

**PLANNING AND
COMMUNITY DEVELOPMENT**

Jeff Adams, Director
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**Joint Historic Preservation Commission
September 10, 2024 at 4:00 PM
Cooperative Extension Conference Room- Regular Meeting
106 E. Morgan Street, Brevard, NC 28712**

AGENDA

CALL TO ORDER

- I. WELCOME**
- II. PUBLIC COMMENT** (15-minute time limit. Speakers are limited to three minutes.)
- III. AGENDA MODIFICATIONS**
- IV. CONSENT AGENDA**
 - A. Minutes (July 9, 2024)
- V. OLD BUSINESS**
 - A. The Inn at Brevard Update
 - B. America 250th County Committee Update
- VI. NEW BUSINESS**
 - A. JHPC Proposed Changes
 - B. Staff's Report
- VII. PUBLIC COMMENT** (15-minute time limit. Speakers are limited to three minutes.)
- VIII. COMMISSIONER MEMBERS' COMMENTS**

ADJOURNMENT

**Joint Historic Preservation Commission Meeting
July 9, 2024 at 4:00 PM
Cooperative Extension Conference Room, 106 E. Morgan Street**

MINUTES

CALL TO ORDER

- I. WELCOME:** The meeting was called to order at 4:00PM by Mr. John Koury. Ms. Katherine Buzby, Ms. Geri Connell, Ms. Nicole Bentley, and Mr. Billy Parrish were present. Mr. Andrew Wing was absent (excused). At the time of the meeting, the Joint Historic Preservation Commission had two vacancies. A quorum was present. Planning Department staff was also present.
- II. PUBLIC COMMENT:** (15-minute time limit. Speakers are limited to three minutes) There were no public comments.
- III. AGENDA MODIFICATIONS:** There were no proposed agenda modifications.
- IV. CONSENT AGENDA:**
- A. Minutes (May 14, 2024)
There was no discussion of the consent agenda. Ms. Buzby moved to approve the consent agenda as amended. Ms. Connell seconded the motion. All present members voted in favor and the motion carried.
- V. OLD BUSINESS:**
- A. The Inn at Brevard: After a brief discussion, it was determined the Inn at Brevard's current state was unacceptable to maintain a local designation status and benefits. Mr. Parrish moved for the JHPC to recommend to the City of Brevard they begin the de-designation process for the Inn at Brevard located at 315 E. Main Street. Ms. Connell seconded the motion. All present members voted in favor. It was determined staff would notify the Inn at Brevard manager and owners, if possible, of the upcoming designation via another letter.
- VI. NEW BUSINESS:**
- A. America 250th County Committee: Mr. Koury updated the JHPC on the recently formed

America 250th County Committee. Since its formation, the committee has met twice and established a regular meeting schedule. Mr. Koury encouraged JHPC to spread the word and invite interested parties to future meetings. Events for the America 250th Celebration will start as early as August 2024, hosted by the Transylvania Heritage Museum.

- B. Annual Report and CLG Training: The Commission discussed annual CLG training requirements and this year's annual report. There were questions about members attending training that may satisfy the CLG requirement. Staff was directed to verify their eligibility with SHPO.
- C. Staff's Report: Ms. Minery informed the commission of potential new owners for the Charles Orr House. She talked to the listing agent for sale and was assured the potential buyers were aware of local designation responsibilities. They were encouraged to reach out with any questions. She informed the commission of a potential minor works COA application for Partridge Hill. The scope of work described by Adams and Adams was deemed minor and will be able to be handled by staff. The JHPC was also reminded of the upcoming 2050 Comprehensive Plan meetings. The next regularly scheduled meeting on Tuesday, September 10, 2024, at 4:00PM.

VII. PUBLIC COMMENT: There was no public comment.

VIII. COMMISSION MEMBERS' COMMENTS: Ms. Bentley moved to adjourn the meeting. Ms. Buzby seconded the motion. All present members voted in favor and the meeting adjourned at 4:27PM.

ADJOURNMENT

Ashley Minery, Planner

Katherine Buzby, Secretary



Jeff Adams, Director
Ashley Minery, Planner
Darby Terrell, Planner

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Agenda Item: V.A.

