charlotte Ordinance Book 50, Page 95-98, March 20, 2000; *Charlotte Observer*, April 21, 1935, October 11, 1944.

**Physical Description
of the E. L. Baxter Davidson
Historic Markers and Monuments**



E. L. Baxter Davidson laying ceremonial stone at Hopewell Presbyterian Church wall (October 1928)

The E. L. Baxter Davidson Historic Markers and Monuments are built of stone, the most durable construction material provided by nature. That Baxter Davidson selected stone for his markers, monuments, and walls indicates that he wanted them to endure. His intent was to make these edifices instructive. Davidson hoped that generations of Mecklenburg County residents would learn from them and be inspired by them. Alas, that desire has largely been unrealized. Most people are unaware of the Markers' existence and intended commemorative and instructional purposes.

Human beings have been erecting rock structures, such as castles, forts, and cathedrals, for thousands of years. They have also gathered stones and piled them into dry stone walls, *i.e.*, without mortar. For example, the original stone wall enclosing the Hopewell Presbyterian Church,

constructed long before the Markers, was a dry-stacked wall. The use of stone in that wall may have influenced Davidson's decision to use stone in his walls and monuments. Also, rocks are plentiful in the fields of north Mecklenburg County. Builders have often embedded stones in mortar or plaster and constructed vertical structures (or piers) to provide greater stability for their rock walls. Stone is a superb building material. The best rock is highly resistant to weathering and to water penetration. Rock walls are held in place by gravity. One advantage of using stone is that it can tolerate a variety of soil types, thereby increasing a stone structure's resistance to ground shifting. The foundation or footing is a critical component of a stone structure, as are provisions for drainage. The footing locks the entire system into place and supports the stem, which is the main visible portion of a wall or other vertical structure. Many vertical stone structures have a "toe," an extension at the base of the stem that keeps the structure upright, prevents overturning, and reduces bearing pressures. Masonry walls require proper capping, which can extend the life of the wall, reduce maintenance, and aid sustainability. To be effective, caps must deflect water. If water is allowed to penetrate the top of a rock structure, the entire system will eventually fail.

A specific physical description of the structure(s) recommended for historic landmark designation is detailed in the attached exhibit(s), incorporated herein by reference.

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Mecklenburg County Board of County Commissioners. “An Ordinance designating a property known as the ‘Hopewell Presbyterian Church’ (the entire exterior of the church building, the entire interior of the church building, the entire exterior of the education building, the entire interior of the education building, a tract of land bounded on one side by a straight line running along the eastern exterior wall of the education building and extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and bounded on the other side by the edge of the public right-of-way of Beatties Ford Road extending to both edges of the tract of land recorded in the Mecklenburg County tax office under tax parcel number 015-171-09, and the rock walls on the tracts of land recorded in the Mecklenburg County tax office under tax parcel numbers 023-052-26 and 023-042-04) as historic property, said property being located on both sides of Beatties Ford Road near its intersection with Sample Road, in Mecklenburg County, North Carolina, and recorded on tax parcel numbers 015-171-09, 023-052-26, 023-042-04 in the Mecklenburg County tax office.” Mecklenburg County Register of Deeds Real Estate Book 5733, Page 226, March 21, 1988.

_____. “An Ordinance designating a property known as the ‘Rural Hill Plantation’ (the exterior of all improvements, the interior of all improvements, and the entire 221.04 acres comprising the plantation) as historic property, said property being located on both sides of Neck Road in Mecklenburg County, North Carolina, and recorded on tax parcel numbers 013-042-18, 013-042-19, 013-042-20, 013-181-01, and 013-181-02 in the Mecklenburg County tax office.” Mecklenburg County Register of Deeds, Real Estate Book 5687, Page 582, December 21, 1987.

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EXHIBIT C

Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments

Rural Hill Directional Marker Huntersville, N.C.



Northeast face of Rural Hill Directional Marker

1. Name and Location of the Property. The Rural Hill directional marker is located at 6645 Neck Road, within Huntersville's sphere of influence. The tax parcel number for the property on which the marker stands is 01301250, and its UTM Coordinates are 17S 504679E 5915584N.
2. Name and Address of Parties to be Notified.
 - a. North Carolina Department of Transportation
Division 10, District 2 Office
7605 District Drive
Charlotte, N.C. 28213
District Engineer: Wendy Taylor
Direct Phone and Email: (980) 523-0000; wataylor1@ncdot.gov
 - b. Herseng Yang
6645 Neck Road
Huntersville, N.C. 28078

3. Ad Valorem Tax Appraisal. As of January 2021, the total appraised value of the property on which the Rural Hill directional marker stands is \$255,700.
4. Recommendation for Designation. The Rural Hill directional marker in its entirety, as well as a thirty-eight (38) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, is recommended for historic landmark designation.

The Rural Hill Directional Marker

The Rural Hill directional marker is one of only two extant solitary rock piers erected by Baxter Davidson, both of which are located in Huntersville. The second such standalone marker is the General Davidson Memorial, located in a small memorial park on the south side of North Carolina Highway 73, directly across from the McGuire Nuclear Station. Standing on private residential property, some fifty feet from a busy Beatties Ford Road/Neck Road intersection, the continued integrity of the Rural Hill directional marker is at risk, given the rapid growth of both development and vehicular traffic in the immediate area. Indeed, the marker has already been struck and damaged by an automobile at least once, necessitating its reconstruction slightly westward to its current location.



*Aerial Image of Rural Hill directional marker
(arrow indicates monument's location) (source: Polaris 3G)*

The Rural Hill directional marker stands approximately 8 feet tall, and measures approximately 3 feet in both length and width. It is located to the northwest of the intersection of Beatties Ford and Neck Roads. It features a metal plaque, which reads: "MAJOR JOHN DAVIDSON'S / HOMESTEAD. / BUILT 1788 BURNED 1886." Atop the plaque is a stylized depiction of a hand

indicating the direction of the homestead, also known as Rural Hill.

