



Historic Preservation Commission Meeting (HPC)

Historic Preservation Commission
Meeting January 16, 2024, at 3:00 P.M.
1055 Rowland Street, Clarkston, GA 30021
Conference Room

AGENDA

Note: The Historic Preservation Commission may go into Closed/Executive Session to deliberate any item on this agenda as authorized by the Georgia Open Meetings Act, Georgia Government Code Chapter O.C.G.A. § 50-14-1.

- I. Meeting Called to Order:
- II. Roll Call
- III. Approval of the Agenda
 - A. January 16, 2024
- IV. Approval of the Minutes – None.
- V. **Public Comments:** Any member of the public may address the Historic Preservation Commission (HPC) during the time allotted for public comment. Each attendee will be allowed 3 minutes for comments at the discretion of the Presiding Officer. The public comment period will be limited to 40 minutes, and it is not a time for dialogue. If your public comment contains a series of questions, please submit those to the Planning & Economic Development Director in writing. This will facilitate follow-up by the council or staff. The HPC desires to allow an opportunity for public comment; however, the business of the city must proceed in an orderly, timely manner.
- VI. Old Business:
 - A. Discussion on the Certified Local Government application.
 - B. Review of updates to the HPC bylaws.
 - C. Discussion on mothballing at 40 Oaks and The Sutton House
 - D. Review of the 2025 HPC Meeting Calendar
- VII. New Business
 - A. Discussion and review of the historic properties list.
- VIII. Adjournment

City of Clarkston Historic Preservation Commission Bylaws

I. Authority

The Clarkston Historic Preservation Commission (hereinafter referred to as the "preservation commission") has been created pursuant to the Georgia Historic Preservation Act, O.C.G.A. Section 44-10-21, and a local historic preservation ordinance adopted by the City of Clarkston Historic Preservation Commission, and shall be governed by the terms thereof.

II. Membership Vacancies

Should a member die, resign, fail to attend three consecutive regular meetings of the preservation commission (and should there be no adequate excuse for such absence), or move his permanent residence outside of the City of Clarkston/DeKalb County, the Chair shall recommend to the governing authority that a vacancy be declared and that the vacant position be filled for the remainder of that member's unexpired term. An individual appointed to serve the remainder of an unexpired term shall be eligible to be reappointed. Unless disqualified as provided above, members shall serve until their successors are appointed and qualified.

III. Officers

a) Chair - A Chair shall be elected by the members of the commission from among their membership. The Chair shall preside at all meetings and hearings. The Chair shall decide all points of order and procedure, subject to the historic preservation ordinance, these bylaws, and any rules of procedure or guidelines adopted by the preservation commission, unless directed otherwise by a majority of the members in session at the time. The Chair may discuss or vote on any matters before the body.

b) Vice Chair - A vice Chair shall be elected by the members of the preservation commission from among their membership in the same manner as the Chair. The Vice Chair shall serve as acting Chair in the absence of the Chair, or when that officer shall refrain from participation because of a conflict of interest, and shall have the same powers and duties as the Chair when acting in that capacity.

c) Secretary - A Secretary shall be elected by the members of the preservation commission from among their membership in the same manner as the Chair and Vice Chair. The Secretary shall cause a record to be made of each meeting of the preservation commission which shall include, at a minimum, a record of all resolutions, proceedings, and actions of the body. The Secretary shall serve as acting Chair both Chair and Vice Chair are unable to participate due to absence or a conflict of interest and shall have the same powers and duties as the Chair when acting in that capacity.

d) Elections - Officers shall serve one-year terms and shall be eligible for reelection. The preservation commission shall elect its initial officers at the first meeting following their appointment and thereafter in ~~January~~^{June} of each year. If a vacancy should occur in any office, an individual shall be elected from the membership to serve for the remainder of the unexpired term.

