
ZEBULON

NORTH CAROLINA

1003 N. Arendell Avenue
Zebulon, NC 27597
919.823.1800

www.townofzebulon.org

August 18, 2021

**Via Electronic Mail (Joy_Beasley@nps.gov)
With Original to Follow Via Overnight Delivery**

National Park Service
National Register of Historic Places
Attn: Joy Beasley, Keeper of the National Registry
1849 C Street NW (7228)
Washington, DC 20240

**RE: Petition to the Keeper of the National Registry to Reject the Nomination of the Zebulon
Historic District to the National Register of Historic Places**

Dear Ms. Beasley:

Pursuant to 36 C.F.R. § 60.6(t), the Town of Zebulon, a North Carolina municipal corporation (the "Town") hereby petitions the Keeper of the National Registry to reject the nomination of the Zebulon Historic District (the "District") to the National Register of Historic Places and hereby requests that the Keeper conduct a substantive review of the nomination. The grounds for rejecting the nomination are as set forth herein.

1. The Zebulon Historic District, as proposed, does not meet the criteria for listing in the National Register.

The two principal considerations for property nominated to the National Register are "significance" and "integrity."¹ A property may have "significance" for, among other reasons, association with important events or patterns of history (Criterion A) and/or as an important example of period architecture, landscape, or engineering (Criterion C). In addition to "significance", a property must also have "integrity" of "location, design, setting, materials, workmanship, feeling, and association."² In particular, the property must maintain its historical physical character, such that it adequately represents the applicable historical period.

The nomination put forth by Preservation Zebulon, Inc. ("Preservation Zebulon") fails to meet the criteria for listing in the National Register. Preservation Zebulon alleges that the proposed District tells the story of Zebulon's role as an agricultural trading and commercial center on the Raleigh and Pamlico Sound Railroad. However, the District, as proposed, fails to tell the whole story and, as emphasized by the Wake

¹State Historic Preservation Office of Archives and History North Carolina Department of Natural and Cultural Resources, *National Register Criteria for Evaluation*, available at <https://files.nc.gov/ncdcr/historic-preservation-office/survey-and-national-register/NRfacts2-Criteria.pdf>.

² *Id.*

County Historic Preservation Commission in a letter dated May 25, 2021, "is at once too large and too small."

First, the District is "too large" because it includes properties that are not locally significant. The District includes properties north of North Street that are not associated with Zebulon's railroad, tobacco and textile history. A partial list of structures, identified by street address, that are north of North Street and fail to meet Department of Interior standards is attached to this petition. Furthermore, the selected historical period – 1906 through 1971 – is too expansive in that it includes post-war neighborhoods that are not unique to Zebulon. The minimal traditional and ranch style homes constructed after World War II lack "significance" and "integrity" as they are common to all of Wake County. Therefore, those portions of the District that are not associated with Zebulon's railroad, tobacco and textile history and/or that were constructed after 1945, and which are not unique to Zebulon, should be excluded from the District for failure to meet Criteria A and C of the National Register.

Second, the District is "too small" because it excludes African American communities that are integral to Zebulon's railroad, tobacco and textile heritage. It is of grave concern that the District would proceed while blatantly failing to include African American homes and businesses. To suggest that the African American community should fund its own separate application is extremely troubling. It is the Town's belief that the nomination process should be one that is all-inclusive and recognizes the significant contributions made by the African American community to Zebulon's history.

2. Prejudicial procedural error occurred in the nomination process.

The State did not satisfy the notification requirements set forth in 36 C.F.R. § 60.6. First, the State did not adequately consult with the Wake County Historic Preservation Commission and the Town throughout the nomination process. Second, the State failed to notify the Town in writing at least 30, but not more than 75 days in advance, of the State Review Board meeting of the State's intent to nominate the District. Third, the notifications sent to property owners by a private, non-profit – instead of the responsible State entity – were potentially disregarded, misunderstood or misinterpreted in their intent, importance, and impact. The procedural errors have resulted in substantial harm, namely a proposed district that does not adequately represent Zebulon's significant history.

3. An error in professional judgment occurred as to whether the Zebulon Historic District meets the criteria for evaluation.

Significant error in professional judgment, namely a nomination process driven by private interests, is largely to blame for the District's failure to satisfy the criteria for listing in the National Register. While the regulations controlling the nomination of properties to the National Register set forth in 36 C.F.R. § 60.6 provide for a State-led process, the reality is that a private entity, Preservation Zebulon, controlled the process, resulting in a district that does not represent the public interest.

4. The Town of Zebulon and the County of Wake North Carolina are parties to a Joint Historic Preservation Commission Agreement.

The Joint Historic Preservation Commission Agreement dated March 21, 2017 by and between the Town of Zebulon and the County of Wake establishes a joint historic preservation commission whereby, pursuant to the North Carolina General Statutes, Section 160A-400.7, the Wake County Historic

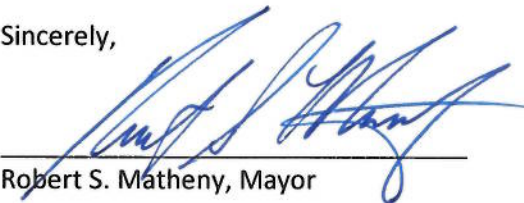
Preservation Commission has the power to exercise its statutory authority within the planning district of Zebulon. It is in that capacity and pursuant to that authority that the Wake County Historic Preservation Commission delivered its objections to the proposed Historic District in a letter dated May 25, 2021, a copy of which is attached to this petition.

The Keeper should reject the nomination of the Zebulon Historic District to the National Register of Historic Places and direct the State renew the nomination process from the beginning. A fresh start will allow the State, the Wake County Historic Preservation Commission, the Town of Zebulon, Preservation Zebulon and stakeholders from the African American community the opportunity to collaboratively propose a district that is inclusive and accurately represents the significance and integrity of Zebulon's history.

Proceeding with the District, as proposed, would result in significant harm to our community. The proposed district fails to adequately capture Zebulon's history and blatantly excludes African American communities from that history. The suggestion by the State and Preservation Zebulon that these issues can be addressed by a separate application is not only offensive to those communities that have been excluded, but it also fails to acknowledge the realities of a small town like Zebulon. The creation of a historical district creates certain administrative and financial burdens on a municipality. While the creation of a historic district is invaluable to preserving Zebulon's rich history, it is also imperative that such a district is done in a manner that represents the public's interests and ensures the appropriate allocation of municipal resources. Proceeding with a district that includes properties that are not "significant" or do not have "integrity" means that the Town's limited resources will be misallocated. Instead, the Town's resources should be invested in preserving property that accurately reflects the Town's rich American history.

The Town hereby requests that the Keeper reject the District nomination and direct the State to renew the nomination process so that the appropriate stakeholders may propose a new district that is inclusive and satisfies the National Register criteria. As noted by the Wake County Historic Preservation Commission, the Commission is prepared to endorse a pass-through grant application from Preservation Zebulon and the Town working together for a Preservation Fund grant during the next cycle. The Town is committed to preserving our heritage, but we must do so in a manner that accurately captures our history.

Sincerely,


Robert S. Matheny, Mayor

CC: James Gabbert (James_Gabbert@nps.gov)
Sherry Frear (Sherry_Frear@nps.gov)

Enclosures: 1. May 25, 2021 letter from the Wake County Historic Preservation Commission
2. Agreement dated March 21, 2017
3. Partial List of Non-Contributing Properties North of North Street



Historic District
Attachment 3

May 25, 2021

The Honorable Robert Matheny
Mayor, Town of Zebulon
500 N. Wakefield Street
Zebulon, NC 27597

Dear Mayor Matheny,

On behalf of the Wake County Historic Preservation Commission (WCHPC), I would like to commend you and Zebulon Town Staff for organizing a highly informative public meeting on May 6. For the vast majority of those present – including the Boards, Commissions and eighty members of the public who either attended in person, called-in, or viewed it online – this was their first opportunity to understand the range, scope and magnitude of the proposed National Register Historic District. This meeting underscores why you and we so strongly appealed to the National Register Advisory Committee (NRAC) to delay consideration of the proposed district until such a public meeting could occur.

Having listened to the presentations as well as to the discussion that followed, we are of the opinion that the district, as proposed, is at once too large and too small. Too large, in that it includes areas above North Street that have no relationship to the core story of Zebulon as a railroad, tobacco, and textile town; and, too small, in that it excludes African American neighborhoods that do have a relationship to that core story. This is not to say that the post-war neighborhoods with their minimal traditional and ranch houses do not have merit, but rather that these structures, common to all of Wake County, are not unique to Zebulon and do not relate to the character-defining elements of Zebulon's core story.

Furthermore, to contend, as was stated at the meeting, that these neighborhoods *must* be included to tell the "whole story of Zebulon" while at the same time leaving out African American neighborhoods because they may "lack architectural merit," and suggesting that the African American community fund its own separate application was troubling.

Based on the above and with the understanding gained at the meeting that no changes can be made to the nomination, we respectfully advise the Zebulon Board of Commissioners to ask the NRAC to reject the nomination as presented and to request the State Historic Preservation Office (SHPO) work with the WCHPC, the Town of Zebulon, Preservation Zebulon and stakeholders from the African American community toward developing a modified or new nomination that ameliorates the issues with the current application document.

While our own preference would be a district, including African American neighborhoods and businesses, that is focused on the core story of Zebulon and ending around 1945, we are cognizant that others may have different views. In the end, the most important thing is that different views should be expressed and resolved through an open and transparent process that includes all parties.

As to funding a modified or new nomination, such as we propose, we note that Preservation Zebulon has already demonstrated its prodigious fundraising abilities, and the Town may have resources as well. To match these funds, WCHPC is prepared to endorse a pass-through grant application from those two entities working together for a Preservation Fund grant during the next cycle.

In conclusion, we offer a few words on process. Since the WCHPC's creation in the 1990s, we have reviewed all National Register nominations for districts and individual properties within our jurisdiction. Some of these have been funded by Town Governments while others by private organizations and individuals. In no case have we witnessed the lack of communication between SHPO, the Town and a private group proposing such a nomination. Right or wrong, it has appeared to many of us that rather than a neutral party, SHPO has been an active participant with the private sponsor in opposition to the Town. Had the process been transparent from the start, to our knowledge, none of the concerns presented at the public meeting would have been new or unresolvable.

Sudden intervention by the National Park Service (*solicited or not*) to eliminate participation by the Town and by the WCHPC in the review process – thus reversing the process as laid out in writing by SHPO to Town officials in January 2020, the very process that had been in place for as long as any of us can remember – only added fuel to the fire.

We urge you to join with us in calling on Secretary Wilson of the North Carolina Department of Natural and Cultural Resources to conduct an urgent after-action review to find out what happened in this case and ensure that it does not reoccur going forward.

Sincerely,



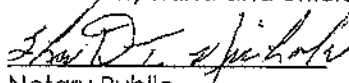
C. Edward Morris, Chair
Wake County Historic Preservation Commission

CC: The Honorable Reid Wilson, Secretary, NC Department of Natural and Cultural Resources
Ms. Ramona Bartos, Administrator, SHPO
Ms. Sarah Woodard David, Survey & National Register Branch Supervisor, SHPO
Mr. Joe Moore, Zebulon Town Manager
Mr. Michael Clark, Zebulon Planning Director

NORTH CAROLINA

WAKE COUNTY

I, the undersigned, a Notary Public of the County and State aforesaid, do hereby certify that C. Edward Morris personally came before me this day and acknowledged the due execution of the foregoing and annexed instrument for the purposes and intents therein expressed. Witness my hand and official stamp or seal, this the 26 day of MAY, 2021.

 My Commission Expires: 8-2-2021
Notary Public
Stamp/Seal



RQCT14533
CT 20170418... 10143

**AGREEMENT DESIGNATING A JOINT HISTORIC PRESERVATION COMMISSION
IN WAKE COUNTY BETWEEN
THE COUNTY OF WAKE
and
THE TOWN OF ZEBULON (Collectively the Parties).**

WITNESSETH:

WHEREAS, in May 1992, the Wake County Board of Commissioners adopted a historic preservation ordinance (the Wake County Historic Preservation Ordinance, which established the Wake County Historic Preservation Commission (Commission)).

WHEREAS, in order to create a countywide commission, which could best foster a comprehensive and cooperative approach to protecting historic resources throughout the county, municipalities were requested to adopt the Wake County Historic Preservation Ordinance through an interlocal agreement with the County of Wake (County).

WHEREAS, the Town of Zebulon (the Town) is a municipality located within Wake County and is requesting the Commission exercise those powers and duties given it by the Wake County Historic Preservation Ordinance within the Town's respective planning jurisdictions in the same manner and under the same terms as participating Wake County municipalities who have entered into an interlocal agreement with the County (Participating Municipalities).

NOW THEREFORE, in consideration of the foregoing recitals and the mutual covenants herein contained, the Parties hereto agree as follows:

1. PURPOSE.

This is an agreement between the County and the Town for the purpose of designating the Commission as a joint historic preservation commission authorized to exercise those powers and duties given it by the Wake County Historic Preservation Ordinance within the Town's planning jurisdiction.

