

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 30, 2009

CALL TO PODIUM:

Lynn Board,
City Attorney

RESPONSIBLE STAFF:

Lynn Board,
City Attorney

Greg Ossont,
Director of Planning and Code
Administration

AGENDA ITEM:
(please check one)

| | |
|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Presentation |
| <input type="checkbox"/> | Proclamation/Certificate |
| <input type="checkbox"/> | Appointment |
| <input type="checkbox"/> | Public Hearing |
| <input type="checkbox"/> | Historic District |
| <input type="checkbox"/> | Consent Item |
| <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Policy Discussion |
| <input checked="" type="checkbox"/> | Work Session Discussion Item |
| <input type="checkbox"/> | Other: |

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

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| Introduced | |
| Advertised | |
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| Hearing Date | |
| Record Held Open | |
| Policy Discussion | |

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| TITLE: |
| Discussion of Membership of the Historic District Commission |

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| SUPPORTING BACKGROUND: |
| <p>State statute requires members of a local historic district commission to have certain qualifications outlined in the attached Memorandum. The City's Ordinance, §22-224 of the City Code, mirrors the qualification language in the state statute.</p> <p>Historically, the City has appointed the Mayor and Council as the members of the Historic District Commission. This item is intended to seek policy discussion as to whether or not to continue this practice.</p> |

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| DESIRED OUTCOME: |
| Provide guidance. |

MEMORANDUM

TO: Mayor and City Council

VIA: Angel L. Jones, City Manager

FROM: N. Lynn Board, City Attorney

RE: Membership of Historic District Commission

DATE: March 23, 2009

The Maryland Association of Historic District Commissions has raised in its recommendations to the City's Historic District Commission the question of membership of the City's Commission. By practice, the Mayor and City Council have been appointed as members of the HDC.

By state statute (Article 66B, §8.03, of the Annotated Code of Maryland), local district commissions are required to have at least five members, each of whom shall possess "a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines." Section 8.03 further provides that each local jurisdiction that creates a historic district commission shall establish and publicly adopt criteria for qualifying as a member of the commission.

The Maryland Court of Special Appeals recently examined the City's practice of appointing the Mayor and City Council as historic district commission members in *Halici v. City of Gaithersburg*, 949 A.2d. 85, 180 Md. App. 238 (2008). The Court in *Halici* held that an ordinance allowing the Mayor and City Council to serve on the Historic District Commission, if they possessed the qualifications set out in the ordinance, did not conflict with the state statutory HDC requirements as long that the qualifications in the local ordinance mirrored the qualifications in the state statute.