

CUMBERLAND HISTORIC PRESERVATION COMMISSION  
BYLAWS AND RULES OF PROCEDURE  
CITY OF CUMBERLAND

FOREWORD

These rules of procedure were created to assist the Commission, staff, and other City agencies in the expedient conduct of all matters of interest and concern to the Commission.

Objective

The Commission endeavors to conduct all business according to law or custom to assure the preservation of present and future use of historic resources within the designated historic district.

THE ROLE OF THE HISTORIC PRESERVATION COMMISSION

The Preservation Commission is created to safeguard the historical heritage of Cumberland by preserving sites, structures, and districts which reflect elements of cultural, social, economic, political, archeological, or architectural history; to promote preservation and appreciation of historic sites, structures, and districts; to inform the citizens of the City, County, State, and Nation of the value of the historic fabric which exists in Cumberland. To this end, the Commission shall be a resource to assist owners of historic properties or sites to maintain, appropriately renovate, and otherwise preserve the integrity of the historic properties.

SECTION 1. DEFINITIONS

- 1.1 The word “Commission” means the Historic Preservation Commission of the City of Cumberland.

SECTION 2. MEMBERSHIPS, OFFICERS, AND COMMITTEES

- 2.1 The membership shall consist of seven members to be appointed by the Mayor and City Council and a councilmember who shall be a voting member. Each of the appointed shall serve a term of three years and be eligible for reappointment. Commissioners serve on the HPC without compensation, in a volunteer status. Membership requirements are set forth in section 25-299 of the City Code.
- 2.2 The Commission shall annually elect a Chairperson, Vice-Chairperson, and Secretary and the officers shall be eligible for reelection.

- 2.3 Any vacancies in the Commission shall be filled within the time frame provided for in the City’s Historic Area Regulations, presently sixty days. A member whose term has expired shall serve until the Mayor and City Council appoints a successor.
- 2.4 Each member shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines. At least two members of the Commission shall possess professional or academic training in one or more of the above-listed fields in accordance with the minimum professional requirements of the United States Department of the Interior for certifying local governments under 36 C.F.R. Part 61.
- 2.5 The Chairperson, or in his/her absence, the Vice-Chairperson, shall preside at all meetings or hearings of the Commission. In the absence of the Chairperson and Vice-Chairperson, the Commission may elect a temporary Chairperson to preside over the particular meeting. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the Commission members present.
- 2.6 Digital Signatures of each officer will be obtained annually after each election in order to utilize these signatures solely related to the issuance of Certificates of Appropriateness that are approved, approved with conditions, or denied by the Commission during the review process. These signatures shall not be used for any other purposes in the conduct of business by the Commission.
- 2.6 Special committees may be appointed for special purposes or study.

### SECTION 3. MEETINGS

- 3.1 Regular meetings shall be held on the second Wednesday of each month at 4:00 p.m. in City Hall in the second floor Council Chambers. However, meetings may be held at such other sites as the Commission may determine to be in its best interest. This includes meetings using virtual online platforms that also provide the ability for members of the public to join, view, and/or participate in the same manner as is provided in a “live” setting. Adjustments to the regular meeting schedule may be arranged in the beginning of each year by the Commissioners. Staff shall give Commissioners ample notice of any changes in the meeting schedules.
- 3.2 Special meetings may be called by the Chairperson, or in his/her absence, the Vice-Chairperson. Ample notice of such meetings shall be given to each member by mail or telephone.

