

**Town of Cameron  
Historic Preservation Commission**

**Rules of Procedure**

**Adopted: October 4, 2022**

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## **Rules of Procedure**

### **Section 1: Introduction**

#### **1.1. Purpose**

To establish procedures for organizing the business of the Cameron Historic Preservation Commission, hereafter referred to as the Commission, in executing its duties and responsibilities.

#### **1.2. General**

The Commission shall be governed by the terms of the Town of Cameron General Ordinances and by the terms of NCGS Chapter 160D Article 3 and NCGS 160D, Article 9, Part 4 as they may be amended or revised. The Commission shall also be governed by these rules to the extent that they do not conflict with the law. For procedures not covered by these rules, the Commission shall follow the rules contained in Roberts Rules of Order, Revised, except that the legal requirements for Certificates of Appropriateness will supersede Roberts Rules.

### **Section 2: Officers**

#### **2.1. Chairperson**

The Chairperson shall preside at all meetings and public hearings, make committee appointments, and decide all points of order and procedure subject to these rules unless directed otherwise by a majority of the Commission in session at that time. The Chairperson shall have the right to vote but shall not have the right to break a tie vote in which he or she participated.

#### **2.2. Vice Chairperson**

The Vice Chairperson shall serve as acting Chairperson in the absence of the Chairperson and at such time have all the powers, duties and voting rights as the Chairperson.

#### **2.3. Secretary**

A member of the Commission, a member of the administrative staff of the Town or a volunteer citizen may serve in the role of Secretary. The Secretary, subject to the direction of the Chairperson and Commission, shall keep all records, shall conduct all correspondence of the Commission, and shall generally perform the clerical work of the Commission. The Secretary shall keep the minutes of every meeting of the Commission. The minutes shall show the record of all important facts pertaining to each meeting, every resolution acted upon by the Commission and all votes of the Commission members upon any recommendation, resolution or upon the final determination of any questions before the Commission, indicating the names of members absent or failing to vote. Original copies of all records of the Commission shall be provided to the Town Clerk for the purpose of records retention in accordance with North Carolina State Statutes.

#### **2.4. Election of Officers**

The Chairperson and Vice Chairperson shall be elected annually at the Commission's regular meeting in October of every year. The Chairperson and Vice Chairperson shall serve in these roles for a period of one (1) year and shall be eligible for re-election. A majority of members present shall be necessary to elect officers.

#### **2.5. Vacancy**

- a. A vacancy in the office of Chairperson shall be filled by the Vice Chairperson succeeding to the office for the balance of the unexpired term.
- b. A vacancy in the office of Vice Chairperson (including a vacancy due to 2.5(a) above) shall be filled by election of a Vice Chairperson from the Commission for the balance of the unexpired term.

## **Section 3: Meetings**

### **3.1. Regular Meetings**

Regular meetings of the Commission shall be held on the first Tuesday of each month at 7pm at the Cameron Town Hall. Regular meetings will be adjourned within two (2) hours but may be continued past that time with a unanimous vote of members present. When the regular meeting day falls on a legal holiday, the Commission shall meet on the first available date thereafter at the same time and place.

### **3.2. Special, Emergency, Recessed and Remote Meetings**

#### **a. Special Meetings.**

The Chairperson, Vice Chairperson, or any two members of the Commission may at any time call a special meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered and be delivered to the Town Clerk. At least forty-eight (48) hours before a special meeting called in this manner, notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the Chairperson and each Commission member via electronically or left at his or her usual dwelling place; (2) posted on the Town's principal bulletin board; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk (also known as a "Sunshine" list). Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

A special meeting may also be called or scheduled by vote of the Commission in open session during another duly called meeting. The motion or resolution called or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight (48) hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the Town's principal bulletin board and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk (also known as a "Sunshine List"). Such notice shall also be mailed or delivered at least forty-eight (48) hours before the meeting to each board member not present at the meeting at which the special meeting was called or scheduled, and to the Chairperson if he or she was not present at that meeting.

Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present or those not present have signed a written waiver of notice.

#### **b. Emergency Meetings.**

Emergency meetings of the Commission may be called only because of generally unexpected circumstances that require immediate consideration by the Commission. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the Commission:

1. The Chairperson, Vice Chairperson, or any two members of the Commission may at any time call an emergency meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Town Clerk, Chairperson and each board member or left at his/her usual dwelling place at least six hours before the meeting.
2. An emergency meeting may be held at any time when the Chairperson and all members of the Commission are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the

Commission complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each newspaper, wire service, radio station, and television station that has filed a written emergency meeting notice request, which include the newspaper's, wire service's, or station's telephone number, with the Town Clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the board members and shall be given at the expense of the party notified.

**c. Recessed Meetings.**

A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed session of a properly called regular, special, or emergency meeting.

**d. Remote Meetings.**

Upon issuance of a declaration of emergency under G.S. 166A-19.20 and where the Town of Cameron is located, in whole or in part, within the Emergency Area, the Historic Preservation Commission may conduct remote meetings in accordance with G.S. 166A-19.24 and Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of emergency.

