

BY-LAWS OF THE MOUNT PLEASANT TENNESSEE HISTORIC ZONING COMMISSION

ARTICLE I: ENABLING LEGISLATION

Pursuant to Tennessee Code Annotated Section 13-7-401 through 410, and any amendments and supplements, together with any applicable statutory provisions hereafter enacted by the Tennessee General Assembly, the Mount Pleasant Historic Zoning Commission hereby enacts these by-laws. All official acts of the Historic Zoning Commission shall be pursuant to this state enabling legislation and statute, and where it may ever be determined that a conflict exists between these by-laws and TCA 13-7-4, the state statute shall prevail.

ARTICLE II: HISTORIC ZONING COMMISSION

SECTION 1 *Name of the Historic Zoning Commission*

The name of the Historic Zoning Commission shall be the Mount Pleasant, Tennessee, Historic Zoning Commission (HZC), hereinafter referred to as the HZC.

SECTION 2 *Office of the HZC*

The principal office of the HZC shall be City Hall, Mount Pleasant, Tennessee, 38474.

SECTION 3 *Responsibilities and Duties*

Responsibilities and duties of the Commission shall be as follows:

- a) To review applications for the designation of local historic districts and local historic landmark districts, and/or to submit to the Mount Pleasant Municipal Planning Commission and the Mount Pleasant Board of Commissioners recommendations for the designation of local historic districts.
- b) To develop, adopt, and as necessary, on an ongoing basis, revise a set of specific design guidelines for established local historic districts pursuant to TCA 13-7-4 and commensurate with the Secretary of Interior Standards (SOI) for the treatment of historic properties.
- c) To grant or deny Certificates of Appropriateness with respect to the local historic districts; and in accordance with the state Public Meetings Act (Sunshine Law); the public shall have an opportunity for comment on all applications for Certificates of Appropriateness and for all National Register nominations, and all applicants for

Certificates of Appropriateness will be notified in writing of the historic commission's decision, and copies of decisions be retained on file and made available to the public.

- d) To maintain a record of all proceedings to be available to the public.
- e) To establish and continue to periodically update, or cause to be updated, the Survey of Historic Resources for the City of Mount Pleasant; all local survey material shall be compatible with Tennessee's survey of historic buildings and archaeological resources, and the survey material, with the exception of archaeological sites, will be accessible to the public and provided to the Tennessee Historical Commission.
- f) To review all proposed National Register nominations for properties within the City of Mount Pleasant as provided for in the guidelines of the Certified local Government program as outlined by the National Park Service and the Tennessee Historical Commission.
- g) To complete an Annual Review of all projects and activities, and prepare and submit an annual report to the Tennessee Historical Commission as per their requested schedule; and
- h) To fulfill other responsibilities, obligations, and duties that may be delegated to the Commission and in compliance with TCA 13-7-4.

ARTICLE III: MEMBERSHIP

SECTION 1 Composition and Term of Service

The City of Mount Pleasant Historic Zoning Commission shall consist of no less than five (5) and no more than nine (9) members. The membership shall consist of a representative of a local patriotic or historical organization; an architect, if available; a person who is a member of the Mount Pleasant Planning Commission at the time of such person's appointment; and the remainder shall be from the community in general with a simple majority representing property owners in the district(s). The City of Mount Pleasant Historic Zoning Commission shall be appointed by the Mayor of Mount Pleasant, subject to confirmation by the Board of Commissioners. The terms of members of the HZC shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation. The commission may adopt rules and regulations consistent with this part.

SECTION 2 Attendance, Absences, and Vacancies

Any member of the Commission who is absent, unexcused, from three (3) consecutive regular meetings or is absent, unexcused, from six (6) or more regular meetings during a twelve-month period shall be removed from the Commission with the Mayor forwarding the recommended removal to the Board of Commissioner's for majority confirmation. Absences related to sickness, death in the family, or other like emergencies shall not affect a member's status except in the case of a prolonged absence. Other than excused absences, a member may be

removed for cause with recommendation by the Mayor and majority confirmation of the Board of Commissioners at public meeting. Said commissioner shall have opportunity for hearing at all proceedings related to removal and access to the city attorney. Any vacancies on the Commission shall be filled within sixty (60) days, through aforementioned process of appointment by the Mayor and confirmation of the Board of Commissioners.

