



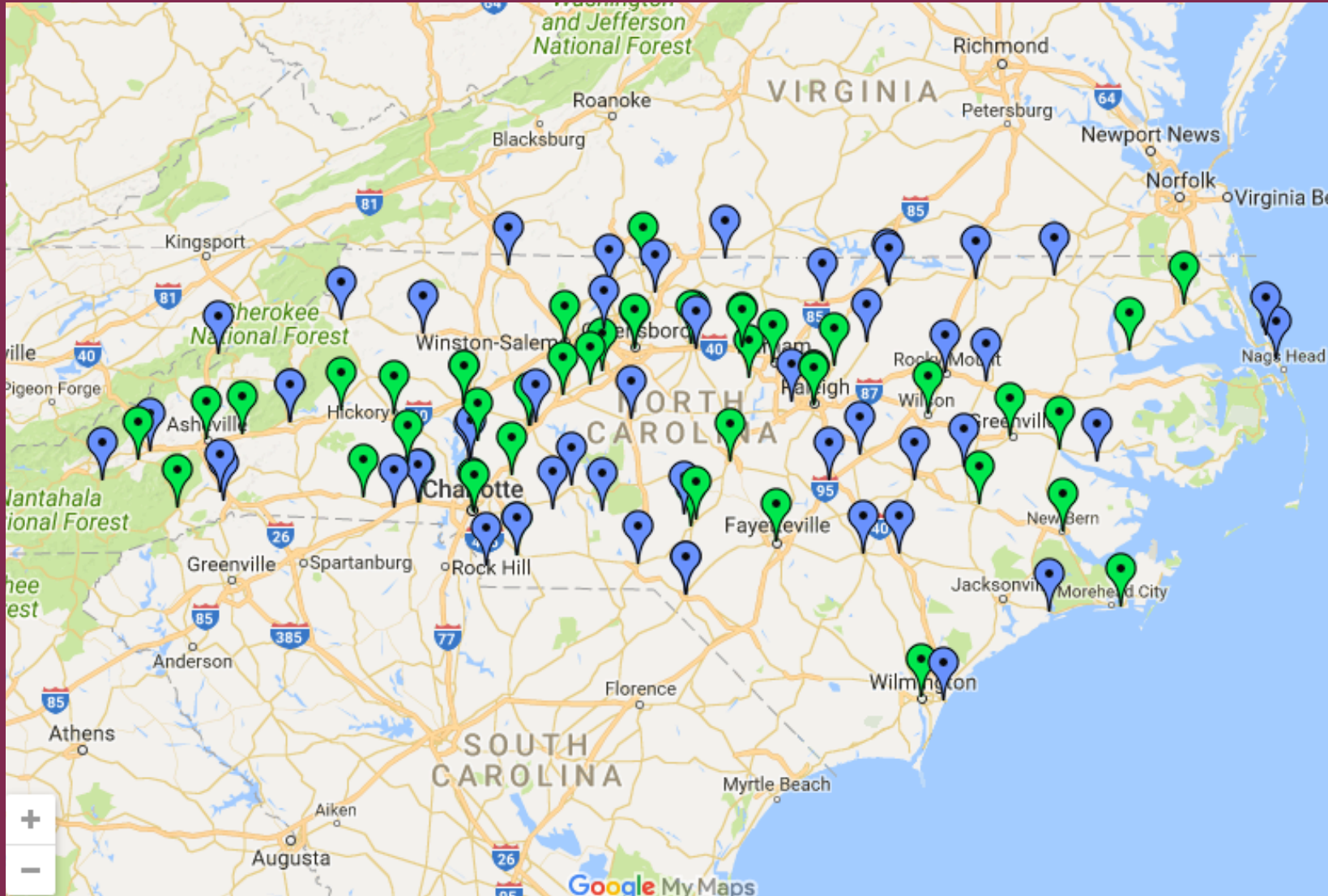
LOCAL PRESERVATION
COMMISSION ETHICS & CLG
GRANT OPPORTUNITIES

Chapel Hill Historic District Commission Training
Saturday, January 20, 2018

LOCAL GOVERNMENT PROGRAM-NC

100+

Local Preservation Commissions



51

Certified Local Governments

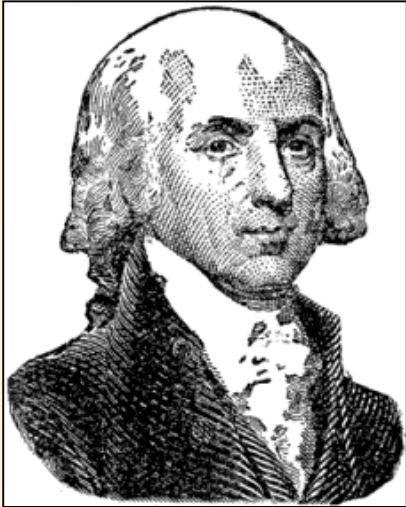
<http://www.hpo.ncdcr.gov/commhome.htm>

NC GS 160A-400.1

“To safeguard the heritage of the city or county by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory; and

“To promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the city or county and the State as a whole.”

