

# **Rowan County Historic Landmark Commission**

402 N Main St. Salisbury, North Carolina 28144 STE 204

## **BYLAWS AND RULES OF PROCEDURE**

### **ARTICLE I: NAME**

The name of this organization shall be the Rowan County Historic Landmark Commission.

### **ARTICLE II: MISSION/PURPOSE**

The Commission serves as Rowan County's official body to identify, preserve, and protect Rowan County's historic landmarks.

The purpose of these bylaws shall be to establish procedures for organizing the business of the Commission and for processing applications for Certificates of Appropriateness within the Commission's jurisdiction.

### **ARTICLE III: POWERS**

The powers of the Commission shall be as set forth in the Historic Landmarks Ordinance of Rowan County.

### **ARTICLE IV: GENERAL RULES**

The Commission shall be governed by the terms of the Historic Landmarks Ordinance of Rowan County. For procedures not covered by these rules, the commission shall follow rules contained in the current edition of Robert's Rules of Order.

### **ARTICLE V: JURISDICTION**

#### **Section 1. Geographic Boundaries**

The Commission's jurisdiction shall be all unincorporated areas of the Rowan County excluding municipalities and their extra territorial jurisdiction as applicable.

## **ARTICLE VI: ORGANIZATION OF THE COMMISSION**

### **Section 1. Membership**

Appointed by Rowan County Board of Commissioners.

### **Section 2. Chair**

The Chair 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 Chair shall appoint any committees found necessary to investigate any matters before the Commission and may designate committee chairs.

### **Section 3. Vice-Chair**

The Vice-Chair shall assist the Chair and shall serve as Acting Chair in the absence of the Chair, and at such times shall have the same powers and duties as the Chair.

### **Section 4. Election of Officers**

The Chairperson and Vice Chairperson shall be elected annually at the Commission's first meeting in January. The Chairperson and Vice Chairperson shall serve terms of one (1) year and shall be eligible for re-election. A majority of members present shall be necessary to elect officers.

### **Section 5. Commission Staff**

The Rowan County Planning Department will provide a staff liaison to provide technical, clerical, and administrative assistance to the Commission.

### **Section 6. Applications Involving Members**

No Commission member shall take part in the hearing, consideration or determination of any case in which the commission member either directly or indirectly is a party or has a financial interest.

### **Section 7. Qualification to Vote**

No Commission member shall vote on any matter deciding an application or a request to reconsider unless he or she attended the Commission's previous deliberations on such application, or shall otherwise have the approval of the Chair to vote on such matter. The Chair's approval shall be contingent on the assurance that the member is familiar with the application and the minutes of any meetings at which the application was discussed.

### **Section 8. Impartiality Required**

No Commission member shall, in any manner, discuss any application with any parties or their representatives prior to the Commission's deliberations on such application, provided, however, that members may seek and/or receive factual information pertaining to the application from any other member of the Commission or Commission staff prior to the hearing.

### **Section 9. Knowledge of Duties**

Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances, and rules of procedure relating to historic designations and the Commission as

time and circumstances permit. Members shall familiarize themselves with agenda items, which may include site visits, prior to the Commission's deliberations on such items.

## **ARTICLE VII: MEETINGS**

### **Section 1. Special Meetings**

Special meetings may be called at the discretion of the Chair. Notice of the time and place of special meetings shall be given by the Secretary or by the Chair to each member of the Commission and the Clerk of the Rowan County Board of Commissioners at least forty-eight (48) hours in advance of the meeting.

### **Section 2. Cancellation of Meetings**

Whenever there is no business for the Commission the Chair may dispense with a regular meeting by giving notice to all the members not less than twenty-four (24) hours prior to the time set for the meeting. In the event of severely inclement weather, or for good cause, the Chair may dispense with a regular meeting by giving reasonable notice to all the members prior to the time set for the meeting.

### **Section 3. Quorum**

A majority of the members shall constitute a quorum at a regular or special meeting of the Commission.

### **Section 4. Conduct of Meetings**

All meetings shall be open to the public in accordance with North Carolina law. The order of business at regular meetings shall be as follows: (a) call to order; (b) determination of a quorum; (c) approval of minutes from previous meetings; (d) adoption of the agenda (e) treasure's report; (f) hearing and consideration of each case; (g) old business; (h) new business; (i) adjournment.