- 3.3 Notice of meetings shall be sent to the Cumberland Times-News and all media outlets specified by the City of Cumberland, including publication on the City of Cumberland's social media platforms, such as Facebook. Notice shall also be posted on a bulletin board within the Department of Community Development and on the City of Cumberland website. When meetings are to be held in a virtual setting, the notice will include information about how the meeting can be accessed electronically or telephonically as well as how comments regarding items on the agenda, as well as general public comment, can be provided to the Historic Preservation Commission.
- 3.4 Attendance – It shall be the duty of each member to attend all meetings. Should any member be absent from three (3) regular meetings during the year, without acceptable justification to the Commission, the Commission shall recommend that the member's resignation be requested unless determined by vote of a majority of Commission members that there is a sufficient excuse for non-attendance. It shall be the responsibility of each member who cannot attend a meeting to so notify the staff.
- 3.5 All Commission hearings shall be public meetings. All persons with requests to the Commission are required to appear and be heard by the Commissioners before the Commission reaches a decision on any matter. The voting on such decisions shall be held during a public meeting and the Commission shall keep open records of its resolutions, proceedings, and actions which shall be available for public inspection during business hours or by electronic access on the City of Cumberland's website. Nothing contained herein shall be construed to prevent the Commission from holding executive sessions from which the public may be excluded, provided the exclusion of the public is allowed under the Maryland Open Meetings Act, but no ordinance, resolution, regulation, or other matter shall be finally acted upon at such an executive session.
- 3.6 The Commission shall be responsible for keeping an accurate and true record of all proceedings at its meetings and public hearings. However, it is expected that the City's Department of Community Development shall assist the Commission in the performance of these duties. The minutes shall be taken from recordings of the actual meetings and distributed to Commissioners to be placed on record and stored on file at the Department of Community Development.
- 3.7 Any applicant or petitioner must appear on his/her behalf or be represented by an agent or attorney at said meeting. In the absence of any personal appearance on behalf of the applicant or petitioner, the Commission will table the item. The presiding officer retains the right to have persons removed from public meetings if they unreasonably interfere with the orderly conduct of the business at hand.
- 3.8 Subject to the statutory 45-day limitation or agreement by the applicant, the Commission may postpone or continue any case due to lack of quorum, or for further study and information until the next regular meeting. The Commission

may require any additional material in the form of maps, charts, reports, material specifications, additional project specifications, and studies, in order to reach a decision. In addition, the Commissioners may postpone a decision and request a site visit.

The Commission's meetings shall be conducted in accordance with these Bylaws and Rules of Procedure. Otherwise, *Robert's Rules of Order* may serve as a guide for the conduct of said meetings, but compliance with its terms is not required.

#### SECTION 4. VOTING

- 4.1 Five members shall constitute a quorum for the transaction of business, and action may be taken only upon a majority vote. No decision shall be made in the absence of a quorum. At the discretion of the Chairperson, a Commissioner may vote by telephone or other live means.
- 4.2 The order of business shall be in accord with the agenda.
- 4.3 If there is a tie vote among the Commissioners, the Chairperson or Presiding Officer may vote to break the tie. If the Chairperson abstains, a tie vote by the Commissioners shall be interpreted as a defeat of the motion.
- 4.4 No member shall vote on a matter in which he/she has personal involvement. Members are encouraged to request that Commission staff consult the City Solicitor as to the propriety of their voting on any matter which may involve a conflict of interest.
- 4.5 Commissioners' votes shall be recorded on each motion unless the vote is unanimous.
- 4.6 The motion template, shown in Attachment A of this document, shall be utilized as a template for each Certificate of Appropriateness review

#### SECTION 5. CONDUCT AND DUTIES OF COMMISSION MEMBERS

- 5.1 No Commissioner shall speak on behalf of the Commission unless authorized by the Commission. In any public or private statement concerning Commission affairs, members will carefully indicate whether they are speaking for the Commission or for themselves.
- 5.2 Conduct at meetings – Members shall conduct themselves at Commission meetings in a fair, understanding manner. They shall seek to be considerate of all individuals, attitudes, and differences of opinion involved in official Commission business.

- 5.3 Each member of the Commission will familiarize himself or herself with the applications under consideration.
- 5.4 The review process carried out by the HPC requires judgment of each application based upon architectural guidelines, historical, archival, and archaeological information as well as technical and consultant assistance.
- 5.5 As necessary, the Chair may assign commissioners to special duties that relate to HPC business, on a pro-tem basis.

