

**THE BERKELEY COUNTY COMMISSION CONTINUED AND HELD FOR SAID COUNTY IN THE COURTHOUSE
THEREOF, ON MARCH 5, 1992**

PRESENT: Honorable William "Shug" Kisner, President Patrick H. Murphy, Commissioner

Howard L. Strauss, Commissioner

AN ORDER ESTABLISHING THE BERKELEY COUNTY HISTORIC LANDMARKS COMMISSION

WHEREAS, Berkeley County is richly endowed with numerous historic buildings, structures and sites which have a close and immediate relationship to the values upon which this County, State and Nation were founded; and

WHEREAS, such historic buildings, structures and sites can best be identified, studied, preserved and protected for the benefit of residents of this County, State and Nation by authorizing and empowering action for this purpose at the local level; and

WHEREAS, the preservation and protection of such historic buildings, structures and sites aid the development of education in this County; and

WHEREAS, there is little hope of preserving and protecting such historic buildings, structures and sites unless recognition is provided for the owners thereof in order that the same should be preserved and protected.

The County Commission of Berkeley County hereby finds that it is in the best interest of the education and general welfare of the people of this County to identify, study, preserve and protect historic buildings, structures and sites in this County.

ACCORDINGLY, IT IS THEREFORE ORDERED

That this Commission does hereby establish the **BERKELEY COUNTY HISTORIC LANDMARKS COMMISSION**, pursuant to the provisions of Chapter 8, Article 26A, of the West Virginia Code.

ARTICLE I

The Commission shall:

Be composed of five members appointed by the County Commission of Berkeley County to a term commencing on the 1st day of January in the following manner:

(a.) Important: The five members should have a demonstrated interest in, or background in, historic preservation or history related disciplines; e.g. history, architecture, archaeology, architectural history, geography, real estate, art-history, etc.;

(b.) Members shall be recommended by the Berkeley County Historical Society.

(c.) Members shall be appointed from the County. The initial appointments shall be for terms of one year, two years and three years, and shall thereafter be for a term of three years.

Notify the County Commission of any vacancy in the membership of the Historic Landmarks Commission and the vacancy shall be filled in the same manner as the original appointment for the balance of the unexpired term.

Not receive any salary for their service as Commissioners, but may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties, which have the prior approval of the Commission.

Select one of their members as chairperson, one of their members as treasurer, and one of their members as secretary, who shall keep accurate records of the proceedings of the Commission.

Fix a time and a place for holding regular meetings, and unless changed by a unanimous vote of the Commission shall meet at least once each month. Special meetings of the Commission may be called by the chairman or by at least two members upon written

request to the secretary. The secretary shall send notice of any special meeting, including the time, date, and place of the meeting, at least two days in advance of such special meeting. However, written notice shall not be required if the date, time and place of a special meeting has been fixed at a regular meeting.

Not take any action unless authorized by a majority of the members at a properly constituted regular or special meeting. A majority of the members shall constitute a quorum.

Count the vote of each member thereof equally in all matters that come before the Commission. An absent member may vote by proxy for a specified issue listed on the agenda.

File for public record with the Clerk of the County Commission of Berkeley County, minutes of all its meetings, within sixty (60) days of the date such meeting was held.

Be authorized and empowered, within the limits of funds available therefore to employ assistants, technical personnel, consultants, and such other employees as are necessary to discharge its duties and responsibilities as hereafter set forth.

ARTICLE II

The Commission shall have plenary power and authority within the jurisdictional limits of Berkeley County, and within the limits of available funds, to:

(1.) Make a survey of, and designate as historic landmarks, buildings, structures and sites which constitute the principal historical and architectural sites which are of local, regional, statewide or national significance. No building, structure or site shall be deemed to be an historic one unless it has been prominently identified with, or best represents, some major aspect of, or ideals related to, the history of the locality, region, state or nation. In the case of buildings or structures which are to be so designated, they shall embody the principal or unique features of an architectural type or demonstrate the style

of a period of our history or method of construction, or serve as an illustration of the work of a master builder, designer or architect whose genius influenced the period in which he worked or has significance in current times;

(2.) Prepare a register of buildings, structures, and sites which meet the requirements of subdivision (1.) of this Article, publish lists of such properties and, with the consent of the property owner(s), inspect such properties from time to time and publish a register thereof from time to time setting forth appropriate information concerning the registered buildings, structures and sites;

- (3.) With the consent of the property owners, certify and mark with appropriately designed markers, buildings, structures and sites which it has registered;
- (4.) Establish standards for the care and management of certified landmarks and withdraw such certification for failure to maintain the standards so prescribed;
- (5.) Acquire by purchase, gift, or lease and administer registered landmarks and easements and interests therein both real and personal;
- (6.) Lease or sell property so acquired under terms and conditions designed to insure the proper preservation of the landmark in question;
- (7.) Establish historic districts for registered landmarks, utilizing the same guidelines set forth in subdivision (1.) above, and designate the area thereof by appropriate markers;
- (8.) Identify historical districts for registered landmarks and aid and encourage the County or municipality in which the district or landmark is located to adopt rules and regulations for the preservation of historical or architectural values;
- (9.) Prepare and place historical markers on or along the highway or street closest to the location which is intended to be identified by such markers;
- (10.) Seek the advice and assistance of individuals, groups and departments and agencies of government who or which are conducting historical preservation programs and coordinate the same insofar as possible;
- (11.) Seek and accept gifts, bequests, endowments and funds from any and all sources for the accomplishment of the functions of the Commission;
- (12.) Adopt rules and regulations concerning the operation of the Commission, the functions and responsibilities of its officers, employees, assistants and other personnel and such other matters as may be necessary to carry out the purpose of this order; and
- (13.) Adopt such other rules and regulations as may be deemed necessary to effectuate the purpose of this order, subject to the final approval of the Berkeley County Commission. No such rules and regulations shall be inconsistent with the provisions of any plan of any planning commission of a municipality or county.

ARTICLE III

Whenever the Commission with the consent of the property owner, certifies property as being a registered landmark, it may seek and obtain from such property owner an agreement as to such restrictions upon the use of the property as the Commission finds are reasonable and are calculated to perpetuate and preserve the features which led it to designate such property as an historical landmark. All such agreements between the Commission and the property owner shall be in writing, and when duly signed and acknowledged, shall be recorded in the Office of the Clerk of the County Commission, and when so recorded shall be notification to the assessor of the restrictions therein set forth.

ARTICLE IV

When the Commission establishes an historic district, it shall notify the assessor of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to the properties located in such district which have been mutually agreed upon by such commission and the owners of property within such district. The agreement shall be recorded in the same manner as the recordation of agreements between the Commission and owners of designated landmarks. The assessor shall take such factors into consideration in assessing the properties therein.

ARTICLE V

The Commission shall cooperate and coordinate its activities with the West Virginia Historical Society and the West Virginia Department of Culture and History, with the view of developing a unified program for the identification, study, preservation and protection of all historic buildings, structures and sites in Berkeley County.

THE COUNTY COMMISSION OF BERKELEY COUNTY, WEST VIRGINIA

/S/ William "Shug" Kisner, President

/S/ Patrick H. Murphy, Commissioner

/S/ Howard L. Strauss, Commissioner

TESTE:

/S/ John W. Small, Jr. , County Clerk