



**Madison Station Historic Preservation Commission
City of Madison, Alabama**

Minutes of the March 4, 2009 Special Called Meeting

Meeting was called to order at 6:00 p.m. by Chairman Dennis Vaughn.

ROLL CALL

Madison Station Historic Preservation Commission Board Members

Commission Chairman PRESENT
DENNIS VAUGHN

Commission Vice Chairman PRESENT
CHARLES STURDIVANT

Historic Liaison PRESENT
JEANNE STEADMAN

RONICA ONDOCSIN PRESENT

LARRY SMITH ABSENT

LARRY ANDERSON PRESENT

CINDY SENSENBERGER PRESENT

TIM HOLCOMBE, CITY COUNCIL LIASION

PLANNING STAFF PRESENT

SHERRI BLAIR, CFM, ZONING ADMINISTRATOR AND RECORDING SECRETARY.

REGISTERED PUBLIC ATTENDEES

No public attendees on record.

MINUTES APPROVAL

February 18, 2009 Minutes of Special Called Meeting

Chairman Vaughn states the minutes will be approved as written.

PUBLIC COMMENTS

Chairman Vaughn opens the floor to public comments. There being no comment the floor is closed to public comment.

ITEMS FOR DISCUSSION

1. Discussion of proposed by-laws: The Commission discusses the various changes that will be incorporated in the final draft of the by-laws. A copy is to be attached to the minutes.

Motion: Mr. Anderson moves to adopt the By-Laws as amended. Ms. Steadman seconded.

Final Vote:

Historic Commission Chairman – Dennis Vaughn	Aye
Historic Commission Vice Chairman – Charles Sturdivant	Aye
Historic Commission Member – Jeanne Steadman	Aye
Historic Commission Member – Ronica Ondocsin	Aye
Historic Commission Member – Larry Smith	Absent
Historic Commission Member – Larry Anderson	Aye
Historic Commission Member – Cindy Sensenburger	Aye

Motion carried.

2. Discussion of proposed historic district boundaries map: it is decided by the Commission that a public hearing for review and discussion of the proposed historic district boundaries map will be held March 10, 2009 in the council chambers. It will be the duty of the City of Madison staff to advertise and administratively support the Commission in the endeavor.

3. Discussion of regulations for compliance: The Commission discusses the various changes that will be incorporated in the final draft of the Regulations for Compliance. A copy is to be attached to the minutes.

Motion: Mr. Anderson moves to adopt the Regulations for Compliance as amended. Mr. Sturdivant seconded.

Final Vote:

Historic Commission Chairman – Dennis Vaughn	Aye
Historic Commission Vice Chairman – Charles Sturdivant	Aye
Historic Commission Member – Jeanne Steadman	Aye
Historic Commission Member – Ronica Ondocsin	Aye
Historic Commission Member – Larry Smith	Absent
Historic Commission Member – Larry Anderson	Aye
Historic Commission Member – Cindy Sensenburger	Aye

Motion carried.

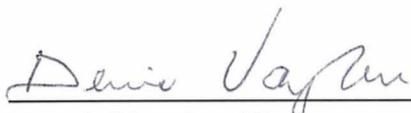
OTHER BUSINESS

Chairman Vaughn opens the floor for other business. There being no other business for discussion Chairman Vaughn closes the floor.

ADJOURNMENT

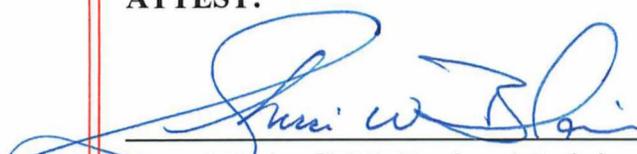
With no additional business to discuss Chairman Vaughn adjourned the meeting at 8:12 p.m.

Minutes Approved,



**Dennis Vaughn, Chairman
Madison Station Historic Preservation Commission**

ATTEST:



Sherri Blair, CFM, Zoning Administrator



Madison Station Historic Preservation Commission
City of Madison, Alabama
BY-LAWS

Article I

Name, Membership and Mission Statement

Section 1. Name

The name of the Commission shall be The Madison Station Historic Preservation Commission, (hereinafter sometimes referred to as the ("Commission")).

