

CITY OF NEW CASTLE HISTORIC PRESERVATION COMMISSION
RULES OF PROCEDURE

Adopted March 11, 2024

WHEREAS, by authority granted this Board pursuant to I.C. 36-7-11, the City of New Castle Historic Preservation Commission (hereinafter referred to as the “Commission”) does hereby adopt the following rules of procedure in the administration and conduct of its duties.

Article I. Powers and Duties

Section 1. The Commission shall function within the parameters of I.C. 36-7-11 and the Historic Preservation Ordinance for the City of New Castle (Ordinance No. 3431). These rules are adopted in accordance with the requirements of I.C. 36-7-11.

Section 2. All meetings of the Commission shall comply with the Open Door Law and any amendments thereto.

Article II. Membership

Section 1. Composition of Commission

- A. Number of Members The commission shall consist of seven (7) voting members, appointed in accordance with I.C. 36-7-11 and the Historic Preservation Ordinance for the City of New Castle (Ordinance No. 3431).
- B. Terms Voting members shall serve for a term of three (3) years. The term for nonvoting, advisory members shall be for three (3) years.
- C. Membership Requirements Every Commission member is encouraged to attend at least one (1) informational or educational meeting per year subject to availability of meetings. Commission members should have a demonstrated interest in historic preservation or related fields.
- D. Officers The officers of the Commission shall be Chairperson, Vice-Chairperson, and Treasurer.
 - a. Chairperson The Chairperson shall: (a) preside at all meetings of the Commission; (b) moderate all matters before the Commission following a fair, unbiased, and impartial policy; (c) maintain decorum during public hearings; (d) appoint members of committees and designate the chairperson of each committee with approval of the Commission; (e) discharge all duties devolving upon a presiding officer; (f) for and on behalf of the Commission and each member thereof, execute contracts approved by the Commission to which the Commission shall be a party and reports and other documents required of the Commission; and (g) perform other duties as these Rules of Procedure provide or the Commission by resolution prescribes.
 - b. Vice-Chairperson The Vice-Chairperson shall perform the duties incumbent upon the Chairperson during the Chairperson’s absence and such other duties as these

Rules of Procedure provide or the Commission by resolution prescribes. In the case of the resignation or death of the Chairperson, the Vice-Chairperson shall succeed the to the Office of Chairperson until a new Chairperson is selected from the membership at the next duly noticed general meeting.

- c. Treasurer The Treasurer shall: (a) report the financial transactions of the Commission; (b) coordinate with the Clerk-Treasurer's office to oversee Commission funds; and (c) perform other duties as the Chairperson or Commission prescribes.
- E. Commission Administrator An administrator shall be designated by the Commission, subject to the approval of the New Castle City Council. The Administrator shall provide staff assistance to the Commission, act as the Commission's secretary unless that duty is assigned to another party, and issue Certificates of Appropriateness as directed by the Commission. The administrator does not need to be a resident of the City, but must have extensive experience in matters pertaining to National Register of Historic Places and National Historic Landmarks issues, historic properties and districts, or have served on a preservation commission in the past. The Commission administrator may be an employee of Historic Landmarks Foundation of Indiana, Inc. (DBA Indiana Landmarks) through its Community Assistance Program ("CAP").

Section 2. Elections At its first regular meeting of each year, the Commission shall elect from its members a Chairperson, Vice-Chairperson, and Treasurer. All Officers shall serve one year and may be re-elected. Elections shall be by majority ballot. Vacancies may be filled at any regular or special meeting of the Commission. In the event both the Chairperson and the Vice-Chairperson are absent from a regularly scheduled meeting, a temporary Chairperson shall be elected from the membership to Chair that meeting.

Section 3. Secretary The Commission shall appoint and fix the duties of a secretary, who is not required to be a member of the Commission. The secretary shall be charged with such duties as required under state statutes, city ordinances, and these rules.

Section 4. Committees The Commission may deem committees, standing or special, necessary to carry on the work of the Commission. Committees may be created by the Chairperson. Committees must be comprised of three voting members. The Chairperson and the advisory members of the Commission shall be ex-officio members of such Committees. Committee members must be appointed immediately after the regular or special meeting at which the Committee was created.