Memorandum

From: Ashley Minery, Planner
To: Transylvania County Joint Historic Preservation Commission
Date: September 5, 2024

Meeting Date: September 10, 2024

Subject: The Inn at Brevard

Contact Info: Ashley.Minery@transylvaniacounty.org or (828)884-1710

Attachment(s): None

Purpose: The current owner of the Inn at Brevard reached out to the Planning and Community Development Department to inform staff and JHPC the Inn at Brevard will be sold to new owners. The future owners have been made aware of the violation, and have assured the sellers and staff they will fix the issue. They are scheduled to take ownership on November 15th.

Background: The JHPC discussed this subject at the past several meetings and continued it until the next meeting. Staff has received advice from both SHPO and County and City legal teams.

No Certificate of Appropriateness Application has been received.

Financial Impact: None

Strategic Plan Goal Goal 6: "County government is service driven, transparent and performance based with more active and engaged citizens."

& Strategy:

Strategy 6E: "Provide timely, accurate, transparent and informative communication to the public and across the organization with superior customer service delivery."

Recommendations: Staff recommends the Transylvania County Joint Historic Preservation Commission discuss this subject and decide a course of action.

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Agenda Item: V.B.

Memorandum

From: Ashley Minery, Planner

To: Transylvania County Joint Historic Preservation Commission

Date: September 5, 2024

Meeting Date: September 10, 2024

Subject: America: 250th County Committee

Contact Info: Ashley.Minery@transylvaniacounty.org or (828)884-1710

Attachment(s): none

Purpose: Update JHPC on America: 250th County Committee

Background: The America 250th County Committee recently had their first event to commemorate and kickoff the America 250th Celebration.

None

Financial Impact: Goal 6: "County government is service driven, transparent and performance based with more active and engaged citizens."

Strategic Plan Goal

& Strategy:

Strategy 6E: "Provide timely, accurate, transparent and informative communication to the public and across the organization with superior customer service delivery."

Recommendations: Updates will be provided to the Transylvania County Joint Historic Preservation Commission on America: 250th events, projects and grants.

Agenda Item: V-B

Memorandum

From: Ashley Minery, Planner
To: Transylvania County Joint Historic Preservation Commission
Date: September 5, 2024
Meeting Date: September 10, 2024
Subject: JHPC proposed changes
Contact Info: Ashley.Minery@transylvaniacounty.org or (828)884-1711
Attachment(s): 1. JHPC By Laws, Agreement and NCGS-160D-303
Purpose: Discuss reducing the membership size of JHPC

Background: Staff would like to propose a change to the JHPC bylaws and ordinance, reducing the Joint Historic Preservation Commission size from 9 to 7 members. This proposal stems from the difficulty of finding qualified applicants to fill vacancies. The current two vacancies on JHPC have been unfilled since May 2024. This has also been a problem in the past, causing multiple members to have term limits waived by Transylvania County Commissioners in order to fill membership. JHPC membership requires members to "have demonstrated interest, competence or knowledge in historic preservation". A smaller board could ensure membership standards are maintained, to provide the best service to the community in our preservation efforts. Staff would also like the Commission's suggestions on altering the requirement of having 6 members from the county, 2 from the City of Brevard, and one from the Town of Rosman.

Changes to the Joint Historic Preservation Commission Bylaws and Ordinance would require a majority vote by the Transylvania County Board of Commissioners and written notice to Brevard City Council and Rosman Board of Alderman, with a chance for municipalities to object to proposed changes.

Goal 6: "County government is service driven, transparent and performance based with more active and engaged citizens."

Strategy 6E: "Provide timely, accurate, transparent and informative communication to the public and across the organization with superior customer service delivery."

Financial Impact: None

Recommendations: Staff recommends the Transylvania County Joint Historic Preservation Commission discuss the proposal and provide direction for next steps.

BYLAWS
OF
THE TRANSYLVANIA COUNTY
JOINT HISTORIC PRESERVATION COMMISSION

RESOLVED By the Transylvania County Board of Commissioners as follows:

ARTICLE I.

COMMISSION

This Commission exists by virtue of an Ordinance of the Transylvania County Board of Commissioners, passed by that Board at its meeting November 14, 1994, and by the Legislature of North Carolina.

ARTICLE II.