FEDERAL



10th
Amendment

What Feds aren't doing or can't do



POLICE POWER



10th Amendment
allows for the
POLICE POWER for
states, or the power

to *attend* to,
protect, regulate,
promote

**public health,
safety, & welfare**

Examples of Police Power

- **Public health** regulations
- **Building codes**
- **Zoning** ordinances
- **Subdivision** regulations
- **Pollution** controls
- **Environmental** regulations
- **Sign** regulations

Historic preservation ordinances

Historic Preservation Commissions

NC GS 160A-400.7

- **At least 3 members**
 - With terms no greater than **4 years**
 - **Majority** must have “**demonstrated special interest, experience or education in history, architecture, archaeology, or related fields**”
 - **must reside w/n territorial jurisdiction**
 - **Advisory** bodies/ cmtes **OK**
- **TYPES of COMMISSIONS**
 - **Historic Preservation Commission**
 - **Historic Landmarks Commission**
 - **Historic Districts Commission**
 - **Planning Board**
 - **Community Appearance Commission**
 - **NOTE:** pre-1989 “Historic Properties” Commission still valid even though statute governing them repealed.

(NC GS 160A-400.8)

REGULATE	IDENTIFY / DESIGNATE	ADVOCATE / EDUCATE
issue COAs	<ul style="list-style-type: none">• Inventory properties of historical, prehistorical, architectural, and/or cultural significance• Recommend designation to governing board (or revocation / removal of designation)	<ul style="list-style-type: none">• Acquire property (or interests in land), including options to purchase• Hold, manage, preserve, restore and improve property / exchange, dispose of by sale or lease (including subject to restrictions that promote preservation)• Restore, preserve, and operate historic properties• Conduct an educational program Re: properties and districts• Cooperate with state, federal, local govt, and contract with them and/or other organizations• Prepare and recommend the official adoption of a preservation element of the local comprehensive plan• Negotiate at any time with owners of bldg, structure, site, area, or object for acquisition or preservation, when reasonable necessary or appropriate

CHARACTER... DEFINED

(NC GS 160A-400.3) / LANDMARKS (NC GS 160A-400.5)

What are we to preserve / protect?

INDIVIDUAL HISTORIC PROPERTIES = LANDMARKS

SPECIAL SIGNIFICANCE

HISTORY
PREHISTORY
ARCHITECTURE, AND/OR
CULTURE

POSSESS *INTEGRITY* OF

DESIGN
SETTING
MATERIALS
FEELING, AND/OR
ASSOCIATION

STANDARD REVIEW FOR COAs

NC GS 160A-
400.9 (a)

“...the commission shall...take no action...except **to prevent** [that] which would be **incongruous** with the **special character** of the landmark or district.”

Certificate of appropriateness required, continued, (NC GS 160A-400.9)

- ❑ **BEFORE ANY COA enforcement**, must have
 - ❑ (1) rules of procedure PLUS
 - ❑ (2) “principles and guidelines”

- ❑ “minor works” administrative approval OK

- ❑ **DENIALS** only by commission

□ *Due Process required*

- Inform owners “likely to be materially affected” by application **PLUS** give “opportunity to be heard”
- “May” hold public hearing
- FOLLOW NC Open Meetings Law NC GS 143-318.10
- Review & Act on COA application - **no more than 180 days from filing**
- HPO and expert “advice” - commission can ask at this point / **NOT BINDING**
- Appeals? To Board of Adjustment > Superior Court*
 - **But* for state-owned buildings - State appeals to NC Historical Commission

Using Design
Guidelines in a
COA decision
is a **quasi-
judicial** activity.



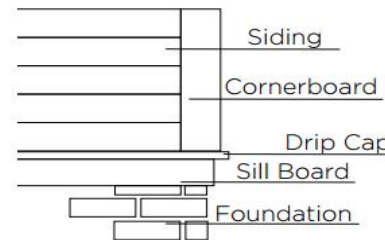
DESIGN GUIDELINES STANDARDS

Illustrations:

Clear
Attractive
User-friendly
Generic



Detailing on Metal Pier



Typical Elements of Exterior Walls and Trim

Rehabilitation Guidelines

Guidelines

- 3.2.1 Retain and preserve original walls and foundations, including their materials, form, pattern, color, texture, and details.
- 3.2.2 Retain and preserve all wall and foundation features that are character defining features including:
 - Exterior wall bays, cornices, storefronts, arches, quoins, corner boards, and brackets.
 - Foundation vents and grilles, access doors, lattice panels, water tables, and steps.
- 3.2.3 If replacement of a wall, foundation element or detail is necessary, replace only the deteriorated element to match the original in size, scale, proportion, material, and detail.
- 3.2.4 Use care when removing deteriorated clapboards as not to damage adjacent boards and details. Treat the surfaces of new clapboards with wood preservative or primer before installation. Use a wood stain preservative rather than paint for new wooden shingles.
- 3.2.5 Follow the guidelines for historic materials for the proper application of paint, paint removal, and substitute materials.
- 3.2.6 Locate new vents and mechanical connections through historic walls and foundations on non-character-defining areas or inconspicuously on side or rear areas where they will not be visible from the street.
- 3.2.7 It is not appropriate to introduce new wall or foundation features, such as vents, bays, doors, access doors, or window openings, if they would diminish the original design or damage historic materials
- 3.2.8 If spans between masonry piers are to be filled in, recess and detail the panels so that the original piers are still prominent.

