

**BYLAWS
CITY OF OWOSSO
DOWNTOWN HISTORICAL DISTRICT COMMISSION**

ARTICLE 1. PURPOSE

Historic preservation is declared to be a public purpose and the city council may by ordinance regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the city limits. The purpose of the Owosso Downtown Historic District Commission article shall be to do one (1) or more of the following:

- (1) Safeguard the heritage of the city by preserving one (1) or more historic districts in the city that reflects elements of the unit's history, architecture, archaeology, engineering, or culture.
- (2) Stabilize and improve property values in each district and the surrounding areas by protecting the value and preserving historic resources.
- (3) Foster civic beauty.
- (4) Strengthen the local economy.
- (5) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the city and of the state.
- (6) To take advantage of state tax credits available to owners of historic properties.

ARTICLE 2. ORGANIZATION

MEMBERSHIP

The membership of the historic district commission shall consist of not less than seven (7) or more than nine (9) members as appointed by the Mayor and confirmed by the city council. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Each member of the commission shall reside within the city.

The mayor, with the approval of the city council, shall appoint the members. Members shall be appointed for three-year terms. Members shall be eligible for reappointment. A vacancy on the commission shall be filled within sixty (60) calendar days by an appointment made by the Mayor and confirmed by the city council.

The city council shall appoint at least two (2) members from a list of citizens submitted by one (1) or more duly organized local historic preservation organizations. The commission shall include as a member, if available, a graduate of an accredited school of architecture who has two (2) years of architectural experience or who is an architect registered in this state.

A quorum shall consist of four or more members of the commission. All motions shall be approved by a majority vote of the quorum present for the vote. A tie shall result in a failure. Any vote resulting in a tie may undergo a second vote at the next meeting in which a quorum of odd number is present.

OFFICERS

A chairperson , vice-chairperson and secretary shall be elected by the commissioners from their membership at the regular meeting of the commission in September. Floor nominations will be taken by the commission and voted on accordingly.

If a vacancy shall occur for the vice-chairperson or secretary, commissioners shall nominate and elect a member of the commission to serve the remainder of the term of office.

The chairperson shall preside at all meetings of the commission and shall appoint all committees.

The vice-chairperson shall assume the duties and authority of the chairperson in his or her absence or incapacity. If the chairperson resigns or is removed from the commission, the vice-chairperson shall assume the position of the chairperson for the remainder of the chairperson's term of office.

The secretary shall keep the minutes and records, conduct correspondence, and perform such other duties as may be assigned by the chairperson.

REVIEWS

It shall be the duty of the commission to review all plans for work in the historic district, and the commission shall have the power to pass upon such plans before a permit for such activity will be granted.

In reviewing plans, the commission shall follow the U.S. Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings. