

# **HISTORIC PRESERVATION COMMISSION**

## **BYLAWS**

**Adopted on September 26, 2019**

### **ARTICLE I**

#### **NAME**

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

### **ARTICLE II**

#### **CREATION**

The Historic Preservation Commission was created by the Mayor and Aldermen of the City of Savannah, in accordance with the O.C.G.A. §44-10-21 (“Georgia Historic Preservation Act”), as amended, upon the adoption of the Zoning Ordinance and Official Zoning Map of the City of Savannah on July 18, 2019.

### **ARTICLE III**

#### **DUTIES/PURPOSE**

The powers and duties of the Historic Preservation Commission (herein after referred to as the “HPC”) shall be those prescribed by O.C.G.A. §44-10-21 (“Georgia Historic Preservation Act”), as amended, and all those assigned by the City of Savannah Zoning Ordinance. The City’s jurisdiction for requiring Certificates of Appropriateness shall be, as required by the City of Savannah Zoning Ordinance, for all local historic districts, historic properties in the City of Savannah, and Conservation Districts with the exception of the Savannah Downtown Historic Overlay District. The Official Zoning Map shall be on file in the City of Savannah Clerk of Council’s Office and Chatham County-Savannah Metropolitan Planning Commission office.

The purpose of the Historic Preservation Commission is to provide for the protection, enhancement, perpetuation and use of areas having a special historical, cultural, or aesthetic interest or value in order to promote the health, prosperity, and general welfare of the people. The preservation of this heritage is of basic and vital importance for the development and maintenance of the community's vacation-travel industry, its tourism, its culture, and for the protection of property values because of their association with history.

#### **ARTICLE IV**

#### **CODE OF ETHICS**

The HPC and Staff shall operate under the National Alliance of Preservation Commissions Code of Ethics for Commissioners and Staff. (See Appendix A.)

#### **ARTICLE V**

#### **COMMISSION**

1. **Composition:** The HPC shall consist of nine (9) members appointed by the Mayor and Aldermen. Members must be residents of the City of Savannah and shall be persons who have demonstrated a special interest in the preservation of historic resources.
2. **Jurisdiction:** The jurisdiction of the HPC shall include those elements of development, rehabilitation, preservation or demolition that affect the exterior visual quality of the historic district, conservation district or historic property, specifically including exterior appearance of structures within the historic district, conservation district or historic property. The HPC shall not consider the interior arrangement of structures.
3. **Terms of Office:** Members of the HPC shall serve for a term of three (3) years and shall be eligible for reappointment for an additional term of three (3) years. After having served for two (2) successive terms of three (3) years each, that person shall not be eligible for reappointment

as an HPC member until a period of two (2) years has lapsed after the termination of his/her second term. Members shall serve until their successors are appointed.

4. City Preservation Officer: The Executive Director of the Chatham County-Savannah Metropolitan Planning Commission (MPC), or his/her designee, shall be designated as the City Preservation Officer. The City Preservation Officer shall provide support services to the HPC including receiving and reviewing all applications for Certificates of Appropriateness, and applications for designation of historic districts, conservation districts, and historic properties; and making recommendations for approval or disapproval of the applications to the HPC. The City Preservation Officer shall serve as Secretary to the HPC and shall maintain the records and minutes of the HPC.

5. Officers: The officers of the HPC shall consist of a Chairperson and a Vice-Chairperson.

A. Election of Officers: Officers shall be elected from among the members of the HPC.

B. Terms of Office and Limitation of Number of Terms: Officers shall be elected for a one (1) year term. No member shall serve for more than two (2) successive terms in the same office. Terms of officers shall begin in January.

C. Powers and Duties of Officers: The powers and duties of each officer shall be as follows:

(1) Chairperson: The powers and duties of the Chairperson shall be:

(a) Preside at all meetings of the HPC.

(b) Appoint all committees of the HPC, subject to the approval of the HPC.

(c) Appoint a Parliamentarian. The Parliamentarian may be a member of the HPC or Staff.

(d) Countersign, with the Executive Director of the MPC and the City Preservation Officer, all Certificates of Appropriateness approved by the HPC.

(2) Vice-Chairperson: The powers and duties of the Vice-Chairperson shall be to exercise all the powers and discharge all the duties of the Chairperson during his/her absence or disability, or when a vacancy occurs in the Office of Chairperson.

6. Serve without pay: Members shall not receive a salary.

## **ARTICLE VI**

### **MEETINGS**

All meetings shall be public, except in those instances where closed meetings may be held pursuant to the Open Meetings laws of the State of Georgia.

