

**North Carolina Department of Cultural Resources
State Historic Preservation Office**

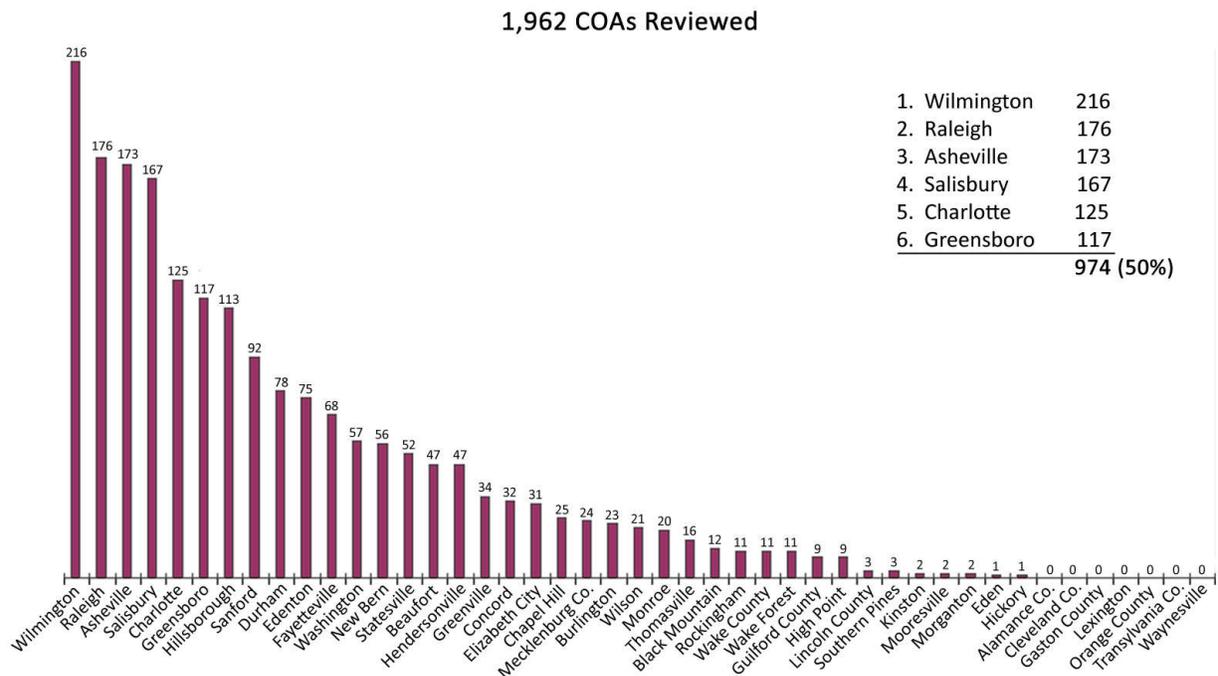
**Certified Local Government Program
Annual Review Summary
FY 2010**

INTRODUCTION

This is a brief summary of the COA and training activities of Certified Local Governments (CLGs) in North Carolina during the 2010 fiscal year (July 1, 2009 to June 30, 2010). I have intentionally kept the statistics limited to what I hope local commissions will find useful.