"Remote meeting" shall be defined, for the purposes of these Rules, as an official meeting, or any part thereof, with between one and all of the members of the public body participating by conference telephone, conference video, or other electronic means.

"Simultaneous communication" shall be defined, for the purposes of these Rules, as any communication by conference telephone, conference video, or other electronic means.

Notice of remote meetings shall be given under G.S. 143-318.12 and under any applicable provisions of these Rules, the Code of Ordinances, or the Unified Development Ordinance. During all remote meetings, Commission members participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member. Any Commission member participating by a method in which that member cannot be physically seen by the public body must identify himself or herself (1) when the roll is taken or the remote meeting is commenced; (2) prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order; and (3) prior to voting.

All Commission members shall identify himself or herself prior to making or, when necessary, seconding a motion. All votes conducted during a remote meeting shall be conducted by roll call vote. No vote by secret or written ballots, whether by paper or electronic means or in accordance with G.S. 143-318.13(b), may be taken during the remote meeting. All remote meetings shall be simultaneously streamed live online so that simultaneous live audio, and video, if any, of such meeting is available to the public. If the remote meeting is conducted by conference call, the public body may comply with this subdivision by providing the public with an opportunity to dial in or stream the audio live and listen to the remote meeting.

### **3.3 Quorum**

A quorum shall consist of a majority of the members of the Commission. The number required for a quorum shall not be affected by vacancies. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether or not a quorum is present.

### **3.4 Order of Business**

The order of business at regular meetings shall be as follows:

1. Call to order;
2. Roll call;
3. Approval of minutes;
4. Swearing-in of witnesses;
5. Hearing and consideration of each case;
6. Report from committees;
7. Unfinished business;
8. New business;
9. Adjournment.

The order of business may be varied by unanimous consent of the members present.

### **3.5 Time Limits**

1. The Commission may limit the length of a meeting or set a time for adjournment by a concurring vote of a majority of the members.
2. The Commission may limit the time each person at a public hearing is allowed to speak by a concurring vote of a majority of its members.

### **3.6 Open Meetings**

All regular and special meetings, public hearings, records, and minutes of the Commission shall be open to the public. The Town Clerk shall be notified of special meetings at least three (3) days prior to the meeting so a public notice may be made.

### **3.7 Agenda**

The agenda for each regular or special meeting or public hearing shall be prepared by the Secretary of the Commission, after consultation with the Chairperson. The agenda for each meeting shall be mailed, electronically mailed (e-mail) or hand delivered to all members no later than seven (7) days prior to the scheduled meeting or hearing, except in the case of special meetings called under Section 3.2., in which the agenda will be delivered, by hand or electronically, or orally transmitted, as appropriate, to the members no later than forty-eight (48) hours prior to the scheduled meeting or hearing.

No business, either old or new, may be considered by the Commission unless such item properly appears on the agenda. However, any matter may be considered by the Commission as a non-agenda item if such matter is approved for consideration by a majority vote of the members present.

### **3.8 Attendance**

A member who will be unable to attend the regular meeting of the Commission must contact the Chairperson or Secretary at least twenty-four (24) hours before the scheduled meeting and indicate the general reason for being absent to receive an excused absence. Earlier notification is encouraged. Unforeseen emergencies or illnesses shall be considered excused absences. The Commission will be

notified of the absence and reason at the meeting.

## **Section 4: Conducting Business**

### **4.1. Decisions**

The vote of a majority of those members present shall be sufficient to decide any matter before the Commission, provided a quorum is present. No member shall be excused from voting except as required in Section 4.2. or Section 4.4. In all other cases, a failure to vote by a member who is physically present in the meeting room or who has withdrawn without being excused by a majority vote of the remaining members, shall be recorded as an affirmative vote. A negative vote or a tie vote on a motion to approve a Certificate of Appropriateness shall constitute a disapproval of the motion. Voting will be by roll call of the Commission members for decisions related to the issuance of Certificates of Appropriateness or for other business for which a roll call is deemed necessary by the Chairperson.

### **4.2. Qualifications to Vote**

No Commission member shall vote on any matter before the Commission unless that member shall have attended the Commission's previous deliberations on such matter or shall otherwise have the approval of the Chairperson to vote on such matter. The Chairperson's approval shall be solely contingent on whether or not the member provides assurance that the member has read all materials distributed to the Commission members related to the matter and has reviewed the minutes and/or recordings of all meetings at which the matter was discussed.

### **4.3. Impartiality Required**

No Commission member shall, in any manner, discuss any application with any parties prior to the Commission's deliberations on such application, except as authorized in advance by the Chairperson; however, members may seek and/or receive information pertaining to the application from any other member of the Commission or its staff prior to the hearing.

### **4.4. Conflict of Interest**

No Commission member shall take part in any hearing, consideration, determination, or vote concerning a property in which the Commission member has had undisclosed ex parte communication regarding the case. No Commission member shall take part in any hearing, consideration, determination or vote concerning a property in which the Commission member or a close relative (spouse, sibling, child or parent):

- a. Is the applicant before the Commission.
- b. Owns property within 40 feet of the subject property; or
- c. Has a financial interest in the subject property or improvements to be undertaken thereon.

