

Ordinance – Battle of McIntyre’s Farm Monument

Ordinance designating as an Historic Landmark a structure known as the “Battle of McIntyre’s Farm Monument” (associated with the property listed under Tax Parcel Number 03711605, and including the monument in its entirety and a twenty-four (24) foot radius of 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 03711605 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of July 1, 2022). The monument, standing near the intersection of Beatties Ford Road and McIntyre Avenue, is associated with the property located at 5801 Beatties Ford Road in Charlotte, N.C., which is owned by Mecklenburg County.

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 City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 10th day of October, 2022, on the question of designating a structure known as the Battle of McIntyre’s Farm 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 Battle of McIntyre’s Farm Monument as an historic landmark; and

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WHEREAS, the Battle of McIntyre’s Farm 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 Battle of McIntyre’s Farm Monument specifically commemorates the successful surprise attack launched by some 14 Scotch-Irish Mecklenburg County settlers against approximately 300 plundering British soldiers under the command of Lord Charles Cornwallis that drove the British troops away; 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

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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 Battle of McIntyre’s Farm 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 Battle of McIntyre’s Farm 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

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WHEREAS, the structure known as the Battle of McIntyre’s Farm Monument, which stands near the intersection of Beatties Ford Road and McIntyre Avenue, is associated with property owned by Mecklenburg County.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the structure known as the “Battle of McIntyre’s Farm Monument” (associated with the property listed under Tax Parcel Number 03711605, and including the monument in its entirety and a twenty-four (24) foot radius of 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 03711605 in the Mecklenburg County Tax Office, Charlotte, North Carolina 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 5801 Beatties Ford Road in Charlotte, North Carolina, near the intersection of Beatties Ford Road and McIntyre Avenue. 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

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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 associated with the historic landmark known as the Battle of McIntyre’s Farm Monument be given notice of this ordinance as

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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 10th day of October, 2022, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Approved as to form:



Senior Assistant City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of October 2022, the reference having been made in Minute Book 157, and recorded in full in Ordinance Book 65, Page(s) 255-260.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 10th day of October 2022.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Ordinance – Franks House

Ordinance designating as a Historic Landmark a property known as the “Franks House” (listed under Tax Parcel Number 07306312 and including the exterior of the building and the land listed under Tax Parcel Number 07306312 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of July 1, 2022). The property is located at 305 Dunbar Street in Charlotte, North Carolina, and is owned by Rivafinoli Partners 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 City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 10th day of October, 2022, on the question of designating a property known as the Franks House as a 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 property known as the Franks House as a historic landmark; and

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WHEREAS, the Franks House (ca. 1917) – one of only two surviving residences on the sole block of Dunbar Street (then West Morehead Street) where the houses were primarily owner-occupied, not rentals – is a rare artifact of the Black community which once existed in Charlotte’s Third Ward; and

WHEREAS, following its purchase in 1949, the Franks House remained in the family of Arthur and Bessie Franks for over 60 years, thereby rendering the house a unique example of working-class Black homeownership in mid-20th-century Charlotte; and

WHEREAS, during that time, the Franks House survived the removal of Black neighborhoods from the city’s center core during urban renewal of the 1960s and 1970s, the isolation of Dunbar Street following the 1980s construction of the John Belk Freeway, and the ensuing demise of Third Ward’s Black community of Third Ward; and

WHEREAS, the resulting scarcity of historical assets representing Third Ward’s once-thriving Black community renders the Franks House historically relevant and distinctively qualified for landmark designation; and

WHEREAS, based on the additional information further detailed in the *Landmark Designation Report for the Franks House* (March 2022, updated July 2022), all of which is incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Franks House possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the Franks House is owned by Rivafinoli Partners LLC.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

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1. That the property known as the “Franks House” (listed under Tax Parcel Number 07306312 and including the exterior of the building and the land listed under Tax Parcel Number 07306312 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of July 1, 2022) is hereby designated as a 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 305 Dunbar Street in Charlotte, North Carolina. Exterior features are more completely described in the *Landmark Designation Report for the Franks House* (March 2022, updated July 2022).

