

## BYLAWS AND RULES OF PROCEDURE

### THE ATHENS HISTORIC PRESERVATION COMMISSION

#### ARTICLE I: NAME

The name of this organization shall be the Athens Historic Preservation Commission.

#### ARTICLE II: MISSION/PURPOSE

The mission of the Athens Historic Preservation Commission is to enhance the quality of life for citizens of Athens by promoting historic preservation.

The purpose of the Athens Historic Preservation Commission, hereafter referred to as "Commission," shall be to preserve districts and landmarks in Athens that embody important elements of the City's culture, history, architectural history, or prehistory; and to promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the State.

The Commission serves as the City's official body to identify, preserve, and protect Athens's historic resources, and to educate the public about those resources as well as historic preservation in general.

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 Athens Historic Preservation Ordinance and State Law.

#### ARTICLE IV: GENERAL RULES

The Commission shall be governed by the terms of the Athens Historic Preservation Ordinance and Section 11-68-1 through 11-68-15 of the Code of Alabama, as the same may be amended. Business procedures and actions will be made in accordance with Robert's Rules of Order, where consistent with applicable ordinances and bylaws, but the failure to conform with such rules of order shall not negate any action of this Commission.

#### ARTICLE V: ORGANIZATION OF THE COMMISSION

Section 1. Membership: Membership of the Commission is open to residents of Athens with training and experience in the fields of history, architecture, architectural history, urban planning, archaeology or law, or who shall be residents of or owners of property within a designated historic district as stated in the Athens Historic Preservation Ordinance Sec. 66-51 "Commission Members; Number; Appointments; Terms; Compensation; Rules and Standards".

Section 2. Chair: A Chair shall be elected by the members of the Commission to preside at all meetings and hearings of the Commission and at other special meetings called by the Commission. He/She shall call special meetings of the Commission when required. He/She shall transmit reports, recommendations, and other actions of the Commission, as required to the appropriate parties, and in general, shall act as spokesman for the Commission. The Chair shall serve for one year and shall be eligible for re-election to serve additional consecutive terms. 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: A Vice-Chair shall be elected by the Commission from among its members in the same manner as the Chair. The Vice-Chair shall serve for one year and shall be eligible for re-election to additional consecutive terms. 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. In the event of the death or resignation of the Chairperson, the Vice-Chairperson will perform the latter's duties until such time as the Commission shall elect a new Chairperson. In the absence of both the Chairperson and Vice-Chairperson, when a quorum is present for a regular or special meeting, the longest serving commissioner shall serve as the Chairperson.

Section 4. Secretary: A City of Athens staff member or designee shall serve as Secretary to the Commission. The Secretary shall not be eligible to vote upon any matter. The selection of Secretary to the AHPC must be appointed or elected by the commission members. The Secretary shall keep the minutes and attendance records of regular and special Commission meetings.

Section 5. Commission Staff: The City Planner and/or designee shall serve as **administrative staff** of the Historic Preservation Commission of the City of Athens. It shall be the duty of the City Planner or designee to conduct all official correspondence of the Commission; send out all notices required by law and these by-laws; keep a record of each meeting, hearing, or other official action of the Commission; and to perform all other duties required by law, ordinance, these by-laws, or the Commission. The City Planner and/or designee shall report recommendations to the Historic Preservation Commission with regard to Certificates of Appropriateness and other functions of the Commission as described in the Ordinance.

Section 6. Elections: The Commission will nominate and elect, by secret ballot, a Chairperson and Vice-Chairperson [Alabama Code Section 11-68-3] at its regular meeting in October. The Secretary shall notify members of elections in writing at least thirty (30) days prior to the meeting at which elections are held. Election shall be by a majority of those present and voting, provided there is a quorum. The term of these offices shall begin following the election. In the event of a vacancy in the offices of Chair or Vice-Chair, the vacancy shall be filled by a nomination and election at the next regular meeting following the meeting at which the vacancy has been announced. The Secretary, or other Commission member or staff as designated by the Chair, shall preside over the annual election for purposes of electing a Chair.

Section 7. Attendance at Meetings: Members of the commission are expected to attend regularly scheduled meetings on a regular basis. Commission members are requested to be present at a minimum of 2/3 of the regularly scheduled meetings. If a member's attendance is not in accordance with this minimum requirement, the Mayor may ask the member to resign. After an annual review in October of each year, the Chairman shall inform the Mayor of those regular members who do not meet the minimum attendance requirements. 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 City Council that a vacancy be declared and that the vacated position be filled. Such appointments shall be for the unexpired term of the member replaced.

Section 8. Applications Involving Members: No Commission member shall take part in the hearing, consideration or determination of any case in which the commission member or family member of the member either directly or indirectly is a party or has a financial interest.

Section 9. 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 10. 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. However, 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.

Members of the Commission shall not express individual opinions on the proposed judgment of any application with any person prior to the determination of that application, except in accordance with these rules. Violations of the rules in this Section 10 may be cause for dismissal of the member from the Commission, but shall not be cause for negating any action of this Commission.

Section 11. Knowledge of Duties: Each member of the Commission should make every reasonable effort to 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 VI: MEETINGS

Section 1. Regular Meetings: Regular meetings of the Historic Preservation Commission shall be held on the second Tuesday of each month. A work session will be at five-forty five (5:45) PM for the commission members and the regular meeting will be at six (6:00) PM at a designated location. At least seven (7) days prior to review of a Certificate of Appropriateness, the chairman or Commission shall take such action as may reasonably be required to inform the owners of any property that the Chair determines are likely to be affected by reason of the application, and shall give such owners an opportunity to be heard at the meeting. By the first of November of each year, the Commission shall publish a schedule of its regular meetings for the following year and post at City Hall. Notice of a change in the time and place of a regular meeting shall be given by the Secretary or by the Chair to each member of the Commission and the Mayor's office at least seven (7) days in advance of the meeting and to any media which have requested the notification.

Section 2. Special Meetings: Special meetings may be called at the discretion of the Chair or Secretary. 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

Mayor's office no less than twenty four (24) hours in advance, and as otherwise required by Alabama Law.

Section 3. 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. Notice of the cancellation shall also be posted for notice to the public.

Section 4. Quorum: The presence of no less than 50% of the entire membership of the Commission shall constitute a quorum for the transaction of business. A majority vote of the members of the Commission present and constituting a quorum shall be necessary to decide any item of business requiring action by the Commission.

Section 5. Conduct of Meetings: The order of business shall be as follows:

- a. Introduction of members present
- b. Approval of minutes of previous meeting(s)
- c. Communications from Mayor and/or the City Council and various City Departments when applicable.
- d. Committee Reports
- e. Staff Reports
- f. Old Business
- g. Certificates of Appropriateness
- h. New Business
- i. Adjournment

Section 6. Citizen Communications: Citizen communications which have been placed on the agenda will be heard during the New Business, or if the Commissioners present do not object then such unscheduled requests may be heard during this time. In order to place a communication on the agenda, the citizen must make a request to the Commission staff. The staff will communicate such request to the Chair, who will have the final determination as to whether or not the communication is placed on the agenda.

## ARTICLE VII: PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS

Section 1. Required: Certificates of Appropriateness shall be required as stated in the Athens Historic Preservation Ordinance Sec. 66-90. An application for a Certificate of Appropriateness shall not be accepted until the required information is included. The application form to be used in the Certificates of Appropriateness process is included in Appendix A.

Section 2. Submission Deadline: All applications must be completed and submitted to City staff at least 10 business days prior to the next regularly scheduled meeting to be placed on the agenda.

Section 3. Consideration of Application: 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 Chair, or such person as the Chair shall direct, shall give a preliminary statement concerning the application;
- b. The staff shall present comments on the application;
- c. The applicant shall present the evidence in favor of the application;
- d. Other persons may present evidence in favor of the application;
- e. Persons opposed to the application shall present the evidence against the application;
- f. The applicant may 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;
- g. Following the presentation of evidence, the floor shall be opened for questions regarding the application;
- h. The applicant, and any person as the Chair shall direct, shall then be given the

- opportunity to answer questions;
- i. 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;
  - j. The Chair shall close the public hearing. The public hearing may be reopened at the direction of the Chair.
  - k. The Commission shall thereafter proceed to discuss the proposal with respect to its congruity in light of the adopted Athens Design Guidelines;
  - l. Based upon the facts of the case, the Commission may discuss the appropriateness of imposing conditions;
  - m. 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. However, 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 elevations, plans, or sketches, where necessary. If the Commission finds that the modification constitutes a substantial change, which might affect surrounding property owners, it shall request the applicant to 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. If the Commission or staff finds that substantial modifications are needed, they may request that the applicant withdraw the application, modify their request, and submit a new application to be considered at a later meeting, so not to run afoul of the 30 day limit on considering a Certificate of Appropriateness.

Section 6. Appeals: Any applicant whose request for a Certificate of Appropriateness is denied may appeal such decision to the circuit court within 60 days of the denial.

#### ARTICLE VIII: 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 IX: AMENDMENTS

Section 1. Action Prior to Vote: The text of the proposed amendment to these bylaws and rules of procedure must be both presented at a regular meeting and mailed to the members in advance of the regular meeting at which it is to be deliberated and voted upon.

Section 2. 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.

**APPENDIX A**

**Certificate of Appropriateness Application for the  
Athens Historic Preservation Commission**

**CITY OF ATHENS  
COMMUNITY DEVELOPMENT DEPARTMENT  
APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS  
ATHENS HISTORIC PRESERVATION COMMISSION**

**CASE NUMBER: \_\_\_\_\_**

**The Athens Historic Preservation Commission (hereinafter “Commission”) will review this application for outside alterations, restorations, demolition, construction, relocation or other exterior physical changes in the preserved historic districts pursuant to its grant of authority under City of Athens Ordinance #2010-1767. A copy of the ordinance is available from the City Clerk’s Department, Public Works Department, or on the City of Athens website at [www.athensal.us](http://www.athensal.us).**

