

**HISTORIC DISTRICT COMMISSION
OF HAGERSTOWN, MARYLAND**
As Amended due to National Emergency April 23, 2020

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 Article 66B 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 - Chairman, Vice Chairman and Other Officers

The Commission shall elect a Chairman and a Vice Chairman 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 Chairman, Vice Chairman 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 Chairman shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary procedure.

Section 4 - Acting Chairman

The Vice Chairman shall act for the Chairman in his absence. The Commission has the authority to appoint a Chairman in the absence of both the Chairman and the Vice Chairman.

ARTICLE V. Election of Officers

Section 1 - Annual Election

At a regular meeting in December of each year, the Commission shall elect from its membership a Chairman and a Vice Chairman, and these elected persons shall take office at the first regular meeting in January.

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 successor shall take 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.

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 - Open Meetings

All meetings or portions of meetings at which official action is taken shall be open to the general public.

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.

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 six (6) 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.

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.

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: Emergency Procedures Due to COVID19 Pandemic Emergency

- Section 1. This Article is adopted as a temporary measure due to the ramifications of the national COVID19 Pandemic emergency. It is for the purpose of maintaining and fulfilling the Historic District Commission’s duties in an environment where direct assembly of the Commission, clients and the public is contrary to public health and emergency declarations issued by the President of the United States, the Governor of the State of Maryland and the Mayor of the City of Hagerstown.
- Section 2. In accordance with Article VI, Section 5, this Article is for the purpose of meeting during the current emergency and shall expire forty-five (45) days after the Mayor of the City of Hagerstown officially ends the City’s State of Civil Emergency, unless sooner revised, amended and/or extended by the Historic District Commission by a majority vote of all Historic District Commission Members.
- Section 3. All foregoing provisions of these Rules of Procedure shall remain in full force and effect unless in conflict with this Article.
- Section 4. In the furtherance of Article VI of these Bylaws, the Commission may conduct its meetings, when necessary, on an online digital meeting platform with live online digital broadcasting to the general public with the assistance, and resources, provided by the City of Hagerstown. This may be done provided that sufficient notice is provided to the public and press of the venue and information is provided on how to access the online platform and video feed. In addition, any documents to be reviewed at such meeting shall be posted at least five calendar days prior to the meeting on the City’s website.
- Section 5. For a member to be considered a participant of a meeting as defined by this Article, such member must have, at a minimum, a two-way audio connection to the digital meeting platform.
- Section 6. The public and the press are prohibited from attending the meeting in person. In-person attendance by applicants and their design professionals are prohibited, unless a determination is made by the Planning and Code Administration Department staff, and approved by the Chair, that the plan is of such complexity that the attendance of one representative of the applicant or design firm is necessary for complete review of a proposal. Except for the member chairing the meeting, Historic District Commission members are strongly encouraged to participate remotely and not attend the meeting in person.

Section 7. A video copy of the meeting shall be maintained by the Planning and Code Administration Department for a period of six months after minutes of said meeting are approved by the Historic District Commission.

ARTICLE XI. Repealing Clause

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

Date Approved

HISTORIC DISTRICT COMMISSION

Debra C. Calhoun, Secretary

By: _____
Michael Gehr, Chair

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