2. DESIGNATION OF A JOINT HISTORIC PRESERVATION COMMISSION.

Pursuant to the authority provided in Section 160A-400.7 of the North Carolina General Statutes, the County and the Town hereby designate the Wake County Historic Preservation Commission (Commission) as a joint historic preservation commission, to be governed by the provisions set forth in the Wake County Historic Preservation Ordinance, as adopted by the Wake County Board of Commissioners on May 4, 1992, and as has been subsequently amended on 11-16-1992, 5-15-1995 & 5-17-1999. The Commission shall have authority to exercise, within the planning jurisdictions of the Town as a Participating Municipality, all the powers and duties given it by the Wake County Historic Preservation Ordinance.

3. COUNTY AMENDMENTS TO THE WAKE COUNTY HISTORIC PRESERVATION ORDINANCE.

If the County proposes any amendment to the Wake County Historic Preservation Ordinance, it will provide each Participating Municipality, including the Town, written notice of the proposed amendment and provide the Participating Municipality a reasonable opportunity to review and comment on the proposed amendment before the County holds a public hearing on the amendment.

4. FUNDING OF THE COMMISSION.

(a) The County will provide the staffing, materials, and funding it deems necessary to support the Commission's basic activities in inventorying historic resources, recommending designation of historic landmarks and districts, and providing advice and education about historic preservation.

(b) The County will provide the staffing, materials, and funding it deems necessary to support the Commission's activities in reviewing all applications for Certificates of Appropriateness for historic landmarks, enforcing the Certificates of Appropriateness issued for historic landmarks, and acquiring, restoring, preserving, and operating historic landmarks. The County will also provide the staffing, materials, and funding it deems necessary to support the Commission's activities in reviewing applications for Certificates of Appropriateness for properties within historic districts designated within the County's planning jurisdiction, enforcing the Certificates of Appropriateness issued within those districts, and acquiring, restoring, preserving, and operating historic properties within those districts.

(c) If the Commission, on request by the Town, assumes authority for issuing Certificates of Appropriateness within a historic district designated within the Town's planning jurisdiction, the Town will provide the County the additional funding necessary to enable the County to support the Commission's activities in reviewing applications for Certificates of Appropriateness for properties within the district, enforcing the Certificates of Appropriateness issued within the district, and acquiring, restoring, preserving, and operating historic properties within the district. If the County and the Town agree, the Town's contribution to support of the Commission's activities may include providing additional Commission staffing and materials in lieu of providing some or all of the needed additional funding. The type and amount of the contribution will be set forth in the interlocal agreement by which the Town authorizes the Commission to issue Certificates of Appropriateness within the historic district.

5. APPOINTMENT OF COMMISSION MEMBERS.

The Town, shall be notified of vacancies on the Commission when the vacant seat involves a district that includes the Town within its boundaries. The Town shall be given a period of 30 days to offer names of qualified candidates for consideration by the Wake County Board of Commissioners.

6. JURISDICTIONAL CONFLICT.

If the Town retains authority for issuing Certificates of Appropriateness within historic districts, then the Town's historic districts commission shall process requests for Certificates of Appropriateness for historic landmarks located within a municipally-designated historic district.

7. WITHDRAWAL FROM AGREEMENT.

Any Participating Municipality, including the Town, may withdraw from this agreement by providing the County 90-day written notice of its withdrawal.

8. AMENDMENT AND REPEAL OF THE AGREEMENT.

This agreement may be amended or repealed at any time on adoption of a resolution amending or repealing the agreement by the County and all Participating Municipalities.

9. EFFECTIVE DATE.

This agreement becomes effective with respect to the County and the Town when it has been adopted by both the County Board of Commissioners and the governing body of the Town, and has been executed below by a duly authorized representative on behalf of both the County Board of Commissioners and the governing body of the Town.

10. OTHER PROVISIONS.

(a) **No Third Party Beneficiaries.** This Agreement is not intended for the benefit of any third party. The rights and obligations contained herein belong exclusively to the Parties hereto, and shall not confer any rights or remedies upon any person or entity other than the Parties hereto.

(b) **Ethics Provision.** The Parties acknowledge and shall adhere to the requirements of N.C.G.S. 133-32, which prohibits the offer to, or acceptance by any state or local employee of any gift from anyone with a contract with the governmental entity or from a person seeking to do business with the governmental entity.

(c) **Governing Law, Venue.** The Parties acknowledge that this Agreement shall be governed by the laws of the State of North Carolina. Venue for any disputes arising under this Agreement shall be in the courts of Wake County, North Carolina.

(d) **Entire Agreement.** The terms and provisions herein contained constitute the entire agreement by and between the Parties hereto and shall supersede all previous communications, representations or agreements, either oral or written between the Parties hereto with respect to the subject matter hereof.

(e) **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original.

(f) **Real Property.** This Agreement does not involve the acquisition or ownership of real property.

(g) **Representations and Warranties.** The Parties each represent, covenant and warrant for the other's benefit as follows:

(1) Each Party has all necessary power and authority to enter into this Agreement and to carry out the transactions contemplated by this Agreement, and this Agreement has been authorized by Resolution spread upon the minutes of each Party's governing body. This Agreement is a valid and binding obligation of each Party.

(2) Neither the execution and delivery of this Agreement, nor the fulfillment of or compliance with its terms and conditions, nor the consummation of the transactions contemplated by this Agreement, results in a breach of the terms, conditions and provisions of any agreement or instrument to which either Party is now a party or by which either is bound, or constitutes a default under any of the foregoing.

(3) To the knowledge of each Party, there is no litigation or other court or administrative proceeding pending or threatened against such Party (or against any other person) affecting such Party's rights to execute or deliver this Agreement or to comply with its obligations under this Agreement. No Party's execution and delivery of this Agreement, nor its compliance with its obligations under this Agreement, requires the approval of any regulatory body or any other entity the approval of which has not been obtained.

(h) **Dispute Resolution.** In the event of conflict or default that might arise for matters associated with this Agreement, the Parties agree to informally communicate to resolve the conflict. If any such dispute cannot be informally resolved, then such dispute, or any other matter arising under this Agreement, shall be subject to resolution in a court of competent jurisdiction.

(i) **No Waiver of Non-Compliance with Agreement.** No provision of this Agreement shall be deemed to have been waived by any Party hereto unless such waiver shall be in writing and executed by the same formality as this Agreement. The failure of any Party hereto at any time to require strict performance by the other of any provision hereof shall in no way affect the right of the other Party to thereafter enforce the same. In addition, no waiver or acquiescence by a Party hereto of any breach of any provision hereof by another Party shall be taken to be a waiver of any succeeding breach of such provision or as a waiver of the provision itself.

(j) **Assignment.** No Party may sell or assign any interest in or obligation under this Agreement without the prior express written consent of the other Parties.

(k) **No Waiver of Sovereign Immunity.** Nothing in this Agreement shall be construed to mandate purchase of insurance by Wake County or the Town; or to be inconsistent with Wake County's "Resolution Regarding Limited Waiver of Sovereign Immunity" enacted October 6, 2003; or to in any other way waive any Party's defense of sovereign or governmental immunity

from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law.

(l) **Liability of Officers and Agents.** No officer, agent or employee of any Party will be subject to any personal liability or accountability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents or employees will be deemed to execute such documents in their official capacities only, and not in their individual capacities. This section will not relieve any such officer, agent or employee from the performance of any official duty provided by law.

(m) **Execution in Counterparts/Electronic Version of Agreement.** This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. Any Party may convert a signed original of the Agreement to an electronic record pursuant to a North Carolina Department of Natural and Cultural Resources approved procedure and process for converting paper records to electronic records for record retention purposes. Such electronic record of the Agreement shall be deemed for all purposes to be an original signed Agreement.

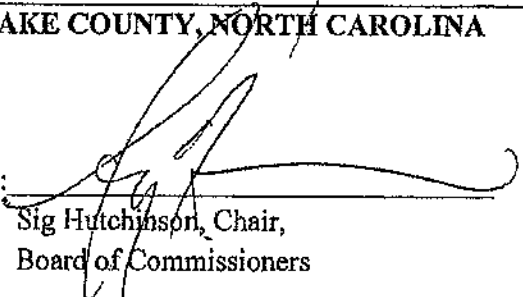
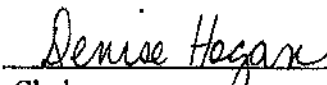


(n) **Iran Divestment Act.** The Parties hereby certify that they, and all permitted subcontractors, if any, are not on the Iran Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58.

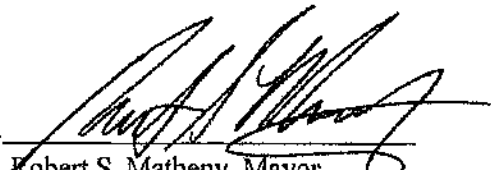
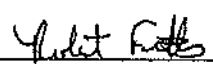
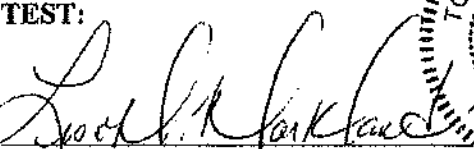
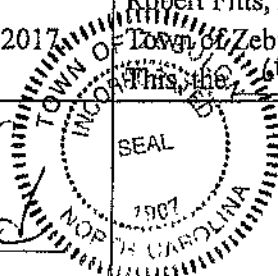
[Signature pages follow this page]

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IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in their corporate names by their duly authorized officers, evidenced by Resolution or Certification of Minutes, as of the date written in the signature blocks below.

WAKE COUNTY, NORTH CAROLINA

WAKE COUNTY, NORTH CAROLINA	
By:  Sig Hutchinson, Chair, Board of Commissioners	This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act. N/A Finance Director Wake County, North Carolina This, the ____ day of _____, 2017.
This, the <u>21st</u> day of <u>March</u> , 2017.	
[Seal]	
ATTEST:	
By:  Denise Hagan Clerk	  [illegible], Community Services Director

TOWN OF ZEBULON	
By:  Robert S. Matheny, Mayor	This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act.  Robert Fitts, Finance Director Town of Zebulon, North Carolina This, the ____ day of _____, 2017.
This, the <u>6th</u> day of <u>March</u> , 2017.	
ATTEST:	
By:  Lisa M. Markland, Town Clerk	

Partial List of Non-Contributing Properties North of North Street, Zebulon, NC

This review was based on the Secretary of the Interior Standards that would be applicable.

<https://www.nps.gov/tps/standards/rehabilitation.htm>

908 N. Church Street	Enclosure of previous open carport with modern materials.
813 N. Church Street	Aftermarket vinyl windows and use of modern vinyl siding on side/back of structure.
712 N. Church Street	Aftermarket vinyl siding and replacement windows.
715 N. Church Street	Attached garage addition with use of vinyl siding, replacement windows, multiple driveways.
612 N. Church Street	Appears to have a large garage addition into the front of the structure, clad in vinyl, and changed roof line.
116 W. Lee Street	Aftermarket vinyl siding, replacement windows, inappropriate shutters for scale and position of windows.
701 N. Arendell Street	Attached two-story garage addition onto back of structure (corner street) creating additional driveway off Lee Street. Significant changing to the massing of the structure. Construction of brick pillars around patio area.
611 N. Arendell Street	Aftermarket vinyl siding and windows.
609 N. Arendell Street	Aftermarket vinyl siding and windows.
108 W. Glenn Street	Aftermarket vinyl siding.
115 W. Glenn Street	Aftermarket vinyl siding.
309 North Street (Zebulon Swim Association)	Nondescript cinder block building – both pools in complete disrepair, vinyl slats added to chain link fence for privacy, parking lot in disrepair.
512 N. Wakefield Street	Aftermarket vinyl siding. Rooftop ornamentation that is not original to that architectural style.



H32(2280)

United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, NW
Washington, DC 20240

September 17, 2021

The Honorable Robert S. Matheny
Town of Zebulon
1003 N. Arendell Avenue
Zebulon, NC 27597

Via email to bmatheny@townofzebulon.org

Dear Mayor Matheny:

Thank you for your letter of August 18, 2021, petitioning the Keeper of the National Register of Historic Places (Keeper) pursuant to 36 C.F.R. § 60.6(t) to reject the nomination of the Zebulon Historic District (District) to the National Register of Historic Places (National Register).

The nomination for the District was received by the Keeper on July 7, 2021, noting the proposed historic district as locally significant under Criteria A for commerce, community planning and development, and education; and Criteria C for architecture, for the period 1906 to 1971. Your petition extended the typical 45-day review period by 30 days from the date of receipt of your petition. During this extended review period, the nomination and materials submitted by you (the Town) and the North Carolina State Historic Preservation Office (SHPO) were substantively reviewed.

In addition to the materials submitted by the Town and the SHPO, in order to evaluate your contentions regarding procedural errors in the nomination process and the objections of the Wake County Historic Preservation Commission, I also reviewed the June 20, 1994, "Certification Agreement for Local Governments" among, *inter alia*, the North Carolina State Historic Preservation Office, Wake County, and the Town of Zebulon, which was approved by the National Park Service on January 31, 1994, and is attached to this letter. Because the District is within the jurisdiction of a Certified Local Government (CLG), the procedural requirements of 54 U.S.C. § 302504 apply.

