



BY-LAWS
OF THE
HISTORIC PRESERVATION COMMISSION

Adopted:

ARTICLE I

PURPOSE

The Historic Preservation Commission (“HPC”), formerly known as the Board of Historic & Architectural Review, was created pursuant to Section 35.1-44.1, et seq., of the Code of the City of Lynchburg (“the Ordinance”), which Ordinance was approved by the Lynchburg City Council on May 11, 1982, as amended. The establishment of and the duties and responsibilities of the Historic Preservation Commission (“HPC”) are set forth in Sections 35.2-13, 35.2-58, 35.2-100.9 of the Zoning Ordinance (“the Ordinance”) which was adopted on February 23, 2016. Prior to February 23, 2016, the establishment, duties and responsibilities of the HPC were set forth in Section 35.1-44.1 of the previous Zoning Ordinance. It is the Statutory duty of the HPC to carry out and comply with the purpose and objectives of the Ordinance, and these By-Laws are to provide the rules and regulations for the administration of the internal affairs of the HPC in so doing.

ARTICLE II

MEMBERS

Section 1. Number Qualification and Term of Office.

The HPC shall consist of seven (7) members who shall be appointed by City Council. All members shall be residents of the City of Lynchburg; at least one member shall be an architect or an architectural historian and at least one member shall be an owner and a resident of property in a historic district that is defined as a neighborhood but excludes single-structure districts. Not more than one (1) person shall be appointed who is principally engaged in the buying and selling of, or investment in, real estate. All members shall have a demonstrated interest, competence and knowledge of historic preservation, as defined in the Certified Local Government’s “Documentation of Historic Preservation Interest, Competence, or knowledge.” At least two members shall meet the Professional Standards Qualifications used by the National Park Service and published in the Code of Federal Regulations, 36 CFR, Part 61.

Terms of appointments shall begin July 1 and expire June 30. The members shall serve overlapping terms of three (3) years or until they are reappointed or their successors are appointed. Of the initial members, two (2) members have been appointed for a term of one (1) year, two (2) members for a term of two (2) years, three (3) members for a term of three (3) years. After initial appointments,

all appointments shall be made for a term of three (3) years. Members may succeed themselves, but no member shall serve for more than three (3) consecutive terms.

Section 2. Officers. The HPC shall select from its own membership a Chair and Vice Chair, who shall serve annual terms as such and may succeed themselves. The selection will normally take place at the regular June meeting or at such meeting at which they are selected until June 30 of the following year or until their successors shall have been selected. Vacancies in offices shall be filled in a timely manner and such officers shall serve the unexpired term of office or until their successors shall be selected. The Department of Community Development shall designate an administrative liaison to act as the secretary to the HPC.

Section 3. Vacancies. Any member may be removed by City Council for malfeasance, misfeasance, or nonfeasance in office, upon recommendation thereof to Council by no fewer than four (4) members of the HPC, and after reasonable notice to the affected member of the charges against him or her and a hearing on the same before Council. The secretary of the HPC shall notify the Clerk of Council at least sixty (60) days in advance of the expiration of the term of office of a member, and shall also notify the Clerk of Council promptly of the occurrence of any vacancy on the HPC. If any member is absent without cause for three (3) consecutive meetings or is absent for four meetings in any twelve month period, the member's position shall be deemed vacant. Within sixty (60) days after they occur, vacancies shall be filled by the Council for the unexpired term. Appointments to a vacancy of an unexpired term of less than two years by reason of resignation, removal, absence, or inability to serve, shall not be considered a full term for purposes of the three-term limit.

Section 4. Committees. The HPC may appoint committees from its own membership and delegate to such committees specific tasks to better effectuate the purpose of the Ordinance. Such committees may seek the assistance of interested members of the public and from time to time report on their activities to the whole HPC.

Section 5. Training. Members are expected to attend informational or educational meetings, approved by the State Historic Preservation Officer, pertaining to work and functions of review boards or to historic preservation.

Section 6. Conflict of Interest. No member shall participate in the selection, award, or administration of a contract, a sub-contract, or agreement or participate in the discussion or vote on any matter or take any action in his or her capacity as a member if a conflict of interest real or apparent, would be involved. No

member, nor any member of his or her immediate family, nor his or her partner or any organization which employs, or is about to employ any of the above may have a financial or personal interest in any matter of any kind being considered by the HPC.

It is the intent of this section of the By-Laws to prohibit any and all conduct which would amount to a conflict of interest as provided in Title 2.2 of the Code of Virginia (The Virginia Conflict of Interest Act) that no HPC member shall engage in any private financial or other interest which might impact the performance of his/her duties.

ARTICLE III

MEETINGS

Section 1. Regular Meetings. The regular meetings of the HPC shall be held on the third Monday of each calendar month at 3:45 p.m., in the Training Room, Second Floor, City Hall. Notice of regular meetings shall be posted to the City's website, 'Historic Preservation HPC agendas,' and emailed, through other electronic means or mailed through the post office to the representative(s) of thereof the Historic Neighborhood Associations or served by such other means as may be customary and reliable.