In addition, a Commission member may request to be excused from taking part in any hearing, consideration, determination, or vote concerning a property in which a business associate or employer of the Commission member:

- a. Is the applicant before the Commission.
- b. Owns property within 40 feet of the subject property; or
- c. Has a financial interest in the subject property or improvements to be undertaken thereon.

If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

### **4.5. Motions**

The Commission shall proceed by motion. Any member, including the Chairperson, may make or second a motion. A motion may be withdrawn by the introducer at any time before a vote.

### **4.6. Debate**

The Chairperson shall state the motion and then open the floor to debate on it. The member who makes the motion is entitled to speak first. A member who has not spoken on the issue shall be recognized before someone who has already spoken.



#### **4.7. Minutes**

The Commission shall keep permanent minutes of its meetings. The minutes shall include the attendance of its members and its resolutions, findings, recommendations, and other actions.

### **Section 5: Amendments**

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of the members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

### **Section 6: Notification**

In order to facilitate the exercise of the Commission authority and responsibility in promoting, enhancing and preserving the character and heritage of Cameron's historic resources, the Commission requests that the Town Clerk, Town Planner, Town Manager or other responsible administrative staff person notify the Commission of pending applications for zoning changes, use permits, variances and demolition permits, and proposed zoning text amendments or other proposals which affect historic resources in the Town of Cameron of architectural or cultural significance.

### **Section 7: Application for Certificate of Appropriateness (COA)**

All applications will be processed in a timely manner and as governed by Town of Cameron policy or general ordinance specifying the same.

### **Section 8: Public Hearings**

#### **8.1. Agenda and Case Report Mailed to Commission**

The Secretary of the Commission shall compile an agenda and case report for each Certificate of Appropriateness request. A meeting agenda and a staff report for each case will be mailed, emailed or hand delivered to the Commission members at least seven (7) days prior to their regular meeting.

#### **8.2 Public Hearings**

The Commission shall conduct its public hearings as generally outlined below, except that the Chairperson of the Commission may, at his or her discretion, amend the procedures as necessary for the expeditious conduct of the Commission's business.

- a. The Chairperson shall call the public hearing to order.
- b. The Chairperson shall acknowledge that the proceedings are being recorded and that written minutes of the meeting will be kept by the Secretary.
- c. The Chairperson (or Vice-Chairperson if presiding) shall swear-in or affirm all witnesses.
- d. The staff shall present the case background and staff recommendation.
- e. The Commission shall receive testimony from persons in favor of the COA.
- f. The Commission shall receive testimony from persons opposed to the COA.
- g. The Chairperson may establish time limits for each side of the issue and for each individual speaker.
- h. Discussion of the case by Commission members.
- i. The Commission shall make findings of fact indicating the extent to which the application is or is not consistent with the historical character and qualities of the district.
- j. The Commission shall make its decision.
- k. The Commission shall state the effective date of approval of a COA for demolition if applicable.

## **Section 9: Review Criteria**

### **9.1. Local Historic Districts**

Certificates of Appropriateness applications for properties within a local historic district shall be reviewed against the appropriate sections of the Town of Cameron Historic Preservation Design Standards.

### **9.2. Local Historic Landmarks**

Certificates of appropriateness applications for properties designated as local historic landmarks shall be reviewed against the corresponding section of the Town of Cameron Historic Preservation Design Standards.

## **Section 10: Issuance of the COA**

### **10.1. Approval Stamp**

Upon approval of the COA application by the Commission, the Town Clerk shall denote with an inked rubber stamp the approval on the copy of the materials submitted with the application. The Town Clerk shall keep one (1) hard copy in its case record file, record one (1) digital copy with the Moore County GIS department (if necessary) and return one (1) digital or hard copy to the applicant.

### **10.2. Conditionally Approved COA**

If changes are made to the materials in an application as a result of conditions on the COA stipulated by the Commission, the applicant shall submit revised drawings incorporating the changes to the Town Clerk. If the drawings conform to the conditions imposed by the Commission, the Town Clerk shall denote approval with an inked rubber stamp and distribute copies as described in Section 10.1. The applicant may not proceed under the COA until the modified materials are approved pursuant to this section.

### **10.3. COA Expiration**

The COA expires two (2) years from the date of issuance unless a building permit is issued and maintained active. Amendments to COAs shall have the same expiration date as the original COA.

## **Section 11: Appeals**

### **11.1. Appeals Time Limit**

In accordance with the Town of Cameron Historic Preservation Ordinance, an appeal of a final action by the Commission may be made to the Board of Adjustment. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) calendar days following the Commission's decision. Appeals must be filed with the Board of Adjustment through the Town Clerk within sixty (60) calendar days following the Commission's decision and shall be in the nature of certiorari. A decision by the Board of Adjustment may be appealed to the superior court of the County of Moore.