Section 2. Membership

(a) The Commission shall be composed of 7 members, who shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology or law, or who shall be residents of an historic district designated pursuant to that ordinance. Members of the Commission shall be bona fide residents of the City of Madison. Not more than one of the members shall be a public official.

(b) Members of the Commission shall be nominated by the Mayor and appointed by the City Council. Nomination and appointment of members shall be made so as to ensure that the Commission will be composed of persons with as much of the training and experience specified in subsection (a) of this section as is possible.

(c) Except for the original members of the Commission, members shall serve three-year terms and shall be appointed in such a manner so as to serve overlapping terms. Two of the original members of the Commission shall be appointed to serve one-year terms, two of the original members shall be appointed to serve two-year terms, and the remainder of the original members shall be appointed to serve three-year terms. Members of the Commission may be reappointed.

(d) Members of the Commission may be removed for cause by the City Council.

(e) Vacancies on the commission shall be filled by persons nominated by the Mayor and appointed by the City Council. Such appointments shall be for the unexpired term of the member replaced.

Section 3. Mission Statement

To promote the educational, cultural, economic and general welfare of the residents of the City of Madison through the preservation and protection of buildings, sites, structures, areas and districts of historic significance and interest; through the preservation and enhancement of the national, state and local historic, architectural, archaeological and aesthetic heritage found in the City of Madison; and through the promotion and enhancement of Madison's historic and aesthetic attraction to tourists and visitors. The Commission will also provide for the creation, protection and enhancement of historic properties or historic districts, structures, and places in the City of Madison.

ARTICLE II

MEETINGS AND VOTING

Section 1. Place of Meetings

Regular meetings of the Commission will held at the City of Madison Municipal Complex.

Section 2. Regular Meetings

Regular meetings of the Commission shall be the 2nd Wednesday of each month at 6:00 or at other times as agreed by the majority of members.

Section 3. Notice of Meetings

Public notice of the time and place of the Commission meetings shall be given in like manner, and at such times and places, as other public Boards of the City of Madison.

Section 4. Adjournment of Meetings

If any meeting of the Commission cannot be held because a quorum of the Preservation Commission is not present, a Majority of the Commission voters present at the meeting may adjourn the meeting.

Section 5. Voting

Each Commission member shall be allowed one vote per motion. In the case of a tie vote, the application will be approved.

Section 6. Quorum

The presence of a majority of the Commission members will constitute a quorum.

Section 7. Special Meetings

When a Certificate of Appropriateness is before the Commission and a quorum is not present, a Special Meeting shall be requested by the Chairman. 24 hours notice must be given before holding a public meeting. Other Special Meetings shall be held when requested by the Chairman, Vice- Chairman or by any two members.

Article III Officers, Election, Term, Removal and Resignation

Section 1. Officers

The officers of the Network shall be a Chairman, Vice Chairman, Historical Liaison/ Corresponding Secretary and such other officers that the Commission may approve and shall be elected by a majority of the members of the Board. Any two or more offices may be held by the same Person, excepting the offices of President and Secretary.

Section 2. Election, Term of Office, and Vacancies

The officers of the Commission shall be elected annually by the Commission at the October meeting. A vacancy in any office arising because of death, resignation, removal, or otherwise may be filled by the Commission for the unexpired portion of the term. Officers shall serve past expiration of their term until their successors have been elected, if they remain otherwise qualified and eligible

Section 3. Removal

Any officer may be removed from office by a majority vote of the Commission whenever, in its judgment, the best interest of the Preservation Commission will be served thereby.

Section 4. Chairman

The Chairman shall preside at all meetings of the Commission.

Section 5. Vice Chairman

The Vice Chairman shall perform the duties of the Chairman in the absence or disability of the Chairman.

