

THE HISTORIC PRESERVATION COMMISSION
GREENVILLE, NORTH CAROLINA

RULES OF PROCEDURE

I. PURPOSE

To establish procedures for organizing the business of the Greenville Historic Commission, and processing applications for Certificates of Appropriateness.

II. GENERAL RULES

The Commission shall be governed by the terms of the ordinance creating the Commission contained in the Code of Ordinances for the City of Greenville, North Carolina, and by the terms of N.C.G.S. §160D-940-959 as they may be amended or revised.

III. JURISDICTION

The Commission shall act jointly as a historic district and historic landmarks commission within the planning and zoning jurisdiction of the City of Greenville.

IV. MEMBERS, OFFICERS AND DUTIES

- A. General. The Commission shall be composed of ten (10) members, the majority of whom shall have demonstrated special interest, experience, or education in history, architecture, and/or archaeology.
- B. Chair. A Chair shall be elected annually by the members of the Commission, and shall be eligible for re-election, serving for no more than two consecutive terms. The Chair shall preside at all meetings of the Commission, and shall decide 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 vote on all matters before the Commission and shall have no extraordinary voting powers in the case of a tie vote. The Chair shall have the authority to maintain order during the meeting to ensure proper decorum by all in attendance. The Chair shall have the authority to request individuals who are disruptive or whose conduct is inappropriate in a public forum such as yelling, use of profanity, threats of violence, physical assaults, repeatedly interrupting individuals and talking without being addressed to be quiet and upon failure of the offending individual(s) to conduct themselves in an appropriate and nondisruptive manner, to request the individual(s) to leave the meeting. Further the Chair shall be authorized to advise the disruptive

individual(s) if they do not leave law enforcement will be requested to respond and remove the individual(s) on the basis of trespass.

- C. Vice-Chair. A Vice-Chair shall be elected in the same manner as the Chair, and shall be eligible for re-election. The Vice-Chair 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.
- D. Secretary. The Director of the Planning and Development Services Department, or designee, shall serve as Secretary to the Commission. All records of correspondence and general supervision of clerical work of the Commission are the responsibility of the Secretary. The Secretary shall be responsible for calling the roll and recording attendance or absence of Commission members at the beginning of each meeting. In addition, the Secretary shall be responsible for transcription of the minutes of each meeting and orders issued by the Commission.
- E. Elections. Election of officers and committee appointments shall take place at the first regular meeting in January.
- F. Terms of Appointments. Term of appointments for Commission members shall be for three (3) years.
- G. Attendance at Meetings. Any member of the Commission who misses three (3) consecutive regularly scheduled meetings or fails to attend seventy-five (75) percent of the regularly scheduled meetings in a calendar year shall lose their status as a member of the Commission and shall be replaced by the City Council pursuant to Section 9-10-3. Absences due to sickness, death in the family or other family emergencies of like nature shall be recognized as excused absences, as approved by the Chair, and shall not affect the member's status on the Commission. In the event of a long illness or any other such cause for prolonged absence, the member shall be replaced.
- H. Conflict of Interest. No member of the Commission shall participate in either the discussion or vote on any certificate of appropriateness in any manner that would violate the affected persons' constitutional right to a fair and impartial decision maker. Prohibited conflicts include but are not limited to a member having a fixed opinion prior to hearing the matter and not willing to consider changing his or her mind; undisclosed *ex parte* communications with the person before the Commission, any witnesses, staff or other Commission members; a close familial, business or other associational relationship with the affected person; or a financial interest in the outcome of the matter before the board. On any other matter before

the Commission where such decision by the Commission shall be in an advisory capacity only, no member shall participate in the discussion or vote on such advisory matters where the outcome on the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Decisions on either a request for recusal by a member or objections by a person appearing before the board shall be decided by a simple majority vote. A member so disqualified will not be counted or included in the count to determine the appropriate voting majority for the issue before the Commission and will not negate a quorum of the Commission.

- I. Voting. All members of the Commission shall vote upon every issue that is required except as provided in H above. In the event a Commission member abstains from voting or has withdrawn from the meeting without being excused by a majority vote of the remaining members present, such a failure to vote shall be recorded as an affirmative vote in the favor of the issue before the Commission. A majority vote of the members present and not excused from voting on an issue, shall decide any issue.