DESIGN GUIDELINES-HOW?

**WHAT'S THE CONTEXT?
WHAT'S THE SPECIAL
CHARACTER?**
(designation ordinance)

+

**WHAT'S INCONGRUOUS
WITHIN THE CONTEXT?**
(design guidelines & standards)

Design Guidelines & Findings

STEP ONE: What are your findings of fact?

**Answer questions of –
what is being proposed?
-- what are the original
materials, style, etc.?
WHAT IS THE SPECIAL
CHARACTER?**

STEP TWO: What DG standards apply to your findings of fact?

**COA decision – based on the application of the appropriate DG stds given the context of the resource,
WOULD THE CHANGE BE INCONGRUOUS WITH THE
CONTEXT?**

COMMISSION ETHICS



"Make sure everything is done ethically. Within reason, of course."

Meetings vs. Hearings

PUBLIC MEETINGS

- Public Outreach
- Provides Information
- Invites Open Discussion/Q&A

PUBLIC HEARINGS

- Rules of Procedure
- Based on Process
- Supported by a Local Ordinance

OPEN MEETINGS LAW (NC GS 143-318.10)

- Open to the public
- Any person is entitled to attend
- Public body = **2 or more** members tasked with quasi-judicial responsibilities
- Official meetings occurs when the majority of a public body meets, assembles, or gathers at any place or time whether it is in person or by electronic means for the purpose of **conducting hearings**, participating in deliberations, or **voting** upon or otherwise transacting public business within the jurisdiction
- Must record **full** and **accurate** minutes

ACT WELL THY PART

- Consider the functionality of the space in which you are meeting; lighting, A/V equipment and acoustics
- **Begin** the meeting **on time**
- Act with confidence and **professionalism**
- Prepare an **agenda** and follow it
- **Avoid** using **jargon** and **acronyms**
- Introduce key participants
- Review how the meeting will proceed with your audience
- Explain to the audience how they might participate
- Review the commission's legal requirements
- **Respect all individuals** and their opinions
- Be **consistent**

Roles and Responsibilities

COMMISSION CHAIR

- Facilitate communication
- Know the rules
- Remain impartial
- Seek contributions from all participants

STAFF

- Prepare staff report
- Include staff recommendations
- Base recommendations on existing laws and precedent

COMMISSIONERS

- Be prepared
- Be on time
- Be present
- Be professional

STAFF REPORTS

- Clear and current images of the subject property
- Detailed Scope of Work
- Maps of the project area
- Architectural drawings when necessary

NC GS 160A-400.9(d)

All applications for certificates of appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed 180 days from the date the application for a certificate of appropriateness is filed...

As part of its review procedure, the commission may view the premises...

COMMISSION SITE VISITS

Applicant's Mailing Address

City, State, Zip

Applicant's Phone Number

Applicant's Email

Property Owner's Mailing Address

City, State, Zip

Property Owner's Phone Number

Property Owner's Email

Description of Proposed Work: _____

Estimated Cost of Construction: \$ _____

The Historic District Design Guidelines and Certificate of Appropriateness application process can be found on the Town of Hillsborough's website: <http://www.hillsboroughnc.gov>

Applicant and Owner Acknowledgement

I am aware that Historic District Design Guidelines and Unified Development Ordinance requirements are the criteria by which my proposal will be evaluated for compatibility. **I understand that I, or my representative, must attend the HDC meeting where this application will be reviewed. I further understand that Town employees and/or Commissioners may need access to my property with reasonable notice to assess current conditions, and to assist them in making evidence-based decisions on my application.**

Applicant's Signature

Date

Property Owner's Signature

Date

JUDICIAL RESPONSIBILITIES



- Interpret the law
- Assess the evidence presented
- Control courtroom proceedings
- Rulings must be impartial, objective and fair

Quasi-Judicial Body

CHARACTERISTICS

- Tribunal board
- Possesses powers & procedures resembling those of a court of law or judge
- Is obliged to objectively determine facts
- Draw conclusions from the facts presented to provide the basis of an official action