Section 6. Historical Liaison

The Historical Liaison shall correspond and interface with other Historical Organizations, Commissions and Groups whether on a Local, State or National level as well as perform the duties of corresponding secretary.

Section 7. Resignation

Any officer may resign at any time by giving written notice to the Board, the President, or the Secretary. Such resignation shall take effect on the date of the receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Article IV

Miscellaneous

Section 1. Fiscal Year

The fiscal year of the Preservation Commission shall run concurrent with the City of Madison's fiscal year.

Section 2. Parliamentary Rules

Roberts Rules of Order, (current edition) shall govern the conduct of all Commission proceedings, when not in conflict with Alabama law or City of Madison Ordinance No. 2008-269.

Section 3. Procedure to Amend By-Laws

By Laws can be amended by a proposal submitted in writing by a member of the Commission. Said proposal cannot be voted on at same meeting as submitted except by unanimous consent; otherwise a vote shall be taken at the following meeting and adopted if approved by majority vote of members.

Section 4. Conflicts

If there are conflicts or inconsistencies between the provisions of Alabama law, City of

Madison Ordinance No. 2008-269, and the By-Laws, then the provisions of Alabama law, City of Madison Ordinance No. 2008-269, and the By-Laws (in that order) shall prevail.

Adopted this the _____ day of _____, 2009.

Madison Station Historic Preservation Commission

Place 1, Dennis Vaughn, Chairman

Place 5, Charles Sturdivant, Vice Chairman

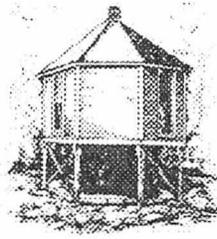
Place 7, Jeanne Steadman, Historic Liaison

Place 2, Ronica Ondocsin

Place 3, Larry Smith

Place 4, Larry Anderson

Place 6, Cindy Sensenburger



Madison Station Historic Preservation Commission City of Madison, Alabama

Regulations

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- B. When Certificates of Appropriateness are not required
- C. Preliminary Review Allowed
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- E. Demolition Applications
- F. Deadline for Applications
- G. Submission of Applications
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- B. Meeting Procedure
- C. Review Decision
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- F. Member Disqualified from Voting
- G. Form of Decision
- H. Notification of Decision / Building Permit
- I. Institution of Court Proceedings to Prevent Violations and Recover Damages

ARTICLE III - Required Maintenance and Repair



Madison Station Historic Preservation Commission City of Madison, Alabama

Regulations

Pursuant to the City of Madison, Alabama Ordinance 2008-269 the Madison Station Historic Preservation Commission (MSHPC) of the City of Madison does hereby make, adopt and publish the following regulations which the Commission shall apply in giving its consideration to the appropriateness of applications filed before it in preserving and protecting the buildings of architectural and historical value in the district and the maintenance of the distinctive character of the district.

ARTICLE I **APPLICATIONS**

A. When Certificates of Appropriateness are Required

As to any realty in any local historic preservation district designated by the Madison City Council, a Certificate of Appropriateness must be obtained from the commission before the following acts take place:

Note: Any work completed without a Certificate of Appropriateness may be subject to removal.

1. The exterior architectural features of any existing building or structure are in any way reconstructed, restored, renovated or altered as to material, color or structural appearance;
2. An addition to an existing building or structure is constructed;
3. A new building, structure or appurtenance (including walls, fences, terraces, drives, patios, pools, antennas, solar collectors and similar items) is constructed;
4. The removal or demolition of any building, structure or appurtenance, including demolition by neglect and the failure to maintain an historic property or a structure;

5. The painting of any building or structure in one or more colors that differ from the prior color of the building or structure, or the painting of originally unpainted surfaces;
6. The erection or demolition or changes of any sign except for an appropriate marker identifying the name and address of an occupant or a resident, appropriate historical marker, and beautification markers subject to meeting the Zoning Ordinance;
7. The preparation of land for parking areas; and
8. A change being made in or upon any public property, street, walk way or park within or touching upon the boundaries of any historic preservation district.

