

Proposed HLC Section as Amended

35.4.3. Historic Landmark Commission.

- A. There is hereby created a commission to be known as the Historic Landmark Commission (HLC) of the City composed of nine (9) members appointed by the City Council. The HLC shall include at least one (1) representative from each of the following organizations or professions:
 - 1. County Historical Commission;
 - 2. The county bar association;
 - 3. A certified public accountant;
 - 4. A registered architect;
 - 5. An owner of real property in the City.
- B. The other members of the HLC shall be appointed from such other individuals and organizations as the City Council may in its discretion wish to consult or consider; provided that no one business or professional interest shall constitute a majority membership of the HLC.
- C. In addition to the nine (9) members appointed by the City Council, the following persons or their designees shall sit on the HLC as ex officio members:
 - 1. The Director of Development Services;
 - 2. The Building Official;
 - 3. The Chairperson of the County Historical Commission.
- D. None of the ex officio members shall have voting power, but shall assist the HLC in its various functions.
- E. The fact that one or more representatives from five (5) fields of expertise may not at any given point be a member of the HLC, for whatever reason, shall not affect the validity of any decision or act of the HLC.
- F. Members of the HLC shall be appointed for two (2)-year staggered terms. Vacancies in an unexpired term shall be filled by the City Council for the remainder of the term.

35.4.3.1. Operational Procedures.

The HLC shall meet as often as necessary to dispose of the business of the HLC or upon call by the HLC chair or upon petition of a simple majority of HLC members. Five (5) members present shall constitute a quorum for the transaction of business, and all issues shall be decided by a majority of those members present and voting, except that in those instances where only a quorum of five (5) is present at a meeting, all issues shall be decided by at least four (4) affirmative votes. The HLC shall adopt appropriate rules and regulations for the conduct of its business and the election of its chair and other officers. The minutes of each meeting shall be filed in the office of the City Secretary.

35.4.3.2. Powers and Duties of the Historic Landmark Commission.

- A. The HLC shall thoroughly familiarize itself with buildings, structures, sites, districts, areas and lands within the City which may be eligible for designation as historic landmarks, shall have review authority over the City's Historic Preservation Plan, and shall:
 - 1. Establish criteria to be used in determining whether certain buildings, structures, sites, districts, areas, lands and other objects should be designated as historic landmarks;
 - 2. Establish guidelines to be used in determination of whether to grant or deny certificates of appropriateness and certificates of appropriateness for demolition;
 - 3. Suggest sources of funds for preservation and restoration activities and acquisitions, to include federal sources, state sources, private and foundation sources, as well as municipal sources;

4. Recommend to the proper agencies incentives designed to encourage historic preservation.
- B. The Preservation Plan shall be presented to the Planning and Zoning Commission for consideration and recommendation to the City Council for inclusion in the Comprehensive Plan of the City.
- C. The HLC shall recommend to the Planning and Zoning Commission ordinances designating certain buildings, structures, sites, districts, areas and lands in the City as historic landmarks. The HLC shall hold a public hearing on all proposed ordinances and the owner of any land included in the proposed ordinance shall be given at least ten (10) days' written notice of the public hearing.
- D. If the HLC finds that buildings, structures, sites, districts, lands or areas cannot be preserved without acquisition, the HLC may recommend to the City Council that the fee or a lesser interest of the property in question be acquired by gift, device, purchase, eminent domain or otherwise, pursuant to the Charter and state and federal law.
- E. Where there are conditions under which the required preservation of an historic landmark would cause undue hardship on the owner, use district changes may be recommended by the HLC.
- F. The designation of an historic landmark may be amended or removed using the same procedure provided in this article for the original designation.
- G. The HLC shall provide information and counseling to owners of designated historic landmarks.
- H. Any person making application to have any building, structure, site, district, area or land designated as an historic landmark pursuant to the provisions of this article shall pay to the Planning and Development Department a filing fee in an amount determined and as from time to time amended by ordinance by the City Council, a copy of which ordinance is on file with the Department.