

HERITAGE PRESERVATION COMMISSION BY-LAWS

CITY OF DULUTH

ARTICLE I - IDENTITY

- 1.1 This organization shall be known as the Heritage Preservation Commission of the City of Duluth, hereafter referred to as the HPC.
- 1.2 The administrative office and mailing address of the HPC shall be the Planning Division Office, Room 409, City Hall, Duluth, Minnesota 55802.

ARTICLE II - ORIGIN AND POWERS

- 2.1 The HPC was created by Ordinance No. 8938 adopted 4-17-89 by the Duluth City Council pursuant to Minnesota Statute 471.193. The HPC serves in an advisory capacity except in respect to approving or disapproving modifications to Heritage Preservation Landmarks or Districts.

ARTICLE III - DUTIES AND OBJECTIVES

- 3.1 The HPC is designed to serve in an advisory capacity to the City Council and Administration and is further empowered to perform certain quasi-judicial functions.
- 3.2 The objectives of the Commission are to safeguard the heritage of the City of Duluth by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, engineering or architectural history; to protect and enhance the City of Duluth's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry; to enhance the economic viability of heritage preservation landmarks and districts through the promotion of their unique character; to enhance the visual and aesthetic character, diversity and interest of the City of Duluth; to foster civic pride in the beauty and notable accomplishments of the past; and to promote the use and preservation of historic landmarks and districts for the educational and general welfare of the people of the City of Duluth. To achieve these objectives, among others, the HPC shall: (a) recommend to the Duluth City Council designation of heritage preservation landmarks and districts based on established criteria; (b) adopt heritage preservation guidelines specific to individual heritage preservation landmarks and districts; (c) review construction and demolition activities proposed within designated heritage preservation landmarks to ensure compliance with the adopted heritage preservation guidelines; (d) maintain an inventory of all historic areas, places, buildings, structures and similar objects within the City of Duluth; (e) review local

applications to the National Register of Historic Places per the provision of the Certified Local Government designation if applicable; (f) work for the continuing education of the citizens of Duluth with respect to the historic and architectural heritage of the City; (g) advise the Duluth Planning Commission as to the historical or architectural uniqueness of residential properties for purposes of allowing Bed and Breakfast establishments; and (h) serve as a forum for citizen input with regard to the above-mentioned tasks and objectives.

ARTICLE IV - MEMBERSHIP

- 4.1 Members. The HPC shall consist of seven citizen members who are eligible voters residing within the city limits of Duluth. Five (5) of the members shall be appointed by the Mayor, subject to confirmation by the City Council. One (1) member shall be appointed by the St. Louis County Historical Society and another member shall be appointed by the Duluth Planning Commission. All members shall be persons who have demonstrated an interest in the historical, cultural or architectural development of the city or who own property within a heritage preservation district. At least two (2) of the members appointed by the Mayor shall be preservation-related professionals.
- 4.2 Terms. Members shall be appointed for terms of three (3) years. Any vacancy in membership shall be filled by the appropriate appointing body with Mayoral appointees subject to confirmation by the Duluth City Council.
- 4.3 Removal. HPC members shall be subject to removal by the Mayor for just cause, but only after notice and opportunity for a hearing before the City Council and only with the approval of the Council.
- 4.4 Absenteeism. If any member fails to attend three (3) consecutive regular meetings of the HPC without satisfactory explanation, notice of such failure shall be forwarded to the appropriate appointing body with the request for removal and replacement of such member on the HPC.
- 4.5 Expenses. HPC members shall serve without salary. Costs for mailing notices, preparing and distributing minutes and other meeting materials, along with other clerical expenses shall be paid by the City of Duluth.

ARTICLE V - OFFICERS

- 5.1 Titles. The officers of the HPC shall be a president, vice president and secretary. The president and vice president shall be citizen members of the HPC. The secretary shall be the Manager of the Planning Division, Department of Planning and Development of the City or his or her designee (amended 11/24//92).

- 5.2 Duties of the President. The president shall preside at all meetings, appoint committees, rule on procedural questions subject to reversal by a two-thirds (2/3) vote of members in attendance, exercise the same voting rights as the other members and carry out such other duties as are assigned by the HPC.
- 5.3 Duties of the Vice President. The vice president shall act in the absence or inability of the president to act and in such instances shall have the powers and functions of the president.
- 5.4 Duties of the Secretary. The secretary shall be responsible for notifying all members of meetings, drafting and circulating agendas, performing research work and preparing reports as are necessary to fully advise the HPC of all facts on matters before it, keeping on file all official records and reports of the HPC, keeping written record of HPC meetings, transactions and actions, serving required notice of all public hearings and public meetings, maintaining and circulating minutes, reporting on and attending to the correspondence of the HPC.

