



# WILDWOOD

## BY-LAWS

### CITY OF WILDWOOD HISTORIC PRESERVATION COMMISSION “Planning Tomorrow Today”

#### **ARTICLE I – POWERS, DUTIES, PROCEDURES, AND POLICIES**

Section 1. The powers, duties, procedures, and polices of the Historic Preservation Commission are as established by City of Wildwood Ordinances, as amended and supplemented, and the relevant statutes of the State of Missouri, as amended and supplemented, relating to Charter Cities. Minimally, the Historic Preservation Commission shall have the following powers, duties, procedures, and policies:

- (a) To conduct an ongoing survey and research to identify and document buildings, structures, elements, objects, remnants, roads and trails, sites and districts that are of historic, archaeological, architectural, engineering, cultural, or scenic significance to the locality, the State, or the nation; to update and maintain the survey routinely; to provide a status report to the City Council at least annually; and to highlight the status of those properties or elements considered landmarks, as defined in this Chapter, and to publish the each for public perusal;
- (b) To recommend to the City Council designation of significant, specific historic properties as registered historic buildings, structures, elements, objects, remnants, roads and trails, sites, and historic districts, to prepare documentation supporting such nomination, and to maintain a register of designated registered historic properties, elements, and districts, and of significant historical, architectural and archaeological properties;
- (c) To recommend to the City Council the establishment of regulations, guidelines and policies to preserve the integrity and ambiance of designated registered historic properties, elements, and districts. The Commission shall have the authority to review ordinary maintenance, as deemed appropriate, new construction, alterations, removals, and demolitions proposed within the boundaries of a historic property or district, including review of plans for vacant lots and non-historic buildings and structures according to accepted criteria meriting field inspection and in accordance with the adopted procedures and policies promulgated for such reviews by it. These procedures and policies shall be maintained by the Historic Preservation Commission and available for public inspection and dissemination;
- (d) To provide technical assistance to owners of older and historic, architectural, archaeological, cultural and scenic properties concerning the preservation and maintenance of the property, including potential incentives and sources of funding;

- (e) To recommend to the City Council programs and policies and economic incentives to encourage the preservation of significant registered historic properties, elements, and districts;
- (f) To prepare and maintain a comprehensive historic preservation plan, or a preservation element to a master plan, to integrate the preservation program into the City government for planning and zoning for land use, building and fire codes, special-use permits, community revitalization and heritage tourism;
- (g) To participate in the conduct of land use, urban renewal, and other City activities affecting registered historic properties and districts;
- (h) To acquire by purchase, gift or bequest, fee title or lesser interest, including preservation restrictions or easements in designated properties and adjacent or associated lands that are important for the preservation and use of the designated properties;
- (i) To adopt its own bylaws and procedural regulations, provided that such regulations are not inconsistent with this Chapter and the Revised Statutes of the State of Missouri; and
- (j) To schedule joint public meetings or work sessions with the Planning and Zoning Commission necessitated by the application of zoning or historic preservation codes within the context of the Master Plan or site-specific ordinances approved for the same.

## **ARTICLE II - OFFICERS AND THEIR DUTIES**

Section 1. The officers of the Historic Preservation Commission shall consist of a Chair, Vice-Chair, and Secretary. Each officer shall be a member of the Historic Preservation Commission.

Section 2. The Chair of the Commission shall have the following powers and duties:

- (a) To preside at all meetings and hearings of the Commission;
- (b) To appoint Commission members to Ad-Hoc Committees;
- (c) To have general charge of the activities of the Historic Preservation Commission and generally oversee the conduct of its affairs;
- (d) To call Special Meetings of the Commission;
- (e) To carry out other duties normally conferred by parliamentary usage on such officer; and
- (f) Engage in other activities, as directed by the Historic Preservation Commission.

Section 3. The Vice-Chair of the Historic Preservation Commission shall have the following powers and duties:

- (a) To act for the Chair in his or her absence;
- (b) To perform all duties normally conferred by parliamentary usage on such officer; and
- (c) Engage in other activities, as directed by the Historic Preservation Commission.

Section 4. The Secretary of the Historic Preservation Commission shall have the following duties:

- (a) To act for the Chair and Vice-Chair in their absence;
- (b) To certify and maintain a record of each meeting and hearing of the Historic Preservation Commission. The Secretary may delegate this responsibility to the Director of Planning, or another designated member of the Department of Planning staff;
- (c) To attend to correspondence of the Historic Preservation Commission. The Secretary may delegate this responsibility to the Director of Planning, or another designated member of the Department of Planning staff;
- (d) To give to each Commission Member due notice of the time and place of each Annual, Regular, or Special Meeting and each Public Hearing of the Commission. The Secretary may delegate this responsibility to the Director of Planning, or another designated member of the Department of Planning staff;
- (e) To carry out other duties normally conferred by parliamentary usage on such officer; and
- (f) To engage in other activities, as directed by the Historic Preservation Commission.