- J. Committees. The Chair may appoint committees necessary to investigate any matters before the Commission. The Chair shall make annual appointments to the following standing committees:
 1. Design Review Committee. The Design Review Committee shall consist of at least 2 but not more than four (4) members of the Commission, and shall include the Chair as one of its members. The Chair shall appoint an alternate member who will meet, participate and vote on matters before the Design Review Committee when one or more regular members are absent and the presence and participation of the alternate member is necessary to have a quorum present. The Design Review Committee may gather facts for the Commission and may make recommendations to the Commission on matters related to the design, maintenance, or physical appearance of historic properties.

 2. Selection Committee. The Selection Committee shall consist of not more than four (4) members of the Commission. The Selection Committee may survey and inventory existing and potential historic properties, and make recommendations to the Commission on matters related to the designation of historic properties.

 3. Publicity Committee. The Publicity Committee shall consist of not more than four (4) members of the Commission. The Publicity Committee may develop programs and initiatives to provide

education, promote historic resources, and increase public awareness of historic preservation, and may make recommendations to the Commission on matters related to the promotion of historic resources.

V. MEETINGS

- A. Regular Meetings. Regular meetings of the Commission shall be held on the fourth Tuesday of each month at 6:00 p.m. in the City Council Chambers of City Hall, unless not available or a more convenient location is available. The regular meeting for the month of December shall be canceled and regular monthly meetings will resume during the January meeting. Meetings may be held at some other convenient time and place in Greenville if directed by the Chair in advance of the meeting. Public notice of hearings must be provided in accordance with the North Carolina Open Meeting Law but not less than ten (10) calendar days prior to the hearing not counting the day of the hearing.
- B. Special Meetings. Special meetings of the Commission may be called at any time by the Chair or by any two (2) members of the Commission. Notice of the time and place of the special meeting shall be provided in writing to each member of the Commission not less than seventy-two (72) hours prior to the time of the hearing. The notice shall be signed by the Chair or the two requesting members and shall contain the agenda for the special hearing. Only those matters listed in the special hearing notice shall be heard at the special hearing. Public notice of the special hearing shall be as required by law and the ordinances of the City of Greenville.
- C. 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 forty-eight (48) hours prior to the time set for the meeting. Also, public notice of the cancellation must be published.
- D. Quorum. A quorum shall consist of five (5) members of the Commission. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.
- E. Conduct of Meeting. All meetings shall be open to the public. The order of business at the regular meetings shall be as follows:
 - 1. Call Meeting to Order.
 - 2. Roll call and quorum determination.

3. Approval of minutes of previous meeting(s).
4. Advise public of procedures for the hearings.
5. Hearings on Certificates of Appropriateness.
6. Public Comment Period
7. Reports of Committee(s).
8. Other old or new business.
9. Adjourn.

Matters may be added to the agenda on motion and majority vote by the Commission members present and voting.

The Chair shall conduct the meeting, call each agenda item for hearing or discussion, rule on any objections to statements or evidence presented during a hearing, prepare the summary of facts and evidence on each Certificate of Appropriateness, and call for votes on any matter requiring a vote by the Commission.

F. Public Comment Period. Each meeting under the provisions of N.C.G.S. §160A-81.1 authorizes the conduct of a public comment period or period of public expression as a part of the agenda item for each regular meeting of the Commission. If no monthly meeting is conducted, there will be no period of public comment for that month. The Public Comment period shall be conducted under the following guidelines:

1. The Public Comment Period shall not exceed a total of thirty (30) minutes, unless the Commission, by majority vote, extends this limit.
2. Each individual will be allowed no more than three (3) minutes for comments, unless the Commission, by a majority vote, extends this time.
3. An individual wishing to address the Commission during the Public Comment Period shall register with the Secretary of the Commission prior to the opening of the meeting by signing his or her name, address and short description of his or her topic on a sign-up sheet provided by the Secretary to the Commission.
4. Any item which is the subject of a public hearing conducted at the same meeting shall not be discussed during the Public Comment Period.
5. If the thirty (30) minutes allocated to the Public Comment Period has not expired after the individuals who have registered have spoken, individuals who have failed to register before the meeting may speak during this comment period and will speak following those who have registered in advance. If time remains the Chair will ask if any other individuals desire to address the

Commission during this comment period. An individual wishing to speak shall raise their hand to ask to be recognized by the Chair. After being recognized by the Chair, the individual shall state their name, address and the topic to be addressed. If permitted to speak, the individual shall limit their comments to the same three (3) minutes limit.