SECTION 3 *Continuing Education*

Members of the Commission are expected to continue to demonstrate an interest and developed knowledge in historic preservation through participation in meetings, workshops, and conferences related to historic preservation. It is expected that at least one commission member shall attend a related educational event each year, as is required by the Certified Local Government program. Each member of the Commission shall be thoroughly familiar with the Historic Zoning Ordinance, the State Enabling Legislation, the adopted historic district design guidelines, and the Public Meetings Act (Sunshine Law.)

SECTION 4 *Compensation*

All members of the Commission shall serve without compensation, pursuant to Tennessee Code Annotated Section 13-7-403, except when compensation is for actual incurred expenses associated with travel and fees for continuing education related to the work of the Commission, and such compensation has received prior approval of the City.

ARTICLE IV: OFFICERS

SECTION 1 *Officers*

The Historic Zoning Commission shall consist of two (2) officers; a Chair and a Secretary.

SECTION 2 *Chair*

The Chair shall preside at all meetings and public hearings of the Commission and have the powers normally conferred by parliamentary usage on such officers. The Chair shall have the power to appoint committees, call special meetings to perform such other duties as may be ordered by the Commission and shall have the privilege of discussing all matters before the Commission and to vote thereon.

SECTION 3 *Secretary*

The Secretary shall preside at all meetings in the absence of the Chair and shall act for the Chair in case the Chair is unable to act.

The Secretary shall make arrangements for the keeping of the minutes and records of the Commission and attend to other duties as prescribed by the Commission.

The working role of the Secretary shall be held by the Historic Zoning Commission staff member of the City of Mount Pleasant. Except as otherwise authorized by the Commission, this Secretary, or, in his/her official absence, their official designated representative, shall sign all contracts, reports and instruments, letters, and certificates of appropriateness made by the Commission. This person will be responsible for coordinating enforcement through the appropriate municipal department with coordination through the chief executives' office. this person shall be designated and recognized as the Local HZC Coordinator and/or Certified Local Government Coordinator (CLG). The City Manager may appoint, dismiss, or reappoint the HZC/CLG Coordinator at his/her discretion.

ARTICLE V: ELECTION OF OFFICERS

SECTION 1 Election of Officers

Nomination of officers shall be made from the floor and officers shall be elected at a regularly designated annual organizational meeting. During this election process, the HZC/CLG Coordinator or their official representative, shall act as Chair pro temp. the Commission shall elect its Chairperson from the appointive members.

SECTION 2 Service Initiation

The nominee for each office receiving a majority vote of the membership present shall be declared elected and shall take office immediately following the election.

SECTION 3 Officer Terms

All officers shall be elected for a term of one (1) year and shall be eligible to succeed themselves. Vacancies shall be filled immediately for the unexpired term by the regular election procedure.

ARTICLE VI: STAFF PERSONNEL

SECTION 1 Staff

The HZC may recommend to the Mount Pleasant Mayor and Board of Commissioners the appointment or contracting of such professional staff personnel and employees as it may deem necessary for the continuation of its work.

The Commission shall make use of the City Attorney, Preservation Planner, Codes Administrator, and any other City employees as it shall deem necessary.

SECTION 2 *Staff Role*

The appointed professional staff shall take action and make recommendations in the name of this Historic Zoning Commission in accordance with such plans, policies, and procedures as are approved or established by this Commission from time to time.