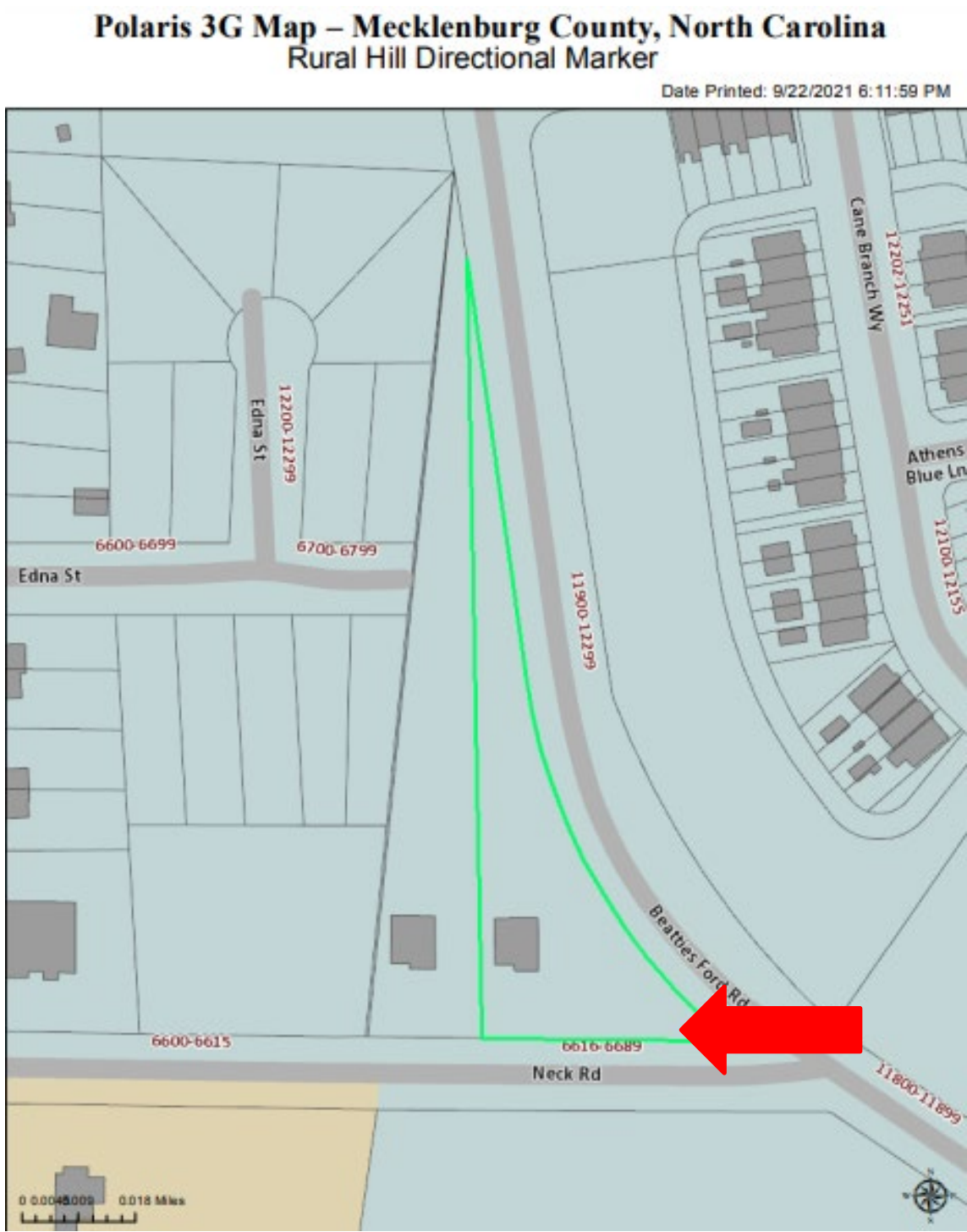


Plaque on Rural Hill directional marker

Like the General Davidson Memorial and the Rural Hill cemetery wall, the stem or visible face of the Rural Hill directional marker is composed of alternating strings of rough-faced dark brown and white stones. The stones are embedded in mortar, and the stem of the marker rises perpendicularly from a toeless foundation to a pyramidal cap decorated with small, smooth, white stones. The cap is topped by a large flint rock finial that adds an additional 12 to 15 inches in height to the pier. The pier is surrounded by a small pentagon-shaped landscaped area bordered by large dark brown stones similar in appearance to those used to construct the pier.



Northeast face of Rural Hill Directional Marker



Arrow indicates approximate location of Rural Hill directional marker



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

March 18, 2022

Stewart Gray
Preservation Planner
Charlotte-Mecklenburg Historic Landmarks Commission
2100 Randolph Road
Charlotte, NC 28207

**RE: Proposed Designation of the E.L. Baxter Davidson Historic Markers at multiple locations
throughout Mecklenburg County**

Dear Mr. Gray:

Thank you for the report we received on the proposed designation of the E.L. Baxter Davidson Historic Markers located throughout Mecklenburg County. We have reviewed the report and offer the following comments in accordance with North Carolina General Statute 160D-946.

The E.L. Baxter Davidson Historic Markers have special local significance for commemorating local historic events, places, and people; as a “uniquely sophisticated collection of Mecklenburg County public art”; and as representatives of Baxter Davidson’s 1920s campaign to educate the public about local history.

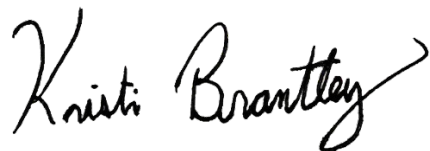
We have shared recommendations with staff to perform very minor changes to the report. With these minor changes, we believe the commission and the local governing board will be able to more accurately determine if the E.L. Baxter Davidson Historic Markers possess the requisite special significance and integrity required for local historic landmark designation.

Landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and appearance to the property is subject to the design review procedures of the preservation commission.

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, nonbinding. Once the governing board has received a recommendation from the Charlotte-Mecklenburg Historic Landmarks Commission, it should proceed in the same manner as would otherwise be required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form to our office.

