

1 Introduced July 28, 2020, by Councilman
2 Tamborella, seconded by Councilwoman
3 Denham, (by request of Administration)
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5 **Item No. 20-07-3335**

6 **ORDINANCE NO. 3998**
7

8 An ordinance amending the Code of Ordinances of the City of Slidell,
9 Chapter 2 *Administration*, Article IV *Boards and Commissions*, Division 4 *City of Slidell*
10 *Preservation District* relating to the appointment and terms of Olde Towne Preservation
11 District Commissioners (Case T20-02).

12 WHEREAS, the Slidell City Council established the Olde Towne Preservation
13 District (OTPD) in 1989 (Ord. No. 2253); and
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15 WHEREAS, since 1992, Slidell has been designated a Certified Local
16 Government (CLG), which makes the City eligible for preservation grants and the city's
17 property and business owners eligible for tax credits and abatements for properties in the
18 OTPD; and
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21 WHEREAS, to be a CLG, the City must meet State and Federal standards for
22 preservation commissions, which includes having a regulatory commission with members
23 appointed by the "chief executive official...subject to approval by...the governing body"
24 and serving staggered terms; and
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28 WHEREAS, the Olde Towne Preservation District Commission (OTPDC) has
29 regulatory authority over exterior alterations to property located in the OTPD; and
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31 WHEREAS, the OTPDC has five members with two appointed by the Mayor, two by the
32 City Council, and one by the Chamber of Commerce, and terms are not required to be
33 staggered; and
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36 WHEREAS, the Slidell Director of Planning duly advertised a public hearing for
37 Case T20-02; and
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4 WHEREAS, the OTPDC held a public hearing for Case T20-02.

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6 NOW THEREFORE BE IT ORDAINED by the Slidell City Council that it does
7 hereby amend the Code of Ordinances of the City of Slidell, Chapter 2 *Administration*,
8 Article IV *Boards and Commissions*, Division 4 *City of Slidell Preservation District*, as
9 follows:
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12 1) Amend Sec. 2-216 *Creation of City of Slidell Preservation District*, subsection
13 (b) *Recommendation and appointment of members*, to provide that the Mayor appoints
14 resident commission members and preference for knowledge in specific areas of interest,
15 to read as follows:


16 *Members.* The commission shall consist of five electors residing within the City of
17 Slidell. Each commission member appointment, including vacancy appointments,
18 and each reappointment shall be made by the Mayor, subject to approval by a
19 majority vote of the City Council. In making appointments, preference may be
20 given as far as possible to individuals with a demonstrated knowledge or interest,
21 competence, or expertise in historic, cultural, educational, archaeological,
22 architectural, artistic, or preservation matters.


23 2) Amend 2-216 *Creation of City of Slidell Preservation District*, subsection (c)
24 *Term; Vacancies, removal*, of Chapter 2 *Administration* of the City's Code of Ordinances,
25 to require staggered terms, clarify notice provisions, and remove provisions that no longer
26 apply, to read as follows:


27 *Term; Vacancies, removal.* The members of the commission shall serve four year
28 staggered terms and commissioners serving on the Olde Towne Preservation
29 District Advisory Commission on June 30, 2018 will continue on as commissioners
30 on the OTPDC until their advisory commission term expires, at which time they can
31 be re-appointed. The members may serve consecutive terms. Any member may be
32 removed at any time by a majority vote of the City Council for gross inefficiency,
33 fraud, or study neglect, but only after an open hearing and upon notice specifying
34 the reason for removal. Any notice of proposed removal shall be delivered, in
35 writing, to the commissioner via hand delivery or United States Certified Mail,
36 Return Receipt Requested, such that it is received by the commissioner at least
37 seven (7) days prior to the open hearing.
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1 ORDINANCE NO. 3998
2 ITEM NO. 20-07-3335
3 PAGE 3

4 ADOPTED this 13th day of October, 2020.

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6 
7 Kenny Tamborella
8 President of the Council
9 Councilman, District E

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13 Greg Cromer
14 Mayor

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16 Thomas P. Reeves
17 Council Administrator