Section 2. Special Meetings. Special meetings of the HPC may be called by the Chair, Co-Chair, any two members or the Secretary. Notice of any special meeting of the HPC shall be given by the person or persons calling such meeting to the other members at least seventy-two (72) hours before the time of such meeting, either by written notice thereof mailed to each member or by telephone. Notice of special meetings shall be posted to the City's website, 'Historic Preservation HPC agendas,' and emailed, through other electronic means or mailed through the post office to the representative(s) of thereof the Historic Neighborhood Associations or served by such other means as may be customary and reliable.

Section 3. Public Hearings. The HPC shall hold public hearings from time to time as required pursuant to the Ordinance, with proper notice as required by Section 35.2-10.14 of the Lynchburg City Code. These public hearings will be conducted so as to ensure an orderly presentation to the HPC of the views of the interested parties, in the following order: first from those in favor of the action proposed to be taken by the HPC, then from any opponents of such action, followed by a brief summary by those favoring such action.

Section 4. Quorum. Until otherwise prescribed by these By-Laws, a majority of the HPC shall constitute a quorum for the transaction of business; but if at a meeting or public hearing of the HPC there be less than quorum present, a majority of those persons present may adjourn the meeting or hearing from time to time until a quorum is present.

Section 5. Manner of Acting. The act of the majority of members present at a meeting or public hearing at which quorum is present shall be an act of the HPC.

Section 6. Conduct and Record of Meetings. The regular and special meetings of the HPC will be conducted according to Robert's Rules of Order, 1915 Edition, Revised. The HPC shall keep a permanent record of the deliberations, transactions, and resolutions of the HPC at meetings and public hearings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, which record shall be prepared and signed by the Secretary and initiated by the Chair.

Section 7. Waiver of Notice. Any member may waive notice of any meeting or public hearing. The attendance of a member at a meeting or public hearing shall constitute a waiver of notice of the meeting or public hearing, except where a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting or public hearing is not lawfully called or convened.

ARTICLE V

ANNUAL TERM

The annual term of the HPC shall be July 1 to June 30 to coincide with the fiscal year of the City of Lynchburg.

ARTICLE VI

AMENDMENTS

These By-Laws may be altered, amended, or repealed and new By-Laws adopted by the affirmative vote of no fewer than five (5) members at any regular or special meeting of the HPC.

We, the undersigned, being the current seven (7) members of the Historical Preservation Commission, do hereby adopt the foregoing as the By-Laws of the Historical Preservation Commission, this _____.

Christopher McSwain, Chair _____

Mark Little, Vice-Chair _____

Emmett W. Lifsey _____

Michael J. Erquiaga _____

Richard C. Morris _____

Shanda Horner _____

Shaun Spencer-Hester _____

36-HISTORIC PRESERVATION COMMISSION-Council Appointment-3 year term ending 06/30. MAXIMUM SERVICE: Three terms per R-79-297

PURPOSE: The role of the HPC is to administer the city's historic districts ordinance and to provide professional assistance and guidance to property owners in achieving appropriate alterations to their historic properties.

NUMBER OF MEMBERS: 7 (1 architect; 1 owner and resident of property in a historic district that is defined as a neighborhood but excludes single-structure districts; 2 meeting the Professional Standards Qualifications used by the National Park Service and published in the Code of Federal Regulations, 36 CFR Part 61. No more than one appointee shall be engaged in buying and selling of or investment in real estate. All members shall have a demonstrated interest, competence and knowledge in historic preservation.

	<u>Term(s)</u>
Mr. Michael J. Erquiaga 201 Harrison Street Lynchburg, VA 24504 (Ward 2 - Garland Hill)	08/14/18 – 06/30/21
Mr. Emmett W. Lifsey 1515 Savoy Place Lynchburg, VA 24503 (Ward 1 - Upper Rivermont) (Architect)	06/26/18 – 06/30/21
Mr. Mark C. Little 3021 Rivermont Avenue Lynchburg, VA 24503 (Ward 1 - Courthouse Hill & Diamond Hill)	12/13/16 – 06/30/19
Mr. Christopher McSwain (Chair) 1501 Somerset Drive Lynchburg, VA 24503 (Ward 1 - Diamond Hill) (Construction Manager)	08/12/14 – 06/30/17 06/27/17 – 06/30/20
Mr. Richard C. Morris 205 F Street Lynchburg, VA 24504 (Ward 2 - Middle Rivermont & Daniel's Hill) (Architect)	06/26/12 – 06/30/15 06/23/15 – 06/30/18 06/26/18 – 06/30/21

36-HISTORIC PRESERVATION COMMISSION-Council Appointment-3 year term ending 06/30. MAXIMUM SERVICE: Three terms per R-79-297

Mrs. Shanda Horner
892 Dearing Street
Lynchburg, VA 24503
(Ward 2 - Lower Rivermont)

06/14/16 – 06/30/19

Ms. Shaun Spencer-Hester
1313 Pierce Street
Lynchburg, VA 24501
(Ward 2)
(Museum Curator/Executive Director)

10/23/18 – 06/30/21