Accordingly, your petition that the nomination for listing of the Zebulon Historic District be rejected is granted and the nomination will be returned to the SHPO for consistent with 54 U.S.C. § 302504 and other applicable laws and regulations.

Sincerely,

JOY
BEASLEY

Digitally signed by JOY
BEASLEY
Date: 2021.09.17
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Joy Beasley
Associate Director, Cultural Resources,
Partnerships, and Science
Keeper of the National Register

Enclosure: June 20, 1994, "Certification Agreement for Local Governments among, *inter alia*, the North Carolina State Historic Preservation Office, Wake County, and the Town of Zebulon

cc: Ramona Bartos, Administrator and Deputy State Historic Preservation Officer
ramona.bartos@ncdcr.gov

Wake County Historic Preservation Commission, Jeremy Bradham, Board Clerk,
jbradham@cappresinc.org

Sherry Frear, Chief, National Register of Historic Place and Deputy Keeper,
sherry_frear@nps.gov

James Gabbert, Historian, National Register of Historic Places,
james_gabbert@nps.gov



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N. W.
Washington, DC 20240

IN REPLY REFER TO:

The United States Department of the Interior National Park Service

National Register of Historic Places Evaluation/Return Sheet

Property Name: Zebulon Historic District, Wake County, North Carolina

Reference Number: 100006811

Reason for Return

The nomination for the Zebulon Historic District is being returned due to prejudicial procedural error in the nomination process. This procedural error was discovered as a result of the Town of Zebulon's August 18, 2021 petition to the Keeper per 36 CFR 60.6(t). This petition pushed the final review period forward 30 days, until September 17, 2021.

The Wake County Historic Preservation Commission (WCHPC) serves as the Certified Local Government (CLG) authority within the jurisdiction of the Town of Zebulon. As such, the nomination must undergo a review by the WCHPC. Should the WCHPC recommend the nomination, it will have to go through the state review board process as well.

The original decision to bypass the CLG review was based on advice from the NPS. However, the specific circumstances of the Wake County CLG agreement were not taken into account when this advice was given. The State followed procedures based on their understanding of NPS guidance, but in doing so inadvertently created a procedural error.

We appreciate the opportunity to review this nomination and hope that you find these comments useful. Please feel free to contact me if you have any questions. I can be reached at (202) 354-2275 or email at james_gabbert@nps.gov.

Sincerely,

Jim Gabbert, Historian
National Register of Historic Places
9/17/2021

ZEBULON

NORTH CAROLINA

1003 N. Arendell Avenue
Zebulon, NC 27597
919.823.1800
www.townofzebulon.org

January 20, 2022

**Dr. Darin Waters
State Historic Preservation Officer
4610 Mail Service Center
Raleigh, NC 27699-4610**

Dear Dr. Waters:

The Board of Commissioners of the Town of Zebulon voted unanimously to request that the proposed historic district for the Town of Zebulon, presented by Preservation Zebulon, be denied.

Attached are the following documents:

- 1. Town of Zebulon Board of Commissioners Recommendation**
- 2. Resolution 2022-10 adopted January 18, 2022, by the Zebulon Board of Commissioners**
- 3. Affidavit of Publication of Public Hearing – Zebulon**
- 4. Certified Copy of Wake County Historic Preservation Commissioner decision and Report from January 11, 2022**
- 5. Affidavit of Publication of Meeting – Wake County Historic Preservation Commission**

If there are any questions, please feel free to contact us.

Sincerely,



**Glenn L. York, Mayor
Town of Zebulon**

**Cc: C. Edward Morris, Chair Wake County Historic Preservation Commissioner
Ramona Bartos, Administrator, SHPO
Sarah Woodard, Survey & National Register Branch Supervisor, SHPO
Jennifer Brosz, North Carolina State Historic Preservation Office National Register Coordinator
Kristi Brantley, Local Preservation Commission/CLG Coordinator, SHPO
Gary Roth, President & CEO Capital Area Preservation
Joy Beasley, Keeper of the National Registry
Representative Deborah Ross
Representative David Price**

**THE CHIEF ELECTED LOCAL OFFICIAL OR THE LOCAL GOVERNING BOARD SHOULD
COMPLETE ONE OF THE FOLLOWING COMMENT PARAGRAPHS:**

E. I, Mayor Glenn York, or we the Zebulon Board of Commissioners, have reviewed the nomination for the Zebulon Historic District and find that the property meets the criteria for listing in the National Register of Historic Places as stated in Section 8 of the report. We therefore, recommend that the property submitted for listing in the Register.

Additional Comments:

Chief Local Elected Official's signature and date

F. I, Mayor Glenn York, or We, the Zebulon Board of Commissioners, have reviewed the nomination for the Zebulon Historic District and find that the property does not meet the criteria for listing in the National Register of Historic Places as stated in Section 8 of the report. We therefore, do not recommend that the property be submitted for the listing in the Register. The reasons for my (or our) findings concerning this nomination are stated below (use additional sheet if necessary)

Additional comments: Please see Resolution 2022-10 (as attached)


Chief Local Elected Official's signature and date

RESOLUTION 2022-10

RECOMMENDATION OF THE CHIEF ELECTED LOCAL OFFICIAL OF THE TOWN OF ZEBULON TO REJECT THE NOMINATION OF THE ZEBULON HISTORIC DISTRICT TO THE NATIONAL REGISTER OF HISTORIC PLACES

WHEREAS, Preservation Zebulon, Inc., a 501(c)(3) non-profit (“**Preservation Zebulon**”) resubmitted an application nominating the “Zebulon Historic District” (the “**District**”) to the National Register of Historic Places (the “**National Register**”); and

WHEREAS, this application is unchanged from the one previously rejected by the Keeper of the National Register per the Town of Zebulon’s Petition and described in correspondence to Mayor Matheny dated September 17, 2021; and

WHEREAS, a public hearing on the application was held on January 10, 2022, and subsequently at their meeting on January 11, 2022, the Wake County Historic Preservation Commission unanimously voted to recommend rejection of the District to the National Register, and pursuant to 54 U.S.C. § 302504, the Commission prepared its report dated January 11, 2022, setting forth the reasons that the District fails to meet the criteria for nomination to the National Register, a copy of which report is attached hereto as Exhibit A (the “**Commission Report**”); and

WHEREAS, after extensive investigations and a thorough review of the Commission’s Report, the Town articulates the following objections to the nomination:

(i) the District’s proposed historical period (i.e., 1906 through 1971) is too expansive in that it includes post-war neighborhoods featuring minimal traditional and ranch style homes that are not unique to Zebulon and, therefore, lack the “significance” and “integrity” required of National Register nominations;

(ii) the 1960s and 1970s neighborhoods included within the District’s boundaries have no relationship to Zebulon’s core story as a trading and commercial center during the early 1900s, while certain communities that were excluded from the District boundaries are integral to that history;

(iii) the neighborhoods excluded from the District’s boundaries disproportionately include African American communities that are integral to the Town’s railroad, tobacco and textile heritage, raising further concerns regarding the inclusivity of the District application and nomination process as a whole; and

(iv) the District, as proposed, does not represent a significant and distinguishable entity meriting nomination to the National Register.

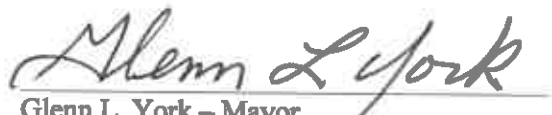
(v) these objections can be tied to flaws in the substance of the original survey, and to the absence of community education and engagement within which the application was drafted.

WHEREAS, the Town, through its chief local elected official, hereby recommends the North Carolina State Historic Preservation Office (“**SHPO**”) reject the nomination of the District to the National Register so that a more inclusive and historically representative district may be proposed in collaboration with the Town, the Commission, Preservation Zebulon, the African American community, and all other interested parties;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Zebulon, North Carolina that pursuant to 54 U.S.C. § 302504, Mayor Glenn L. York is hereby directed to transmit to SHPO the Commission's Report as well as the Town's recommendation for denial of the District, as proposed; and

FURTHERMORE, we the Zebulon Board of Commissioners of the Town of Zebulon, North Carolina request the administrative codes defining the process by which properties are listed onto the National Register be re-evaluated to address concerns of unintended bias resulting from applications developed outside of publicly accessible forums that exclude community representation and engagement.

Adopted and effective this the 18th day of January 2022.


Glenn L. York – Mayor

ATTEST:


Lisa M. Markland, CMC – Town Clerk



AFFIDAVIT OF PUBLICATION

The Wake Weekly
229 E. Owen Ave.
(919) 556-3182

I, Robin Holland, of lawful age, being duly sworn upon oath, deposes and says that I am the Business Office Clerk of The Wake Weekly, a publication that is a "legal newspaper" as that phrase is defined for the city of Wake Forest, for the County of Wake County, in the state of North Carolina, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
31 Dec 2021

7 Jan 2022

Notice ID: GEIMoZDgHfK7U4ow72X9
Notice Name: 01.10.2022 JPH - Historic District

PUBLICATION FEE: \$153.45

Robin Holland
Business Office Clerk

VERIFICATION

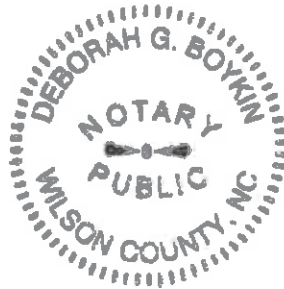
STATE OF NORTH CAROLINA
COUNTY OF WAKE COUNTY

Signed or attested before me on this

8 day of January, A.D. 2022

Deborah G. Boykin
Notary Public

My Commission Expires: 07/23/2023



Notice of Public Hearing: Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance and the National Historic Preservation Act of 1966, that a public hearing will be held on January 10, 2022 at 6:30 PM at East Wake Academy High School, 821 Charter School Way, Zebulon, NC 27597, and will be conducted by the Board of Commissioners of the Town of Zebulon with the Zebulon Planning Board and the Wake County Historic Preservation Commission for the purpose of considering the following items:

Zebulon National Historic District Nomination – Request from Preservation Zebulon to petition the State Historic Preservation Office and the National Parks Service to establish a National Historic District within the Town of Zebulon.

The meeting is open to the public and the Town of Zebulon will accept written comments submitted to Deputy Town Clerk Stacie Paratore at SParatore@TownofZebulon.org no later than 12:00 Noon on the day of the hearing to be read into the record. The meeting will be streamed live online at <https://publicin.put.com/j8613>. The full nomination packet on the Town's web page at <https://www.townofzebulon.org/departments/planning>. For questions or additional information, please contact the Planning Department at (919) 823-1806.

The Wake Weekly
December 31, 2021, January 7, 2022

What are your options if your property is in a NATIONAL HISTORIC DISTRICT?

The North Carolina State Historic Preservation Office is reevaluating a petition from Preservation Zebulon for a National Historic District in February, and it may include your property, business, or home. To hear the answer to your questions and to learn more, please join the Zebulon Board of Commissioners, Planning Board, and Wake County

Historic Preservation for a Public Hearing on:

January 10th at 6:30 PM

East Wake Academy High School

821 Charter School Way, Zebulon, NC 27597.

For more information, please stop into the Planning Department at Town Hall, 1003 N. Arendell or call (919) 823-1808.

Access the meeting
virtually using the
following QR Code:



Zebulon Planning Department

1003 N Arendell Ave, Zebulon, NC, United States, North Carolina

+1 919-823-1810

Message

townofzebulon.org/services/planning

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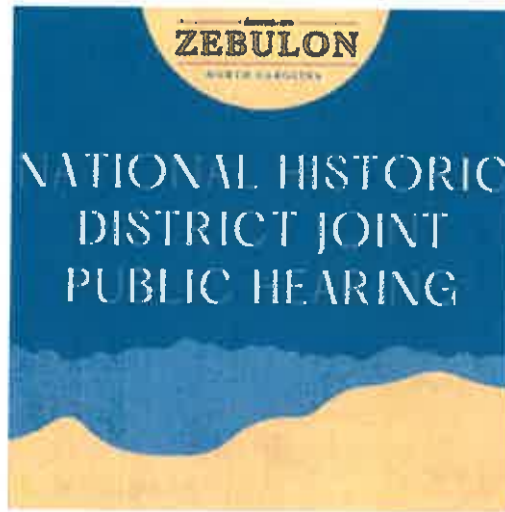


Zebulon Planning Department is at East Wake High School.

Published by Instagram • January 10 at 12:10 PM • Wendell • @

Join in person or watch online for the conversation regarding the North Carolina Historic Preservation Office reevaluating a petition from Preservation Zebulon for a national Historic District.

It is being held at the East Wake Academy High School. To participate and watch online, go to publicinput.com/38613. The meeting starts at 6:30 PM.



[See insights](#)

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 Author

If you would like to leave a comment to be read at the meeting you may do so here:
<https://publicinput.com/18613>



National Historic District Public
Hearing - PublicInput.com

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Zebulon Planning Department is at East Wake High



What are your options if your property is in a NATIONAL HISTORIC DISTRICT?