6. The Chair shall act as official timekeeper. When an individual has thirty seconds left in their time to speak, the Chair will state "Thirty Seconds." The individual will need to bring their comments to a close. When time expires, the Chair will announce "Time Up." At that point, the individual must stop talking and return to their seat or leave the meeting room. No additional comments will be permitted or accepted once time has expired.
7. No action will be taken on matters raised during the Public Comment Period. If matters discussed require action by the Commission, the Chair will request staff to review and provide a recommendation at the next meeting.

VI.

CERTIFICATES OF APPROPRIATENESS

- A. Required. After the designation of a historic landmark or a historic district, no exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such designated landmark or district until after a complete application for a Certificate of Appropriateness has been submitted and approved.
- B. Application. An application for a Certificate of Appropriateness must be completed and submitted to the Department of Planning and Development Services. A complete application must include a written project description detailing all proposed alterations, and an accurate depiction of how the proposed work will visually impact the designated structure. Photographs, site plans, scaled elevations, and renderings may be required to demonstrate visual impact. The Secretary shall determine the completeness of an application, and may require additional information as necessary determine the nature of the application. The Secretary shall note the date on which an application was accepted as complete.

If an applicant disagrees with the Secretary's determination of completeness of a COA application, the application will be forwarded to the Chair for a determination of completeness.

- C. Minor Works. Certificates of Appropriateness (COA) are not necessary

for repairs using original materials, designs, and colors that do not alter the exterior appearance of the property. These are considered minor work items that require only the prior approval of the City staff person of the Historic Preservation Commission and issuance of a Minor Work Certificate of Appropriateness. Minor Work Certificates of Appropriateness (MWCOA) are defined as exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property. However, removal of any architectural design features that would alter the appearance of the property and repair or maintenance that would change the original look or character of the property do require a COA. Minor works are listed in the Design Guidelines, as they may be amended or revised.

D. Referral for Design Review. Unless specified in Section VI. Subsection C. above, the Secretary shall refer all applications to the Design Review Committee. The Design Review Committee may:

1. Find, by unanimous vote of those present, that the application is congruent with the adopted Design Guidelines consistent with Section 9-7-15;
2. Fail to find, by unanimous vote of those present, that the application is congruent with the adopted Design Guidelines;

The Design Review Committee may make recommendations to the Commission as to whether the application is congruent with the adopted design guidelines, or whether circumstances exist that may justify a variance from the adopted design guidelines or conditions under Section 9-7-15 are recommended as part of the approval.

VII. PUBLIC HEARINGS

- A. Scheduling of Public Hearing. If it is determined that a completed application requires a public hearing before the full Commission, the Secretary shall schedule the application to be heard at the next available regularly scheduled meeting of the Commission, provided that all notification requirements can be met.
- B. Notice of Adjoining Property Owners. The Secretary shall notify by first class mail, not less than ten (10) days prior to the meeting date, the adjacent owners of the subject property.

- C. Continuance. The Commission may continue any public hearing without further advertisement. If a public hearing is set for a given date and a quorum of the Commission is not then present, the hearing shall be continued to the next regular Commission meeting without further advertisement.
- D. Action on Application. The Commission must issue or deny a Certificate of Appropriateness within sixty (60) days after the filing of a complete application, except when the time limit has been extended by mutual agreement between the applicant and the Commission.
- E. Approved Application. If the application is approved, the Secretary shall transmit a Certificate of Appropriateness in the form of an order approved by the Commission and signed by the Chair clearly describing the nature of the work which has been approved. A copy of this information shall be forwarded to the Inspections Division.
- F. Denied Application. If an application is denied, written reasons for denial shall be sent to the applicant. The letter shall also inform the applicant of the appropriate procedure to appeal the Commission's action.
- G. Order of Business. The order of business for consideration of applications for Certificate of Appropriateness shall be as follows:
1. The Chair, or such person as he/she directs, shall swear in all persons who wish to address the Commission regarding an application.
 2. The Chair of the Commission, or such person as he/she directs, shall give a preliminary statement describing the application.
 3. The applicant, and others, shall present arguments in support of the application.
 4. Persons opposed to granting the application shall present arguments against the application. Applicant may ask questions of those in opposition to ensure clarity and understanding by opponents of the nature of the work being requested by the applicant. Both applicant and opponents shall be entitled to a rebuttal. The applicant will give his/her rebuttal first and then the opponent will give his/her rebuttal.
 5. Statements or arguments submitted by any official, commission or department of the City of Greenville, state agency, or local