7. Regular Meetings: Regular Meetings of the HPC shall be held on the 4<sup>th</sup> Wednesday of each month at 3:00 P.M. in the Metropolitan Planning Commission Arthur A. Mendonsa Hearing Room, 112 East State Street, Savannah, Georgia, or in any other designated meeting place, provided the location shall be specified in all notices required by law.

8. Special-Called Meetings: If a quorum is not present at a Regular Meeting of the HPC, a Special-Called Meeting may be held within fourteen (14) calendar days from the scheduled meeting. Special-Called Meetings shall be called for other specific purposes and only the items stated in the call shall be discussed at the meeting.

9. Record of Action Taken: A record shall be kept by Staff of all actions of the HPC meeting. Such record shall describe the subject considered, the motion made, a brief summary of the

discussion, if any, and the results of the vote on the motion noting the vote by each member, and those whose absent shall be marked.

10. Rules: All meetings of the HPC shall be conducted in accordance with the most recent edition of “Roberts Rules of Order Newly Revised.”

11. Agenda: The City Preservation Officer shall prepare an Agenda for each meeting listing the items to be considered, information relating to such items, and for each item, when appropriate, the City Preservation Officer’s recommendation. The Agenda shall include a Regular Agenda and a Consent Agenda.

12. Quorum: Five (5) members of the HPC shall constitute a quorum.

13. Voting:

A. Decision on Certificate of Appropriateness shall require a majority vote of the HPC members present.

B. Amendment of the Bylaws shall require a majority vote of the entire HPC.

C. Amendment of a Staff Review list shall require a majority vote of the entire HPC.

D. Appeals by two (2) or more members from rulings by the Chair shall require a majority vote of the entire HPC.

14. Attendance at Meetings: Any HPC member who fails to attend any three (3) consecutive HPC meetings or any four (4) meetings in any twelve (12) month period without a written excuse filed with the Chairperson may be replaced by the Mayor and Aldermen.

15. Conflict of Interest: No HPC member shall take part in the hearing, consideration, or determination of any petition in which he/she shall be a party or has a financial interest. This includes a member of the HPC presenting an application at the public hearing to the HPC in

which he/she serves. In the case of a conflict of interest, the HPC member shall complete a Conflict of Interest Disclosure Form and submit it for the record. (See Appendix B.)

16. Committees: The HPC shall have a standing Nominating Committee and such other Ad Hoc Committees that the Chairperson may create. The Nominating Committee shall:

- A. Consist of three (3) members who shall be appointed by the Chairperson at the October meeting.
- B. Propose nominees for all officers to be elected.
- C. Submit its report to the HPC in writing at the November meeting prior to the regular January meeting. As the last item on the Agenda of the December meeting, the HPC shall elect officers. The new Chairperson shall conduct the January meeting.

## **ARTICLE VII**

### **STAFF DECISIONS**

17. Staff Decisions: A Certificate of Appropriateness may be approved by the City Preservation Officer for any two of the following items listed below. If an application contains three or more of the following items, it may be referred to the HPC at its next regularly scheduled meeting.

- A. Roof repair and/or roof replacement.
- B. Change to existing awnings and installation of new awning.
- C. Stucco repair.
- D. Brick repair and/or repointing.
- E. Change to existing shutters and installation of new shutters.
- F. Window and door repair or replacement (except for a change in the size of an opening or creation of a new opening).
- G. Change to existing mechanical equipment and screening and installation of new mechanical equipment and screening.

- H. Change to existing signs and installation, erection, or placement of new signs (except those that are not illuminated and are three (3) square feet or less; these do not require a COA).
- I. Change to existing fences or walls and construction of new fences or walls.
- J. Demolition of a non-contributing building.

## **ARTICLE VIII**

### **AMENDMENTS TO BYLAWS**

Amendments: These bylaws, within the limits allowed by law, may be amended at any time by an affirmative vote of the majority of the HPC, provided that such amendment shall have first been presented to the membership in writing at a Regular Meeting preceding the meeting at which the vote shall be taken.

**APPENDIX A**  
**CODE OF ETHICS**

**National Alliance of Preservation Commissions**  
**Code of Ethics for Commissioners and Staff**

**Preamble**

Preservation commissions have been established by local governments throughout the United States to promote the preservation and appropriate development of heritage resources in their communities. The National Alliance of Preservation Commissions (NAPC) is the only organization devoted solely to representing the nation's preservation commissions. Its mission is “to build strong local preservation programs through education, advocacy, and training.” As part of that mission, the NAPC has developed this Code of Ethics to promote and maintain the highest standards of honesty, integrity, and professionalism among the Commissioners and Staff who serve their communities through Preservation Commissions.

