



**Town of Davidson
Historic Preservation Commission Regular Meeting
Town Hall and Community Center
Community Room 120
251 South Street
Wednesday, January 21, 2026 at 5:30 PM**

I. CALL TO ORDER

II. SILENT ROLL CALL

III. CHANGES TO THE AGENDA

IV. REVIEW/APPROVAL OF MINUTES

a. Meeting Minutes

Summary: The Historic Preservation Commission will consider approval of November 19, 2025 meeting minutes.

V. OLD BUSINESS

VI. NEW BUSINESS

VII. INFORMAL FYI REVIEW

VIII. OTHER ITEMS

a. Quasi-Judicial Training

Summary: Town staff will facilitate quasi-judicial training specific to Historic Preservation Commission review of Certificates of Appropriateness.

b. Design Review Exercise

Summary: The Historic Preservation Commission will work through a hypothetical design review case.

IX. ADJOURN



**Historic Preservation Commission
Meeting Minutes
November 19, 2025**

A meeting of the Town of Davidson *Historic Preservation Commission* was held in Community Room 120 at Davidson Town Hall, 251 South Street, Davidson, NC 28036.

I. CALL TO ORDER: 6:30 p.m.

II. ROLL CALL AND DETERMINATION OF QUORUM:

Members Present signified by:

<input checked="" type="checkbox"/> Andrew Gale	<input checked="" type="checkbox"/> Erica Kennedy	<input type="checkbox"/> Nicole Perri
<input checked="" type="checkbox"/> Tom Gibbs	<input checked="" type="checkbox"/> Dave Malushizky	
<input checked="" type="checkbox"/> Rachel Johnson (Chair)	<input checked="" type="checkbox"/> Rusty Miller	

Town Representatives: Lindsay Laird, Senior Planner

III. CHANGES TO THE AGENDA: N/A

IV. REVIEW/APPROVAL OF THE MINUTES:

a. July 16, 2025, Minutes

Motion to recommend approval of minutes:

- **Motion:** Dave Malushizky
- **Second:** Rusty Miller
- **Vote:** 6-0 (Motion Passed)

V. OLD BUSINESS: N/A

VI. NEW BUSINESS: N/A

VII. INFORMAL FYI REVIEWS:

a. Mine by Sandy, 190/164 Jackson Street – Informal Review #1

Senior Planner Lindsay Laird gave an overview of the property, noting that the existing building at 190 Jackson Street is listed as noncontributing to the Davidson Historic District. The 1,311 SF building is masonry with stucco finish, aluminum storefront and wood windows, with a wood

frame mansard roof feature. Prospective owners would like to pursue a change of use from office to retail. Preliminary plans submitted by the applicant show the following exterior changes to the building:

- Relocate main building entrance from Jackson Street to Depot Street to improve pedestrian experience
- Remove faux architectural features such as the mansard roof feature (not original to building)
- Building materials will primarily remain the same and will be redesigned with a new design approach. Proposed materials are as follows:
 - Stucco with base detail and articulation of the remaining wall area
 - New wall cap
 - Aluminum canopy
 - Aluminum storefront – color to be determined

HPC members asked questions and provided informal non-binding feedback on the project.

VIII. OTHER ITEMS:

a. Project Updates

Senior Planner Lindsay Laird discussed updates on various development project across town. No decisions were made.

IX. ADJOURNMENT: The meeting adjourned at 6:49 p.m.

APPROVAL OF MEETING MINUTES:

Date: _____ By: _____



HPC Quasi-Judicial Training 2026

Lindsay Laird
Senior Planner

www.townofdavidson.org

WHO ARE WE / WHAT WE DO

- DRB & HPC Jointly Appointed by Town Board
- Composition
 - **DRB (NCGS 160D-304):** “Where possible, appointments shall be made in such a manner as to maintain on the commission at all times a majority of members who have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning, or a related field.”
 - **HPC (NCGS 160D-303):** “A majority of the members of the commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.”