LOCAL PRESERVATION COMMISSION

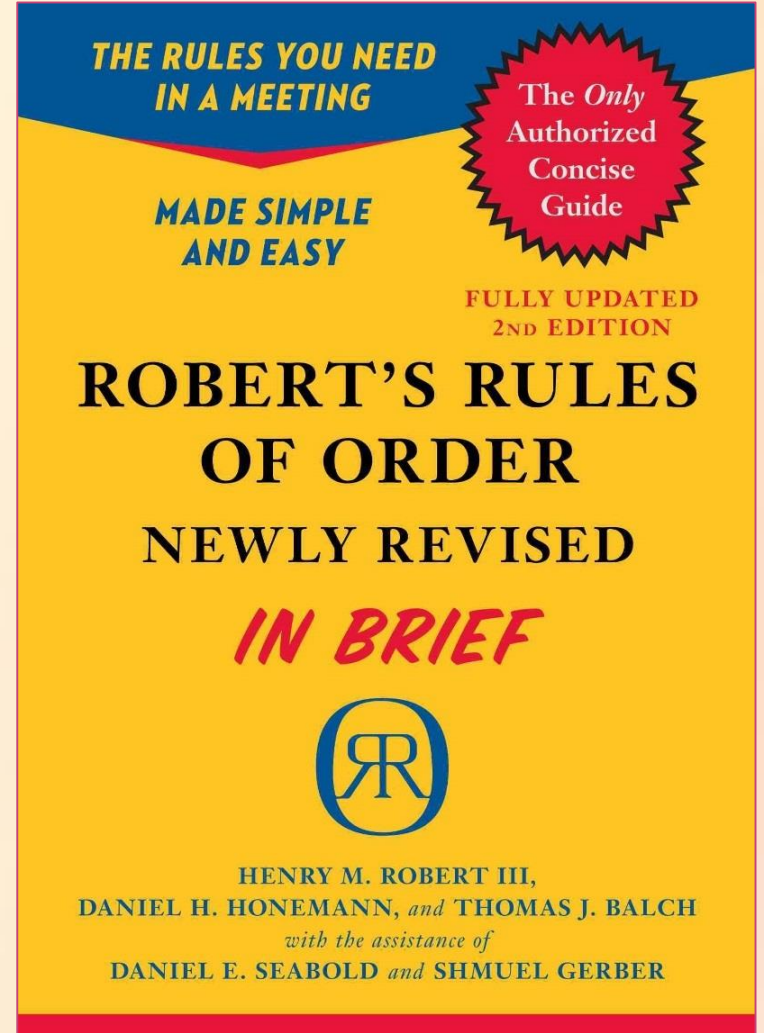
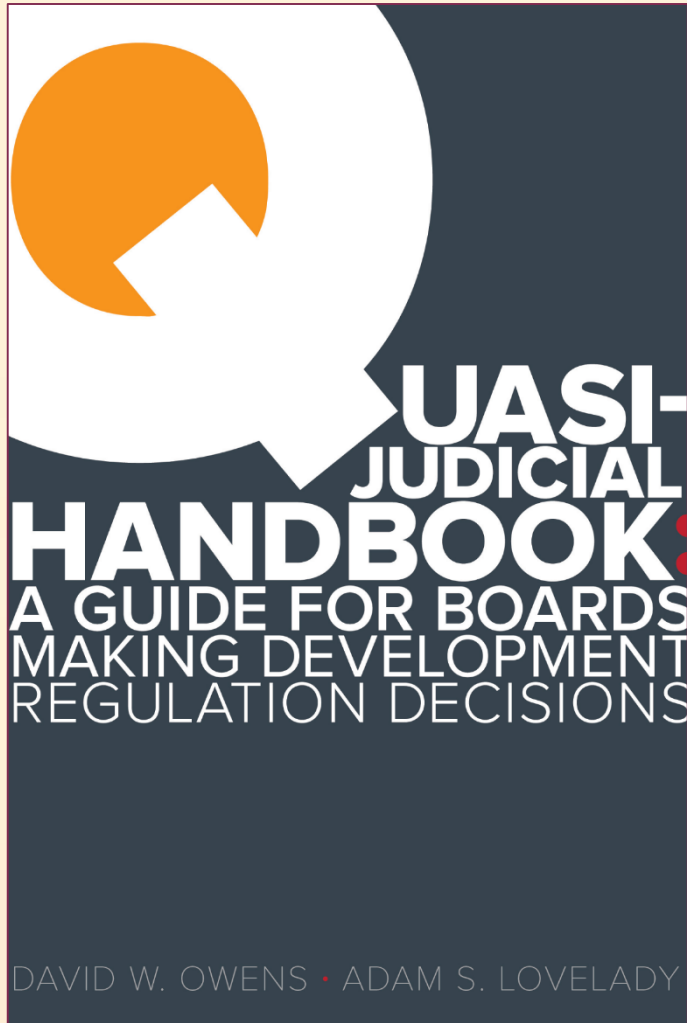
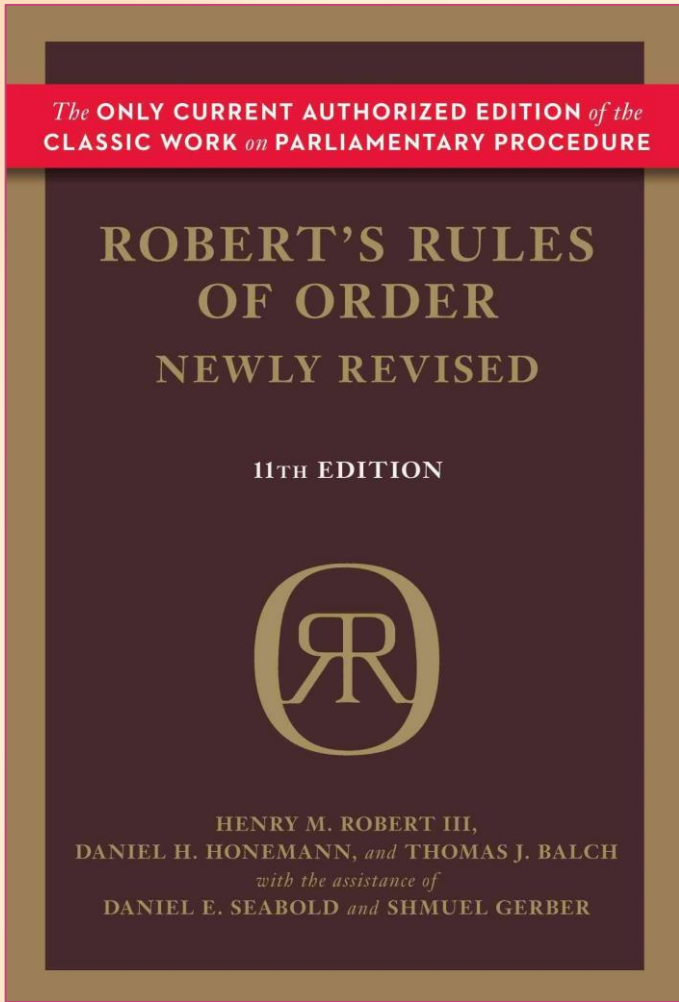
- Review cases
- Listen to evidence/testimony
- Follow established Rules of Procedure
- Adhere to NC Open Meetings Laws
- Offer an objective determination based in findings of fact using Design Guidelines/SOI Standards