The North Carolina State Historic Preservation Office is reevaluating a petition from Preservation Zebulon for a National Historic District in February, and it may include your property, business, or home. To hear the answer to your questions and to learn more, please join the Zebulon Board of Commissioners, Planning Board, and Wake County Historic Preservation for a Public Hearing on:

January 10th at 6:30 PM

East Wake Academy High School

821 Charter School Way, Zebulon, NC 27587

For more information, please stop into the Planning Department at Town Hall, 1003 N. Arundell or call (919) 823-1808.

10

Original document not available for viewing

Zebulon National Historic District Hearing

Insights

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about.com



Town of Zebulon

4,248 people checked in here

<http://www.townofzebulon.org/>

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 Published by ZOOM · January 10 at 6:23 PM ·

801 People reached · 230 Engagements

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Zebulon Planning Department · Follow · 20:31
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<https://publicinput.com/J8613>

PUBLICINPUT.COM
 National Historic District Public Hearing - Publicinput.com

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Exhibit A

Commission Report dated January 11, 2022

[See Attached]

ZEBULON

NORTH CAROLINA

1003 N. Arendell Avenue
Zebulon, NC 27597
919.823.1800

www.townofzebulon.org

North Carolina
Wake County
Town of Zebulon

I, Lisa M. Markland, Clerk to the Board of Commissioners of the Town of Zebulon, do hereby certify that the foregoing is a true and accurate copy of a letter dated January 11, 2022 from C. Edward Morris, Chari of the Wake County Historic Preservation.

Witness my hand and the seal of the Town of Zebulon, this 20th day of January 2022.



Lisa M. Markland, CMC—Town Clerk
to the Board of Commissioners of the
Town of Zebulon

THE CLG COMMISSION AS THE TOWN'S JURISDICTION SHOULD COMPLETE ONE OF THE FOLLOWING PARAGRAPHS:

C. We, the Wake County Historic Preservation Commission, as the Town of Zebulon CLG, have reviewed and discussed the nomination for Zebulon Historic District and find that the property meets the criteria for listing in the National Register of Historic Places as stated in Section 8 of the report. We therefore, recommend that the property be submitted for listing in the Register.

Commission chair's signature and date

D. We, the Wake County Historic Preservation Commission, as the Town of Zebulon CLG, have reviewed and discussed the nomination for Zebulon Historic District and find that the property does not meet the criteria for listing in the National Register of Historic Places as stated in Section 8 of the report. We therefore, do not recommend that the property be submitted for listing in the Register. The reasons for our findings concerning this nomination are stated below (use additional sheet if necessary).

 1-11-2022

Commission chair's signature and date

Zebulon NRHD WCHPC Recommendation:

We, the Wake County Historic Preservation Commission, as the Town of Zebulon CLG, have reviewed and discussed the nomination for the Zebulon Historic District and find that the property **does not meet** the criteria for listing in the National Register of Historic Places as stated in Section 8 of the report. We therefore, **do not recommend** that the property be submitted for listing in the Register. The reasons for our findings concerning this nomination are stated below:

- 1) The district, as proposed, includes 1960s and 1970s neighborhoods that have no relationship to the core story of Zebulon as an early 20th century railroad, tobacco, and textile town, while at the same time excluding African American neighborhoods that do have a relationship to that core story.
- 2) The areas north of North Street do not share the same distinctive characteristics of the same type, period, or method of construction as the areas south of North Street in the older section of the proposed district. There is a diverse collection of early 20th century architectural styles in the areas south of North Street; whereas, the areas north of North Street contain mostly ranch-style houses, which are minimally represented south of North Street.
- 3) The district, as proposed, does not represent a significant and distinguishable entity, whether its components lack individual distinction or not (see #1 and #2).

 1-11-2022

Commission Chair's Signature and Date

WCHPC Staff Report

Staff is of the opinion that the district, as proposed, has two glaring problems. First, it includes areas north of North Street that have no relationship to the core story of Zebulon as a railroad, tobacco, and textile town; and, second, it excludes African American neighborhoods that do have a relationship to that core story. This is not to say that the post-war neighborhoods with their minimal traditional and ranch houses do not have merit, but rather that these structures, common to all of Wake County, are not unique to Zebulon and do not relate to the character-defining elements of Zebulon's core story. The period of significance for this proposed district stretches from 1906-1971, and while SHPO has claimed that the average period of significance across North Carolina is 68.5 years, the period of significance in most other towns begins much earlier than 1906.

Staff has been told by SHPO that these 1960s and 1970s neighborhoods *must* be included to tell the "whole story of Zebulon" while at the same time leaving out African American neighborhoods, because they may "lack architectural merit," a position often attributed to the NPS by SHPO. However, in a recent training video hosted by the National Trust for Historic Preservation concerning amending National Register nominations, NPS historian James Gabbert stated that "there are no hard and fast rules," but the NPS is looking for a reasoned explanation how the significance of African American neighborhoods is reflected in their current appearance, even if they superficially appear to lack architectural merit. Ultimately, the NPS is looking to see if these neighborhoods "retain sufficient integrity to reflect significance," even in view of subsequent changes that appear to diminish integrity. In the same training video, Virginia SHPO staff member Lena McDonald noted that "there often can be unintended class bias in how properties are evaluated for eligibility in terms of their integrity. Properties may not ever have had great workmanship or great design and materials, but it doesn't matter. That is not what makes the property significant...I always caution people not to say that a property doesn't have integrity just because it doesn't have fine quality materials." Many of the structures in the African American neighborhoods have experienced numerous changes over the years, but their integrity should not be measured solely on the basis of alterations. Ms. McDonald further stated that when weighing integrity, it is important to not look at these African American neighborhoods through a "class-based lens."

SHPO has further stated to Staff that Zebulon's downtown commercial and residential areas cannot stand alone as a district without the 1960s and 1970s Wakelon Heights neighborhood due to 1960s and 1970s changes to buildings in the downtown area. Yet, there were two previously approved Study List Districts in Zebulon prior to 2018. The first occurred in 1992 as part of the original Kelly Lally survey focused on the commercial downtown and immediate areas. As part of the 2006 survey update for Wake County, MdM Consultants proposed, and SHPO approved, a larger Study List District in Zebulon with boundaries

considerably tighter than those that are the basis for the currently proposed NR Historic District and notably absent the Wakelon Heights neighborhood. SHPO's position was that the downtown areas cannot stand alone as a district without the Wakelon Heights neighborhood. Yet, the Study List Districts (approved by SHPO and the NRAC in 1992 and 2006, respectively) stood alone in both cases. To be sure, Wakelon Heights had not yet aged in by 2006, and its addition as an antidote to the changes downtown would not have been possible, but two facts stand out: (1) The 1960s and 1970s changes had all been made to the downtown by 2006, so there is essentially no difference between the condition of the downtown in 2006 and today (except for maybe removing a lot of those 1960s and 1970s changes); and (2) Had the Study List District as of 2006 been added to the National Register in 2006 or shortly thereafter, it would have done so as a stand-alone district with a period of significance ending around 1950. Furthermore, the report states that the Wakelon Heights neighborhood was laid out on a grid in the same manner as the areas downtown and immediately adjacent. While true, that grid was created in 1907, one year after Zebulon was laid out on a grid and established. However, this area was not developed for another 50 years, so the structures in this area were not constructed contemporaneously with the structures immediately downtown associated with the early years after the town's incorporation.

Most every single downtown in America experienced significant updates to storefronts and commercial buildings in the 1960s and 1970s, but until this nomination, that has never been used as a justification for including anything from that later time period within a district's period of significance. For example, the Town of Apex's original NR Historic District was listed in 1994 as a collection of early 20th century buildings with later modifications from the 1960s and 1970s and a period of significance ending in 1943. These modifications, much like the ones that occurred in Zebulon, were considered secondary to the age of the buildings in the nomination at that time. The development of Wakelon Heights as a planned neighborhood is part of a county-wide trend in the decades after WW2 that is separate and distinct from the story of Zebulon as a railroad, tobacco, and textile town and should be the subject of a separate nomination, much like could be done with the 2017 McCuller's Pines Study List District near Fuquay-Varina.

In conclusion, Staff believes that the district, as proposed, does NOT meet the National Register criteria to be listed in the National Register in its current form. Substantial changes need to be made to the report and boundaries to reflect a district that more accurately represents the history and story of the Town of Zebulon, which would look closer to the 1992 and 2006 Study List District(s), with particular focus on the African American neighborhoods and their connection to the core story of Zebulon as a tobacco, railroad, and textile town. While the claim has continued to be made that the district can be amended at some unknown point in the future, the commission should not approve the proposed district in its flawed form in the hope that, one day, these might be addressed to reflect a more appropriate boundary that addresses these glaring irregularities.



Beaufort Gazette
Billerica News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

El Nuevo Herald - Miami
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Raleigh News & Observer
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Sacramento Bee
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The State - Columbia
Sun Herald - Blox

Sun News - Myrtle Beach
The News-Tribune Tacoma
The Telegraph - Macon
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Wichita Eagle

AFFIDAVIT OF PUBLICATION

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Attention: Adam Cook
WAKE COUNTY PLANNING DEPT.
PO BOX 550
RALEIGH, NC 27602

NOTICE OF PUBLIC MEETINGS

The Wake County Historic Preservation Commission and the Zebulon Board of Commissioners (along with the Zebulon Planning Board) will hold a joint public hearing concerning the proposed Zebulon National Register Historic District on January 10, 2022 @6:30pm at East Wake Academy, 821 Charter School Way, Zebulon. Interested residents are encouraged to attend in-person or join virtually: <https://publicinput.com/jb613>

Information about the proposed district can be found at www.wakegov.com/NRH-D

The Wake County Historic Preservation is also accepting written comments from those who may be unable to attend and participate in the public hearing or who wish to offer written comments beyond those presented at the public hearing. The written comments can be mailed or emailed to the following addresses to be received no later than January 5, 2022:

Mailing:
Wake County Historic Preservation
Commission
PO Box 28072
Raleigh, NC 27611
Email:
info@capresinc.org
IPL0054073
Dec 31, Jan 3 2022

STATE OF NORTH CAROLINA COUNTY OF WAKE

Before the undersigned, a Notary Public of Dallas County, Texas, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Crystal Trunick, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of the News & Observer Publishing Company, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News & Observer, Wake and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for WAKE COUNTY PLANNING DEPT. was inserted in the aforesaid newspaper on dates as follows:

No. of Insertions: 2
Beginning Issue of: 12/31/2021
Ending Issue of: 01/03/2022

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



Mark your calendar! Join the Wake County Historic Preservation Commission, Decision Board of Commissioners, and Decision Planning Board for a Public Hearing on January 10th at 6:30 PM at East Wake Academy High School. [See more](#)



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Organic reach

Impressions

945

Impressions

6

Reactions

1.9%

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Comments

0

Shares

18

Clicks

2.65%

Engagement rate

Post Insights



Mark your calendar! Join the Wake County Historic Preservation Commission, Zebulon Board of...

Published by Hootsuite  · December 30, 2021 at 12:00 PM · 

Post Impressions



2,101

Post Reach



2,038

Post Engagement



30

Interactions



5



0



0



2



0



0



Reactions

7

20 January 2022

Darin J. Waters, PhD
Deputy Secretary, Office of Archives and History
NC DNCR
109 E. Jones Street / MSC 4601
Raleigh, NC 27601

**Zebulon Historic District
Notice of Appeal of Recommendation of WCHPC and Town of Zebulon**

Dr. Waters:

Pursuant to the procedural options outlined by the State Historic Preservation Office as described in the PROPOSED ZEBULON NATIONAL REGISTER HISTORIC DISTRICT NOMINATION OPTIONS as presented to stakeholders on 27 October, 2021, and as outlined in 54 USC §302504, I hereby appeal the findings and recommendations of the Wake County Historic Preservation Commission and the Town of Zebulon that the Zebulon Historic District not be nominated to the National Register and, further, I petition the State Historic Preservation Office to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places pursuant to the procedures outlined in 54 USC §302504 and 54 USC §302104.

Please see the attached report from Preservation Zebulon.

I thank you for your help with this nomination, and look forward to a successful result.

Very respectfully,



Scott Carpenter, PhD
The John D. Finch House property owner
Preservation Zebulon (PZ) – Board Chair

CC:

MaryBeth Carpenter, PZ Executive Director
Taylor Gray, PZ Secretary
Season Atkinson, PZ Vice-Chair
Marvin Howell, PZ Treasurer
Patricia Roberson, PZ Director
Tommy Massey, PZ Director
Allie Gecewicz, PZ Director

NOTARIAL CERTIFICATE FOR ACKNOWLEDGMENT

Wake County, North Carolina

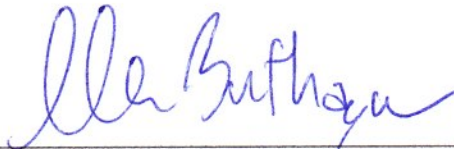
I certify that the following person(s) personally appeared before me this day, each
acknowledging to me that he or she signed the foregoing document:

SCOTT CARPENTER

Name(s) of principal(s)

Date: 1/20/2022

(Official Seal)

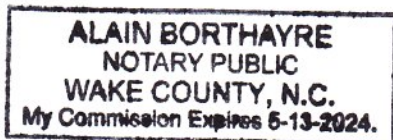


Official Signature of Notary

ALAIN BORTHAYRE

Notary Public

Notary's printed or typed name



My commission expires: 5-13-2024

OPTIONAL

This certificate is attached to a _____, signed by _____

Title/Type of Document

Name of Principal Signer(s)

on _____, and includes _____ pages.
Date *# of pages*

Date: 18 January 2022
To: Preservation Zebulon, Inc. Board of Directors
Re: Proposal to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places

Background:

In the PROPOSED ZEBULON NATIONAL REGISTER HISTORIC DISTRICT NOMINATION OPTIONS (i.e., the "one-pager") presented by SHPO in the October 27, 2021 "Zebulon Next Steps Conversation Meeting" with Zebulon Historic District stakeholders, OPTION A (AS IS – no changes) was described as a viable path toward nomination completion, pursuant to a process that was also described.

