

RULES OF PROCEDURE

ARTICLE 1 - NAME

Section 1. Name. This organization shall be known as the Historic Preservation Commission of the City of Mishawaka.

ARTICLE 2 - MEMBERSHIP

Section 1. Number of Members. The Commission shall consist of nine (9) members as set out and provided by ordinance number 3444 of the City of Mishawaka, Indiana.

Section 2. Vacancies. Whenever a Commission member fails to attend four (4) consecutive, regularly scheduled meetings, the Commission may determine the position to be vacant and the Mayor shall, within ninety (90) days after receipt of notice of the Commission, appoint another person for the remainder of the term, subject to approval of the Common Council.

Upon resignation of a Commission member, the Mayor shall appoint another person within ninety (90) days for the remainder of the term, subject to approval by the Common Council.

Section 3. Membership Requirements. All Commission members shall attend at least one informational or educational meeting per year.

ARTICLE 3 - OFFICERS

Section 1. Officers. The officers of the Commission shall be: Chairperson and Vice-Chairperson. The staff of the Department of City Planning shall provide a recording secretary and all staff support.

Section 2. Election. Officers shall be elected at the first meeting of the Commission each calendar year and shall serve for one year and may be reelected. Election shall be by voice vote only.

Section 3. Chairperson. The Chairperson shall:

- (a) preside over meetings of the Commission,
- (b) appoint members of committees and designate the chairperson of each committee which has previously been approved by the Commission,
- (c) discharge all duties which devolve upon a presiding officer, and
- (d) perform such other duties as these Rules of Procedure provide or the Commission by resolution prescribe.



Section 4. Vice-Chairperson. The Vice-Chairperson shall perform the duties incumbent upon the Chairperson during absence of the Chairperson and such other duties as these Rules of Procedure provide or the Commission by resolution prescribe.

Section 5. Staff and Recording Secretary. The staff and recording secretary of the Commission shall:

- (a) attest such of the documents referred to in Section 3 of Article 3 as may require attestation,
- (b) attest, after approval, preserve, and safeguard the minutes of all meetings of the Commission,
- (c) certify copies of documents and minutes, and
- (d) perform such other duties as these Rules of Procedure prescribe.

ARTICLE 4 - MEETINGS

Section 1. Regular Meetings. The Commission shall meet at least once each month, the first Tuesday, at 4:00 P.M., in City Hall, unless otherwise passed by resolution of the Commission and Advertised.

Section 2. Special Meetings. Special meetings may be called by the Chairperson by giving five (5) days notice to each member and notification to the local press at least 48 hours before the meeting. Special meetings may be called by three (3) members of the Commission by giving five (5) days notice to each member and notification to the local press at least 48 hours before the meeting.

Section 3. Quorum. A quorum shall consist of five (5) members of the Commission.

Section 4. Action. A motion or resolution shall be passed only by a majority, consisting of five (5) or more members of the Commission.

Section 5. Chairperson Voting. The chairperson shall vote on all matters, resolutions, motions, or other matters that are put to a vote.

ARTICLE 5 - PARLIAMENTARY PROCEDURE

Section 1. Rules. Roberts Rules of Order shall govern the parliamentary procedure of the Commission.

ARTICLE 6 - ORDER OF BUSINESS



Section 1. Order of Business. The order of business at any regular or special meeting of the Commission, unless otherwise provided in these Rules of Procedure or by resolution of the Commission shall be as follows:

- A. Call to Order
- B. Roll Call
- C. Explanation of the Rules of Procedure
- D. Approval of Minutes
- E. Declaration of Conflict of Interest
- F. Correspondence
- G. Committee Reports
- H. Old Business
- I. New Business
- J. Privilege of the Floor
- K. Adjournment

ARTICLE 7 - COMMITTEES

Section 1. Standing Committees. The standing committees of the Commission shall be:

- A. Administrative
- B. Historic Districts
- C. Historic Sign and Marker
- D. Public Relations and Community Education
- E. Incentives

The members of these committee's shall be named by the Commission at the first meeting in the calendar year, unless the Commission by resolution shall determine otherwise.

Section 2. Special Committees. Special Committees may be appointed by resolution of the Commission, or by unanimous consent, to serve at the pleasure of the Commission.

The Chairperson may appoint special committees between Commission meetings to act upon urgent matters and report at the next meeting of the Commission. Such special committees appointed by the Chairperson may continue if authorized by resolution of the Commission or by unanimous consent.

ARTICLE 8 - AMENDMENTS



These Rules of Procedure may be altered, amended, repealed, supplemented, or superseded by a vote of a majority of the Commission members, provided that the members are given at least ten (10) days notice of the substance of the proposed action to be taken at the meeting. The proposed amendment shall be introduced at one meeting and shall be acted upon at the next regular meeting or a special meeting called with at least ten (10) days advance notice.