B. When Certificates of Appropriateness are not Required

A Certificate of Appropriateness shall not be required for the following actions within a locally designated historic preservation district:

1. Any interior work unless it causes a change in the exterior appearance;
2. Repairing or maintaining any building or structure which effects no material alteration or change in the exterior architectural features.
3. Replacing the window glass when not otherwise changing the window in any way;
4. Repainting the exterior using prior colors.
5. Re-roofing with the identical materials and color of materials; and
6. Landscaping with plant materials that requires no significant change in the terrain of the property, creates no new off-site drainage, and does not remove or demolish any existing landscape features such as terraces, fences, drives, etc.

C. Preliminary Review Allowed

Prior to the final application for a Certificate concerning a building, which is proposed to be constructed, reconstructed, or altered, preliminary schematic plans may be submitted to the Commission for review. The purpose of this review stage is to reduce the cost to the property owner by providing a review stage prior to the preparation by the property owner of plans necessary to apply for a Certificate. The said schematic plans shall depict the exterior architectural features of the building and shall include photographs of adjoining properties with sufficient architectural detail so that determination of compatibility can be made. This stage is informal and optional with the applicant and is designed to allow both the applicant and the

Commission to review the proposal prior to the applicant incurring significant expense in the proposal. If the applicant does not follow this stage, the Commission shall disregard any such expense or investment as a factor in its decision.

No change shall be made in or upon any public street, walkway or park without the plan having been submitted to the Commission for the expression of its recommendations prior to the commencement of such work. All applications for the recommendations of the Commission should be submitted by the submitting authority at the preliminary stage and prior to the preparation of actual construction plans, so the recommendations of the Commission may be given maximum consideration in the planning and execution of the work.

This article shall not prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature that the chief building official, fire chief, director of public works, water and wastewater board, or chief of police shall certify is required by the public safety because of an unsafe or dangerous condition.

D. Submission of Plans

Every application for a Certificate of Appropriateness shall include a completed application form available from the City department of Planning and Building and be accompanied by plans of the proposed construction, reconstruction, alteration or demolition.

Additionally, clear photographs of the existing structures or site taken from several views and an over-all view of the lot must be submitted. As used herein, plans shall mean:

1. Drawings or sketches with sufficient detail to show, as far they relate to Exterior appearance, the architectural design of the work proposed;
2. Samples of proposed materials, textures and colors; and
3. The plot plans or site layout including fences, walks, terraces, accessory buildings, signs, lights and other appurtenances.

All drawings must be to scale.

Failure to provide sufficient plans or samples of materials and colors to demonstrate the final results shall be cause for denial. Re-submittal with greater detail will be allowed for the next Commission meeting.

E. Demolition Applications

Property owners requesting demolition must notify by mail, all property owners within 500 feet of the lot lines of the proposed demolition, stating the nature of the request and giving details of the MSHPC public hearing date, place and time. This information is available from the Madison City Clerk's office.

Applications for demolition of a structure within an historic preservation district shall include the following information:

1. The historic significance of the structure, including a narrative concerning any historical events or persons connected with the structure;
2. The appropriate date of the original construction and the date of any major additions or alterations thereof, if known;
3. A description of the architectural style or period which the structure represents, and any other material available concerning architectural aspects of the structure;
4. At least two exterior photographs of the structure, showing, as near as possible, all the exposed surfaces of the structure;
5. A statement concerning any practical difficulties in making the structures meet the minimum code requirements.
6. The present use of the property and surrounding properties and any proposed changes in said uses; and
7. The proposed use of the land following demolition and a schematic design of any new structures and/or the future use of the land.

F. Deadline for Applications

The deadline for submission of an application shall be the last Wednesday of each month for inclusion on the next month's agenda. Submission of application and supporting documents to the Planning and Building department does not constitute submission to the Commission.

G. Submission of Applications

Applications for the Certificate of Appropriateness to present to the Commission are available in the office of the City department of Planning and Building and on the City of Madison web site

at www.madisonal.gov. When completed, documents should be submitted to the Planning and Building department office along with all required supplementary materials.