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DELIVERED	10/15/20
3:50 pm	to the Mayor
RECEIVED	10/21/20
9:45 am	from the Mayor

3. A statement to acknowledge that landowner consent for a site to become a landmark does represent a pledge on the part of the landowner or landowners to preserve and protect the site as a nonrenewable cultural resource.
4. A statement specifying the precise degree of jurisdiction transferred to the commission with respect to determining who shall be allowed to enter upon the landmark for the purpose of removing artifacts and specimens of all types or for the purpose of violating the site by any form of excavation for whatever reason.
5. A statement containing language encouraging the landowner to remove the landmark from cultivation or stipulating those plaza or village areas that may be subjected to continued normal cultivation under the agreement.
6. A statement of recognition that all contractors authorized by the commission must respect the rights of the landowner and will be held liable for damage to all access routes, property, and lands adjacent to the landmark.
7. A statement stipulating who shall retain title to all artifacts and other physical remains recovered from the landmark under the provisions of a contract for survey and salvage.
8. A statement setting out the exact limits and degree of public access to the landmark, if any, that are acceptable to the landowner and to the commission once the landmark has been investigated, properly restored, and stabilized.
9. A statement containing any special conditions and restrictions which will be described fully in a manner acceptable to both the commission and the landowner or landowners."

If any provision of this division shall be held invalid, such invalidity shall not affect other provisions herein which can be given effect without

the invalid provision and to this end the provisions of the division are hereby declared to be severable.

(Ord. No. 3840, 11-15-2016)

Editor's note—Ord. No. 3840, adopted Nov. 15, 2016, added provisions to the Code, but did not specify manner of inclusion. Therefore, at the discretion of the editor, said provisions have been included as § 2-215.

DIVISION 4. CITY OF SLIDELL
PRESERVATION DISTRICT

**Sec. 2-216. Creation of City of Slidell
Preservation District.**

(a) *Commission established.* There is hereby created a Commission to be known as the "Olde Towne Preservation District Commission of the City of Slidell" (hereinafter referred to as the "commission").

(b) *Recommendation and appointment of members.* The commission shall consist of five members who shall either reside within the City of Slidell, own real property located within the preservation district for at least two years prior to appointment, or own a business located within the preservation district for at least two years prior to the appointment. Two members shall be appointed by the mayor, two members shall be appointed by the city council, and one member shall be appointed by the Chamber of Commerce.

(c) *Term; Vacancies, removal.* Each of the members of the commission shall be appointed for a term of four years. Whenever the term of a member of the commission expires, the entity that appointed that commissioner shall appoint their successor. Commissioners currently serving on the Olde Towne Preservation District Advisory Commission will continue on as commissioners on the commission until their current term expires at which time they can be re-appointed. The members may serve consecutive terms. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation. The chairperson and vice chairperson shall be elected annually by the members of the commission.

A commissioner can be removed at the discretion of the city council by a majority vote of the city council. Request to remove a commissioner can be forwarded by the mayor, a council member, or by the preservation commission based on a majority vote of the commission.

(d) *Administration and committees.* The director of planning, or their designee, will serve as the city's historic preservation officer (CHPO) and provide staff support to the commission. The commission may seek the advice of other professionals to aid them in making decisions and recommendations. Expenses necessary to carry out the duties of the commission will be budgeted through the aforementioned department. The recording secretary for the commission will be designated by the director and all files, records, and minutes of the commission will be maintained by the department. The city attorney shall be the ex officio attorney for the commission. The commission may designate and appoint, from among its members, various committees with such powers and duties as the commission may have and prescribe.

(e) *Rules, regulations and guidelines; meetings; reports and recommendations.* The commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs not inconsistent with the laws of the city and state. The commission shall meet monthly, but meetings may be held at any time by the commission on the written request of any of the members or on the call of the chairperson of the commission or of the mayor. The commission shall make reports to the mayor and council containing a statement of its activities. Copies of the rules, regulations and guidelines will be retained by the planning department and will be made available upon request.