IV. Meetings

a) Regular Meetings - Regular meetings of the preservation commission shall be held on the third ~~Thursday~~^{Wednesday} of each month at ~~3:00 pm~~^{10:00 am}, at the Clarkston City Hall Annex; provided that meetings may be held at some other convenient place if directed by the Chair in advance of the meeting. If a regularly scheduled meeting occurs on a legal holiday, the Chair may set an alternate day for the meeting.

b) Special Meetings - Special meetings of the preservation commission may be called at any time by the Chair. At least forty-eight ~~(48)~~ hours' notice of the time and place of special meetings shall be given to each member; provided that this requirement may be waived by consent of all the members. The purpose of the special meeting must be stated in the notice.

c) Cancellation of Meetings - Whenever there is no business to be conducted, the Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four ~~(24)~~ hours prior to the time set for the meeting.

d) Adjourned Meetings - Should the business before the preservation commission not be completed, the Chair may adjourn the same from day to day until the matters before the body are disposed of.

e) Quorum - A quorum shall consist of a majority of the members.

f) Open Meetings - All meetings of the preservation commission shall be open to the public, except where otherwise provided by the Georgia Open Meetings Law. However, members of the public shall not address the preservation commission unless invited to do so by the Chair. A time limit may be set by the preservation commission for the presentations or remarks of non-members.

g) Agenda - The agenda for each meeting shall be prepared by staff at the direction of the Chair. The normal order of business at each meeting shall be: (1) call to order, (2) determination of quorum, (3) approval of the agenda, (4) ~~applications for certificates of appropriateness~~, approval of ~~meeting minutes of the previous meeting~~, ~~(5) applications for certificates of appropriateness~~ ~~(65)~~ old business, ~~(76)~~ new business, ~~(87)~~ adjournment.

h) Decisions - Decisions of the preservation commission shall be by a majority of those members present and voting, a quorum being present. Decisions may be made by voice vote unless any member requests a roll call vote.

i) Committees. - The Chair shall appoint any committees found necessary to facilitate business before the preservation commission and shall be an ex-officio member of all committees. With the concurrence of the commission, committees may include residents of the city who are not members of the commission.

V. Staff

The governing authority shall provide technical and clerical assistance as the preservation commission may require, and shall maintain permanent and complete records of the activities of the preservation commission.

VI. Conflict of Interest

A member shall not cast a vote on any issue before the preservation commission which involves the interests of that member or an organization in which that member has an ownership interest or position of control or directly represents. Neither shall a member cast a vote on any matter which could provide direct financial benefit to that member. Whenever a conflict of interest situation arises in the conduct of business the following actions shall be taken:

- a) The individual member shall divulge the existence and reasons for the potential conflict;
- b) The preservation commission shall decide if such a conflict exists.
- c) If it is decided that a conflict exists, the affected member shall refrain from presenting, voting on, or discussing the project, other than answering a direct question.
- d) Should the preservation commission determine that a conflict of interest does not exist, the nature of the alleged conflict and the reason(s) for determining a conflict did not exist shall be entered into the minutes.

VII. Code of Conduct

Each member of the preservation commission shall adhere to the following code of conduct as contained in Section 45-10-3 of the Official Code of Georgia Annotated:

- a) Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to evasion;
- b) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
- c) Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties;

d) Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit;

e) Expose corruption wherever discovered;

f) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;

g) Never accept any economic opportunity under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his official duties;

h) Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and

i) Never take any official action with regard to any matter under circumstances in which he knows or should know that he has a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action.

VIII. Applications or certificates of appropriateness

a) Requirements. Submission of applications for certificates of appropriateness shall be made at the City Hall Annex/ Planning and Development Department. No applications shall be considered by the Commission unless they are complete, including all necessary exhibits. Provided, however, that the Commission may consider applications not complying with this paragraph only upon a finding by the Commission, entered in the record, of extraordinary or unusual circumstances which would make compliance with this provision impractical. The Chair, together with Staff, shall determine the completeness of submitted applications one week prior to the meeting. Should an application be determined to be incomplete, the applicant will be contacted by Staff with a request for additional material. In the event that the requested material is not presented by the scheduled meeting, that application shall be withdrawn from the agenda.

b) Deadline for Submission. Applications for certificates of appropriateness shall be submitted 30 days prior to the meeting where it will be reviewed ten (10) business days prior to the meeting. Should this day fall upon a legal holiday applications of certificates of appropriateness shall be due the following day by noon.

c) Public Notice. Public notice of applications for certificates of appropriateness shall be accomplished by advertisement in the local paper and by posting of a sign on the subject property.

d) Representation. The applicant or a bona fide representative of the applicant shall be present at the meeting or meetings where the application for a certificate of appropriateness is reviewed. In the event that no representative is present for an application, that application shall be considered withdrawn. The CHPC may waive this requirement by consensus of those present at the meeting.

e) Timeliness of the Commission. Action on a certificate of appropriateness must be taken by the Commission within 45 days after the filing of a complete application. This time limit can be extended by mutual agreement between the applicant and the Commission.

f) Determination of Material Change. Staff shall determine for each application whether the request concerns ordinary maintenance or repair. Staff may seek the opinion of the Chair or Vice Chair in this determination. Such determinations will be reported at the next regularly scheduled meeting of the Historic Preservation Commission.