historical preservation or neighborhood association shall be presented as directed by the Chair. Statements or arguments in this subparagraph as it relates to submissions by a federal, state or local governmental agency shall include oral, written correspondence, written opinions, affidavits, or other documents prepared by such agency in the normal course of business by that agency. The Design Review Committee shall provide a written or oral report of its review and evaluation of the application in accordance with the Design Guidelines for the particular application.

6. The Chair of the Commission, or such person as he/she directs, shall summarize the evidence which has been presented, giving all parties an opportunity to make objections or corrections.
7. The Commission shall thereafter proceed to deliberate whether to grant the application or to deny it. The Commission may, at its discretion, make an on-site inspection and obtain additional facts concerning the 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.
8. All documents, writings of any kind, affidavits, photographs, drawings or other submittals as part of the application process or submitted by any party during the hearing on the Certificate of Appropriateness become part of the official record and will be maintained by the Secretary and staff. In the event of an appeal, such documents will be attached as Exhibits and form part of the official record.

VIII. RECONSIDERATION OF APPLICATIONS WHICH HAVE BEEN DENIED

An application that has been denied may be reconsidered if the Commission determines that there has been a substantial change in the facts, evidence or conditions relating to the application. 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. A request for reconsideration will not extend or suspend the time period to file the notice of appeal. Either or both the applicant(s) or the opponent(s) may request for reconsideration. A request for reconsideration must be in writing and delivered to the Secretary, HPC within five (5) working days of the decision on the request for a COA. Notice for hearings on requests for reconsideration and on the hearing if approved shall be provided in accordance with the application law.

IX. 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. The request shall include a description of the proposed change and be accompanied by plans or sketches, etc. where necessary.

If the Commission finds that the modification to be a substantial change, the affected property owners shall be notified before taking action on the modification. The Commission shall treat the request as any other application outlined in Section VI.

X. APPEALS

An appeal from the decision of the Commission may be taken to the Board of Adjustment. The appeal must be filed with the Board of Adjustment within thirty (30) days after the **announcement of the decision** of the Commission. Either or both the applicant(s) or the opponent(s) to an application for a Certificate of Appropriateness may file an appeal of the decision of the HPC. A proper appeal includes payment of the appeals filing fee to the Planning Department Cashier, City of Greenville, for appeal to the Board of Adjustment and copies of the reasons for appeal filed with the Secretary to the Commission and the Secretary to the Board of Adjustment. Any appeal from the Board of Adjustment's decision shall be heard by the Superior Court of Pitt County.

XI. AMENDMENTS

These rules may, within the limits allowed by law, be amended by majority vote provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken. Adopted November 14, 1989.

Revised September 25, 1990.

Revised June 24, 1997.

Revised April 28, 1998.

Revised July 27, 2004.

Revised July 26, 2005.

Revised February 28, 2006.

Revised April 25, 2006.

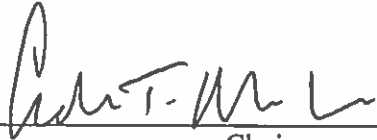
Revised June 26, 2007.

Revised April 22, 2008.

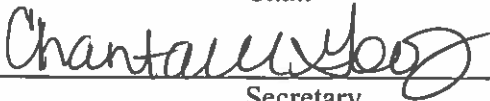
Revised March 23, 2010.

Revised April 27, 2010.

Adopted this 23 day of January, 2024.



Chair



Secretary

ATTEST: