

II.A

MEMORANDUM



DATE: July 29, 2011
TO: Planning and Public Works Committee
FROM: Aimee Nassif, Planning and Development Services Director
RE: Chesterfield Historical Commission & Landmarks Preservation Committee Structure Recommendation
CC: Mike Geisel, Director of Planning and Public Works

On July 21, 2011, at the request of City Council, Staff presented to the Planning and Public Works Committee a recommendation for the merging of the Chesterfield Historical Commission (CHC) and the Chesterfield Landmarks Preservation Commission (CLPC) into a single non-statutory citizen committee. This new committee would be called the "***Chesterfield Landmark and Historic Preservation Committee***" or ***CLHPC***.

This new committee would be a non-statutory committee therefore, this new committee would be regulated through City Policy. The City Policy will regulate the same items as are currently regulated for the CLPC such as; membership, procedures, meetings, and responsibilities. A draft of the City Policy was provided to the Planning and Public Works Committee at the previous meeting.

Several items regarding the result of merging these two committees was discussed which included an explanation of how the City's "CLG" status would not be jeopardized. In addition, the **section of the City Code which establishes the City's historic register and procedure for the designation of landmarks will remain untouched in the City Code.**

At the July 21, 2011 meeting, Staff was directed to prepare a final City Policy and make minor amendments to the Policy including changing the name to "***Chesterfield Historic and Landmark Preservation Committee***" or ***CHLPC***.

In addition, Staff was asked to determine what would occur if a member resigns or otherwise leaves their position on a committee prior to the expiration of their term. Unless an exception is granted by City Council, all citizen committees must follow the same rules and regulations for governance. When an individual leaves any citizen committee prior to his/her term expiring, a new member is appointed to serve out a new two (2) year term.

This language, including the amendment to the committee name, has been added to the City Policy attached to this report. Staff is seeking a recommendation from the Planning and Public Works Committee on the City Policy attached hereto. Said Policy will then be forwarded to the City Council for review and approval.

**CITY OF CHESTERFIELD
POLICY STATEMENT**

SUBJECT **Chesterfield Historic and Landmark
Preservation Committee**

DATE **8/4/11**

**DATE
REVISED**

ISSUED

CHESTERFIELD HISTORIC AND LANDMARK PRESERVATION COMMITTEE

Established

The City of Chesterfield hereby establishes the "Chesterfield Historic and Landmark Preservation Committee" or "CHLPC"

Mission

The purpose of the CHLPC is to promote the educational, cultural, economic, and general welfare of the community by:

1. Providing a mechanism to identify and preserve the distinctive historic, archaeological and architectural characteristics of Chesterfield which represent elements of the city's cultural, social, economic, political and architectural history;
2. Fostering civic pride in the beauty and noble accomplishments of the past as represented in Chesterfield's landmarks and historic Designations;
3. Conserving and improving the value of property designated as landmarks or within historic Designations;
4. Providing for economic benefits to encourage business and residential owners to locate and invest in historically significant properties;
5. Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce and industry, and providing economic benefit to the city;
6. Fostering and encouraging preservation, restoration, and rehabilitation of the historic structures, areas and neighborhoods, and thereby preventing future urban blight;

7. Promoting the use of historic Designations and landmarks for the education, pleasure, and welfare of the people of the city;
8. Promoting the identification, evaluation, protection and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the city;
9. Coordinating and managing the acquisition, storage, preservation, and documentation of information and artifacts related to past and living history of the area within the existing City Limits of Chesterfield;
10. Producing historical publications, newspaper articles, web sites, digital media, and public exhibits designed to promote interest in the history of the Chesterfield region and to provide public access to our repository of information and artifacts;
11. Preparation and delivery of activities designed to bring local history alive for the enjoyment and education of our citizens, i.e., lectures, public programs, tours, school and Scouting programs, etc.

Membership

1. Appointments to non-statutory citizen Committees are made by the Mayor with the concurrence of both Councilmembers in whose Ward the individuals reside.
2. The CHLPC is limited to 30 members – Six (6) from each ward and six (6) “At Large”, unless otherwise noted.
3. A member of the City Council and of the Planning Commission may be appointed to serve as liaisons. The Council and Planning Commission representatives shall not vote and shall not hold office.
4. Members shall be selected for their expertise in the various disciplines involved in historic preservation, with a demonstrated interest in the history and preservation of the City of Chesterfield.

Eligibility

1. Members of the CHLPC shall be residents of the City.
2. No member of the CHLPC shall be a current member of the Chesterfield Planning Commission.

Terms

1. The terms of office shall be for three (3) years.

2. Vacancies shall be filled for the unexpired term only.
3. The CHLPC shall hold at least four (4) meetings per year and any member who fails to attend at least fifty percent (50%) of all meetings, regular and special, in any calendar year, may thereby vacate the membership as provided by the by-laws or policies established.
4. If a CHLPC member resigns or is removed from the CHLPC, he or she cannot be reappointed by the City Council for a period of two (2) years, unless approved by a super majority (6-2) vote of the City Council.

Officers

1. Officers shall consist of a chairman, a vice-chairman, and a secretary elected by the CHLPC who shall each serve a term of one (1) year and shall be eligible for reelection; but no member shall serve as chairman for more than two (2) consecutive years.
2. The Council and Planning Commission representatives shall not be eligible for office. The chairman shall preside over meetings.
3. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, those present shall elect a temporary chairman.
4. The secretary of the CHLPC shall have the following duties:
 - a. Take minutes of each CHLPC meeting;
 - b. Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the CHLPC;
 - c. Give notice as provided herein by law for all public hearings conducted by the CHLPC;
 - d. Advise the Mayor of vacancies on the CHLPC and expiring terms of members; and
 - e. Prepare to submit to the Council a complete record of the proceedings before the CHLPC on any matter requiring Council consideration.