This letter serves as our comments on the proposed designation of the E.L. Baxter Davidson Historic Markers. Please contact me at Kristi.brantley@ncdcr.gov (preferred) or 919-814-6583 should you have any questions about our comments.

Sincerely,

A handwritten signature in black ink that reads "Kristi Brantley". The signature is written in a cursive, flowing style with a long, sweeping tail on the "y".

Kristi Brantley
Local Preservation Commissions / CLG Coordinator

CC: Commission Chair

Enclosure

MEMO

To: File – E. L. Baxter Davidson Historic Markers and Monuments
From: HLC Staff
Date: May 4, 2021

Re: Comments from State Historic Preservation Office on Designation Report and Exhibit for Rural Hill Directional Marker, Huntersville

By email dated March 18, 2022, SHPO staff provided feedback based on their review of the Designation Report and Exhibit for the Rural Hill Directional Marker. In summary, the issues raised included the following:

- Greater clarity of vantage points within photo captions; and
- A typographical error.

Following review of the Designation Report and the SHPO feedback, the HLC staff revised and updated the Designation Report to address the issues raised.

RECORD OF THE VOTE OF THE HISTORIC LANDMARKS COMMISSION ON THE

Rural Hill Directional Marker

February 14, 2022

Motion: THE SURVEY COMMITTEE PRESENTED A SECONDED MOTION TO THE HISTORIC LANDMARKS COMMISSION THAT IT PROCESS THE E. L. BAXTER DAVIDSON HISTORIC MARKERS AND MONUMENTS WITH THE PROTECTED RADII AS RECOMMENDED BY STAFF FOR HISTORIC LANDMARK DESIGNATION. THE COMMISSION UNANIMOUSLY APPROVED THE MOTION.

Favor

Mr. Akadius Berry, Ms. Lesley Carroll, Mr. Brian Clarke, Mr. William Hughes, Ms. Elizabeth Luke, Mr. Garrett Nelson, Mr. Jeffrey Parsons, Mr. Edwin Wilson

Oppose

None

Abstain

None

Absent

Ms. Diane Althouse, Mr. Robert Barfield, and Mr. Joshua Shope



MECKLENBURG COUNTY

Assessor's Office
Real Estate Division

May 24, 2022

Tommy Warlick
Consulting Preservation Planner
Charlotte-Mecklenburg Historic Landmarks Commission
2100 Randolph Rd.
Charlotte, NC 28207

In Re: Parcel Number 01301250
The Rural Hill Directional Marker
6645 Neck Road (The marker and 38ft radius of the land)
Huntersville, NC

Dear Mr. Tommy Warlick,

Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$0.17 City of Huntersville taxes, and \$0.45 for Mecklenburg County taxes.

Very truly yours,

Mecklenburg County Real Estate Appr. Div.

LIVE * WORK * RECREATE

3205 Freedom Drive * P.O. Box 31127 * Charlotte, North Carolina 28231 * (980) 314-4226

PROJECT NAME: Beatties Ford Rd / Neck Rd		DEPT: Engineering / Public Works							
PROJECT DESCRIPTION: Realign Neck Road and construct turn lanes at intersection of Beatties Ford Road and Neck Road.	PROJECT COSTS: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Project spent to date-12-29-2021</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Remaining to be spent</td> <td style="text-align: right;">2,600,000</td> </tr> <tr> <td>Total Project costs</td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 3px double black;">\$ 2,600,000</td> </tr> </table>			Project spent to date-12-29-2021	\$ -	Remaining to be spent	2,600,000	Total Project costs	\$ 2,600,000
Project spent to date-12-29-2021	\$ -								
Remaining to be spent	2,600,000								
Total Project costs	\$ 2,600,000								

PART A: TOTAL PROJECT BUDGET	\$2,600,000						
<u>DESCRIPTION/DETAIL</u>	<u>FY 23</u>	<u>FY 24</u>	<u>FY 25</u>	<u>FY 26</u>	<u>FY 27</u>	<u>Future</u>	<u>Total</u>
Design / Right of Way / Utility Relocation / Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,600,000	\$ 2,600,000
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,600,000	\$ 2,600,000

PART B: FUNDING SOURCES							
<u>DESCRIPTION/DETAIL</u>	<u>FY 23</u>	<u>FY 24</u>	<u>FY 25</u>	<u>FY 26</u>	<u>FY 27</u>	<u>Future</u>	<u>Total</u>
General Fund Appropriation							
Future funding	-	\$ -	\$ -	\$ -	\$ -	\$ 2,600,000	\$ 2,600,000
Special Revenue Funds: <u>Transportation Reserve</u>		-	-	-	-	-	-
Other(Describe):							
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,600,000	\$ 2,600,000

PART C: OPERATING IMPACTS							
<u>DESCRIPTION/DETAIL</u>	<u>FY 23</u>	<u>FY 24</u>	<u>FY 25</u>	<u>FY 26</u>	<u>FY 27</u>	<u>Future</u>	<u>Total</u>
Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Facility Operating Cost							
Personnel							
Other Operation Cost; Grounds Maintenance							
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK A STRUCTURE KNOWN AS THE “RURAL HILL DIRECTIONAL MARKER” (LISTED UNDER TAX PARCEL NUMBER 01301250, AND INCLUDING THE MARKER IN ITS ENTIRETY AND A TEN (10) FOOT RADIUS OF THE LAND IMMEDIATELY SURROUNDING THE MARKER, MEASURED IN EACH DIRECTION FROM THE CENTRAL POINT OF THE MARKER, ALL AS SITUATED ON THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 01301250 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC, AS OF JULY 1, 2022). THE MARKER STANDS AT THE INTERSECTION OF BEATTIES FORD AND NECK ROADS ON PROPERTY LOCATED AT 6645 NECK ROAD, HUNTERSVILLE, NC, AND OWNED BY HERSENG YANG.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 17th day of October, 2022, on the question of designating a structure known as the Rural Hill Directional Marker as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at

a public hearing held on the 12th day of September, 2022, on the question of designating a structure known as the Rural Hill Directional Marker as an historic landmark; and