The purpose of this document is to establish procedures for governing its meetings and the conduct of official business of the Transylvania County Joint Historic Preservation Commission, hereafter termed "Commission," and for the processing of applications for certificates of appropriateness for any changes in the external appearance of designated historic districts or landmarks or the demolition of designated historic districts or landmarks structures pursuant to Part 3C, Article 19 of Chapter 160A of the General Statutes of North Carolina and the Ordinance establishing the Transylvania County Joint Historic Preservation Commission.

ARTICLE III.

MEMBERSHIP

Section A. - The Commission shall consist of nine (9) members appointed by the County Board of Commissioners from among the residents of the County, the City of Brevard and the Town of Rosman within the territory subject to their zoning jurisdictions and pursuant to the (date) Ordinance establishing the Transylvania County Joint Historic Preservation Commission. A majority of the members shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields. In addition, all Commission members shall have demonstrated interest, competence or knowledge in historic preservation.

In making appointments to the Commission the County Board of Commissioners shall make a good faith effort to appoint professional members from the disciplines of history, architecture, planning, archaeology or related fields to the extent such professionals are available in the County, Brevard and Rosman.

Commission members shall serve staggered terms of three (3) years. Initially, one-third shall serve three (3) years, one-third shall serve two (2) years and one-third shall serve one (1) year. Thereafter, all appointments shall be for three (3) years. Appointments made to replace a member who resigns, dies

or misses three (3) regularly scheduled meetings may be for a term less than three (3) years.

A member may be reappointed for a second consecutive three (3) year term but after two (2) consecutive three (3) year terms a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of their second three (3) year term. Terms of yearly appointments shall commence June 1 and terminate May 31.

Upon expiration of the appointment of the member serving as chairman, that member may be reappointed by the Commission to serve one (1) additional year on the Commission as a non-voting, ex-officio member and advisor to the commission.

Commission members shall serve without compensation except that they may be reimbursed, within the limits of any funds available to the Commission, for actual out-of-pocket expenses incident to the performance of their assigned duties.

The Commission may appoint advisory bodies and committees as appropriate to their duties.

Section B. - Any Commission member who misses more than three consecutive regular meetings or more than one half the meetings in a calendar year shall lose his or her status as a member of the Commission and shall be replaced by the County Board of Commissioners. The Board of Commissioners shall act within sixty (60) days to fill vacancies on the Commission. The sixty (60) day period commences with the date of an expired term,

letter of resignation, or the time the Commission chairman recognizes that there is a vacancy as defined by the Commission's Rules of Procedure. Appointments to any vacancy shall be for the remainder of the term of the vacant position for which the appointment is made.

Absence due to sickness, death in the family or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the Commission, except that in the event of a long illness or any other such cause for prolonged absence, the member shall be replaced.

Members seeking an approved absence from a regular meeting shall notify the secretary of the Commission of their intended absence a minimum of twenty-four (24) hours prior to that meeting.

Section C. - Because the Commission is a working body charged with specific duties and because of their special interest in historic preservation, the Commission members are expected to participate in committee activities in addition to the regular business of the Commission.

ARTICLE IV

OFFICERS

The Commission shall annually appoint a chairman who shall serve for a term of one (1) year in that office. At the first regular meeting of each year the Commission shall elect a vice-

chairman and a secretary from among its members each of whom shall serve for a term of one (1) year in those offices.

ARTICLE V

DUTIES OF OFFICERS AND MEMBERS

Section A. - The chairman shall preside over the meetings of the Commission, but in all other respects, the chairman shall occupy an equal place with any other member of the Commission.

Section B. - The vice-chairman shall preside over the meetings of the Commission when the chairman is absent or chooses not to preside for any reason. Also, the vice-chairman shall be responsible for approving and for keeping a record of all financial transactions of the Commission, which record shall be read into the minutes upon the advance notice of any member who so requests. The vice-chairman shall not have the authority to enter into any sort of agreement, deed, et cetera, on behalf of the Commission, nor shall any resolution purporting to give the vice-chairman such authority be effective to do so.

Section C. - The secretary shall oversee recording of the minutes of all meetings, oversee their preparation and distribution to the members prior to the next meeting and oversee preparation of all correspondence and placement of public notices.

Section D. - The officers of the Commission shall prepare and submit an annual report and budget request to the County Board of Commissioners.