ARTICLE 9 - CONFLICT OF INTEREST

Section 1. Conflict of Interest. A member of the Commission is considered to have a conflict of interest with respect to any matter being considered by the Commission if any of the following has a personal or financial interest in such matter.

- A. The member, spouse, minor child, or partner;
- B. A for-profit or nonprofit organization in which the member is serving as an officer, director, trustee, partner, or employee; or
- C. Any person or organization with which the member is negotiating or has any arrangement concerning prospective employment.

Each member, in order to protect him/herself and the Commission from allegations of conflict of interest or favoritism, must take individual responsibility for evaluating his/her personal or financial interest or that of his/her family or any partner which relates directly, or indirectly, to Commission members.

Prior to consideration of any matter being considered by the Commission, a member with a conflict should physically move from his/her chair as a member so that he/she will not participate in the Commission's deliberation or vote.

No member shall accept or receive a gift or gratuity of property of any kind which in any way, directly, or indirectly, relates to membership on the Commission.

ARTICLE 10 - DESIGNATION PROCEDURES

Section 1. Rules Criteria. Owners of property in fee simple wishing to establish a historic district that includes their property may petition the Commission according to the following rules:

- a. a legal property survey of the proposed district must have been completed;
- b. the petitioner(s) must be property owners in the potential district(s) proposed by the Commission and must give adequate justification for seeking designation;
- c. the owner(s) must have indicated the reasons for proposing designation on an application filed with the Commission;



- d. the owner(s) must present to the Commission a list of property owners and their addresses within the proposed district as obtained from the St. Joseph County Assessor's Office; and
- e. the Commission may require the owner(s) to take a formal advisory vote within the boundaries of the proposed district according to the Commission's policies.

The Commission shall consider the proposed district if fifty-one percent (51%) or more of the property owners of the district vote favorably on the proposal or if it is one of the potential districts proposed by the Commission. The Commission shall adopt a set of preservation standards for the proposed district.

ARTICLE 11 - CERTIFICATE OF APPROPRIATENESS

Section 1. Conditions to be met by applicants. The following documentation is required by an applicant in order to obtain a certificate of appropriateness:

- a. New Construction
 - (1) Site plan indicating existing structures, driveways, major landscaping, and location of proposed new buildings, driveways and landscaping,
 - (2) Photographs showing a view of the street with the building site and adjacent properties,
 - (3) Elevations of proposed new building,
 - (4) Description or sample materials to be used, and
 - (5) Any additional supporting materials necessary for the Commission to make a decision.
- b. Rehabilitation of an existing structure and major landscaping:
 - (1) Photographs indicating existing conditions,
 - (2) Description or samples of materials to be used, and
 - (3) For a substantial rehabilitation, applicant must also supply site plans, elevations, floor plans, and additional supporting material necessary for the Commission to make a decision.

Section 2. Items not requiring Certificates of Appropriateness. A Certificate of Appropriateness is not required for the following:

- a. Replacement of foliage up to four feet full grown height,
- b. Landscape maintenance, pruning, or replacement of foliage with plants of similar type and size,



- c. Removal of trees on private property smaller than eight inches in diameter for shade and evergreen trees and four inches in diameter for ornamental trees,
- d. Repair or replacement of existing sidewalks, driveways, and steps not attached to the building,
- e. Any work, visible from the street, that does not change the present form of the property and is done as normal maintenance of the property,
- f. The removal of inappropriate fences:
 - (1) Chain-link fences, once removed, cannot be replaced.
 - (2) Board on board, board on batten, basket weave, louver, split rail, and stockade, once removed cannot be replaced.
- g. The installation of a single, wall-mounted mailbox near the main entrance on the front of the structure,
- h. Approval is not required for the following roof and gutter repairs and maintenance:
 - (1) Repair of storm damaged roof areas if the surface matches the existing.
 - (2) Replacement of up to fifty percent of deteriorated roof shingles on any roof surface if new shingles match the existing roof shingles.
 - (3) Repair or re-roofing of any flat roof provided it is not visible from the ground and its shape is not altered.
 - (4) Repair or relining of built in gutters provided that no portion of the gutter that is visible from the ground is altered.
 - (5) Replacement of deteriorated portions of existing gutters if the replacements match that of the portions removed.
 - (6) Replacement or installation of mechanical equipment, skylights, or vents on a flat roof provided the new element is not visible from the ground.

A Certificate of Appropriateness is not required to paint a structure when colors are approved by the staff of the Commission prior to commencing work.