SECTION 3 *Executive Secretary and HZC/CLG Coordinator*

The Executive Secretary and HZC/CLG Coordinator shall be the same person who is the Historic Zoning Commission staff member of the City of Mount Pleasant. Except as otherwise authorized by the Commission, this Executive Secretary, or in his/her official absence, their official designated representative, shall sign all contracts, reports and instruments, letters, and certificates of appropriateness made by the Commission. This person will be responsible for coordinating enforcement through the appropriate municipal department with coordination through the chief executive's office. This person shall concurrently be designated and recognized as the Local HZC Coordinator and/or Certified Local Government Coordinator (CLG). The City Manager may appoint, dismiss, or reappoint the HZC/CLG Coordinator at his/her discretion.

SECTION 4 *Administrative Review by HZC/CLG Coordinator*

The HZC, at its discretion, may by majority vote at public meeting, delegate or remove from delegation, administrative review of minor design guidelines issues to the HZC/CLG Coordinator. Minor issues for administrative review shall be listed in writing in detail.

Minor design guidelines issues shall not in any circumstances involve demolitions, infills, historic district designation, or any minor issue not clearly defined by example in the officially adopted design guidelines. To meet state statute requirements, all administratively approved decisions must follow regular COA procedure and all decisions must be presented at the next HZC public meeting for public consideration and required HZC ratification. The HZC may disapprove of administrative decisions and/or reverse decisions and/or cause "stop work" orders to be issued and any matter to appear before the HZC for official reconsideration.

ARTICLE VII: COMMITTEES

SECTION 1 *Committee Appointment*

Special committees may be appointed by the Chairman for those purposes and terms as designated by the Historic Zoning Commission.

ARTICLE VIII: REGULAR MEETINGS

SECTION 1 Meeting Date and Time

Meetings shall be held on an as needed basis when requests for Historic Zoning Commission review are submitted to City Staff or otherwise set by City Staff. All meetings shall be open to the public and pursuant to the Tennessee Open Meetings Act in Tennessee Code Annotated, Section 8-44-1-101. The presence of three (3) voting members of the HZC shall constitute a quorum. A concurring vote of a majority of the voting members shall be present to consider permits for construction in historic zones and approve and deny any certificate of appropriateness, or take any other official action of the HZC.

SECTION 2 Participation

All meetings and the records of such meetings shall be open to the general public as so required by Tennessee Law. The Historic Zoning Commission may invite any member of its professional staff, county or city official, or any other individual whose attendance is deemed desirable to be present.

SECTION 3 Quorum

A majority of the entire fully appointed membership of the Commission shall constitute a quorum. A quorum shall be present before any business is transacted.

SECTION 4 Voting and Recusal

At all meetings each member attending shall be entitled to cast one vote. Voting shall be by voice. The affirmative vote of a majority is necessary for an official action. In the event that any member shall have a personal or vested interest in the business before the Commission, this Commissioner shall disclose the interest and be disqualified from voting upon the business.

SECTION 5 Approvals and Records

All plans, reports, and recommendations of the Historic Zoning Commission must be approved by a majority vote of the quorum present. A record of the vote of each member on each question shall be kept as a part of the minutes.

SECTION 6 Agenda and Consideration of Other Business

This Commission shall consider only such items of business at the regular meetings that have been included on a printed agenda furnished to the public and each member prior to the meeting. notice periods must meet all state statute and local standards commensurate with all other local official municipal bodies. All plans, layouts, zoning and rezoning requests and all

other items of business shall be submitted prior to the meeting at which time such items will be considered. This shall apply equally to items considered at previous meetings and to be reconsidered for any reasons. As an exception to the above, business not on the agenda may be considered only on the following basis:

- a) After the Chairman considered additional business not on the agenda deserving of special consideration and presents the general nature of the business without going into specific detail; and,
- b) After a motion of consideration of the business in question has been made and received a unanimous vote of the members present.