Section E. - No Commission member shall take part in the hearing, consideration or determination of any matter in which he/she is a party or has a financial interest.

Section F. - No Commission member shall vote on any matter deciding an application or a request to reconsider unless that member shall have attended the Commission's previous deliberations on such application, or shall otherwise have the approval of the chairman to vote on such matter. The chairman's approval shall be contingent on the assurance by the member that the member has read the application and the minutes of any meetings at which the application was discussed.

Section G. - No Commission member shall, in any manner, discuss any application with any parties prior to the Commission's deliberations on such application, except as authorized in advance by the chairman; provided, however, that members may seek and/or receive information pertaining to the application from any other member of the Commission or its staff prior to the hearing. Members of the Commission shall not express individual opinions on the proposed judgement of any application with any person prior to the determination of that application, except in accordance with these rules. Violation of this rule shall be cause for dismissal from the Commission.

Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances, rules of procedure and design guidelines relating to the Commission's activities.

ARTICLE VI.

MEETINGS, QUORUM, AND MINUTES

Section A. - Meetings: The Commission shall establish a meeting time and shall meet regularly, at least 6 times a year.

All meetings shall be held in accordance with the North Carolina Open Meetings Law, North Carolina General Statutes, Chapter 143, Article 3C. Reasonable notice of the time and place thereof shall be given to the public.

Special meetings of the Commission may be called at any time by the chairman. At least forty-eight hours notice of the time and place of special meetings shall be given by the chairman to each member of the Commission; provided that this requirement may be waived by action of a majority of all members. Whenever there is no business for the Commission, the chairman may dispense with a regular meeting by giving notice to all the members not less than twenty-four hours prior to the time set for that meeting. No meeting place shall be used that is not capable of accommodating a reasonable number of the members of the public, to whom all meetings shall be open. To encourage public attendance, each meeting of the Commission shall be preceded by reasonable public notice of its time and place pursuant to the "open meeting law" as established by the Legislature of North Carolina.

Section B. - A meeting shall have a quorum present when the majority of currently appointed members are present. If a

meeting commences with a quorum present, that meeting shall continue unless properly adjourned despite the departure of any person, so long as any three (3) members remain present and no vote is taken.

Section C. - Meeting Minutes: The Commission shall keep permanent minutes of all its meetings, which shall be a public record. The minutes shall record attendance of Commission members, its resolutions, proceedings, findings, recommendations, and actions. These minutes shall be available to any interested person, and copies shall be regularly provided to the members of the Commission, the County Board of Commissioners and the governing boards of Brevard and Rosman.

ARTICLE VII.

PROCEDURES FOR THE DESIGNATION OF HISTORIC PROPERTIES

Section A. - Inventory: The Commission, at the earliest possible time and consistent with the resources available to it, shall undertake an inventory of significant historical, prehistorical architectural and cultural properties within its jurisdiction. The Commission shall periodically review this inventory and provide an update as part of its annual report. A list of historic districts and landmarks so designated shall be maintained at all times by the Commission.

Section B. - Designation Committee: A Designation Committee may be established from the membership of the Commission to review the inventory and recommend to the full Commission from time to

time the designation of historic properties. This committee shall also review applications for historic property designation submitted by property owners. It shall be available to meet with applicants for designation at an early stage in the process of preparing the application in order to advise them informally concerning the Commission's standards for reports, the criteria for designation, the boundaries of the property to be designated, and other relevant matters.

The committee, collectively and individually, shall refrain from any indication of approval or disapproval, but shall not for that reason, be barred from reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the committee at such informal meeting(s) shall in any way be official or binding upon the Commission.

Section C. - Designation Reports: If the Commission accepts the recommendation of the Designation Committee that a property be considered for designation, the Commission shall make or cause to be made an investigation and report meeting the minimum standards contained in Section D.

A property owner applying for designation of his property as historic must prepare an application meeting the minimum standards contained in Section D. Applications prepared by owners will be judged by the same criteria as those prepared by

the Commission. Owner applications shall be made on forms provided by the Commission.

