

**HISTORIC DISTRICT COMMISSION
OF HAGERSTOWN, MARYLAND
Adopted March 23, 2023**

BYLAWS

ARTICLE I. Name of Commission

The name of this organization shall be The Historic District Commission of Hagerstown, Maryland, hereinafter referred to as the Commission.

ARTICLE II. Authorization

The authorization for the establishment of this organization is set forth in the Land Use Article of the Annotated Code of Public General laws of Maryland and Chapter 140 (Land Management Code), Article 2, Section B and Article 4, Section T as adopted by the Hagerstown City Council.

ARTICLE III. Membership

Section 1 - Composition

Composition of the Commission shall be consistent with Article 2, Section B, Subsection 4.a of the Land Management Code.

Section 2 - Terms of Membership

Terms of the Commission members shall be consistent with Article 2, Section B, Subsection 4.c of the Land Management Code.

Section 3 - Removal of Members

Members may be removed from the Commission in accordance with Article 2, Section B, Subsection 4.e of the Land Management Code.

Section 4 - Compensation

Compensation of members shall be in accordance with Article 2, Section B, Subsection 4.f of the Land Management Code.

Section 5 - Number of Votes

Each voting member of the Commission shall be entitled to one (1) vote.

ARTICLE IV. Officers

Section 1 - Chair, Vice Chair and Other Officers

The Commission shall elect a Chair and a Vice Chair from the appointed members of the Commission and may create and fill such other offices as it deems appropriate.

Section 2 - Terms of Office

The term of the Chair, Vice Chair and other officers shall be set forth in Article 2, Section B, Subsection 4.b of the Land Management Code.

Section 3 - Presiding Officer

The Chair shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary procedure.

Section 4 - Acting Chair

The Vice Chair shall act for the Chair in his or her absence. The Commission has the authority to appoint an Acting Chair in the absence of both the Chair and the Vice Chair.

ARTICLE V. Election of Officers

Section 1 - Annual Election

At a regular meeting in January of each year, the Commission shall elect from its membership a Chair and a Vice Chair, and these elected persons shall take office at the first regular meeting in January. In the event that the regular meetings that would otherwise be held in January are cancelled for lack of applications and other agenda items, the election shall be conducted at the next held regular meeting.

Section 2 - Nominations

Nominations shall be made from the floor of the meeting cited in Section 1, above, and election of officers shall immediately follow.

Section 3 - Election

A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected and shall serve for one (1) year or until his or her successor takes office.

Section 4 - Vacancies

Vacancies in office shall be filled by the adopted election procedure at the first regular meeting of the Commission following notification of the vacancy.

ARTICLE VI. Meetings

Section 1 - Meeting Schedule

The Commission shall set and conduct a regular schedule of meetings on consistent days of the month, to consist of no less than one meeting per month, or at such other time as deemed appropriate by the Commission. In the event of a conflict with a holiday or other event, a majority vote shall determine an alternate meeting date.

Section 2 - Quorum

A quorum shall consist of four (4) voting members of the Commission. A motion to approve any matter before the Commission, or to recommend approval of any request requiring action by the City Council, shall require affirmative votes of a majority of those present and voting. Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting or may hold the meeting to discuss the matters on the agenda without taking any action on those or other matters. This section shall apply to public hearings as well as to all meetings. To constitute quorum, participation by members of the Board shall be in-person, or via an on-line meeting platform where members attending by remote connection have both video and audio connection to the proceedings.

Section 3 - Disqualification from Voting

A members shall be disqualified from any matter under consideration by the Commission that may affect that member's personal or financial interest (see Article 2, Section B, Subsection 4.h of the Land Management Code). A member may announce disqualification when an applicant, either directly or through another party, has privately sought to influence that member's action in a matter before the Commission.

Section 4 - Special Meetings

Special meetings may be called by the Chairman or by any four voting members of the Commission. It shall be the duty of the Chairman to call a special meeting when requested to do so by a majority of the Commission. The Chairman shall notify all members of the Commission three (3) days in advance of such special meeting. Special meetings shall be held at such times and places as determined by a majority of the members.

Section 5 - Use of On-Line Meeting Platforms.

An online meeting platform may be made available for participants in Commission meetings. With sufficient notice to staff, Commission members may participate via an on-line meeting platform at their discretion.