Section 5. Attendance If a member of the Commission misses three (3) consecutive regular meetings, or a total of six (6) meetings of the Commission in any calendar year, that member may, upon approval of the Mayor and City Council, be removed as a member of the Commission.

Section 6. Services Within its budget allotment, the Commission may contract for special or temporary services and for legal counsel.

Article III. Meetings

Section 1. Regular Meetings The regular meetings of the Commission shall be the second Monday of each month at 6:30 pm, except when it has no business pending. The location of the meeting shall be the City Council Chambers of the New Castle City Building, 227 North Main Street, New Castle, Indiana. Advance notice of each meeting shall be provided to the local media not less than forty-eight (48) hours before the scheduled meeting and shall also be posted in the New Castle City Building, 227 North Main Street, New Castle, Indiana. If the 2nd Monday of the month is a holiday as recognized by the City of New Castle, or if it is impossible to conduct the meeting at that time or place, the Chairperson may set an alternate date, time, or place for the regular meeting, or may cancel the meeting provided that the notice requirements of I.C. 5-14-1.5 (Open Door Law) are complied with.

Section 2. Special Meetings Special meetings may be called by the Chairperson of the Commission. The Chairperson shall send to all members, at least forty-eight (48) hours before the special meeting, a written or electronic notice fixing the time, place, and purpose of the meeting. Written notice is not required if:

- A. the date, time, and place of the special meeting are fixed in a regular meeting;
- B. all members of the Commission are present at that regular meeting; and
- C. the Commission complies with the notice requirements of I.C. 5-14.1.5 (Open Door Law).

Section 3. Quorum A majority of the members of the Commission shall constitute a quorum. No action is official, unless authorized by a majority of the Commission at a regular or properly called special meeting.

Section 4. Order of Business The order of business at regular meetings shall be:

- A. Call to Order
- B. Approval of Minutes
- C. Certificate of Appropriateness Review
- D. Report on Staff Approvals
- E. Financial Report
- F. Old Business
- G. New Business
- H. Announcements
- I. Adjournment

Section 5. Addressing the Commission During meetings, any person wishing to address the Commission must do so by request and consent of the Chairperson.

Section 6. Recording The Commission may audio or video record the proceedings of each meeting to substantiate and clarify the official minutes.

Section 7. Commission Records The Commission shall keep in its records all material relevant to each agenda item, including but not limited to required documents from the petitioner as part of the application; any data or evidence presented by either the petitioner and his or her supporters or by remonstrators at the public hearing; completed ballot forms; and any correspondence received by the Commission to the item. All records shall be kept in the Commission Administration's office and shall be a matter of public record, open for inspection during business hours.

Section 8. Recessed Meetings All meetings shall terminate automatically if a quorum is not present. Should a meeting last past 11:00 p.m., the agenda item then being heard shall be concluded and the chairperson may choose to continue the agenda to the next regularly scheduled meeting or call a recessed meeting. If a recessed meeting will be held to address the continued agenda, it shall not be considered a special meeting. The Chairperson shall be required to notify any members who were not in attendance at the regular meeting of the date, time, and place of such recess.

Section 9. Parliamentary Procedure Unless otherwise provided for in these Rules and Procedures, all meetings shall be conducted according to Robert's Rules of Order, as revised.

Article IV. Official Action

Section 1. Action A majority of the members of the Commission who are qualified to vote shall constitute a quorum.

Section 2. Voting Decisions of the Commission shall be by a show of hands, by the voice, or by roll call of the members. All members present shall vote on every question unless they are permitted to abstain by the presiding officer or have disqualified themselves because of a conflict of interest as defined under Section 3 of this Article.

Section 3. Conflict of Interest No members of the Commission shall participate in a hearing, discussion, or decision of the Commission upon any matter in which the member has direct or indirect financial interest as outlined in Article XI. A member shall declare his or her known conflict of interest. The Commission shall enter into its records the fact that the member has such a disqualification.

Section 4. Reconsideration Any member of the Commission who voted with the majority may call for a reconsideration of any vote at the same meeting of the Commission at which it passed, and, if sustained by a majority vote, the reconsideration shall be ordered.

Section 5. Vote of the Chairperson The Chairperson shall vote on all resolutions, motions, or other matters put to a vote of the Commission.

Article V. Minutes and Records

Section 1. Secretary Duties The secretary of the Commission shall prepare and maintain the minutes of its meetings. The minutes shall include the overall vote on official business and records abstentions and dissensions.