WHEN SERVING ON A LOCAL PRESERVATION COMMISSION, DO NOT...

- Allow **cell phones** and other **electronic devices** distract you
- Arrive at the meeting **late** or **unprepared**
- **Fail** to acknowledge your constituents or the public during meetings
- **Assume** you know more than you really do about the COA application
- **Conceal** a conflict of interest or incorrectly use a conflict of interest

- Engage in **side conversations** during the meeting
- Base your decision on facts that don't support it
- Attempt to question and find facts about subjects outside the Commission's purview
- **Redesign** a project **during the meeting**
- Base your decision on **personal opinion** or **state your personal opinion** when making a decision instead of referring to the Design Guidelines

AVAILABLE RESOURCES



NC GS 160A-400.9(a)

“...the commission shall...take no action...except to prevent [that] which would be incongruous with the special character of the landmark or district.”

ALWAYS REMEMBER



- Courts experience difficulty evaluating actions where no reasons are given, and they will not tolerate findings or conclusions based on opinion, feeling, or sentiment
- In reaching decisions, always stay clearly within the area of responsibility outlined in your ordinance

MAKING A MOTION: EXAMPLE NO. 1

Mr. Chair, the reuse of the building as a barbershop is unsuitable for the neighborhood because we do not need 2 barbershops on Main Street.

AND I find that if the applicant is unwilling to use the building as a cat café the application may be acceptable to the County Historical Society.

Therefore, I move that we DO NOT approve application No. 209-01 for 224 Main Street as submitted; **UNLESS** the applicant is willing to use the building as a cat cafe, **AND** restore the adjacent building, which I'm certain is also owned by **DEMO YOUR WAY** development company!

MAKING A MOTION: EXAMPLE NO. 2

Mr. Chair, I have studied the application and all other relevant documents and presentations related to this case and I am familiar with the parcel located in the historically significant Railyard Historic District, which is important to this community for its association with the 1890s Railroad industry.

I find the plans submitted by the applicant does not comply with the provisions of the county's historic preservation ordinance.

I move the commission deny application No. 209-01 for 224 Main Street because the application does not meet the following criteria:

1. The proposed new construction does not comply with section 4.6:New Construction within historic districts and;
2. The materials, height, scale, and design of the proposed new construction does not comply with subsection 4.5.6 and 4.6.7 of the Design Guidelines, which preserve the historic district's industrial feeling, character and association

ALWAYS BE SURE TO...

- Allow Commissioners to make motions in order
- Speak clearly and concisely to the audience and each other
- Include crucial details that will make your decision clear and easy to understand to an individual who was not present when the commission offered their determination
- Offer a summary of the proceedings and explain the next steps in the process and who is involved in the process at the end of each agenda item
- Thank all those who participated in the meeting. End the meeting on a positive note in order to leave the audience/your constituents, with a favorable impression of the commission



Historic

Preservation

Fund

And CLGs in North Carolina

HPF HISTORY



Photo Credit: National Park Service

- Authorized by Congress in 1966 through NHPA
- Signed into law a decade later when **Public Law 94-422** was passed (September 28, 1976)
- States are required to provide a **40% match** at the very minimum
- The HPF must be periodically reauthorized by Congress. In 2016, Congress reauthorized the HPF for seven years



Non-renewable resources are used to finance the preservation of irreplaceable historic and cultural resources

The HPF is funded by a small portion of royalties, which energy companies pay for the right to drill for oil and natural gas on the federally owned Outer Continental Shelf (OCS)



FY2016

- Congress appropriated \$65.41 million from the HPF
- \$46.925 million was awarded to State Historic Preservation Officers
- \$9.985 million for Tribal Historic Preservation Officers
- \$500,000 provided for projects that will increase diversity in the National Register of Historic Places and in the National Historic Landmarks programs.

HOW ARE THESE FUNDS AVAILABLE TO SHPOs?

