

# Perry Historic Preservation Commission Bylaws

Adopted: February 14, 2023

## I. Authority

The Perry Historic Preservation Commission (hereinafter referred to as the "preservation commission") has been created pursuant to the Georgia Historic Preservation Act, O.C.G.A. Section 44-10-21, and a local historic preservation ordinance adopted by the City of Perry and shall be governed by the terms thereof.

## II. Membership and Vacancies

Should a member die, resign, fail to attend 70% of the regular meetings of the preservation commission in a calendar year (and should there be no adequate excuse for such absences), or move his permanent residence outside of the City of Perry, the Chair shall recommend to the governing authority that a vacancy be declared and that the vacant position be filled for the remainder of that member's unexpired term. Unless disqualified as provided above, members shall serve until their successors are appointed and qualified.

## III. Officers

- a. Chair - A Chair shall be elected by the members of the commission from among its membership. The Chair shall preside at all meetings and hearings. The Chair shall decide all points of order and procedure, subject to the historic preservation ordinance, these bylaws, any rules of procedure, and guidelines adopted by the preservation commission, unless directed otherwise by a majority of the members in session at the time. The Chair may discuss and shall vote on any matters before the body.
- b. Vice Chair - A Vice Chair shall be elected by the members of the preservation commission from among its membership in the same manner as the Chair. The Vice Chair shall serve as acting Chair in the absence of the Chair, or when the Chair shall refrain from participation because of a conflict of interest and shall have the same powers and duties as the Chair when acting in that capacity.
- c. Secretary - The Secretary shall be a member of the Community Development Department staff. The Secretary shall cause a record to be made of each meeting of the preservation commission which shall include, at a minimum, a record of all resolutions, proceedings, and actions of the body.
- d. Absence of Chair and Vice Chair. In the absence of both the Chair and Vice Chair, the commission shall select a member from those in attendance to serve as Chair and that member shall have the same powers and duties as the Chair when acting in that capacity.
- e. Elections - Officers shall serve one-year terms and shall be eligible for reelection. The preservation commission shall elect officers at their regular meeting in January of each year. If a vacancy should occur in any office, a member shall be elected to serve for the remainder of the unexpired term.

## IV. Meetings

- a. Regular Meetings - Regular meetings of the preservation commission shall be held on the second Tuesday of each month at 6.00 pm at the Perry Events Center, 1121 Macon Road, provided that meetings may be held at some other convenient place if directed by staff, after consulting the Chair, in advance of the meeting. If a regularly scheduled meeting occurs on a legal holiday, the Chair may set an alternate day for the meeting.
- b. Special Meetings - Special meetings of the preservation commission may be called at any time by the Chair. At least twenty-four hours' notice of the time and place of special meetings shall be given to each member, provided that this requirement may be waived by consent of all the members. The purpose of the special meeting must be stated in the notice.

- c. Cancellation of Meetings - Whenever there is no business to be conducted, the staff, after consulting the Chair, may dispense with a regular meeting by giving notice to all members not less than twenty-four hours prior to the time set for the meeting.
- d. Adjourned Meetings - Should the business before the preservation commission not be completed, the Chair may adjourn the same from day to day until the matters before the body are disposed of.
- e. Quorum - A quorum shall consist of three (3) members.
- f. Open Meetings - All meetings of the preservation commission shall be open to the public, except where otherwise provided by the Georgia Open Meetings Law. However, members of the public shall not address the preservation commission unless invited to do so by the Chair. A time limit may be set by the preservation commission for the presentations or remarks of non-members.
- g. Agenda - The agenda for each meeting shall be prepared by staff. The normal order of business at each meeting shall be: (1) call to order, (2) determination of quorum, (3) announcements, (4) approval of the agenda, (5) approval of minutes of the previous meeting, (6) citizen input, (7) old business, (8) new business, (9) other business, (10) adjournment.
- h. Decisions - Decisions of the preservation commission shall be by a majority of those members present and voting, a quorum being present. Decisions may be made by voice vote unless any member requests a roll call vote.
- i. Committees - The Chair shall appoint any committees found necessary to facilitate business before the preservation commission and shall be an ex-officio member of all committees. With the concurrence of the preservation commission, committees may include residents of the city who are not members of the commission.

V. Staff

The Community Development Department shall provide technical and clerical assistance as the preservation commission may require and shall maintain permanent and complete records of the activities of the preservation commission.

