

Town of Cape Charles Historic District Review Board By-Laws

ARTICLE ONE

Objectives

- 1-1 This board, established in conformance with Chapter 32, Article VIII of the Town of Cape Charles Town Code (“Article VIII”), has adopted the following articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2-2306, Code of Virginia, 1950, as amended. If there is any conflict between a provision of these By-Laws and Article VIII, Article VIII shall govern.
- 1-2 The official title of this board shall be the “Town of Cape Charles Historic District Review Board,” referred to hereafter as the “Board.”
- 1-3 The purpose of this Board is to implement and enforce Article VIII and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, as provided in Article VIII.

ARTICLE TWO

Members

- 2-1 This Board shall consist of five (5) members appointed by the Town Council. The five (5) members must be citizens of Cape Charles, at least three (3) of whom shall be residents of the local Historic District.
- 2-2 Members of the Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible be a licensed architect or engineer, Planning Commission member, or licensed building contractor.
- 2-3 Board members shall be appointed for a term of five (5) years. Any vacancy in membership shall be filled by appointment of Town Council and shall be for the unexpired term only. Any member may be removed by the Town Council for neglect of duty or malfeasance in office. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until a successor is appointed and qualifies.

- 2-4 An appointed member's term of office shall expire at the end of January 8 of the appropriate year. The successor's term of office shall begin at the beginning of January 9 of the appropriate year.

ARTICLE THREE

Officers and their selection

- 3-1 The elected officers of the Board shall consist of a chair and a vice chair. The Town Clerk, or designee, shall serve as secretary.
- 3-2 The elected officers of the Board shall be elected for a one (1) year term by the Board from the members at the first regular meeting after February 1 each year.
- 3-3 A candidate receiving the largest number of votes of the Board shall be declared elected. In the result of a tied vote, votes shall be recast, with only those receiving the largest number of initial votes being eligible to receive votes. If the tie cannot be resolved, the Town Council shall appoint an existing Board member to fill the vacant officer's position.
- 3-4 Elected officers shall take office immediately and serve for one (1) year or until his successor shall take office. Incumbent officers may be reelected.
- 3-5 Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE FOUR

Qualifications and Duties of Officers

- 4-1 The **Chair** shall be an appointed member of the Board and shall:
- 4-1.1 Preside at all meetings.
 - 4-1.2 Be informed immediately of any official communications and report the same at the next regular Board meeting.
 - 4-1.3 Rule on all procedural questions.
 - 4-1.4 Carry out other duties as are assigned by the Board.
- 4-2 The **Vice Chair** shall be an appointed member of the Board and shall:
- 4-2.1 Have the power to function in the same capacity as the Chair in cases of the Chair's absence or inability to act.
- 4-3 The **Secretary** shall:
- 4-3.1 Keep a written record of all business transacted by the Board.

- 4-3.2 Notify all members of all meetings.
- 4-3.3 Keep a file of all official records and reports of the Board.
- 4-3.4 Certify all maps, records, and reports of the Board.
- 4-3.5 Attend to the correspondence of the Board.
- 4-3.6 Prepare and be responsible for the publishing of advertisements and public notices relating to all public hearings and public meetings.

ARTICLE FIVE

Committees and Advisors

- 5-1 Committees, standing or special, may be appointed by the Chair, to serve as needed. Such committees shall be subject to the approval of a majority vote of the Board.
- 5-2 The Board may appoint architects, engineers, and/or contractors who are not Board members to serve in an advisory capacity. Appointed advisors shall not have voting rights.

ARTICLE SIX

Meetings

- 6-1 Regular meetings of the Board shall be held on the third Tuesday of each month in the Town Hall at 5:00 p.m. When a meeting date falls on a legal holiday, an alternative date shall be designated by the Board. Meetings may be cancelled in advance by a majority vote of those present at a previous meeting, or by request of the Chair.
- 6-2 Special meetings shall be called at the request of the Chair or at the request of a majority of the membership.
- 6-3 Except as provided for in Title 2.1, Code of Virginia, 1950, as amended (Virginia Freedom of Information Act), all meetings, hearings, records, and accounts of the Board shall be open to the public.
- 6-4 Three or more of the members of the Board shall constitute a quorum. No action of the Board shall be valid unless authorized by a vote of at least three members.

ARTICLE SEVEN

Order of Business

- 7-1 The order of business for a regular meeting shall be:
- 7-1.1 Call to order by the Chair.
 - 7-1.2 Roll call; determination of a quorum.
 - 7-1.3 Invocation and Pledge of Allegiance.
 - 7-1.4 Approval of agenda format.
 - 7-1.5 Approval of minutes.
 - 7-1.6 Old applications.
 - 7-1.7 New applications.
 - 7-1.8 Other business.
 - 7-1.9 Announcements.
 - 7-1.10 Adjournment.
- 7-2 The first item of other business for the first regular meeting after February 1 of each year shall be the election of new officers.
- 7-3 Parliamentary procedures in the Board meetings shall be governed by *Robert's Rules of Order, Revised – Short Form*.
- 7-3.1 Motions shall be restated by the Chair before a vote is taken.
- 7-4 The Board shall keep a set of minutes of all meetings, and these minutes shall become a public record.
- 7-5 The Board shall retain the option to invite public comment by those present at a business meeting at such times as the Board deems necessary. If the Board invites public comment, comments will be limited to three (3) minutes per speaker. Comments must be limited to the matters on the agenda for the meeting and must be limited to the subject matter within the Board's purview. Comments shall be directed to the Board and not to an applicant or other party. Speakers may not donate unused time to another speaker.

ARTICLE EIGHT

Application Review

- 8-1 The procedures normally followed for an application review, shall be:
- 8-1.1 Call to order; determination of quorum.

- 8-1.2 Description of properties in issue by Board or Board's representative (five minutes).
- 8-1.3 Applicant's presentation, if applicable (fifteen minutes).
- 8-1.4 Comments and recommendations of the Board or Board's representative.
 - 8-1.4.1 Adjourn
- 8-2 An applicant may appear in his own behalf or be represented by an attorney or an agent at the review.
- 8-3 In the absence of a personal appearance by the applicant or his agent, the Board may proceed to dispose of the application on the record before it.
- 8-4 The normal time limitations are set forth in parentheses, but may be shortened or extended by the Board prior to the commencement of the review.

ARTICLE NINE

Correspondence

- 9-1 All official papers and plans involving the authority of the Board shall bear the signature of the Chair, together with certification signed by the Secretary.

ARTICLE TEN

Amendments

- 10-1 The bylaws may be amended at any regular meeting of the Board by a vote of at least three members, provided notice of the proposed amendment has been given to members at the previous regular meeting or has been mailed to members at least ten days prior to the meeting.
- 10-2 The Board shall review and, if appropriate as determined in the Board's discretion, revise these bylaws at the first meeting of the year 2018 and every five years thereafter. A failure by the Board to conduct such reviews shall not invalidate any actions taken by the Board.