

AT A REGULAR MEETING OF
THE HAMPSHIRE COUNTY COMMISSION
COUNTINUED AND HELD FOR SAID
COUNTY IN THE COURTHOUSE THEREOF, ON JULY 24TH, 2007

PRESENT: Honorable Donald Cookman, President;
Steve Slonaker, Robert Hott Commissioners of the County.

**AN ORDER ESTABLISHING THE
HAMPSHIRE COUNTY HISTORIC LANDMARKS COMMISSION**

WHEREAS, Hampshire County is richly endowed with numerous historic buildings, structures, sites, and objects which have close and immediate relationship to the values upon which this County, State, and Nation were founded; and

WHEREAS, such historic buildings, structures, sites, objects, and districts can best be identified, studied, preserved, and protected for the benefit of the residents of this County, State, and Nation by authorizing and empowering action for this purpose at the local level; and

WHEREAS, the preservation and protection of such historic buildings, structures, sites, and objects aid in the development of education in this County; and

WHEREAS, there is little hope of preserving and protecting such historic buildings, structures, sites, objects, and districts unless recognition is provided for the owners thereof in order that the same should be preserved and protected.

The County Commission of Hampshire County hereby finds it is in the best interest of the education and general welfare of the people of this county to identify, study, preserve, and protect historic buildings, structures, sites, objects, and districts in the County.

ACCORDINGLY, IT IS THEREFORE ORDERED:

That this Commission does hereby establish the HAMPSHIRE COUNTY HISTORIC LANDMARKS COMMISSION, pursuant to the provisions of Chapter 8, Article 26A, of the West Virginia Code.

The Commission Shall:

1. Be composed of five (5) members appointed by the County Commission of Hampshire County to at term on the first day of July in the following manner:
 - (a) Important: The five (5) members shall have demonstrated interest in, or background in, historic preservation or history related disciplines; e.g. history, architecture, archaeology, architectural history, geography, real estate, art history, etc.;
 - (b) Five (5) members shall be appointed from the County at large, the initial appointments shall be for terms of one (1) year, two (2) years, two (2) years, three (3) years, ~~three (3) years~~, and shall thereafter be for a term of three (3) years.
2. Notify the County Commission of any vacancy in the membership of the Historic landmarks Commission and the vacancy shall be filled in the same manner as the original appointment for the balance of the unexpired term.
3. Not receive any salary for their services as Commissioners, but may be reimbursed for all reasonable expenses actually incurred in the performance of their duties, which have prior approval of the County Commission.
4. Select one of their members as chairperson and one of their members as secretary, who shall keep accurate records of the proceedings of the Commission.
5. Fix a time and place for holding regular meetings, and unless changed by a unanimous vote of the Commission shall meet at least a minimum of four (4) times per year. Special meetings of the Commission may be called by the chairperson or by at least two (2) members upon written request to the secretary. The secretary shall send notice of any special meeting, including time, date, and meeting location, at least two days in advance of such special meeting. However, written notice shall not be required if the date, time, and meeting location has been fixed at a regular meeting or special meeting.
6. Not take any action unless authorized by a majority of the members at a properly constituted regular or special meeting. A majority of the members shall constitute a quorum.
7. Count the vote of each member thereof equally in all matters which come before the Commission.
8. File for public record with the Planning Office of Hampshire County, minutes of all its meetings, within sixty (60) days of the date such meeting was held.
9. Be authorized and empowered, within the limits of funds available thereof to employ assistants, technical personnel, consultants, and such other employees as are necessary to discharge duties and responsibilities as hereafter set forth.

The Commission shall have plenary power and authority within the jurisdictional limits of Hampshire County, and within the limits of available funds to:

1. Make a survey of, and designate as historic landmarks, buildings, structures, sites, objects, and districts which constitute the principle historical and architectural sites which are of local, regional, state, or national significance. No building, structure, site, or object shall be deemed to be historic unless it has been prominently identified with or best represents some major aspect of or ideals related to the history of the locality, region, state, or nation. In the case of buildings or structures which are designated, they shall embody the principal or unique features of an architectural type, demonstrate the style of a period of our history or method of construction, serve as an illustration of the work of a master builder, designer or architect whose genius influenced the period in which he or she worked, or has significance in current times;
2. Prepare a register of buildings, structures, sites, objects or districts which meet the requirement of Subdivision One (1) of this Article, publish lists of such properties and, with consent of the property owner(s), inspect such properties from time to time and publish a register thereof from time to time setting forth appropriate information concerning the registered buildings, structures, sites, and objects;
3. With the consent of the property owners(s), certify and mark with appropriately designated markers, buildings, structures, sites, objects, and districts which it has registered;
4. Establish standards for the care and management of the certified landmarks and withdraw such certification for failure to maintain the standards so prescribed;
5. Acquire by purchase, gift or lease, and administer registered landmarks and easements and interest therein, both real and personal;
6. Lease or sell property so acquired under terms and conditions designed to insure the proper preservation of the landmark in question;
7. Establish historic districts for registered landmarks, utilizing the same guidelines set forth in Subdivision One(1) above, and designate the area thereof by appropriate markers;
8. Identify historic districts for registered landmarks, and aid or encourage the County or municipality in which the district or landmark is located to adopt rules and regulations for the preservation of architectural values;
9. Prepare and place historical markers on or along the highway or street closest to the location which is intended to be identified by such markers;
10. Seek the advice and assistance of individuals, groups, and departments or agencies of government who are conducting historic preservation programs and coordinate the same insofar as possible;
11. Seek and accept gifts, bequests, endowments, and funds from any and all sources for the accomplishment of the functions of the commission;
12. Adopt rules and regulations concerning the operation of the commission, the functions and responsibilities of its officers, employees, assistants, and other personnel, and such other matters as may be necessary to carry out the purpose of this order; and
13. Adopt such other rules and regulations as may be deemed necessary with the provisions of any plan or any planning commission of a municipality or county.

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ARTICLE III

Whenever the Commission with the consent of the property owner(s), certifies a property as being a registered landmark, it may seek and obtain from such property owner(s) and agreement as the Commission finds are reasonable and are calculated to perpetuate and preserve the features which led it to designate such property as an historical landmark. All such agreements between the Commission and the property owner(s) shall be in writing, and when duly signed and acknowledged, shall be recorded in the Office of the Clerk of the Hampshire County Commission, and when as recorded shall be notification to the assessor of the restrictions therein set forth.

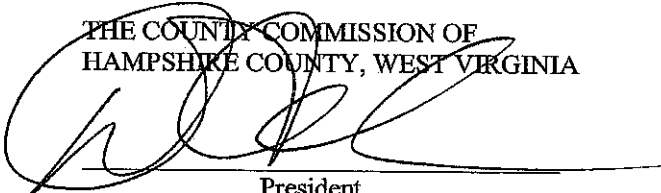
ARTICLE IV

When the Commission establishes an historic district, it shall notify the assessor of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to the properties located in such districts which have mutually agreed upon between the Commission and the owners of property within the district. The agreement shall be recorded in the same manner as the recordation of agreements between the Commission and the owners of designated landmarks. The assessor shall take such factors into consideration in assessing the properties herein.

ARTICLE V

The Commission shall cooperate and coordinate its activities with the West Virginia Historical Society and the West Virginia Division of Culture and History, with the view of developing a unified program for the identification, study, preservation, and protection of all historic buildings, structures, sites, and objects in Hampshire County.

THE COUNTY COMMISSION OF
HAMPSHIRE COUNTY, WEST VIRGINIA



President

TESTE:

Sharon H. Link
Clerk of the Hampshire County Commission

**BYLAWS OF THE
HAMPSHIRE COUNTY HISTORIC LANDMARK COMMISSION**

Pursuant to powers granted by order of the Hampshire County Commission, July 24th, 2007, the Hampshire County Historic Landmark Commission does hereby adopt these bylaws for the administration of its affairs.