Section 2. Public Records The minutes of the Commission meetings and all records shall be filed in the office of the Commission and are public record, as defined by I.C. 5-14-3 (the Indiana Access to Public Records Act).

Section 3. Approval of Minutes The minutes shall be presented to the Commission for approval at the next succeeding regular meeting. When approved, the minutes shall be signed by the Chairperson and attested by the secretary.

Article VI. Agendas

Section 1. Agenda Items The Commission Administrator shall review any Certificate of Appropriateness or District applications for technical and legal compliance before entering it on the Commission's agenda.

Section 2. Docket Numbers All items appearing on the Commission's agenda for the first time shall be assigned a docket number by the Commission Administrator. The dockets shall begin anew on January 1st of each year and shall include the assigned number, the year, and be identified as follows:

COA	=	Certificate of Appropriateness
HD	=	Historic District
IPD	=	Individual Property Historic District
PO	=	Phase One Historic Preservation District

Section 3. Agenda Order All items on the agenda for the meeting shall appear, under the proper heading, in the order of their assigned docket numbers unless otherwise ordered by the Commission.

Section 4. Distribution Copies of the agenda and supporting documents for the items appearing at the regular meeting shall be submitted to the Commission members no less than three (3) days prior to the meeting. If support information on a particular item is not received by the Commission three (3) days prior, the item will be tabled until the next regularly scheduled meeting. Deletions, but not additions, to the agenda may be submitted to the Commission at the regularly scheduled meeting. The agenda for a special meeting may be submitted at the time of the special meeting but shall include only the item or items for which the meeting was specifically called.

Article VII. Public Hearings and Notice Requirements

Section 1. Public Hearings The Commission shall hold such public hearings as are required by state statute and city ordinances. Items requiring Public Hearings are as follows, but not limited to: Certificate of Appropriateness, designation of historic or phase one historic district, or other matter under jurisdiction of the Commission. The Commission may hold additional hearings as it considers necessary.

Section 2. Certificate of Appropriateness A petitioner who seeks a Certificate of Appropriateness, to change or amend the text of the Historic Preservation District, file a National Register Nomination, or present another matter under the jurisdiction of the Commission shall file a petition with the Commission Administrator. Petitions must be made on forms approved by the Commission which are available on the Commission's website, by contacting the Commission Administrator, or in the City Building Inspector's office. One copy of the petition, application, and/or plans must be filed with the Commission Administrator at least seven (7) days prior to the regularly scheduled Commission meeting.

Section 3. Historic or Phase One Historic District Applications Petitioner(s) who seek to designate a historic or phase one historic district shall file an initial application requesting designation with the Commission. One copy of the petition, application, and/or plans must be filed with the Commission Administrator at least thirty (30) days prior to a regularly scheduled Commission meeting.

Section 4. National Register of Historic Places Nominations

- A. **Reviewing Nominations** The Commission may receive nominations for listing a structure or a district in the National Register of Historic Places. The Commission Administrator must notify the Indiana Department of Historic Preservation and Archaeology that a National Register nomination has been submitted to the Commission within five (5) days of the Commission receiving an application. The Commission shall review the nomination according to the U.S. Department of the Interior's Bulletin #15, National Register Bulletin. The Commission Administrator shall use Bulletin #15 criteria to draft a report evaluating whether the structure or district qualifies to be listed on the National Register of Historic Places.
- B. **Determination** At an appropriately noticed public meeting, the Commission shall determine whether the structure or district meets the criteria for inclusion in the National Register of Historic Places. The Commission Administrator shall forward the Commission's findings and reports to the State Review Board for their consideration.

