

**CITY OF LEWES**  
**Historic Preservation Commission**  
**Bylaws & Procedures**

**Article I. Membership**

- a. The Historic Preservation Commission (HPC) shall consist of members qualified and appointed under the provisions of §197-41, Article X, Historic Preservation Regulations, City Code of Lewes (Historic Preservation Regulations).
- b. All members of the HPC shall serve without compensation.

**Article II. Attendance**

- a. Each member of the HPC who has knowledge of the fact that she or he will not be able to attend a scheduled meeting shall notify the HPC Chair at the earliest opportunity and in any event, prior to 4:00 PM on the day of the meeting.
- b. A quorum shall consist of four (4) voting members of the HPC.

**Article III. Responsibilities of Officers and Members**

**a. Chair**

- 1. Preside at all meetings and hearings of the HPC.
- 2. Serve as a member of the Chair/Staff Review Committee (see attachment).
- 3. Call special meetings in accordance with the Historic Preservation Regulations.
- 4. Verify that all actions of the HPC are executed.
- 5. Annually, submit a budget request to the City Manager when requested.

**b. Vice Chair**

- 1. Act for the Chair in his/her absence, disability or disqualification.
- 2. Provide orientation for new HPC Commissioners.

**c. Secretary**

- 1. Ensure that the minutes and records of all HPC meetings are maintained.
- 2. Act as Chair in the absence of both the Chair and the Vice Chair.

**d. Building Official (*Ex-Officio* Member)**

- 1. Maintain and keep all records of applications before the HPC organized by the building address.
- 2. Ensure that applications to come before the HPC and Chair/Staff Review are complete.
- 3. Serve as a member of the Chair/Staff Review Committee (see attachment).

**e. All members**

- 1. Before each meeting of the HPC, become familiar with applications scheduled for review. Applications, including drawings and photographs, will be on file at City Hall.
- 2. Keep all discussions with applicants respectful, collaborative and based on the plans in the application.

3. Recuse themselves from discussing, reviewing or voting on applications for property in which they hold personal or private interests as defined by the Code of Conduct for the City of Lewes.
4. Protect the intellectual property of the City to the extent permitted by applicable law, and applicants from re-use outside of the workings of the HPC. Submitted applications are part of the public record, but may not be used for non-governmental purposes or used in other applications without permission of the applicant.
5. Participate in training activities as requested by the Chair.

#### **Article IV. Election of Officers**

- a. An annual organizational meeting shall be held at the first regularly scheduled meeting following the annual election for Mayor or City Council.
- b. At the annual organizational meeting, nominations shall be made from the floor and officers shall be elected as specified in §197-41 of the Historic Preservation Regulations.
- c. The candidate receiving a majority vote of a quorum by the HPC shall be declared elected and shall serve for one (1) year.
- d. The Vice Chair shall automatically succeed the Chair if she or he vacates that office before the completion of the term of office. A new Vice Chair shall be elected at the next regularly scheduled meeting of the HPC.

#### **Article V. Meetings**

- a. The HPC meets on the first Tuesday of each month at 7:00 PM, City Hall, East Third Street, to ensure timely consideration of applications. Public notice shall be posted at least seven (7) days in advance of the meeting. In the event of a conflict with holidays or other official City business, the meeting shall be rescheduled and appropriate public notice of at least seven (7) days shall be made.
- b. Special meetings may be called by the Chair. It shall be the duty of the Chair to call a special meeting when requested by a majority of the HPC. The Building Official shall notify all members of the HPC in writing at least seven (7) days in advance of such meeting. Public notice shall also be posted seven (7) days prior to any special meeting.
- c. All meetings or portions of meetings, excluding executive sessions, of the HPC shall be open to the public.
- d. All agenda items shall be submitted by the Chair in consultation with the Building Official at least two (2) weeks in advance of the regularly scheduled meeting of the HPC.
- e. If no agenda items are posted for the next regularly scheduled meeting, the Chair will declare the meeting to be cancelled, and so notify the City Manager's office for appropriate public notice of the cancellation.
- f. Matters referred to the HPC by Mayor, City Council or any Committee appointed by the City Council, shall, when possible, be placed on the agenda for consideration and action at the first regularly scheduled meeting of the HPC following such referral.
- g. All meetings, excluding executive sessions, of the HPC shall be open to the public.

