

JACKSON COUNTY PLANNING BOARD

MINUTES

Date: April 11, 2024								
Time Begin: 6:04 p.m.								
Time End: 7:47 p.m.								
Location: Department on Aging, Heritage Room								
Members	Present	Absent		Present	Absent		Present	Absent
Emily Moss		X	Nathan Shepherd	X		Elmer Rhodie Humbert	X	
Brian Barwatt	X		Ollin Dunford		X	<i>Vacant</i>		
Adam Holt		X	Joyce Cooper	X		<i>Vacant</i>		
Ken Brown	X		Beverly Crespo	X				

Staff Present:

Michael Poston- Planning Director
 Anna Harkins- Planner I
 Allison Kelley- Administrative Assistant III

Call to Order and Quorum Check

Vice Chair Nathan Shepherd called the meeting to order at 6:04 p.m. and a quorum was present.

Approval of the Agenda

Ken Brown made a motion to approve the agenda as written. Joyce Cooper seconded the motion, and it carried unanimously.

Approval of the Minutes

Beverly Crespo made a motion to approve February 8, 2024 minutes. Ken Brown seconded the motion, and it carried unanimously.

Public Comment

There were no public comments.

New Business

a) Vice Chair Nominations

Mr. Poston stated we only have six members here tonight, but if there is somebody that would love to nominate to be the vice chair. In addition, he stated Nathan Shepherd has been nominated for the chair and that could become official, maybe as early as next Tuesday when the Board of Commissioners meets again to do that, and then if we have a vice chair nomination, that's certainly fine. He stated we are missing about three people right now, we are waiting for the Board of Commissioners to fill two vacant positions for Sandy Davis and Thomas Taulbee's positions, and we are hopeful that the Board of Commissioners will fill all those. Mr. Poston stated but really, it's up to anybody unless anybody wants to volunteer to be vice chair tonight we can push. He stated the reason why we have vice chairs is in the case where Nathan Shepherd wouldn't be able to make it, it would be nice to have someone that could run the meeting officially. In addition, he stated we can still probably wiggle around that a little bit but it's good to have just somebody that would be here just in case Mr. Shepherd is not able to be here, but it doesn't have to be done tonight.

Joyce Cooper made a nomination that Beverly Crespo serve as Vice Chair. Brian Barwatt seconded the motion, and it passed unanimously.

Mr. Poston stated for clarification we will pass Ms. Crespo's name on to the Board of Commissioners, for the Planning Board they formally appoint the chair and vice chair, but we'll make that as a recommendation to the Board of Commissioners.

Ms. Crespo inquired how many people they were going to get on the Board. Mr. Poston stated we are down two people and the Board of Commissioners are working on that right now. He stated he thinks that they would have to be from District Three and Four, so it is not an at large position. Ms. Crespo inquired what is District Three. Mr. Poston stated that is Mr. Stribling's district and the District Four is Commissioner Jones district. In addition, he stated District Three is roughly Cullowhee, and he thinks it stretches down into Cullowhee, and parts of Webster townships, and the District Four is all the townships south of Cullowhee, Canada, Tuckasegee, River, Hamburg and Cashiers.

Mr. Brown stated he had a question, on the agenda regarding the minutes from the previous meeting. In addition, he inquired what stimulated that conversation or where are we going with it.

Mr. Poston stated the last couple of meetings, we've had some questions about is there anything that we can do to strengthen our floodplain and our erosion control and what options are available to us. In addition, he stated Tony Elders came to us two months ago and presented where our ordinances stand, where the County has taken the opportunity to be more restrictive where allowed in the ordinances, and if there were any additional tools that that were available to the County to leverage, and if there is anything that that this Board could help assist in those areas. He stated I think if you read through that a lot of it is talking about the fact that the County has kind of already made those choices to have a higher standard for floodplains, to have a higher standard for erosion control. In addition, he stated because those two areas are fairly prescribed that federally and from the state level, that he wasn't sure that there was anything that he needed in addition, like there's any other tools that he didn't already have available to him that we're allowed to have. Mr. Poston stated we talked about manufactured home parks, and we talked a little bit about what we had and things of that nature and what our ordinances stated. He stated today, we're just kind of picking up on some of the other topics that were of interest, we're going to talk about historic preservation, and community appearance and where we stand with our outdoor lighting.

Ms. Crespo stated that is the reason she wants us to go back to old business and make sure that we cover everything, as she was looking back today, in order to just make sure where we left off because it seems like there's been a big lapse. In addition, she stated we were beginning to get into some meat, the heart of the matter and we agreed that we want to focus on like six or seven items. Mr. Poston stated these are the ones, we're working through all those topic areas and then we can come back and say, where do we think we need to spend the most amount of time that would kind of get into, so that discussion is coming.

Mr. Brown stated he would like to make a comment about the erosion control. He stated obviously, I got calls today, every time it rains I get calls, I go and search out whatever I find and it's been my experience that even when sites get reported, oftentimes the correct measures are not employed or implemented for those sites that are being reported in violation, and I think we have a problem unfortunately.

Mr. Poston stated erosion control isn't under the Planning Department, and the reason we get into floodplain and erosion control even though those aren't regulatory frameworks, development regulations that we as a Planning Department work with, they are in the Unified Development Ordinance (UDO). In addition, he stated I think we discussed them in terms of from a regulatory policy standpoint, from regulations, is there anything that we needed that this body could recommend be changed in those ordinances. He stated the administration of those ordinances there's nothing in the ordinance that talks about other than who's responsible for

administering it, but the Planning Board doesn't have much of an oversight capacity in the administration in the actual operation of County staff, that would be the Board of Commissioners on down.

Mr. Brown stated perhaps the County could generate some funding, because I know we have a budget surplus to employ another erosion control officer and get better enforcement because we are not getting, and I know the guys are overwhelmed I see it all the time, they are out there but they're not getting compliance in some cases, because some of the players are just reluctant to comply. He stated I'm not trying to condemn anybody, but when you do my job and that's our number one pollutant in the streams in the country, our County has 250 named streams and 4600 plus miles of waterways and it is a major problem and a major source of coliform bacteria.