ARTICLE VI - ELECTION OF OFFICERS

- 6.1 Terms. Officers shall be elected at the annual meeting of the HPC. Terms of office shall be for one (1) year and no member shall hold the office of president or vice president for more than two (2) years consecutively. Officers shall serve until replaced by a duly elected officer in accord with these procedures.
- 6.2 Nominating Committee. The president may appoint a nominating committee to report to the HPC prior to elections, but nomination of officers may also be made from the floor.
- 6.3 Majority Required. Candidates for office receiving a majority vote of the entire membership shall be declared duly elected.
- 6.4 Vacancies. Vacancies occurring in offices of the HPC shall be filled forthwith by regular elections procedure.

ARTICLE VII - MEETINGS

- 7.1 Annual Meetings. An annual organizational meeting shall be held in November of each year. Election of officers shall be conducted and proposed amendments to by-laws may be acted upon.
- 7.2 Regular Meetings. Regular meetings of the Commission shall be held on the fourth Tuesday of each month at a time and place agreed upon by the Commission at a prior meeting. In the event that the regular meeting date falls on a legal holiday, the meeting shall be held on the following day.

- 7.3 Special Meetings. Special meetings may be called at the discretion of the president or at the written request of at least five (5) members who shall convey such request to the secretary.
- 7.4 Notice of Meetings. Notice in writing of annual meetings setting forth the time and place thereof shall be delivered to all HPC members at least twenty (20) days in advance of such meetings; notice in writing of each regular meeting shall be sent to all members at least five (5) days in advance of such meeting and notice in writing of any special meeting shall be sent to all members at least five (5) days prior to such meeting; and all notices shall state the time, place and purpose of such meetings.

ARTICLE VIII - PRE-MEETING PROCEDURES

- 8.1 Agenda. The agenda for each meeting of the HPC shall be developed in writing by the secretary subject to approval by the planning director and president.
- 8.2 Application Deadlines. No matter shall be placed on the HPC agenda unless a written request or petition, along with the required forms, legal descriptions, maps, drawings, etc., have been submitted to the Planning Department in proper and correct form and unless the following timetable has been observed:
- (a) Designation of Heritage Preservation Landmark. Requests to consider an individual property, parcel, place, building, structure, work of art or other object for designation as a Heritage Preservation Landmark must be received by the Planning Department at least four (4) weeks prior to the HPC meeting at which action may be taken. Applicants shall meet informally with Planning Department staff prior to submittal of such applications in order to preliminarily discuss required drawings and possible planning implications.
 - (b) Designation of Heritage Preservation District. Requests to consider a contiguous collection or group of lands, parcels, sites, structures, buildings or objects for designation as a Heritage Preservation District must be received by the Planning Department at least eight (8) weeks prior to the HPC meeting at which action may be taken. Applicants shall meet informally with Planning Department Staff prior to submittal of such applications in order to preliminarily discuss application requirements and planning implications.
 - (c) Certificates of Approvals. Applications for certificates of approvals for proposed modifications to Heritage Preservation Landmarks and Districts which require review by the full HPC must be received by the Planning Department at least four (4) weeks prior to the HPC meeting at which action may be taken. Applications for certificates of appropriateness which meet the criteria for committee or staff action do not have submittal deadlines. However, in cases where approval by committee or staff is not

given, applicants must meet the required submittal schedule for the full HPC outlined above.

(d) All other matters: For all matters other than those mentioned in (a), (b) and (c) above, all applications and referrals, including required legal descriptions, certified sufficient petitions, maps, drawings, etc., shall be received by the Planning Department at least three (3) weeks prior to the HPC meeting at which action may be taken.

8.3 Reference to Committee. Either the secretary of the HPC or the president may refer proposals to a HPC committee before placing such matter on the agenda, and in such event, the pertinent committee shall meet and consider said matter and report action taken or recommendation to the full HPC. Also, any three (3) members of the HPC, may prior to or during full Commission discussion, require that a matter be considered by a HPC committee.

8.4 Reports. The secretary shall prepare a technical study or report on all matters to be heard by the full HPC and shall mail such reports to HPC members before the meeting at which action may be taken.

8.5 Withdrawal. If a petitioner or applicant desires to withdraw a matter from the agenda, such request must be submitted to the secretary in writing, and if any public notice has been given, any persons appearing at the noticed hearing on said petition or application shall be entitled to testify at said hearing.

ARTICLE IX - MEETING PROCEDURE

9.1 Rules of Order. Unless otherwise specifically designated, Roberts Rules of Order, as most recently revised, shall govern meeting procedure.

9.2 Quorum. A majority of the currently serving membership of the Commission shall constitute a quorum for meeting purposes. A majority vote of the members present shall be required to transact business or make binding decisions in behalf of the Commission.

9.3 Conflict of Interest. Whenever a Commission member shall have a direct or indirect personal or financial interest in an application or petition before the Commission, such member shall declare such interest and shall not participate in any hearing on said matter; shall absent himself from the room during all deliberative sessions or Commission discussion on said matter; and shall in no event vote upon said matter. When there is question as to the existence of a conflict of interest, the president shall make ruling thereon.