Under extenuating and unavoidable circumstances, applicants, supporters and opponents to applications may participate via an on-line meeting platform with the approval of the Chairperson and with sufficient notice to staff to arrange for the availability of the necessary technology. However, applicants are advised that, due to the potential for miscommunication inherent in on-line platform meetings, it is generally expected that the applicant shall appear in person and participate in the meeting in person, barring

extenuating circumstances. Applicants shall have, at a minimum, a video and audio connection when participating via an on-line meeting platform. Supporters, opponents and other interested parties must have, at a minimum, an audio connection.

Sufficient notice shall be no later than the end of business, two business days prior to the hearing. (For example, no later than the end of business Monday for a late afternoon or evening meeting on Wednesday).

Section 6 - Rules of Governance

Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of the Commission.

Section 7 - Suspension of the Rules

Any provision of these rules not governed by State or County law may be temporarily suspended by a favorable two-thirds vote of all members of the Commission, which vote shall be entered in the minutes.

Section 8 - Meetings Are Public and May Be Broadcast, Video Recorded and Archived.

All meetings of the Commission shall be open to the public. The Commission may close a meeting to the public in order to conduct an executive session only when addressing issues that are authorized to be addressed in private in accordance with applicable State law.

In accordance with City policy and the availability of technology and necessary staff, Historic District Commission meetings may be broadcast live via the internet, may be video recorded and the recordings may be made available in an on-line archive available to the public. However, nothing in law requires such broadcast, recording or archival storage. Should the technology fail or staff is otherwise unable to broadcast, record or archive the proceedings, failure to do so is not a violation of these Rules of Procedure nor grounds for appeal of any decision by this Commission.

ARTICLE VII. Order of Business

Section 1 - Agenda

An agenda shall be prepared by Staff for all regular meetings. The agenda, along with any supporting documents, shall be sent to all Commission members by no later than three (3) days preceding the regular meeting. Agendas for special meetings shall be prepared as deemed necessary by the Commission.

Section 2 - Order of Business

The order of business, set forth on the agenda, shall be:

- a. Call to order.
- b. Approval of minutes.
- c. Design review.
 - 1. Consent Agenda
 - 2. Design Review
- d. Workshop.
- e. Old business.
- f. New business.
- g. Adjournment.

Section 3 - Motion on Business and Agenda

A motion from the floor must be made and passed in order to dispense with any item on the agenda. Staff may include those cases on a consent agenda where the application is clear in its description, clearly consistent with the Secretary of the Interior’s Standards and the adopted Design Guidelines, and receives unconditional recommendation of approval from staff. By individual request at the meeting, any member of the Commission may direct that any case on the consent agenda be moved to “design review”. No explanation of the motivation for the request shall be required.

Section 4 - Review Standards

The Commission shall follow the National Register Criteria for Evaluation to determine if properties qualify for inclusion in a Historic District and the Secretary of the Interior’s Standards for Rehabilitation and the Commission’s adopted Design Guidelines, as may be periodically updated and amended, in the application review process. Such criteria shall be open for public inspection and be available at the Planning Office for the City of Hagerstown.

Section 5 - Amending Review Criteria

Criteria may be amended by a majority of the Commission, subject to review and approval by the Mayor and City Council.

ARTICLE VIII. Hearings

Section 1 - Hearings Authorized

In addition to those required by law, the Commission may hold public hearings when it finds that they will be in the public interest.

Section 2 - Notice of Hearings

Notice of the time and place of such hearings on matters of general public interest shall be published once a week for two (2) consecutive weeks in at least one (1) newspaper of general circulation in Hagerstown at least fifteen (15) days, but not earlier than three (3) weeks prior to the hearing. This provision does not apply to the routine business of the Commission, including the consideration of applications for Certificates of

Appropriateness and Certificates of Hardship.

Section 3 - Order of Hearings

The matter before the Commission shall be presented in summary by a member of the staff and parties of interest shall have the right to be heard.

Section 4 - Record of Hearings

A record shall be kept of those speaking before the Commission at such hearings, and a transcript or recording of all comments shall be made.

ARTICLE IX. Amendments

These Bylaws may be amended by a majority vote of the entire membership of the Commission provided such amendment is proposed at a prior meeting and made available to all Commission members in writing at least three (3) days prior to the meeting at which it is to be considered.

ARTICLE X. Recordation

A copy of these Bylaws and any amendments thereto shall be filed in the Office of the City Clerk of Hagerstown within ten (10) days following the date of adoption.

ARTICLE XI. Repealing Clause

All previously adopted Bylaws and all amendments thereto are, upon adoption of these Bylaws, repealed.

HISTORIC DISTRICT COMMISSION

Date Approved: March 23, 2023

By:

Mary Revilla, Recording Secretary

Michael Gehr, Chair

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