BY-LAWS OF THE
TALLADEGA HISTORIC PRESERVATION COMMISSION

1.0 PURPOSE

To establish procedures for organizing the business of the Talladega Historic Preservation Commission, hereafter termed "Commission," to evaluate applications for historic properties and districts designation and certificates of appropriateness for (1) any changes in external appearance of existing historic structures; (2) design of new structures; and (3) for demolition of existing historic structures which have been designated Historic Property, hereafter called "Properties."

2.0 GENERAL RULES

The Commission shall be governed by Ordinance No. 1249 approved by the Mayor and Council on the 5th day of January, 1990.

3.0 JURISDICTION

The Commission's jurisdiction for its activities shall be the City of Talladega, Alabama.

4.0 MEETING AND VOTING PROCEDURES

A. Meetings shall be held according to ***Roberts Rules of Order***. A quorum shall consist of 4 of the 7 members being present.

B. All decisions made by the Commission and minutes of meetings where a quorum is present shall be recorded and made available to the public at the City Clerk's Office during normal business hours.

C. The Commission shall hold a regular scheduled monthly meeting at Talladega City Hall, Talladega, Alabama, on the first Thursday of the month at 5:30 p.m., with public notice as required by law, designated as the general business meeting. In addition, the Commission shall hold a meeting as needed on the third Thursday, at 5:30 p.m., notice of which shall be published as required by law, for the purpose of expediting consideration of Certificates of Appropriateness and any other business.

D. Any meeting may be cancelled by the Chairman or Vice-Chairman upon notice to the members, with the exception of a public hearing scheduled with public notice for the consideration of a particular matter, which such public hearing must be continued to a specified date.

5.0 MEMBERS, OFFICERS, AND DUTIES

The Commission shall be composed of seven (7) members who are bona fide residents of the City of Talladega. Members shall be nominated by the Mayor and appointed by the City Council. Members shall serve three (3) year terms. Not more than one-fifth of the members of the Commission shall be public officials. (Section 11-68-3(c) of the Code of Alabama 1975).

5.1 Chairman

A Chairman shall be elected by the members of the Historic Preservation Commission. The Chairman shall decide all points of order and procedure, subject to these by-laws, unless directed otherwise by a majority of the Commission in session at the time. The Chairman shall have the same voting privileges as any other member. The Chairman shall appoint any committees found necessary to investigate any matters before the Commission.

5.2 Vice-Chairman/ Treasurer

A Vice-Chairman/ Treasurer shall be elected by the Commission from among its members in the same manner as the Chairman. The Vice-Chairman/ Treasurer shall serve as Chairman in the absence of the Chairman, and at such times, shall have the same powers and duties as the Chairman. The Vice-Chairman/ Treasurer shall also maintain accurate budget and financial records and report as called upon at Commission meetings.

5.3 Secretary

The Secretary, as appointed by the Talladega City Council, subject to the direction of the Chairman of the Commission, shall keep all records, conduct all correspondence of the Commission, and generally supervise the clerical work of the Commission. The Secretary shall not be a member of the Commission and shall not be eligible to vote on any matter.

5.4 Elections

Election of officers shall be held at the first regular meeting in January. The Nominating Committee shall report at the regular December meeting so that the Commission members present will have thirty (30) days prior to the election to review the report of the Nominating Committee. The Commission shall hold a special election, as needed, if any office is vacated.

5.5 Attendance at Meetings

Faithful and prompt attendance at all meetings of the Commission and conscientious performance of the dues required of members shall be a prerequisite to continuing

membership on the Commission. Should any member miss more than (3) consecutive regular meetings or more than one-half of the regular meetings in a calendar year, the Chairman, shall recommend to the City Council of the City of Talladega that a vacancy be declared and that the vacated position be filled. Upon unanimous vote of those in attendance at the meeting, a waiver for attendance requirements may be granted under extenuating circumstances.

5.6 Matters Involving Commission Members

No Commission member shall take part in the hearing, consideration or determination of any matter in which he/she is a party or has a financial interest.

5.7 Qualification to Vote

No Commission member shall vote on any matter deciding an application or a request to reconsider unless that member shall have attended the Commission's previous deliberation on such application, or shall otherwise have the approval of the Chairman to vote on such matter. The Chairman's approval shall be contingent on the assurance by the member that the member has read the application and the minutes of any meetings at which the application was discussed.

6.0 APPLICATION PROCEDURES FOR DESIGNATION OF HISTORIC DISTRICTS AND /OR HISTORIC PROPERTIES.

6.1 Filing an Application for Historic Designation

An application for designation of a historic property or a historic district must be filed with the Secretary at least thirty (30) days prior to the next meeting of the Commission, accompanied by sketches, drawings, photographs, specifications, and/or descriptions of the proposed district or property.

6.2 Notice of Neighboring Property Owners

The Secretary shall notify the applicant as well as all adjoining property owners of record on all sides of the subject property not less than fifteen (15) days prior to the date set by the Commission for the public hearing upon said application, all in accordance with Ordinance No. 1249, heretofore passed and adopted by the City Council of the City of Talladega, Alabama, and all public hearings and notices required therein shall be given by the Commission.

