



HISTORIC PRESERVATION COMMISSION MEETING

December 12, 2017 5:30 P.M.

Orange Public Library Auditorium

(City Council Chambers)

220 N. Fifth Street

Orange, Texas 77630

1. **Call to Order**
2. **Minutes**
 - a. Minutes of the November 7, 2017 special call meeting
3. **Action/Discussion Items**
 - a. Consider adopting rules of procedure for the Historic Preservation Commission
4. **Adjournment**

Texas Penal Code 30.06:

“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”

“De conformidad con la Sección 30.06 del código penal (entrada de persona con licencia de portar o llevar armas de mano oculta), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licenciación para portar o llevar armas de mano) no se permite entrar en esta propiedad con “ninguna armas de mano oculta”

Texas Penal Code 30.07:

“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”

“De conformidad con la Sección 30.07 del código penal (entrada de una persona con licencia de portar o llevar armas de mano visible), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licenciación para portar o llevar armas de mano visible) no se permite entrar en esta propiedad con ninguna “armas de mano visible”

No Firearms Allowed

No se permite ninguna armas de fuego

**HISTORIC PRESERVATION COMMISSION
Special Call
Tuesday, November 7, 2017
Meeting Minutes**

Members Present:

Suzanne Perry.....Vice Chairman
Harry Wood..... Member
Curtis Jeanis.....Member

Members Absent:

Ben Meadows..... Chairman

Staff Present:

Kelvin Knauf, Director of Planning & Community Development
Wendy Lloyd, Planning Secretary

City Council Members Present:

Annette Pernell

Vice Chairman Perry called the meeting to order at 5:50 p.m.

REGULAR BUSINESS - APPROVAL OF MEETING MINUTES

Vice Chairman Perry asked for a motion to approve the special call meeting minutes for October 26, 2017

Member Jeanis motioned

Member Wood 2nd

Vote: 3 - 0

Motion Carried

OLD BUSINESS

None

NEW BUSINESS

- a. Consider an application for a Certificate of Appropriateness from James Pernell to replace rotted wood and re-paint areas of the house at 912 Pine Avenue.**

Mr. Knauf stated on their application is paint color Sherwin Williams Woodsy Brown and that is not specifically on the pre-approved color palate and so they would like to change the paint color to Brookwood Dark Brown which is on the approved color palate and the recommendation is to approve.

Member Wood stated that he thinks it's admirable that they are doing this and doesn't have any problems with it.

Member Wood motioned

Member Jeanis 2nd

Vote: 3 – 0

Approved

Vice Chairman Perry adjourned the meeting at 5:52 p.m.

MEMORANDUM

To: Historic Preservation Commission
From: Kelvin Knauf, Director of Planning and Community Development
Subject: Consider adopting rules of procedure for the Historic Preservation Commission
Date: December 4, 2017

Attached for your consideration are draft rules of procedure for the Historic Preservation Commission. In my experience, written rules help new Commission members get oriented to how the commission works and what to do at commission meetings. Many of the proposed rules are what the Commission does now—they have just never been written down before.

The proposed rules you may want to give special attention to are:

3. A and B. Election of officers. The proposed rule is that the Chair and Vice-Chair be elected annually at the first meeting after October 1st of each year. Commission terms end in September and it seems advisable that the election occur at the first meeting after which the terms expire.

3.I. Legal conflicts of interest. The proposed rule is that if a member has a legal conflict, they must leave the room during the discussion and vote. Some organizations allow the member to stay in the meeting room and not talk during the matter. However, the best practice is to leave the room since eye gestures or other body language is still a form of communication that a member could use to persuade other members on the matter.

4.A.2. Order of Business. The proposed rule is that the presiding officer may request a law enforcement officer to remove from the meeting any person who refuses to stop speaking after being told to stop by the presiding officer or any person who is disrupting the meeting. While citizens are allowed to speak at the meeting, there is no law that gives them the right to disrupt meetings.

4.D. Reconsideration. This proposed rule would prevent applicants from submitting the same Certificate of Appropriateness application to the commission for six months after the application has been denied. This is to keep applicants from trying to wear down the commission through repeated applications for the same work.

5. Applications Required to be Brought Before the Commission. These are the types of applications that only the Commission can approve.

6. Authority Delegated to the Director of Planning and Community Development. These are the types of applications that the Director can approve on his/her own.