Section 5. The members of the Historic Preservation Commission shall have the following responsibilities and duties:

- (a) To review materials associated with any upcoming meeting and be prepared to participate in their discussion thereafter.
- (b) To attend meetings, as regularly as possible, to provide continuity in the Historic Preservation Commission's business.
- (c) To contribute to the discussions of the Historic Preservation Commission at all its meetings, work sessions, workshops, site visits, and any other activity of it.
- (d) To participate in the required training opportunities, thereby allowing the City of Wildwood to maintain its Certified Local Government Status with the Missouri Department of Natural Resources' State Historic Preservation Office (SHPO).

- (e) To adhere to the By-Laws of the Historic Preservation Commission, along with any other laws of the State of Missouri, and the City of Wildwood.
- (f.) To engage in other activities, as directed by the officers of the Historic Preservation Commission.

### **ARTICLE III - ELECTION OF OFFICERS AND OTHER MEMBER REQUIREMENTS**

- Section 1. A nominating committee of not less than three (3) Commissioners shall be appointed by the serving Chair of the Historic Preservation Commission at the first meeting in December to nominate officers of the Historic Preservation Commission for the following year. The Committee shall report to the full membership at the first meeting of the Historic Preservation Commission in January, with the election of the officers occurring at this time. Nominations may also be entertained from the floor at this first meeting in January. The new officers, being duly elected, shall take office at the first meeting of the Historic Preservation Commission in February and hold office for one (1) year or until their successors are appointed.
- Section 2. The Chair may request nominations for two (2) or three (3) officers simultaneously or, at the discretion of the Chair, require a separate nomination and vote for each officer.
- Section 3. A candidate receiving a majority vote of the Historic Preservation Commission shall be declared elected.
- Section 4. Two (2) members of City Council shall be appointed to serve as liaisons to the Historic Preservation Commission, but may not serve as an officer of the Commission. One (1) member of the Planning and Zoning Commission shall be appointed to serve as liaison to the Historic Preservation Commission, but may not serve as an officer of it.
- Section 5. A vacancy in office shall be filled as soon as possible in accordance with the election procedure set forth herein or by a special election, as directed by the Chair of the Commission.

### **ARTICLE IV - MEETINGS**

- Section 1. The meeting of the Historic Preservation Commission shall be held on the fourth Thursday of each month, at a time and location, as determined by the Historic Preservation Commission, but, unless otherwise noted, the City Hall Community Room, starting at 6:30 p.m.
- Section 2. An additional or special meeting may be called by the Chair, or at the request in writing of any three (3) or more members of the Commission.
- Section 3. A simple majority of the membership of the Commission shall constitute a quorum (four (4) of the seven (7) regular members) for the transaction of Commission business. Each member of the Commission shall have one (1) vote. The City Council representatives, and the Planning and Zoning Commission liaison, shall not be considered voting members, regardless if their participation is necessary to constitute a quorum.

Section 3(a.) Two (2) non-voting alternate Commission members shall be appointed by the Mayor, with the consent of City Council. These alternate members would be expected to attend Commission meetings, receive routine training, and offer comments on agenda topics. These alternate Commission members shall be considered voting members only, when their participation is necessary to constitute a quorum for the meeting, but may not be officers of the Commission in any circumstance. Alternate members should receive first consideration as replacements for regular members, who no longer can fulfill or otherwise complete their term, when appointments are made by the Mayor and City Council.

Section 4. The submittal of a recommendation for approval of a property to the City's Historic Register shall require the affirmative vote of at least four (4) of the seven (7) regular members of the Historic Preservation Commission.

Section 5. Except as otherwise specified by these By-Laws, Robert's Rule of Order shall prevail at all meetings of the Commission. These rules may be altered, suspended, or otherwise modified by a majority vote of the Commission Members to facilitate the business of this body.

Section 5(a). The Historic Preservation Commission generally shall take the following actions relative to motions on agenda items before it:

- (a) To Discuss
- (b) Deny, with prejudice (no action on the same asset or property within twelve (12) months of the final action upon a request, proposal, or petition by the Historic Preservation Commission)
- (c) Deny, without prejudice
- (d) Approve
- (e) Approve, with conditions
- (f) Postpone, including to a date certain
- (g) Postpone, indefinitely
- (h) Withdraw
- (i) Table

Section 6. The order of business at Meetings shall be:

- (a) Approval of minutes of previous meetings and hearings;
- (b) Public Comment;
- (c) Public Hearing;
- (d) Old Business;
- (e) New Business;
- (f) Reports of officers and committees;
- (g) Other; and
- (h) Adjournment.

Section 7. The Chair of the Commission, or majority of the Historic Preservation Commission, may alter the order of business at any meeting.

