



Community Planning & Economic Development Department
City of Davenport

FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

Meeting Date: October 18, 2016
Request: Zoning Ordinance Text Amendment of Chapter 17.23, entitled "Historic Preservation" by reducing the number of members from nine to seven, amending the position requirements and allowing members with businesses located within the City to serve on the Commission.
Case No.: ORD16-02
Applicant: City of Davenport

Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-02 to the City Council with a recommendation for approval.

Background:

The Historic Preservation Commission is required by Ordinance to have nine members. Currently, there are two vacancies on the Commission and finding Davenport residents with both technical expertise and willing to serve has been difficult. Additionally, the Ordinance is prescriptive with respect to Commission position requirements.

Public Input:

The plan and Zoning Commission held a public hearing on the proposed Ordinance at its October 4, 2016 public hearing. The Historic Preservation Commission held a public meeting on the proposed Ordinance at its October 11, 2016 meeting.

Discussion:

The Historic Preservation Commission unanimously recommended approval of the proposed Ordinance at its October 11, 2016 public meeting subject to a change in eligibility (17.23.040A) being owners of historic properties rather than being employed by a business or nonprofit organization. Staff concurs with this amendment. The proposed Ordinance would reduce the number of Commission members from nine to seven, amend the position requirements and allow members who own a historic property in the City to serve on the Commission. See proposed Ordinance for more information.

Staff Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-02 to the City Council with a recommendation for approval.

Prepared by:

Ryan Rusnak, AICP
Planner III

Attachment: Proposed Ordinance

ORDINANCE NO. 2016

An ORDINANCE to amend Title 17 of the Davenport Municipal Code, entitled "Zoning" by amending Section 17.23.040 of the Davenport City Code, entitled "historic preservation commission" by reducing the number of members from nine to seven, amending the position requirements and allowing members with businesses located within the City to serve on the Commission (City of Davenport, petitioner Case No. ORD16-02).

NOW, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Chapter 17.23.040 of the Davenport Municipal Code be amended to read as follows:

17.23.040 Historic preservation commission.

The historic preservation commission of the city of Davenport is hereby established.

- A. Residency Eligibility. All members of the commission shall be legal residents of the city of Davenport or own a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.
- B. Composition. The commission shall consist of ~~nine~~ seven members. They shall demonstrate a positive interest in historic preservation and/or cultural resource management issues and possess an interest, knowledge, competence or expertise in one or more of the following: architecture, history, archeology, historic preservation, urban planning, building rehabilitation, cultural resource conservation or real estate development. ~~One position shall be reserved for an architect, one position shall be reserved for a person in real estate development, two positions shall be reserved for owner-occupants of property in officially designated districts and three positions shall be reserved for professionals representing the disciplines of architecture, archeology, history, urban planning, building rehabilitation, law, sociology, or cultural re-source conservation. The remaining two positions shall be at-large appointments.~~

~~For the initial commission, two owner-occupants from one or more of the thirteen National Register of Historic Places historic districts shall be appointed. They shall serve until owners-occupants are appointed to represent local historic districts that have been designated by the city council.~~

- C. Method of appointment. Members shall be appointed by the mayor, with the approval of the city council.
- D. Terms. Members shall serve terms of three years, provided however that all members shall hold over until their successors are appointed and approved. ~~The initial appointees shall serve the following terms: three members for three years; three members for two years and three members for one year.~~ Appointments shall be staggered such that no more than three members are appointed and approved each year. Appointments for non-reappointed members shall begin from the date of the expired term of the non-reappointed member. Vacancies occurring on the commission, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term.
- E. Forfeiture of appointment. A member will forfeit his/her appointment to the commission if he/she fails to satisfy any of the following requirements:
 - 1. The commission member changes his/her legal address to outside the city's corporate limits or no longer owns a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.

- ~~2. The commission member(s) representing the historic districts relinquishes residency in and/or all ownership rights to properties located within a designated historic district. The mayor shall appoint a new member(s) to represent that constituency. The length of the terms for the new appointees shall be treated as normal vacancies discussed in Section 17.23.040F.~~
- ~~3.2.~~ Commission members must attend in person at least one-half of, or attend and have excused absences for at least two-thirds of, all regularly scheduled or specially-called meetings convened by the commission chairperson during the calendar year.

~~F. Vacancies. Vacancies occurring on the commission, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term. Vacancies shall be filled by a person(s) satisfying the same eligibility requirements as the former member. This includes the composition requirements contained in Section 17.23.040B, and the appointment procedure contained in Section 17.23.040C.~~

~~G.F.~~ Meetings. Meetings shall be held at regularly scheduled times as determined by the commission. They shall be open to the public. A public record of the meetings shall contain the minutes, attendance records, voting results and summaries of all pertinent action of the commission. A copy shall be filed in the city clerk's office and the ~~department of community planning~~ and economic development department for public review.

Special meetings of the commission may be called by the chairperson and held at any time or place fixed in the call.

A special meeting of the commission may also be called at the request, in writing, of any three or more members of the commission and if the chairperson shall fail to comply with such request, said members so requesting shall call such meeting, all signing the notice.

~~H.G.~~ Quorum. The presence of a majority of the official members of the commission shall constitute a quorum to legally transact commission business.

~~H.H.~~ Officers. At its first meeting of each calendar year, the commission shall elect from its membership a chairperson and vice-chairperson who shall serve terms of one year and who shall be eligible for re-election. The chairperson shall pre-side over commission meetings. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson. If both are absent and a quorum is present, a temporary chairperson for that one meeting will be elected by those members in attendance. The chairperson shall be the spokesperson for the commission.

~~J~~.I. Commission secretary. The commission secretary shall be the director of community planning and economic development or his/her designee. The secretary's duties shall include:

1. The recording of the minutes of each commission meeting; and
2. The preparation and distribution of copies of the minutes, reports and decisions of the commission to its members and other interested parties; and
3. Satisfying all notice requirements established by city policy; and
4. Preparing and submitting to the mayor and city council a record of the commission's proceedings which involves city council action; and
5. Advising the mayor of vacancies on the commission and the expiring terms of its members; and
6. Providing all general administrative, technical and staff support to assist the commission in the performance of its duties.

~~K~~.J. Conflict of interest. No commission member shall participate in the discussion nor vote on any matter that appears to have a current or anticipated financial or material effect on his/her property or personal/business interests. The commission member shall be responsible for notifying the chairperson and commission secretary of such a situation prior to the commission taking any action on the issue.

~~L~~.K. Compensation. Members shall serve without compensation.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective upon final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

William E. Gluba
Mayor

Attest: _____

Jackie Holecek, MMC
Deputy City Clerk

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