

**Town of Cape Charles**  
**Historic District Review Board**  
**By-Laws**

ARTICLE ONE

Objectives

- 1-1 This board, established in conformance with Article VIII of the Town of Cape Charles Zoning Ordinance, has adopted the following articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2-2306, Code of Virginia, 1950, as amended.
- 1-2 The official title of this board shall be the “Town of Cape Charles Historic District Review Board.”

ARTICLE TWO

Members

- 2-1 This board shall consist of five (5) members appointed by the Town Council. The five (5) members must be citizens of Cape Charles, at least three (3) of whom shall be residents of the local Historic District.
- 2-2 Members of the Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible be a licensed architect or engineer, Planning Commission member, or licensed building contractor.
- 2-3 Board members shall be appointed for a term of five (5) years. Any vacancy in membership shall be filled by appointment of Town Council and shall be for the unexpired term only. Any member may be removed by the Town Council for neglect of duty or malfeasance in office. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until a successor is appointed and qualifies.

- 2-4 An appointed member's term of office shall expire at the end of January 8 of the appropriate year. The successor's term of office shall begin at the beginning of January 9 of the appropriate year.
- 2-5 All former members of the Board are eligible to be alternates to present Board members. An alternate, upon written request of a Board member, may serve as a member of the Board for the meeting(s) for which the alternate has been requested to serve. Alternates shall have all rights, responsibilities, and duties as a present Board member during the meeting(s) during which the alternate(s) shall serve.

### ARTICLE THREE

#### Officers and their selection

- 3-1 The elected officers of the Board shall consist of a chair and a vice chair. The Town Clerk, or designee, shall serve as secretary.
- 3-2 The elected officers of the Board shall be elected for a one (1) year term by the Board from the members at the first regular meeting after February 1 each year.
- 3-3 A candidate receiving the largest number of votes of the Board shall be declared elected. In the result of a tied vote, votes shall be recast, with only those receiving the largest number of initial votes being eligible to receive votes. If the tie cannot be resolved, the Town Council shall appoint an existing Board member to fill the vacant officer's position.
- 3-4 Elected officers shall take office immediately and serve for one (1) year or until his successor shall take office.
- 3-5 Vacancies in office shall be filled immediately by regular election procedures.

### ARTICLE FOUR

#### Qualifications and Duties of Officers

- 4-1 The **Chair** shall be an appointed member of the Board and shall:
- 4-1.1 Preside at all meetings.
- 4-1.2 Be informed immediately of any official communications and report the same at the next regular Board meeting.

- 4-1.3 Rule on all procedural questions.
- 4-1.4 Carry out other duties as are assigned by the Board.
- 4-2 The **Vice Chair** shall be an appointed member of the Board and shall:
  - 4-2.1 Have the power to function in the same capacity as the Chair in cases of the Chair's absence or inability to act.
- 4-3 The **Secretary** shall:
  - 4-3.1 Keep a written record of all business transacted by the Board.
  - 4-3.2 Notify all members of all meetings.
  - 4-3.3 Keep a file of all official records and reports of the Board.
  - 4-3.4 Certify all maps, records, and reports of the Board.
  - 4-3.5 Attend to the correspondence of the Board.
  - 4-3.6 Prepare and be responsible for the publishing of advertisements and public notices relating to all public hearings and public meetings.

## ARTICLE FIVE

### Committees and Advisors

- 5-1 Committees, standing or special, may be appointed by the Chair, to serve as needed. Such committees shall be subject to the approval of a majority vote of the Board.
- 5-2 The Board may appoint architects, engineers, and/or contractors who are not Board members to serve in an advisory capacity. Appointed advisors shall not have voting rights

## ARTICLE SIX

### Meetings

- 6-1 Regular meetings of the Board shall be held on the third Tuesday of each month in the Town Hall at 4:30 p.m. When a meeting date falls on a legal holiday, an alternative date shall be designated by the Board. Meetings may

be cancelled in advance by a majority vote of those present at a previous meeting, or by request of the Chair.

- 6-2 Special meetings shall be called at the request of the Chair or at the request of a majority of the membership.
- 6-3 Except as provided for in Title 2.1, Code of Virginia, 1950, as amended (Virginia Freedom of Information Act), all meetings, hearings, records, and accounts of the Board shall be open to the public.
- 6-4 Three or more of the members of the Board shall constitute a quorum. No action of the Board shall be valid unless authorized by a vote of at least three members.

## ARTICLE SEVEN

### Order of Business

- 7-1 The order of business for a regular meeting shall be:
  - 7-1.1 Call to order by the Chair.
  - 7-1.2 Roll call; determination of a quorum.
  - 7-1.3 Invocation and Pledge of Allegiance.
  - 7-1.4 Approval of agenda format.
  - 7-1.5 Approval of minutes.
  - 7-1.6 Old applications.
  - 7-1.7 New applications.
  - 7-1.8 Other business.
  - 7-1.9 Announcements.
  - 7-1.10 Adjournment.
- 7-2 The first item of other business for the first regular meeting after February 1 of each year shall be the election of new officers.
- 7-3 Parliamentary procedures in the Board meetings shall be governed by Robert's Rules of Order, Revised – Short Form.

- 7-3.1 Motions shall be restated before a vote is taken.
- 7-4 The Board shall keep a set of minutes of all meetings, and these minutes shall become a public record.
- 7-5 The Board shall retain the option to invite public comment by those present at a business meeting at such times as the Board deems necessary.

## ARTICLE EIGHT

### Hearings

- 8-1 The procedures normally followed for a public hearing on any matter, shall be:
  - 8-1.1 Call to order; determination of quorum.
  - 8-1.2 Description of properties in issue by Board or Board's representative (five minutes).
  - 8-1.3 Applicant's presentation, if applicable (fifteen minutes).
  - 8-1.4 Comments and recommendations of the Board or Board's representative.
    - 8-1.4.1 Adjourn
- 8-2 An applicant may appear in his own behalf or be represented by an attorney or an agent at the hearing.
- 8-3 In the absence of a personal appearance by the applicant or his agent, the Board may proceed to dispose of the application on the record before it.
- 8-4 The normal time limitations are set forth in parentheses, but may be shortened or extended by the Board prior to the commencement of the public hearing.

## ARTICLE NINE

### Correspondence

- 9-1 All official papers and plans involving the authority of the Board shall bear the signature of the Chair, together with certification signed by the Secretary.

## ARTICLE TEN

### Amendments

- 10-1        These rules may be changed by a majority vote of the membership after conducting at least one public hearing pursuant to Section 15.2-2204, Code of Virginia, 1950, as amended.