WHEREAS, the Rural Hill Directional Marker is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre's Farm and Cowan's Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the Rural Hill Directional Marker specifically commemorates Rural Hill, the homestead of Major John Davidson, offering motorists directions as to the site; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County's history of extraordinary efforts and achievements by ordinary people in an understated but respectful manner that complements the local landscape and the region's customs; and

WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the Rural Hill Directional Marker, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the Rural Hill Directional Marker possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the Rural Hill Directional Marker stands at the intersection of Beatties Ford and Neck Roads on property owned by Herseng Yang.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the structure known as the “Rural Hill Directional Marker” (listed under Tax Parcel Number 01301250, and including the marker in its entirety and a ten (10) foot radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker, all as situated on the property listed under Tax Parcel Number 01301250 in the Mecklenburg County Tax Office, Charlotte, NC, as of July 1, 2022), is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at the intersection of Beatties Ford and Neck Roads on property located at 6645 Neck Road, Huntersville, NC. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of

the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said structure has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the property on which the historic landmark known as the Rural Hill Directional Marker stands be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK A STRUCTURE KNOWN AS THE “RURAL HILL DIRECTIONAL MARKER” (LISTED UNDER TAX PARCEL NUMBER 01301250, AND INCLUDING THE MARKER IN ITS ENTIRETY AND A THIRTY-EIGHT (38) FOOT RADIUS OF THE LAND IMMEDIATELY SURROUNDING THE MARKER, MEASURED IN EACH DIRECTION FROM THE CENTRAL POINT OF THE MARKER, ALL AS SITUATED ON THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 01301250 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC, AS OF JULY 1, 2022). THE MARKER STANDS AT THE INTERSECTION OF BEATTIES FORD AND NECK ROADS ON PROPERTY LOCATED AT 6645 NECK ROAD, HUNTERSVILLE, NC, AND OWNED BY HERSENG YANG.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 17th day of October, 2022, on the question of designating a structure known as the Rural Hill Directional Marker as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at

a public hearing held on the 12th day of September, 2022, on the question of designating a structure known as the Rural Hill Directional Marker as an historic landmark; and

WHEREAS, the Rural Hill Directional Marker is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre's Farm and Cowan's Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the Rural Hill Directional Marker specifically commemorates Rural Hill, the homestead of Major John Davidson, offering motorists directions as to the site; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County's history of extraordinary efforts and achievements by ordinary people in an understated but respectful manner that complements the local landscape and the region's customs; and

WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the Rural Hill Directional Marker, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the Rural Hill Directional Marker possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the Rural Hill Directional Marker stands at the intersection of Beatties Ford and Neck Roads on property owned by Herseng Yang.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the structure known as the “Rural Hill Directional Marker” (listed under Tax Parcel Number 01301250, and including the marker in its entirety and a thirty-eight (38) foot radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker, all as situated on the property listed under Tax Parcel Number 01301250 in the Mecklenburg County Tax Office, Charlotte, NC, as of July 1, 2022), is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at the intersection of Beatties Ford and Neck Roads on property located at 6645 Neck Road, Huntersville, NC. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of

the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said structure has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the property on which the historic landmark known as the Rural Hill Directional Marker stands be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: November 7, 2022

Subject: Decision on Designating Cowan's Ford-Davidson College Monument as Historic Landmark

EXPLAIN REQUEST:

Consider decision on the question of designating, as a historic landmark, a structure known as the "Cowan's Ford-Davidson College Monument," including the monument in its entirety and a 15' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as associated with the property listed under Tax Parcel 00902102, located at 14910 NC Highway 73 and owned by MDHB Properties LLC.

ACTION RECOMMENDED:

Take final action.

FINANCIAL IMPLICATIONS:

Property is located in Huntersville corporate limits. Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$1.16 Town of Huntersville taxes, and \$2.90 for Mecklenburg County taxes.

ATTACHMENTS:

1. Cowans Ford Ordinance

ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK A STRUCTURE KNOWN AS THE “COWAN’S FORD-DAVIDSON COLLEGE MONUMENT” (ASSOCIATED WITH THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 00902102, AND INCLUDING THE MONUMENT IN ITS ENTIRETY AND A FIFTEEN (15) FOOT RADIUS OF THE LAND IMMEDIATELY SURROUNDING THE MONUMENT, MEASURED IN EACH DIRECTION FROM THE CENTRAL POINT OF THE MONUMENT, ALL AS ASSOCIATED WITH THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 00902102 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC, AS OF JULY 1, 2022). THE MONUMENT, STANDING NEAR THE INTERSECTION OF BROWN MILL AND BEATTIES FORD ROADS, IS ASSOCIATED WITH THE PROPERTY LOCATED AT 14910 NC 73 HIGHWAY, HUNTERSVILLE, N.C., WHICH IS OWNED BY MDHB PROPERTIES LLC.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 17th day of October, 2022, on the question of designating a structure known as the Cowan’s Ford-Davidson College Monument as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at

a public hearing held on the 12th day of September, 2022, on the question of designating a structure known as the Cowan’s Ford-Davidson College Monument as an historic landmark; and

WHEREAS, the Cowan’s Ford-Davidson College Monument is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre’s Farm and Cowan’s Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the Cowan’s Ford-Davidson College Monument specifically commemorates both Davidson College and the site of the 1781 Revolutionary War Battle of Cowan’s Ford, offering motorists directions to both sites; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County’s history of extraordinary efforts and achievements by ordinary

people in an understood but respectful manner that complements the local landscape and the region’s customs; and

WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the Cowan’s Ford-Davidson College Monument, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the Cowan’s Ford-Davidson College Monument possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a

protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the Cowan’s Ford-Davidson College Monument, which stands near the intersection of Brown Mill and Beatties Ford Roads, is associated with property owned by MDHB Properties LLC.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the structure known as the “Cowan’s Ford-Davidson College Monument” (associated with the property listed under Tax Parcel Number 00902102, and including the monument in its entirety and a fifteen (15) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as associated with the property listed under Tax Parcel Number 00902102 in the Mecklenburg County Tax Office, Charlotte, NC, as of July 1, 2022), is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is associated with the property located at 14910 NC 73 Highway, Huntersville, N.C., near the intersection of Brown Mill and Beatties Ford Roads. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said structure has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

Ordinance – Cowan’s Ford-Davidson College Monument

6. That the owners of the property associated with the historic landmark known as the Cowan’s Ford-Davidson College Monument be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: November 7, 2022

Subject: Decision on Designating General William Lee Davidson Monument as Historic Landmark

EXPLAIN REQUEST:

Consider decision on the question of designating as a historic landmark a structure known as the "General William Lee Davidson Monument," including the monument in its entirety and a 40' radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as situated on the property listed under Tax Parcel 01315102, located at 5455 Cashion Road and owned by Duke Power Company.