DECISION MAKING IN TOWN GOVERNMENT

- **Legislative:** sets policy, ordinance amendments, has broad discretion in decision-making (i.e., Conditional Planning Area)
- **Quasi-Judicial:** implements standards which requires judgment, has limited discretion (i.e., variances, appeals, COAs)
- **Ministerial / Administrative Staff:** makes objective decisions, has very limited discretion (i.e., building permits, master plans, minor COA works list)

SOURCES OF AUTHORITY

- NC General Statutes (NCGS)
- Davidson Planning Ordinance (DPO)
- Rules of Procedure (BOC, DRB, HPC)

HPC COA DECISIONS ARE QUASI-JUDICIAL

- HPC primary roles (DPO 13, DPO 22, & NCGS 160D-942):
 - Recommend buildings, structures, areas, sites, or objects to be designated by ordinance as historic districts.
 - Give advice to property owners about appropriate treatment for characteristics of historic properties.
 - Review and act on proposals for Certificates of Appropriateness (i.e., all projects within the local historic district).
- Hearings are formal – Chair presides, sworn witnesses, evidence, deliberations, and voting
- Decisions involve an exercise of judgment in applying predetermined policies and facts to projects before the Town
- Appeals of HPC decisions go to the Davidson Board of Adjustment → BOA decision may be appealed to Superior Court (DPO 22)

DUE PROCESS PRINCIPLES GUIDE THE HPC

- Clear standards for the HPC to apply to all cases and all persons
 - HPC standards found in NCGS, DPO, HPC Rules of Procedure, **AND** Historic District Design Standards
- Notice requirements (mailed & signed)
- Opportunity to be heard (hearing)
- Impartial decision makers (recusal of members with conflicts)
- Decision based on evidentiary record (witnesses sworn)
- Right of appeal

LIFE CYCLE OF A COA CASE

- 1. Preliminary Review (not required, but recommended):** Prior to formal application, applicant may elect to present plans informally to the HPC for non-binding feedback during a preliminary review. Feedback is meant to point the applicant in the right direction towards meeting applicable standards.
- 2. Application:** Applicant files application with Planning Dept., pays fee, and submits documents in advance of hearing
- 3. Hearing Scheduled:** Staff calendars HPC hearing date, mails public notices, distributes information / case documents to HPC members and parties
- 4. HPC Conducts Evidentiary Hearing:**
 - Open to public and electronically recorded
 - Participants: HPC members, Staff Liaison from Town, Applicant, those affected by decision (those with standing), witnesses
 - Deliberation is in open session
- 5. HPC Decision:** May include conditions of approval

EVIDENTIARY HEARING – ORDER OF PROCEEDINGS

1. Open Hearing
2. Explanation of Quasi-Judicial Proceeding
3. Disclosure of Potential Conflicts / *Ex Parte* Communications, *etc.*
4. Swearing-In of Witnesses
5. Presentation of Evidence
 - a. Staff Report
 - b. Applicant / Petitioner
 - c. Opponent / Respondent
 - d. Rebuttal (if requested)
6. Deliberation
7. Motion + Vote (a final vote by the Board/Commission will close the hearing)

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CONFLICTS OF INTEREST – STATUTORY STANDARD

“A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.”

N.C.G.S. § 160D-109(d)

GROUNDNS FOR RECUSAL / CONFLICT OF INTEREST

- Financial: The outcome would have a **direct, substantial and readily identifiable** financial impact on DRB/HPC member
- Relationships: DRB/HPC member has a **close family, business or associational relationship** with an affected person
 - “close family relationship” = spouse, parent, child, brother, sister, grandparent, or grandchild and includes step, half, and in-law relationships (N.C.G.S. § 160D-109(f))
- Neutrality: DRB/HPC member has **fixed opinion** that is **unchangeable**
- Undisclosed Ex Parte Contact: Undisclosed communications with parties, witnesses about the proceeding or its subject matter

RECUSAL & DISCLOSURE – WHEN? WHAT? HOW?