## **ARTICLE V - PUBLIC HEARINGS**

- Section 1. A Public Comment Session shall be held at the beginning of each meeting. The Public Hearings shall be held at City Hall, as specified by Article IV, Section 1 of these By-Laws, unless changed by the Chair.
- Section 2. The order of business at a public hearing shall be as indicated in the public notice thereof.
- Section 3. The Chair of the Commission, or a majority of the Historic Preservation Commission, may alter the order of business at the public hearing.
- Section 4. The rules of procedure governing public hearings shall be:
- (a) The number of nominations will not exceed one (1) per agenda, unless related nominations are presented and heard together, at which time there may be two (2) per agenda.
  - (b) The Chair of the Historic Preservation Commission may grant an exception to the number of nominations per agenda, when necessary under special conditions.
  - (c) The petitioner, or representative of the petitioner, shall be granted thirty (30) minutes per hearing to explain the nomination.
  - (d) Speakers in favor or opposed to a nomination shall be granted fifteen (15) minutes.
  - (e) The Chair of the Commission may authorize an exception to the time limit allotted to the petitioner, representative, or speakers in favor/opposition, when necessary under special conditions or unusual circumstances.

## **ARTICLE VI - AD HOC COMMITTEES**

- Section 1. The Chair of the Historic Preservation Commission may appoint, when circumstances necessitate it, ad-hoc committees to provide additional support to the normal activities of the Commission. These ad-hoc committees will serve at the discretion of the Chair in terms of length of time, composition, and subject matter. Contributing articles, information and other materials for the Wildwood Gazette, social media outlets, and the City's website may be one such responsibility of these ad-hoc committees.
- Section 2. A committee's vacancy shall be filled by the Chair of the Commission.
- Section 3. The Chair of the Commission, with the approval of its members, may appoint a person who is not a member of the Historic Preservation Commission or the Department of Planning staff, as an advisory participant to a committee.
- Section 4. These committees shall meet at a time and place set by the Chair of the Committee.

## **ARTICLE VII - DIRECTOR OF PLANNING**

- Section 1. The Director of Planning shall provide staff assistance to the Historic Preservation Commission and shall perform those duties required by law or delegated to him/her or an officer thereof.
- Section 2. The Director of Planning shall appoint as necessary, a member of the Department of Planning staff to meet with, work for, and advise any delegated Committee of the Commission.
- Section 3. The Director of Planning and/or City Attorney shall provide parliamentary assistance on the conduct of business as requested by the Chair of the Commission.

## **ARTICLE VIII – ETHICS**

- Section 1. Each Commission member, alternate member, and liaison shall adhere to, and be bound by, the applicable City and State guidelines and codes covering ethical conduct. No member, alternate member, or liaison shall use his/her position, or derived information, for personal use or gain, as specified in the applicable guidelines and codes.

## **ARTICLE IX – COMMISSION ACTIVITIES**

- Section 1. The Historic Preservation Commission shall, at its last meeting of the calendar year receive from the Department of Planning a Work Program for the upcoming year for the members' discussion, input, and adoption, before the last meeting of January in the following year. This Work Program shall be updated every month with the Historic Preservation Commission and Department of Planning to ensure items identified upon it are being addressed, while also adding new considerations or efforts to it. In no such instance shall the Work Program be considered binding, if ordinance established duties and responsibilities absorb the Historic Preservation Commission's available time. A copy of the approved Work Program of the Historic Preservation Commission shall be forwarded to the City Council for receipt and filing.
- Section 2. The Department of Planning will provide, at the last scheduled meeting of the calendar year, a report on the activities of the Historic Preservation Commission for that period of time. A copy of this Year End Report of the Historic Preservation Commission shall be forwarded to the City Council for receipt and filing.
- Section 3. All regular meetings of the Historic Preservation Commission shall be livestreamed when possible, unless otherwise not practical due to other meeting commitments, locational changes, or technological considerations. Closed Sessions of the Historic Preservation Commission shall not be livestreamed. Livestreaming of subcommittee meetings, workshops, and any other sessions of the Historic Preservation shall be livestreamed at the discretion of its members and the capability of the system to accommodate different formats and locations.

## **ARTICLE X -AMENDMENTS OF BY-LAWS AND SEVERABILITY CLAUSE**

- Section 1. These By-Laws may be amended by an affirmative vote of not less than four (4) members of the Historic Preservation Commission.

Section 2. If any term, condition, or provision of these By-Laws shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Historic Preservation Commission that it would have enacted in these By-Laws without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid, is no longer invalid, said provision shall thereupon return to full force and effect without further action by the Historic Preservation Commission and shall thereafter be binding.

Original Draft - January 12, 2000  
1<sup>st</sup> Revised Draft - February 16, 2000 (Adopted on February 16, 2000)  
2<sup>nd</sup> Revised Draft - July 24, 2007 (Adopted on July 24, 2007)  
3<sup>rd</sup> Revised Draft - January 7, 2013 (Adopted on January 7, 2013)  
4<sup>th</sup> Revised Draft - May 29, 2013 (Adopted on May 29, 2013)  
5<sup>th</sup> Revised Draft - August 22, 2013 (Adopted on August 22, 2013)  
6<sup>th</sup> Revised Draft - May 23, 2019 (Adopted on May 23, 2019)