6.3 Action on Application for Historic Designation

The Commission must either approve or deny the application which such action should be in the form of a resolution which, in the event of an approval, shall be forwarded immediately to the City Council. The applicant will be notified in writing of the

Commission's approval. If an application is denied, a copy of the minutes of the meeting and written reasons for denial shall be made available to the applicant.

7.0 APPLICATION PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS

7.1 Filing an Application for Certificate of Appropriateness

An application for a Certificate of Appropriateness, hereafter termed "COA", must be filed with the Secretary at least five (5) working days prior to the next meeting of the Commission, accompanied by necessary sketches, photographs, specifications, and/or descriptions of the proposed project for which the certificate is sought. An application shall be made in the name of the property owner and signed by the property owner or by such other person designated by the property owner in writing authorized to make such application on behalf of the property owner and otherwise represent him/her before the Commission.

7.2 Decision on Application for Certificate of Appropriateness

The Commission shall approve or reject any application for COA within thirty (30) days after the meeting with notice of said action mailed to the applicant and all persons who filed a request for such a notice in writing.

7.3 Approval of Applications for Certificate of Appropriateness

Failure of the Commission to act upon the COA within the time hereinabove stated shall constitute approval of application. No other evidence shall be needed. The Secretary of the Commission shall transmit a COA in letter form clearly describing the nature of the work which has been approved to the Building Inspector. A copy of this information shall be filed in the City Clerk's Office.

7.4 Denied Application for Certificate of Appropriateness

If an application for COA is denied, a copy of the excerpted minutes and written reasons for such denial shall be mailed to the applicant and a copy given to the City Building Inspector.

7.5 Expedited Review Procedure for Certificate of Appropriateness

1. Any officer of the Commission may receive applications for expedited approval of a COA under the circumstances allowed by the ordinance and any officer and three other members of the Commission may grant such certificates upon joint concurrence.

2. Such expedited procedure may also be followed in instances where there is a clear, present and evident danger to the public and such facts must be confirmed to the acting officer by the City Building Inspector.

3. The painting and lettering of signs as allowed by the ordinance on windows or directional signs which are clearly in compliance with the sign ordinance may be approved likewise by said expedited procedure. In all instances, a record showing detail of the work done shall be submitted for the permanent file of the Commission which may include sketches, detailed drawings, specifications or photographs.

4. The expedited review procedures shall waive the requirements for submission of an application of a COA for consideration at a regular meeting.

8.0 CONSIDERATION OF APPLICATIONS FOR HISTORIC DESIGNATIONS OR CERTIFICATES OF APPROPRIATENESS

At the public hearing or meeting to consider an application for a Historic Designation or a COA, any party may appear in person or by agents or attorney. The order of business for consideration of applications shall be as follows:

A. The Chairman or such person as he/she shall direct, shall give a preliminary statement describing the application.

B. The Commission shall hear arguments in support of the application.

C. The Commission shall hear arguments against the application.

D. Statements or arguments submitted by an official, commission, any state agency, any local historical, preservation or neighborhood association of Talladega shall be presented as directed by the Chairman.

E. The Chairman or such person as he/she may direct may summarize the evidence which has been presented, giving all parties an opportunity to make objections or corrections.

F. The Commission shall thereafter proceed to deliberate whether to grant the application or deny it.

The Commission may, at its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be supported by appropriate findings of fact, and where necessary, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances.

In considering applications, witnesses may be called and factual evidence may be submitted, but the Commission may not be limited to consideration of such evidence as would otherwise be admissible in a court of law.

9.0 COMPLIANCE WITH ORDINANCES

Approval of a COA from the Commission is required in writing before a building permit can be issued by the City Building Inspector. Approved COA projects must comply with all City building ordinances.

9.1 Enforcement

Any and all violations of ordinances of the City of Talladega requiring the obtaining of a COA shall be referred to the City Building Inspector or other appropriate City authority for citation or action as necessary.

10.0 RECONSIDERATION OF APPLICATIONS FOR A CERTIFICATE OF APPROPRIATENESS PREVIOUSLY DENIED

The order of business for reconsideration of a COA which has previously been denied shall be as follows:

A. The Chairman shall entertain a motion from a member of the Commission that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the Commission to determine whether or not there has been substantial change in the facts, evidence or conditions relating to the application.

B. After receiving the evidence, the Commission shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence or conditions relating to the application which would warrant reconsideration. If the Commission finds that there has been such a change, it shall thereupon treat the request as a new application with thirty (30) days for the Commission to take action.

11.0 MODIFICATION OF APPLICATIONS FOR HISTORIC DESIGNATION OR CERTIFICATE OF APPROPRIATENESS

An approved or pending application may be modified by a written request from the applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. For an Historic Designation, if the Commission finds that the modification constitutes a substantial change which might affect surrounding property owners, it shall require the applicant to notify affected

property owners by certified mail as set forth in Section 6.2 before taking action on the application.

12.0 VOTE

The vote of a majority of those members present shall be sufficient to decide matters before the Commission, provided a quorum is present.

13.0 APPEALS

Appeals from decisions of the Commission shall be made to Circuit Court.

14.0 AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than four (4) 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.

APPROVED BY THE COMMISSION on the25th day of September, 2008.

Chairman, Historic Preservation Commission

ATTEST:

Secretary of Commission