1. All required data must be submitted with the application, incomplete applications may be denied.

2. Re-submittal of an application that has previously been denied must be significantly amended to address the reason for denial, or the same application can be re-submitted after a six months period.

Note: If anyone other than the owner is to appear, a letter of authorization by the owner is required.

H. Publication of Agenda

Public notice of the agenda, time and place of the Commission meetings shall be given in like manner and at such times and places, as other public Boards of the City of Madison.

ARTICLE II **REVIEW OF APPLICATIONS BY COMMISSION**

A. Commission Meetings

The Commission's regular monthly meeting shall be held on the second Wednesday of each month, except that the Chairman may set a different meeting date when he determines it appropriate. Special meetings of the Commission may be called at the discretion of the Chairman as he determines necessary, especially in the event of an emergency nature such as storm damage and fires, where issuance of certificates of appropriateness is needed to allow immediate work to prevent further damage to the structure.

B. Meeting Procedure

The Commission at its regular monthly meeting shall review all timely filed applications. A person knowledgeable of the application (such as the owner, contractor, architect or agent of the owner) must be present to answer questions. If someone other than the owner presents the application, a letter of authorization is required. Absence of such spokesperson shall be cause for denial of the Certificate of Appropriateness.

C. Review Decision

The board shall review such plans and shall render its decision as a written order to the applicant within 35 days from the submission of such plans to the Commission for consideration. If no action upon plans submitted to board has been taken at the expiration of 60 days from the date of

submission of plans to the board, such plans shall be deemed to have been approved and, if all other requirements of the city have been met, construction or reconstruction may proceed.

D. Factors Considered

In determining whether a Certificate of Appropriateness should be granted, the Commission shall consider the following factors:

1. The historical or architectural value and significance of the building or structure which is proposed to be constructed, reconstructed, altered, demolished or removed and its relationship and congruity with the historic value of the district as a whole or adjacent buildings or structures in particular;
2. The appropriateness of the exterior architectural features of the building or structure which is proposed to be constructed, reconstructed, or altered in relationship to such historic district and the exterior architectural features of other buildings and structures therein as a whole and adjacent buildings or structures in particular and to the boundaries, terrain and other significant features of the lot upon which it is proposed to be constructed and to similar features of the surrounding land areas;
3. The general exterior design, materials and color proposed to be used in the building, construction, reconstruction, or alternation of the building or structure and the type of windows, exterior doors, lights, signs, and other fixtures and appurtenances which will be visible from any public street, way, park or place;
4. The size, shape, location, elevation, colors and design of any sign proposed to be erected, the type and location of any illumination thereof, and other factors relevant to the appropriateness of such sign to its proposed location;

In passing upon the appropriateness of any of those things enumerated above, the Commission shall not consider interior arrangement or features of a building or structure except as they may affect the exterior appearance of the building or structure. Also, the Commission shall not exercise any control over land use, such as is governed by the zoning ordinance, or over construction, such as is governed by the building code or subdivision regulations.

E. Specific Rules Governing Decisions

The Commission, before approving any application for a certificate concerning any building, structure or appurtenance, shall also consider the factors listed below.

1. In the case of a proposed alteration or addition to an existing building, such alteration or addition should not materially impair or alter the architectural character or historic value of the building.

2. In the case of a proposed new building, such building will not, in itself or by reason of its location on the site, materially impair the architectural character or historic value of buildings on adjacent sites or in the immediate vicinity. This does not mean that new construction must imitate the style and details of an existing structure, only that it be in harmony with the existing structure in terms of scale, proportions, massing, orientation, colors and materials. Contemporary styles which are, in the judgment of the Commission, harmonious with their surroundings will be approved.

3. In the case of a proposed new building, such building will not to be injurious to the general visual character of the historic district in which it is to be located.

