

Decatur Historic Preservation Commission

Community Development Department

The following Rules of Procedure for the Historic Preservation Commission conform to the statutory authority of the Decatur Municipal Code. Amendments to these Rules of Procedure may be made annually, and as municipal code is updated, by a 2/3 vote of the entire Historic Preservation Commission membership.

Decatur Historic Preservation Commission Rules of Procedure

Section I: Introduction

Sections 18-26 and 18-45 of Decatur Municipal Code establishes a mechanism for the Historic Preservation Commission to consider certificates of appropriateness and authorizes it to adopt Rules of Procedure.

The following Rules of Procedures have been adopted by the Historic Preservation Commission of the City of Decatur, and all previously adopted Rules of Procedures are hereby repealed.

Pursuant to the Decatur Municipal Code, this commission shall be known as the Historic Preservation Commission, hereinafter referred to as "Commission."

Section II: City Staff Liaison

A non-voting city staff liaison, the City's Historic Preservation Specialist, shall organize and supervise clerical details of the Commission's business and shall be responsible to the Commission for the proper preparation and maintenance of meeting records, hearings, official actions, and all public records. This person shall serve as the primary professional liaison for Commission business, and may make recommendations or generate opinions for adoption by the Commission.

Section III: Administrative Procedures

A. Membership

Membership on the Commission will be in accordance with Section 18-42 of the Decatur Municipal Code, which states that, the commission shall be comprised of at least seven voting members. Members of the Commission shall not hold any other city municipal office or position on a standing city municipal board, commission or authority, other than on temporary committees, task forces, or similar ad hoc groups.

- 1) **Nominations-** Members of the preservation commission shall be nominated by the chief executive officer of Decatur and appointed by the city council following a public hearing. Members of the commission shall include at least one (1) member who shall have

demonstrated training or expertise in the fields of history, architecture, architectural history, urban planning, archaeology, or law. Nominations and appointment of commission members should be composed of persons with training or special interest in the fields of history, architecture, architecture history, urban planning, historic preservation, archaeology, or law, to the extent that such professionals are available in the community. Each city council district should have at least one (1) of its district's residents serving on the commission when feasible.

- 2) **Terms of Office-** Terms of office shall be for three (3) years with members limited to two consecutive terms. Partial terms do not count towards the two full term limits. A two-term commission member may be reelected after sitting out a term. Extension of term limits is allowable if the City is unable to find members to fill key professional positions (registered architect). At the expiration of a partial term, removal of a commissioner, resignation, or death, the resulting vacancy shall be filled for the unexpired term of said member in the same manner as provided above. Commission members should remain in place until their successor is appointed.
- 3) **Committees-** The Historic Preservation Commission may establish such committees as it deems advisable and assign each committee specific duties or functions. The Chair shall designate the members of each committee and shall name the Chair of each committee. The Chair shall fill vacancies on the committees as they are created.
- 4) **Commission Member Responsibilities-** Each Commission member and anyone serving the Commission in a technical/professional capacity is required to meet the minimum State training requirements specified for members of a Certified Local Government. The state preservation office keeps a list of annual training events, and the number of mandated training hours each year. Commission members are also expected to follow Alabama's Open Meetings Act.
- 5) **Resignation-** Resignation of members shall be made in writing to either the Chair of the Board, or the city staff liaison that serves the commission. The resignation of a board member shall be effective immediately upon receipt and verification by either the Chair of the Board or the city staff liaison, and the resignation will be forwarded to the City Clerk upon verification.
- 6) **Removal of Members-** Members may be removed by the City Council for inefficiency, neglect of duty, unexcused absences as defined in Section III E.7 of the Historic Preservation Commission Policies or malfeasance in office.

B: Election of Officers

- 1) **Officer Election-** The Commission will elect its own Chairperson and Vice-Chairperson, and other officers from time to time as it determines necessary, all of whom shall be members

of the Commission. Officers will be elected at their first regular meeting of each year, and the candidate receiving a majority vote of the entire membership of the Commission shall be declared elected.

