

155.2206. HISTORIC PRESERVATION COMMITTEE (HPC)

A. Establishment

The Historic Preservation Committee (HPC) is hereby established in accordance with state law.

B. Powers and Duties

The HPC shall have the following powers and duties under this Code:

1. Decide Applications for Development Permit

To review and decide the following applications for a development permit:

- a. Major Certificate of Appropriateness (Sec. 155.2409); and
- b. Appeal of a decision of the Development Services Director on an application for a Minor Certificate of Appropriateness (Sec. 155.2424); and
- c. Placement on Local Register of Historic Places (Sec. 155.2427).

2. Adopt Design Standards and Guidelines for Properties on Local Register of Historic Places

The HPC is authorized to and shall prepare and adopt design standards and guidelines to serve as guidance for its review of Certificate of Appropriateness applications. Design standards and guidelines may be adopted for all structures, sites, and districts on the Local Register of Historic Places, and/or may be tailored to individual historic structures, sites, or districts where appropriate to preserving and protecting their particular character. Any adopted design standards and guidelines shall be incorporated by reference as part of this Code.

3. Other Powers and Duties

- a. To inventory properties of historical, prehistorical, architectural, or cultural significance and make recommendations to the City Commission regarding the inventory;
- b. To investigate and prepare reports describing the significance of any site, building, structure, or district recommended for placement on the Local Register of Historic Places;
- c. To develop and recommend to the city, programs to stimulate public interest in urban neighborhood conservation;
- d. To participate in the development and adoption of existing codes, ordinances, procedures, and programs to reflect urban neighborhood conservation policies and goals.
- e. To explore funding and grant sources and advise landowners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic, architectural, archaeological, and cultural resources;
- f. To cooperate with agencies of city, county, regional, state, and federal governments in planning proposed and future projects to reflect historic preservation concerns and policies, and assist in the development of proposed and future use plans;
- g. To advise landowners and local governmental agencies concerning the proper protection, maintenance, enhancement and preservation of cultural resources;
- h. To advise the City Commission concerning the effects of local governmental actions on cultural resources;
- i. To notify the Development Services Director or other appropriate city staff of apparent violations of the historic preservation regulations of this Code, and request appropriate enforcement action;
- j. To determine whether structures or sites listed on the Local Register of Historic Places, or structures or sites within a historic district listed on the Local Register of Historic Places, are in danger of being demolished by condition of neglect, file code violation complaints about such conditions of neglect with the Development Services Director, consider and recommend to the City Commission whether the City should make repairs necessary to correct such conditions of neglect that remain uncorrected by the property owner or other responsible person, and to hear and decide claims by property owners that compliance with orders to correct conditions of neglect would create undue economic hardship.
- k. To assist in developing a historic preservation element to be incorporated into the city's comprehensive plan and, if necessary, make recommendations for amendments to historic preservation goals, objectives, and policies in the plan;
- l. To review, as a Certified Local Government, proposed National Register nominations within the city;

m. To prepare an annual report of the HPC's activities during the period between October 1 and September 30 of each year and provide a copy of the report to the State Historic Preservation Officer by the following November;

n. To be governed by the "Florida Guidelines for Certified Local Governments" and any other requirements established set forth by the Florida Division of Historic Resources for continued status as a Certified Local Government;

o. To seek expertise in any area not represented by the qualifications of committee members when considering National Register nomination proposals and other actions that will impact properties normally evaluated by professionals in such an area;

p. To create whatever subcommittees it deems necessary to carry out the committee's purposes; and

q. To carry out any other powers and duties delegated to it by the City Commission, consistent with state law.

C. Membership, Appointment, and Terms of Office

I. Membership and Appointment

a. The HPC shall consist of seven regular voting members and two alternate members, appointed by resolution of the City Commission as a whole.

b. At least one regular voting member shall be an architect registered in the State of Florida. Appointment of remaining regular voting members shall be based on civic pride, integrity, experience, and interest in the field of historic preservation, and shall, to the extent available, include a representative with expertise from each of the following fields:

i. History;

ii. Architecture;

iii. Architectural history;

iv. Archaeology;

v. Planning; and

vi. Other historic preservation related disciplines such as American studies, American civilization, cultural geography, or cultural anthropology.

c. The City Commission may appoint lay persons demonstrating special interest, experience, or knowledge in the above fields if professionals in the fields are not available.

d. If feasible, at least one alternate member shall be a Florida-registered architect.

e. Regular voting members and alternate members shall serve without compensation.

f. The Development Services Director shall notify the State Historic Preservation Officer of any change in HPC membership within 30 days after such change.

2. Terms

a. Regular voting members of the HPC shall be appointed for three-year, staggered terms. Of the seven members first appointed, two members shall be appointed for a term of one year; two members shall be appointed for a term of two years; and three members shall be appointed for a term of three years.

b. Alternate members shall be appointed for three-year concurrent terms.

c. Members shall continue to serve until their successors are appointed.

d. A member may serve no more than two consecutive full terms, but may be reappointed to the committee after at least one year elapses after expiration of their second term.