- **Prior to Hearing** – Notify Staff Liaison & Chair, in writing, immediately upon discovering potential conflict of interest / need for recusal.
- **During Hearing** – Disclose at beginning of hearing:
 1. Potential conflict of interest / need for recusal.
 2. *Ex parte* communications.
 3. Visits to property at issue, prior knowledge of pertinent facts.

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HEARING EVIDENCE 101

- Types of Evidence:
 1. Documents (*e.g.*, Staff reports, renderings, elevations, site sketches, construction documents, maps, photos, studies, deeds)
 2. Testimony
- Chair rules on objections / admissibility
- NC Rules of Evidence guide admissibility decisions – primary rules:
 1. Relevancy
 2. No hearsay (*i.e.*, testimony must be based on firsthand knowledge)
 3. No opinions UNLESS offered by qualified expert
 - ❖ NOTE: This includes, but is not limited to, opinions re land values, traffic impacts, and technical testimony that can only be offered by qualified experts

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BURDEN OF PROOF AND BASIS FOR DECISION

- **Burden of Proof:** The applicant / appellant bears the burden of proof
- **Basis for Decision:** Must be based on evidence in the record that is *competent, material, and substantial*
 - **Competent:** legally admissible and relevant. It refers to evidence that is appropriate and needed to prove the issue of fact that the parties have made.
 - **Material:** relevant and essential or influential to a decision
 - **Substantial:** adequate to support a conclusion by a reasonable person; more than a mere scintilla

Prior decisions are not legally binding on HPC; however similar cases should produce similar results

FINAL DECISION

HPC (and each member) has the Authority to answer the following question:

“Are the changes/new development proposed by the applicant INCONGRUENT with the special character of the landmark or the district”

- **Listen to, Read and Evaluate** evidence presented during the hearing (documents, testimony, expert opinion) that is relevant, competent and material.
- **Analyze** whether the evidence shows the project is consistent with the Historic Design Standards
- **Exercise judgment**: Based on the evaluation and analysis, each member exercises his/her judgment to determine whether the proposed project is INCONGRUENT or CONGRUENT with the special character of the district

Advisory Board Best Practices

PUBLIC RECORDS AND COMMUNICATIONS

- All emails and texts in your role as an advisory board member are subject to disclosure to the public
- You should not discuss the subject matter of a COA case with other members outside the hearing
- Meetings are open to the public and are recorded

AVOID BIAS, BIAS & BIAS

- **Procedural Bias:** fair hearing, hear full record
- **Actual Bias:** genuine prejudice against a person or relevant subject and this can manifest by influence of one or more board members
- **Pre-Existing Bias:** prior opposition to a development,
- **Implied Bias:** kinship or relationship that creates a conflict of interest (financial, relationships)
- Bias is a legal ground for reversal
- Disclosure is important if there is a conflict
- All other bias: how you listen, deliberate the facts, and what you say

