

**Union County Historic Preservation Commission**  
**Minutes Regular Meeting**  
**3 May 2012**

The Union County Historic Preservation Commission met at 1:30 pm on Thursday, May 3, 2012, in the Union County Board of Commissioners Meeting Room, 500 N. Main Street, at the Government Center, Monroe, North Carolina.

Present: Dr. Jerry Surratt, Brad Hudson, Dale Loberger, Sis Dillon, John Dickerson, Crystal Crump, Jane Ellickson, Danny Stegall  
Also Present: Mary Lou Gamble, Harriett Moore

The meeting was called to order by Dr. Jerry Surratt, Chairman. Dr. Surratt welcomed those present and recognized the first item of business on the agenda as the Public Hearing.

**Policy for Conducting Public Hearing**

Dr. Surratt said that the first order of business is to adopt a policy relative to public hearings in which there are agreements and disagreements on the issue. Dr. Surratt noted that there should be a format to follow so that comments could be accepted. Dr. Surratt said that he would read the policy stating Rules of Procedure used by the Union County Board of Commissioners. It can be approved or disapproved for this hearing as well as all future hearings. Dr. Surratt read verbatim from the Rules of Procedure:

*POLICY FOR CONDUCTING PUBLIC HEARINGS*

*The Historic Preservation Commission establishes the following policy for receiving public comments at all public hearings of said Commission. A sign-up sheet will be made available at the entry to the meeting room not later than fifteen minutes prior to the advertised time of said hearing to allow persons who desire to address the commission to register to speak. The purpose of a public hearing is to allow citizens an opportunity to address the Commission and not intended to compel Commission members or staff to answer questions in an impromptu manner without adequate opportunity for preparation or consideration. The chair will recognize speakers in the order in which their names appear on the sign-up sheets and can, at his discretion, alternate speakers for or against the advertised subject. There will be no rebuttals to comments made. Action on subject of said hearing, if any, will be at the sole discretion of the Commission.*

*Speakers must address the Commission from the lectern and begin their remarks by giving their name, stating whether they are residents of Union County, indicating the municipality within which they reside, if any. Each speaker will have up to three (3) minutes to make his/her remarks. A speaker may not yield any of his or her time to another speaker. Speakers must be courteous in their language and presentation. Personal attacks will not be tolerated. Speakers may leave written comments*

*and/or supporting documents, if any, with the Chair.*

*If at the beginning of the public hearing, the Chair determines the time required to hear all registered speakers would unduly disrupt the conduct of business or cause undue inconvenience to citizens in attendance for other items on the agenda, the Chair may request the designation of a spokesman, or the selection of delegates, for groups of persons supporting or opposing the same positions.*

*When all persons who wish to speak to the subject have spoken or have been represented, the hearing can be adjourned either through declaration of the Chair or a vote of the Commission.*

After Dr. Surratt read from the Rules of Procedure of the Union County Board of Commissioners, he added that it is appropriate for everyone to know the manner in which to proceed. He said that this policy comes to the Historic Preservation Commission as a seconded motion ; therefore, if there is any discussion or there are questions for clarification it should be presented now. Dr. Surratt asked if all Commission Members were in favor of adopting this Policy on Conducting Public Hearings to be used for this hearing as well as for future hearings. Commission members voted unanimously to adopt this policy for use during this hearing as well as for future hearings.

### **Public Hearing**

Dr. Surratt opened the Public Hearing. He explained that the reason for the Public Hearing is that the Union County Historic Preservation Commission has received an Application for Certificate of Appropriateness from the Union County Board of Commissioners for placing a memorial on the Union County Historic Courthouse grounds that would honor the Union County Confederate Pensioners of Color. The proposal was first introduced to the Union County Board of Commissioners in 2010, but it was not until March 19, 2012 that the Board of Commissioners voted to submit an Application for Certificate of Appropriateness based on the 2010 proposal with some revisions. The proposal is for placing a 4' x 2' granite marker in the brick walk in front of the current Confederate monument on the courthouse grounds. The historic Union County Courthouse is designated as an historic property; therefore, the Application must be filed with the Union County Historic Preservation Commission for consideration. The property is owned by the County of Union. The County and the City of Monroe established the Union County Historic Preservation Commission to safeguard and protect designated properties.