ACTION RECOMMENDED:

Take final action.

FINANCIAL IMPLICATIONS:

Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$4.02 Town of Huntersville taxes, and \$10.31 for Mecklenburg County taxes.

ATTACHMENTS:

1. General Davidson Ordinance with 40 foot radius
2. General Davidson Ordinance with 8 foot radius

ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK A STRUCTURE KNOWN AS THE “GENERAL WILLIAM LEE DAVIDSON MONUMENT” (LISTED UNDER TAX PARCEL NUMBER 01315102, AND INCLUDING THE MONUMENT IN ITS ENTIRETY AND A FORTY (40) FOOT RADIUS OF THE LAND IMMEDIATELY SURROUNDING THE MONUMENT, MEASURED IN EACH DIRECTION FROM THE CENTRAL POINT OF THE MONUMENT, ALL AS SITUATED ON THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 01315102 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC, AS OF JULY 1, 2022). THE MONUMENT STANDS ON PROPERTY LOCATED AT 5455 CASHION ROAD, HUNTERSVILLE, NC, AND OWNED BY DUKE POWER COMPANY.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the ____ day of _____, 2022, on the question of designating a structure known as the General William Lee Davidson Monument as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 12th day of September, 2022, on the question of designating a

structure known as the General William Lee Davidson Monument as an historic landmark;
and

WHEREAS, the General William Lee Davidson Monument is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre's Farm and Cowan's Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the General William Lee Davidson Monument originally marked the location where General William Lee Davidson was believed to have been killed during the 1781 Battle of Cowan's Ford, but was relocated to a nearby memorial park due to the construction of the Cowan's Ford Dam; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County's history of extraordinary efforts and achievements by ordinary

people in an understood but respectful manner that complements the local landscape and the region's customs; and

WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the General William Lee Davidson Monument, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the General William Lee Davidson Monument possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a

protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the General William Lee Davidson Monument stands on property owned by Duke Power Company in a memorial park located near the intersection of North Carolina Highway 73 and McGuire Nuclear Station Road.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the structure known as the “General William Lee Davidson Monument” (listed under Tax Parcel Number 01315102, and including the monument in its entirety and a forty (40) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as situated on the property listed under Tax Parcel Number 01315102 in the Mecklenburg County Tax Office, Charlotte, NC, as of July 1, 2022) is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated in a memorial park near the intersection of North Carolina Highway 73 and McGuire Nuclear Station Road on property located at 5455 Cashion Road, Huntersville, NC. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said structure has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the property on which the historic landmark known as the General William Lee Davidson Monument stands be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK A STRUCTURE KNOWN AS THE “GENERAL WILLIAM LEE DAVIDSON MONUMENT” (LISTED UNDER TAX PARCEL NUMBER 01315102, AND INCLUDING THE MONUMENT IN ITS ENTIRETY AND AN EIGHT (8) FOOT RADIUS OF THE LAND IMMEDIATELY SURROUNDING THE MONUMENT, MEASURED IN EACH DIRECTION FROM THE CENTRAL POINT OF THE MONUMENT, ALL AS SITUATED ON THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 01315102 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC, AS OF JULY 1, 2022). THE MONUMENT STANDS ON PROPERTY LOCATED AT 5455 CASHION ROAD, HUNTERSVILLE, NC, AND OWNED BY DUKE POWER COMPANY.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 17th day of October, 2022, on the question of designating a structure known as the General William Lee Davidson Monument as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 12th day of September, 2022, on the question of designating a

structure known as the General William Lee Davidson Monument as an historic landmark;
and

WHEREAS, the General William Lee Davidson Monument is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre's Farm and Cowan's Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the General William Lee Davidson Monument originally marked the location where General William Lee Davidson was believed to have been killed during the 1781 Battle of Cowan's Ford, but was relocated to a nearby memorial park due to the construction of the Cowan's Ford Dam; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County's history of extraordinary efforts and achievements by ordinary

people in an understood but respectful manner that complements the local landscape and the region's customs; and

WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the General William Lee Davidson Monument, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the General William Lee Davidson Monument possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a

protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the General William Lee Davidson Monument stands on property owned by Duke Power Company in a memorial park located near the intersection of North Carolina Highway 73 and McGuire Nuclear Station Road.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the structure known as the “General William Lee Davidson Monument” (listed under Tax Parcel Number 01315102, and including the monument in its entirety and an eight (8) foot radius of the land immediately surrounding the monument, measured in each direction from the central point of the monument, all as situated on the property listed under Tax Parcel Number 01315102 in the Mecklenburg County Tax Office, Charlotte, NC, as of July 1, 2022) is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated in a memorial park near the intersection of North Carolina Highway 73 and McGuire Nuclear Station Road on property located at 5455 Cashion Road, Huntersville, NC. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said structure has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the property on which the historic landmark known as the General William Lee Davidson Monument stands be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Kayleigh Mielenz, Planner I

Date: November 7, 2022

Subject: Decision on Designating Rural Hill Directional Marker as Historic Landmark

EXPLAIN REQUEST:

Consider decision on the question of designating, as a historic landmark, a structure known as the "Rural Hill Directional Marker," including the marker in its entirety and a 38' radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker, all as situated on the property listed under Tax Parcel 01301250, located at 6645 Neck Road and owned by Herseng Yang.