On November 12, 2021, Preservation Zebulon, the applicant for the Zebulon Historic District nomination, advised the State Historic Preservation Office of its desire to proceed with the nomination's review, as OPTION A – AS IS (no changes).

The nomination advancement process under OPTION A included the following description:

IF both WCHPC and elected officials recommend DENIAL -> nomination process STOPS

BUT if any person appeals to the State within 30 days of that recommendation, then nomination proceeds to the next available NRAC meeting.

On January 10, 2022, the Town of Zebulon hosted a Joint Public Hearing to discuss the nomination, where the Town Attorney described and therefore acknowledged the appeal actions as allowable, thus recognizing them without objection.

On January 11, 2022, the WCHPC met and staff similarly described the appeal process as an understood and allowable action.

On January 11, 2022, the WCHPC met and voted to recommend that the nomination be denied.

On January 18, 2022, the Zebulon Board of Commissioners met and voted to recommend that the nomination be denied.

Analysis:

As both the WCHPC and elected officials have therefore met the requirements listed above and as set forth in the advancement process, it is now possible for any person to appeal to the State.

As presented at the October 27, 2021 meeting "Zebulon Next Steps Conversation Meeting," these steps conform to the allowable process for the Zebulon Historic District as discussed with and in agreement with the allowable options per SHPO's prior consultation and discussion with the National Park Service. Specifically, this is identified as part of the next steps as described for OPTION A – AS IS nomination (no changes).

Upon review of the nomination, and our various meetings beyond the 27 October, 2021 "OPTIONS" meeting, including meetings with the WCHPC staff, Town of Zebulon staff, the Town's Joint Public Hearing on 10 Jan 2022, the WCHPC's Commissioners Meeting on 11 Jan 2022, the Town's Special Called

Meeting on 18 Jan 2022, and based on what I heard at those meetings, I believe that the nomination meets the criteria for listing.

I provided the following statement at the Town's Joint Public Hearing under general comments:

My name is MaryBeth Carpenter. I am the Executive Director of Preservation Zebulon. Six years ago, I helped launch the initiative that has turned into Preservation Zebulon, and has funded the Zebulon Historic District nomination for listing on the National Register of Historic Places. I have worked closely with our consultant to see to it that a technically correct, adequate, and sufficient nomination document was prepared that conforms with National Register criteria for evaluation. I have worked with the State Historic Preservation Office to understand and follow the nomination process for which they oversee on behalf of the National Park Service and as defined by 36 CFR (60). I have worked with you to keep you up to date on our progress, and to help you get answers to your questions.

I formerly served on the Wake County Historic Preservation Commission. Based on the training that I received as a Commissioner on the Wake County Historic Preservation Commission, and after having reviewed the Zebulon Historic District nomination, I concur with the findings of the nomination's consultant, the North Carolina State Historic Preservation Office, the North Carolina National Register Advisory Committee, and the State Historic Preservation Officer, in that I find that the property meets the criteria for listing in the National Register of Historic Places as stated in Section 8 of the report.

Recommendation:

With this in mind, I recommend that a petition be presented to the State Historic Preservation Office post haste to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places.

Preservation Zebulon will separately update the NRAC with information regarding the timeline since they last reviewed the nomination, and with the reasons as to why the Zebulon Historic District DOES MEET the criteria for listing on the National Register.

Warmest regards,



MaryBeth Carpenter
The John D. Finch House property owner
Preservation Zebulon – Executive Director

To: North Carolina State Historic Preservation Office

I, Marvin L. Howell, of Zebulon, NC, _____ County
Printed or typed name City and State County

hereby ^{Appeal} petition the North Carolina State Historic Preservation Office to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places.

Additionally,

(Please check all of the following that apply):

- ☒ It is my understanding and belief that the nomination, as is, meets the criteria for listing on the National Register of Historic Places.
- ☒ I am a citizen of Zebulon, NC.
- ☒ I own ^{three properties} property within the proposed Zebulon National Register Historic District.
- ☒ I believe that the nomination is broadly supported by the citizens of Zebulon and property owners within the proposed boundaries.
- ☒ I am a member of Preservation Zebulon.
- ☒ I believe that Preservation Zebulon has gone above and beyond all expectations in attempting to educate elected officials and staff about the process and technical review of the nomination.
- ☒ I believe that SHPO been professional and helpful in their numerous engagements with the Town of Zebulon and others in repeatedly answering the Town's questions and concerns.
- ☒ I have reviewed and agree with the report from Preservation Zebulon dated 18 January 2022, "Proposal to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places."

Very respectfully,

Marvin L. Howell
Signature

1-18-2022
Date

To: North Carolina State Historic Preservation Office

I, Tommy Massey of Wake County
Printed or typed name City and State County

hereby ~~petition~~ ^{APPEAL} the North Carolina State Historic Preservation Office to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places.

Additionally,

(Please check all of the following that apply):

- ☒ It is my understanding and belief that the nomination, as is, meets the criteria for listing on the National Register of Historic Places.
- ☒ I am a citizen of Zebulon, NC.
- ☐ I own property within the proposed Zebulon National Register Historic District.
- ☒ I believe that the nomination is broadly supported by the citizens of Zebulon and property owners within the proposed boundaries.
- ☒ I am a member of Preservation Zebulon.
- ☒ I believe that Preservation Zebulon has gone above and beyond all expectations in attempting to educate elected officials and staff about the process and technical review of the nomination.
- ☒ I believe that SHPO been professional and helpful in their numerous engagements with the Town of Zebulon and others in repeatedly answering the Town's questions and concerns.
- ☒ I have reviewed and agree with the report from Preservation Zebulon dated 18 January 2022, "Proposal to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places."

Very respectfully,

Tommy Massey Jan 18 2022
Signature Date

To: North Carolina State Historic Preservation Office

I, Alysa Gecowicz, of Zebulon, NC, WAKE County

Printed or typed name

City and State

County

Appeal @ 1/18/22
hereby petition the North Carolina State Historic Preservation Office to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places.

Additionally,

(Please check all of the following that apply):

- ☒ It is my understanding and belief that the nomination, as is, meets the criteria for listing on the National Register of Historic Places.
- ☒ I am a citizen of Zebulon, NC.
- ☒ I own property within the proposed Zebulon National Register Historic District.
- ☒ I believe that the nomination is broadly supported by the citizens of Zebulon and property owners within the proposed boundaries.
- ☒ I am a member of Preservation Zebulon.
- ☒ I believe that Preservation Zebulon has gone above and beyond all expectations in attempting to educate elected officials and staff about the process and technical review of the nomination.
- ☒ I believe that SHPO been professional and helpful in their numerous engagements with the Town of Zebulon and others in repeatedly answering the Town's questions and concerns.
- ☒ I have reviewed and agree with the report from Preservation Zebulon dated 18 January 2022, "Proposal to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places."

Very respectfully,

Alysa Gecowicz
Signature

18 JAN 2022
Date

To: North Carolina State Historic Preservation Office

I, Season Atkinson, of Wendell, NC, Wake County
Printed or typed name City and State County

appeal SA
hereby petition the North Carolina State Historic Preservation Office to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places.

Additionally,

(Please check all of the following that apply):

- ☒ It is my understanding and belief that the nomination, as is, meets the criteria for listing on the National Register of Historic Places.
- ☐ I am a citizen of Zebulon, NC.
- ☒ I own property within the proposed Zebulon National Register Historic District.
- ☒ I believe that the nomination is broadly supported by the citizens of Zebulon and property owners within the proposed boundaries.
- ☒ I am a member of Preservation Zebulon.
- ☒ I believe that Preservation Zebulon has gone above and beyond all expectations in attempting to educate elected officials and staff about the process and technical review of the nomination.
- ☒ I believe that SHPO been professional and helpful in their numerous engagements with the Town of Zebulon and others in repeatedly answering the Town's questions and concerns.
- ☒ I have reviewed and agree with the report from Preservation Zebulon dated 18 January 2022, "Proposal to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places."

Very respectfully,

Season Atkinson
Signature

1-18-22
Date

To: North Carolina State Historic Preservation Office

I, TAYLOR GRAY, of ZEBULON, NC, WAKE County

Printed or typed name

City and State

County

APPROVAL TG
hereby petition the North Carolina State Historic Preservation Office to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places.

Additionally,

(Please check all of the following that apply):

- ☒ It is my understanding and belief that the nomination, as is, meets the criteria for listing on the National Register of Historic Places.
- ☒ I am a citizen of Zebulon, NC.
- ☒ I own property within the proposed Zebulon National Register Historic District.
- ☒ I believe that the nomination is broadly supported by the citizens of Zebulon and property owners within the proposed boundaries.
- ☒ I am a member of Preservation Zebulon.
- ☒ I believe that Preservation Zebulon has gone above and beyond all expectations in attempting to educate elected officials and staff about the process and technical review of the nomination.
- ☒ I believe that SHPO been professional and helpful in their numerous engagements with the Town of Zebulon and others in repeatedly answering the Town's questions and concerns.
- ☒ I have reviewed and agree with the report from Preservation Zebulon dated 18 January 2022, "Proposal to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places."

Very respectfully,

Taylor Gray
Signature

1/18/22
Date

To: North Carolina State Historic Preservation Office

Patricia Roberson of Zebulon Wake County

Printed or typed name

City and State

County

hereby ^{appeal} ~~petition~~ the North Carolina State Historic Preservation Office to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places.

Additionally,

(Please check all of the following that apply):

- ☒ It is my understanding and belief that the nomination, as is, meets the criteria for listing on the National Register of Historic Places.
- ☒ I am a citizen of Zebulon, NC.
- ☒ I own property within the proposed Zebulon National Register Historic District.
- ☒ I believe that the nomination is broadly supported by the citizens of Zebulon and property owners within the proposed boundaries.
- ☒ I am a member of Preservation Zebulon.
- ☒ I believe that Preservation Zebulon has gone above and beyond all expectations in attempting to educate elected officials and staff about the process and technical review of the nomination.
- ☒ I believe that SHPO been professional and helpful in their numerous engagements with the Town of Zebulon and others in repeatedly answering the Town's questions and concerns.
- ☒ I have reviewed and agree with the report from Preservation Zebulon dated 18 January 2022, "Proposal to proceed with the nomination of the Zebulon Historic District for listing on the National Register of Historic Places."

Very respectfully,

Patricia Roberson
Signature

January 18, 2022
Date



February 3, 2022

Dr. Alicia McGill
NRAC Chair
NC Dept. of Natural and Cultural Resources
4610 Mail Service Center
Raleigh, North Carolina 27699-4610

This nomination is more thoroughly vetted than anything we have ever done.

Cheri LaFlamme Szcodronski,
Owner & Architectural Historian
Firefly Preservation Consulting, LLC
[email correspondence to Preservation Zebulon, 8/27/2021]

Dr. McGill:

I thank the NRAC for again reviewing the Zebulon Historic District. We thank the NRAC, SHPO, and NPS for their hard work on this nomination, and in working with us, our citizens, and the CLGs - the Town of Zebulon and the WCHPC. We have learned so much during this process, and we appreciate your help and advice throughout it.

On behalf of Preservation Zebulon, the 501(c)(3) non-profit applicant for the Zebulon National Register Historic District nomination, I am writing to you today to provide updates on Preservation Zebulon's additional activities in support of the district that we have completed since our last correspondence in June, 2021, and to present our response to the claims that have been made that recommend the nomination's denial. While we certainly are not the "experts", and in no way do we question the regulatory authority outlined through 36 CFR Part 60 and 54 USC 302504 for you to identify, review, and advance nominations, we do want to provide you with some updates and background in order to inform you of our progress in support of your work toward this nomination's review.