(f) *Purpose.* The purpose of the City of Slidell's Olde Towne Preservation District Commission is to preserve and protect those resources which have architectural and/or historical value and which should be preserved for the benefit of the people of the city and state. The commission shall have for its further purpose the guardianship of those resources which have architectural

and/or historical value and which should be preserved for the benefit of the people of the city and state.

The goals of the Olde Towne Preservation District Commission are as follows:

- (1) Protect, enhance and perpetuate historic resources which represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity;
- (2) Insure the harmonious, orderly, and efficient growth and development of the city consistent with preservation of the city's historic resources;
- (3) Strengthen civic pride and cultural stability through neighborhood conservation;
- (4) Strengthen the economy of the city through the continued use, preservation and revitalization of its historic resources;
- (5) Protect and enhance the city's attraction to tourists, visitors and the citizens of Slidell;
- (6) Provide a review process for the preservation and appropriate development of the city's historic resources.

(g) *Definitions.*

Certificate of appropriateness. An authorization, issued by the historic preservation commission permitting the alteration, addition, demolition, or new construction that affects a historic property, provided the changes are consistent with applicable standards and guidelines and the Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings" (Modified from City of Fort Worth, TX Code of Ordinances.)

Certified local government (CLG). A local government that has entered into a certified agreement between the state historical preservation office (SHPO) and the local government that list specific responsibilities of the local government to include enforce appropriate state and local preservation legislation, establish and



Staff Report
Case No. T20-02
Text Amendment for
OTPDC Commissioner Appointments

985.646.4320 | 250 Bouscaren St, Ste 203, Slidell, LA 70458 | planningdept@cityofslidell.org | myslidell.com

Location: Olde Towne Preservation District

OTPDC Meeting: 7/1/2020

Applicant: City of Slidell

City Council

Request: Amend the text of Chapter 2 *Administration*, Article IV *Boards and Commissions*, Division 4 *City of Slidell Preservation District* of the City's Code of Ordinances related to the appointment of members to the Olde Towne Preservation District Commission

Consent Agenda: 7/28/2020

Public Hearing: 8/25/2020

Summary

The City Council established the Olde Towne Preservation District (OTPD) in 1989 (Ord. No. 2253).

Since 1992, Slidell has been designated a Certified Local Government (CLG), which makes the City eligible for preservation grants and the city's property and business owners eligible for tax credits and abatements for properties in the OTPD. To be a CLG, the City must meet State and Federal standards for preservation commissions, which includes having a regulatory commission with members appointed by the "chief executive official...subject to approval by...the governing body" and serving staggered terms. The City may also give preference to members with knowledge or interest in certain fields.

The Olde Towne Preservation District Commission (OTPDC) has regulatory authority over all exterior alterations to property located in the OTPD. It has five members with two appointed by the Mayor, two by the City Council, and one by the Chamber of Commerce. Terms are not required to be staggered. Commissions must have "a demonstrated knowledge of or interest, competence, or expertise in historic preservation," with no allowance for other related fields.

The OTPDC has "Rules and Regulations" for the conduct of its affairs. The "Rules and Regulations" contain many provisions that duplicate provisions in the City's Code of Ordinances.

Recommendations

Planning Department

- Give the Mayor appointment authority of all five OTPDC members, subject to Council approval
- Establish that Commissioner terms shall be staggered
- Modify language giving preference to members with knowledge or interest in certain fields to be more similar to State statute
- Amend the OTPDC "Rules and Regulations" to remove duplicate Code provisions, streamline sections, and provide additional substance where necessary

Olde Towne Preservation District Commission

Approval

Background

In 1989, the City Council established the Olde Towne Preservation District Advisory Commission, which was charged with making non-binding recommendations on any exterior alteration, relocation, or new construction in the Olde Towne Preservation District (OTPD) (Ord. No. 2253). In 2018, the City Council replaced the **advisory** commission with a commission with **regulatory** powers – the Olde Towne Preservation District Commission (OTPDC) (Ord. No. 3878 and 3898).