IX. Amendments

These bylaws may be amended by the affirmative vote of ~~four~~^{two} (42) members of the preservation commission, provided that notice of the intent to amend and the content of the amendment shall have been distributed in writing to each member at least ten (10) days prior to the meeting at which the vote to amend is taken or presented to the members, all members being present, at the regular meeting preceding the meeting at which the vote to amend is taken.

Sec. 15-33. Creation of a historic preservation commission.

- (a) *Creation of the commission:* There is hereby created a commission whose title shall be "Clarkston Historic Preservation Commission" (hereinafter "commission").
- (b) *Commission position within the city government:* The commission shall be part of the planning functions of the City of Clarkston.
- (c) *Commission members: Number, appointment, terms and compensation:*
 - (1) The commission shall consist of ~~five-three (53)~~ members, ~~four two (42)~~ appointed by the city council, and one (1) appointed by the mayor. All members shall be residents of Clarkston and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.
 - (2) To the extent available in the City, at least ~~threetwo (32)~~ members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions.
 - (3) Members shall serve three-year terms. ~~Members may not serve more than two (2) consecutive terms.~~ In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year, to be appointed by the mayor; one (1) member for two (2) years, appointed by the city council; and one (1) member for three (3) years, appointed by the city council.
 - (4) Members shall not receive a salary, although they may be reimbursed for expenses.
- (d) *Statement of commission's power:*
 - (1) The preservation commission shall be authorized to:
 - a. Prepare and maintain an inventory of all property within the city having the potential for designation as historic property;
 - b. Recommend to the city council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
 - c. Review application for certificates of appropriateness, and grant or deny same in accordance with the provisions of this article;
 - d. Recommend to the city council that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;
 - e. Restore or preserve any historic properties acquired by the city;
 - f. Promote the acquisition by the city of façade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A., Section 44-10.1 through 8)
 - g. Conduct educational programs on historic properties located within the City and on general historic preservation activities;
 - h. Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the city council or the commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
 - i. Seek out local, state, federal or private funds for historic preservation, and make recommendations to the city council concerning the most appropriate uses of any funds acquired;

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- j. Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties of historic districts designated;
 - k. Perform historic preservation activities as the official agency of the Clarkston historic preservation program;
 - l. Employ persons, if necessary, to carry out the responsibilities of the commission;
 - m. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The commission shall not obligate the city without prior consent.
 - n. Review and make comments to the Historic Preservation Division of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
 - o. Participate in private, state and federal historic preservation programs and with the consent of the city council, enter into agreements to do the same.
- (e) *Commission's power to adopt rules and standards:* The preservation commission shall adopt rules and standards for the transaction of its business and for consideration of application for designation of certificates of appropriateness, such as by-laws, removal of membership provision, and design guidelines and criteria. The preservation commission shall have the flexibility to adopt rules and standards without amendment to this article. The commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.
- (f) *Conflict of interest:* The commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the City of Clarkston Charter or Code of Ordinances.
- (g) *Commission's authority to receive funding from various sources:* The commission shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds.
- (h) *Records of commission meetings:* A public record shall be kept of the commission resolution, proceedings and actions.

(Ord. No. 432, § III, 1-3-19)



CITY OF CLARKSTON

HISTORIC PRESERVATION COMMISSION

2025 MEETINGS SCHEDULE

MEETING DATES	MEETING TYPE
JANUARY 16, 2025	REGULAR MEETING
FEBRUARY 20, 2025	REGULAR MEETING
MARCH 20, 2025	REGULAR MEETING
APRIL 17, 2025	REGULAR MEETING
MAY 15, 2025	REGULAR MEETING
JUNE 26, 2025**	REGULAR MEETING
JULY 17, 2025	REGULAR MEETING
AUGUST 21, 2025	REGULAR MEETING
SEPTEMBER 18, 2025	REGULAR MEETING
OCTOBER 16, 2025	REGULAR MEETING
NOVEMBER 20, 2025	REGULAR MEETING
DECEMBER 18, 2025	REGULAR MEETING

NOTE****

* The Clarkston Historic Preservation Commission public meetings are held the 3rd Tuesday of each month at 3:00pm at the Clarkston City Hall Annex located at 1055 Rowland Street (unless notified differently).