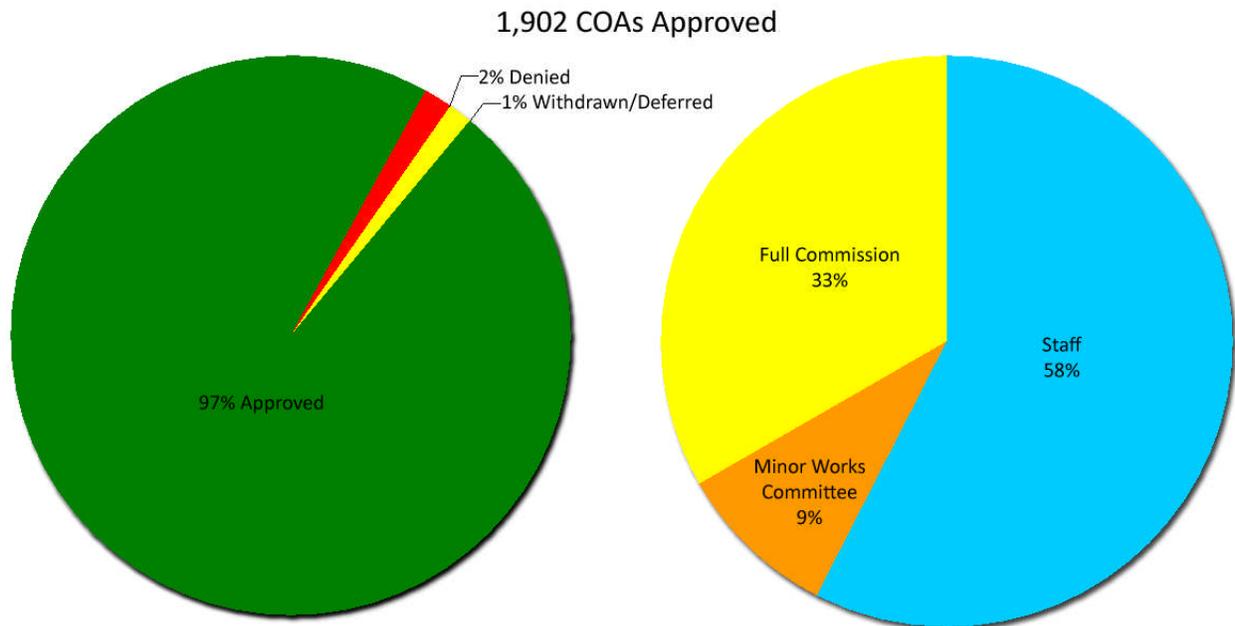
CERTIFICATES OF APPROPRIATENESS

During FY 2010, North Carolina’s forty-six Certified Local Government commissions reviewed a total of 1,962 applications for Certificates of Appropriateness – or a theoretical average of forty-four applications per commission – of which 1,902 (97%) were approved. Six commissions combined to account for approximately half of all applications, while twenty-six reviewed twenty-five or fewer.



Statewide, only thirty-six applications (less than 2%) were denied while another twenty-five were withdrawn or deferred. This is not to suggest that there is anything like an “ideal” approval rate for COAs, but rather to suggest that commissions and their staffs consider for themselves if, *relative* to the volume of applications they review, 97% is an acceptable average approval rate. Certainly the volume of applications varies significantly depending on the size of the local community and the number of resources, so there is considerable difference between approving 100% of four applications a year and approving 100% of 180 a year. Also, the term “approvals” includes applications approved with conditions or revisions as well as those approved as submitted. If your commission is comfortable with a 97% average, make sure to

use it to advantage – for instance, when building or maintaining positive public relations: there is little reason for property owners to fear the commission or skirt its procedures given such odds of approval.



