

DIVISION 15. HISTORIC LANDMARK COMMISSION¹

Sec. 2-250.31. The creation; appointments; memberships.

There shall be a historical commission known as the Palestine Historical Landmarks Commission, hereafter referred to as the "HLC."

- (a) The HLC shall consist of seven members to be appointed by the mayor with approval of the city council upon application and demonstration of the applicant's qualifications.
- (b) To the extent available among the property owners of the community, preference for appointment shall be given to professional members from the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation, and with consideration of the ethnic and cultural diversity of the city.
- (c) When a professional in the fields of history, architecture, architectural history, planning, or archaeology is not represented in the membership of the HLC, then the city may seek and provide outside expertise in the appropriate discipline when considering National Register nominations and all federal undertakings that will affect historic properties which are normally evaluated by a professional in such disciplines.
- (d) Each member shall be a qualified voter of the city. Regardless of professional background, all members shall be property owners of the city, and at least four members shall reside or own property within a historic district.
- (e) At least one city council member, one planning commission member, and a representative from the Anderson County Historical Commission may serve as nonvoting ex-officio members at the discretion of the mayor and city council.
- (f) HLC members shall be identified by place numbers (1) through (7) and the terms of office shall be staggered. All members shall serve two-year terms. The terms for places (1), (3), (5), and (7) shall end on September 30 of odd-numbered years, and the terms for places (2), (4), and (6) shall end on September 30 of even-numbered years.
- (g) The city council may re-appoint HLC members as their terms expire not to exceed ten consecutive years. The mayor shall fill any vacancies that may occur before a term has expired only for the remainder of the term.
- (h) Any member may resign by submitting a letter of intent to the mayor.
- (i) The city council may terminate any HLC member for cause after an appropriate hearing or who fails to attend at least 75 percent of all regular meetings.

¹Editor's note(s)—Sec. 1 of Ord. No. O-18-21, adopted January 25, 2021, amended div. 15 to read as herein set out. Former div. 15 pertained to the same subject matter, and derived from Ord. No. O-20-20, adopted September 4, 2020.

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- (j) The chairperson and vice-chairperson of the HLC shall be elected by and from its membership, who shall serve for a period of one year.

(Ord. No. O-18-21 , § 1, 1-25-2021)

Sec. 2-250.32. Meetings, officers, and rules.

- (a) The commission shall establish any rules and by-laws necessary for its operation.
- (b) A quorum for the transaction of business shall consist of not less than four members of the HLC.
- (c) The HLC shall meet at least monthly if business is at hand. Special meetings may be called at any time by the HLC chairperson, vice-chairperson, or at the written request of a majority of HLC members.
- (d) All meetings shall be held in conformance with the Texas Open Meetings Act, V.T.C.A., Government Code Chapter 552, as annotated. Joint special meetings or working sessions may be held with the city council or other commissions as may facilitate the responsibilities of the HLC. The HLC shall establish its bylaws governing its regular operation.

(Ord. No. O-18-21 , § 1, 1-25-2021)

Sec. 2-250.33. Responsibilities.

Responsibilities of the HLC shall include the following:

- (a) Recommend to the city council for employment of staff and professional consultants as necessary to carry out the duties of the HLC.
- (b) Review and recommend to the city council the delineation of boundaries of historic districts.
- (c) Review and recommend to city council the designation of historic landmarks.
- (d) Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
- (e) Review and recommend to city council proposed changes to development code and zoning ordinance which affect landmarked properties or historic districts.
- (f) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (g) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the city. Such information shall be maintained securely, made accessible by the public, and should be continually revised and updated. It is a goal that a major update takes place every ten years.
- (h) Monitor and report to the Texas Historical Commission all actions affecting any recorded Texas historic landmark, state archaeological landmark, National Register property, and any locally designated landmark, as deemed necessary.
- (i) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of chapter 39, article III, division 7, historic preservation.

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- (j) Maintain written meeting minutes which are recorded by staff, and demonstrate all actions taken by the HLC and the reasons for taking such actions. A record of the proceedings of regular meetings shall be created in the form of notes, audio, or video.
 - (k) Recommend programs to increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
 - (l) Review and take action on landscape plans, off-site parking, and signage plans as required by this development code for properties within the boundaries of historic districts or which are recognized as historic landmarks.
 - (m) Review and take action on all certificates of appropriateness applications for compliance with adopted design guidelines pursuant to this article.
 - (n) Review and take action on all appeals on action taken by the HPO regarding the administrative review of certificates of appropriateness applications for compliance with adopted design guidelines pursuant to this article.
 - (o) Develop, prepare, and adopt specific design guidelines, which shall be ratified by the city council for use in the review of all certificates of appropriateness applications.
 - (p) Annually hold a strategic planning session to make recommendations on priority plans of action to be included in the budget and a report summarizing budget costs, goals and objectives, and work completed during the previous year, as well as anticipated budgetary requests.
 - (q) Make recommendations to the city concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the city.
 - (r) Recommend to city council the acquisition of endangered landmarks by demolition where its preservation is essential to the purpose of this article and where private preservation is not feasible.
 - (s) Propose incentive programs to city council for local property owners of historic landmarks or within local districts.
 - (t) Review and take action on all city preservation-related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this article.
 - (u) Accept donations of preservation easements, development rights, or any other gift of value for the purpose of historic preservation.

(Ord. No. O-18-21 , § 1, 1-25-2021)

Sec. 2-250.34. Status of the historic landmark commission action.

- (a) If 20 percent or more of the property owners within the notification area have submitted a signed petition against the request, the commission will need a three-fourths majority vote both in favor or against the request.
- (b) Historic landmark commission actions are recommendations to the city council, which has the authority to make a final decision. The city council can uphold the recommendations of the commission with a simple majority vote. In cases where the commission recommends denial of a request, and/or when 20 percent of the property owners within the notification area have submitted a signed petition against the request, city council will require a three-fourth majority vote both in favor or against the request.
- (c) In cases where the commission has the authority for a final decision on a request, the applicant may petition/appeal the city council to overturn the commission's action with a three-fourth majority vote.

(Ord. No. O-18-21 , § 1, 1-25-2021)