Ms. Crespo stated Mr. Brown brings up a point that became very obvious to me today when I was going back and seeing where we left off. In addition, she stated I realized that where we left off, just as Mr. Brown is expressing, we can change ordinances all day long and I know that we need to and I know we plan to, but just like Mr. Brown is saying the very first task that has to be taken is to develop a code enforcement department. Mr. Poston stated we have that, Mr. Elder's department is permitting and code enforcement and under his purview he has the erosion and sedimentation control program with those officers in it, so we have four. Ms. Crespo stated what she is suggesting is that there be a department for just code enforcement to give them the relief, because they're not deputized and what Mr. Brown is speaking of it needs to be someone that is officially deputized.

Mr. Poston stated our code enforcement officers, we have four and a half, Danny, Brian, Jeff, one in Cashiers Randy, and half because Steve Beasley still comes in and works with us part time. In addition, he stated for sedimentation erosion control, there are four or five positions dedicated to erosion control but that's is what they mostly do is code enforcement of those areas. Ms. Crespo stated but what I'm saying that in my research and looking at other counties that are getting really strict on this, they have an entire department set aside for code enforcement, erosion control, hazardous buildings they cover it all.

Mr. Brown stated that's something that Steve Beasley brought up some years ago, having a separate department for erosion control and that kind of thing. In addition, he stated I know that to the county code enforcement people it's their charge as from Tony Elders, when they come on site or they go to a site and they see there's something, even though they're not erosion control people they can intervene and say, okay, you can't get you know this inspection passed. He stated so is there is a pathway there but it's inadequate in that the erosion control program is not well funded enough to cover the bases and that is our biggest sword.

Mr. Poston stated I would say that those issues with fall outside the charge of the Planning Board. Mr. Brown inquired so you cannot recommend to the Board of Commissioners. Mr. Poston stated if you look through the charge of the Planning Board, I don't know that it reaches to the organizational chart of the County, I think that purview lies with the County Commissioners and through the manager's office and things of that nature. Mr. Brown stated so we have no influence on this whatsoever. Mr. Poston stated I don't think that that would move the needle at all because I think that comes from a much different place than recommending land use policies, which is really the meat and potatoes of what this board is really does a lot of is the policy work behind that. He stated the staffing and enforcement work really comes into when we develop these ordinances, and I'll tell you how staffing gets impacted a lot of times is if, especially the County's, the Commissioners say, hey we really need to do X, Y, or Z, we come to the planning board and talk about what policies might fit X, Y, or Z. In addition, he stated as we come back to them, we would give them an assessment that if we're going to adopt these policies here might be the impact to that, but that's going to be staff analyzing that those policies and how they would impact operational capacities of departments.

Mr. Brown stated since the Planning Department actually writes the erosion control ordinance more or less. Mr. Poston stated we manage it probably is a better way of speaking. Mr. Brown stated it seems to me that it wouldn't be out of the question for us to make a recommendation to the Commissioners, whether it be you know, officially or unofficially to better fund.

Mr. Poston stated I think I would go back and take a look at it. In addition, he stated I would tell you that in my time, I think the kind of the separation of where the Planning Board's duties reside, could you go in and say Commissioner Letson, Jones, Smith, as an individual and say, hey I've noticed this and I'm on the Planning Board, and we've talked about these, and I really think you guys should think about maybe providing more enforcement staff in these areas, I think that's one thing. He stated I don't know that it falls directly squarely within the purview of the Planning Board to recommend staffing levels or the Planning Department to recommend staffing levels for the code enforcement section, because we would rely on Tony Elders as a department director would have the ability to evaluate staff and make requests for additional staffing. Mr. Poston stated now, if the Commissioners come down and say, hey, we'd like to expand this program and Mr. Elders would then come back and say in order to do that, this is what I would need, and these are the tools that I would need and resources that I would need. He stated I think it would be very difficult for a Planning Board to make a recommendation on staffing for another department in the County.

Ms. Crespo stated I don't quite jive with you on that, because if you read 160 anything that the Planning Board does that protects and saves the earth that we walk on in Jackson County, we have the ability to make recommendations for them. In addition, she stated what Mr. Brown is saying to you and what I've been reading, and what was discussed several months back was the fact that we do not have a department for code enforcement.

Mr. Poston stated I would tell you that I think that we're probably missing each other on terms but we do have a code enforcement department that specializes in applying code and enforcing code, so I don't think that we don't have that. He stated I think maybe what we're talking about is it robust enough for what you guys are looking at, but we do actually have a code enforcement office and department and we have code enforcement officers that that spend a lot of time enforcing different parts of different codes, whether it be building code, erosion control floodplain, we've got certified floodplain managers, we've got erosion control officers that are that are licensed, we've got Building Code inspectors that have level five certifications. Mr. Poston stated John Jeleniewski does a lot of our code enforcement for Planning throughout the County, and then with Allison Kelley and Anna Harkins and my help we fill in some of those things, so we do have people who enforce codes. He stated I think where we're getting to is the code enforcement program robust enough and do they have enough resources to be as robust as maybe what this Board senses that needs to be happening and based on what you're hearing. In addition, he stated I think that a lot of times where staffing levels are evaluated are during the budgetary process and department directors for their departments, I do this every year, which is we evaluate what our needs are and based on what the expectation is set to us, as far as from management and Commissioners, we'd like to see more of this. He stated discussions amongst the Planning Board for the Planning Department that we need to do all this policy work, and you telling me this and I say, Gosh, I can't do that without these resources, and that's what I require in the budget and that's how we go about doing that. He stated whether it's additional personnel or consultants, we did this in Cashiers with the rewrite we're doing right now, we need to get that done, the Commissioners agree we need to get that done, but the only way we could do it was to hire a consultant to provide resources to do that.

Ms. Crespo stated don't get me wrong it is not something that I am asking you to do or the department to do because it is ineffective if it goes that way, we want an effective Code Enforcement Division, and that is what we are asking. In addition, she stated you have too many strings attached to keep you from doing it effectively and we need to get past that. She stated if

we had an effective code enforcement, Mr. Brown wouldn't be telling you the level of the water. In addition, she stated we wouldn't have that mess we have on Skyland Drive if we had an effective code enforcement for anything, and we don't have it right now.

