

WALLACE HISTORIC DISTRICT COMMISSION

RULES OF PROCEDURE

1.0 PURPOSE

To establish procedures for organizing the business of the Wallace Historic District Commission, hereinafter termed "Commission;" for processing applications for Certificates of Appropriateness; and for pursuing the designation of historic properties.

2.0 GENERAL RULES

The Commission shall be governed by the regulations pertaining to historic properties as incorporated in the City's Zoning Ordinance (Chapter 22, Article V, Section 65 of the Wallace City Code) and by the terms of Chapter 160A, Article 19, Part 3C Historic Districts and Landmarks of the North Carolina General Statutes. For procedures not covered by the aforementioned, the Commission shall follow the rules contained in the current edition of Robert's Rules of Order.

3.0 JURISDICTION

The Commission's jurisdiction for its activities shall coincide with the Town's zoning jurisdiction as delineated and shown on the official zoning map for the Town of Wallace.

4.0 MEMBERS, OFFICERS AND DUTIES

The Commission shall be composed of nine (9) members, whose terms of office are set by the Wallace Town Council. Members of the Commission must own property within the city limits of Wallace. The beginning date of July 1 and ending date of June 30 will constitute one (1) year of service. Terms will be staggered. The initial appointments shall be as follows: three (3) members shall be appointed for four (4) years; three (3) members shall be appointed for three (3) years; and three (3) members shall be appointed for two (2) years. If a member resigns or is removed before his/her term is finished, the person replacing that member will finish serving that term and will have first choice to continue in a full term, otherwise, a nominating committee will present interested candidates, who will be voted on by the remaining members. All members must meet the approval of the Wallace Town Council.

4.1 Chairman

A chairman shall be elected by the members of the Historic Commission. The chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The chairman shall appoint any committees found necessary to investigate any matters before the Commission. The chairman shall vote only in the event of a tie except in matters addressed in section 4.6

4.2 Vice Chairman

A vice chairman shall be elected by the Commission from among its members in the same manner as the chairman. The vice chairman shall serve as acting chairman in the absence of the chairman, and at such times shall have the same powers and duties as the chairman.

4.3 Secretary

A secretary shall be elected by the Commission in a manner similar to the chairman and vice chairman. The secretary, subject to the direction of the chairman of the Commission, shall keep all records, conduct all correspondence of the Commission and generally supervise the clerical work of the Commission. A mem-

ber of the city staff, designated by the Town Manager, will serve as support to the secretary.

4.4 Elections

Election of officers shall be held at the first regular meeting in July. Members shall be notified by the secretary, in writing, of the election of officers at least thirty (30) days prior to the regular July meeting.

4.5 Attendance at Meetings

Faithful and prompt attendance at all meetings of the Commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Commission. Should a member fail to attend three (3) consecutive regular meetings of the Commission, and should there be no adequate excuse for such absences, the chairman, with the concurrence of a majority of the entire Commission, shall recommend to the appropriate authority that a vacancy be declared and that the vacated position be filled.

4.6 Applications Involving Member

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

4.7 Impartially Required

No Commission member shall, in any manner, discuss any application with any parties prior to the Commission's deliberations on such application, except as authorized in advance by the chairman; provided, however, that members may seek and/or receive information pertaining to the application from any other member of the Commission or its staff prior to the hearing.

4.8 Knowledge of Controlling Rules and Regulations

Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances and rules or procedure relating to historic properties and the authority of the Commission.

5.0 MEETINGS

5.1 Regular Meetings

Regular meetings of the Commission shall be held on the fourth Thursday of each month at 6:30 p.m. in the Council Chambers at Town Hall; provided that meetings may be held at some other convenient place if directed by the chairman in advance of the meeting.

5.2 Special Meetings

Special meetings of the Commission may be called at any time by the chairman. At least forty-eight (48) hours notice of the time and place of special meetings shall be given, by the secretary or by the chairman, to each member of the Commission; provided that this requirement may be waived by action of a majority of all the members. Press must be given 48 hours notification before a special meeting. Concerned applicants also must be notified 48 hours prior to special meetings.

5.3 Cancellation of Meetings

Whenever there is no business for the Commission, the chairman may dispense with a regular meeting by giving notice to all the members prior to the time set for the meeting.

5.4 Quorum

A quorum shall consist of five (5) members of the Commission.

5.5 Conduct of Meetings

All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) roll call; (b) approval of minutes of previous meeting; (c) report of committees; (d) unfinished business; (e) consideration of applications; (f) new business to be brought to the attention of the Commission; (g) adjournment.

6.0 APPLICATION PROCEDURES

6.1 Filing of Applications

An application must be filed with the Zoning Administrator of the Town to the Commission at least five (5) working days prior to the next meeting of the Commission, accompanied by sketches, drawings, photographs, specifications, descriptions, etc. of the proposed project. A filing fee of \$40, payable to Town of Wallace, will be assessed at time of filing for administration costs.

6.2 Public Hearings

All applicants are subject to public hearings. Hearing dates and times will be established by the Commission, to take place no sooner than 14 days from the date of application .