Dr. Surratt introduced Matthew Delk, Assistant Union County Manager, who spoke more about the Application for COA submitted by the County. Mr. Delk explained that there are two decisions to be considered in any land use judicial process: 1) the decision of the owner of the property or the person controlling, owning and utilizing the property 2) the decision of the Board or the entity or the Commission that has the decision making authority to protect the rights of surrounding properties. Mr. Delk said that the Union County Historic Preservation Commission would not allow under the terms of the Ordinance creating the Historic Preservation Commission an owner to do something to harm the character of the historic property or the district. In this case, the owner is the County who went through the decision making process over a period of two years and took all comments under consideration before deciding to present the Application. The Board of Commissioners, as elected officials, represent the citizens of Union County who own the historic Courthouse and everything in

that parcel. The Ordinance states that the Union County Historic Preservation Commission is charged to create a procedure for filing Applications for Certificate of Appropriateness. Mr. Delk referred to the following sections of the Ordinance: Section 5.3 - Application for Certificate of Appropriateness; Section 5.7 Public Hearing; and Section 5-9 Review Criteria for Certificates of Appropriateness. The Ordinance also states statutes in the Ordinance are based on the Secretary of the Interiors Guidelines for Rehabilitation. Mr. Delk stated that he appreciates the amount of attention and detail given by the Union County Historic Preservation Commission and the thoughtful consideration that has been given. Mr. Delk said that he has explained to Mr. Tony Way that the County acts as owner of the property and that the county stands for any modifications to negotiate something as owner of the property. Mr. Delk asked if there were any questions from UCHPC. There were no questions.

Dr. Surratt introduced Bobby Griffin, Attorney at Law. The Union County Historic Preservation Commission requested that Mr. Griffin attend the meeting to give advice if needed..

Dr. Surratt then proceeded with the hearing stating that ten individuals had signed to speak for the proposal. Two individuals signed to speak against the proposal.

The following are persons who spoke for the proposal.

Hettie Byrd Wright said that she had visited the Union County Public Library to research different things and Patricia Poland asked if she knew Ned Byrd. Ms. Poland had papers about Mr. Byrd and told Ms. Wright that he was her great grandfather and showed her the history that she had collected. Mrs. Wright said she would love for her children and grandchildren to see Ned Byrd's name on the monument.

Tracy Kuehler, a member of the Union County Board of Commissioners and a resident of unincorporated Union County said that she wanted to say what the monument is not about. She said, "It is not about race, names vs. no names, whether those honored were killed in action or simply acknowledged for their service. The monument is about preserving a piece of history that cannot be found, learned or referenced anywhere without considerable time and expertise. The purpose of this monument as well as other tributes and landmarks should and do exist so that generations to come have access, knowledge and pride in their heritage and history of this county. According to our Ordinance and the Standards for Rehabilitation as set forth by the Secretary of the Interior the proposed monument falls within the guidelines established by both as Mr. Delk pointed out. The only question by some seems to be the content included on the monument itself, however, that is not a criteria for denial or approval of the monument. A word I have heard consistently throughout this process is that of setting a precedent. Current monuments existing on the historic courthouse site already differ in content. We have commemorative monuments recognizing Rotary and a wonderful tribute to firefighters already on the property. So, the consistency in the monuments isn't there now. Quoting Herbert Hoover - The supreme purpose of history is a better world. My children have over 40 years more of history than I did to learn in school. Our next generation of children will have almost a decade more of history to learn. As a result, lessons are focused more on recent history and are less detailed. These monuments and historic sites

become more important as we move through time and may someday be the only source of knowledge for future generations. I would like to thank Mr. Way for providing information that would have never been learned in school and children will never learn. I have discovered more about the Civil War, North Carolina's involvement and the Confederate army through introduction of this monument than I would have ever known to ask. Not only is it an important piece of history but evokes conversation and discussion that may someday replace classroom history lessons. This monument accomplishes exactly what monuments are created to do. So I leave you with this, in the words of Stephanie Meakes of the National Trust for Historic Preservation 'we are not just hanging on to yesterday, we are building tomorrow'. This is an opportunity to make that foundation stronger for ourselves and generations to come by approving the Certificate of Appropriateness for this monument and building our tomorrow for Union County."

Aaron Perry stated that he is a resident of Charlotte, NC, and that Aaron Perry was his great grandfather and he supports the marker at the courthouse.