Mr. Poston stated Mr. Elders was talking about that we needed a County attorney to help. Ms. Crespo stated Mr. Elders had told her we need Code Enforcement. Mr. Poston stated where I would say probably there's more impact and effectiveness, and I think that on a personal level, I don't know that coming from the Planning Board, because they have a board for erosion and sedimentation control appeals and everything, so there's actually an erosion control board that the county has. He stated I guess I'm getting to is you want to make a motion to make a recommendation that we put more people into the code enforcement department, or create a code or create a more specialized code enforcement department, I don't know that kind of neatly falls within the parameters of what the commissioners empowers us to do.

Mr. Brown stated he wanted to know if there was anyway they can influence that decision to separate the two departments, and I understand totally what you just said. Mr. Poston stated probably your relationships with the Commissioners individually might make more headway than the Planning Board. Ms. Crespo inquired that in order for us to get that separate effective department, we need to promote that to the Commissioners. Mr. Poston stated I think you can mentioned that to the Commissioners because they're the ones that's going to make the decision because if you're talking about creating a whole new department, that's going to be a whole other set up, and they'd be the ones that would have to direct that and when the Commissioners direct the County manager to do X, Y, or Z, things will get done because it's coming from the top.

Mr. Brown stated let me enlighten you just a little bit about this, he stated I know the erosion control departments are certified by DEMLR, which is Division of Energy Mining and Land Resources, and they're not doing their job and I'll tell you why because we tried our best water and other organizations tried to keep Swain County from doing away with erosion control program, which we failed doing. In addition, he stated the reason they did that is because the guy who was head of erosion control became a County Commissioner, Chairman of the Board of Commissioners and I had reported him on numerous occasions for not responding whatsoever to some egregious impacts on the water in Swain County and he decided to do away with the whole department and that's what happened. He stated DEMLR came over and the person that runs the Western District for DEMLR was all about it, and he's not a very effective man his own boss would tell you that.

Ms. Cooper stated I feel like hiring more people won't solve the problem, what we got to do is the ones we got, make them enforce it, and just because their buddies out here is putting crap in the ground and in the water, so they don't want to enforce it. Mr. Brown stated that's why there needs to be a separate department. Ms. Cooper stated because I didn't have any trouble understanding from the building inspectors when I was building two or three houses, you got to do this or I won't do this. In addition, she stated why can't they do the same thing, you got to clean this up or we're going to shut you down. Mr. Poston stated and they do some of that, Nathan Shepherd builds houses and I know Beverly Crespo does too, but I would say that's what my advice would be.

b) Regular Meeting Date/Time

Ms. Kelley stated at the last meeting, if you all read the minutes we talked about potentially moving our meeting date, and the two days that we were looking at was the second or third Monday at 6:00 p.m. In addition, she stated she had emails back and forth with everyone, and they were good with either of those days, and the only person she didn't know about is Ken, if that would work with his schedule to change that. Mr. Brown nodded yes and stated he decided to stay on for a bit. Ms. Kelley stated that would just be up to the Board to discuss that, if you all do want to make a motion to change the meeting date and time.

Mr. Shepherd inquired if there were any preference between the second and third Monday. Ms. Kelley stated not from staff. Mr. Poston stated we actually have both those days open, and the meeting would still be here and if for some reason, we would always find the venue, and we just need to know the best date, and we know the time.

Mr. Shepherd inquired what about time, 6:00 p.m. and is that's still good for everyone and if anyone feels strongly about moving that up.

Mr. Poston stated I think when we talk about 6:00 p.m. or 5:30 p.m., and I know that maybe we've become such a boring board that the public doesn't like to come see us. He stated but when I first got here, we used to have, maybe I was a little more interesting eight years ago than what I am today, but we don't get many public. In addition, he stated the reason we usually start majority of our meetings at 6:00 p.m. is if anybody does want to come join us, 5:00 p.m. is a little tough and sometimes 5:30 p.m. might work, we do our Cashiers Planning Council meets at five. He stated but if you get too much in the afternoon, then the likelihood that people that might be interested in a topic could actually attend without having to take off work or having to miss have kids practice or band or whatever it would be. He stated we could try 5:30 p.m. if that was what we like to do, but I would say 5:30 p.m. to 6:00 p.m., you wouldn't want to start much earlier than that. Ms. Crespo stated at the last meeting Emily Moss said she couldn't do 5:30 p.m. Mr. Poston stated that Emily has some kids. Mr. Shepherd stated they we will just do 6:00 p.m. on the second Monday.

Dr. Elmer Rhodie Humbert motion to change the regular scheduled meeting date to the second Monday of every month at 6:00 p.m. located at the Department on Aging in the Heritage Room.

Beverly Crespo seconded the motion, and it passed unanimously.

Mr. Poston stated we'll update the clerk and we will tentatively plan to make that change in May. In addition, he stated I'll check with the clerk to the Board of Commissioners make sure there's nothing that the board has to weigh in on, most of the time I don't think they would, but if there is anything, we'll keep you updated. He stated we'll keep you updated on the date, it will either be effective in May or it will be effective in June, but we'll let you know that by next week.

c) Historic Preservation-Anna Harkins

Ms. Crespo inquired how do we let the public know that the topic is going to be discussed so we can get some public interest. Mr. Poston stated we send out a lot of information on social media our websites, we let folks know, we also have a Historic Preservation Commission (HPC) in the County. He stated we have a Facebook page for historic preservation, we've populated that over the years, we get a lot of interest from folks, but never enough interest to draw them to an actual meeting. In addition, he stated I think last time the HPC had a really big meeting was in the middle of them discussing the statue on Main Street, and we had about seven people come in. Mr. Poston stated Ms. Harkins is going to explain to you the program, and probably why we don't get as many folks interested in is we don't have a lot of folks going through the hearing processes because it's a voluntary program, and she has been trying to generate interest for three years, and she is still working hard at it.

Mr. Brown stated leading WATR for as many years as I have and understanding volunteerism, you can put out all kinds of information out there about everything, and the response is appalling, sometimes it's disheartening and I commiserate with you on that. Ms. Harkins stated a lot of people when they hear about, they're like oh that's great, and then they don't want to know too much more. In addition, she stated I have been waiting for three years to come and talk to the Planning Board about historic preservation.