SECTION 7 *Order of Business*

The order of business at the meeting shall be as follows:

1. Roll call determination of a quorum (either visual or verbal)
2. Reading and approval of the minutes of the previous meeting
3. Old Business
4. Hearing of persons having business with the Commission
5. Other new business
6. Reports by Staff, Officers and/or Committees
7. Adjournment

SECTION 8 *Applicant Attendance and Deferrals*

If the petitioner or applicant or his representative is not present when the Historic Zoning Commission is to consider his/her case, if deemed appropriate and/or necessary, at the sole discretion of the HZC, consideration may be put off until the next advertised Commission meeting, or may be heard at that meeting. At the discretion of the HZC, deferral of consideration may continue until the petitioner or applicant or his/her representative is present to explain his/her petition or application to the Commission and to answer any questions.

ARTICLE IX: SPECIAL MEETINGS

SECTION 1 *Calling a Special Meeting*

When necessary, a special meeting may be called by the Chairman. It shall be the duty of the Chairman to call such a meeting when requested to do so in writing by a majority of the Commission. Notice periods must meet all state statute and local standards commensurate with all other local official municipal bodies.

SECTION 2 *Agenda for Special Meeting*

The notice of such meeting shall specify the purpose of such a meeting and no other business may be considered except by unanimous consent of the HZC. Notice periods must meet all state statute and local standards commensurate with all other local official municipal bodies.

SECTION 3 Procedure for Special Meeting

Special meetings shall follow the same procedures and record keeping as regularly scheduled meetings.

ARTICLE X: PUBLIC HEARINGS

SECTION 1 Zoning Change

As required by Tennessee Law, this Historic Zoning Commission shall hold a public hearing, after proper notice, when considering any amendment to its Zoning Regulations. Notice periods must meet all state statute and local standards commensurate with all other local official municipal bodies.

SECTION 2 Special Hearings

In addition to those required by Tennessee Law, this Historic Zoning Commission may at its discretion hold special public hearings when such hearings are deemed to be in the public interest by this Commission. Notice periods must meet all state statute and local standards commensurate with all other local official municipal bodies.

SECTION 3 Hearing Process/Staff Recommendations/Decision Process/Decision Options

During a public hearing, the case before the Commission shall be presented in summary by the HZC/CLG Coordinator or by a Commission member designated by the Chairman. The HZC/CLG Coordinator shall make a staff recommendation at the hearing that shall also be included in documents prepared and presented to the HZC prior to each meeting. Applicants and/or interested parties shall then have the privilege of the floor or by submitting in writing. The HZC may limit presentation times and procedures in accordance with local legal municipal standards. Decisions shall be based upon Design Guidelines, findings of fact, and precedent. The HZC may vote to defer, approve, deny, or in official ordinance driven emergencies, notice to proceed.

SECTION 4 Appeals

Pursuant to TCA 13-7-409, anyone who may be aggrieved by any final order or judgement of the historic zoning commission or regional historic zoning commission may have such order or

judgement reviewed by the courts by the procedure of statutory certiorari, as provided in Title 27, chapter 8. Prior to appeal to chancery court any applicant denied approval may appeal back to the HZC for reconsideration only if new information is presented. Absent new information, applicants may only apply for reconsideration after a calendar year has passed.

SECTION 5 Record Keeping

A public record shall be kept of those speaking before this Commission at all public hearings or presented in writing.

ARTICLE X1: ADOPTION AND AMENDMENT

SECTION 1 Adoption of By-Laws

These by-laws herein shall be in full force and effect at the first meeting and all subsequent meetings following the adoption of this document by a majority vote of the entire membership of this Historic Zoning Commission.

SECTION 2 Amendment of By-Laws

These by-laws may be amended or repealed at a regular meeting by a majority of the entire membership of this Commission; after the amendment or the repeal have been proposed at the previous regular meeting. Each member shall receive a written copy of the proposed amendment or reasons for repeal during the meeting in which the proposal is presented to the Commission.

Adopted this 6th day of July (month) 2021 (year).

Wm Alan Seaberg

Chairman of the Mount Pleasant Historic Zoning Commission

ATTEST:

Robert Archibald

Secretary of the Mount Pleasant Historic Zoning Commission