ACTION RECOMMENDED:

Take final action

FINANCIAL IMPLICATIONS:

Based on the current value and tax rate, the potential amount of deferrable taxes on the above mentioned property would be \$0.17 in Town of Huntersville taxes, and \$0.45 for Mecklenburg County taxes.

ATTACHMENTS:

1. Rural Hill Ordinance with 10 foot radius
2. Rural Hill Ordinance with a 38 foot radius

ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK A STRUCTURE KNOWN AS THE “RURAL HILL DIRECTIONAL MARKER” (LISTED UNDER TAX PARCEL NUMBER 01301250, AND INCLUDING THE MARKER IN ITS ENTIRETY AND A TEN (10) FOOT RADIUS OF THE LAND IMMEDIATELY SURROUNDING THE MARKER, MEASURED IN EACH DIRECTION FROM THE CENTRAL POINT OF THE MARKER, ALL AS SITUATED ON THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 01301250 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC, AS OF JULY 1, 2022). THE MARKER STANDS AT THE INTERSECTION OF BEATTIES FORD AND NECK ROADS ON PROPERTY LOCATED AT 6645 NECK ROAD, HUNTERSVILLE, NC, AND OWNED BY HERSENG YANG.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 17th day of October, 2022, on the question of designating a structure known as the Rural Hill Directional Marker as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at

a public hearing held on the 12th day of September, 2022, on the question of designating a structure known as the Rural Hill Directional Marker as an historic landmark; and

WHEREAS, the Rural Hill Directional Marker is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre's Farm and Cowan's Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the Rural Hill Directional Marker specifically commemorates Rural Hill, the homestead of Major John Davidson, offering motorists directions as to the site; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County's history of extraordinary efforts and achievements by ordinary people in an understated but respectful manner that complements the local landscape and the region's customs; and

WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the Rural Hill Directional Marker, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the Rural Hill Directional Marker possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the Rural Hill Directional Marker stands at the intersection of Beatties Ford and Neck Roads on property owned by Herseng Yang.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the structure known as the “Rural Hill Directional Marker” (listed under Tax Parcel Number 01301250, and including the marker in its entirety and a ten (10) foot radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker, all as situated on the property listed under Tax Parcel Number 01301250 in the Mecklenburg County Tax Office, Charlotte, NC, as of July 1, 2022), is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at the intersection of Beatties Ford and Neck Roads on property located at 6645 Neck Road, Huntersville, NC. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of

the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said structure has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the property on which the historic landmark known as the Rural Hill Directional Marker stands be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

ORDINANCE DESIGNATING AS AN HISTORIC LANDMARK A STRUCTURE KNOWN AS THE “RURAL HILL DIRECTIONAL MARKER” (LISTED UNDER TAX PARCEL NUMBER 01301250, AND INCLUDING THE MARKER IN ITS ENTIRETY AND A THIRTY-EIGHT (38) FOOT RADIUS OF THE LAND IMMEDIATELY SURROUNDING THE MARKER, MEASURED IN EACH DIRECTION FROM THE CENTRAL POINT OF THE MARKER, ALL AS SITUATED ON THE PROPERTY LISTED UNDER TAX PARCEL NUMBER 01301250 IN THE MECKLENBURG COUNTY TAX OFFICE, CHARLOTTE, NC, AS OF JULY 1, 2022). THE MARKER STANDS AT THE INTERSECTION OF BEATTIES FORD AND NECK ROADS ON PROPERTY LOCATED AT 6645 NECK ROAD, HUNTERSVILLE, NC, AND OWNED BY HERSENG YANG.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Huntersville, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 17th day of October, 2022, on the question of designating a structure known as the Rural Hill Directional Marker as an historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at

a public hearing held on the 12th day of September, 2022, on the question of designating a structure known as the Rural Hill Directional Marker as an historic landmark; and

WHEREAS, the Rural Hill Directional Marker is one of the E. L. Baxter Davidson Historic Markers and Monuments, a series of rock monuments, markers, and walls financed and erected across north Mecklenburg County during the 1920s by local real estate investor Edward Lee Baxter Davidson; and

WHEREAS, Davidson intended that series of rock structures to represent and raise public awareness of locations, institutions, events, and individuals of regional historic significance, including the Revolutionary War Battles of McIntyre's Farm and Cowan's Ford (October 3, 1780, and February 1, 1781, respectively), the battlefield death of General William Lee Davidson (February 1, 1781), the homestead of Major John Davidson (Rural Hill, built in 1788), and the founding of Williams Memorial Presbyterian Church (established in 1885); and

WHEREAS, the Rural Hill Directional Marker specifically commemorates Rural Hill, the homestead of Major John Davidson, offering motorists directions as to the site; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments constitute a uniquely sophisticated and cohesive collection of vernacular public art in terms of material, design, and execution; and

WHEREAS, using ordinary native materials and deceptively simplistic traditional structural designs, the E. L. Baxter Davidson Historic Markers and Monuments honor Mecklenburg County's history of extraordinary efforts and achievements by ordinary people in an understated but respectful manner that complements the local landscape and the region's customs; and

WHEREAS, five of the E. L. Baxter Davidson Historic Markers and Monuments located across north Mecklenburg County are already designated as local historic landmarks, namely a rock memorial to Major John Davidson and the rock wall encircling the Davidson family cemetery, both located at the Rural Hill farmstead in Huntersville, and the rock wall, rock church marker, and rock signage piers, all located at Hopewell Presbyterian Church also in Huntersville; and

WHEREAS, the E. L. Baxter Davidson Historic Markers and Monuments are of such historic, architectural, and cultural significance – both as commemorations of the early history of Mecklenburg County and as tributes to the commitment and impact of a single person determined to bring tangible form and expression to that history – that all known extant structures within the collection, including the Rural Hill Directional Marker, should likewise be designated as local historic landmarks; and

WHEREAS, based on the additional information further detailed in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto, all of which are incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the structure known as the Rural Hill Directional Marker possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structure as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has also demonstrated the importance of incorporating within the landmark designation a protective buffer area of land within the immediately adjacent radius of the structure, as further detailed hereinafter; and