Ms. Harkins stated my undergraduate education is in Historic Preservation, and also Art and Architectural History, so this was my first love and then I went into planning to also be able to implement Historic Preservation principles with development, urban planning and getting to do historic preservation in Jackson County has been very fun. She stated I studied Historic Preservation in Charleston, South Carolina and trying to apply that in Jackson County, it's been

very different. She stated the program's been around since 2009 here, and has kind of been fluctuating and how active it's been, but we've been working hard in the past three years to try and get things moving along. In addition, she stated the presentation that I'm going to show is a shortened version of the presentation that I do when I talk with WCU students about once a semester, I go and talk to a public history class, about historic preservation and what we're doing in the County.

Ms. Harkins stated so what is historic preservation in the first place, a lot of people have some misconceptions about what historic preservation is and what it's not. Ultimately, it is the restoration, conservation preservation of sites, so we're not necessarily talking about papers and documents, and things inside museums and textiles. We're talking about sites, buildings, infrastructure, bridges, battlefields, those sorts of things are considered under this wide practice of historic preservation. It originally started back in the 1850s with the Mount Vernon Ladies who were a group of a lot of fluent, wealthy women who saw that George Washington's home was falling just into complete ruin, and so they started the letter writing campaign and gathered money to save the home, bring it back to what it was when George lived there, and then turn it into a museum, because they wanted people to be able to go and visit it because it was our first president's home, and it really stayed like that. That's what historic preservation kept being, it was groups of primarily wealthy women coming together, talking about what old home they wanted to save in the community, getting the money together, saving the home. In the 1960s, things started to change a little bit due to a lot of urban renewal in cities, there were two kind of different strains of things that were happening. The first thing was a lot of historic buildings essentially landmark buildings, grand train stations, or grand public buildings that were designed 100 years before were being torn down to make room for high rise buildings, because this was the rise of a lot of taller buildings in cities. In addition, it also started the slum removal in a lot of cities as well to try and draw people back into the cities and to make room for highways, and a lot of historic neighborhoods that were predominantly people of color, were also being torn down. From those two different areas came a lot of people advocating for saving national landmarks, so places that have a lot of important history, when it comes to politics to architecture, this was a very important spot in our community. In addition, then it also created a little branch off of that of people like Jane Jacobs, who is my hero, I had to include her, she was an advocate for planning and historic preservation at the same time, who were advocating for saving historic communities, and advocating that these already existing communities should be saved due to the existing culture that's there, the people that are already there, and also the way that the communities were being built before were better than what was happening with the high rises coming into the cities. With all of that pushback, came the National Historic Preservation Act in 1965, which was what created preservation kind of as a practice in itself, and what it did was it created legal protection for historic landmarks, both at the national level and the local level. What this did was it created the National Register of Historic Places, and also created State Historic Preservation Offices, allowed for communities or local governments to create Historic Preservation Commission's and protect local landmarks. In addition, then it also created Section 106, which protects historic sites from any potential harm from federally funded projects, and that includes if a road project is coming through that is involving any federal money that would have to be reviewed to make sure that there's nothing historic or potentially historic in its path, and if so, how can they mitigate that. Ms. Harkins stated there would be some sort of change made, so it could either be moving something with the project itself or it could be moving the building or it could be buffering, anything to kind of help retain the historic structure if possible. Those sorts of projects happen all the time, they have been here where we've had a lot of our surveys done for that specific reason to make sure that there wasn't anything historic in its way, but it also gives us a lot of great information because that means that DOT had a historic preservationist come in and check an area for us so then we get information.

Mr. Brown inquired if Section 106 doesn't necessarily protect from eminent domain by the federal government. Mr. Poston stated they're going to have to mitigate that, they're going to have to figure that out, and sometimes that means you'll scoot around it sometimes. In addition, he stated I don't know that anything really specifically protects everything.

Ms. Harkins stated it's definitely not a cure all, preservation is never the cure all. There are three different levels of historic preservation, land use law in a way. At the national level, we have the Historic Preservation Act of 1965, and this is kind of an enabling act that gives the states the ability to create Historic Preservation offices that creates that National Register of Historic Places, and also created the National Trust for Historic Preservation, which is an organization that works to do a lot of advocacy at the federal level for different types of legislation for historic preservation. North Carolina General Statute 160D-9-40 is our North Carolina, section for Historic Preservation and this is not everything that's in 160D regarding Historic Preservation. This section of 160D lays out is local governments creating Historic Preservation Commissions (HPC), the powers that the HPC has, and the setup if you want to have a local landmarks program and what you can and can't do with local landmarks and districts, as well as things like delay of demolition for landmarks and things like that. At the local level, we do have our Jackson County Historic Preservation Ordinance, we're working on updating it because it hasn't been updated since 2009, and we're trying to make it a little bit more applicable to where Jackson County is with historic preservation right now.

Ms. Harkins stated when I talk with WCU students that are in a public history class, my favorite thing to say is, I'm sure it doesn't make a lot of sense to most of them that I'm there, but then the reason why it makes sense that historic preservation and planning go together is because that's the way that the federal government set it up to where land use law and historic preservation all have to go together in order for it to work because we're dealing with real property. In addition, she stated the different historic preservation programs, at the federal level it's the Secretary of Interior and that's where the National Register for Historic Places is, and you'll hear a lot of people talk about the National Register of Historic Places, it's almost like an honor in a way, there isn't a lot of police power when it comes to those national register sites. Unless you are wanting to get a lot of tax incentives for your rehabilitation project that you're doing or you want to save it in some sort of very specific way, the National Register is really just a way to preserve it at a very large scale. To be on the national registry, you have to really prove your significance, so whether that's architecturally whether someone important lived in that building or an important event happened in that building or somebody important designed it, those are all different criteria. For something to be considered historic, it only has to be 50 years old, so if a building/structure is over 50 it can be on the National Register. Age alone does not count, just because something's old doesn't mean it can get on the National Register, it also doesn't mean it can get our local register as there has to be some extra significance behind the building in order for it to get on a register.

Mr. Brown inquired could it be a property and not just a building. Ms. Harkins stated sometimes it really does depend by site, a lot of times the National Register and also the State Historic Preservation Office can be a little dicey on what they consider integrity of the site. If it doesn't have an exact structure on it but it did and that's site specific there really has to be something solid there to show why it's still significant today.