Section 5. Notice Requirements

- A. **Certificate of Appropriateness** When a public hearing is required for a Certificate of Appropriateness to be made to the Commission, notice shall be given to all interested parties as follows:

- 1) All interested parties shall constitute the public, residents, and property owners of the jurisdiction.
- 2) Notice will be given on the agenda for the Commission.
- 3) Upon recommendation for designation of a district, the Commission will work with the City Council to meet the noticing requirements as defined under Article III, Section 1.
- B. Historic or Phase One Historic District Applications When a public hearing is required for a Historic or Phase One Historic District application to be made to the Commission, notice shall be given to the public as described in Paragraph A of this section.
- C. National Register of Historic Places Nominations When a public hearing is required for the Commission to review nominations for the National Register of Historic Places, notice shall not be given less than thirty (30) days before the local hearing and not more than seventy-five (75) days before the State Review Board hearing. Notice shall be provided to the local media and certified letters shall be sent to:
 - 1) property owner(s) with property included in the nomination;
 - 2) the New Castle Mayor; and
 - 3) the Henry County Commissioners.
- D. National Register of Historic Places Listings Following the notification from the National Park Service that a property has been listed on the National Register of Historic Places, notice shall be provided to the local media and certified letters shall be sent to property owners whose property was included in the listing.
- E. Publication. If required by law, notice of any public hearing shall also be published in the Courier Times or other required newspaper or periodical.

Section 5. Withdrawal A petition may be withdrawn at any time by the petitioner.

Article VIII. Conduct of Public Hearings

Section 1. Presentations At a public hearing before the Commission, the petitioner, property owner, or agent for the petitioner shall first present the facts and arguments in support of the case. Comments and questions from the Commission members may be interjected during the presentation for clarification of the subject matter. Each of those persons who wishes to comment on the petition must address the Chairperson and be recognized before speaking. Each person must state his or her name and address. To maintain orderly procedure, each side should proceed without interruption by the other side.

Section 2. Written Comments The Chairperson shall close the public hearing after hearing the staff comments (if any). The Chairperson shall distribute or read all written public comments on the petition received but the Commission Administrator, whether submitted in paper or electronic format. All public comments should be directed to the Commission Administrator, who shall then distribute them to the Commission members and enter them into the public record.

Section 3. Committees After the public hearing is formally closed and any comments and questions from the Commission and/or Staff have been heard, the Chairperson may then assign the matter to the appropriate committee, if applicable. The Chairperson must close the public hearing before assigning the matter to committee, unless these Rules are suspended in accordance with Article X, Section 1 herein.

Section 4. Final Action If the Staff and Commission's questions and concerns have been satisfactorily answered, then final action may be taken on a matter.

Section 5. Conduct Every person appearing before the Commission shall abide by the order and directions of the Chairperson. Discourteous, disorderly, or contemptuous conduct shall not be permitted. Applause in support of statements is an example of discourteous conduct which will not be condoned. In addition, the Chairperson shall have the authority to prohibit repetitious and irrelevant testimony and shall have the authority to limit the length of testimony by each speaker as deemed appropriate to a fair and efficient public hearing.

Section 6. Amendments The Commission, at its discretion, may permit a petitioner to make amendments or modifications to a proposal pending before it, or may continue or postpone the hearings of any case.

Section 7. Petitioner Attendance The petitioner, petitioner's attorney, or their representative with proper power of attorney should be present at a public hearing. However, written appearances by those augmenting the presentation, as well as by those either supporting or remonstrating against it will be accepted prior to or during the public hearing. Failure of the petitioner or their representative to appear may result in the petition being tabled and rescheduled for the next meeting. Public announcement of this change or dismissal at the originally scheduled meeting will be deemed sufficient notice to all parties.

Section 8. Tabling The petitioner may request that the Commission table his or her agenda item. In order to exercise this option, however, he or she must request the tabling prior to the start of the hearing of that agenda item, by informing the Chairperson. However, the Commission may table a request up to six (6) times before requiring a new petition.

- A. This section does not prohibit a petitioner from withdrawing his or her agenda item less than three (3) days prior to the meeting at which it is to be heard. However, any item so withdrawn must then be re-filed with the Commission.
- B. Whenever the Commission tables a request, public announcement of the change of hearing date at the originally scheduled meeting will be deemed sufficient notice to all parties.

Section 9. Continuation The Commission, at its discretion, may continue the hearing of any agenda item upon the affirmative vote of a majority of the members present. Such a continuance will not be considered a tabling requested or otherwise caused by the petitioner.

Whenever the Commission continues the hearing of an agenda item, public announcement of the continuance or change of hearing date at the originally scheduled meeting will be deemed sufficient notice to all interested parties.

Article IX. Final Disposition of Cases

Section 1. Final Disposition The final disposition of any request, petition, or resolution shall be in terms of a motion to grant, deny, or continue by the Commission. A majority vote of the quorum of the Commission is required for the motion to pass.