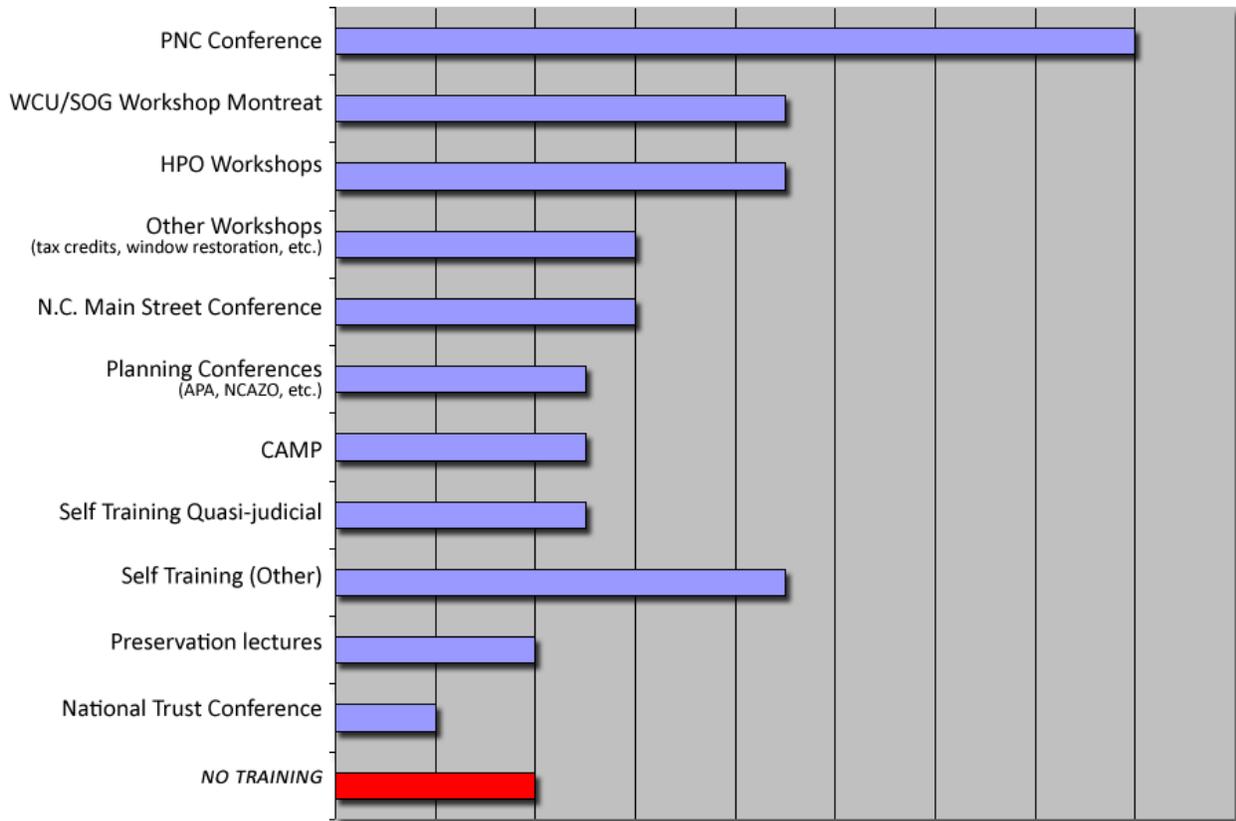
Of approved applications, roughly two-thirds were approved without a hearing before the full commission – either by staff or by “minor works” subcommittees. The appropriateness of this method of approval depends largely on the number of applications as well as on the type of work involved. The practical purpose behind staff and minor works subcommittee approvals is to relieve commissions who process large numbers of applications of some of that burden so that they are free to devote more time to the consideration of major projects. But staff approval can only be given for specific types of projects that meet specific criteria as detailed in the commission’s design guidelines, and the work must be truly minor.

By far, most projects that require a COA involve a substantial alteration of some kind and thus, by their very nature, cannot be considered “minor.” And while there is no magic number or threshold above which a commission should turn over applications to staff or subcommittees, if the commission is only receiving a handful of applications per year – say, six – and all of them are getting approved by staff or as minor work, it might be worth taking another look at your procedures.

TRAINING

Training of commissioners and staff is required for participation in the CLG Program. Each fiscal year (July 1 to June 30), CLGs must send their designated staff and at least two commissioners to at least one approved training event pertaining to the work and functions of the commission.

Training FY 2010



Most CLGs satisfied the minimum training requirement for FY 2010. The most popular method was by attending the 2009 Preservation North Carolina conference in New Bern. Also popular were workshops, co-sponsored by the HPO, held by Western Carolina University and the UNC School of Government in Montreat and Hendersonville. Several commissions utilized the services of their own local government to become familiar with their quasi-judicial obligations; some made efforts to train themselves in other ways, with mixed results. Some inadvertently listed training from FY 2011 on their FY 2010 reports. Some trained only staff; some trained only one commissioner. A conspicuous few made no effort to satisfy the training requirement at all.