- The HPF is authorized at \$150 million annually
- Each SHPO must apply for funding every year
- Funds are appropriated by Congress and administered by the NPS

HPF RESULTS

- Since 1976, the HPF has facilitated nearly **90,000** listings on the National Register, the survey of millions of acres for cultural resources, and
- **\$117 billion** in private investment through the Historic Tax Credit program- which has enabled the rehabilitation of more than **41,000** historic buildings and created **2.4 million** local jobs
- It has also helped states and tribes to bring the voices of citizens to federal decision making through the Section 106 process

CLGs Eligible to Receive HPF Grant Awards

- In 1980, Congress amended the NHPA
- Amendment required states to establish a process by which local governments could be certified to participate in the national framework of historic preservation programs



There are currently **50 CLGs** in North Carolina

HOW CLG_s CAN APPLY FOR HPF AWARDS

- Grant applications are available in the fall (late October/early November)
- Application deadline is always scheduled toward the end of February
- HPO staff are available to offer technical assistance
- Have a project in mind? Contact HPO staff right way to discuss!

WHO IS ELIGIBLE TO APPLY FOR FUNDING?

Within a CLG community, eligible applicants may include:

- Local Governments
- Local Historic Preservation Commissions
- Nonprofit organizations
- Educational Institutions



Properties that are privately-owned and those associated with religious practices are **NOT** eligible

NOTE: Non-CLG projects have occasionally been funded in the past. However, due to minimal HPF appropriations, funds have not been available for these projects in recent years

HOW MUCH MONEY MAY BE AWARDED TO CLGs?

- In recent years, North Carolina has received \$85,000-\$105,000 for HPF grants
- FY2016 grant awards ranged from \$500-\$20,000
- Local funds should cover 40% or more of the total project cost.



Matching grants demonstrate there is a strong state and local commitment to projects

PROJECTS ELIGIBLE FOR CLG FUNDING

- Architectural and Archaeological surveys and updates
- National Register nominations for properties eligible for listing in the NRHP
- Survey publications and manuscripts
- Educational programs & workshops
- Minor restoration projects for properties listed in the NRHP
- Historic Structure or Engineering Reports for NR-listed properties
- Local Preservation Design Guidelines
- Preservation Plans

HPF GRANT AWARDS

FY2016

County	CLG	Project	Local Match	Award Amount	Project Amount	Percent Match
Burke	City of Morganton	Quaker Meadows: Roof Repair of the McDowell House	\$3,514	\$11,100	\$14,614	24%
Carteret	Town of Beaufort	Old Burying Ground Masonry Wall Repair	\$15,000	\$20,000	\$35,000	43%
Cumberland	City of Fayetteville	Window Restoration Workshop	\$0	\$1,500	\$1,500	0%
Gaston	Gaston County	Hoyle House Siding and Dog Trot Repair	\$2,000	\$3,000	\$5,000	40%
Guilford	City of High Point	High Point Design Guidelines Update	\$10,000	\$10,000	\$20,000	50%
Iredell	Town of Mooresville	Mooresville Design Guidelines Update	\$10,000	\$12,000	\$22,000	45%
Orange	Town of Hillsborough	Hillsborough Architectural Survey Update	\$5,000	\$5,000	\$10,000	50%
Orange	Town of Hillsborough	Old Town Cemetery Workshop	\$600	\$2,900	\$3,500	17%
Transylvania	Transylvania County	Allison-Deaver House Repairs	\$6,000	\$11,000	\$17,000	35%
Wake	Raleigh HDC	Raleigh Architectural Survey Update	\$20,000	\$10,000	\$30,000	67%
Wake	Wake County HPC	Wake County Survey Update - Phase III	\$9,000	\$13,500	\$22,500	40%
Wake	Town of Wake Forest	Archaeology Workshop at Ailey Young House	\$2,000	\$4,500	\$6,500	31%
Wake	Town of Wake Forest	Rehab Code/Tax Credit Workshop	\$500	\$500	\$1,000	50%
Totals:			\$83,614	\$105,000	\$188,614	44%

Projects Funded with HPF Grant Monies

ARCHITECTURAL SURVEYS

FY2014-
2016

The Wake County Architectural Survey Update:

- Spurred by development pressures
- Multiple phases
- Two additional phases anticipated



High Point Industrial Survey FY2013

Thomlinson Chair Manufacturing Company Complex



HISTORIC PRESERVATION PLANS

NEW BERN
HISTORIC
PRESERVATION
PLAN
FY2010



NATIONAL REGISTER NOMINATIONS

Stokesdale Historic District

DURHAM FY2009

Although several buildings had been listed in the National Register individually for their association with Durham's African American heritage, Stokesdale was the first historic district to be listed in the NRHP.



Pearson School

EDUCATIONAL PROGRAMS/ WORKSHOPS

Old Towne Cemetery Workshop Hillsborough FY2016

- Attracted over 50 attendees from as far west as Winston-Salem and as far east as Edenton and Pittsboro
- Participants represented state agencies, local governments, and nonprofit organizations
- Multiple speakers, presentations, and walking tours offered