Section D. - Standards for Designation Reports: Designation reports, whether prepared by the Commission or submitted as applications by an owner, shall include the following:

- 1) The name of the property--both common and historic names, if they can be determined.
- 2) The name, address and telephone number of the current property owner.
- 3) The location of the property and a justification of the land proposed to be designated historic. If located in an urban area, the street address shall be used; if located in a rural area, the approximate location in relation to state routes should be used.
- 4) The date of construction and of any later alterations, if any.
- 5) An assessment of the significance of the site or structure pursuant to the criteria established in G.S. 160A-400.4.
- 6) An architectural or archaeological description of the area of the site or structure proposed to be designated. If outbuildings or other appurtenant features will be designated, the report should contain a description of these elements.
- 7) A historical discussion of the site or structure within its type, period and locality.

- 8) An overall photograph that clearly depicts the property proposed to be designated and supplementary photographs showing facades, details and siting.
- 9) A tax map, certified land survey or other legal document showing the exact location of the property, the exact boundaries and any outbuildings and appurtenant features.
- 10) An exact description of the boundaries and land area.
- 11) A concise statement of exactly what is to be designated (e.g., the interior and exterior of the main house, the exterior of the two outbuildings, and the entire parcel upon which they are situated).

Section E. - Submission of Designation Reports: A designation report prepared by or for the Commission may be considered at any meeting of the Commission, provided the notification requirements contained in Section F are met.

An application for designation prepared by the property owner and meeting all of the standards contained in Section D must be received at least sixty calendar days prior to the next meeting of the Commission at which time it is to be considered.

Section F. - Notification Procedures: When a designation report is prepared by the Commission and is to be considered at a Commission meeting, the chairman shall notify by certified mail, mailed not less than seven days prior to the meeting at which the matter is to be heard, the owners of the property, and the owners of abutting property.

When an application for designation is submitted by the owner, the chairman, using stamped, addressed envelopes provided by the owner, shall notify abutting property owners by certified mail, mailed not less than ten (10) calendar days prior to the meeting at which the matter is to be heard.

Section G. - Consideration of the Report: Once the designation report has been prepared, either by the Commission or by the owner, and once the notification required by Section F has been met, the Commission shall consider the report. The Commission may accept it, amend it, reject it, or recommend further study.

Prior to final action on a designation report, the Commission shall indicate the extent to which the property meets the criteria for designation contained in G.S. 160A-400.4.

Section H. - Action on Reports Accepted by the Commission: A report accepted by the Commission shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, for comments pursuant to G.S. 160A-400.5.

After the expiration of the 30-day comment period given the Division of Archives and History, the Commission may recommend to the governing body that the property be designated as an historic property subject to the requirements of G.S. 160A-400. When a proposed ordinance of designation is submitted, the Commission and the County Board of Commissioners shall hold joint or separate public hearings on the proposed ordinance.

Following the joint or separate public hearings, the governing body may adopt the ordinance as proposed, adopt the ordinance with amendments or reject the ordinance.

Upon adoption of the ordinance:

- 1) The owner(s) and occupants shall be given written notice of such designation insofar as reasonable diligence permits.
- 2) One copy of the ordinance and all amendments thereto shall be filed by the Commission in the office of the Register of Deeds of Transylvania County. Each historic property shall be indexed according to the names of the owner in the grantee and grantor indexes and the Commission shall pay a fee for filing and indexing.
- 3) In the case of a property lying within the zoning jurisdiction of a city, a second copy shall be kept on file in the office of the city or town clerk and be made available for public inspection at any reasonable time.
- 4) A copy of the ordinance and any amendments thereto shall be given to the city or county building inspector.
- 5) The fact that a building, structure, site, area or object has been designated an historic property shall be clearly indicated on all tax maps maintained by the city or county for such period as the designation remains in effect.
- 6) It shall be the duty of the Commission to give notice thereof to the tax supervisor of Transylvania County, who

shall consider the designation and any recorded restriction on the property in appraising it for tax purposes.

Section I. - Denied Applications: If an application for designation is not approved, a copy of the minutes of the meeting shall be sent to the owner by certified mail, return receipt requested, within seven (7) days.

ARTICLE VIII.

CONSIDERATION OF APPLICATIONS

FOR CERTIFICATES OF APPROPRIATENESS

Section A. - Procedure: A person seeking to alter, construct, restore, move or demolish the exterior portion of any landmark, building or structure within a designated historic district shall proceed as follows:

Review process: To ensure consistency in the Commission's formal review of proposed modifications of existing structures or proposed new structures, all applicants shall provide, as a minimum, the following information. This information shall be received by the Commission no later than two (2) weeks preceding the regular meeting at which the applicant intends to appear to request approval. This sequential process is intended to provide adequate time for the Commission to visually inspect the site or structure involved and to be prepared for discussion at the later meeting.