Over the past couple of years, the training of CLGs in North Carolina has begun to drag its anchor a bit. Several factors have caused or contributed to this drift, including the absence of a state CLG coordinator over the last two reporting periods. One extremely popular explanation for not attending training events has been that “we could not get funding for travel.” While some commissions left it at that, a fair number of commissions made efforts to fulfill the training requirement as best they were able. Not all were successful, but the efforts were notable.

No doubt the economic times are tough, and the HPO is sympathetic to the fact that many commissions have real challenges in getting funding of any kind, but the argument only goes so far. The state enabling legislation authorizes local governments to “make appropriations to a historic preservation commission... in any amount that it may determine necessary for the expenses of the operation of the commission...” (NCGS §160A-400.12). Such appropriations need not be lavish, but, if the local government expects its preservation commission to accomplish anything, it should enable them with some means to do so. **Moreover, if the local government expects to remain certified, it should be prepared to pay for commission training each year.** Compared to most other local government expenses, the total annual cost of training is negligible; even making generous allowances for fuel, food, and accommodation, it is unlikely to exceed \$700 for the year. And as most SHPO-sponsored events are free and accommodations usually unnecessary, it is highly unlikely to exceed \$250 or \$300.

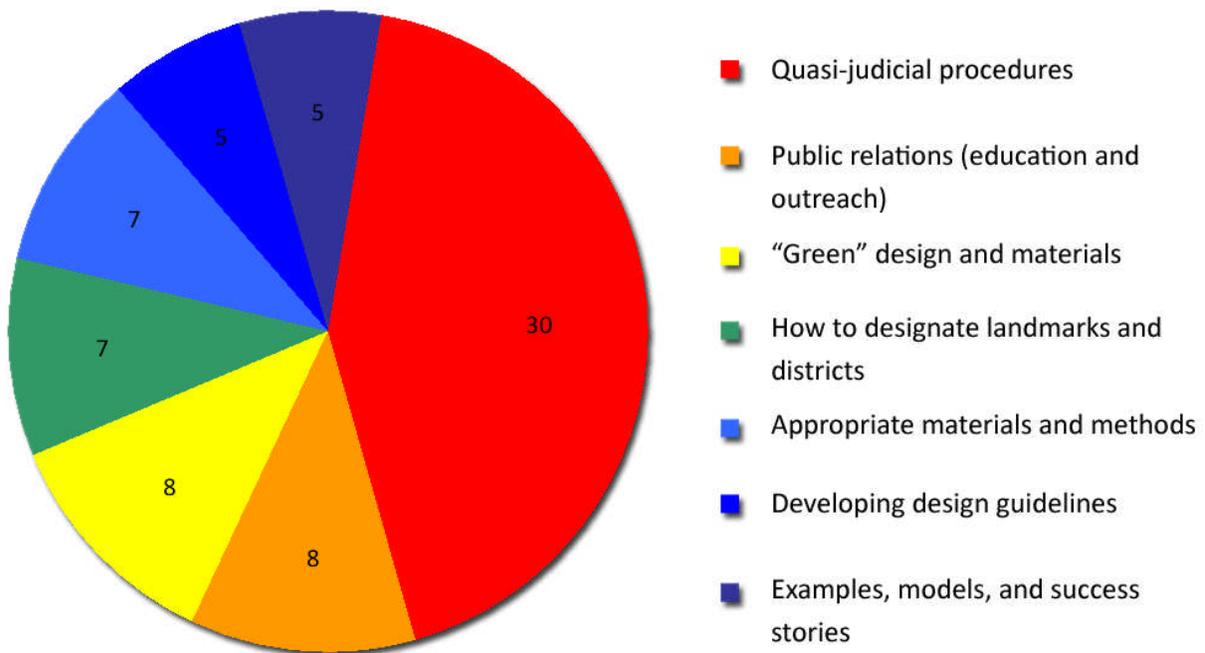
The Historic Preservation Office is making CLG training a high priority for fiscal years 2011 and 2012. First, we will be sponsoring several training opportunities throughout the year; our goal is to offer at least one workshop in each geographic region of the state, although we cannot promise that each location will be ideally convenient for each CLG. Any of the following events will satisfy the training requirement:

- SHPO-sponsored workshop – Winston-Salem, NC *September 16, 2011*
- the Preservation North Carolina Annual Conference – Mt. Airy, NC *September 29-30, 2011*
- SHPO-sponsored workshop – Penland (Penland School), NC *October 15, 2011*
- the National Trust for Historic Preservation Annual Conference – Buffalo, NY *October 19-22, 2011*
- the North Carolina Main Street Center Annual Conference – Clayton, NC *January 25-27, 2012*
- the National Alliance of Preservation Commissions Annual Conference (“Forum”) – Norfolk, VA *July 19-22, 2012*
- a National Alliance of Preservation Commissions “CAMP” workshop – a packaged training session (a day to a day and one half long) that NAPC will bring to your community; features excellent speakers and nationally recognized experts.
- an event sponsored by the North Carolina Chapter of the American Planning Association which involves historic preservation or a closely related subject
- an event sponsored by an academic institution which involves historic preservation or a closely related subject

To satisfy the CLG training requirement, events should be regional in scope (i.e., attended by multiple commissions) and should focus at least one session on the fundamental skills and knowledge commissions need in order to function as a quasi-judicial body with regulatory authority over private property. **Tours of historic sites, lectures on academic history, or similar activities, while engaging and informative, do not prepare commissioners for the practical and legal situations they face and do not count toward satisfying the training requirement.** If

you are not sure whether or not an event you would like to attend will fulfill the training requirement, please contact me.

Second, we are tracking the training status of each CLG – which ones have met the requirement and which ones have not – and are making some allowance for the circumstances outlined above. **However, beginning June 30, 2012 (the end of FY 2012), we will recommend to the National Park Service the decertification of any CLG which has not satisfactorily completed the training requirement.**



Third, we are paying close attention to the training requested by CLGs in their annual reports (see chart above) and beginning to address those requests at the workshops we sponsor. Twenty-one commissions (almost half) specifically requested training in “quasi-judicial procedures,” by name, in their FY 2010 reports. Other commissions requested substantially related topics such as “design review.” Altogether, thirty of forty-six commissions (65%) expressed a desire to be trained in one or more aspects of functioning properly as a commission – or what several accurately described as “how to be an effective commission.” Included therein are subtopics such as

- Ethics (conflicts of interest, ex-parte contact, etc.)
- Understanding relevant legislation, case law, and the local ordinance
- Design review (applying the Secretary’s Standards and local design guidelines to individual situations)
- Enforcing the local ordinance
- Appeals process

- North Carolina “Rehab” Code and its distinction from new construction code
- Demolition/demolition by neglect

Other topics suggested included

- A local commission’s responsibilities concerning archaeology
- How to use/implement technology such as G.I.S.
- Tax credits
- Grants
- How to conduct an inventory/how to identify historic resources
- Cemetery preservation
- Understanding real estate and tax law
- How to use covenants, easements, and transferred development rights

The Historic Preservation Office can provide expertise in some of these additional topics, such as tax credits; others, such as real estate and tax law, lie outside the main scope of our program but are nevertheless worthwhile subjects. We encourage local commissions to seek other sources of information in these areas, including Preservation North Carolina, the National Trust, and local community colleges or business schools.

Finally, in an effort to better support these commissions, and in an effort to better maintain the high standards of preservation and professionalism in North Carolina preservation commissions, the Historic Preservation Office is developing a standardized course in “how to be an effective commission.” This planned course, perhaps available in the form of a “webinar,” will focus on the basics of serving on a quasi-judicial board and the everyday “ins” and “outs” of serving on a preservation commission in particular. **Once implemented, completion of this course will be required of every new CLG preservation commissioner within the first year of their first term in order for the CLG to maintain its certification.**

Thank you for your valued participation in the CLG Program and for taking time to read this summary. If you have suggestions for information you would like to see included in future annual summaries, kindly let me know. I look forward to expanding this report each year to increasingly better serve the needs of North Carolina CLGs.

Rob Crawford
Preservation Commissions Coordinator