The decision to change the powers of the Olde Towne commission was based in part on changes to State and Federal standards for preservation commissions, which the City must meet in order to maintain its status as a Certified Local Government (since 1992). Being a CLG makes the City eligible for preservation grants and the city's property and business owners eligible for state historic tax credits and tax abatements for properties located in the preservation district.¹

Chapter 2 *Administration*, Article IV *Boards and Commissions*, Division 4 *City of Slidell Preservation District* of the City's Code of Ordinances establishes and regulates the OTPDC. Sec. 2-216(b) *Recommendation and appointment of members* establishes the number of Commission members (five), restrictions on who can serve as a Commissioner, and who appoints the Commissioners – two by the Mayor, two by the City Council, and one by the Chamber of Commerce. Sec. 2-216(c) *Term; Vacancies, removal* establishes four-year terms that may be consecutive, the continuation of Advisory Commission members, desired experience or qualifications of Commissioners, and how a Commissioner may be removed.

The OTPDC currently has four members, with one vacant position (Table 1). All four were members of the Advisory Commission and were allowed by Sec. 2-216(c) to serve the remainder of their advisory commission term as a member of the new regulatory commission.

The OTPDC has "Rules and Regulations" for the conduct of its affairs, which the Commission adopted on July 11, 2018.

Table 1. Current OTPDC Members

Name	Term Expiration
Andy Prude	April 22, 2019
Michelle Cramer	December 10, 2019
Sam Caruso, Jr.	January 18, 2022
Marie Ricca	January 18, 2022
<i>vacant</i>	–

Analysis and Findings

To maintain the City's status as a Certified Local Government, the City's preservation district regulations must meet State and Federal requirements. Louisiana Revised Statute 25:736 *Creation of historic district commissions* states that the "chief executive official of the governmental unit shall appoint an historic preservation district commission" and that "said appointments shall be subject to approval by a majority vote of the governing body."² It also states that terms shall be staggered.

Commissioner appointment authority is inconsistent with State statutes for historic district commissions, as Sec. 2-216(b) of the City's Code gives three Commission appointments to entities that are not the chief executive official (the Mayor) – two to the City Council and one to the Chamber of

¹ Memorandum from Olde Towne Preservation District Advisory Commission to Mayor, dated June 30, 2016, regarding "Recommendation to Adopt New Olde Towne Preservation District;" prepared by Eric Lundin.

² Louisiana Revised Statutes Title 25 *Libraries, Museums, and Other Scientific*, Chapter 16 *Historic Preservation Districts*

Commerce. The Planning Department recommends that all five members of the Commission be appointed by the Mayor, subject to approval by resolution of the City Council.

The City’s Olde Towne commission regulations do not require that terms be staggered. State statutes for historic district commissions state that terms shall be staggered, and it is a best practice that ensures continuity by avoiding a complete turnover of all commission members at one time. The Planning Department recommends that terms of OTPDC members be staggered.

Terms of the current members are somewhat staggered, with an expiration in April 2019 and December 2019, and two in January 2022. The Planning Department recommends that when the members whose terms expire April 2019 and December 2019 are either reappointed or a new appointment is made to fill their positions, that the (re)appointments clearly state that the term will be four years from the date of term expiration and not from the date of (re)appointment; this would continue the staggered nature of these terms (Table 2). The Planning Department believes this would result in an acceptable level of term staggering.

Table 2. Potential Term Staggering

Name	Term Expiration
Sam Caruso, Jr.	January 18, 2022
Marie Ricca	January 18, 2022
Andy Prude or new appt.	April 22, 2023
Michelle Cramer or new appt.	December 10, 2023
New appt.	2024

LA RS 25:736 also states that “preference may be given as far as possible to members of historic, cultural, educational, archaeological, architectural, artistic and preservation organizations” when making commission appointments. Sec. 2-216(c) *Term; Vacancies, removal* of the City’s Code has a similar provision – “All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation.” Sec. 2-216(b) is the more appropriate location for this provision. The Planning Department recommends moving this provision to Sec. 2-216(b) and rewording it to be more similar to the State’s language, but emphasizing knowledge or interest in certain fields and not membership in an organization dedicated to those fields.