Carey Herdman said that he has lived in Union County 10 years since moving from New Jersey and his interest in the Civil War came from relatives in Kentucky and from growing up in New Jersey. When introduced to the subject of the memorial by Tony Way, he was astounded knowing the history of these people who are the subject of this memorial. He said that what they did warrants some special recognition with the placement of a marker at the "old city hall" which is an extremely beautiful building and is an appropriate place for it.

Tony Way stated that he lived in Monroe, NC. He said he wanted to first recognize Ms. Mattie Clyburn Rice, whose father's name would be included on this marker. He said, "Two years ago when first introduced to the Board of Commissioners, he never knew the subject would gain so much traction or have this much mileage and as much publicity attached to it. Now, it is time to do the right thing. But, what is the right thing when it comes to the pensioners of color. These men are not only a reminder of where we have come in our history, as a community, a state and a nation, but they are all shining examples of how far we have come as a people in our search for liberty, equality, and justice. They came out of the dark shadows of slavery and in their south land that was devastated and ravaged by war, the pensioners of color remained faithful to their trust, and they transcended the racial barriers of their time. The pensioners of color became master builders in a reunited country and left a legacy of unsurpassed endurance. I feel that it is not too much to ask for a location at the historic courthouse to tell these stories so that these stories may not fade away into the pages of forgotten history for another 70+ years - say 70+ years because the last surviving pensioner of color in this county was Ned Byrd and some of his descendents are here today. The stories of the Confederate Pensioners now belong to all of us and now we should remember and cherish these pensioners both present and future generations to come. We should give them their place in history that they so richly deserve. And I am going to speak a little about what Ms. Kuehler said. I know that questions on the consistency of the project has come up. All the monuments on the courthouse grounds have inconsistencies - The Rotary Club; the Revolutionary War monument is dedicated to all the people in this area that fought in the Revolution. And, granted the Confederate monument only lists companies and regiments. You

can go to the Heritage Room or the public library and look at the official historic listings recorded in the North Carolina State Troops books and there is a paragraph about each one of these men in these companies and these regiments are listed in the Troops books. These men, you can't do that."

Thomas Zuniga said that he is a citizen of Monroe and Union County. He apologized for his signature to Dr. Surratt, but stated he was not a doctor. He said, "As for the monument, he is not only a student but a teacher of history and Ms. Kuehler is to be commended for how she spoke today because I can tell you that for many years there has always been a struggle for a curriculum of inclusion of proper documentation of African history and other folks of color - the historical contributions to the building and founding of this nation specifically these ten Confederate Pensioners of color - nine of whom were slaves, one was a free man. I do not know all of circumstances that pressed them into service but I am sure we will all recognize that they were pressed into service. As Mr. Way said, there is no formal documentation or mention of these ten or any of the other thousands of confederate pensioners of color that participated in the Civil War. Time Magazine, National Geographic, Smithsonian have done extensive writings on the Civil War, but lack of curriculum of inclusion do not know who all of the other participants were. We have these ten names because they applied for their pensions in the State of NC. They had to provide extensive background information as to whom they were and what their participation was in the Civil War. They were not granted their pensions until 50 years after their dates of service. One of the Commissioners a couple of months ago stated that as far as he was concerned the monuments were all inclusive. The monuments are not all inclusive. He also stated that monuments at the courthouse are for those that paid the ultimate price. I submit to you for consideration that these ten men and all the other pensioners who participated gave all they had. No one paid a greater price than the men of color who participated on the Confederate side of this war as slaves and after the war was over returned to their original positions as slaves and were in positions of great trust by their slave owners. The descendants in this room and those of us who have recently gotten information about the true participation of everyone in the Civil War, we are honored by what they gave and thank you for your consideration of the Certificate of Appropriateness. There is no reason why it should not be granted. Union County, circa 1842, there were people of color here - the first hospital in Monroe was established by a man of color. The history of Monroe is very rich. The courthouse stands out in photographs and movies. It has international prominence. I cannot think of a more significant place to have a memorial honoring these ten confederate pensioners of color and all of the other thousands pensioners of color that they represent."

Karen Carnes said that she is a taxpayer in Union County and wants to add her voice in support of this historic occasion and hopefully to set right an unmentionable wrong. "We need to have these folks in the monument for everyone to see."