6.3 Review Process

It shall be the policy of the Commission in regard to applications involving new construction or extensive alterations, that the Commission shall be available to meet with representatives of the persons or organizations involved in the coming application at some early stage in the design process in order to advise them informally concerning the Commission's guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. The Commission shall refrain from any indication of approval or disapproval, but shall not, for that reason, be barred from a reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the Commission at such an informal meeting shall be in any way official or binding upon the Historic Commission at any time. Notice of the need for such a conference should be given to future applicants by the Town at the earliest appropriate time.

6.4 Notice to Neighboring Property Owners

The Zoning Officer of the Town shall notify all of the individuals, firms, or corporations owning property adjacent to and abutting both sides and rear, and the property in front of (across the street from) the property being considered for a Certificate of Appropriateness. The notice shall include the date and time of the public hearing. Additionally a legal notice shall be published in a newspaper having general circulation within the town.

6.5 Time for Decision

The Commission must take formal action to issue or deny a Certificate of Appropriateness within a reasonable time, not to exceed 90 days from the date the application for a Certificate of Appropriateness is filed. The imposed time limit may be extended upon mutual agreement of the applicant and the Commission.

6.6 Approved Application

If the application is approved, the Zoning Administrator for the Town shall transmit to the applicant a Certificate of Appropriateness in letter form, clearly describing the nature of the work which has been ap-

proved. The Zoning Administrator for the Town shall attach a copy of the minutes of the meeting at which approval was granted and forward this information to the Inspections Department, which is responsible for its enforcement.

6.7 Denied Applications

If an application is denied, a copy of the minutes of the meeting and written reasons for denial shall be made available to the applicant.

7.0 CONSIDERATION OF APPLICATIONS

Any party may appear in person or by agent or attorney at the meeting. The order of business for consideration of applications for Certificates of Appropriateness shall be as follows:

- (a) The chairman, or such person as he/she shall direct, shall give a preliminary statement describing the application.
- (b) The applicant shall present the arguments in support of the application.
- (c) Persons opposed to granting the application shall present the arguments against the application.
- (d) Statements or arguments submitted by an official, commission, or department of the Town of Wallace, any state agency, or any local historical, preservation or neighborhood association, shall be presented as directed by the chairman.
- (e) The chairman or such person as he shall direct, shall summarize the evidence which has been presented, giving all parties an opportunity to make objections or corrections.
- (f) The Commission shall thereafter proceed to deliberate whether to grant the application or to deny it.

The Commission may, at its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be supported by appropriate findings of fact, and where necessary, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances.

In considering applications, witnesses may be called and factual evidence may be submitted, but the Commission shall not be limited to consideration of such evidence as would be admissible in a court of law.

8.0 RECONSIDERATION OF APPLICATIONS WHICH HAVE BEEN DENIED

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

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

treat the request as a new application received at that time.

9.0 MODIFICATIONS OF APPLICATIONS

An approved or pending application for a Certificate of Appropriateness may be modified by a written request from the applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the Commission finds that the modifications constitute a substantial change which might effect surrounding property owners, it shall request the applicant to notify affected property owners following the procedures set out in Section 6.2 before taking action on the modification. The Commission shall thereupon treat the request in the same manner as any other application as outlined in Section 6.0.

10.0 VOTE

The vote of a majority of those members present shall be sufficient to decide matters before the Commission, provided a quorum is present.

11.0 APPEALS

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

12.0 DESIGNATION OF HISTORIC PROPERTIES (DISTRICTS AND LANDMARKS)

12.1 Identification and Evaluation of Historic Properties

The Commission shall maintain an inventory of properties thought to have historical, architectural, pre-historical, and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the Division of Archives and History (State of North Carolina) for comment. Listing in the inventory shall be a prerequisite for pursuing local designation as a historic district or landmark.

12.2 Initiating The Designation of Historic Properties

Any individual or group with interest in historic preservation may seek the Historic Preservation Commission's assistance in advancing a certain property for designation consideration. Property owner(s) may request and enlist the assistance of the Commission in pursuing the designation of property which he/she/they own. Also, the Commission may, of its own volition, initiate the local designation of historic properties. When designation is not being initiated by the property owner(s) an opportunity to appear before the Commission at a regularly scheduled meeting to voice his/her support, or lack thereof, for the designated efforts.

12.3 Designation Recommendations

The Commission shall forward local designation recommendations the Town Council for formal action. No property shall be recommended for designation unless it is deemed and found by the Commission to be of special significance in terms of its historical, prehistorical, architectural or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association. A report addressing these items shall be prepared in writing and upon review and formal approval of the Commission shall be forwarded to the Division of Archives and History for comment. After which, the same, along with any comments obtained from the state agency, shall be presented to the Town Council for consideration prior to formal action being taken on the designation of historic properties.

12.4 Town Council Designations

The designation of a historic landmark or district shall be effective through the adoption of an ordinance by

the Town of Wallace City Council. Upon adoption of the ordinance, the owners and occupants of each designated landmark or property within a designated district shall be given written notification of the designation along with a copy of historic properties regulations.

13.0 AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than five (5) members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken. Any amendment change is subject to public hearing.

Approved by the Commission the _____ day of _____, 2000.

Chairman

Secretary