- 1) Site Plans - Shall be drawn to an appropriate scale such as 1'=20'-0", 1'= 30'.0", etc. sufficiently large to describe all features identified. Features to be identified shall include: Property lines, major buildings, outbuildings, parking areas, drives, walks, fences and major trees; significant changes in grade elevation and relationship to adjacent streets. Major features shall be related to property lines by dimension. A north arrow shall be indicated.
2. Plans of the modified or new structure - Shall be drawn to a minimum scale of 1/4" = 1' - 0" or in the case of larger commercial buildings no less than 1/8" = 1' - 0". For modification of existing structures indicate, as a minimum, the entire exterior perimeter outline of the present structure together with the perimeter outline of the proposed modification, include major dimensions and identify all parts. For new structures indicate, as a minimum, the entire exterior perimeter outline of the structure including major dimensions. A north arrow shall be included.
3. Elevations of the structure - Shall be drawn to the same scale as the plan of the structure and describe all major features of the existing structure and its modifications or the new structure, including doors, windows, bays and porches with their related architectural trim. All

exterior building materials, finishes and colors shall be identified including the kind and size of siding and other significant architectural information. The compass orientation of each elevation shall be indicated.

4. General - The applicants name, address and telephone number, and, if different, the name, address and telephone number of the owner, the address of the property involved and the scale of the drawing shall be indicated in the lower right corner of each drawing.

The applicant shall submit three copies of this information for the review of the Commission. One copy shall be retained by the Commission, one copy shall be forwarded by the Commission to the Building Department with the Commission's recommendation and one copy shall be returned to the applicant.

5. It is intended that the drawings above be representative of all of the modifications proposed by the applicant to an existing structure or to thoroughly describe a new structure. Limited use of photographs and/or photocopies of research material with accompanying notes may be permitted to describe detail portions of the building work for either existing or new structures as determined to be acceptable by the Commission in their review.

Section B. - Presentation: Any party may appear in person or by agent or attorney at the meeting. All persons addressing the

Commission shall be sworn, state their full name and address and describe their relation to the application. The order of business for consideration of applications for certificates of appropriateness shall be as follows:

- 1) The chairman, or such person as he shall direct, shall give a preliminary statement describing the application;
- 2) The applicant shall present the arguments in support of the application.
- 3) Persons opposed to granting the application shall present the arguments against the application.
- 4) Statements or arguments submitted by any official, commission or department of Transylvania County, the governing boards of the City of Brevard or the Town of Rosman, any state agency, or any local historical, preservation or neighborhood association shall be presented as directed by the chairman.
- 5) The chairman or such person as he shall direct shall summarize the evidence which has been presented, giving all parties an opportunity to make objections or corrections.
- 6) The Commission shall thereafter proceed to deliberate whether to grant the application or to deny it.

The Commission may, in its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be supported by appropriate findings of fact, and where

necessary, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances. In considering applications, witnesses may be called and factorial evidence may be submitted, but the Commission shall not be limited to consideration of such evidence as would be admissible in a court of law.

ARTICLE IX.

RECONSIDERATION OF APPLICATIONS WHICH HAVE BEEN DENIED

The order of business for reconsideration of applications for certificates of appropriateness which previously have been denied shall be as follows:

- 1) The chairman shall entertain a motion from a member of the Commission that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the Commission to determine whether or not there has been a substantial change in the facts, evidence or conditions relating to the application; provided, however, that the applicant shall be given the opportunity to present any other additional supporting evidence, if the Commission decides to reconsider the application.
- 2) After receiving the evidence, the Commission shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence or conditions relating to the application which would warrant reconsideration. If the

Commission finds that there has been such a change, it shall thereupon treat the request as a new application received at that time.

ARTICLE X.

MODIFICATIONS OF APPLICATIONS

An approved or pending application for a Certificate of Appropriateness may be modified by written request from the applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by plans, elevations, or sketches, where necessary to clearly describe the changes. If the Commission finds that the modification constitutes a substantial change which might affect surrounding property owners, it shall notify the applicant and affected property owners and shall give the applicant and such owners an opportunity to be heard before taking action on the modification. The Commission shall thereupon treat the request in the same manner as any other application.

