

**Spotsylvania County  
Historic Preservation Commission**

---

**BYLAWS**

---

**ARTICLE I ~OBJECTIVES**

The official title of the Commission shall be the “Spotsylvania County Historic Preservation Commission,” hereinafter referred to as “Commission.”

This Commission has adopted the following rules of procedure to implement its powers and duties in accordance with the provisions of the Code of Virginia, and the Code of Ordinances for Spotsylvania County, Virginia, as they may be amended or revised.

**ARTICLE II ~JURISDICTION**

The County’s jurisdiction for requiring Certificates of Appropriateness as required by the Spotsylvania County Historic Preservation Commission Ordinance shall be delineated on the official zoning map on file in the Planning Department.

**ARTICLE III ~ OFFICERS**

**A. General**

The officers of the Historic Preservation Commission shall consist of a Chairperson, a Vice Chairperson, and a Secretary.

**B. Selection**

Terms for officers shall begin in February or as soon thereafter as possible. Members shall be notified in writing of the election of officers at least thirty (30) days prior to the regular February meeting. Nominations shall be requested from the floor at said regular February meeting. Election of Officers shall follow immediately.

A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected. The candidate shall take office immediately and serve for one year or until his successor shall take office.

Vacancies in offices shall be filled immediately by regular election procedures.

**B. Duties**

**1. Chairperson**

The Chairperson shall be a citizen member of the Commission, elected by the voting members of the Commission for a term of one year. He or she shall have the following duties:

- a. Preside at all meetings of the Commission.
- b. Appoint committees, special and/or standing;

## Historic Preservation Commission Bylaws

---

- c. Request that the parliamentarian of the Commission rule on all procedural questions (subject to a reversal by at least a two-thirds majority vote of the members present);
- d. Report on communications related to the Commission at the next regular meeting;
- e. Carry out other duties as assigned by the Commission.
- f. Modify the Order of Business as outlined in Article VI.B.
- g. Request that items of interest to HPC be placed on the meeting agenda by contacting the HPC secretary before agenda is finalized.

### 2. Vice Chairperson

The Vice Chairperson shall be a citizen member of the Commission and shall be elected by the voting members of the Commission. He or she shall have the following duties:

- a. Act in the absence or inability of the Chairperson to act;
- b. Chair the meeting at such times as the Chairperson may step down in order to bring a motion before the Commission.

### 3. Secretary

The Secretary shall be a member of the Planning Department staff. The secretary shall report to the Director of Planning and shall have the following duties:

- a. Keep or supervise the keeping of a written record of all business transacted by the Commission, which written record shall be retained in the Planning Department.
- b. Notify members of meetings;
- c. Keep a file of all official records and reports of the Commission. ;
- d. Certify all maps, records, and reports of the Commission;
- e. Provide notice of all meetings in accordance with the Virginia Freedom of Information Act requirements and publish notices of public hearings before the Commission in accordance with the Code of Virginia; and
- f. Attend to the correspondence of the Commission as directed by the Commission;

## ARTICLE IV ~ PARLIAMENTARIAN

The Planning Director shall preside as parliamentarian at all meetings of the Commission. If the Planning Director is unable to attend or preside at the meeting, the Chairperson shall preside as the parliamentarian.

ARTICLE V ~ COMMITTEES

A. Appointment and Term

Standing committee members shall be appointed for a minimum of one year. Where a committee contains more than one member, the members shall be appointed on a staggered basis to preserve continuity of the committee; that is, one member shall be appointed for a one-year term a second member for a two-year term, and if a third member is appointed, said member shall be appointed for a three-year term. If a vacancy occurs, the chairperson shall appoint a member to fill the vacant term. All terms of the committee members shall end at the first meeting in February of each applicable year, and the new incoming Chairperson shall have the authority to appoint the new members to the committees as needed.

Special (ad hoc) committees may be appointed by the chairperson for purposes and terms as necessary.

B. Standing Committees

Standing committees may be appointed by the Chairperson. The members of the committees will include commissioners and others selected on the basis of competency to serve. No more than three commissioners shall serve on any committee.

ARTICLE VI ~ CORRESPONDENCE

The Secretary shall prepare all correspondence as necessary for the execution of the duties and functions of the Commission.