Old Burying Ground

Carteret County FY2016

- Repair broken bricks
- Clean stucco
- Repair cracks



DESIGN GUIDELINES

High Point Design Guidelines Update
FY2016

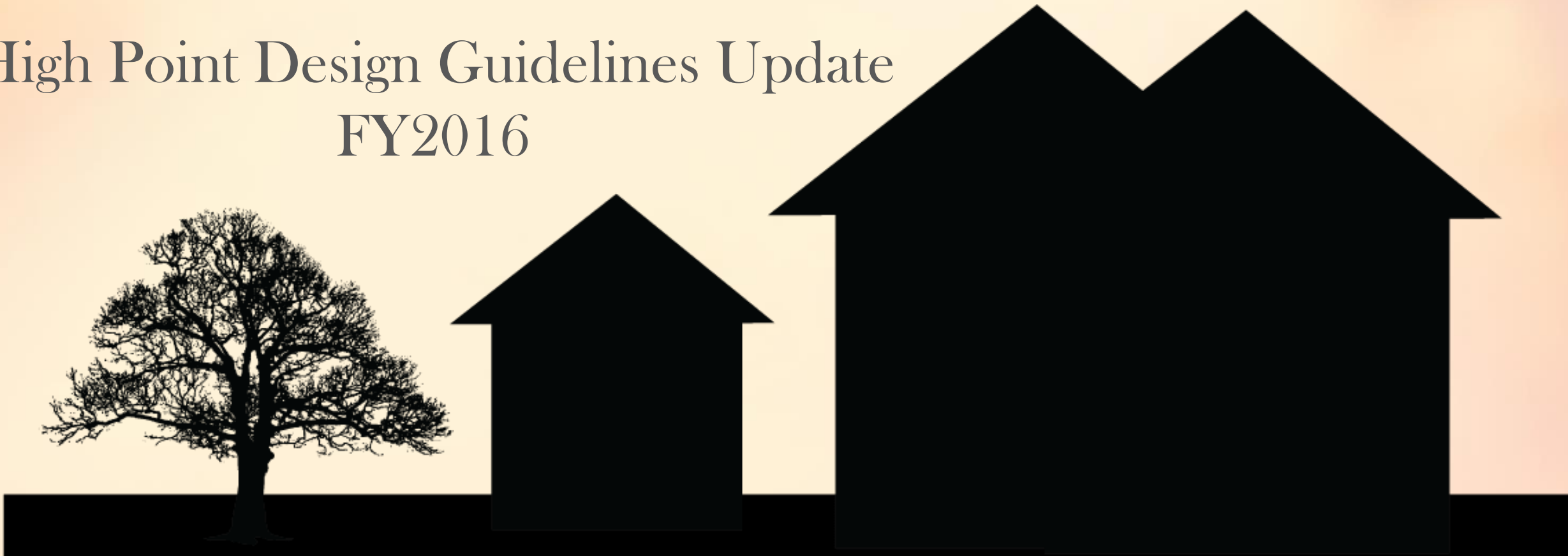


Photo credit: <https://www.highpointnc.gov/1944/Design-Review-Guidelines-Update>

Submitting a Competitive Grant Application

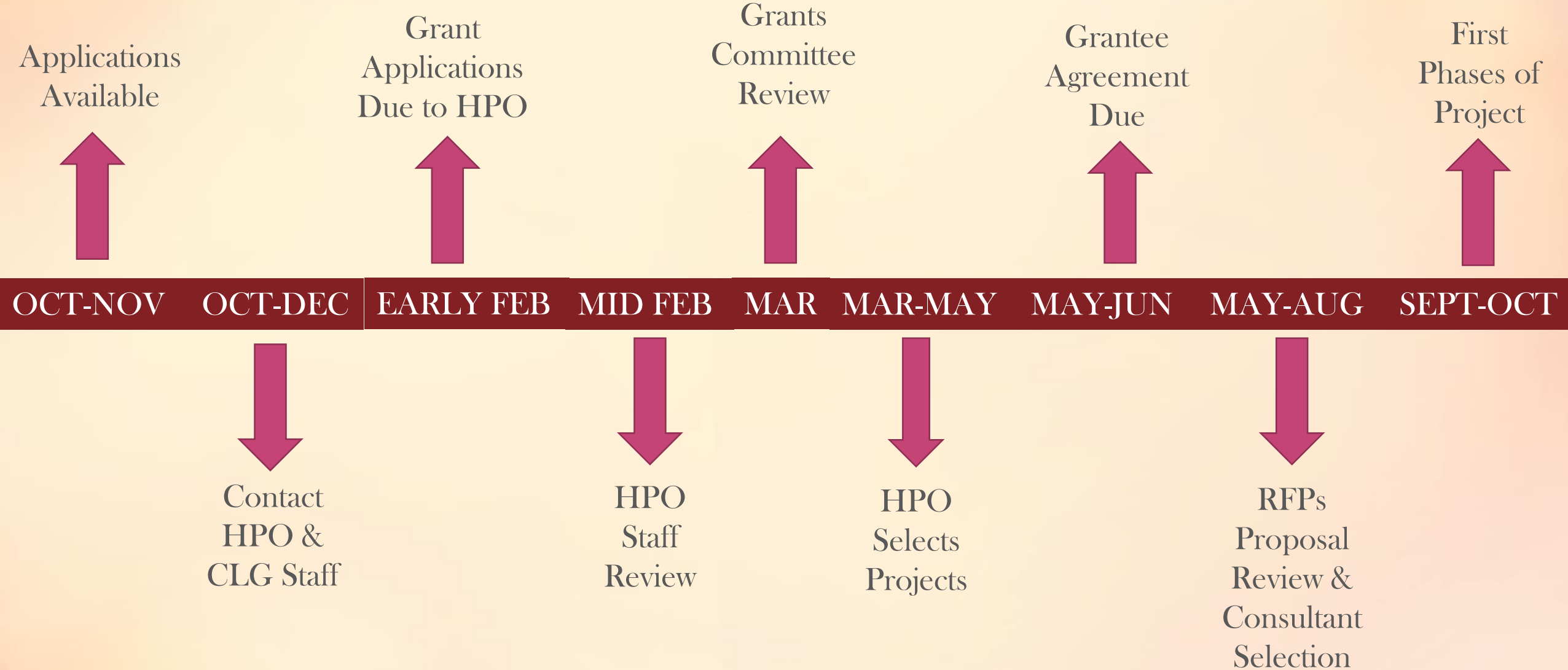
- Should address one or more of the goals in North Carolina's State Historic Preservation Plan
- Should contribute to the statewide inventory of architectural and archaeological resources
- Should address comprehensive planning considerations
- Should include a realistic budget, evidence of a local commitment, and demonstrate that the Applicant is capable of successfully completing the proposed project
- Should identify the number of resources in the project area and evaluate the quality of those resources