In summary:

- Since your last review of the Zebulon Historic District nomination, Preservation Zebulon has remained highly engaged with the citizens of Zebulon, SHPO, the Town of Zebulon, and the Wake County Historic Preservation Commission. We have provided information as we understand it and have sought out answers for questions that we could not answer.
- The Zebulon Historic District meets the criteria for listing on the National Register of Historic places, as evidenced by:
 - o The technical expertise of the consultants who prepared the nomination,

- o The review of the consultants and SHPO to produce the final nomination packet
- o The June, 2021 approval of the NRAC
- o The approval of the State Historic Preservation Officer
- o The NPS's substantive review which did not identify any technical edits required.
- The nomination remains unchanged, with respect to all of the above reviewing and approving authorities, and is the same nomination that you previously approved in June, 2021.
- We have recognized the reasons for the nomination's return and have participated in the process that has corrected the prejudicial procedural error.
- Following the encouragement of the NRAC to proceed with preservation tax-credit applications:
 - o Zebulon residents have requested and filed NC HISTORIC PRESERVATION CERTIFICATION APPLICATION (PART A) for non-income producing properties
 - o Several incoming-producing applicants have been waiting for "official listing" before proceeding with their applications.
 - o After the recent closure of one of Zebulon's 110-year-old businesses, PZ was able to connect the contributing-property owner with a highly-successful, preservation-minded developer, who has since walked away from the deal "because there is no historic district in Zebulon."
 - o We appreciate the NRAC's support for this important tax-credit program and we advocate for it, noting that further delays will continue to adversely impact economic recovery in Zebulon.
- We support and have advocated on behalf of Dr. Darin J' Water's OPTION C parallel process suggestion to move forward with the nomination as-is while additionally beginning additional survey work / study of additional resources in Zebulon.

Please find attached the following:

1. A detailed activities timeline and response to CLGs findings and recommendations:
2. Resolution 01-2022 that was unanimously passed by the Board of Directors of Preservation Zebulon, Inc., whereby Preservation Zebulon, Inc.:
 - a. Recommends that the Zebulon National Register Historic District be listed on the National Register of Historic Places.
 - b. Recommends that additional survey work be continued in the Zebulon area to identify further properties (individual and/or districts) worthy of preservation recognition.

Very respectfully,



Scott Carpenter, PhD

Preservation Zebulon - Board Chair



Activities Timeline and Response to CLGs Findings and Recommendations

MaryBeth Carpenter
Preservation Zebulon, Executive Director
January 26, 2022

Please find below:

1. Response to the findings and recommendations of the Town of Zebulon and Wake County Historic Preservation Commission:
2. Response to the CLGs Specific Claims for Rejection
3. Timeline of Preservation Zebulon activities since the June, 2021 NRAC review:

Response to the findings and recommendations of the Town of Zebulon and Wake County Historic Preservation Commission:

The Town of Zebulon and the Wake County Historic Preservation Commission have been afforded an extra year of time, as the result of several delays to the nomination, to educate the public and to study the nomination technical details and the process that created it. We do not object to the NPS's return that corrects the prejudicial procedural error, which has now been corrected. However, we remain disappointed that the CLGs have not used their time to gain a better technical understanding of the nomination and especially the period of significance, boundaries justification, and criteria for listing and evaluation. Instead, these CLGs have been repeating the same substantive claims they began a year ago. Those claims of the CLGs have been repeatedly discussed at length in numerous meetings; many of those claims are based on Town of Zebulon ordinances and/or land use plans that do not figure into the evaluation of the criteria for listing on the National Register. Despite having heard responses that do not substantiate their claims, these CLGs have continued to present in public meetings the same materials, claims, and policy analysis without educating its officials on the meaningfulness of the responses and advice they have been given. One Town Commissioner voted to deny it because he "felt" the district was too large. Another told us that they did not have to consider the National Register criteria for evaluation when she voted to deny it, because she felt she should vote on what she thought was best for the Town government. A third Commissioner told us that he voted to deny it because nobody could tell them who owned the swimming pool.

Especially troublesome has been the CLGs lack of embracing a compromise solution suggested by Dr. Darin J. Waters, in that a suitable path forward could be 1) the forwarding of the existing "as is" nomination to the NPS while, 2) in parallel, beginning survey additional work to study other resources around the Zebulon area. Instead, based on their most recent vote and findings, the Town of Zebulon's "big idea" is to take something that is technically right and make it wrong.

While the CLG(s) claim that there is too much subjectivity in the evaluation of the criteria for listing the Zebulon Historic District, they do a disservice to the nomination process by instead applying their own subjective narrative and analysis to the process, which is therefore flawed with respect to the evaluation of the criteria for listing; one cannot subjectively “rewrite the story” to suit one’s desires, using different subjectively as to a solution when one claims that subjectively is the problem. For example, on the one hand, in their petition to the Keeper of the Register, which the Town claims is “based on the Secretary of Interior (sic) Standards that would be applicable,” the Town lists several individual properties that they cite as reasons that the nomination should be denied, because those properties have aftermarket windows and vinyl siding. On the other hand, during their public presentations, the Town consistently showed a picture of one house in the downtown area that they would describe as “everyone would agree that this is the type of house that deserves to be in a historic district.” I am very familiar with that house. It’s my house! And, it currently has aftermarket windows and vinyl siding! These attempts by the Town to twist the criteria for evaluation to suit their narrow narrative are troubling and disappointing, given all the time and conversations that have occurred within the past year in attempts to explain the rules for evaluation.

Additionally, while the Town of Zebulon on 18 January 2022 passed an ordinance to allocate \$20,000 to hire a consultant to “fix the survey,” and the Wake County Historic Preservation Commission has resolved to act as a pass-through agency in its administration, we point out that this allocation of funding has come six years after initial contact with the Town of Zebulon by concerned citizens and their request for the Town’s direct involvement and/or funding, and 212 days since the Dr. McGill suggested that a further survey of the African American neighborhoods be considered, when also the NRAC approved the Zebulon Historic District nomination. While we encourage the Town to support **ADDITIONAL SURVEY WORK** THAT MAY RESULT IN **ADDITIONAL** INDIVIDUAL OR DISTRICT LISTINGS, we find their plan currently lacking, in that 1) there is no schedule in mind to complete such work, and 2) there is no guarantee that such survey work will result in information that would result in changes to the existing nomination boundaries and that SHPO and NPS would accept. Specifically, the Town continues to operate under the belief that the existing nomination is flawed, and that they simply need to be the ones to tell SHPO and NPS 1) to exclude the Wakelon Heights area and 2) to include homes on West Barbee Street.

We heard that SHPO believes that if a hypothetical nomination came forth that excluded the Wakelon Heights area that NPS would return it to have it included. Furthermore, the approximately 100 letters of support for the nomination include letters from seven (7) residents within the Wakelon Heights area; as such, any of them, or any person for that matter, could petition the Keeper of the Register to proceed with the listing of the existing “as-is” nomination, since those property owners have received proper notification and are already identified as included within the district boundaries. As a sitting Commissioner on the WCHPC informed the Town at their latest public hearing, property owners (not renters) in this area of town include African-American, Hispanic, and other economically disadvantaged groups. The Town’s plan to remove these properties from the boundaries would disenfranchise those owners, and is especially egregious given that there has been no communications to these owners from the Town on their desire to do so.

As for the West Barbee Street area, we continue to fully support additional survey work that is required to study this area, and other areas and properties around Zebulon, in order to work

toward getting those properties Study-Listed. However, after all public meetings had concluded, the Town of Zebulon presented at their Special Called Meeting two properties on West Barbee Street that are excluded from current boundaries and that have never been previously study-listed. The Town's claim is that the nomination is in error because of this exclusion and needs to be "fixed" to include those properties. Please see Fig. 1 and Fig. 2 for maps highlighting these two properties and their relation to the proposed Zebulon Historic District boundaries, and the 2018 survey, respectively.

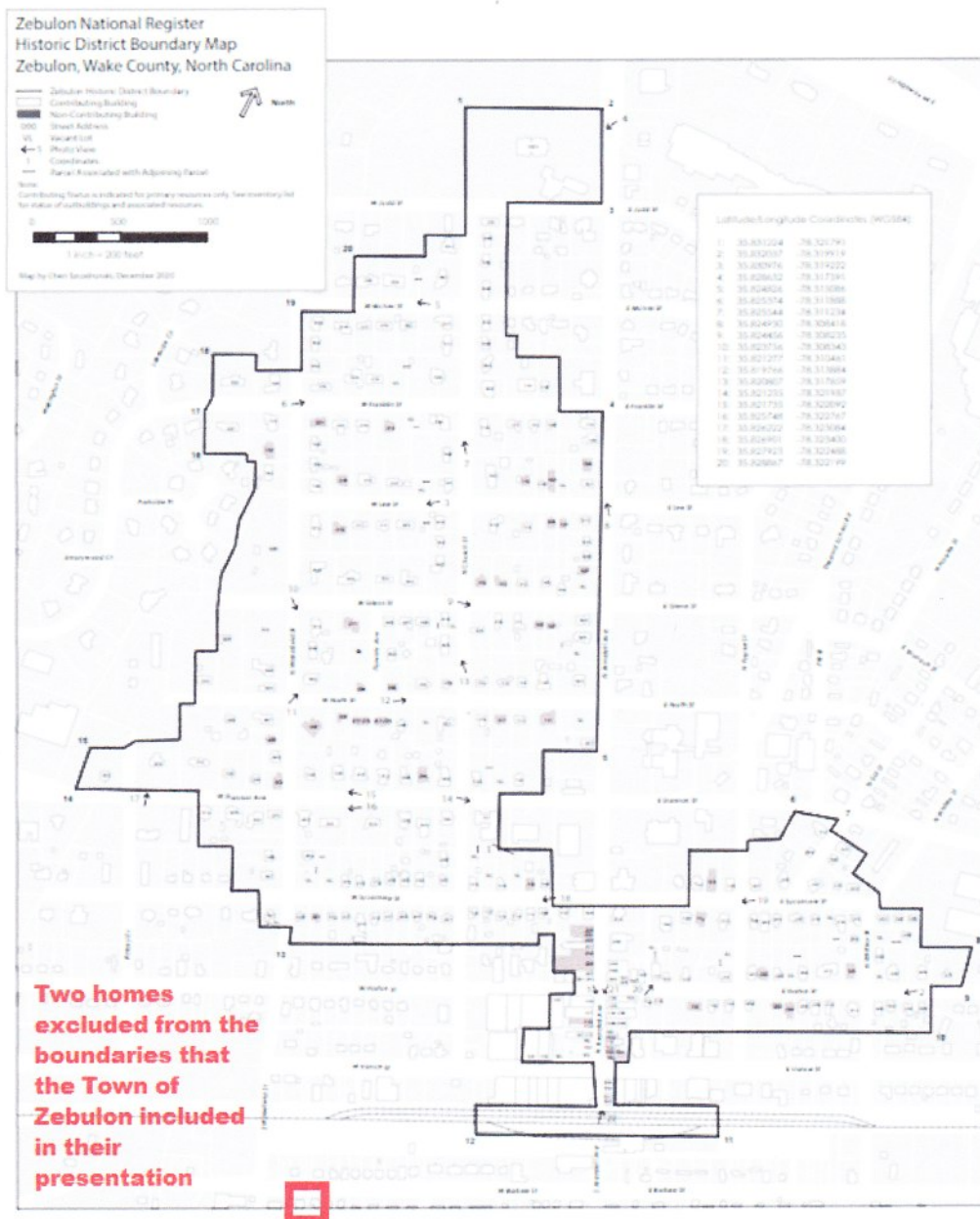


Fig. 1 - Town of Zebulon's basis for a flawed nomination, as the two properties highlighted above in red are excluded from the current boundaries. These properties, though worthy of future study, are significantly distant from the contiguous area defined by the district boundaries, and several additional properties of interest that are prominent on the 2018 survey are not called out by the Town's position.