These principles are derived from general societal values and recognized principles of professional responsibility. As societal values compete, so may ethical principles. The need for full public disclosure may compete with the need to respect confidential information, for example. The ethical Commissioner or Staff member must carefully balance various public and private interests based on the facts and context of each situation guided by the commitment to serve the public interest.

Individual Commissioners should be knowledgeable, accurate, honest, and forthright in their dealings with other Commissioners, local elected officials and Staff, applicants, and the general public. Although not elected by the public, Preservation Commissioners are accountable for their actions in the communities they serve.

This Code of Ethics comprises guidelines for ethical conduct organized under three main categories:

*Responsibility to the Community*

*Responsibility to the Profession*

*Standards of Professional Conduct*

Under each category are statements of principle to guide Preservation Commissioners and Staff in choosing ethical courses of action for heritage preservation in their communities. The NAPC endorses this Code as the ethical benchmark to which all its members should aspire. In the absence of professional licensure for Preservation Commissioners and Staff, the adherence to a code of ethics is a matter of personal responsibility. However, Preservation Commissions may wish to adopt these principles and standards as a guide. Although stated in the plural, each suggested rule also applies to an individual Commissioner or Staff member.



## **Responsibility to the Community**

*The most effective historic preservation takes place locally, and all Preservation Commissioners and Staff should remember that it is their duty, as public servants, to advance the greater good of the community.*

1. Commissioners and Staff should be advocates for the community's heritage resources, striving to protect their integrity while recognizing the rights of citizens, individually and collectively, to their beneficial use and enjoyment.
2. Commissioners and Staff should promote public awareness, appreciation, access, and support for the preservation of heritage resources.
3. Commissioners and Staff should develop standards and guidelines that are appropriate for the resources and protect the community's unique character, environment, and quality of life.
4. Commissioners and Staff should respect the diversity of heritage resources that may hold different meanings for various groups and communities.
5. Commissioners and Staff should respect the public's right to know by providing full, clear, and accurate information and observing both the letter and spirit of open meetings and open records laws.
6. Commissioners and Staff should provide opportunities for meaningful public participation in the work of the Commission.
7. Commissioners and Staff should make timely, fair, informed, and impartial decisions that guarantee citizens' rights to due process and equal protection under the law.
8. Commissioners and Staff should be sensitive to the interrelatedness of their decisions and the long-term implications for the resources and the community.
9. Commissioners and Staff should seek compromises or search for alternatives where necessary to achieve overall preservation goals and provide substantial justice for citizens.
10. Commissioners and Staff should recognize that the historic built environment changes over time and encourage new development that respects the historic character and fabric that preceded it.
11. Commissioners and Staff should continually evaluate and update their plans, ordinances, standards, guidelines, and procedures to ensure they meet the community's current and future needs.
12. Commissioners and Staff should always strive to make decisions that are in the best interest of the community.

## **Responsibility to the Profession**

*Preservation Commissioners and Staff are drawn from many disciplines and backgrounds. The common thread that joins them is their interest and commitment to preserve heritage resources in their communities. A multi-disciplinary profession has developed over the years from the Historic Preservation movement, and Commissioners and Staff have an obligation to advance the best interests of this profession in the context of their Commission work.*

1. Commissioners and Staff should be mindful that they are representatives of the greater local, state, and national preservation community and conduct themselves in a way that brings credit to their Commission and the profession.
2. Commissioners and Staff should share their knowledge and experience and contribute to the development of other colleagues, particularly newly appointed commissioners, students, and interns.
3. Commissioners and Staff should actively promote heritage preservation and strive to increase the involvement of underrepresented groups.
4. Commissioners and Staff should support through their memberships and other contributions, organizations that promote heritage preservation.
5. Commissioners and Staff should work collaboratively with related professionals and professional organizations whose actions also affect heritage conservation including, but not limited to, planners, code officials, architects, landscape architects, archaeologists, attorneys, realtors, and developers.
6. Commissioners and Staff should treat fairly and comment responsibly on the professional views of colleagues and members of other professions.
7. Commissioners and Staff should render all practicable assistance to other colleagues and organizations in an emergency when heritage resources are at risk.
8. Commissioners and Staff should acquire a depth of knowledge that will enable them to explain to others the role of heritage preservation in a complex, modern world.
9. Commissioners and Staff should recognize that the field of heritage preservation is constantly evolving and actively pursue continuing educational opportunities in order to maintain, refine, and enhance their capabilities as practitioners.