Ms. Crespo stated an example that I have is my ancestors came from 100-acre tract, you can't get to it from with a vehicle, and it still got the original cabin. In addition, she stated the Historical Society in North Carolina and picked up things that were made there on the farm, but the cabin is still there and I would hate to see anything happen to it.

Ms. Harkins stated I personally as someone who does historic preservation, I don't necessarily always agree with where State Historic Preservation Office (SHPO) and the National Register claim integrity, and they are working on reforming a lot of that stuff, Historic Preservation reform is happening right now. In addition, she stated they're reevaluating what they consider significant due to situations like that, where there are buildings that should be preserved

and should be saved for local history for maybe a side of history that people haven't thought of yet, and they're trying to rework some things. She stated I always try to advocate for things like that, and our local landmarks program does really like to focus on our local history as well. At the state level, that's SHPO, if you do have a historic building and you have some questions about how to take care of it, they have the experts to talk to and they can tell you what you need to know, and they could always send an expert out and you can do that even if you're not a landmark. SHPO is a great resource, they also provide a lot of technical assistance to local landmarks programs, and they do statewide planning for historic preservation so they do kind of a comprehensive plan every so often. At the local level, we have our Historic Preservation Commission (HPC), and our main focus is the landmarks program that designates individual sites or a collection of sites as local landmarks or districts, they have to hold significance to local history and culture, that could be architecturally it could be a person, it could be an event. The property owner must apply and then that application is reviewed by the SHPO first, they do an application stating why they're significant with pictures, a survey if they have one and then the SHPO gives their opinion on it if it would be good for the local register or if they do not think it would be. Then that application would go to our local HPC and they would make this similar determination, whether they do think it's significant or not and then offer a recommendation. The application would then go to wherever the governing board is as our HPC is a joint commission with the Town of Sylva, Dillsboro, Forest Hills, and Webster are all part of that as well as the rest of our County. If the property that's been designated or wants to be designated for a local landmark is located within a municipality jurisdiction, it would go to that town board, and if it is out in the County it would go to the Jackson County Board of Commissioners where an approval or denial would take place, and if it's approved it would become a local landmark. Once it has become a local landmark protection of the building comes into play, and any exterior changes will be sent to staff for review and must be reviewed and get approval by the HPC for consistency. The trade-off for this type of review is you're eligible for some property tax deferrals, and if you make a change that doesn't get approved and your site ends up going off of the local landmarks program, you'd have to pay back some of those taxes.

Ms. Harkins stated the property owner must apply, we can always ask our HPC and they could always stress to property owners and try and promote to property owners that this might be a really great opportunity, but it is a voluntary program. Even if the property would be a great landmark, we can put the program on top of them because it's something they have to enter into themselves. However, it does pass on from property owner to property owner, for instance if they were to sell the property the next person who purchases it would also be a part of the program automatically. Ms. Harkins stated it's tied to the Tax Office, and I explain it to people it's kind of like an easement. They're not talking about the inside of the structure either, they're not going to tell you that you can't change the lighting in your bathroom or put in new flooring, or paint the walls purple on the inside, if that's what you want to do. The program is more of preserving that outside for the public, and you see it in a lot of neighborhoods where they're wanting to kind of keep that specific look/charm, or if it is a site that is very important to the community like an old Farmstead, those sorts of things. It really is that exterior that is being preserved and sometimes the site itself, people will do like the main structure and the barn in the back or the garage because that counts now for historic preservation, it really just depends. In addition, she stated I've never experienced one of these myself where there's interior easements, that is a little bit different. Usually the interior easements are for ones that are also kind of museums that are owned by historic societies and those sorts of things where they really are wanting to make sure, even if they have to sell it as a museum to somebody else, that the buyer can't just come in and gut it.

Ms. Harkins stated if a property gets a local designation and you make any changes you need to get the permission from the HPC, you can also get a post Change Approval too which is if you make a change suddenly you can come back and get it later on if you need to. The exterior

changes doesn't apply to things like general maintenance, for example if you need to change the hinges out on the doors, if you're cleaning the building or if one board falls loose off the porch, just put it back. It's more for those larger scale changes that you're making, like changing out the columns or changing out the windows. In addition, one of the changes we're hoping to make in the updated Historic Preservation Ordinance would be also having a staff level review, if it's just one window being replaced it wouldn't have to go through the HPC, and it can be reviewed at staff level for that historic consistency, rather than going through a much longer process. That's the way most places do it nowadays and we need to update the Historic Preservation Ordinance to kind of match what's happening everywhere else.

Mr. Brown stated the Appalachian Women's Museum floor decking around the whole entire structure was changed out but they didn't replace it with the traditional oak T&G floor and inquired if that was consistent. Ms. Harkins stated it comes down to how the HPC uses the design standards from the Department of Interior, because it does give some design standards of saying this is how you can review things, this is what you should do with the historic building, and this is what you shouldn't do. In addition, she stated based off of that they would make the determination of this isn't the exact same thing but is close and it's not harming the integrity of the building. Sometimes if it's a close substitute, especially for some, a lot of buildings with slate roofs a lot of time you sometimes can't get the replacement, or sometimes with bricks, and that's when the HPC would look at what alternative would they permit, and sometimes they do say no that doesn't work and it needs to be something different.

Mr. Brown inquired who would have made the call on that particular building would that be the County or state. Ms. Harkins stated with that building, it's not on our local register it is on the National Register, and I don't believe it got its National Register nomination until after its restoration. Therefore, that entire restoration project wouldn't have been looked at. Mr. Poston stated if it's on the National Register there's nothing we do locally, the Jarrett House is a great example, it's on National Register and it's being redone right now, they're choosing because for the tax credits, but if they would have chosen to replace it all with board and batten and then today's materials, there's nothing we would have done locally to prevent that, because we don't have any authority to prevent that. Ms. Harkins stated they probably could have kept their National Register status until somebody brought it up to the State Historic Preservation Office. If they had painted the Jarrett House purple, unless somebody from the area called the State Historic Preservation Office and said this building does not look like what it was put on the register for, then they might have their designation removed but there really isn't that much policing of the National Register site unless there's some money involved.

Mr. Brown stated he had submitted a proposal to Township of Dillsboro to and had a whole volunteer staff and donated materials to completely replace all the T&G white oak flooring on that porch that goes all around the house for free and they put in a different type of flooring.

Ms. Cooper stated she worked with a couple people to fill out the National Register paperwork, and the straw that broke this camel's back was they wanted slides, and even at that time digital was quicker and much easier to share and inquired if that has changed. Ms. Harkins stated you can definitely submit everything digitally, and can also do just about any type of photographs. In her experience, they usually say black and white photographs, and they want some color photographs if you can give them, but not specifically like slides. In addition, she stated I believe right now you can send it through email, mail or you could submit it any way that they have. She stated I haven't done a National Register nomination in a while, but from my understanding that can all be done in one form that can be mailed or emailed and depending on what you're doing, the State Historic Preservation Office is kind of the in between for that.

Ms. Harkins stated breaking down the local level and the makeup and duties of the Historic Preservation Commission (HPC). HPC has a total of 11 members, one member from each jurisdiction and then we have one member for each County Commissioner, and the Planning Department staffs the HPC. The Department helps run the meetings along with assisting in any

preservation projects, help with public history and outreach. Once the program's a little more active, we would also be doing some Certificates of Appropriateness (COA) for approval of those changes to buildings made to local landmarks. The HPC can encourage people to join the local landmarks program, can encourage them to apply for the National Register, and we can always say we think they would be a great nomination for the National Register and send that along to SHPO. The HPC also hear and make decisions or make recommendations for the local register, and they review those exterior changes. In addition, the HPC also works with local nonprofits and educational institutions to educate the public on our local history. Currently, we have a great relationship with WCU's public history department and she goes every semester to talk to a public history class, we had an intern this past year that made a great Story Map for WCU's historic area on campus. The HPC also has a booth at Mountain Heritage Day every year, and we've also had a lot of conversations with places like the Appalachian Women's Museum and Mountain Heritage Center about ways that we can collaborate and share resources. Regarding the funding sources, the State Historic Preservation Office has kind of two levels of what they look at local government in their lens, and Certified Local Government is when the SHPO office says, yes, you're very active HPC and we're going to give you the certified stamp, which would then make you eligible to apply for grants through our department (SHPO). Our HPC is not certified yet, we're working on it though, which would allow us to apply for grants for local landmarks that need a roof repair or need to change out a window. The CLG certification could help with very specific cases where we could apply for grants, it could also make it possible for us to do surveys of the area more so if there's a specific type of study that the HPC wants to hire somebody to do.

Ms. Harkins stated the HPC is doing in Jackson County is updating our Historic Preservation Ordinance, I'm also working on creating an inventory of the historic structures that we have documentation of so they're in a localized place in the Planning Departments database. This documentation will help if someone does call us ask about a building, you can let them know it was picked up on a survey a couple of years ago or there was a WCU student who did some research on that building and we can pull up some history for them really quickly. She stated she does get calls every now and then asking about historic sites because people ask about the HPC and are directed towards my office, and every now and then I'm talking with somebody about a cabin on the side of a mountain and trying to see if it's been picked up on a survey previously. The HPC is doing a lot of public engagement which is kind of our main thing right now we're trying to tell the public that the HPC exists, our local landmarks program exists, and we have a lot of National Register sites in the County that you should all go visit. Our booth at this past Mountain Heritage Day we did a drive through Jackson County's landmarks theme, where we pointed out all of Jackson County's National Register sites. Ms. Harkins passed out the brochures of those National Register sites that were also included in the booth.

Mr. Brown inquired if Ms. Harkins has been asked by the Appalachian Women's Museum to do a presentation like this. Ms. Harkins stated I'm in contact with their current chair and we're trying to figure out when would work best to do a collaboration. In addition, she stated the brochure showed a map of all of our National Register sites in the County, and there are QR codes to different walking tours throughout some different municipalities for their historic sites. The HPC wanted to highlight our National Register sites, let people know where they can go, let them know if it's open to the public or not and they can go visit.

Ms. Harkins stated the Balsam Mountain Inn got a new owner within the past year and a half and she and Ms. Kelley were able to go out and visit the site last year. In addition, she stated I did ask them if they wanted to say they were open to the public on this brochure and they said yes, and they do have a very active social media presence on Facebook to see when they're open and they're hoping to start renting out rooms this year. She stated they're really wanting to get involved with that Balsam community and encourage people to come and enjoy the property, it's a great site and they've been doing a lot of hard work and it's a lot of them just doing it themselves. Ms. Harkins stated on our most recent architectural survey which was updated in

2020, they did discover what could be a potential National Register district up there in the Balsam area due to the unique history and the unique architecture.

Ms. Harkins stated the County has three local landmarks, and were all designated before I was here which includes the Zachary Tolbert House in Cashiers, Webster Methodist Church and the Hooper House on Main Street Sylva. The Hooper House is actually a very unique site as it is on the National Register independently, it's also in the National Register district for Sylva, and it's a local landmark. All of these sites are on the National Register and on our local register. The benefit of being on the program is the tax benefit which is handled by the tax office and not the Planning Department or the HPC. The tax office comes up with the number and how much of the deferral they'll get on their taxes. Most places it's done by a percentage of the property, if it's just the building and not the rest of the property that's gets under review, it fluctuates and it wouldn't be the same for every single property.

Ms. Crespo inquired if the HPC establish standards for someone who wants to duplicate a historical mountain cabin or a mountain home, and if that was part of the process. Ms. Harkins stated no, not pre-duplicating, that would kind of happen if you already had a site with a cabin on it and you're wanting to build a new one right next to it. If the whole property itself was a part of the National Register or Local Register, that's when there might be some questions in like adding additions or adding new structures to a site, but for the most part new structures being built in a historic way it's always a great thing. Ms. Crespo stated there was an interesting project we were involved in five years ago, and it was a lady who moved to a part of North Georgia and she had been studying historical preservation since she was 10 years old. In addition, she stated there wasn't anything she couldn't tell you about a piece of wood, piece of stone, a stair part that she didn't have a history on. Everything had to be a duplicate of some historical stairwell that she found or some historical type group that she had, it was fascinating, tedious and would not want to do many of them. Ms. Crespo stated but it was a treat, I learned more from that than anything.