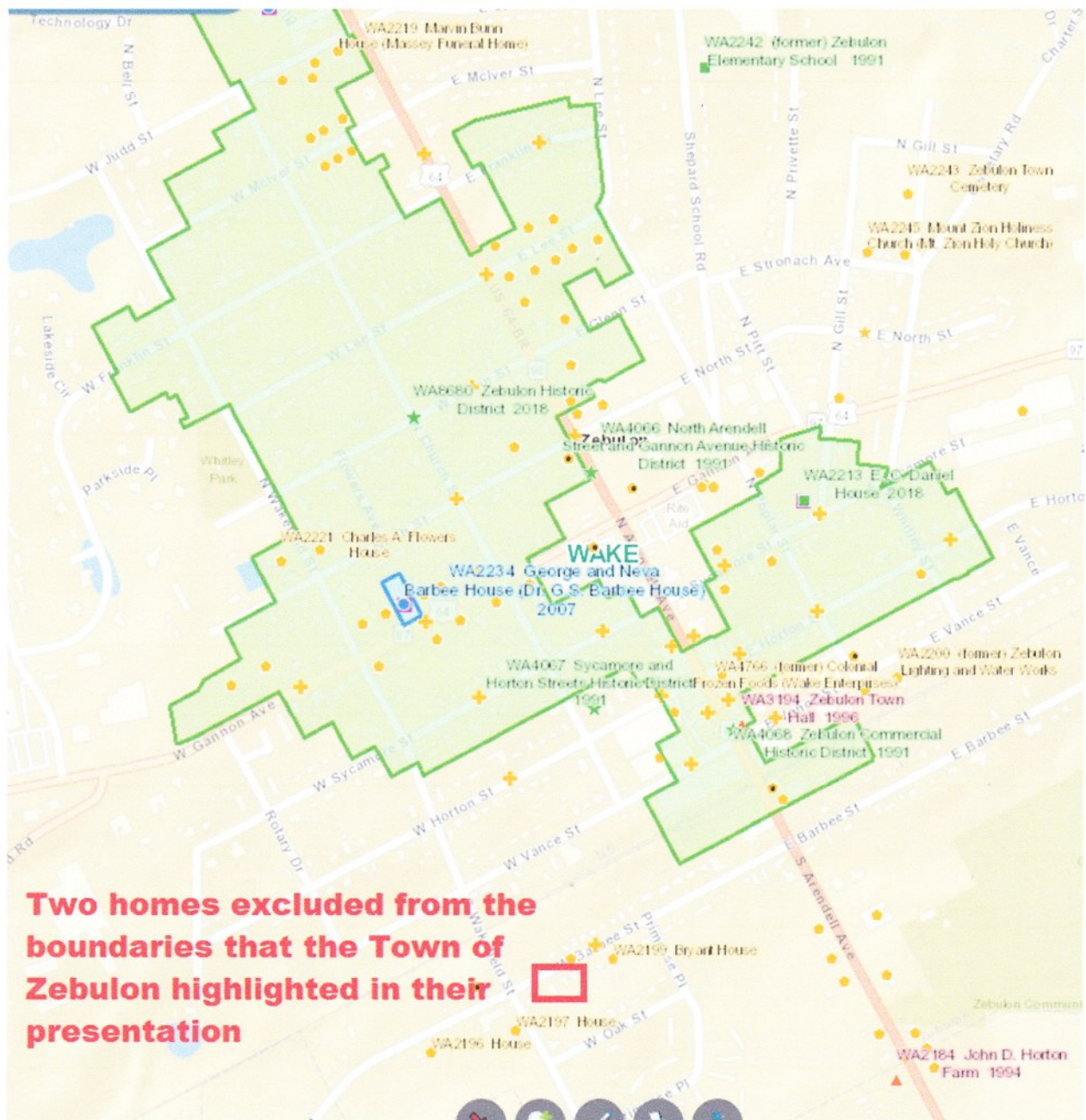


Fig. 2 - The same two homes, overlaid on HPOWEB, which shows the 2018 survey boundaries that the NRAC accepted onto the Study List.

The Town's position that they are the ones that "must fix" this nomination boundaries by including homes from the Barbee Street areas while at the same time removing properties owned by these same ethnic groups from the Wakelon Heights area is indefensible.

The path forward is to list the current proposed district, while simultaneously beginning additional survey work to study additional areas that have not yet been study-listed, to gain the necessary information to move forward with additional properties.

Response to the CLGs Specific Claims for Rejection

The findings and recommendations of the Town of Zebulon and WCHPC (the “CLGs”) collectively listed eight (8) reasons for rejecting the nomination which are repeated below along with a response to each.

Reasons for rejection cited by WCHPC

Claim: 1) The district, as proposed, includes 1960s and 1970s neighborhoods that have no relationship to the core story of Zebulon as an early 20th century railroad, tobacco, and textile town, while at the same time excluding African American neighborhoods that do have a relationship to that core story.

Response: The history of Zebulon is provided in the nomination. However, this story-telling of Zebulon’s history given by this claim is subjective, and is not a part of the criteria for evaluation. NRAC addressed how a town’s story relates to a nomination during their June, 2021 deliberation of the Zebulon Historic District. As has been previously explained to the Claimant, Districts that meet significance and integrity criteria, as this one does, can certainly include 1960s and 1970s properties.

Claim: 2) The areas north of North Street do not share the same distinctive characteristics of the same type, period, or method of construction as the areas south of North Street in the older section of the proposed district. There is a diverse collection of early 20th century architectural styles in the area south of North Street; whereas, the areas north of North Street contain mostly ranch-style houses, which are minimally represented south of North Street.

Response: The boundary formulation and justification statement meets the criteria for evaluation, and revisions suggested by this claim would result in a district that was not cohesive. Removing the properties north of North Street would likely result in the nomination being returned by the NPS to have it included. As is, the nomination meets the criteria for both Criteria A and Criteria C for the period of significance throughout the boundaries.

Claim: 3) The district, as proposed, does not represent a significant and distinguishable entity, whether its components lack individual distinction or not (see #1 and #2).

Response: As answered and addressed by SHPO during the 27 Oct 2021 meeting and several additional times before and since, the National Register criteria for a district considers the district as a whole. It does not require individual properties one-by-one to abide by the Secretary of Interior’s Standards for Rehabilitation in order to be “included.” A district is the sum of the parts, not the sum of individual properties. The current nomination has been written and reviewed extensively with respect to the National Register criteria for district nominations. See responses above (see #1 and #2).

Reasons for rejection cited by Town of Zebulon:

Claim: (i) the District’s proposed historical period (i.e., 1906 through 1971) is too expansive in that it includes post-war neighborhoods featuring minimal traditional and ranch style homes that are not unique to Zebulon and, therefore, lack the “significance” and “integrity” required of National Register nominations;

Response: The nomination meets the criteria for evaluation for the period of significance and architectural integrity, as has already been reviewed and approved by SHPO, the NRAC, the

State Historic Preservation Officer, and was not returned by the NPS after substantive review that would have required any technical corrections to it that would relate to this claim, and therefore retains both the significance and integrity required of National Register nominations.

Claim: (ii) the 1960s and 1970s neighborhoods included within the District's boundaries have no relationship to Zebulon's core story as a trading and commercial center during the early 1900s, while certain communities that were excluded from the District boundaries are integral to that history;

Response: The story of Zebulon is included within the nomination, and is properly captured by the period of significance and the architectural integrity of the structures that are contained within the District's boundaries. As has been previously explained to the Claimant, Districts that meet significance and integrity criteria, as this one does, can certainly include 1960s and 1970s properties.

Claim: (iii) the neighborhoods excluded from the District's boundaries disproportionately include African American communities that are integral to the Town's railroad, tobacco and textile heritage, raising further concerns regarding the inclusivity of the District application and nomination process as a whole; and

Response: The NRAC discussed these concerns during the June, 2021 review. Addressing the nomination's presentation with respect to the African American neighborhoods, Dr. Johnson commented: "It is unfortunate that there isn't anything that's contiguous... (but) the nomination presented was consistent. ... We were presented a very reasonable construction of a historic district." Dr. Waters also addressed the issue of inclusivity during the 27 Oct 2021 SHPO meeting, before he ultimately suggested the "parallel path" forward to 1) move the as-is nomination forward while, in parallel, 2) pursuing additional survey work to further study other properties in the Zebulon area.

Claim: (iv) the District, as proposed, does not represent a significant and distinguishable entity meriting nomination to the National Register.

Response: The District, as proposed, meets the criteria for evaluation for the period of significance and architectural integrity, as has already been reviewed and approved by SHPO, the NRAC, the State Historic Preservation Officer, and was not returned by the NPS after substantive review that would have required any technical corrections to it, and therefore retains both the significance and integrity required of meritorious National Register nominations.

Claim: (v) these objections can be tied to flaws in the substance of the original survey, and to the absence of community education and engagement within which the application was drafted.

Response: The WCHPC staff co-supervised, reviewed, presented, and accepted the original (2018) survey. The survey was presented to the community, the Town of Zebulon and the WCHPC, and SHPO accepted the survey, all without any claims that there were any flaws. The survey identified a Zebulon Historic District that the NRAC accepted and added to the NC Study List, and the boundaries from that survey have guided the nomination's development ever since. We dispute the claim that the survey is therefore "flawed". However, we support a path forward that would allow for additional survey work to be completed to study other areas in and around Zebulon.

Timeline of Preservation Zebulon activities since June, 2021 NRAC review:

- We thank the NRAC for their June, 2021 review of the nomination, where you spent one hour and thirteen minutes deeply reviewing the nomination and addressing the issues and concerns that had been raised by the Town of Zebulon, the Wake County Historic Preservation Commission, and citizens regarding boundaries and process issues. We thank you for your unanimous recommendation that the nomination meets the criteria for listing on the National Register, as defined by 36 CFR 60.4, and is worthy of listing.
- In July, 2021, the nomination was approved by the State Historic Preservation Officer and forwarded to the National Park Service for final review. This significance of this approval step is codified in 36 CFR Part 60.6 (o).
- On August 18, 2021, the Town of Zebulon submitted a petition to the Keeper of the Register, requesting the nomination be denied, making the following claims:
 1. The Zebulon Historic District, as proposed, does not meet the criteria for listing in the National Register.
 2. Prejudicial procedural error occurred in the nomination process.
 3. An error in professional judgment occurred as to whether the Zebulon Historic District meets the criteria for evaluation.
 4. The Town of Zebulon and the County of Wake County North Carolina are parties to a Joint Historic Preservation Commission Agreement.
- In consultation with the consultants who drafted the nomination, we learned that a substantive review would occur, and should that review identify any technical corrections that would be required, then those would be communicated back once the substantive review was completed. We were provided, and understood, the “checklist” used for such a substantive review.
- The National Park Service conducted a substantive review of the nomination, and sent a letter (Reference Number: 100006811) that we received in September, 2021 that indicated that the nomination was returned for the following reason(s):
 - Nomination is RETURNED due to prejudicial procedural error.
 - Wake County Historic Preservation Commission serves as the CLG
 - The original decision to bypass CLG review was based on advice from the NPS.
 - However, did not take into account the Wake County agreement
- With all due respect, we recognize that the nomination’s return upholds the Town’s claims 2) and 4), while denying the claims 1) and 3). That is, the return is to correct a procedural error; no technical changes needed.
- Upon consultation with the consultants that were hired to draft the nomination, we learned that after the return of the nomination, and their discussion with SHPO, that there was no further technical work to be performed on the nomination. That is, there were no technical deficiencies in the nomination.
- On October 27, 2021, NC SHPO held a “Zebulon Next Steps Conversation Meeting”
 - Attendees included: SHPO, Preservation Zebulon, Town of Zebulon staff and Mayor (no one from Town Council), Wake County Historic Preservation Commission staff (no commissioners), an architect, a former NRAC chair, and Dr. Darin J. Waters, the NC State Historic Preservation Officer.
 - SHPO presented a “one-pager” of OPTIONS to proceed, which included:
 - OPTION A – AS IS nomination (no change)

Timeline of Preservation Zebulon activities since June, 2021 NRAC review:

- We thank the NRAC for their June, 2021 review of the nomination, where you spent one hour and thirteen minutes deeply reviewing the nomination and addressing the issues and concerns that had been raised by the Town of Zebulon, the Wake County Historic Preservation Commission, and citizens regarding boundaries and process issues. We thank you for your unanimous recommendation that the nomination meets the criteria for listing on the National Register, as defined by 36 CFR 60.4, and is worthy of listing.
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 2. Prejudicial procedural error occurred in the nomination process.
 3. An error in professional judgment occurred as to whether the Zebulon Historic District meets the criteria for evaluation.
 4. The Town of Zebulon and the County of Wake County North Carolina are parties to a Joint Historic Preservation Commission Agreement.
- In consultation with the consultants who drafted the nomination, we learned that a substantive review would occur, and should that review identify any technical corrections that would be required, then those would be communicated back once the substantive review was completed. We were provided, and understood, the "checklist" used for such a substantive review.
- The National Park Service conducted a substantive review of the nomination, and sent a letter (Reference Number: 100006811) that we received in September, 2021 that indicated that the nomination was returned for the following reason(s):
 - Nomination is RETURNED due to prejudicial procedural error.
 - Wake County Historic Preservation Commission serves as the CLG
 - The original decision to bypass CLG review was based on advice from the NPS.
 - However, did not take into account the Wake County agreement
- With all due respect, we recognize that the nomination's return upholds the Town's claims 2) and 4), while denying the claims 1) and 3). That is, the return is to correct a procedural error; no technical changes needed.
- Upon consultation with the consultants that were hired to draft the nomination, we learned that after the return of the nomination, and their discussion with SHPO, that there was no further technical work to be performed on the nomination. That is, there were no technical deficiencies in the nomination.
- On October 27, 2021, NC SHPO held a "Zebulon Next Steps Conversation Meeting"
 - Attendees included: SHPO, Preservation Zebulon, Town of Zebulon staff and Mayor (no one from Town Council), Wake County Historic Preservation Commission staff (no commissioners), an architect, a former NRAC chair, and Dr. Darin J. Waters, the NC State Historic Preservation Officer.
 - SHPO presented a "one-pager" of OPTIONS to proceed, which included:
 - OPTION A – AS IS nomination (no change)

- OPTION B – Substantive changes made to nomination (Process starts over from scratch)
 - These options were presented after prior verification with NPS at to their acceptability
- o Preservation Zebulon was in agreement with the Town to pursue a change in the boundaries if it could be done and done in an expeditious manner. However, our take away from the SHPO meeting was that it could not be done expeditiously and there was very much doubt presented from SHPO and other experts on the call that it could be done at all because it would simply not leave a cohesive historic district.
 - What we heard explained at the meeting was that, even with PZ being in agreement to the changes that the Town is proposing, SHPO has already considered those issues and does not believe they create a cohesive historic district.
 - It was also explained that a fundamental change to the nomination would lead to our nomination being placed back in the queue for SHPO staff review before it can even be presented for a nomination.
 - We do not believe that SHPO would approve the nomination with the boundary changes that have been proposed by the Town.
 - SHPO felt that, if a nomination were presented that excluded Wakelon Heights that the NPS would likely return the nomination with instructions to include it.
- o Dr. Darin Waters, recommended a compromise path forward, which would be a “parallel process”: proceed with the existing nomination while also pursuing an expansion survey. This would allow for the necessary survey work and a nomination to be prepared that could adjust the boundaries of the Zebulon Historic District. (We refer to this option as Option “C”.)
- On November 9, 2021, we met the Wake County Historic Preservation Commission staff (no commissioners).
 - o We confirmed their understanding of the procedural process corrections in response to the return, and that they understood that the NPS substantive review did not identify any technical edits required of the nomination AS IS.
 - o We were told that “it doesn’t really matter what Preservation Zebulon’s opinion is. The WCHPC will likely take the side of the Town of Zebulon, if a side has to be taken, since they are the ones that contract with the WCHPC through their agreement, and so the WCHPC will have to do what they say.”
- On November 11, 2021, we met with Town of Zebulon staff and the Mayor.
 - o We confirmed their understanding of the procedural process corrections in response to the return, and that they understood that the NPS substantive review did not identify any technical edits required of the nomination AS IS.
 - o It was suggested that the Town needed SHPO to meet with the Town Commissioners so that they could have their questions answered more directly.
 - We supported this idea and agreed to assist by making such a request to SHPO. However, we also expressed concern that this implied a failure of Town staff to effectively communicate information and answers that had already been provided, in an unbiased way to the Town Commissioners and Boards.