SECTION 1. Officers

- (A) Selection. At the first regular meeting in July of each year, the Commission shall elect from its membership a Chairperson. It shall also appoint a Secretary and Treasurer, who may be one in the same person, and who need not be a member of the Commission. No member shall have served more than two consecutive terms as chairperson, and a member who shall have served more than fifty percent of a term shall be considered to have served a full term in that office. In the event that the office of the Chairperson becomes vacant, the Commission shall elect a successor to that office as soon as possible.
- Tenure. The Chairperson shall hold office for a term of one year.
 - Duties. The Chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be necessary in the normal transaction of business. The Secretary shall provide for the preparation of written minutes of all meetings, which shall be made available within reasonable time after the meeting. A copy of the minutes shall be forwarded to the West Virginia Division of Culture and History and a copy filed in the Hampshire County Planning Office. The Secretary shall keep all records, minutes, and other reports in the Hampshire County Planning Office. These documents shall be open for public inspection during normal working hours. In the absence of the Chairperson an alternate commissioner shall preside over that particular meeting. The Treasurer shall, at each regular meeting, give a report as to the status of all funds, bank accounts, and investments.

- SECTION 2.** Associate Members. The County Commission may, at any regular meeting appoint Associate but non-voting members for a term of one year, such Associate Members to be persons with a demonstrated interest in historic preservation. The number of Associate Members at any time shall not exceed the number of voting members.

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SECTION 3. Meetings

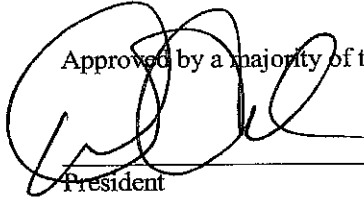
1. Regular Meetings. The regular meeting of the Hampshire County Historic Landmarks Commission shall be held quarterly, at a minimum, at the Hampshire County Courthouse or at such other place and such time as the commission shall designate and advertise. Notice of meetings shall be advertised a week in advance.
2. Special Meetings. The special meetings shall be called at the request of the Chairperson or any two members of the commission according to Article 1, Section 5 of the Order entered by the Hampshire County Commission on July 24th, 2007. Notice of the special meetings shall be given by the Secretary to the Commission members, the public and the news media at least forty-eight hours prior to such meeting and shall state the date, time, place, and purpose of the meeting. Notice to the public of such special meetings shall be deemed sufficient if posted on the door of the Hampshire County Courthouse.
3. Public. All regular and special meetings, hearings, records and accounts shall be open to the public.
4. Quorum. A majority of the members appointed to the Commission shall constitute a quorum. No action of the Commission shall be official unless authorized by a majority of the members present at a regular or special meeting; those present may adjourn the meeting to another day.
5. Order of Business-Agenda. The Secretary, at the direction of the Chairperson, shall prepare an agenda for each meeting and the order of business shall be as follows:
 - (1) Role Call
 - (2) Approval of minutes
 - (3) Financial report
 - (4) Unfinished business
 - (5) Communications and new business
 - (6) Reports
 - (7) Adjournment
6. Motions. Motions shall be restated before a vote is taken. The names of the maker and the second of the motion shall be recorded.
7. Voting. Voting shall be by voice and shall be recorded by yeas and nays unless otherwise requested by the Commission.
8. Code of Conduct. In the taking of any action by the Commission, if such an action poses real or apparent conflict of interest to a Commissioner, that Commissioner must state the conflict of interest and leave the room prior to discussion and abstain from voting; and that there is an appropriate record of compliance indicated in the minutes.

SECTION 4. Parliamentary Authority. The rules contained in the current edition of Roberts' Rules of Order shall govern the Commission in all cases to which they are applicable and not inconsistent with law, city ordinances, or these bylaws.

SECTION 5. Suspension of Rules. The Commission may suspend any of these rules by a two-thirds vote of the members present at a meeting.

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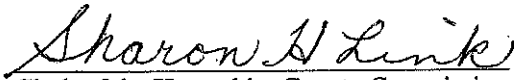
SECTION 6. Amendments. These bylaws may be amended at any regular meeting by a majority of those present, provided that notice of the proposed amendment shall have been mailed to each member at least seven days prior to the regular meeting. Upon amendment, the Secretary shall cause the amended bylaws to be retypes and distributed to all members.