ARTICLE VII ~ MEETINGS OF THE COMMISSION

A. General

Meetings of the Commission shall be held on the third Thursday of each month at 5 p.m. in the Board of Supervisor Chambers located at 9104 Courthouse Road, Spotsylvania, Virginia, or at such other location as the Commission may deem appropriate. When a meeting date falls on a legal holiday, the meeting shall be held on the day following the holiday unless otherwise designated by the commission. Special meetings shall be called at the request of the Chairperson or at the request of a quorum of the membership. Written notice of such special meeting shall be given to each member and to those requesting notice of meetings under the Virginia Freedom of Information Act at least five (5) days prior to such meeting.

All meetings, hearings, records, and accounts shall be open to the public; provided, however, that the Commission may adjourn into an executive session if such session is appropriate under the Virginia Freedom of Information Act.

A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the quorum opening the meetings.

Parliamentary procedure in a Commission meetings shall be governed by Robert's Rules of Order, except as the same are modified by these bylaws.

## Historic Preservation Commission Bylaws

---

The Secretary shall keep minutes for all regular meetings and all other adjourned and special meetings. The Secretary shall provide the draft minutes to the Commission within thirty (30) days of the subject meeting. All minutes of committees may be taken as determined by the committee Chairperson and in accordance with the Virginia Freedom of Information Act. All minutes shall become part of the public record.

The Secretary shall sign all minutes and certify that the minutes are true and correct.

### B. Order of Business

The order of business for a meeting shall be as follows:

1. Call to order by Chairperson;
2. Recording of members present by Secretary;
3. Determination of a quorum;
4. Review and approval of the minutes;
5. Report of standing committees;
6. Report of special (ad hoc) committees;
7. Unfinished business from the corresponding meeting of the previous month;
8. Certificate of Appropriateness Applications;
9. Discussion Items;
10. New business as allowed by these bylaws;
11. Public comment; and
12. Adjournment.

The above order of business may be modified by the Chairperson, Planning Director or Historic Preservation Commission Secretary to facilitate the business of the Commission.

### C. Public Hearings

The Commission at its discretion may hold public hearings on any questions it deems will be in the public interest.

Notice of such special hearings shall be published in the newspaper of general circulation in Spotsylvania County in accordance with the requirements of the Code of Virginia and the Spotsylvania County Zoning ordinance.

Minutes shall report those persons speaking before the Commission at public hearings.

### D. Attendance

Should a member fail to attend three (3) consecutive regular meetings of the commission, and there be no adequate excuse for such absences, the Chairperson with the concurrence of a majority of the entire Commission shall recommend to the Board of Supervisors that a vacancy be declared and that the vacated position be filled. Any member who fails to attend a minimum of seventy five percent (75%) of the scheduled meetings of the Commission in any year may, at the discretion of the Board of Supervisors, be deemed to have forfeited his or her membership on the Commission.

E. Cancellation of Meetings

Whenever there is no business for the Commission, the Planning Director may dispense with a regular meeting, and the Secretary shall give notice to all the members and to those requesting notice of meetings under the Virginia Freedom of Information Act not less than twenty-four (24) hours prior to the time set for the meeting.

F. Voting

Voting may be by roll call, at the discretion of the Chairperson. A record of the roll call shall be kept as a part of the minutes.

All motions made at any meeting of the Commission shall be restated by the Chairperson before a vote is taken. The names of persons making and seconding motions and the vote shall be recorded.

The majority of those members are present shall be sufficient to decide matters before the Commission, provided a quorum is present.

Any matter may be brought before the Commission for a vote at any meeting provided that:

1. A two-thirds majority of the Commission in attendance votes to have said matter placed upon the agenda for a vote; or
2. At the request of one member of the Commission, the Secretary has informed the Commission by written notice, mailed no later than the Friday preceding the meeting, that a member desires a particular matter to be voted at said meeting and thereafter a majority of the Commission in attendance at said meeting votes to have the matter placed upon the agenda for a vote.

G. Agenda

The agenda for the meetings shall be set by the Secretary.

- H. Public Comment shall be for the purpose of allowing members of the public to present any matter germane to the duties of the Commission and, which in their opinion, deserves the attention of the Commission. This shall not serve as a forum for debate with the Commission, nor as a forum for political campaign speeches, private advertisements or personal attacks.
- a. Remarks shall be addressed to the Commission and not to staff, the audience or the media.
  - b. Each speaker shall clearly state his or her name and address.
  - c. There shall be a time limit for each individual speaker of three (3) minutes. If a speaker represents a group, there shall be a time limit of five (5) minutes. No speaker shall address the Commission more than once during Public Comment at any single Commission meeting.
  - d. The above rules notwithstanding, members of the public may present written comment to the Commission or to individual Commission members at any time during the meetings. Such comments shall be submitted through the Secretary.