Mattie Clyburn Rice, daughter of Weary Clyburn, said, "Coming to discuss this monument has been going on since 2010. I think it would be a great honor to my father and the other pensioners if approval of this monument was granted to put it at the courthouse so that everyone could see what they did and what their experiences were. And, what they did for their country while they were alive."

Walter Byrd said that he is a great grandson of Ned Byrd and a resident of Union County. "I am for the monument because there are so many things people don't know that they should."

Beatrice Colson said "I have some scratches on a piece of paper because I was encouraged to come and give my view. I am a Union County resident and a taxpayer, and live in Wingate. I am a retired educator and the first thing I would like to say is I served as a member of the Friends of the Union County Library's as Treasurer and Secretary in 1967. I was a member of the Board of the Union County Library and think I was appointed in 1987. I have credentials in history as I think Mr. Surratt does too. And I love history and am and have been a member of the African American Historical and Genealogical Society for numerous years and had the pleasure of being in Boston at its annual convention. There were so many people there talking and doing research on the Civil War and Mormons and people from Israel had come to Boston to help the African Americans who had assembled there to research and find their history. One of the things I have written on my piece of paper to share with you is that I think this Board has a tremendous opportunity and I think that I want to share with you as a historian that you have the responsibility and the opportunity to save us from us. As a history teacher for several years and as a social studies teacher, I had children come to me and look at pictures and films and they would say - Miss Colson, please tell me this didn't happen - Miss Colson, this couldn't be real- because they were looking at incidents about things in the South. They could not relate to in their time - children of all backgrounds- the pictures of things that occurred in my lifetime. I will say that my grandfather was born in 1857 and he carried free papers in Anson County and has given me numerous accounts of what the Civil War was like to him as a child. I have a real history of and a real feel for some of the things that happened in the Civil War. I am here to say you have an opportunity to go down in history as members of this Commission that made a decision - whatever your decision is it will be you. Because the young people will go back and look and see who was on that Commission and some of them will find their relatives and either be excited or disappointed because the decisions that you make today will ultimately impact how people see us. They won't see the Commission, they will see the citizens of Monroe and how they reacted at this particular time in history. So, I will say to you to grab this opportunity and run with it. And, as a historian, I am excited to see that we have an opportunity not to right a wrong but to put us as citizens on the map to have the young children of the future look and say what was the mindset at that particular time. Is this how they acted? Was this the total feel? Because you are not really for history. You are the Commission, you are Monroe, Union County. That is the way it will be viewed. And I think I have said basically all those things that I wanted to say because I want you to save me, not you. I want you to save my history and my image and the same for Union County and for the future citizens of this county. God Bless you."

The following persons spoke against the proposal.

Virginia Bjorlin said that she has been a lifetime resident of Monroe until moving to a retirement home in Matthews in January, but is still a taxpayer in Union County. She

continued by saying "for fourteen years I was Chairman of the Union County Historic Preservation Commission. We have a number of interesting landmark designation properties to consider, but this one presents unique problems. I think we all agree that these ten men are worthy of recognition in some way, but we cannot know the exact nature of their service to the Confederate cause because records were simply not kept; their pensions list them as body servants, not as soldiers. That is why they do not appear in the 17-volume *North Carolina Troops 1861-1865*, which list soldiers, black and white, by their regiments and companies. The first NC pensions began in 1867 to veterans who were blind or lost an arm or a leg. Other disabled soldiers were added in 1885 and in 1891. It was in the 1920's that pensions were available for Class B pensioners-other than soldiers or widows. These ten men came under that category. Thanks to Barbara Moore's persistence in 2003, we have in Volume II of *The Heritage of Union County* a list of all the Union County Confederate soldiers-1809 of them. The 56 per cent casualty list includes 552 who died and 467 who were wounded. This does not include prisoners of war. We are all aware that there are war memorials on the grounds of the historic courthouse for all of our nation's major wars through Viet Nam. With exception of the Revolutionary War, the monuments list the names of those who died in service. This is also true of the names on the newest monument, the Firefighters monument which names those who have died in service. Incidentally, the Rotary symbol near that monument is testimony to who paid for the monument, and it does not list any names. I seems to me that today's discussion boils down to what is in keeping with established protocol in relation to the other monuments. Since the Confederate monument only lists companies and regiments, no individual's name, should we first list somewhere those who died in the war? And somewhere else, possibly a museum exhibit, list these names of Confederate pensioners of color. That would allow a fuller biographical sketch of these ten men-not just their names. I do not think a plaque near the Confederate monument is appropriate for these men. Their listing would precipitate different categories of patriots, other than those killed in action, requesting the same treatment."