**The Commission meets on the second Tuesday of each month at 6:00 p.m. or at the call of the chairman. Applications for Certificates of Appropriateness must be received ~~up to~~ working days prior to the date of the meeting of the Commission.**

**Name of Property Owner: \_\_\_\_\_**

\_\_\_\_\_

**Address of Property: \_\_\_\_\_**

\_\_\_\_\_

**Phone: \_\_\_\_\_ Cell: \_\_\_\_\_**

**Email: \_\_\_\_\_**

**Attach one clear picture of the existing structure(s):**

*Application for a Certificate of Appropriateness*

*Case Number: \_\_\_\_\_*

**I. General Data**

1. **Name of Petitioner:** \_\_\_\_\_

2. **Address of Petitioner:** \_\_\_\_\_

3. **Phone Number of Petitioner:** \_\_\_\_\_

4. **Name and address of owner if different from Petitioner:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. **Relationship of Petitioner to Owner:** \_\_\_\_\_

6. **Address of Property:** \_\_\_\_\_

7. **Date Structure was Built, if known:** \_\_\_\_\_

8. **Dates and Description of any Additions:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**II. Nature of Work for Which the Certificate of Appropriateness is Sought  
(Check all that apply)**

- Maintenance**
- Restoration**
- Renovation**
- Landscaping**
- Signage**
- Excavation**

*Application for a Certificate of Appropriateness*

*Case Number:* \_\_\_\_\_

- Demolition – notification of adjacent property owners required**
- New Construction**
- Relocation**
- Alteration to Nonstructural Walls, Fences, Sidewalks**
- Painting Previously Unpainted Surface; No Structural Change**

**Explain scope of work to be done including but not limited to: measures to assure the historic integrity of the structure or feature, as well as the entire district, will be maintained; precautions for safety of traffic and pedestrians; historic research conducted to support alteration; when demolition authorization is applied for, give the reasons why renovation, restoration or maintenance is not feasible.**

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**III. Documentation Attached (Check all that apply)**

- Site Plan**
- Survey**
- Adjacent Property Owner’s List**
- Historic Designation Report**
- Elevation Plan**
- Landscape Plan**
- Floor Plan**
- Other Plan (specify):** \_\_\_\_\_
- Color Chips**
- Pantone Color Samples/Numbers**
- Architectural Drawings**
- Sketches or Artist’s Renderings**

*Application for a Certificate of Appropriateness*

*Case Number:* \_\_\_\_\_

- Photographs
- Samples of Building Materials
- Engineering Report
- Other (specify): \_\_\_\_\_

**IV. Signatures and Declarations**

**The undersigned owner(s) and/or applicant(s) certifies under penalty of perjury that all statements contained in this Application, including any written material submitted in support of this application, are true and correct, to the best of my knowledge and belief.**

**Signature of Owner(s):** \_\_\_\_\_

**Address of Owner(s):** \_\_\_\_\_

**Agents Only: By signing below as agent, I certify that all statements on this application and all written statements made in support of this application are true to the best of my knowledge and belief, under penalty of perjury. I further represent under penalty of perjury that I am acting in an agency capacity with the express authorization of the owner of the subject property. I understand that if I represent that an agency relationship exists when it does not, this Application will be void, and I may be subject to other civil and criminal penalties.**

**Signature of Agent:** \_\_\_\_\_

**Address of Agent:** \_\_\_\_\_

**VI. Findings of the Commission:**

**VII. Action of the Commission: Approved: \_\_\_\_\_ Denied: \_\_\_\_\_**

**Approved with Modifications: \_\_\_\_\_**

**Describe Modifications: \_\_\_\_\_**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Record of Vote: Aye: \_\_\_\_\_ No: \_\_\_\_\_ Abstentions: \_\_\_\_\_**

**Signature of Chair**

\_\_\_\_\_

**Attest:** \_\_\_\_\_

**I consent to make the required modifications enumerated above:**

**Signature of Petitioner**

\_\_\_\_\_

# Athens Preservation Commission

## City of Athens, Alabama

### Certificate of Appropriateness

THIS IS TO CERTIFY THAT \_\_\_\_\_ AS  
(AGENT/OWNER), IS GRANTED PERMISSION TO PERFORM THE  
EXTERIOR MODIFICATIONS SPECIFIED IN \_\_\_\_\_ HISTORIC  
DISTRICT, CASE NUMBER \_\_\_\_\_ - \_\_\_\_\_, WITH SUCH MODIFICATIONS  
ORDERED BY THE COMMISSION AND ASSENTED TO IN WRITING BY THE  
PETITIONER. ANY MATERIAL DEVIATION FROM THE SPECIFICATIONS  
ENUMERATED IN THE APPLICATION SHALL RENDER THIS CERTIFICATE  
NULL AND VOID.

IN WITNESS THEREOF, I AFFIX MY SIGNATURE AS CHAIRMAN OF THE  
ATHENS HISTORIC PRESERVATION COMMISSION ON THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_\_\_.

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**Peggy Hammons, Chairman**  
**Athens Historic Preservation Commission**

*Application for a Certificate of Appropriateness*

Case Number: \_\_\_\_\_