



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## Planning Board Action

File #: 19-119

Commissioner Worley - Planning/Development Services - Historic Preservation Commission - To Approve an Agreement Between Gaston County and the Town of Cramerton Designating a Joint Historic Preservation Commission and Authorizing Gaston County to Act on Behalf of Cramerton as the Certified Local Government (CLG)

### STAFF CONTACT

David L. Williams - Planning Director - 704-866-3473

### BUDGET IMPACT

N/A

### BUDGET ORDINANCE IMPACT

N/A

### BACKGROUND

N/A

### POLICY IMPACT

N/A

### ATTACHMENTS

Interlocal Agreement

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	JBrown	AFrley	BHovis	TKeigher	Philbeck	RWorley	Vote
2019-073	03/26/2019	RW	TK	A	A	AB	A	A	A	A	U

### DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

**AGREEMENT DESIGNATING A JOINT HISTORIC PRESERVATION COMMISSION AND REQUESTING THAT  
GASTON COUNTY ACT AS CERTIFIED LOCAL GOVERNMENT**

This is an agreement between the County of Gaston ("County") and the Town of Cramerton ("Town") requesting the Gaston County Historic Preservation Commission to exercise those powers and duties given to it by and under the North Carolina General Statutes, N.C. Gen. Stat. §160A-400.1 *et seq.* and the Gaston County Historic Preservation Ordinances (Gaston County Code of Ordinances Chapter 13, Article II) within Cramerton's planning jurisdiction, as well as to act on the Town's behalf as a Certified Local Government.

**1. Designation of a Joint Historic Preservation Commission**

Pursuant to the authority provided in Section 160A-400.1-15 of the North Carolina General Statutes, the County and Town hereby designate the Gaston County Historic Preservation Commission as a joint historic preservation commission to be governed by the statutory sections cited above and provisions set forth in the Gaston County Historic Preservation Commission Ordinance, as established in the Ordinance and Resolution creating the Historic Preservation Commission and its amendments, as found in Resolution 90-124, 91-26, and 93-308. The Commission shall have the authority to exercise, within the planning jurisdiction of Cramerton, all the powers and duties given to it by said statutes as well as the Gaston County Historic Preservation Commission Ordinance. These powers and duties shall include but are not limited to identification and designation of local historic districts and landmarks as provided in N.C. Gen. Stat. §160A-400.4 and 400.5, provided that any such designation be submitted to and approved by both the Town and the County. The Commission shall have the sole authority for issuing Certificates of Appropriateness for any designated landmark, but shall have the authority for issuing Certificates of Appropriateness for properties within a historic district within Cramerton's planning jurisdiction only if the County and Town subsequently adopt an interlocal agreement providing such authority.

**2. County Amendments to the Gaston county Historic Preservation Commission Ordinance**

If the County proposes any amendment to the Gaston County Historic Preservation Commission Ordinance, it will provide the Town written notice of the proposed amendment and provide the Town reasonable opportunity to review and comment on the proposed amendment before the County holds a public hearing on the amendment.

**3. Funding Commission**

As established in the Ordinance creating the Historic Preservation Commission and subsequent amendments, the County will provide the staffing, materials, and funding it deems necessary to support the Commission's basic duties.

#### **4. Withdrawal from Agreement**

The Town may withdraw from this agreement by providing the County a 90-day written notice of its withdrawal. The County may terminate this Agreement by providing the Town with a 90-day written notice of its termination. Any landmarks within the jurisdiction of the Town after withdrawal from the Agreement become the responsibility of the Town provided that it has passed an ordinance to create a local preservation commission. Landmarks in the jurisdiction of the Town but with no preservation commission will be de-designated by the Gaston County Historic Preservation Commission.

#### **5. Entire Agreement**

This Agreement constitutes the entire agreement between the Parties and it supersedes any and all prior representations and agreements, whether oral or written, between the Parties. No such prior representations or agreements may be offered or consider to vary the terms of this Agreement, or to determine the meaning of any of its provisions.

#### **6. Severability**

In the event that any provision of this Agreement is declared invalid for any reason by a court of competent jurisdiction, said finding will not affect the remaining provisions of this Agreement.

#### **7. No Third-Party Beneficiaries**

This Agreement is binding upon all Parties hereto, by and through their officials, agents, employees, and successors. This Agreement is enforceable only by the Parties. No person or entity is intended to be a third-party beneficiary of the provisions of the Agreement for purposes of any civil, criminal, or administrative action, and accordingly, no person or entity may assert any claim or fight as a beneficiary or protected class under the Agreement.

#### **8. Rights of Third-Parties**

This Agreement is not intended to impair or expand the right of any person or organization seeking relief against the County or the Town or any officer or employee thereof, for their conduct or the conduct of any officer or employee. Accordingly, it does not alter legal standards governing any such claims by third parties, including those arising from state or federal law. The Agreement does not expand, nor will it be

construed to expand, access to any of the Parties' documents, except as expressly provided by the Agreement, by persons or entities other than the Parties.

**9. Effective Date**

This agreement shall become effective between the County and the Town after adoption by both the County Board of Commissioners and the governing body of the Town.

