

# **CARTERSVILLE HISTORIC PRESERVATION COMMISSION**

## **BYLAWS**

### **SECTION 1: AUTHORITY**

The Cartersville Historic Preservation Commission (hereinafter referred to as the “preservation Commission”) has been created pursuant to the Georgia Historic Preservation Act, O.C.G.A. Section 44-10-21, et., seq., and the Cartersville Historic Preservation Ordinance, adopted by the Cartersville City Council on May 17, 2001. With an effective date of implementation of May 17, 2001, and shall be governed by the terms thereof.

### **SECTION 2: POWERS**

The Preservation Commission is authorized to:

- 2A. Prepare an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as historic property;
- 2B. Recommend to the Cartersville Mayor and Cartersville City Council (hereinafter referred to as the Mayor and Council) specific places, districts, sites, buildings, structures, or works of art to be designated by ordinances as historic properties;
- 2C. Review applications for Certificates of Preservation, and take the following actions: approve, approve with conditions or deny same in accordance with the provisions of the Cartersville Historic Preservation Ordinance;
- 2D. Recommend to the Mayor and Council that the designation of any place, district, site, building, structure, or work of art as a historic property be revoked or removed;
- 2E. Restore or preserve any historic properties acquired by the City of Cartersville;
- 2F. Promote the acquisition by City of Cartersville of façade easements and conservation easements in accordance with the provisions of Section 44-10-1 det sec O.C.G.A. entitled “Uniform Conservation Easement Act”;
- 2G. Conduct an educational program on historic properties located within its historic preservation jurisdiction;
- 2H. Make such investigations and studies of matters relating to historic preservation as the Mayor and Council may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources.

- 2I. Seek out state and federal funds for historic preservation, and make recommendations to the Mayor and Council concerning the most appropriate uses of any funds acquired;
- 2J. Consult with historic preservation experts in the Historic Preservation Office of the Department of Natural Resources or its successor and the Georgia Trust for Historic Preservation;
- 2K. Submit to the Historic Preservation Office of the Department of Natural Resources a list of designated historic properties;
- 2L. Perform historic preservation activities as the official agency of the City of Cartersville's historic preservation program;
- 2M. Receive such volunteer services as are available and appropriate and employ persons and services within the limits of funds budgeted by the Mayor and Council to carry out the responsibilities of the Preservation Commission in an appropriate manner;
- 2N. Receive donations, grants, funds, or gifts of historic property, and to acquire and sell historic properties. The Preservation Commission shall not obligate the City of Cartersville without prior consent.
- 2O. To recommend to the Mayor and Council such financial and/or other incentives that can be expected to encourage the preservation of the city's historic resources and provide a positive incentive to affected property owners;
- 2P. Attend or take advantage of any training available through state, federal, or private agencies to further the education of the Preservation Commission members in accordance with established budget constraints.

### **SECTION 3: MEMBERSHIP AND OFFICERS**

- 3A. **General:** The Preservation Commission shall consist of 7 members, all of whom shall be residents of the City of Cartersville, a majority of whom shall have demonstrated special interest, experience, or education history in architecture or preservation of historic resources. The Mayor and Council shall appoint the members of the Preservation Commission according to the procedure established in the Historic Preservation Ordinance.
- 3B. **Terms:** Terms of Preservation Commission members shall be 3 years from the date of appointment, except in the initial organization of the Preservation Commission members.

- 3C. **Disqualification:** A member who has 3 consecutive absences from the regular meetings of the Preservation Commission without prior notice to the Secretary of the Preservation Commission, who moves his/her permanent residence outside the City of Cartersville, or who violates the Code of Conduct of the preservation Commission shall be eligible for disqualification to serve as a member of the preservation Commission. It is the responsibility of the Chair of the preservation Commission to bring the above-mentioned action of a preservation Commission member to the attention of said member in writing and to the Preservation Commission. The Commission then would make a recommendation to the Mayor and Council concerning the status of the member.
- 3D. **Vacancies.** If a vacancy occurs in the membership of the Preservation Commission for any reason, the chairman shall immediately notify the Mayor and Council and request that they make an appointment to fill such vacancy for the remainder of the unexpired term in an expeditious manner.
- 3E **Chairman.** A Chairman shall be elected by the members of the Preservation Commission from among their membership to serve until a successor is elected. The Chairman shall decide all points of order and procedure, subject to these bylaws and the latest edition of Roberts Rules of Order unless directed otherwise by a majority of the Preservation Commission in session at the time. The Chairman shall appoint any committees found necessary to facilitate any business before the Preservation Commission. The Chairman shall vote on matters before the body only in order to break a tie vote.
- 3F. **Vice Chairman.** A Vice Chairman shall be elected by the members of the Preservation Commission from among their membership in the same manner as the Chairman and shall be eligible for re-election. The Vice Chairman shall serve as Acting Chairman in the absence of the Chairman or when that officer shall refrain from participation because of conflict of interest and shall have the same powers and duties as the Chairman. Upon the resignation or disqualification of the Chairman, the Vice Chairman shall assume the chairmanship for the remainder of the unexpired term. The Preservation Commission shall elect a new Vice chairman at its next regular meeting.
- 3G. **Secretary.** The Preservation Commission shall appoint a Secretary to serve at the pleasure of the Preservation Commission. If an individual who is not a member of the Preservation Commission is appointed as Secretary, that individual shall not have a vote on matters before the Preservation Commission. The secretary shall cause a record to be made of each meeting of the Preservation Commission, which shall include, at a

minimum, a record of all resolutions, proceedings, and actions of the Preservation commission.