VI. Conflict of Interest

A member shall not cast a vote on any issue before the preservation commission which involves the interests of that member, that member's immediate family, or an organization in which that member has an ownership interest or position of control or directly represents. Neither shall a member cast a vote on any matter which could provide direct financial benefit to that member. Whenever a conflict-of-interest situation arises in the conduct of business the following actions shall be taken:

- a. The individual member shall divulge the existence and reason(s) for the potential conflict.
- b. The preservation commission shall decide if such a conflict exists.
- c. If it is decided that a conflict exists, the affected member shall leave the hearing room and refrain from presenting, discussing, or voting on the project.
- d. Should the preservation commission determine that a conflict of interest does not exist, the nature of the alleged conflict and the reason(s) for determining a conflict did not exist shall be entered into the minutes.

VII. Code of Conduct

Each member of the preservation commission shall adhere to the following code of conduct as contained in Section 45-10-3 of the Official Code of Georgia Annotated:

- a. Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to evasion,
- b. Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration,
- c. Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties,
- d. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit,
- e. Expose corruption wherever discovered.
- f. Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties,
- g. Never accept any economic opportunity under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his official duties,
- h. Never engage in other conduct which is unbecoming to a member, or which constitutes a breach of public trust, and
- i. Never take any official action with regard to any matter under circumstances in which he knows or should know that he has a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action.

VIII. Designation of historic properties and historic districts

- a. Requirements. Application for designation of historic districts or historic properties shall follow the requirements specified in the Land Management Ordinance.
- b. Deadline for submission. Applications for designation of historic districts or historic properties shall be submitted by the filing deadline indicated on the annual Historic Preservation Commission Schedule.
- c. Public Notice. Public Notice of applications for designation of historic districts or historic properties shall comply with the requirements of the Land Management Ordinance.
- d. Public Hearings. The preservation commission shall hold a public hearing in accordance with the requirements of the Land Management Ordinance, and the Policies and Procedures for Historic Preservation Commission Hearings.
- e. Recommendation. The preservation commission shall prepare a report for nomination and shall make a recommendation to City Council on each application for designation of historic districts and historic properties based on the criteria established in the Land Management Ordinance.

IX. Applications for certificates of appropriateness

- a. Requirements. Submission of applications for certificates of appropriateness shall be made at the Community Development Department office or online. Applications shall include all information and documentation identified on the Application for Certificate of Appropriateness. No applications shall be considered by the preservation commission unless they are complete, including all necessary exhibits. Provided, however, that the preservation commission may consider applications not complying with this paragraph only upon a finding by the preservation commission, entered in the record, of extraordinary or unusual circumstances which would make compliance with this provision impractical. The staff, in consultation with the Chair, shall determine the completeness of submitted applications at least one week prior to the meeting. Should an application be determined to be incomplete, the applicant will be contacted by Staff with a request for additional material. In the event that the requested material is not presented by the scheduled meeting, that application shall be withdrawn from the agenda.

- b. **Deadline for Submission.** Applications for certificates of appropriateness shall be submitted by the filing deadline indicated on the annual Historic Preservation Commission Schedule.
- c. **Public Notice.** Public notice of applications for certificates of appropriateness shall comply with the requirements of the Land Management Ordinance.
- d. **Representation.** The applicant or a representative of the applicant should be present at the meeting or meetings where the application for a certificate of appropriateness is considered. The preservation commission may reject an application if the applicant or a representative of the applicant is not present to answer questions or provide clarification needed to understand the extent of the application.
- e. **Timeliness of the Commission.** Action on a certificate of appropriateness must be taken by the Commission within 45 days after the filing of a complete application. This time limit can be extended by mutual agreement between the applicant and the Commission.
- f. **Rejected applications.** An application for certificate of appropriateness rejected by the Preservation Commission may be resubmitted at any time, provided the reasons for the rejection have been addressed.
- g. **Determination of Material Change.** Staff shall determine for each application whether the request concerns ordinary maintenance or repair. Staff may seek the opinion of the Chair or Vice Chair in this determination. Such determinations will be reported at the next regularly scheduled meeting of the Preservation Commission.

X. Amendments

These bylaws may be amended by the affirmative vote of three members of the preservation commission, provided that notice of the intent to amend and the content of the amendment shall have been distributed in writing to each member at least seven (7) days prior to the meeting at which the vote to amend is taken or presented to the members, all members being present, at the regular meeting preceding the meeting at which the vote to amend is taken.