ARTICLE XI.

PROCEDURES FOLLOWING APPLICATION DECISIONS

When an application is approved, the Commission shall transmit a certificate of appropriateness to the applicant by certified mail, return receipt requested, clearly describing the nature of the work which has been approved. A copy of the minutes of the meeting at which approval was granted and a placard form of a certificate of appropriateness to be displayed

at the project site shall be attached. A copy of this information shall be forwarded to the Inspections Department which is responsible for its enforcement.

If an application is denied, a copy of the minutes of the meeting and written reasons for denial shall be made available to the applicant within ten (10) days after the meeting.

ARTICLE XII.

APPEALS

Appeals for decisions of the Commission shall be made to the County Board of Commissioners within thirty (30) days of the approval by the Commission of the minutes of the meeting containing the decision being appealed.

ARTICLE XIII.

FUNDING

The Commission shall submit a budget request in April of each year to the County Board of Commissioners. This requirement in no way shall prevent the Commission from soliciting or receiving funds from contributors who wish to help preserve historical information or places in the County, Brevard or Rosman. All funds of the Commission shall be deposited in the County treasury and dispersed according to legal requirements.

ARTICLE XIV.

AMENDMENTS

These Bylaws may be amended at any scheduled meeting of the Commission by a quorum vote, provided advance written notice of the proposed amendment is given the membership at least ten (10) days prior to the meeting.

ARTICLE XV.

RULES OF ORDER

In all cases, except as provided for in these Bylaws, Roberts Rules of Order shall be the authority for the parliamentary proceedings of this Commission.

Bylaws amended and approved by the Board of Commissioners
March 28, 2016.

AGREEMENT DESIGNATING A JOINT HISTORIC PRESERVATION COMMISSION
IN TRANSYLVANIA COUNTY

This is an agreement dated the 7th day of June, 1993, between the County of Transylvania and those municipalities located within Transylvania County requesting the Transylvania County Historic Properties Commission to exercise those powers and duties given it by the Transylvania County Historic Properties Commission Ordinance within their respective planning jurisdictions (Participating Municipalities).

1. 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 undersigned Participating Municipalities hereby designate the Transylvania County Historic Properties Commission (Commission) as a joint historic preservation commission, to be governed by the provisions set forth in the Transylvania County Historic Properties Commission Ordinance, as adopted by the Transylvania County Board of Commissioners on January 12, 1987, and as may be subsequently amended. The Commission shall have authority to exercise, within the planning jurisdictions of the Participating Municipalities, all the powers and duties given it by the Transylvania County Historic Properties Commission Ordinance.

2. County Amendments to the Transylvania County Historic Properties Ordinance

If the County proposes any amendment to the Transylvania County Historic Properties Commission Ordinance, it will provide each Participating Municipality 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.

3. Funding of Commission

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.

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.

If the Commission, on request by a Participating Municipality, assumes authority for issuing Certificates of Appropriateness within a historic district designated within the Participating Municipality's planning jurisdiction, the Participating Municipality 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 Participating Municipality agree, the Participating Municipality'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 Participating Municipality authorizes the Commission to issue Certificates of Appropriateness within the historic district.

4. Appointment of Commission Members

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

5. Jurisdictional Conflict

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

6. Withdrawal from Agreement

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

7. 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.

8. Effective Date

This agreement becomes effective with respect to the County and any Participating Municipality within Transylvania County when it has been adopted by both the County Board of Commissioners and the governing body of the Participating Municipality, 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 Participating Municipality.

IN WITNESS WHEREOF, the parties have executed this Agreement in triplicate originals, one of which is retained by each party the day and year first above written.