Meetings

1. A quorum shall consist of more than half (1/2) of the number of appointed members.
2. All decisions or actions of the CHLPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.

3. Meetings shall be held at regularly scheduled times to be established by resolution of the CHLPC at the beginning of each calendar year or at any time upon the call of the chairman, but no less than four (4) times each year.
4. Meetings shall be held at City Hall unless otherwise authorized by the City Administrator or the Planning and Public Works Committee.
5. Meetings of the CHLPC, regardless of their location, are considered public meetings and therefore agendas shall be posted at least 48 hours in advance in accordance with the City of Chesterfield procedures and Sunshine Law requirements.
6. No member of the CHLPC shall vote on any matter that may materially or apparently affect the property, income, or business of that member and shall abide by any other city policies as to conflict of interest.
7. No action shall be taken by the CHLPC that could in any manner deprive or restrict the owner of property in use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the CHLPC, as provided herein.
8. No action or vote shall be taken by the CHLPC regarding any property without prior notification and approval from said property owner.
9. The CHLPC shall notify the City Administrator or Staff Liaison of any property they are made aware of which is subject to any application, request, or nomination before any historic or landmark related entity, organization, or commission.
10. The chairman, and in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
11. All meetings of the CHLPC shall be open to the public except as allowed by state law.
12. The CHLPC shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the City Clerk and shall be public record.

Appropriation of Funds

The City Council may appropriate funds, within the budget limitations, for the operation of the CHLPC. The CHLPC may, with the consent of the City

Council, apply for, receive or expend any federal, state or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this ordinance.

Powers and Duties

The CHLPC shall have the following powers and duties:

1. To adopt its own by-laws and procedural regulations, provided that such regulations are consistent with this policy and the Revised Statutes of the State of Missouri;
2. To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city; and to maintain the research information in an inventory accessible to the public;
3. To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating properties or structures having special cultural, historic, archaeological, community or architectural value as "Landmarks;"
4. To investigate and recommend to the Planning Commission and the City Council the adoption of ordinances designating areas as having special cultural, historic, archaeological, community, or architectural value as "Historic Designations" for placement on the Chesterfield Historic Register;
5. To keep a register of all properties and structures which have been designated as Landmarks or Historic Designation, including all information required for each designation;
6. To confer recognition upon the owners of Landmarks and property or structures within Historic Designations by means of certificates, plaques, or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one Landmark or Historic Designation to another;
7. To advise and assist owners of Landmarks and property or structures within Historic Designations on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
8. To nominate Landmarks and Historic Designations to the Chesterfield Historic Register, and to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places;
9. To inform and educate the citizens of the City of Chesterfield concerning the historic, archaeological and architectural heritage of the City through

- publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the City, the CHLPC, or other appropriate parties;
10. To hold public hearings upon 30 days' notice published by the Department of Planning and Public Works, and to review applications for construction, alteration, removal or demolition affecting proposed or designated landmarks or structures within Historic Designations and issue or deny Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
 11. To hold public hearings on each proposed nomination of a Landmark and of a Historic Designation and on the guidelines developed for each nomination;
 12. To request the Planning and Development Services Director to issue stop work orders for any construction, alteration, removal or demolition undertaken without a Certificate of Appropriateness or to stop work that violates the conditions of a certificate;
 13. To review all applications for demolition permits within the corporate limits of the city to determine impact to significant cultural resources, including those not yet nominated as Landmarks or as contributing properties within a Historic Designation;
 14. To consider applications for Certificates of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has been denied;
 15. To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction, or removal of Landmarks or property and structures within Historic Designations;
 16. To review applications for proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated Landmarks or Historic Designations;
 17. To administer on behalf of the City of Chesterfield any property of historical significance or full or partial interest in real property, including easements, that the City of Chesterfield may have or accept as a gift or otherwise, upon approval by the City Council;
 18. To accept and administer on behalf of the City of Chesterfield, upon approval of the Council, such gifts, grants and money as may be appropriate for the purposes of this ordinance. Such money may be expended for publishing maps and brochures or for hiring of staff persons or consultants or performing other functions for the purpose of

carrying out the duties and powers of the CHLPC and the purposes of this policy;

19. To call upon the City Administrator for assistance from available city staff members as well as other experts for technical advice;
20. To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time, with the approval of the City Council or Planning & Public Works Committee of Council;
21. To testify before all boards and commissions, including the Planning Commission and the Board of Adjustment, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas;
22. To make recommendations to the City Council concerning budgetary appropriations to further the general purposes of this ordinance;
23. To work with the city in the development of a preservation component in the Comprehensive Plan of the City of Chesterfield and to recommend it to the Planning Commission and to the City Council;
24. To periodically review the Chesterfield Zoning Ordinance and to recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of Landmarks or property, sites and structures within Historic Designations;
25. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance. However, any such action shall not be binding upon the City without City Council approval; and
26. To make recommendations on applications for Landmark Preservation Area Overlays (or LPA) as required and described in section 1003.191 of the City Code.

RECOMMENDED BY:

Department Head

Date

APPROVED BY:

City Administrator

Date