WHEREAS, the structure known as the Rural Hill Directional Marker stands at the intersection of Beatties Ford and Neck Roads on property owned by Herseng Yang.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Huntersville, North Carolina:

1. That the structure known as the “Rural Hill Directional Marker” (listed under Tax Parcel Number 01301250, and including the marker in its entirety and a thirty-eight (38) foot radius of the land immediately surrounding the marker, measured in each direction from the central point of the marker, all as situated on the property listed under Tax Parcel Number 01301250 in the Mecklenburg County Tax Office, Charlotte, NC, as of July 1, 2022), is hereby designated as an historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at the intersection of Beatties Ford and Neck Roads on property located at 6645 Neck Road, Huntersville, NC. Exterior features are more completely described in the *Designation Report on the E. L. Baxter Davidson Historic Markers and Monuments* (December 2021) and the exhibits attached thereto.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of

the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said structure has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the property on which the historic landmark known as the Rural Hill Directional Marker stands be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 2022, by the members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina.

Clerk to Town Board

Approved as to form:

Town Attorney

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: November 7, 2022

Subject: Stumptown Road Project Discussion

EXPLAIN REQUEST:

Discuss the application of CRTPO funding for the Stumptown Road project. Take action on revised project CIP and commitment of funds.

ACTION RECOMMENDED:

Discussion and action on Resolution

FINANCIAL IMPLICATIONS:

General Fund

ATTACHMENTS:

1. Stumptown Rd Ext CRTPO application - Resolution



RESOLUTION OF THE TOWN OF HUNTERSVILLE TO AMEND THE CAPITAL IMPROVEMENT PROGRAM (CIP) AND APPLY FOR CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CRTPO) FUNDING FOR THE STUMPTOWN RD EXTENSION PROJECT FROM ABERFELD TO NC115 (OLD STATESVILLE RD)

Whereas, the Town of Huntersville has identified and selected the Stumptown Rd Extension from Aberfeld Rd to NC115 (Old Statesville Rd), as a project for the CRTPO's 2022 Fall Call for Projects; and

Whereas the Town of Huntersville retained services from DRMP, Inc to prepare the environmental assessment, including a concept plan and cost estimate, used herein for the CRTPO's application requirements; and

Whereas the CRTPO's total funding for the total 2022 Fall Call is \$58,000,000.00, of which \$46,000,000.00 is reserved for roadway projects and where no one project can request more than \$11,500,000.00 which equates to 25% of the roadway projects funding; and

Whereas the total estimated cost of the Stumptown Rd Extension Project is now \$15,670,100.00 from which the Town of Huntersville is applying for a portion of the total project. The Town is requesting \$5,156,000.00 from CRTPO and will commit \$1,289,000.00 of local dollars which equates to a 20% local match; and

Whereas the Town of Huntersville has amended the FY2023's CIP for the Stumptown Rd Extension Project attached as Exhibit A; and

Whereas the Town of Huntersville has prepared the commitment letter for the CRTPO application, formally documenting the local match, attached as Exhibit B.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Commissioners affirms the Stumptown Rd Extension Project submitted for CRTPO funding.
2. The Amendment of the FY2023 CIP, as show in Exhibit A, is approved.
3. The amount and percentage for local dollars matching, per Exhibit B, is approved.

4. The Board hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to affect the provisions of this Resolution; and
5. This Resolution shall be effective as of the date its adoption.

Adopted this 7th day of November 2022.

ATTEST:

Janet Pierson, Town Clerk

Melinda Bales, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

Exhibit A

Exhibit B



Date: November 8, 2022

To: Ms. Jennifer Stafford
Project Development Planner
Charlotte Regional TPO

From: Anthony Roberts
Town Manager – Town of Huntersville

SUBJECT: Local Match Commitment
2022 Fall Call for New and Shortfall Projects
Portion of Stumptown Rd Extension Project

In submitting this application package for a portion of the Stumptown Rd Extension project, the Town of Huntersville would like to formally document its commitment of \$1,289,000.00 toward delivery of the proposed project which equates to 20% of the \$6,445,000.00 total cost. It is our understanding this commitment, of 20%, would result in the award of 0 points within the evaluation criteria.

The Huntersville Town Board action took place on November 7, 2022 committing the \$1,289,000.00 of local funds with both a specific action item as well as the formal adoption of a revised Town CIP identifying this matching amount. It is anticipated that the source of local matching funds will be from the General Fund Balance.

As evident by our financial investment in securing the services of DRMP, Inc. to prepare the supporting documentation included in this submittal package, the Town of Huntersville considers the Stumptown Rd Extension a priority project to reduce and enhance both motorized and non-motorized travel in this area.

Thank you for the opportunity to submit this package for consideration and, should additional information be needed, please let us know.

Anthony Roberts
Town Manager

Pattie McGinnis
Finance Director

Engineering&PublicWorks

Post Office Box 664 • 105 Gilead Road, Suite 300 • Huntersville, NC 28070
phone 704.766.2220 • fax 704.992.5528 • www.huntersville.org

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: November 7, 2022

Subject: Hambright Pedestrian Crossing

EXPLAIN REQUEST:

Discussion on a request to add a pedestrian crossing on Hambright Road at the JM Alexander Middle School.

ACTION RECOMMENDED:

Discussion

FINANCIAL IMPLICATIONS:

General Fund

ATTACHMENTS:

1. Hambright Vicinity Map

0 200 400 800 Feet

N



**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Anthony Roberts, Town Manager

Date: November 7, 2022

Subject: Municipal Government Structure Changes

EXPLAIN REQUEST:
Changes to Municipal Government Structure

The Town only has the authority to call a referendum as permitted by law. NC School of Government has a summary of what can be accomplished by referendum in this link <https://canons.sog.unc.edu/limited-room-for-referendums-in-north-carolina/>. As you'll see in the article, North Carolina has specifically chosen to give the power to the Board, rather than the people, except for a select number of topics.