4. In the case of the proposed demolition of an existing building, the removal of such building will not be detrimental to the historic and architectural character of the district or that, balancing the interest of the city in preserving the integrity of the district and the interest of the owner of the property in the use of benefits of his property, approval of the plans for demolition is required by considerations of reasonable justice and equity; in the latter event the board shall issue an order postponing demolition for a period not to exceed six months. If the board concludes that the demolition shall be postponed, it shall, before issuing any final order with respect to such postponement, afford the applicant an opportunity to appear before the board to offer any evidence such person may desire to present concerning the proposed order. Within the period of postponement, the board shall consult with the Madison Station Historical Preservation Society and others to ascertain what the city or other agency or organization may do to preserve such architecturally or historically valuable building and shall make recommendations to that effect to the city council or otherwise cause the building to be preserved. When demolition of a significant structure is stayed by the Commission, and the period of stay has elapsed, the building inspector's office can issue a demolition permit. Such demolition permit issued after a stay period shall be effective for a period of twelve months. If such demolition permit is not applied for and acted upon by a significant demolition within the 12-month period after and subsequent to a stay-period which has been required, an application for demolition must be applied for as if one had not been applied for and qualified to be issued previously.

5. In reviewing the building materials proposed, the following features and structures are prohibited within the district: the addition of artificial siding or trim (such as aluminum or vinyl sidings) to cover or replace original materials (such as wood clapboards) unless the structure to be constructed or altered is considered to be noncontributing to the district as determined by the federal guidelines; portable signs, as defined by the zoning ordinance of the city; and chain link fences in the front yard of any lot or residence; paved or graveled front yard. Any artificial siding approved for noncontributing or new structures must still meet the other tests set out above. Contributing structures are those which contribute to the district's overall historic character and that were constructed during the district's period of significance. Contributing buildings also retain integrity. A building has integrity if it retains sufficient historic fabric and features that continue to reflect the overall character it had during its period of significance. Noncontributing structures are buildings that do not contribute to the district's overall historic character.

Typically, these buildings were either constructed after the end of the district's period of significance or are earlier buildings that have lost integrity through alterations.

F. Member Disqualified from Voting

Any member of the Commission who shall be employed to design or construct a building or who shall have any proprietary, tenancy, or personal interest in such building requiring approval of the plans by the Commission shall be disqualified from voting thereon.

G. Form of Decision

Every decision of the Commission in passing upon plans for buildings located or to be located in historic districts shall be in the form of a written order stating the finding of the Commission, its decision and reasons therefore. The Commission shall not disapprove any plans without giving its recommendations for changes necessary to be made before the plans will be reconsidered. Such recommendations may be general in scope, and compliance with them shall qualify the plans for reconsideration by the Commission.

H. Notification of Decision and Building Permit

Upon receiving the order of the Commission, the secretary shall thereupon notify the applicant of the decision. If the Commission shall have approved the request, and if all other requirements of the city have been met, the Building Inspector may issue a permit for the proposed building or demolitions in the same manner as all other such permits are issued. If the Commission shall have disapproved the plans, the Building Inspector shall not issue such permit. In a case where the Commission has disapproved the application, the secretary shall furnish the applicant with a copy of the Commission's written order, together with a copy of any recommendations for changes necessary to be made before the Commission will reconsider the plans.

I. Institution of Court Proceedings to Prevent Violations and Recover Damages

The Madison Station Historic Preservation Commission, or the City of Madison, shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any change in the exterior of a building or structure which is either an historic property or which is contained in an historic district, except in compliance with the provisions of Ordinance No. 2008-269 or rules and regulations adopted pursuant to it, or to prevent any illegal act or conduct with respect to such historic property, or historic district, and to recover any damages which may have been caused by the violation of that ordinance.

ARTICLE III
REQUIRED MAINTENANCE and REPAIR

A. General

Neither the owner nor the person in charge of a structure within an historic district or of a designated landmark shall permit such structure or landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce, in the judgment of the Commission, a detrimental effect upon the character of the district as a whole or the life and character of the landmark or structure in question, including but not limited to:

1. The deterioration of exterior walls or other vertical support;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of exterior chimneys;
4. The deterioration or crumbling of exterior plaster or mortar;
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.