## SECTION 6. PROCEDURE IN BRINGING MATTERS BEFORE THE COMMISSION

- 6.1 Once the historic area work permit application is determined by the staff to be complete, the application will be scheduled for a decision at the Commission's next regularly scheduled meeting. Complete applications, as determined by the Commission staff, must be submitted at least seven (7) days prior to a regularly scheduled Commission meeting in order to be included on the monthly agenda and receive a decision during that month's meeting.
- 6.2 In specific cases, where the proposed work involves exact replacement "in kind," such as the replacement of gutters or downspouts, the staff of the Department of Community Development, may determine that an application meets all requirements of the preservation ordinance. Staff may also act on cases that involve the need for emergency removal of a hazardous or diseased tree within the public right of way, the need for which is to be determined by the City of Cumberland's Natural Resources Specialist. In such cases, a permit may be issued at the administrative level which does not require the review of the Historic Preservation Commission. Staff will provide a report of all cases reviewed administratively at each monthly meeting.
- 6.3 Major rehabilitation, new construction and demolition, and any matters where an applicant does not agree with staff decisions shall be heard by the Commission at a public meeting.
- 6.4 When historical, archeological, or architecturally significant sites, structures and districts that exemplify the cultural, social, economic, political, or architectural history of the city, state, or nation are identified by a member of the Commission, its staff, a property owner, neighborhood group, or by an individual, the Historic Preservation Commission may, after making full and proper study, recommend designation for such landmarks, sites, structures, or districts. The resources used for designation will be a completed Local Survey Form, Maryland Inventory of Historic Properties documentation, National Register of Historic Properties Nomination Forms, or equivalent.
- 6.5 Decisions regarding the matters set forth in the preceding section may only be made at an open meeting. The Commission's recommendations shall be

submitted to the Mayor and City Council. It is understood that the Mayor and City Council may accept, accept with modification(s), or reject the Commission's recommendations.

- 6.6 Agendas for the Commission's meetings shall be prepared by its staff in advance of the meetings, as required by the Maryland Open Meetings Act. Members of the Commission who wish to add to meeting agendas must notify the Chairperson of the proposed addition(s) prior to the meeting. Unscheduled items not requiring public notice may be added to the agenda during the meeting upon the unanimous approval of the members present. Agenda items that have been acted upon shall not be reconsidered unless new substantive information is presented.
- 6.7 In an effort to expedite routine items before the Commission, the Commission hereby establishes a "Consent Agenda" procedure as follows:
  - (a) Business items shall be eligible for inclusion on the Consent Agenda upon the recommendations of the Commission's staff or upon the recommendation of a Commission member.
  - (b) All items thus eligible shall be placed on the Consent Agenda by motion of any member of the Commission which is duly seconded.
  - (c) The Commission shall then take public comment on the Consent Agenda in order to ascertain whether members of the public or Commission have any comments, questions, or opposition to the granting of any item(s) on the Consent Agenda. Any such item(s) shall be removed from the Consent Agenda and heard in regular order.
  - (d) The Commission shall then vote upon any item(s) which remain on the Consent Agenda upon any duly seconded motion calling for such a vote.
  - (e) If amendments or conditions are proposed on Consent Agenda items, applicants must agree to amendments or conditions to receive Consent Agenda approval.
- 6.8 Any person aggrieved by any decision of the Commission to approve, deny or delay an application for a permit may appeal that decision by filing a petition for judicial review with the Circuit Court for Allegany County, Maryland within thirty days of the date the decision is made.
- 6.9 All requests requiring action by the Commission must be received by the Department of Community Development no later than one week prior to the next regularly scheduled meeting.

## SECTION 7. AMENDMENTS

- 7.1 Amendments to these Bylaws and Rules of Procedure may be introduced at any meeting of the Commission and voted upon at any subsequent regular meeting. Majority approval is required for the passage of amendments.



Motion Writing Guide:

Commission Members state: *I have studied the application and all other relevant documents and presentations related to this case, and I am familiar with the property in question. I find that:*

- **The property individually contributes/ does not contribute to the period of significance and historic context of the Canal Place Preservation District as detailed in Chapter 3 of the Preservation District Design and Preservation Guidelines for Cumberland, Maryland**
- **The proposed changes are/are not consistent with guidelines and criteria found in Chapter 5 of the Canal Place Preservation District because:** (Re: 4.1.J – 4.1.L) *list facts as applied including the Secretary of Interior’s Standards to support consistency/lack of consistency cite applicable Guideline numbers (usually referenced on the Presentation of Information by HPC staff)*

**Based on these findings, I move to approve/approve with conditions Certificate of Appropriateness number/name:**

**or**

**Based on these findings, I move to deny Certificate of Appropriateness number:**

*Summarize project listing all required items requested as submitted or as amended in plans and correspondence with date. I authorize the use of the digital signatures on file for the Chairperson and Secretary of the HPC with the Department of Community Development to be utilized to provide the determination documents to the applicant(s):*

**Second:**

**Discussion:**

**Vote:**