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3 **City of Orange**
4 **Historic Preservation Commission**
5 **Rules of Procedure**
6

7 **1. Authority**

- 8 A. Authority. The Historic Preservation Commission (“Commission”), its duties and authorities, are
9 authorized by the Orange Code of Ordinances.
- 10 B. Intention. These rules are intended to supplement and not replace relevant sections of State law,
11 the Orange City Charter or the Orange Code of Ordinances.

12 **2. General Rules**

- 13 A. Meetings to be public except when consulting with Commission’s attorney. The Commission
14 shall comply with the Texas Open Meetings Act. Every regular, workshop, joint meeting or
15 special called meeting of the Commission shall be open to the public. Meetings need not be open
16 to the public when the Commission is consulting with its attorney.
- 17 B. Quorum. Three members of the Commission shall constitute a quorum. The members will be
18 notified and will be expected to attend each Commission meeting whenever possible.
- 19 C. Minutes of the Meeting. Accurate minutes of all proceedings of the Commission shall be kept by
20 the Director of Planning and Community Development or his/her designee. Commission minutes
21 shall be reviewed and voted on by members who attended that particular meeting. The Chair will
22 announce when the minutes are approved.
- 23 D. Right of Floor. Any regular member desiring to speak will wait to be recognized by the Chair
24 and shall confine his/her remarks to the subject under consideration.
- 25 E. Amendment of Rules. These rules may be amended or new rules adopted by a majority vote of
26 the entire Commission and upon approval by the City Council.

27 **3. Officers and Duties**

- 28 A. Chair. The Chair is elected by the Commission members in attendance at the meeting for a term
29 of one year. The Chair shall preside at all meetings of the Commission where he/she is present
30 and shall decide all points of order or procedure not in conflict with these rules. The Chair shall

1 be elected at the first meeting after October 1st of each calendar year and as the position becomes
2 vacant.¹

3 B. Vice-Chair. The Vice-Chair is elected by the Commission members in attendance at the meeting
4 for a term of one year. In the absence of the Chair, the Vice-Chair shall preside. The Vice-Chair
5 shall be elected at the first meeting after October 1st of each calendar year and as the position
6 becomes vacant.

7 C. Acting Chair. Should both the Chair and the Vice-Chair be absent from a meeting, the most senior
8 member of the Commission shall be the Acting Chair. Should two or more Commissioners be
9 senior, the Commission shall elect an Acting Chair.

10 D. Call to Order. The presiding member shall call the meeting to order. The meeting shall not begin
11 before the posted time on the agenda.

12 E. Preservation of Order. The presiding officer shall preserve order and decorum and confine
13 members and/or interested parties in debate to the question under discussion.

14 F. Attendance. Members are subject to the attendance requirement contained in the Code of
15 Ordinances.²

16 G. Decorum. Commission members value and recognize the importance of the trust invested to them
17 by the public and the City Council to accomplish the business of the City. Commission members
18 shall accord the utmost courtesy to each other, to City employees, and to the public appearing
19 before the Commission. City staff shall act at all times in a business-like and professional manner
20 towards Commission members and members of the public. Noise emanating from the audience
21 that disrupts Commission meetings shall not be permitted.

22 H. Endorsements. It is inappropriate to endorse political candidates, political causes, or items placed
23 on a ballot during Commission meetings.

24 I. Conflicts of Interest. Unless the Commission member has a legal conflict of interest in the matter,
25 the member should vote on the agenda item. If a legal conflict of interest exists, the member shall
26 leave the Commission meeting room until after the agenda item has been discussed and action
27 taken by the Commission.³

¹ Commission members' terms expire in September.

² Section 8.2101 of the Code of Ordinances provides that any appointed member of any board or commission who fails to attend three (3) regular meetings in succession without notifying the chairman in advance or who does not attend at least sixty percent (60%) of the regularly scheduled board meetings within a twelve-month period will be considered to have automatically resigned from the board or commission.

³ Even if a member does not speak during consideration of an item where the member has a legal conflict, the member can still communicate through body language and eye contact. The best practice is to have the member with the legal conflict leave the room.

1 **4. Order of Business**

2 A. Agenda. The order of business for each meeting shall be as contained in the agenda prepared by
3 the Director of Planning and Community Development or his/her designee. The agenda shall be
4 a listing of subjects to be considered by the Commission and shall be delivered to members by
5 either email or regular mail no later than seventy-two (72) hours before the meeting.