The OTPDC’s “Rules and Regulations,” Section 5A: Commissioners, Appointment/Re-appointment, refers to the City Ordinance as setting out who appoints commissioners, and reiterates that the Mayor and City Council each appoint two commissioners and the Chamber of Commerce appoints one. This is one example of a duplication of Code provisions in the Rules and Regulations. The Planning Department recommends amending the OTPDC “Rules and Regulations” to remove duplication of Code provisions, streamline sections, and provide additional substance where necessary.

Conclusions and Recommendations

The OTPDC must meet State and Federal requirements in order for the City to maintain its status as a Certified Local Government, including having members appointed by the “chief executive official...subject to approval by...the governing body” and serving staggered terms. The City may also give preference to members with knowledge or interest in certain fields. The Planning Department recommends:

- Giving the Mayor appointment authority of all five OTPDC members, subject to Council approval
- Establishing that Commissioner terms shall be staggered
- Staggering the terms of upcoming (re)appointments to the OTPDC

- Modifying language giving preference to members with knowledge or interest in certain fields to be more similar to State statute
- Amending the OTPDC “Rules and Regulations” to remove duplicate Code provisions, streamline sections, and provide additional substance where necessary (proposed OTPDC “Rules of Procedure” for OTPDC consideration)

To achieve this, the Planning Department recommends the following text amendments to the City’s Code of Ordinances:

- Amend Sec. 2-216 *Creation of City of Slidell Preservation District*, subsection (b) *Recommendation and appointment of members*, of Chapter 2 *Administration*, to provide that the Mayor appoints commission members and preference for knowledge in specific areas of interest
- Amend Sec. 2-216 *Creation of City of Slidell Preservation District*, subsection (c) *Term; Vacancies, removal*, of Chapter 2 *Administration*, to require staggered terms and remove provisions that no longer apply

Amended Code Language addition deletion moved

1. Amend Sec. 2-216 *Creation of City of Slidell Preservation District*, subsection (b) *Recommendation and appointment of members*, of Chapter 2 *Administration*, to provide that the Mayor appoints commission members and preference for knowledge in specific areas of interest:

~~*Recommendation and appointment of members.*~~ Members. The commission shall consist of five members who shall either reside within the City of Slidell, or own real property or a business located within the preservation district for at least two years prior to appointment, ~~or own a business located within the preservation district for at least two years prior to the appointment.~~ Two members shall be appointed by the mayor, two members shall be appointed by the city council, and one member shall be appointed by the Chamber of Commerce. Each commission member appointment, including vacancy appointments, and each reappointment shall be made by the Mayor, subject to approval by a majority vote of the City Council. In making appointments, preference may be given as far as possible to individuals with a demonstrated knowledge or interest, competence, or expertise in historic, cultural, educational, archaeological, architectural, artistic, or preservation matters.

2. Amend Sec. 2-216 *Creation of City of Slidell Preservation District*, subsection (c) *Term; Vacancies, removal*, of Chapter 2 *Administration*, to require staggered terms and remove provisions that no longer apply:

~~*Term; Vacancies, removal.*~~ The members of the commission shall be appointed for a term of serve four years staggered terms and. ~~Whenever the term of a member of the commission expires, the entity that appointed that commissioner shall appoint their successor.~~ Commissioners currently serving on the Olde Towne Preservation District Advisory Commission on June 30, 2018 will continue on as commissioners on the commission-OTPDC until their current advisory commission term expires, at which time they can be re-appointed. The members may serve consecutive terms. ~~All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation.~~ The chairperson and vice chairperson shall be elected annually by the members of the commission. Any member may be removed at any time by a majority vote of the City Council for gross inefficiency, fraud, or study neglect, but only after an open hearing and upon notice specifying the reason for removal.

~~A commissioner can be removed at the discretion of the city council by a majority vote of the city council. Request to remove a commissioner can be forwarded by the mayor, a council member, or by the preservation commission based on a majority vote of the commission.~~