Section 2. Findings of Fact The Commission may adopt written findings of fact as submitted by the petitioner or any interested party, with or without modifications, specifications, or limitations, or the Commission may delegate to its counsel and/or the Administrator the authority to prepare written findings. The Commission's written findings shall be executed by the Chairperson and secretary of the Commission and filed in the office of the Commission Administrator within forty-five (45) days after the date of the Commission's decision.

Section 3. No Decision In the event that a vote on an application before the Commission result in a tie vote or does not receive the necessary majority vote to decide the issue, a "no decision vote" will be declared. The petition shall immediately be scheduled for a rehearing at the subsequent month's meeting. When the petition is heard at the subsequent month's meeting, the petitioner may make a brief recapitulation of their previous presentation and may elect to amend it or to present additional evidence in support of it. Any public hearing which was held when the application was originally presented shall be reopened to remonstrance or to address any proposed amendments or any new evidence which has been introduced.

Section 4. Appeals Any person or party aggrieved by a decision or action taken by the Commission shall be entitled to a judicial review as permitted by law.

Section 5. Expiration of Decision An approved Certificate of Appropriateness expires one (1) year after the date of approval by the Commission. An applicant can request an extension of one (1) year within two (2) months of the expiration date.

Article X. Suspension and Amendments

Section 1. Suspension of Rules The Commission shall have the right to suspend these rules or any portion thereof, subject to applicable law, at any meeting, upon the majority approval of all members present.

Section 2. Amendment of Rules The Commission shall have the right to amend these rules or any portion thereof at any regular or special meeting, provided that the amendments are approved by a majority of the entire Commission.

Section 3. Judicial Review Should a court of competent jurisdiction declare these rules to be in part null or void, such ruling shall not affect the remainder of these rules, and they shall stay in full force and effect as if the omitted portion did not exist.

Article XI. Conflict of Interest

Section 1. Obligation of Members Each member of the Commission shall provide to the City legal counsel at the time of appointment and no later than the 1st day of February each year a statement disclosing:

- A. Properties owned or occupied within or adjacent to the historic district. A member of the Commission is not disqualified from hearing and voting upon any matter coming before the commission because that member owns or occupies property within or adjacent to a historic district, unless that property is the subject property or located within two hundred (200) feet of it.
- B. All membership of and appointed or elected positions on boards of corporations, both for profit and not for profit, with operations within the corporate limits of the City.
- C. All positions of employment held by the member in the last three years.

Such statement is considered to be a matter of public record and shall be made available upon written request to the Commission Administrator.

Each member, in order to protect oneself and the Commission from allegations of conflict of interest and favoritism, must take individual responsibility for evaluating one's personal or financial interest or the same of one's family or partners relating directly or indirectly to Commission members.

Section 2. Conditions of Conflict of Interest A Commission member is considered to have a conflict of interest with respect to any matter being considered by the Commission if any of the following has a personal or financial interest in such matter:

- A. The member, or member's spouse/partner, or member of the immediate family or household.
- B. A for profit or not for profit organization in which the member is serving as an officer, director, trustee, partner, shareholder, member, or employee.
- C. Any person or organization with which the member is negotiating or has any arrangement concerning potential contract or employment or has employed or has a contract with the member in the proceeding twelve (12) months.

Section 3. Member Action Regarding Conflict of Interest Prior to the consideration of any matter being considered by the Commission a member with a conflict of interest or a potential conflict

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shall identify the conflict and physically move from her/his chair as a member and not participate in the Commission deliberations or cast a vote on the matter.

Section 4. Gifts No member of the Commission may accept or receive a gift or gratuity of property of any kind, relating either directly or indirectly to her/his membership on the Commission.

WHEREFORE, the Rules of Procedure of the City of New Castle Historic Preservation Commission, Henry Township, Henry County, Indiana, are approved by the Affirmative vote of all members of the Commission in attendance at the public meeting on March 11, 2024. These Rules of Procedure are to become effective immediately and their formal adoption and implementation shall be considered revocation of any prior Rules of Procedure and amendments thereto.

APPROVED BY:



David Nantz, Chairperson

ATTEST:

Richard McKnight

Richard McKnight, Vice-Chairperson



Brittany Miller, Commission Administrator