#### **Article VI. Procedure at Meetings**

- a. Procedure for HPC Meetings shall be as dictated by Historic Preservation Regulations, §197-42.

- b. Scheduled meetings of the HPC are public hearings. Comments or questions shall be heard from the public during the discussion of each application. Any member of the Commission (including the ex-officio member) may ask questions of the applicant. Comments or questions from the public should be addressed to the Chair, but may at the discretion of the Chair, be answered directly by the applicant or his agent. All comments and questions must pertain to the application as presented.
- c. As described above under "Special Meetings," the Chair may schedule special meetings to receive additional input from the general public when time at a regularly scheduled meeting proves insufficient to adequately listen to all points of view. The HPC must still reach its decision by the end of the next regularly scheduled meeting or the application shall be recorded as automatically approved. As much as practicable, the HPC will avoid special meetings.
- d. If an applicant has information, evidence or testimony that contradicts the designation of "Contributing" or "Non-Contributing", (*as defined in the Historic District Preservation Ordinance*) the HPC will consider that information, evidence or testimony before addressing the application. Such information shall be presented to the HPC as a notarized statement, copy of official documents(s), or sworn testimony.

**Article VII. Consideration of Agenda Items**

- a. Prior to a motion to approve or disapprove an application, a motion of "Finding of Fact" will be entertained by the Commission. The Finding of Fact motion shall include whether the property is located in the historic district, whether it is a contributing property, whether the proposed change conforms to the rhythm and scale of its neighborhood, and whether the proposed construction materials are appropriate.
- b. A motion itemizing the proposed changes shall be made by the HPC member for a agenda item to be either approved or disapproved with conditions stipulated, denied or postponed.
- c. Each member of the HPC except the ex-officio member is entitled to one vote.
- d. Members must be present to vote.
- e. The HPC may employ experts and other such assistance if required and approved by the City Manager.
- f. All incidental records including maps, forms, training materials and other matters required by the ordinance or the HPC are to be filed in the office of the City Building Official.

**Article VIII. Basic Rules of Order**

- a. Attached to these by-laws is an instructional handout, entitled "Basic Rules of Order," with examples of the most common types of motions before the HPC.
- b. These bylaws may be amended at any meeting of the HPC by a majority of a quorum of the HPC members provided that notice of said proposed changes, amendments or additions is given to each member at least ten (10) days prior to said meeting and appropriate public notice is made.
- c. The bylaws of the HPC shall be annually.
- d. Any changes, amendments or additions to the bylaws shall be submitted to the Mayor and City Council for review and approval.

The undersigned acknowledge that these bylaws have been reviewed and amended according to Article VIII and approved by a majority of all members of the Lewes Historic Preservation Commission at their regularly scheduled meeting of October 5, 2010.

Approved by Mayor & City Council at their January 10, 2011 meeting.

*Lewes HPC Bylaws.1-2011*

**ATTACHMENT  
HISTORIC PRESERVATION COMMISSION  
BYLAWS AND PROCEDURES**

**CHAIR/STAFF REVIEW**

Note: Chair/Staff Review shall be used for routine and minor Historic District construction applications whose costs are estimated at less than \$25,000. The requests may include such items as the addition or replacement of fences, window replacements, and other projects where the HPC has a history of approving similar projects using the same materials.

## STEPS:

1. After the applicant completes an application for a building permit, the Assistant Building Official first determines whether the property is located in the Historic District and whether it involves a Contributing structure. (see §197-41. Article X, Historic Preservation Regulations, Lewes City Code for a definition)
2. If the Assistant Building Official deems that the application involves a minor project that in his/her opinion would under most circumstances be approved by the HPC, the HPC Chair will be notified of the need for a review by the Chair (or his/her representative), the Building Official and the Assistant Building Official. The review will take place after a completed file, as defined by the Ordinance referenced above, has been compiled as though it would be formally presented to the full HPC Commission. (The completed file allows projects that were not approved by Chair/Staff Review to be considered promptly at the next scheduled HPC meeting.)
3. In the company of the Building Official and the Assistant Building Official, the Chair shall review the request. If there is full agreement by all parties that the application meets the above criteria, the applicant can be issued a building permit. If there is not full agreement, the application will be placed on the agenda for the next meeting of the HPC Commission, *provided that sufficient public notice shall be posted at least seven (7) days in advance.*
4. Notification of action by the Chair/Staff Review process shall be placed on the agenda for the next meeting of the HPC Commission, *provided that sufficient public notice shall be posted at least seven (7) days in advance.*