IT'S HOW YOU SAY IT

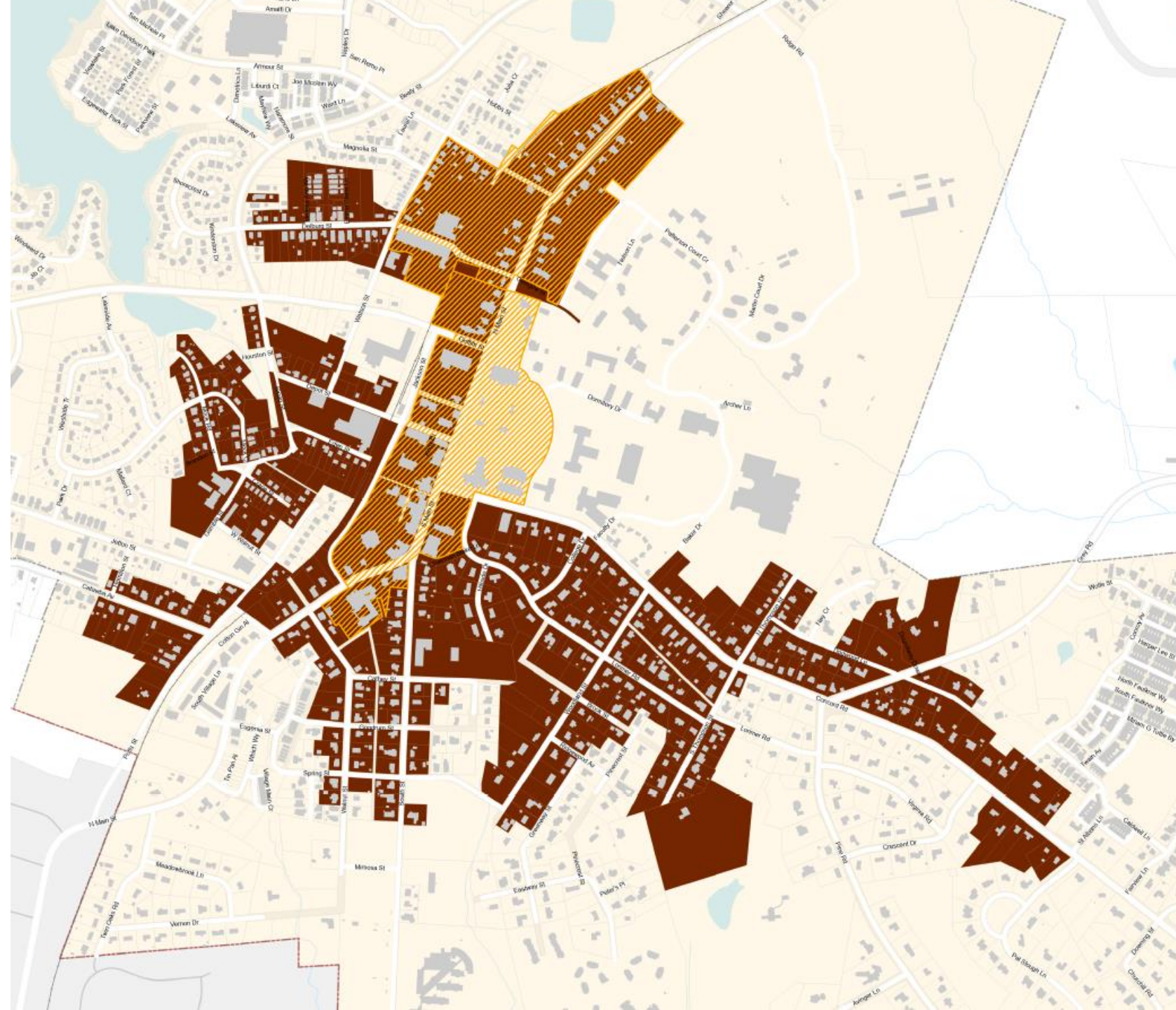
DELIBERATION Words DO matter.... The WORDS frame YOUR comments and reactions. Choose your words carefully.

How to start a sentence:

DO	DON'T
BASED ON THE TESTIMONY	I LIKE
AS DESIGNED THIS PROJECT IS/IS NOT	I FEEL
THE EVIDENCE SHOWS	I REMEMBER
THE EXPERT SAID	IT SHOULD BE
THE ORDINANCE STATES	I WAS TOLD
THE DOCUMENT LISTS	

HISTORIC DISTRICTS

A map of the Town of Davidson identifying the location of the local historic district and national historic district with building footprints and parcel lines.



- STREETS / RAIL**
 - Rail
 - Interstates
 - Streets
- PARCELS**
 - Parcels
 - LOCAL HISTORIC PARCELS
 - NATIONAL HISTORIC DISTRICT PARCELS
- BOUNDARIES**
 - Town of Davidson
 - Sphere of Influence / ETJ
 - County Boundary
- WATER FEATURES**
 - Lakes and Ponds
 - Creeks and Streams

TOWN OF DAVIDSON MECKLENBURG COUNTY, NORTH CAROLINA



Date: 4/9/2021
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Thank you for your service!

Questions?