## **Standards of Professional Conduct**

*As public servants, Commissioners and Staff are expected to conduct themselves in accordance with the law. These standards set forth both a baseline for such legal conduct as well as aspirational goals for ethical behavior that may require a conscientious effort to attain.*

1. Commissioners and Staff should thoroughly understand the legal framework of heritage preservation and consistently operate within the bounds of their authority and responsibility under the law.
2. Commissioners and Staff should treat all citizens fairly, impartially, and with respect, and refrain from discrimination or harassment of any kind.
3. Commissioners and Staff should not accept gifts or favors under any circumstances where it might appear that acceptance could influence their judgment.
4. Commissioners and Staff should disclose all personal or financial advantages that might accrue to them, their business interests, or family members either directly or indirectly from a recommendation or decision.
5. Preservation Commissioners and Staff who have an actual or apparent conflict of interest in a matter coming before them should recuse themselves entirely from deliberations and decisions.
6. Commissioners and Staff are obligated to utilize their knowledge and experience to make decisions and, therefore, should abstain from participating and voting only in cases of a *bona fide* conflict of interest.
7. Commissioners and Staff should not disclose confidential information obtained in the course of their duties, except as required by the law, or use confidential information to further a personal interest.
8. Commissioners and Staff should not abuse their office by advancing an agenda that is not in the best interest of the community or heritage preservation.
9. Commissioners and Staff should seek the advice of colleagues or other professionals on matters that fall outside their expert knowledge or competence.
10. Commissioners and Staff should be consistent in their actions and recommendations, treating similarly situated properties similarly and providing clear explanations when different treatment is required.
11. Commissioners and Staff should reveal illegal conduct on the part of other Commissioners, Staff, officials, applicants, or their representatives to an appropriate higher authority.
12. Commissioners and Staff should not participate in deliberations or decisions without adequate preparation and knowledge of the matter before them.

13. Commissioners and Staff should avoid dishonesty, never misrepresenting facts or distorting information to achieve a desired outcome.
14. Commissioners and Staff should recognize the uniqueness of heritage properties, applying preservation theories, methods, and standards appropriate to each particular case.
15. Commissioners and Staff should be sensitive to ethical issues and ensure they are raised, critically analyzed, and addressed by the Commission and other appropriate authorities.

*This Code of Ethics was developed by members of the NAPC through an interactive process beginning with a series of facilitated sessions held during the July 2006 NAPC FORUM in Baltimore, MD. The resulting set of principles was further developed and refined by members during the following three-month period leading up to the November 2006 annual meeting of NAPC in Pittsburgh, PA. The effort was supported by the Board of Directors and Staff of NAPC, and coordinated by Professor James K. Reap, an attorney and member of the Board, with the involvement of the Historic Preservation Advocacy and Professional Development class in the Master of Historic Preservation Program at the University of Georgia. The NAPC would like to acknowledge the organizations whose guidelines and materials were relied on in developing this code: the American Institute of Architects (AIA), American Planning Association (APA), American Institute of Certified Planners (AICP), American Institute for Conservation of Historic and Artistic Works (AIC), and International Council on Monuments and Sites (ICOMOS).*

**APPENDIX B**

**CONFLICT OF INTEREST DISCLOSURE FORM**

**CONFLICT OF INTEREST IN HISTORIC PRESERVATION COMMISSION ACTIONS**

**DISCLOSURE OF FINANCIAL/PROPERTY INTERESTS**

An Historic Preservation Commission (HPC) member who has one or more of the following interests in the HPC action for a Certificate of Appropriateness identified herein, shall recuse him/herself from participating in the hearing, consideration, determination, or vote on such action and shall not take any other action on behalf of him/herself or any other person to influence action on the application.

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**Signature of HPC Member**

**Date**

**HPC File Number** \_\_\_\_\_

**Property Location** \_\_\_\_\_

**CHECK THE FOLLOWING STATEMENTS WHICH APPLY:**

- I have a property interest in real property affected by this HPC action upon which I am authorized to vote.
- A member of my family (i.e. spouse, mother, father, brother, sister, son, daughter, or in-law) has a property interest in the real property affected by this HPC action.
- I have a financial interest in a business entity which has a property interest in real property affected by this HPC action.
- A member of my family has a financial interest in a business entity which has a property interest in real property affected by this HPC action.

**NAME OF FAMILY MEMBER:** \_\_\_\_\_

**DESCRIPTION OF NATURE AND EXTENT OF PROPERTY INTEREST:**

**DESCRIPTION OF NATURE AND EXTENT OF FINANCIAL INTEREST:**

**Definition of Terms:**

**Business Entity:** Means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

**Financial Interest:** Means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is ten (10) percent or more.

**Property Interest:** Means the direct ownership of real property and includes any percentage of ownership less than total ownership.

**Real Property:** Means any tract or parcel of land and, if developed, any buildings or structures located on the land.