

Historic Preservation Commission
CITY OF DOTHAN, ALABAMA



Adopted/Amended

March 10, 1995/February 12, 1998/September 10, 2009

TABLE OF CONTENTS

Section	Page #
Section I: Name	3
Section II: Purpose.....	3
Section III: Members, Officers and Duties	3
Section IV: Professional Conduct Policy.....	4
Section V: Meetings	6
A) Conduct of Meetings	
B) Regular Meetings	
C) Special Meetings	
D) Notice of Meetings	
E) Rules of Procedure	
F) Meeting Decorum	
G) Voting	
1) Approvals	
2) Denials	
3) Continued Items	
4) Tabled Items	
5) Withdrawing Items	
Section VI: Fiscal Year	8
Section VII: General Rules.....	8

SECTION I - NAME

- A) In accordance with Ordinance No. 93-397, adopted by the Board of Commissioners of the City of Dothan, Alabama on December 28, 1993, and authorizing the creation of an historical preservation commission, the name of this body shall be the "City of Dothan Historic Preservation Commission" (hereafter referred to as the "Commission").

SECTION II - PURPOSE

- A) The purpose of this Commission shall be to establish and implement a uniform procedure for use in providing for the designation, protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of these By-Laws and Ordinance No. 93-397.

SECTION III - MEMBERS, OFFICERS, AND DUTIES

- A) Generally. The Commission shall consist of ten (10) members, one each appointed by the Mayor, each Associate Commissioner, the Downtown Group, the Dothan Landmarks Foundation, and the Wiregrass Festivals of Murals. All members shall be residents of the City of Dothan who have demonstrated experience in history, archaeology, planning, architecture, or law, or who shall be residents of a historic district.
- B) Chairperson. A Chairperson shall be elected by the Commission from among its members. His/her term shall be for one (1) year, and he/she shall be eligible for reelection. The Chairperson shall preside over the Commission and shall have the right to vote. The Chairperson, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Commission in session at the time. The Chairperson shall appoint any committees found necessary to investigate any matters before the Commission.
- C) Vice-Chairperson. A Vice-Chairperson shall be elected by the Commission from among its members. His/her term shall be for one (1) year, and he/she shall be eligible for reelection. In the absence or disability of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson.
- D) Secretary. A secretary shall be elected by the Commission. His/her term shall be for one (1) year, and he/she shall be eligible for reelection. The Secretary shall maintain the records and minutes of the Commission. The Secretary shall give, or cause to be given, notice of all meetings of the Commission. The Secretary shall perform such other duties as may be prescribed by the Commission.

- E) Elections. Terms of officers shall begin in January. Members shall be notified in writing of the election of officers at least fourteen (14) days prior to the regular January meeting.
- F) Terms of Appointment. Members shall be appointed to serve terms of three (3) years, except for the members initially appointed shall serve respectively as follows: three for one (1) year, three for two (2) years, and four for three (3) years as designated in Resolution No. 94-68, adopted by the Board of City Commissioners of the City of Dothan, Alabama on March 8, 1994. Vacating members may be reappointed.
- G) Attendance at Meetings. Any Commission member who fails to attend any three (3) consecutive Commission meetings or any four (4) meetings in any twelve (12) month period without prior notice (excluding emergencies) filed with the Secretary shall be replaced.
- H) Applications Involving Members. No Commission member shall take part in the hearing, consideration, or determination of any petition in which he/she is a party or has a financial interest.

SECTION IV - PROFESSIONAL CONDUCT POLICY

Pursuant to Resolution 2009-185 enacted by the City of Dothan Board of Commissioners on Tuesday, June 16, 2009, adopting a Code of Conduct for members of City boards and committees, the City Manager has directed that the following Code of Conduct shall be included in the Bylaws of this Board.

A) Purpose:

The purpose of this policy is to promote a professional, ethical environment where all volunteers, board members, appointees, etc can maximize their performance in service to the citizens of Dothan by eliminating offensive or threatening conduct that might interfere with maximum productivity. The types of behavior that are specifically targeted include but are not limited to: (1) sexual harassment; (2) racially derogatory language, religious and other forms of harassment; (3) violence or threats of violence, and (4) unethical behavior. These types of behavior can distract from the effective operation of City business and related duties, and it is the policy of the City of Dothan to prohibit and eliminate these types of behaviors where they occur. Violation of this policy and any retaliation will result in the immediate and automatic removal from office, volunteer positions, appointments, and/or special assignments delegated to the individual.

B) Definitions:

- 1) **Sexual Harassment:** Sexual Harassment can include but is not limited to:
 - (a) Physical assaults or physical conduct that is sexual in nature (touching, pinching, or brushing against another's body).
 - (b) Unwelcome sexual advances, propositions, comments, "kidding," "teasing," or requests for sexual favors.
 - (c) Sexual displays or publications such as calendars, cartoons, graffiti, or computer pornography.
 - (d) Other verbal or physical conduct of a sexual nature that would interfere with the conduct and productivity of other volunteer or board appointees and City employees or create an intimidating, hostile or offensive work environment.
 - (e) Retaliation for complaints of harassment.

- 2) **Racial, Religious, National Origin, Disability, or Age Harassment:** These types of harassment can include but is not limited to:
 - (a) Any conduct based on race, religion, national origin, disability, or age that interferes with the ability of a citizen, board member, volunteer or city employee to perform their duties.
 - (b) Jokes which refer to race, religion, national origin, disability, or which portray these characteristics in a negative light.
 - (c) The posting or distribution of cartoons, drawings, or any other material which adversely reflects on a person's race, religion, national origin, disability, or age.
 - (d) The use of "slurs" or other offensive language.
 - (e) Practical jokes, horseplay, or teasing which tend to make fun of a person's race, religion, national origin, disability, or which reflect negatively on a person's age.
 - (f) Retaliation for complaints of harassment.