## **Historical Preservation Commission Basic Rules of Order**

### **General Order of Meetings**

- a. Call to Order
- b. Approval of Minutes
- c. Officers' Reports
- d. Unfinished (Old) Business
- e. New Business
  - a) Minor changes
  - b) Resubmissions
  - c) Major changes
  - d) New construction or demolition
- f. Adjournment

### **Procedure to Make a Motion**

- a. Member addresses or signals the Chair for recognition.
- b. The member states the motion. e.g. "I move that we \_\_\_\_\_."
- c. Member may give a brief explanation for introducing the motion.
- d. Another member must second the motion to continue.
- e. Chair calls for discussion on this motion.

The member who introduced the motion has the right to speak first. Members wishing to discuss the motion raise their hands and wait for recognition from the Chair before speaking, enabling everyone to share their opinions.

- f. Chair calls for a vote on the motion.
- g. Chair states results of vote and resulting action.

Members may "call the question" to end discussion on the motion if discussion seems to be dragging on or becoming redundant; however, it is NOT acceptable to call the question in order to prevent someone from expressing their opinion or while someone is speaking. If a member calls the question, a second and a 2/3 majority vote are required (no discussion) to close discussion and proceed to voting on the motion.

### **Procedure to Amend a Motion**

During discussion, it may become apparent that an amendment (modification) to the original motion is necessary. Anyone may request to amend the original motion, but the proposed amendment must be related to the subject of the main motion.

- a. Member addresses or signals the Chair for recognition.
- b. Member states the amendment (e.g. striking and/or adding words/phrases).
- c. Amendment must be seconded.
- d. Chair calls for discussion on the amendment.
- e. Chair calls for a vote on the amendment, and announces result.

If the amendment passes, the motion on the floor is now the amended motion. If the amendment fails, the original motion remains on the floor.

## **Referral to Committee**

During discussion, it may become apparent that further information is needed prior to voting on a motion and/or further work is necessary to reword a motion, in which case, the motion may be referred to a committee. If the motion passes, the committee, if not existing, should be appointed immediately or as soon as possible. The committee should report findings at the next meeting, unless specified otherwise.

- a. A member makes a motion to refer the motion to committee.
- b. Motion must be seconded.
- c. Chair calls for discussion.
- d. Chair calls for a vote, and states result of the vote and action taken.

## **Tabling a Motion**

Tabling a motion lays aside an item of business temporarily in order to attend other business. A tabled motion cannot be taken from the table until another item of business has been transacted since the tabling. If the tabled motion is not removed from the table by the end of the next meeting, the motion ceases to exist.

- a. A member makes a motion to table the motion.
- b. Motion must be seconded (No discussion).
- c. Chair calls for a vote, and states result of the vote and action taken.

## **Removing a Motion from the Table**

A member may move to remove a motion from the table during the Unfinished Business part of the meeting once all agenda Unfinished Business items are addressed.

- a. A member makes a motion to remove a motion from the table.
- b. Motion must be seconded.

At this point, the motion has been removed from the table and discussion of the motion proceeds as if the motion had never been tabled in the first place.

- c. Chair calls for discussion.
- d. Chair calls for a vote, and states result of the vote and action taken.

## **Motion to Postpone**

A member may move to delay action (voting) on a motion to a certain time, usually the next meeting. A postponed motion is considered unfinished business and automatically comes up for further consideration at the next meeting (or designated date).

- a. A member makes a motion to postpone the motion to another date (usually the next meeting).
- b. Motion must be seconded.
- c. Chair calls for discussion.
- d. Chair calls for a vote, and states result of the vote and action taken.