## Historic Preservation Commission Bylaws

---

### I. Code of Conduct

Each Commission member shall comply with the Virginia Conflict of Interests Act. If a conflict of interest arises, the Commission member must abstain from voting on the case or measure at issue upon recommendation by the county Attorney and /or Commonwealth Attorney.

### J. Training

Each Commission member shall attend at least one informational or educational meeting per year pertaining to the work and functions of the review board or to historic preservation.

### K. Outreach

The Commission shall provide notice to new property owners within the Historic Overlay Districts. The notice may take the form of a letter that identifies the property as within a Historic Overlay District and includes educational information on the requirements and benefits of inclusion in the district.

## ARTICLE VII ~ APPLICATION PROCEDURES

### A. Submission

An application for a Certificate of Appropriateness or for a historic district designation must be filed in the Planning Department at least forty (40) days prior to the next meeting of the Commission, accompanied by sketches, drawings, photographs, specifications, descriptions, etc., or the proposed project.

### B. Opportunity to be Heard

The applicant or his or her agent shall be given an opportunity to be heard at the meeting at which the application is presented and at the meeting in which a vote is taken if the vote is continued.

### C. Consideration of Applications

The applicant or his or her agent may appear in person at the meeting to support an application and to answer questions from the Commission. The order of business for consideration or applications for Certificates of Appropriateness or to be placed on the Register of Historic Sites shall be as follows:

1. The Planning Director or such person as he or she shall direct shall give a report that includes statements or arguments submitted by any staff member, official, Commission, or department of Spotsylvania County, or any state agency and a recommendation concerning the application;
2. The applicant shall present the arguments in support of his or her application;
3. The Commission shall thereafter proceed to deliberate whether to grant the Certificate of Appropriateness or to deny it. Such deliberation and the vote may take place at the following meeting; and
4. Procedure may be modified by concurrence of all parties and the Commission itself.

## Historic Preservation Commission Bylaws

---

The Commission may view the premises and obtain additional facts concerning an application before voting. All decisions of the Commission shall be supported by appropriate findings of fact and shall be accompanied by reasonable conditions and/or recommendations.

With the concurrence of the Commission in considering applications, witnesses may be called and factual evidence may be submitted, but the Commission shall not be limited to consideration of such evidence as would be admissible in a court of law.

### D. Approval

If the application is approved, the Secretary shall transmit a Certificate of Appropriateness, clearly describing the nature of the work, which has been approved to the applicant and to the Code Compliance Department, which is responsible for its enforcement.

### E. Denial

If an application is denied, a copy of the minutes of the meeting and written reasons for denial shall be made available to the applicant.

### F. Inspection

For projects requiring a use permit (new construction):

The applicant shall alert the Planning Department to the beginning of work on site. Zoning staff shall alert the Planning Department to the final inspection of the site. Planning staff will accompany the zoning inspector to confirm that the conditions and requirements of the Certificate of Appropriateness are met. Planning Staff will alert the members of the HPC that construction is complete. If the conditions and requirements of the Certificate of Appropriateness are not met, a use permit will not be issued.

For projects requiring a building permit, but not a use permit:

The applicant shall alert the Planning Department to the beginning of work on site. Buildings staff shall alert the Planning Department to the final inspection of the site. Planning Staff will accompany the Buildings inspector to confirm that the conditions and requirements of the Certificate of Appropriateness are met. Planning Staff will alert the members of the HPC that construction is complete. If the conditions and requirements of the Certificate of Appropriateness are not met, the Planning Department will forward the case to the Zoning Department for enforcement action.

For projects not requiring a use or building permit:

The applicant shall alert the Planning Department to the beginning of work on site. Planning staff will visit the site prior to construction and inspect the site at the end of construction to confirm that the conditions and requirements of the Certificate of Appropriateness are met. Planning Staff will alert the members of the HPC that construction is complete. If the conditions and requirements of the Certificate of Appropriateness are not met, the Planning Department will forward the case to the Zoning Department for enforcement action.

ARTICLE VIII ~ AMENDMENTS

These bylaws may be amended by recorded two-thirds vote of the entire membership provided that written notice of the intention to amend these bylaws, which contains in detail the amendment to be considered, shall have been provided to the Commission at least five (5) days prior to the meeting at which the vote is to be taken.

T:\PLANSHAR\Staff\PMann\Commissions & Committees\HPCmtg\_ag\HPC Bylaws\_Amended02182016