9.4 Suspension of Rules. The commission may temporarily suspend its rules by a majority vote of members in attendance.

- 9.5 Appearance of Petitioner. No application or petition shall be given final approval unless the applicant or petitioner appears personally or by representative at hearing called thereon, or makes satisfactory explanation or presentation in lieu thereof.
- 9.6 Agenda. Order of business at regular meetings shall be as follows:
1. Call to order.
 2. Roll call or determination of quorum.
 3. Public hearings.
 4. Consideration of minutes.
 5. Communications.
 6. Report of final disposition of matters previously before the Commission.
 7. Reports of officers, staff and committees.
 8. Consideration of matters regarding Commission action.
 9. Other business.
 10. Adjournment.
- 9.7 Dispensation. A motion must be made and voted upon in order to dispense with any item on the agenda.
- 9.8 Non-Agenda Matters. No binding or final action may be taken on any matter not on the written agenda except by unanimous vote of the members in attendance or a majority of the entire membership.
- 9.9 Tabling. A tabling motion, if passed, has the effect of laying the matter over until the next regular meeting unless otherwise specified.

ARTICLE X - PUBLIC HEARING PROCEDURE

- 10.1 Public Testimony. Any person desiring to speak to the HPC during an official public hearing shall be heard prior to any determination of the matter in question. Such testimony shall be accompanied by the person's name and address for the public record. Letters received in lieu of oral testimony shall become a part of the public record and be considered prior to any final determination of the matter by the HPC.
- 10.2 Time Limits. The president of the HPC may establish such time limits on testimonies as are reasonable to provide for an efficient meeting so long as all interested parties are given a chance to testify.
- 10.3 Termination of Hearing. Upon close of public hearing no further presentation shall be allowed except upon suspension of the rules.

ARTICLE XI - COMMITTEES

11.1 Standing Committees. There shall be standing committees appointed by the president. The review power of each and membership shall be as follows:

A. Design Review Committee. The Design Review Committee shall be comprised of three members of the HPC and shall be the authority to approve moderate alterations to designated Heritage Preservation Landmarks and Districts which are consistent with the appropriate adopted Preservation Guidelines. Such moderate alterations include the following:

1. reroofing/roof alterations such as adding skylights or dormers;
2. freestanding accessory structures of 1,000 sq. ft. or less;
3. masonry finishing;
4. chimney construction;
6. signs; and
7. similar alterations, subject to the approval of the president of the HPC.

The Design Review Committee may also rule on whether the structures within R-1, R-2 or S Zoning Districts proposed to be Bed and Breakfasts meet the requirement of being architecturally or historically unique.

B. Staff Review Committee. The secretary of the HPC and designated planning staff shall be the authority to approve minor alterations and modifications to designated Heritage Preservation Landmarks and Districts which are consistent with the appropriate adopted Preservation Guidelines. Such minor alterations include the following:

1. reroofing, with original materials;
2. rear porch and/or deck additions;
3. fences, retaining walls and landscaping;
4. freestanding accessory structures of 600 sq. ft. or less;
5. exterior cleaning, refinishing, tuck pointing;
6. replacement of windows, siding, trim or doors;
7. installation of doors or windows in rear elevations;
8. chimney reconstruction;
9. awnings;
10. screening walls or fences for parking lots, trash dumpsters and mechanical/electrical units;
11. work done under utility or sidewalk permits; and
12. similar work, subject to the approval of the chair of the Design Review Committee.

- C. Designation Initiation Committee. The Designation Initiation Committee shall be comprised of three (3) members of the Heritage Preservation Commission and shall be responsible for conducting an ongoing inventory of historic properties with the City of Duluth. The committee shall in a preliminary way evaluate the significance of the properties on the inventory and, together with the secretary of the HPC, recommended qualified properties to the full HPC for designation.
- 11.2 Special Committees. The president of the HPC may appoint such special committees and chairs thereof as he or she may from time to time deem necessary.

ARTICLE XII - POLICY

- 12.1 Policy Statement. Written statements of any policies of the HPC shall be drafted and maintained at the City Planning Division office.
- 12.2 Policy Revision. Said policies may be revised, amended or added at any regular or special meeting by a majority of the entire membership (four) and shall be reviewed by the HPC or a committee thereof annually.
- 12.3 Policy Availability. The staff shall advise petitioners, applicants or other interested persons of applicable portions of said policies upon request.

ARTICLE XIII - AMENDMENT OF BY-LAWS

- 13.1 Amendment Procedure. These by-laws and rules of procedure may be amended at the annual meeting by majority vote of commissioners in attendance and notice and copies of any proposed amendments shall be given all commissioners along with meeting notice. No interim amendments shall be allowed unless each commissioner receives at least thirty (30) days' written notice of intent to amend, including the date, time and place such amendment will be voted on, and an exact copy of the amendment as proposed. Interim amendments require majority vote of the entire membership (four) of the HPC for passage, and in such instance only, HPC members will be allowed to vote by written proxy.

ARTICLE XIV - EFFECTIVE DATE

- 14.1 These by-laws adopted the by the Heritage Preservation Commission of the City of Duluth are effective on November 28, 1989.