Charlie Williamson said, "The monument was put there July 4, 1910, for veterans of the Confederacy that paid the ultimate sacrifice as are the other monuments, the Vietnam, all of them. It is just degrading to the other monuments to have this particular marker. They need to be mentioned possibly in the proposed museum here in Union County where there would be a place to display pictures and biographies."

On the behalf of the Commission, Dr. Surratt thanked the speakers and the interested citizens for attending the Public Hearing. Dr. Surratt said the Commission will certainly take all comments into consideration. Dr. Surratt noted that the Memorial Day holiday will present a conflict with the usual 60-day period for taking action on a Certificate of Appropriateness. He referred to Section 5-16 Time Limits in the Ordinance which states that "time period may be extended upon mutual agreement between the Commission and the Applicant". Dr. Surratt asked Mr. Delk if he, as representative for Union County, could approve June 7, the regular meeting time for the Preservation Commission as an extended time period for the Commission to take action on the Application of Certificate of Appropriateness. Mr. Delk gave approval.

Dr. Surratt explained that according to Ordinance, the Commission has the responsibility to

arrive at one of three decisions. (1) Approve the Certificate of Appropriateness as presented (2) Approve the Certificate with modifications and (3) Deny the Application. Dr. Surratt said that June 7 will be set for the meeting date for the decision and will be open to the public . The meeting will be held at the Heritage Room unless more space is needed. If so, the meeting will adjourn and move to perhaps the courtroom. There is a procedure beyond this Commission that if the County Board of Commissioners is not satisfied with the decision made by the Preservation Commission, there are other steps that can be taken.

Dr. Surratt closed the Public Hearing and called for a five minute recess before beginning the regular meeting.

### **Approval of Minutes**

Dr. Surratt asked if there were any corrections or additions to the minutes of the April meeting. Mr. Dickerson moved to approve the minutes. Mr. Loberger seconded the motion. The vote was unanimous.

### **Financial Report**

Dr. Surratt asked if there were any comments or questions concerning the financial report. Mrs. Gamble said that the Historic Preservation Commission had received the City's appropriation for the third and fourth quarters. One more appropriation for this budget year will be requested from Union County. There were no further questions and the financial report was approved by the Commission members.

### **Applications for Designation**

The Village of Marvin held a public hearing on April 16 concerning the designation of the Kerr Farm, 9616 Joe Kerr Road, Waxhaw, NC. The owner of the Kerr Farm is Paulette Kerr. The Town Council of the Village of Marvin adopted a Resolution supporting the Designation of the Kerr Farm as an Historic Landmark. A request will be sent to the Board of Union County Commissioners asking that a Public Hearing be scheduled so the Union County Historic Preservation Commission can recommend this significant property for designation. A copy of the Resolution will be sent with the request.

The C. C. Stokes House, 903 W. Franklin Street, Monroe, NC circa 1919; Gail Marshall, owner. The Application for Designation received December 2, 2011 is still pending.

The Neese Apartments, 104 E. Windsor Street, Monroe, NC, circa 1945; owner James Kerr. It was stated that the Application for Designation was received April 11, 2012. We have received both interior and exterior photographs from Mr. James Kerr.

### **New Business**

Dr. Surratt said that Paul Fromberg, Senior Preservation Specialist, NC Archives, has scheduled a visit on May 9. Mr. Fromberg and Mrs. Gamble plan to visit the C. C. Stokes House and the Neese Apartments so Mr. Fromberg can give his opinion on the historic significance of these properties. Mr. Dickerson may join them and visit the stone houses on Concord Avenue, although no response has been received after sending a second letter to the owners regarding possible designation.

Dr. Surratt reminded Commission Members about the Annual Historic Preservation Workshop sponsored by the Monroe Historic District Commission to be held May 24, 2012 in the courtroom of the Historic Courthouse. All Commission members have registered and plan to attend.

**Other Business**

There was no other business to be discussed.

The meeting was adjourned by the Chairman.

The next meeting is scheduled for June 7, 2012 at 1:30.

Respectively submitted,

Jerry Surratt, Ph. D  
Chairman