TOWN OF ROSMAN


William J. Cathey, III
Mayor

ATTEST:


Shirley N. Gillespie
Town Clerk

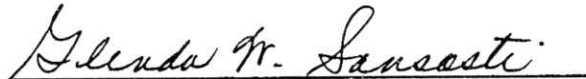
(Town Seal)

CITY OF BREVARD



S. Macfie Morrow
Mayor Pro Tem

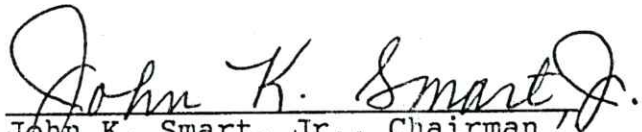
ATTEST:



Glenda W. Sansosti
City Clerk

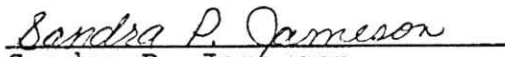
(Seal)

TRANSYLVANIA COUNTY



John K. Smart, Jr., Chairman
Transylvania County Commissioners

ATTEST:



Sandra P. Jameson
Clerk to the Board

(Seal)

STATE OF NORTH CAROLINA,
COUNTY OF TRANSYLVANIA.

I, Ray E Jones, a Notary Public in
and for the State and County aforesaid, do hereby certify that
SHIRLEY N. GILLESPIE, personally came before me this day and
acknowledged that she is the Town Clerk of the Town of Rosman,
and that by authority duly given and as the act of the foregoing
instrument was signed in its name by its Mayor, sealed with its
official seal and attested by her as its Clerk.

Witness my hand and Notarial Seal, this the 17 day of
June, 1993.

Ray E Jones
Notary Public

My Commission Expires:

9-18-94.

STATE OF NORTH CAROLINA,
COUNTY OF TRANSYLVANIA.

I, Jeanette M. Owen, a Notary Public in
and for the State and County aforesaid, do hereby certify that
GLENDA W. SANSOSTI, personally came before me this day and
acknowledged that she is City Clerk of the City of Brevard, and
that by authority duly given and as the act of the foregoing
instrument was signed in its name by its Mayor Pro Tem, sealed
with its official seal and attested by her as its Clerk.

Witness my hand and Notarial Seal, this the 7th day of
June, 1993.

Jeanette M. Owen
Notary Public

My Commission Expires:

March 30, 1997.

STATE OF NORTH CAROLINA,
COUNTY OF TRANSYLVANIA.

I, DEBORAH TINSLEY, a Notary Public in
and for the State and County aforesaid, do hereby certify that
SANDRA P. JAMERSON, personally came before me this day and
acknowledged that she is Clerk to the Board of Transylvania
County Commissioners, and that by authority duly given and as the
act of the foregoing instrument was signed in its name by its
Chairman, sealed with its official seal and attested by her as
its Clerk.

Witness my hand and Notarial Seal, this the 30th day of
JUNE, 1993.

Deborah Tinsley
Notary Public

My Commission Expires:

10-04-1994.

§ 160D-303. Historic preservation commission.

(a) **Composition.** – Before it may designate one or more landmarks or historic districts pursuant to Part 4 of Article 9 of this Chapter, the governing board shall establish a historic preservation commission. The governing board shall determine the number of the members of the commission, which shall be at least three, and the length of their terms, which shall be no greater than four years. A majority of the members of the commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. All the members shall reside within the planning and development regulation jurisdiction of the local government as established pursuant to this Chapter. The commission may appoint advisory bodies and committees as appropriate. Members of the commission may be reimbursed for actual expenses incidental to the performance of their duties within the limits of any funds available to the commission but shall serve without pay unless otherwise provided in the ordinance establishing the commission.

(b) **Alternative Forms.** – In lieu of establishing a historic preservation commission, a local government may designate as its historic preservation commission (i) a separate historic districts commission or a separate historic landmarks commission established pursuant to this Chapter to deal only with historic districts or landmarks respectively, (ii) a planning board established pursuant to this Chapter, or (iii) a community appearance commission established pursuant to this Chapter. In order for a commission or board other than the historic preservation commission to be designated, at least three of its members shall have demonstrated special interest, experience, or education in history, architecture, or related fields. At the discretion of a local government, the ordinance may also provide that the preservation commission may exercise within a historic district any or all of the powers of a planning board or a community appearance commission.

(c) **Joint Commissions.** – Local governments may establish or designate a joint preservation commission. If a joint commission is established or designated, it shall have the same composition as specified by this section, and the local governments involved shall determine the residence requirements of members of the joint preservation commission.

(d) **Duties.** – The historic preservation commission shall have the duties specified in G.S. 160D-942. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)