One of the topics allowed to be put to a referendum is changing the structure of municipal government, including changing the terms of the Board members and establishing districts. However, these changes are not required to be made through a referendum, but instead could be made via an ordinance process. The procedure to amend the structure of the Town's government (and thereby its Charter), whether by ordinance or referendum, is included below. It should be noted that amendment of aspects of the Town Charter not listed in N.C.G.S. § 160A-101 require approval of the General Assembly. Also, the General Assembly can always undo changes to the Town Charter. See here: <https://www.sog.unc.edu/resources/faq-collections/modifying-citys-charter-summary-questions-and-answers>.

I. Referendum Option:

If the Town Board did wish to amend the Town's form of government by referendum, the general procedure for calling a referendum is set out in N.C.G.S. § 163-287, which is laid out here:

1. The Town must adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the local board of elections. The resolution shall call on the local board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be

conducted. The statute encourages for the election to be held on a date that will result in the highest possible turnout.

2. The **referendum may only be held at certain dates allowed by law.** **Generally, that means referendums may be held at the time of primary or general elections in even-numbered years or at the time of that Town's general elections in odd-numbered years.** Note, that there are a few exceptions to this rule, but those do not apply for Charter amendments.
3. Legal notice of the election is required to be published no less than 45 days prior to the referendum. The local board of elections is responsible for publishing this notice.

II. Ordinance Option:

N.C.G.S. § 160A-101 through 160A-111 sets out the procedure for amending the form of government (and Charter) via ordinance:

1. Adopt a resolution of intent to consider an ordinance amending the Charter
2. Call a public hearing on the amendments. The hearing must be not more than 45 days after adoption of the resolution. It must be published at least once at least 10 days prior to the hearing and contain a summary of the proposed amendments.
3. Following the public hearing (but not at the public hearing and not later than 60 days from the public hearing), the Town Board may adopt an ordinance amending the Charter to implement the amendments proposed in the resolution of intent.
4. Within 10 days of the adoption, notice must be published of the adoption.

Additional notes about charter amendments:

1. The people of the town can force a referendum to amend the charter at any time with a petition signed by at least 5,000 qualified voters.
2. If the Board amends the charter through ordinance without a referendum, the people may, within 30 days of the notice of the ordinance adoption, submit a petition signed by at least 5,000 qualified voters and require the amendment to go to a referendum.

ACTION RECOMMENDED:

Discussion

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
November 7, 2022**

To: Town Board

From: Emily Sloop, Town Attorney

Date: November 7, 2022

Subject: Best Practices for Town Board Motions

EXPLAIN REQUEST:

Discuss best practices for Town Board motions.

ACTION RECOMMENDED:

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. BEST PRACTICES FOR MOTIONS

BEST PRACTICES FOR MOTIONS

I. Drafting the Motion

- Use clear and concise language in the motion.
- Avoid run on sentences in the motion.
- Motions related to quasi-judicial matters should incorporate findings of fact.
 - Planning staff typically include proposed findings of fact in the agenda package, but Town Board members may choose to make their own findings of fact to support the action taken.
- Motions related to the text of development regulations (i.e. Zoning Ordinance, Subdivision Ordinance, etc.) and rezonings should include a statement in accordance with N.C.G.S. § 160D-605(a) regarding whether the proposed amendment or rezoning is consistent or inconsistent with the Town's comprehensive land use plan.
- Motions related to rezonings should also include a reasonableness statement regarding whether the proposed rezoning is reasonable in accordance with N.C.G.S § 160D-605(b).
- Motions related to planning matters should be reviewed by Planning staff.
- Motions should also be reviewed by the Legal Department to ensure legal sufficiency.

II. Vested Development Rights

- Be aware of vested development rights, how they are created, and for how long they last.
- Article 2.2 of the Zoning Ordinance specifies which development approvals create statutorily vested development rights, including site-specific vesting plans pursuant to N.C.G.S. § 160D-108.1, and their duration. <https://www.huntersville.org/999/Article-22---Vested-Development-Rights>.
- Common law vested development rights may be established when:
 - (1) substantial expenditures were made;
 - (2) the expenditures were made in good faith;
 - (3) the expenditures were made in reliance on valid government approval, if so required; and
 - (4) the owner would be harmed without vested rights.

See *Browning-Ferris Indus. Of S. Atl. Inc. v. Guilford County Bd. of Adjustment*, 126 N.C. App. 168, 171-72, 484 S.E. 2d, 411m 414 (1997).

- Common law vested development rights do not have a specific expiration date, but rather, likely continue while the development is being pursued and expire if there is an extended period of time during which there is no activity or pursuit of the development.
- Pursuant to N.C.G.S. §§160D-108(c) and 160D-108.1(f)(1), once a vested right is established by statute or common law, a local government is precluded from any zoning action that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the establishment of the vested right. Some exceptions exist under 160D-108.1(f)(1)(a)-(e) for rights established under site-specific vesting plans.

III. Making the Motion

- Ensure that your microphone is turned on when making the motion.
- Ensure that you are speaking at a pace and volume understandable by your fellow Board members and the Town Clerk.

IV. Clarification of the Motion

- Prior to seconding or voting on a motion, ask for clarification of the wording and/or intent of the motion as may be necessary to make an informed decision.
- After a motion has been made, but prior to the vote being taken, the staff member(s) presenting the matter being voted on should ask for clarification of the proposed motion as may be necessary to execute the intent of the Board.

V. Changing Votes

- Pursuant to Robert's Rules of Order:
 - A member has the right to change their vote on a motion until the result of the vote has been announced by the presiding officer (i.e. Mayor or Mayor Pro Tem).
 - Once the result of the vote has been announced, a member who wishes to change their vote must request unanimous consent to do so.
 - A member's request for unanimous consent to change a vote may be granted only if it comes promptly after the result has been announced and before any intervening debate or business.

See RONR (12th ed.), p. 386-387 (45:8-45:9).

VI. Motions for Reconsideration

- Motions for reconsideration may be made at the same meeting that the matter was initially voted on by a member who voted with the majority on the original vote. (See Rules of Procedure Rule 18, Motion 15).