## **ARTICLE VIII: PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS**

### **Section 1. Required**

Certificates of Appropriateness shall be required as stated in the Historic Landmarks Ordinance of Rowan County. An application for a Certificate of Appropriateness shall not be accepted until the required information is included. The forms to be used in the Certificates of Appropriateness process can be obtained at the Rowan County Planning Department.

### **Section 2. Minor Works**

The Commission staff may issue a Certificate of Appropriateness on behalf of the Commission for Minor Works, as may be defined by the Commission, when the submitted application is in conformance with the guidelines adopted by the Commission. Minor works may be referred to the Historic Preservation Commission if Commission staff determines that the change involves substantial alterations, additions, or removals that could impair the integrity of the landmark or district.

Certificates of Appropriateness for Minor Works issued by the Commission staff shall be reported to the Commission at its next regularly scheduled meeting. No application for Minor

Works Certificates of Appropriateness may be denied without formal action by the Commission.

### **Section 3. Consideration of Application**

Any party may appear in person or by agent or attorney at the meeting. All persons addressing the Commission regarding an application shall swear or affirm as provided by North Carolina General Statute.

The order of business for consideration of applications for Certificates of appropriateness shall be as follows:

1. All persons who wish to address the commission regarding an application shall be sworn or affirmed;
2. The Chair, or such person as the Chair shall direct, shall give a preliminary statement concerning the application;
3. The staff shall present comments on the application;
4. The applicant shall present the evidence in favor of the application;
5. Other persons may present evidence in favor of the application;
6. Statements or evidence submitted by any official, commission, or department of the State of North Carolina, Rowan County, or any local historic preservation or neighborhood association shall be presented as directed by the Chair;
7. Persons opposed to the application shall present the evidence against the application;
8. Following the presentation of evidence, the floor shall be opened for questions regarding the application;
9. The applicant, and any person as the Chair shall direct, shall then be given the opportunity to rebut any evidence presented against the application. Only new information shall be presented in rebuttal. The applicant shall not repeat the initial arguments in support of the application;
10. The Chair, or such person as the Chair shall direct, shall summarize the evidence which has been presented, giving all parties an opportunity to make objections or corrections;
11. The Chair shall close the public hearing. The public hearing may be reopened at the direction of the Chair.
12. The Commission shall thereafter proceed to discuss the proposal with respect to its congruity in light of the adopted Rowan County Design Guidelines;
13. Following discussion, the Commission shall develop and adopt "Findings of Fact" that the application is/is not in accordance with the adopted Rowan County Design Guidelines, citing applicable sections of the guidelines;
14. Based upon the Findings of Fact, the Commission may discuss the appropriateness of imposing conditions;
15. The Commission shall then vote to approve, approve subject to conditions, defer for further information, or deny the application for a Certificate of Appropriateness.

These procedures may be modified by concurrence of all parties and the Commission itself.

The Commission may, in 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.

#### **Section 4. Reconsideration of Denied Application**

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

- A.** The Chair 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.

#### **Section 5. 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 plans, or sketches, where necessary. If the Commission finds that the modification constitutes a substantial change, which might affect surrounding property owners, it shall notify affected property owners following the procedures set out in the historic preservation ordinance before taking action on the modification. The Commission shall thereupon treat the request in the same manner as any other application as outlined in the historic preservation ordinance.

#### **Section 6. Appeals**

In any action granting or denying a Certificate of Appropriateness, an appeal may be taken to the Rowan County Board of Commissioners. The appeal must be filed with the Board of Commissioners within thirty (20) days following the decision.

### **ARTICLE IX: VOTE**

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

## ARTICLE X: AMENDMENTS

### Section 1. Vote

These bylaws and rules of procedure may be amended by a two-thirds vote of the members present and voting at any regular meeting of the Commission, provided that the total votes in favor of the amendment is a majority of the membership of the Commission.

*On a motion of Karen Hobson, seconded by Alfred Wilson, the Commission voted Unanimously to approve the Rowan County Historic Landmark Commission by-laws and rules of procedure, as presented.*

*This the 10 day of July, 2018.*

Aaron Poplin, Clerk to the HLC

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