Officer Qualification Considerations

Officers should be interested in holding the position(s), be able to devote sufficient time to Commission business, be committed to attend as many regular and special Commission meetings as possible, be prepared to make presentations to City Council, citizens, committees, neighborhood groups, and service clubs regarding commission responsibilities, projects, plans, and policies, and have sufficient experience on the Commission to understand its role and function and to have a basic understanding of the City's applicable policies and development regulations.

- 2) Terms- Officers shall serve for one year or until his/her successor takes office. Officers shall be eligible for reelection; but no member shall serve as Chair for more than two (2) consecutive years.
- 3) Absence of Chair and Vice-Chair- When both the Chair and Vice-Chair are absent from a meeting, the members present shall select a member to temporarily act as Chair for that meeting by consensus or by a majority vote.
- 4) Officer Vacancy- A vacancy in an officer position shall be filled by election at the next regular or special meeting of the Commission from current Commission members. Until such election, the Vice-Chair shall serve as acting Chair, if the Chair position is vacant. All members elected to fill an officer position shall serve until the next annual officer election.

C: Officer Duties

- 1) Duties of Chairperson- The Chairperson shall preside at all meetings and hearings of the Historic Preservation Commission and shall have the duties normally conferred by parliamentary usage of such offices. The Chairperson may succeed himself/herself subject to the conditions outlined in Section B part 2 above. The Chairperson shall have the privilege of discussing all matters before the Commission and to vote thereon. All resolutions adopted by the Commission and Commission correspondence shall be signed in his/her name as the Chair of the Commission.
- 2) Duties of Vice-Chairperson- The Vice-Chairperson shall assume the duties and responsibilities of the Chair in the event that the Chair is absent or unable to perform their duties.

D: Agenda

- 1) Agenda Items- Applicants desiring to place any item of business on the agenda for consideration by the Commission shall submit all required supporting data to Decatur's

Historic Preservation Specialist, no later than 15 working days prior to the meeting where the matter is to be considered by the Commission.

- 2) Agenda Packets- One week prior to the scheduled meeting, the City Historic Preservation Specialist shall prepare an agenda of items to be brought before the Historic Preservation Commission, and provide digital links via email to a complete packet of the agenda, minutes, and evaluation of each item including comments from any relevant agencies, technical advisors, or individuals, to commission members and relevant city departments.
- 3) Items not on the Agenda: No petition for any item of business shall be considered or voted on by the Commission unless such an application or petition appears on the agenda and all complete information is submitted.

E: Meetings

- 1) Regular Meetings- Regular meetings will be held on quarterly, in March, June, September, and December, on the Tuesday before the regularly scheduled Architectural Review Board (ARB) meeting that month. The ARB meets on the second Thursday of each month, so the HPC will meet two days before the second Thursday of each month. Meeting time is 4pm, held in Council Chambers, first floor of city hall.
- 2) Special Meetings- Special Meetings may be called by the Chair plus one regular Commission member. When a special meeting is scheduled, all Commission members must be notified at least twenty-four (24) hours prior to the time set for such meeting by phone or written notice (fax, email, or hand delivery) including a listing of the agenda for the meeting. Formal action taken at a special meeting called in accordance herewith shall be considered as though it were taken in a regular meeting and will be restricted to only those matters referred to on the agenda. Notice for Special Meetings must comply with the provisions of the Alabama Open Meetings Act.
- 3) Quorum- Four members shall constitute a quorum for the transaction of business and the taking of official action. Whenever of quorum is not present at a regular or special meeting, no action taken at such meeting shall be final unless and until it is ratified and confirmed at a subsequent meeting where a quorum is present. If during the course of a meeting, attendance is less than a quorum members, no official action can be taken.
- 4) Rules of Procedure- In the absence of any provision that rules to the contrary, the rules of procedure provided by Roberts Rules of Order shall prevail. The Chair may, at their discretion, call for a motion to end the meeting, or may declare the meeting ended without a formal motion.
- 5) Voting- All members are required to vote unless recused or disqualified from voting due to personal involvement with a project. A member of the Commission shall disqualify themselves from voting on any application or petitioner to which he or she has any