The HPO considers the frequency of grant awards the Applicant has received and strives to evenly distribute grant monies to CLGs across the state.

HPF GRANT TIMELINE

 All grants should be under contract by **September 30** of the grant award year



SECOND FISCAL YEAR TIMELINE

OCT-JUN



Project drafts are due and major phases of the project should be reviewed by HPO

JUL-AUG



All project work completed

AUGUST 20



Deadline for eligible project activity

AUGUST 31



Final deadline for requesting grant funds and submitting financial documentation forms

GRANT REQUIREMENTS

- ▶ HPF is a reimbursement grant
- ▶ Project work **CANNOT** begin prior to grant award
- ▶ Work must be completed by end of the next fiscal year
- ▶ Grants for FY2017 must be completed by August of 2018



HPO staff may offer technical assistance throughout the entire application process

ADDITIONAL FUNDING SOURCES



Underrepresented Communities Grant, The National Park Service

<https://www.nps.gov/preservation-grants/community-grants.html>



The Covington Foundation

<https://www.mscovingtonfoundation.org/grant-guidelines/>



The National Trust for Historic Preservation

<https://savingplaces.org/grants>



The Golden Leaf Foundation

<http://www.goldenleaf.org/seekers.html>



The Preservation Directory

<http://www.preservationdirectory.com/PreservationGeneralResources/GrantsFundingSources.aspx#private>

Questions?

Michele Patterson-McCabe

O: 919-807-6582

email: michele.patterson.mccabe@ncdcr.gov

HHC Projects

Strom's Filling Station		Hillsborough	Orange	4/4/2017	239,673
Carr Mill (Alberta Mill)	Weaver and North Greensboro Streets	Carrboro	Orange	2/8/1978	2,000,000
	321 Margaret Lane	Hillsborough	Orange	8/26/1980	7,000.00
Railroad Warehouse (Gristmill)	101 B Street	Carrboro	Orange	11/24/1981	154,000
Newman House	228-230 West Queen Street	Hillsborough	Orange	12/14/1982	18,000
Riley House	310 North Hassell Street	Hillsborough	Orange	3/22/1984	28,901
Bingham School	NC 54 at Mebane-Oaks Road	Mebane (vicinity)	Orange	4/16/1986	280,000
Parks-Richmond House and Dependencies	175 West King Street	Hillsborough	Orange	12/30/1988	200,000
Pope Building	121 North Churton Street	Hillsborough	Orange	2/5/1990	243,000
Nathaniel Rochester House	225 King Street	Hillsborough	Orange	12/22/1989	78,844
Webb-Matheson House	209 East Tryon Street	Hillsborough	Orange	4/15/1994	200,446
100 North Churton Street	100 North Churton Street	Hillsborough	Orange	1/19/1996	181,806
The Office of the Nash Law Office	139 West King Street	Hillsborough	Orange	8/4/2003	314,881
United Church of Chapel Hill	211 West Cameron Avenue	Chapel Hill	Orange	10/14/2002	1,141,765
212 South Hillsborough Avenue	212 South Hillsborough Avenue	Hillsborough	Orange	1/14/2003	122,000
203 West Margaret Lane	203 West Margaret Lane	Hillsborough	Orange	3/31/2010	57,133
Murphy School and Teacherage	3729 Murphey School Road	Hillsborough	Orange	10/1/2010	592,220
107 South Nash Street	107 South Nash Street	Hillsborough	Orange	1/10/2012	51,765
Old Methodist Church	201 East Rosemary Street	Chapel Hill	Orange	8/9/2013	535,000
Automobile Dealership	106 South Churton Street	Hillsborough	Orange	7/26/2016	1,367,590
Arthur C. Nash House	124 South Boundary Street	Chapel Hill	Orange	6/22/2016	690,000
Allen Lloyd House	205 South Wake Street	Hillsborough	Orange	4/24/2000	125,000
Eno Cotton Mill	437 Dimmocks Mill Road	Hillsborough	Orange	8/31/2015	5,133,555

**23 Completed
Projects 1976-2017
Total revenue:
\$13,762,579**



*Natural and
Cultural Resources*

Amber E. Kidd
Local Preservation Commission/
Certified Local Government
Coordinator
State Historic Preservation Office
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