- 3) **Violence and Threats of Violence.** This type of anti-social behavior can include but is not limited to:
 - (a) Any conduct which involves the offensive touching of another volunteer, board member, or citizen.
 - (b) Intimidating or threatening gestures or body posture that reflects possible violence or a threat of violence.
 - (c) Verbal threats to "get even," "go postal," or similar statements that cause a citizen, board member, volunteer or employee to fear possible harm.

- 4) **Ethical Behavior/Expectations**

- (a) Volunteers, board members, and appointees shall avoid any interest, activity or contact which is in conflict with the conduct of official duties and should avoid the appearance of conflict of interest, seeking or accepting no favor, benefit, personal profit, individually or for family members or friends, secured by privileged information or by misuse of position, public time or public resources.
- (b) Volunteers, board members, and appointees shall not directly or indirectly solicit any payments or accept or receive any payments or gifts of material value - whether it be in the form of money, services, loans, travel, entertainment, hospitality, or favors - that may be intended, perceived, inferred, expected or construed to influence them in the performance of their official duties or regard any official action on their part.
- (c) Volunteers, board members, and appointees shall identify any financial interest in regard to items before the Board/Committee for approval of any kind. In the event that there is a proprietary interest, (e.g. direct ownership, mortgage, lease, etc.) it should be called to the attention of the members of the Board/Committee. Any member of the Board/Committee having such interest should recuse oneself and not participate in any manner of the discussion or decision making surrounding such matter.

Section V - Meetings

A) Conduct of Meetings

- 1) Quorum. At all meetings of the Commission, a majority thereof (six (6) members) shall be necessary and sufficient to constitute a quorum for the transaction of business and the act of a majority of the members of the Commission present at any meeting at which there is a quorum shall be the act of the Commission.
- 2) Order of Business: The order of business at meetings shall be substantially as follows:
 - (a) Roll Call
 - (b) Approval of Minutes of preceding meeting
 - (c) Old Business
 - (d) New Business
 - (e) Discussion Items

- B) Regular Meetings.** Regular meetings of the Commission shall be held on the second Thursday of each month at 4:00 p.m. in the City Commission Chambers, Second Floor, Dothan Civic Center, 126 North Saint Andrews Street, Dothan, Alabama, or in any other designated meeting place, provided the location is

specified in all notices required by law. All meetings of the Commission shall be publicly announced and open to the public. (02/12/98).

- 1) When a regular meeting falls on a legal holiday, or upon a day resulting in conflict, an alternate meeting date shall be chosen and made publicly known.
- 2) Notice of regular meetings shall be accomplished as provided for in the Alabama Open Meetings Act as hereafter amended and as specified in the Historic Preservation Commission Ordinance.

C) Special Meetings. Special meetings of the Commission may be called by the Chairperson, provided that the special meetings are publicly announced.

D) Notice of Meetings: For purposes of providing information concerning such applications, the Board shall also cause the following notice to be given:

- 1) **Advertisement:** The Commission shall give public notice of consideration for a Certificate of Appropriateness by publication of the agenda in a newspaper of general circulation within the City of Dothan. Such notice shall be given seven (7) days in advance of the time set for the hearing and shall state the location and address of the property and the general nature of the question involved. The foregoing shall constitute legal notice in all respects as provided by law. Provision of further notice by the Board shall be informative but not jurisdictional.
- 2) **Direct Mail:** Written notices shall be mailed by the Secretary of the Board to the applicant and to the owners of abutting property and that are directly across the street from the applicant's site by First Class United States Mail. The names and addresses of these property owners shall be furnished by the applicant with his application. Written notice shall be given at least ten (10) days in advance of the hearing and shall contain the time and place of the hearing.

E) Rules of Procedure

- 1) All meetings shall be conducted in accordance with the Code of Alabama and the Code of Ordinances of the City of Dothan.
- 2) Except where otherwise indicated, all meetings shall be conducted in accordance with the latest edition of *Robert's Rules of Order*.
- 3) A motion to continue or table may be discussed by the members and the public at the discretion of the Chairman.

F) Meeting Decorum. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. All remarks shall be addressed to the Board as a body and not to any member thereof or members of the audience. Interested parties or their representatives may address the Board by written communications, a copy of which shall be provided to the secretary either before

or during the meeting. Persons not observing these guidelines may be asked to leave by the chairman.

G) Voting

- 1) **Approvals.** The concurring vote of six (6) members of the Commission shall be necessary to decide in favor of the applicant on any matter.
- 2) **Denials.** Unless a motion to continue or table is passed, the failure to obtain six (6) votes shall be considered a denial or disapproval.
- 3) **Continued Items.**
Items scheduled for consideration may be continued to a date certain as announced at the initial hearing. Items may be continued only once and shall not be required to re-advertise.
- 4) **Tabled Items.**
 - (a) Any item may be tabled by a majority of six (6) members present and sitting.
 - (b) To be removed from the tabled, an item shall require approval of six (6) members present and sitting.
 - (c) If an item has been removed from the table, public notice shall be provided as outlined in Section V, subsection H; Notice of Meetings.
 - (d) Items tabled for longer than six months shall be considered denied.
- 5) **Withdrawing Items.**
Any applicant may withdraw his request at any time prior to a motion being made to consider its approval or denial.

SECTION VI - FISCAL YEAR

- A) **The** fiscal year shall begin on October 1st, and end on September 30th of the following year.
- B) An Annual Report of the Commission shall be prepared and filed each October with the City Commission and Alabama Historical Commission covering fiscal year. The report shall be in accordance with Ordinance No. 93-397.

SECTION VII - AMENDMENTS

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