

A DISTRICT COMMISSIONER'S TOP TEN LIST
Prepared for the Certified Local Government Workshop
Wilson, NC - March 11- 12, 1994
By Terry M. Harper
Raleigh Historic Districts Commission

As members of Historic District or Historic Properties Commissions, we come to our public hearings with a tremendous body of legislation to support our work and design guidelines upon which to base our decisions. But what most of the public sees and remembers is the way we conduct ourselves in the public meetings. When I was asked to talk about the do's and don'ts of design review from a commission members perspective I came up with a very long list of do's and don'ts. But when I looked at them carefully I was able to condense them to a much shorter list. I've called that list my:

TOP TEN LIST OF INCONGRUOUS BEHAVIORS

- 10. Attending the meeting in body only (the non-participating member).**
 - You're on the commission because somebody thought you had something to offer.
 - Your spirit, energy, interest, knowledge and participation is absolutely required.
 - Every commission has the person who only seconds the motion but otherwise doesn't say anything. This does not constitute participation.
 - Show up on time, stay alert during the meetings, ask relevant questions, participate in the discussion, and help formulate motions.
- 9. Coming to the meeting unprepared to discuss the applications.**
 - Always look at the applications before the meeting and be familiar with the guidelines that apply to those applications.
 - Visit each property before the meeting. Asking to see pictures so you can see which property you're talking about is a sure sign to the applicant that you aren't familiar with the property.
- 8. Not acknowledging the existence of the public at the meetings.**
 - Always remember that the public is sitting out there-usually across the table. It is very easy to fall into the habit of only looking at other commission members during the meeting and addressing comments only to each other.
 - Always be mindful as you make your comments, even after the close of the public hearing portion, that the public is there, all your comments are on the public record and for the public record.

7. Assuming too much.

- If an application is incomplete, don't assume what they meant to put in it. The burden is on the applicant to apply for a COA for the work to be done and to provide you with enough detail to render your decision. If an applicant has not provided enough information in the application or at the public hearing to render a decision based on the guidelines, then defer the application until the next meeting and make specific requests of the applicant to provide certain details.

6. Concealing a conflict of interest or using incorrectly conflict of interest.

- Different commissions look at conflict of interest differently. Ours (as interpreted by the City Attorney) only considers whether you have a financial interest. We do, however, state at the beginning of the public hearing that if we have had reason to discuss an application beforehand then we will declare a conflict and not hear the application. If it's a close call and there is any doubt then declare a conflict of interest, stating why, and don't participate in that particular case.
- Conversely, don't use conflict of interest to avoid tough cases or applications by your friend down the street. You are always to maintain impartiality and this should not be dependent on whether you've had lunch at the neighborhood picnic with the applicant.
- Always state why you're asking to be dismissed from hearing a case so the other members can make a knowledgeable judgment in making their motion allowing you to step down.

5. Participating in side conversations.

- Whispering to other members during the public hearing is not only disruptive to the meeting, it is also rude to the applicant.
- All conversations should be for the public record and the meeting should be conducted in an orderly manner with questions and discussions only when you're called upon to do so.

4. Including facts that don't support your decision.

- Using a long list of facts that don't support the decision that you ultimately come to could open the door for an appeal of your decision if the applicant can show that your decision was not based on the findings of facts.

3. Asking questions and finding facts about areas that are outside the Commissions purview.

- The Commissions statutory powers are limited. Do not ask questions and find facts about issues that are outside the scope of the Commission's authority such as land use and design and use of interior space.

2. Attempting to design by committee.

- If a design is totally inappropriate or incongruous then deny or defer the application for a COA. The worst thing the Commission can do is to sit in a public hearing and attempt to act as the designer for the applicant. This is especially difficult when most of us feel that we can do a better job than their architect or designer. Resist the temptation.
- This does not mean that suggestions can't be made to bring the application into compliance with the guidelines.

1. Using language that makes it seem that the decision is based on personal opinion rather than the guidelines.

- We're human. We all have personal opinions, and these opinions may be valid but they must be presented in the context of the guidelines. Stating "Well, that simply won't do!" as one former commission member use to say gives the applicant the feeling that the decision is arbitrary. If you must say "Well, that simply won't do" followed it with "because it is incongruous according to Sec. XX, page 00 of the guidelines which states.... "