knowledge of the following conditions: (a) the member, spouse of the member, or any immediate family of the member holds pecuniary interest, either as agent or owner, in the property in question; (b) the member, spouse of the member, or any immediate family of the member, is employed or is the employer, retained, or acting as agent for any party directly involved in the petition or application at any time during the six months preceding the date on which the petition or application is brought before the Commission, whether or not that party is present; (c) the member, spouse of the member, or immediate family of the member has performed any professional service in the connection with the property involved in the application or petition at any time during the six months preceding the date the matter is brought before the Commission. In the event that a member is disqualified from voting, this will be registered as "abstained." It shall be the duty of any party involved in a matter before the Commission to inform the Chairperson if said party has knowledge of any reason why any member of the Commission should disqualify himself from voting on the matter before the Commission. In the event that a member fails to disqualify himself from voting on any application or petition when such disqualification is required, the Chair shall have the power to disqualify the member from voting on the application or petition in question. If a vote of the matter has been taken prior to such disqualification, the Chair shall declare the vote of the disqualified member to be null and void and the disposition of the appeal or application shall be as if the disqualified member has not voted. In the event such disqualification results in the lack of a quorum, no action shall be taken on the matter.

- 6) Official Actions- Every official act taken by the Commission shall be by resolution or by motion by an affirmative vote of a majority of the quorum. Notwithstanding Robert's Rules of Order, the Chair shall vote on all resolutions or motions.
- 7) Absences- Commissioners unable to attend a meeting may request excusal from the meeting in advance of the meeting by notifying staff, who shall present the request to the Chair, or may request excusal in person at the next regular meeting following the absence. The Commission shall then approve or deny the request. Upon a member's missing three (3) unexcused consecutive regular meetings, the Commission shall formally afford such member consideration to determine whether the absences are to be excused. If the Commission determines not to excuse such absences, then the Commission shall determine the question of whether the Commission shall recommend to the City Council that such member should be deemed to have forfeited their office and a new member be appointed to fill the unexpired term.

F: Conduct of Meetings

- 1) Order of business
 - a) Roll Call
 - b) Excusal of Absences
 - c) Approval of Minutes not previously approved
 - d) General public comments regarding regular agenda items
 - e) Review of Nominations to the Register (Local, State, or Federal)
 - i) Preliminary meeting for a nomination

- Staff reports
 - Presentation by applicant
 - Comments by property owner/s
 - Board discussion and questions
 - Actions: forward nomination, do not forward nomination, or defer if more information is required
- ii) Regular meeting for a locally designated nomination
 - Staff reports
 - Presentation by applicant
 - Comments by property owner/s
 - Public testimony
 - Close of testimony
 - Actions: forward nomination to City Council, do not forward nomination to City Council, or leave the comment period open to a certain date.
- f) Board Briefings
 - Staff introduction
 - Presentation
 - Questions and discussion
 - Action if appropriate
- g) Comments by the Chair
- h) Comments by Staff
- i) Commission business/preservation planning

The preceding order of business may be modified for any meeting by a suspension of the rules, concurred with by a majority of the voting members present, except that consideration of matters set for public hearing must occur at or following the time indicated on the hearing notice.

- 2) Conduct of public meetings:
 - a) The Chair of the Commission shall preside over all public meetings of the Commission.
 - b) The Chair introduces the agenda items.
 - c) The Historic Preservation Specialist or their representative, if appropriate, summarizes the staff report or other information prepared or received by staff on the agenda item.
 - d) The Chair shall allow for comments or presentations by representatives of the applicant.
 - e) For normal agenda items that do not require public testimony or public hearings, comments by the public may be permitted, but only at the discretion of the Chair.
 - f) The Commission takes appropriate action, if an action is required.
- 3) Conduct of public hearings and special public meetings:
 - a) The Chair of the Commission shall preside over all public hearings and special meetings conducted by the Commission, except as provided for in Section B 3 and C 2 of these rules.
 - b) The Chair calls the public hearing or special meeting to order and announces the procedure as established by the Commission.

