

Historic Preservation Commission Rules of Procedure

Adopted: September 24, 2024

Article I: General Provisions

1. **Authority:** These rules are adopted pursuant to the authority granted by local ordinance, City of Kinston Code, and Chapter 160D of the North Carolina General Statutes.
2. **Purpose:** The purpose of these rules is to establish procedures for the conduct of meetings and the decision-making process of the Historic Preservation Commission (HPC).
3. **Amendments:** These rules may be amended by a majority vote of the commission members at any regular or special meeting, provided that notice of the proposed amendment has been given to all members at least seven days in advance.

Article II: Membership and Officers

1. **Membership:**
 - o The HPC shall consist of at least 3 members appointed by the City Council.
 - o Members shall serve staggered terms of 3, as specified in local ordinance.
2. **Officers:**
 - o The officers of the HPC shall be a Chairperson, Vice-Chairperson,
 - o Officers shall be elected annually at the first regular meeting in March of each year and shall serve for a term of one year.
3. **Duties of Officers:**
 - o **Chairperson:** Presides over all meetings, ensures the rules of procedure are followed, and represents the HPC in communications with other bodies.
 - o **Vice-Chairperson:** Assumes the duties of the Chairperson in their absence.

Article III: Meetings

1. **Regular Meetings:**
 - o The HPC shall hold regular meetings on the 4th Tuesday of each month at 9am at City Hall in the Council Chambers. There will be no meeting scheduled in the month of July and December. If there is no business to conduct, the Chairperson may cancel the meeting.
2. **Special Meetings:**
 - o Special meetings may be called by the Chairperson or a majority of the members with at least 48 hours' notice provided to all members and the public.
3. **Quorum:**
 - o A quorum shall consist of a majority of the appointed members. No official action may be taken without a quorum.
4. **Conduct of Meetings:**
 - o The order of business shall be as follows:
 1. Call to Order
 2. Roll Call

3. Approval of Agenda
4. Approval of Minutes
5. Public Hearings
6. Old Business
7. New Business
8. Staff Report
9. Public Comment
10. Adjournment

Article IV: Hearings and Decision-Making

1. Public Hearings:

- Public hearings shall be conducted for matters requiring such by law or ordinance, such as Certificates of Appropriateness (COA) and historic landmark designations.
- The Chairperson shall open the hearing, provide a summary of the issue, and allow the applicant, staff, and the public to present evidence or comment.
- The HPC may set time limits for speakers to ensure an orderly and efficient process.

2. Quasi-Judicial Hearings:

- In quasi-judicial matters, such as COAs, the commission shall act in a fair and impartial manner.
- Decisions must be based on competent, substantial, and material evidence presented during the hearing.
- The HPC shall issue written findings of fact and conclusions of law for each decision.

3. Voting:

- A majority vote of the members present and voting shall be required to take action.
- Members must abstain from voting on any matter in which they have a conflict of interest.

4. Conflict of Interest:

- Members shall disclose any conflict of interest or appearance of impropriety and recuse themselves from participating in such matters.

Article V: Records and Minutes

1. Minutes:

- Minutes of each meeting shall be prepared by the Secretary, approved by the HPC, and maintained as a public record.
- Minutes shall include a summary of discussions, actions taken, and the vote of each member.

2. Records of Decisions:

- A written record of all decisions, including findings of fact and conclusions of law, shall be maintained and made available to the public.

Article VI: Public Participation

1. Public Comment:

- The HPC shall provide an opportunity for public comment at each regular meeting.
- Each speaker shall be limited to [time limit, e.g., three minutes] unless extended by the Chairperson.

2. Decorum:

- All persons attending meetings shall conduct themselves in a respectful manner. Disruptive behavior may result in removal from the meeting.

Article VII: Staff Support

1. Staff Assistance:

- City of Kinston planning staff shall assist the HPC by preparing agendas, reports, and recommendations as needed.

2. Legal Counsel:

- The HPC may consult with legal counsel on matters of law and procedure.

Article VIII: Adoption and Effective Date

1. These rules of procedure shall become effective immediately upon adoption by the Historic Preservation Commission.
2. The adoption date of these rules is September 24, 2024.



Clifton Hargett, Chairperson