- 3H. **Elections.** Officers shall be elected and serve at the pleasure of the membership or until a vacancy is created.

#### **SECTION 4: MEETINGS**

- 4A. **Regular meetings.** Regular meetings of the preservation Commission shall be held on the third Tuesday of each month at 5:30 p.m. Meetings may be held at other convenient times if directed by the Chairman with 48 hours advance notice of the meeting. If a regularly scheduled meeting date falls on a legal holiday, the Chairman may set an alternate day for the meeting. The Chairman shall give 48 hours notice of the time and place for the alternative regular meeting to each member of the Preservation Commission and the Secretary. The Secretary shall have the responsibility of notifying the press of the date, time, and location of meetings of the Preservation Commission as required by the Georgia Open and Public Meetings Act.
- 4B. **Special meetings.** Special meetings of the Preservation Commission may be called at any time by the chairman. At least 48 hours notice of the time and place of special meetings shall be given to each member of the Preservation Commission and the Secretary. The Secretary shall have the responsibility of notifying the rest and others as required by the Georgia Open and Public Meetings Act.
- 4C. **Cancellation of Meetings.** Whenever there is no business for the preservation Commission, the chairman may dispense with a regular meeting by giving notice to all members not less than 24 prior to the time set for the meeting.
- 4D. **Adjourned Meetings.** Should the business before the Preservation Commission not be completed on the day it first comes before the Commission, the Chairman may adjourn the first day and from day to day thereafter until the Preservation Commission has disposed of the business before it.
- 4E. **Open Meetings.** All meetings of the Preservation Commission shall be open to the public. However, the public shall not address the Preservation Commission unless invited to do so by the Chairman.
- 4F. **Agenda.** The Secretary at the direction of the chairman shall prepare the agenda for each meeting. The normal order of business at each meeting shall be: (1) Determination of quorum; (2) Approval of minutes of the previous meeting; (3) Certificates of Preservation; (4) Old business; (6) New business; (7) Announcements; (8) Adjournment.

- 4G. **Quorum.** A quorum shall consist of 4 members of the Preservation Commission.
- 4H. **Decisions of the Preservation Commission.** Decisions of the Preservation Commission shall be by majority vote of the members present and voting. A quorum must be present for a vote. Decisions may be made by voice vote unless any member requests a roll call vote.

#### **SECTION 5: STAFF**

The Preservation Commission shall be administered by the staff of the City of Cartersville Planning & Development Department.

#### **SECTION 6: CONFLICT OF INTEREST**

No member shall cast a vote on any issue before the Preservation Commission which involves the interests of that individual or an organization in which that member has an ownership, interest or position of control, or directly represents. No member shall vote on any matter which could provide direct financial benefit to that member. Whenever a conflict of interest situation arises in the conduct of business, the following actions shall be taken.

1. The affected member may, however, participate in any presentation or discussion or respond to questions pertaining to the issue at hand.
2. The individual member shall divulge the existence and reasons for the potential conflict and abstain from voting and leave the meeting during the vote.

#### **SECTION 7: CODE OF CONDUCT**

Each member of the Preservation Commission shall adhere to the following code of conduct as contained in Section 45-10-3 of the Official Code of Georgia Annotated:

- 7A. Uphold the constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to evasion;
- 7B. Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
- 7C. Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his/her government duties;
- 7D. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit;
- 7E. Expose corruption wherever discovered;

7F. Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;

7G. Never accept any economic opportunity under circumstances where he/she knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his/her conduct in the performance of his/her official duties;

7H. Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and

7I. Never take any official action with regard to any matter under circumstances in which he/she knows or should know that he/she has a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action.

If any member of the Preservation Commission shall violate any provision of this article, that individual shall no longer be eligible to serve in any capacity with the Preservation Commission. It is the responsibility of the Chairman of the Preservation Commission to bring the above mentioned actions of a Preservation Commission member to the attention of said member in writing and to the Preservation Commission. The Commission would then make a recommendation to the mayor and Council concerning the status of the member.

#### **SECTION 8: AMENDMENTS**

These bylaws may be amended by the affirmative vote of 4 members of the Preservation Commission, provided that notice of the intent to amend and the content of the amendment shall have been distributed in writing to each member at least 14 days prior to the meeting.

Adopted this 18<sup>th</sup> day of December, 2001

Revised: January 17, 2006

Joel Adams  
Chairman

Pete Alday  
Secretary