Ms. Harkins stated I wanted to show the wide array of architectural styles we have in Jackson County, it has been so fun for me coming up here and really seeing how many different styles of buildings are in this County alone. We have a Swiss Chalet building in Cashiers, a fantastic modern Roundhouse in Forest Hills, and then we have great Victorian styled structures, 1800s cabins, it's a very large group of historic buildings in the County. There have been so many resources that have been picked up on surveys that have been done over the years, hopefully we can get the HPC more active. We are trying to educate the public, we are working on updating that ordinance that maybe hopefully with the staff level review that they would have to get a change reviewed, but at least it wouldn't be going to a whole board. The HPC meets every third Tuesday of the month at 5:15 p.m. usually in the library and the room varies. The HPC is a great group of people who are very interested in Jackson County history, we have some local history legends there and we have great representation from WCU, from Mountain Heritage Center and the Geological Society. Ms. Harkins passed out materials for public history purposes that the HPC created a do your own architectural survey at home guide to those that are interested in doing historical research with some resources that they can go to and then a form that they can fill out. She stated we really wanted to encourage kids and their parents to get together and do the research on their homes. In addition, they also did an architectural type guide to give architectural knowledge and terminology, and coloring pages of the National Register sites in the County with a brief history of the buildings, the most popular was the Hooper House and Jackson County Courthouse. They also made coloring pages for the Zachary-Tolbert House and they have a PDF copy they can keep printing and keep in their lobby and the Appalachian Women's Museum.

Ms. Cooper inquired about cemeteries. Ms. Harkins stated cemeteries go through the cemetery board, we don't currently have any cemeteries on our local register but cemeteries could go on the National Register or a Local Register.

d) Outdoor Lighting

Ms. Harkins stated we're working on the Outdoor Lighting Ordinance, we have mentioned we're doing some ordinance recodification in Cashiers with a consultant. She has been having conversations with the consultant regarding Outdoor Lighting and the Cashiers area and how we want them to kind of all mesh together, because I didn't want to write an ordinance and then Cashiers have something completely different. We are working together to do something that will be very cohesive, that can be applied everywhere and all of its going to be based on what the Dark Sky Association recommends, downcast lighting, we're working on the heights and the different areas such as parking lots versus building lighting.

e) Community Appearance

Ms. Harkins stated Community Appearance Commission's was something that came up as a topic that people were interested in North Carolina General Statue 160D. She stated a Community Appearance Commission (CAC) is really about doing study of the visual problems and needs of a local government, carrying out programs that will enhance and improve the visual quality and aesthetic characters of the local government. The things CAC does a lot of the time is they can give guidance in the matters of an area, do studies, prepare plans, they can come up with recommendations, they can seek voluntary adherence to different standards. There's a lot of things that they can do and they also happen at different levels. She stated during her research she looked into where they happened at the County level, because a lot of times we were finding is a lot of these things happen at a town level. In North Carolina we found that the main things the CAC are really doing is they are all recommending and volunteer boards and they are not really given any power to make big decisions on things. The kind of the recommendations that they can do is make recommendations on ordinances, project plans or information about project plans if there is a comprehensive planning process going on or a small area plan they can give a recommendation of things that might be good, and that usually happens at the request of an approving board. In addition, there is only one CAC that she saw that has the authority to review actual building plans, but it's only for government of buildings and they are the first stop on the recommending boards. The other CAC's is only given those plans if the governing board says we try want their opinion, so it is not the first stop for everybody. Then the CAC can give general or specific recommendations about the appearance of the community to the governing boards. However, most of the CAC's do a lot of educational programming, a lot of studies, and a lot of award recognition programs. A few of the CAC's do a lot of studies about local landscaping and plants and the environment and do educational programming about that, and then will give awards to sites that have great planters or a rain garden. Based on the research it appeared the CAC's are doing more of the educational programming, coming up with ideas about what type of tree to have in an area or identifying different trees that should be added to the planting list and it is not really as much looking at plants and saying this would look good for the community or this would not. Ms. Harkins stated that is her findings on CAC's and there was not much there especially when it came to the County level.

Mr. Poston stated he has staffed to Community Appearance Commission at a local level, and he thinks in an urban setting, town setting where they are identifying the yard of the month. He stated I think it would be hard to find enough people to staff a CAC just for Jackson County, and the reason why is if you count up the number of boards that we have in Jackson County there is a lot of boards that are that our Commissioners have to fill. In addition, he stated he thinks a lot of the work is repetitive in what this board would and what our planning councils would look at like plant lists and things of that nature that we have three different planning councils that have landscape standards, and they are kind of already charged with advising about those types of levels of decisions. However, he thinks they could do some educational programming they could do awards and recognition program as that is where you see a lot of that get. In addition, he stated he does not know if many even at the city level that do a lot of these where you got to go through

the CAC to get your approval before you go to another board, it's usually your Planning Board, Board of Adjustment, or County Commissioners that are the decision makers in those regards. He inquired what is it that you think that a CAC could do that would be beneficial to the community, and then we can figure out if there is a way that if they are not already incorporated in an existing board, however functionally I think it would be difficult to recommend the creation of a whole new board to do pieces of things that we already have boards do.

Mr. Shepherd inquired if those things could be absorbed and consolidated into this board. Mr. Poston stated not necessarily because we are a partially zoned County and we have planning councils, and some of the authority that you might think you would invest with the CAC, you wouldn't take away from the planning council because of how we have historically set those boards up to be local boards that are in some ways responsible for that ordinance in that one small area. In addition, he stated I don't know the juice is worth the squeeze on this, the work that you would do to put it together however, if you are wanting to create an awards and recognitions program maybe that is something we could look at or educational programming. Mr. Poston inquired what benefits do you see of a Community Appearance Commission, because we don't have the staff to staff an additional board, and if you don't have staff assigned to board it is going to be very hard for them to do a lot of their work. In addition, he inquired what do you think that a CAC would do that we are not doing already with another board that we would want to do.

Ms. Crespo stated it is pretty obvious, go on Skyland Drive and right there through the railroad tracks, you see those buildings there which are albatross to Jackson County and if we would have a community appearance ordinance or something, surely to goodness we would not have that and it is right in front the most historical house that we would ever have in Jackson County. Mr. Poston stated the CAC would only have authority if there's an ordinance, but the CAC they would not have any real authority outside of if you don't have architectural standards for the community, the CAC can't evaluate a building. In addition, he stated you would have to have in effect some sort of zoning control or architectural control in place for the CAC to even apply standards, and just by creating the commission they wouldn't evaluate every building that is being built in the County.