- 6 1. The presiding officer may take agenda items out of the order in which they are listed
7 unless a majority of the members present object to this variation.
- 8 2. The applicant will be allowed to speak on the application. The Chair shall decide whether
9 any interested party other than the applicant is allowed to speak on the application. The
10 applicant and any interested parties will be required to keep their comments and/or
11 questions to the application under consideration. The applicant and interested parties
12 shall address their comments and questions to the Commission. If a person is repetitive
13 in their comments or presents information not related to the application under
14 consideration, the presiding officer may prohibit the person from making further
15 comments. The presiding officer may stop the person from speaking further if the
16 remarks or gestures are profane, abusive, inflammatory or otherwise offensive. Persons
17 who refuse to stop speaking at the direction of the presiding officer or otherwise disrupt
18 the meeting may be escorted from the meeting by a law enforcement officer at the request
19 of the presiding officer.
- 20 3. Before voting on an agenda item, a motion must be made and seconded. The presiding
21 officer may make a motion or second a motion. Once the motion has been made and
22 seconded, the presiding officer will call for a vote on the motion through members saying
23 “aye” (approving the motion) or “nay” (disapproving the motion). A motion may be
24 amended with the approval of the member making the original motion and the person
25 seconding the original motion. The presiding officer shall announce whether or not the
26 motion carried or fails.
- 27 4. If no second is made to a motion, then the motion fails and a new motion must be made
28 and seconded.
- 29 5. If a motion (and second) does not pass, a new motion and second must be made before
30 the agenda item can be voted on. The presiding officer shall announce whether or not the
31 motion carried or fails.
- 32 6. A majority vote of the Commission members in attendance at the meeting shall carry.

33 B. General. Prior to consideration of a Certificate of Appropriateness before the Commission, the
34 applicant must have first made an application to the Commission. The City of Orange may be an
35 applicant for any property within the city limits of Orange. The application shall be on a form

1 approved by the Director of Planning and Community Development and as provided in the Code
2 of Ordinances.

3 C. Minutes. Minutes from the previous meeting(s) shall be reviewed and may either be approved as
4 submitted; be approved with corrections; or, be tabled to a future meeting to allow time for staff
5 corrections and revisions.

6 D. Reconsideration. No request for a Certificate of Appropriateness that the Commission has denied
7 may be re-considered by the Commission for six months after the meeting at which the decision
8 was made to deny the application.⁴

9 **5. Applications Required to be Brought Before the Commission**

10 A. Applications Required to be Considered by the Commission. The following applications are
11 required to be brought before the commission for consideration:

- 12 1. Significant additions, renovations, alterations or removal to any part of the primary
13 structure on the property;
- 14 2. New construction of a primary structure on the property;
- 15 3. Demolition of primary structures on the property;
- 16 4. Demolition of any accessory structures that have a historic or architectural value
- 17 5. Improvements, demolitions, repairs or renovations that require commission approval under
18 federal or state laws; and
- 19 6. Primary or accessory structures that, in the opinion of the Director of Planning and
20 Community Development, are questionable as to their color or architectural compatibility
21 with the historic district in which the property is located.

22 **6. Authority Delegated to the Director of Planning and Community Development**

23 A. Director Authority. The Director of Planning and Community Development may approve the
24 following:

- 25 1. Colors that are compatible with the color charts that are on file in the Planning and
26 Community Development Department;
- 27 2. Construction of detached accessory structures including fences that are clearly of a color
28 and architectural style compatible with the primary building on the property;
- 29 3. Demolition of accessory structures including fences that have no historic or architectural
30 value;
- 31 4. Replacement of materials that are of a similar style as the original structure; and

⁴ This is intended to prevent an applicant from trying to wear down the Historic Preservation Commission by continually filing the same application for a Certificate of Appropriateness.

1 5. Construction or demolition of structures that cannot be seen from the street in front of the
2 primary structure.

3 **7. Adjournment**

4 A. Adjourning Meetings. After all items on the agenda have been considered,⁵ the presiding officer
5 may adjourn the meeting without a motion and second. The Commission shall not discuss or decide
6 any item that is not on the agenda unless specifically allowed by Texas law.

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9 Approved by the Historic Preservation Commission: _____

10 Approved by the City Council: _____

DRAFT

⁵ This would include approval, denial, tabling an item, the applicant withdrawing an item, or postponing consideration of an item. If the Commission has a number of items and cannot get to all of them in a meeting, it can table the remaining items to a future Commission meeting.