- On November 12, 2022, Preservation Zebulon requested that OPTION A (As Is no changes) be pursued.
 - We communicated to the Town of Zebulon, WCHPC, and SHPO:
 - “We hope that you understand that we are only acting in the best interests of the Town and its citizens in getting a historic district established here and the historic district previously presented is the only one that SHPO believes is a cohesive district for nomination to the National Register”
- On January 5, 2022, we met with Town of Zebulon Commissioners Quinten Miles and Larry Loucks.
 - Commissioner Miles requested more information about grants / funding so that the Town could continue to do additional survey / study work (as per Dr. Water’s suggestion for OPTION C and that we have supported).
 - We helped Commissioner Miles engage with SHPO to collect more information about the grant processes available through SHPO and/or in cooperation with the WCHPC.
- On January 8, 2022, PZ met with the Town Manager and Town Planner to review the agenda for the Joint Public Hearing
 - We were told that the Town staff did not have a recommendation regarding whether or not the nomination should be rejected.
 - We again expressed concern about the Town’s transparency on this matter.
- On January 10, 2022, the Town of Zebulon held a Joint Public Hearing with the Wake County Historical Preservation Commission and the Town of Zebulon Planning Board
 - Preservation Zebulon presented the nomination
 - Provided background, history, and timeline of the nomination
 - Reviewed the format and findings of the NRAC’s June, 2021 meeting
 - Encourage all stakeholders to review that video available online, to understand the nomination’s background, and the NRAC’s thought process and discussion of the issues last presented.
 - We presented support for Dr. Water’s OPTION C / parallel process that would a) move forward with the existing nomination while b) beginning a parallel process to continue further survey work in the Zebulon area that would form the basis for additional National Register nominations.
 - We presented our understanding of and recommendations for the path forward:
 - Changes to the boundaries in the existing nomination cannot be done, as any change would be treated as a substantive change, causing the entire process to start anew, and even so, it was unlikely that the NPS would accept any of the changes that the Town had requested.
 - The existing nomination meets the criteria for listing on the National Register, as evidenced by technical expertise of the nomination’s consultant, the approval of the NRAC, the approval of the State Historic Preservation Officer, and the NPS’s substantive review which did not identify any technical edits required.
 - We support Dr. Water’s OPTION C parallel process suggestion to additionally begin additional survey work / study of additional resources in Zebulon.

- o Several citizens spoke in favor of the nomination, including many owners of property within the district. The Executive Director of the Zebulon Chamber of Commerce also spoke in support of the district.
- o No citizen spoke against the nomination.
- o The Town of Zebulon's staff report and policy analysis mirrored the same as was used in May, 2021.
 - This implied that the Town had failed to learn from and react to the NRAC's June, 2021 review of the nomination, the NPS's substantive review, and the information and updates that had been provided to them in the interim.
- o SHPO did an excellent and professional job of answering technical questions for the Commissioners.
- o One of the sitting Commissioners on the Wake County Historical Preservation Commission spoke as a private citizen in favor of the nomination, and was then forced to recuse himself from the WCHPC's discussion and vote scheduled to occur the following day.
- o Preservation Zebulon's Executive Director, who previously served on the Wake County Historic Preservation Commission, spoke in favor of the nomination, stating:
 - I formerly served on the Wake County Historic Preservation Commission. Based on the training that I received as a Commissioner on the Wake County Historic Preservation Commission, and after having reviewed the Zebulon Historic District nomination, I concur with the findings of the nomination's consultant, the North Carolina State Historic Preservation Office, the North Carolina National Register Advisory Committee, and the State Historic Preservation Officer, in that I find that the property meets the criteria for listing in the National Register of Historic Places as stated in Section 8 of the report.
- On January 10, 2022, after the Joint Public Hearing, the Zebulon Planning Board met
 - o Staff represented their recommendation to deny the nomination (NOTE: Whereas town staff told us in a meeting just two days earlier that they did not have a recommendation).
- On January 11, 2022, the Wake County Historic Preservation Commission met, and voted to recommend the nomination for denial.
 - One of the sitting Commissioners on the Wake County Historical Preservation Commission had spoken the previous evening at the Joint Public Hearing spoke as a private citizen in favor of the nomination, and was then forced to recuse himself from the WCHPC's discussion and vote.
 - o WCHPC staff began their comments with "we are participating in theater."
 - o One Commissioner said "by voting to deny, we are making a statement"
 - o Despite our prior urging, no one referenced any of the nomination review materials or the online video of the NRAC's June, 2021 review.
 - o WCHPC staff presented a three-minute video as what they characterized as "the Q&A from a training video" that they claimed justified issues with the nomination.
 - o Discussion repeated previous claims of issues with the nomination's boundaries. A Commissioner stated "we are back to too small / too large". (NOTE: The

details of these claims have been previously discussed and reviewed by SHPO, and they were all directly addressed during the June, 2021 NRAC review)

- o While claiming that the nomination's review erred in the reliance on too much subjectivity (in the interpretation of the criteria for evaluation), the WCHPC did not objectively state reasons for their perceived errors, and instead relied on their own subjectivity to interpret, and attempt to rewrite, the criteria for listing to meet a different purpose.
- o The reasons that were given by the WCHPC for recommending the nomination's denial, in substance, repeat exactly their previous comments that were made prior to the last Joint Public Hearing.
 - That is, despite the "prejudicial procedure correction" in the nomination process that gives the WCHPC the opportunity to "officially" comment, their reasons, in substance, are no different than the comments that they previously made.
- On January 18, 2022 the Town of Zebulon Board of Commissioners met and voted to recommend the nomination for denial, and approved a funding ordinance to spend \$20,000 to hire a consultant to "fix the survey."
 - o The reasons that were given by the Town of Zebulon for recommending the nomination's denial, in substance, repeat exactly their previous comments that were made prior to the last Joint Public Hearing.
 - That is, despite the "prejudicial procedure correction" in the nomination process that gives the Town of Zebulon the opportunity to "officially" comment, their reasons, in substance, are no different than the comments that they previously made.
- On January 20, 2022, the Mayor of Zebulon forwarded the report and recommendation for denial to SHPO.
- On January 20, 2022, seven citizens (mostly property owners within the district) each sent an appeal to Dr. Waters to proceed with the Zebulon Historic District nomination for consideration by the NRAC.

Respectfully submitted,



MaryBeth Carpenter,
Preservation Zebulon, Executive Director
January 26, 2022

Preservation Zebulon, Inc.

Resolution 01-2022

PRESENT: Scott Carpenter, Season Atkinson, Taylor Gray, Marvin Howell, Patricia Roberson, Tommy Massey, Allie Gecewicz

ABSENT: None

Introduced by: Marvin Howell

Seconded by: Tommy Massey

At the meeting of the Board of Directors of Preservation Zebulon, Inc. on 27 January 2022, the following resolution was proposed and approved by the board.

WHEREAS Preservation Zebulon, Inc. is a registered and active North Carolina 501(c)(3) nonprofit; and

WHEREAS nonprofit organizations may rightfully oversee the preparation and submission of historic district nominations for listing on the National Register of Historic Places; and

WHEREAS the Town of Zebulon, the Wake County Historic Preservation Commissioner, and the NC State Historic Preservation Office did not provide funding to support the Zebulon Historic District nomination; and

WHEREAS the citizens of Zebulon contributed the entirety of the funding needed for the nomination's preparation; and

WHEREAS Preservation Zebulon, Inc. and the Zebulon Historic District nomination's preparer have repeatedly consulted with and followed the guidance of the NC State Historic Preservation Office; and

WHEREAS the Zebulon National Register Historic District nomination has now been duly created and has undergone significant review; and

WHEREAS Preservation Zebulon, Inc., having hired and retained the nomination's preparer, thereby retains the intellectual property (IP) rights of the nomination; and

WHEREAS the Zebulon National Register Historic District has been indicated as having met the criteria for listing on the National Register by: the nomination's preparer (December, 2019), as approved via review with the State Historic Preservation Office (December, 2020), as approved by the NC National Register Advisory Committee (June, 2021), and as having undergone a substantive review by the National Parks Service without notice of any technical errors (September, 2021); and

WHEREAS the Zebulon National Register Historic District nomination remains unedited and therefore identical in technical submission and boundaries identification as previously completed and approved by the NC NRAC (June, 2021); and

WHEREAS a prejudicial procedural error was identified by the National Park Services (October, 2021); and

WHEREAS the National Park Service returned the nomination to correct the prejudicial procedural error while at the same time they did NOT identify any required technical edits (October, 2021); and

WHEREAS upon notification of the nomination's return, the Town of Zebulon attempted to work directly with the Wake County Historic Preservation Commission and without consultation with the State Historic Preservation Office to have the nomination's intellectual property turned over to the Town of Zebulon for them to rewrite it to their liking, with a request that Preservation Zebulon then be the one to resubmit the edited nomination to the State Historic Preservation Office; and

WHEREAS the State Historic Preservation Office gathered all stakeholders in a meeting on 27 October, 2021 to review and discuss options for going forward with the nomination; and

WHEREAS the OPTION A presented at the 27 October, 2021 meeting indicated a path forward in which the nomination could be resubmitted "as is – no changes"; and

WHEREAS the prejudicial procedural error has now been corrected by significant additional attempts to educate elected officials of the NPS's findings, and the review and collection of comments from the CLGs (January, 2022); and

WHEREAS the comments of the CLGs (January, 2022) repeat entirely, in substance, claims that have previously been made, answered, argued, and therefore resolved by the NC SHPO, the NC NRAC, and the already-completed substantive review of the nomination by the National Parks Service; and

WHEREAS one sitting member and also one past member of the Wake County Historic Preservation Commission have spoken in favor of the nomination, as private citizens during the Town of Zebulon's Joint Public Hearing (10 January, 2022); and

WHEREAS the citizens of Zebulon and the property owners within the proposed district boundaries broadly support the nomination, as is, as evidenced by the nearly 100 letters of support previously submitted to the NRAC, and the numerous citizens who spoke in support of the district at the Town of Zebulon's 10 January 2022 Joint Public Hearing, including one sitting and one former member of the Wake County Historic Preservation Committee; and

WHEREAS the reviewing CLGs have shown a blatant disregard for the wishes of the citizens throughout this nomination process; and

WHEREAS the Town of Zebulon has exhibited unnecessary bias towards the nomination's process, and has seemingly been unwilling or unable to accept the information and answers provided to them by SHPO and others, as evidenced by their continuing to repeat the same substantive claims, after those issues have been answered, addressed and resolved by the reviewing authorities; and

WHEREAS the Wake County Historic Preservation Commission has exhibited unnecessary bias towards the nomination's process, has purposefully attempted to work against SHPO, and has seemingly been unwilling or unable to accept the information and answers

provided to them, as evidenced by their continuing to repeat the same substantive claims, after those issues have been answered, addressed and resolved by the reviewing authorities.

NOW, THEREFORE BE IT RESOLVED THAT Preservation Zebulon, Inc.:

1. Recommends that the Zebulon National Register Historic District be listed on the National Register of Historic Places.
2. Recommends that additional survey work be continued in the Zebulon area to identify further properties (individual and/or districts) worthy of preservation recognition.

VOTE OF THE BOARD

AYES: Scott Carpenter, Season Atkinson, Taylor Gray, Marvin Howell, Patricia Roberson, Tommy Massey, Allie Gecewicz

NAYS: None

Signed:



Scott Carpenter, PhD

Preservation Zebulon - Board Chair