3. Alternate Members

The Chair of the HPC shall be authorized to assign one of the two alternate members to serve as a substitute for a regular voting member who is temporarily absent or disqualified, in accordance with the following:

a. The Chair shall rotate assignments between the alternate members unless the unavailability of an alternate member makes such rotation impossible.

b. No alternate member may serve as a substitute member for a period of more than three months.

c. No alternate member may take action as a substitute member unless the Chair first announces assignment of that role and the assignment is recorded in the official minutes of the meeting.

d. When substituting for regular voting members, alternate members shall have the same powers and duties as the regular voting member they replace.

4. Removal and Replacement; Attendance

a. Removal for Good Cause

The City Commission may remove and replace any member of the HPC at any time for good cause, including, but not limited to, poor attendance (See subsection b below.), lack of participation, unfitness, malfeasance, and conflict of interest (See Section 155.2206.H.). Any allegation of cause for removal shall be in writing, and the City Commission shall hold a public hearing on such an allegation before taking action to remove a committee member.

b. Removal for Poor Attendance

Any member of the HPC who is absent from three consecutive regularly scheduled board meetings or more than 50 percent of regularly scheduled board meetings held within a calendar year shall be removed from the board by the City Commission in accordance with subsection a above. The Chair of the HPC shall notify the Mayor and City Commission if a member qualifies for removal under this subsection.

5. Vacancies

Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

D. Chair and Vice-Chair

1. The HPC shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term.

2. The Chair shall preside over all committee meetings. The Vice-Chair shall preside over committee meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the HPC shall vote to determine who shall serve as acting Chair for the meeting.

E. Staff

The Development Services Director shall serve as the professional staff liaison to the HPC, provide it with administrative support, and serve as its Secretary, notifying committee members of all meetings and keeping the minutes of the meetings.

F. Meetings

1. Schedule

The HPC shall adopt a schedule establishing the date, time, and location of regular meetings. The Development Services Director shall provide a copy of the HPC's meeting schedule to the State Historic Preservation Officer. The Chair may adjourn a regular meeting on determining that there are no agenda items for consideration, and may call special meetings—provided, however, that the HPC shall hold at least four regular meetings each calendar year.

2. Official Record

The HPC shall keep a written record of its recommendations, transactions, findings, and determinations. Such record shall include minutes of meetings in accordance with state law (Sec. 286.011, Fla. Stat.) and shall be a public record and filed with the Development Services Director. The minutes shall include a record of meeting attendance by HPC members as well as public attendance figures. The Development Services Director shall provide a copy of the minutes of each HPC meeting to the State Historic Preservation Officer within 30 days after the meeting.

3. Notice of Meetings

a. The Development Services Director shall provide notice of HPC meetings to each committee member at least 48 hours before the meeting.

b. The Development Services Director shall provide notice of each HPC meeting to the State Historic Preservation Officer at least 30 days before the meeting date.

c. Notice of all HPC meetings and public hearings shall be provided in accordance with state law and the public hearing requirements in Section 155.2305.C, Public Hearing Notice, as appropriate.

4. Open Meetings

All meetings of the HPC shall be open to the public.

5. Procedure

In conducting its meetings, the HPC shall follow rules of procedure adopted in accordance with Section 155.2206.I, Rules of Procedure.

G. Quorum and Necessary Vote

1. Quorum

Four members of the HPC shall constitute a quorum. No official business of the committee shall be conducted without a quorum present.

2. Voting

An affirmative vote of the majority of HPC members present and constituting a quorum is required for all decisions of the HPC.

H. Disqualification from Participation and Voting Based on Conflict of Interest

1. A member of the HPC shall not participate in the review of, or vote on, an application if the action proposed by the application creates a conflict of interest—that is, if the action proposed by the application would inure to the special private gain or loss of the member, any principal or corporation (or a parent organization or subsidiary of such corporation) that employs or otherwise retains the services of the member, or a close relative (e.g., parent, sibling, spouse, or parent- or sibling-in-law) or business associate of the member.

2. If an objection is raised to a committee member's participation in a matter based on a conflict of interest (as defined in subsection 1 above), and that member does not recuse himself or herself, the remaining members of the committee present shall, by majority vote of a quorum present, determine whether the member is or is not disqualified from participating in and voting on the matter.

3. If a committee member is disqualified on a regular and continuing basis due to a conflict of interest (as defined in subsection 1 above), the Chair may request, in writing, that the member resign. If the member does not resign in response to such a request, the Chair shall report the conflict of interest to the Mayor and City Commission, who may consider whether to remove and replace the member in accordance with Section 155.2205.C.4, Removal and Replacement; Attendance.

I. Rules of Procedure

The HPC shall adopt rules of procedure governing its procedures and operations. Copies shall be made available for public inspection in the office of the Development Services Director.

(Ord. 2012-64, passed 9-11-12)