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

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, of the General Statutes of North Carolina as amended.

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

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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 property 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 owner of the historic landmark known as the Franks House 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 City 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 10th day of October, 2022, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Approved as to form:



Senior Assistant City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of October 2022, the reference having been made in Minute Book 157, and recorded in full in Ordinance Book 65, Page(s) 261-265.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 10th day of October 2022.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Ordinance – Williams Memorial Presbyterian Church Wall and Marker

Ordinance designating as Historic Landmarks the structures known as the “Williams Memorial Presbyterian Church Wall and Marker” (associated with the property listed under Tax Parcel Number 04117101, and including the wall in its entirety, as well as a twenty (20) foot wide strip of land abutting each side of the wall, running for the entire length of each segment of the wall and measured in each direction from the external face of each wall segment and from the external face of the stone piers located at each wall segment’s termination points, and the marker in its entirety, as well as a twenty (20) foot radius of land immediately surrounding the marker, measured in each direction from the central point of the marker, all as associated with the property listed under Tax Parcel Number 04117101 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of July 1, 2022). The structures are associated with the property located at 4700 Beatties Ford Road in Charlotte, N.C., which is owned by Williams Memorial Presbyterian Church, Inc.

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 City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 10th day of October, 2022, on the question of designating structures known as the Williams Memorial Presbyterian Church Wall and Marker as historic landmarks; 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

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structures known as the Williams Memorial Presbyterian Church Wall and Marker as historic landmarks; and

WHEREAS, the Williams Memorial Presbyterian Church Wall and Marker are part 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 Williams Memorial Presbyterian Church Wall and Marker specifically commemorate the 1885 establishment and more than century-long continuous operation of the Williams Memorial Presbyterian Church; 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

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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 Williams Memorial Presbyterian Church Wall and 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 structures known as the Williams Memorial Presbyterian Church Wall and Marker possess special significance in terms of their history, architecture, and/or cultural importance; and

WHEREAS, to preserve as much of the existing built environment of the structures as reasonably possible, the Charlotte-Mecklenburg Historic Landmarks Commission has

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also demonstrated the importance of incorporating within the landmark designation a protective buffer area of land within the immediately adjacent radius of each structure, as further detailed hereinafter; and

WHEREAS, the structures known as the Williams Memorial Presbyterian Church Wall and Marker are associated with property located at 4700 Beatties Ford Road in Charlotte, North Carolina, which is owned by Williams Memorial Presbyterian Church, Inc.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the structures known as the “Williams Memorial Presbyterian Church Wall and Marker” (associated with the property listed under Tax Parcel Number 04117101, and including the wall in its entirety, as well as a twenty (20) foot wide strip of land abutting each side of the wall, running for the entire length of each segment of the wall and measured in each direction from the external face of each wall segment and from the external face of the stone piers located at each wall segment’s termination points, and the marker in its entirety, as well as a twenty (20) foot radius of land immediately surrounding the marker, measured in each direction from the central point of the marker, all as associated with the property listed under Tax Parcel Number 04117101 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of July 1, 2022), are hereby designated as historic landmarks pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The locations of said landmarks are associated with the property located at 4700 Beatties Ford Road in Charlotte, North Carolina. Exterior features are more completely described in the *Designation Report on*

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the E. L. Baxter Davidson Historic Markers and Monuments (December 2021) and the exhibits attached thereto.

2. That said exteriors are 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 landmarks 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 landmarks may not be denied, except if either 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 landmarks 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 landmarks from making any use of the historic landmarks 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*

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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 structures have been designated as historic landmarks and containing any other appropriate information. If the owner consents, the signs may be placed on said historic landmarks.

6. That the owners of the property associated with the historic landmarks known as the Williams Memorial Presbyterian Church Wall and Marker 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 are designated as historic landmarks 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 10th day of October, 2022, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Approved as to form:



Senior Assistant City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 10th day of October 2022, the reference having been made in Minute Book 157, and recorded in full in Ordinance Book 65, Page(s) 266-271.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 10th day of October 2022.



Stephanie C. Kelly, City Clerk, MMC, NCCMC