\_\_\_\_\_  
Tracy Philbeck, Chairman  
Gaston County Board of Commissioners

\_\_\_\_\_  
Date

ATTEST:

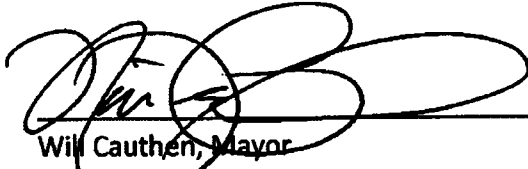
\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Will Cauthen, Mayor  
Town of Cramerton

3-14-19

Date

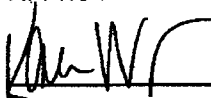
ATTEST:

  
\_\_\_\_\_  
Wilene Cunningham, Town Clerk

3-14-19

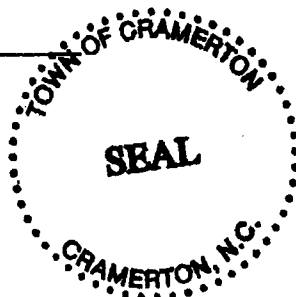
Date

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Karen Wolter, Town Attorney

3-14-19

Date



Resolution No.2019-06

**RESOLUTION DESIGNATING GASTON COUNTY HISTORICAL PRESERVATION COMMISSION AS HISTORIC PRESERVATION COMMISSION FOR THE TOWN OF CRAMERTON**

WHEREAS, The Mayor and Board of Commissioners of the Town of Cramerton acknowledge that the historic heritage of the Town of Cramerton is one of its most valued and important assets;

WHEREAS, the conservation and preservation of historic districts and landmarks stabilize and increase property values in their areas and strengthen the overall economy of the Town of Cramerton;

WHEREAS; Pursuant to N.C.G.S. § 160A, Article 19, Part 3(c) The Mayor and Board of Commissioners of the Town of Cramerton wish to authorize the Town of Cramerton to safeguard the heritage of the Town of Cramerton by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory and to promote the use and conservation of such a district or landmark for the education, pleasure and enrichment of the residents of the Town;

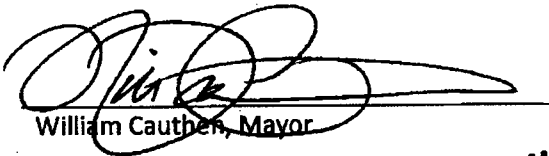
WHEREAS; Gaston County, pursuant to Gaston County Ordinance Chapter 13 Article II has established the Gaston County Historical Preservation Commission and conferred upon that Commission those powers as authorized by the State of North Carolina to accomplish historical preservation goals as described above;

WHEREAS; the Town of Cramerton and Gaston County, pursuant to NCGS § 160A-400.7 wish to include the Town of Cramerton as a joint member of the Gaston County Historical Preservation Commission pursuant to the terms of that "Agreement Designating A Joint Historic Preservation Commission and Requesting That Gaston County Act as Certified Local Government" attached hereto as Exhibit A.

NOW THEREFORE, It is resolved by the Town of Cramerton that:

1. The Town of Cramerton designates the Gaston County Historic Preservation Commission as its Historic Preservation Commission;
2. The Town of Cramerton hereby designates Gaston County as its Certified Local Government for purposes of achieving the historic preservation goals.
3. The Town Manager and his designees are hereby authorized to take all action necessary to achieve the intent of this resolution as allowed by the laws of the State of North Carolina.

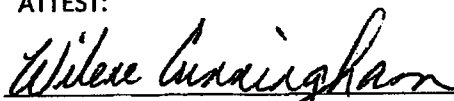
Adopted this 21<sup>st</sup> day of February, 2019.

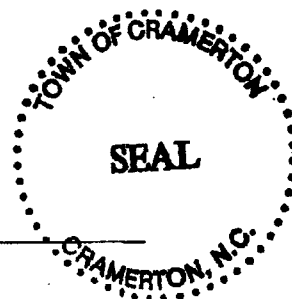
  
William Cauthen, Mayor

APPROVED AS TO FORM:

  
Karen Wolter, Town Attorney

ATTEST:

  
Wilene Cunningham, Town Clerk



# TOWN OF CRAMERTON

est. 1915

March 8<sup>th</sup>, 2019

Historic Preservation Commission  
1128 W Main Avenue  
Gastonia, NC 28052


Re: Partnership with the Town of Cramerton

To Whom this may concern,

The Mayor and Board of Commissioners of the Town of Cramerton acknowledge that the historic heritage of the Town of Cramerton is one of its most valued and important assets. Cramerton wishes to safeguard the heritage of the Town of Cramerton by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory and to promote the use and conservation of such a district or landmark for the education, pleasure and enrichment of the residents of the Town.

To accomplish this goal, Cramerton hereby requests to utilize the services of the Gaston County Historic Preservation Commission, pursuant to the terms of an Agreement Designating A Joint Historic Preservation Commission and Requesting That Gaston County Act as Certified Local Government.

Respectfully,



David Pugh, ICMA-CM  
Town Manager  
Town of Cramerton, NC  
704-824-4337  
[www.cramerton.org](http://www.cramerton.org)