Approved by a majority of the Hampshire County Commission

President

7-24-07
Date

ATTEST:


Clerk of the Hampshire County Commission

HAMPSHIRE COUNTY HISTORIC LANDMARK COMMISSION

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Rules of Procedure

In order for the Hampshire County Historic Landmark Commission to fully implement its powers and duties as authorized in the order entered by the Hampshire County Commission on July 24th, 2007, the Commission hereby adopts the following Rules and Procedures:

I Survey and Evaluation

- (A) Plan. The Commission shall prepare a comprehensive plan that will prioritize areas of the county for historic landmark surveying. In preparing the plan, the commission shall involve local government official, preservation organizations, all persons interested in historical preservation, and the WVSHPO.
- (B) Survey Procedures. At the first regular meeting in January, the Commission shall identify areas to be surveyed in accordance to the comprehensive plan.
 - (1) The Commission will develop survey methods with the WVSHPO to assure that the survey meets WVSHPO guidelines and included a process for updating survey data.
 - (2) The data from the surveys will be available at the Hampshire County Planning Office, during regular business hours.
 - (A) Historic district will organize data.
 - (B) Inventory data will be indexed to indicate the properties as; National Register listed properties; Hampshire County historic Landmarks; significant but non-registered properties; and non-significant properties.
 - (C) As data is added to the inventory file, WVSHPO will be provided with inventory documentation.
 - (D) The Commission will assure that at least one public meeting will be held for the affected property owners during each survey.

II. Registration

- (A) Local. For a building or site to become a Hampshire County Historic Landmark, it must meet the criteria as outlined in Article II, Section 1, of the order adopted by the County Commission of Hampshire County on July 24th, 2007. The owner must follow the Landmark Commission process for registration.
 - (1) The Nomination Process. Anyone who wishes to nominate a site begins by filing a nomination form with the Hampshire County Historic Landmark Commission, Planning Office, West Virginia. Once it is accepted as complete, the owner and applicant are notified and the nomination is submitted to the Landmark Commission at a regularly scheduled meeting. Properties listed on the National register are exempted from the local nomination process and will automatically be listed as a local landmark.
 - (2) The Determination Process. At the meeting, which is open to the public, a preliminary determination is made about the nomination. If the property is approved for further evaluation, the Hampshire County Historic Landmark Commission notifies the owner and applicant within ten business days. If the property owner consents to the

nomination, a public hearing is scheduled at the next regularly scheduled Landmark Commission meeting, at which anyone may discuss with Landmark Commission members whether the property meets the criteria for designation. The Commissioners then makes a final determination on the nominated property with a written report within ten business days after the Landmark Commission's final decision. Copies are sent to the applicant, owner, WVSHPO, and all other interested parties. If the nomination is approved for designation, the commission report is filed with the Planning Office and Hampshire County Assessor. The property is then a Hampshire County Landmark.

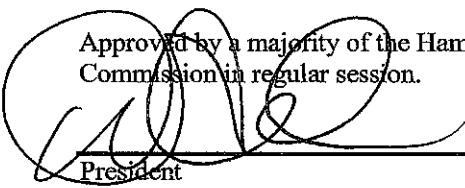
- (3) The Reconsideration Process. If the nomination is rejected (either by preliminary determination or after a public hearing), the applicant may petition the Landmark Commission for reconsideration. The petition must be filed with the Commission two weeks prior to the next regular scheduled meeting. All decisions may be appealed to the Hampshire County Historic landmark Commission by filing an appeal with both the Commission and the Hampshire County Commission.
- (4) Restriction Agreements. Upon registration of a property, the Commission will attempt to negotiate a protection agreement with the property owner(s), which shall be recorded in the Office of the Clerk of the Hampshire County Commission and the Hampshire County Assessor.

(B) National. The Commission will review all National Register nominations for properties within the jurisdiction and will prepare a report to WVSHPO with a recommendation of eligibility within sixty days.

- (1) Nomination will be reviewed at the next regularly scheduled meeting following the receipt of the nomination from the WVSHPO.
- (2) The Commission's report, containing its recommendation will be forwarded to the Hampshire County Commission.
- (3) The County Commission will forward the report with its recommendation to the WVSHPO.
- (4) The Landmark Commission will notify WVSHPO of any alterations of demolition to National Register properties.
- (5) All properties listed on the National Register shall automatically be listed on the local register.

III. Annual Report. At the annual January meeting, the Commission shall compile a report of all its activities for the previous year. The report will be transmitted tot eh WVSHPO within sixty days after the end of the fiscal year.

Approved by a majority of the Hampshire County
Commission in regular session.



President

7-24-07
Date