Dr. Humbert inquired what are the common threads between these others CAC's that might be pulled as a common thread. Ms. Harkins stated there is not too many, because she tried to find a lot of them and all of them adopted their ordinance in a very different way, and all of them have completely different things that kind of they do somewhat. Winston Salem, Forsyth County she believes that is the one where the only thing that they would review would be County buildings, and then everybody else would only see any sort of plans for buildings if a governing board specifically gave it back down to them for a recommendation and they don't actually approve anything. The only other common threads that she has seen is educational programming. they do a lot of studies about the environment and arts projects, they do awards and recognition programs. These are more common threads, some of them focus on one or one or the other and Polk County is all about their awards program.

Mr. Shepherd stated he is trying to understand what is being said is he thinks we have some things in the County that we don't like how they appear if it's certain houses, dilapidated unsafe structures, signage, outdoor lighting and we have generated a list of things of how do we control those things. In addition, he stated we will also recognize that this sounds great and he thinks everyone on this board thinks the Community Appearance Commission's sounds great, but he does see how it quickly has almost no power and authority, it's a wish list. Mr. Shepherd stated what I think could be the solution is a zoning ordinance, countywide zoning and he does not know how popular that is, but it feels like that would probably help with erosion control, like it would help with all this, with water quality, with historic preservation, and help with all of these things that we feel like we always constantly just run into a wall with, and if we had a county attorney.

Mr. Poston stated he wanted to caution everybody and we have talked about zoning and I told you that there is some greater ability to talk about how things get developed, but I don't want to sit here and tell you that that any regulatory framework, countywide zoning, partial zoning, the development standards that we might write is the silver bullet that will fix all cures. He stated what I tell a lot of folks is that there's no regulation that you can write that will totally prohibit any one particular use effectively, and there's not one that you can write that causes something to happen 100% of the time, effectively. In addition, he stated what I tell people is you can't zone anything into existence and you can't really zone anything out of existence in practicality. He stated you can write it down on a piece of paper, but the actual doing of it is a lot more complex. Mr. Shepherd stated but is a step in the right direction. Mr. Poston stated yes, it can be.

Mr. Poston stated there's going to be some state and federal reasons why we don't have the authority to do exactly what you would hope we are able to do, and I think that's true with floodplain, I think that's true with what Tony Elders authority is on condemning buildings and how he can condemn a building but it is a long process about how you take one down. Because just putting the tape, putting a sign on there saying condemned you can't be in there, doesn't give him the authority to bring in the wrecking ball, only a judge can do that. Mr. Poston stated I want to make sure you understand that even if the Commissioners are willing to do some of these things they have no legal authority to do it. He stated we are trying to figure out and ask you these questions what is it about the X, Y or Z that you really are seeing as the issues, and what that gives staff the ability to do is to figure out if we have any regulatory vehicle available to us, and it may not be a one for one, but it may be enough to say here's what we can do.

He stated all my probing all my telling you that we can't do it this way is to try to get us to a point to get you to a yes or get you to here's how we address that issue and it's not the way that that we think we can get there. but it's kind of if you can't get through the door, go through the window and maybe we have a window to get through. He stated that's why I'm trying to understand what exactly some of these things it's not to tell you no all the time and frustrate you, but so I can get maybe to some of the root issues and maybe I can address some of those through some of our vehicles, and that's what we're trying to do.

Mr. Brown stated he understands the Planning Department is broadly limited in their purview and what they can actually do because of the state legislator, and the statute says they are and that's where we need to work because if you are looking at erosion control we're not getting enforced because we don't have the wherewithal from DEMLR.

Mr. Poston stated let's talk about what we have been able to do over the years, and Mr. Brown has been on the board long enough that he's helped us do some things that we could do. He stated the first inspection you get has to be an erosion control inspection and if you don't pass the erosion control inspection, you don't get your slab inspected. He stated that has been changed since your time on the board, we have shorten the amount of time you have to stabilize a site and before it just said you could didn't have to stabilize until you get to the final grading, which would be eight months to a year sometimes, and what we've said is no not anymore, you've got I think 10 days to a least seed it. He stated we have come up with some ability to address some of the issues and it doesn't address all the issues we have with erosion control, but there were some things we could do that would help address some of those components. In addition, he stated likewise that's what we're trying to figure out, here are some of these issues and we may not be able to address everything in it, but we might be able to start chipping away.

Ms. Crespo stated most of you remember about five minutes months back we went through a whole list of all of our ordinances in Jackson County. In addition, she stated we take this that was passed by the North Carolina General Assembly in 2021, and it gives us all of the ways that we can enhance our ordinances, make them stronger, make them more effective, a that's all we have to do.

Mr. Poston stated I'll disagree a little bit with that as it gives us the guidelines, but it doesn't give all the specifics and it's up to us sometimes to work into the specifics of it. He stated that's what we're doing here because what we said is what are the five or six things that we really want to know how we can affect, and I wanted to explain those interest areas and come back next month and start talking about all these different pieces that we have concerns with now that you've heard Mr. Elders talk about, you've heard Ms. Harkins speak tonight, and you've heard us talk about all these different interest areas.

Ms. Crespo stated she is really not advocating that Mr. Elder's department have anything to do with code enforcement because they really do have their hands full with what they're doing right now. In addition, she stated if you have dealt with some of the situations that I have they don't have the staff to cover. She stated they need to focus on buildings and construction etc., and that's what they are there for to follow the international building codes. In addition, she stated we don't need an enforcement department for that, we need a code enforcement department to actually hold people's feet to the fire for what our ordinances say, and our ordinance is going to cover a lot of things including everything that we've talked about in the last year. She stated to narrow it down to Mr. Elders is unfair as I've heard this from not just Mr. Elders but many other county employees, we don't have a code enforcement department.

Adjournment

With no further business, Ken Brown made a motion to adjourn. Beverly Crespo seconded the motion, and the meeting adjourned at 7:47 p.m.

Submitted by:



**Allison Kelley
Administrative Assistant – Planning**

Approved by:



**Nathan Shepherd
Planning Board Vice Chairman**