- c) The Historic Preservation Specialist for the City or their representative, if appropriate, summarizes the staff report or other information prepared or received by staff on the hearing item.
- d) Any communications not contained in the Commission's report, received concerning the hearing item, are presented to the Commission.
- e) The Chair asks for reports from advisory committees if appropriate.
- f) Commission hears those persons wishing to give testimony.
- g) The Chair either closes the hearing or special meeting and announces the date upon which the record of the hearing will remain open to receive additional written comments, or continues the hearing to a later date, if there is a finding by the Chair that all interested parties have not been afforded an adequate opportunity to testify before the Commission or if new information is to be considered.
- h) If, in the judgement of the Commission, action is appropriate based on public testimony and comment received, the Commission may elect to take action on the item immediately following the close of the public hearing or special meeting.
- i) At a meeting(s) subsequent to the public hearing or special meeting, the Commission considers all oral and written testimony concerning the hearing item and acts to approve, disapprove, modify, or defer the decision making.

D: Regular Commission Business

- 1) Historic Register Nominations- Nominations to the Alabama Register of Landmarks and Heritage and the National Register of Historic Places- the commission shall respond to requests by the Alabama Historical Commission to review and comment regarding pending nominations to the Alabama Register of Landmarks and Heritage and the National Register of Historic Places. Such requests may then be forwarded to the Mayor's office for any additional comment if required or at the discretion of the Historic Preservation Specialist.
- 3) Section 106 Review- From time to time the Historic Preservation Specialist or lead agency conducting review under Section 106 may solicit comments from the Commission. This will include federally owned or at times permitted sites not typically subjected to City permitting processes. (Section 106 Review refers to Section 106 of the National Historic Preservation Act of 1966 (NHPA) which requires federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve throughout the county. Section 106 gives interested parties and the public a chance to weigh in on these matters before a final decision is made.)
- 4) Special Business- From time to time Commissioners may propose and vote on special items, including Commission resolutions and official Commission policy recommendations. These items shall be proposed in advance of the meeting at which the Commission shall vote with sufficient time that it will appear on the agenda under board business.
- 5) Requests for opinion or other advisory actions- from time to time City departments and other organizations may request review of preservation related items not generally under the

Commission's jurisdiction. These items generally shall appear under Board Briefings on the agenda, and any vote taken will be an advisory vote.

E: Community Outreach

- 1) Preservation Awards- The Commission should, on an annual basis, if possible, nominate and vote on individuals, organizations, and/or projects to be recognized by the City for Outstanding Achievement in Historic Preservation. The Commission should forward the awards to the Mayor for a proclamation and recognition. The Commission should solicit a list of individuals, organizations, and/or projects from the Architectural Review Board for the preservation awards as well. The Commission, at its discretion, may solicit nominations from members of the public.
- 2) Special Programs- The Commission may from time to time recommend and implement special programs, including educational sessions, tours, and presentations, as subject to available departmental resources. The Historic Preservation Specialist may advise the Commission regarding City resources and staff available for such projects, and convey requests by the Commission to the Community Development Department if special funding is required.

F: Annual Report to the City Council

- 1) Annual Report- The Commission shall annually report to the City Council regarding accomplishments and the status of planning efforts in the previous year, and if applicable, the outlook of planning issues for the coming year. This report will typically be given shortly after the annual Certified Local Government report is filed with the Alabama Historical Commission.

G: Records

- 1) Official Records- The Commission's adopted minutes of the public meetings shall be the official records. The written recording of each hearing item shall be the official record for such item.
- 2) Supplemental Records- Supplemental records pertaining to matters of public meetings and hearings shall be kept on file in the Community Development Department as required by law. These may include but not be limited to: items submitted as part of the agenda and written communications concerning the matter.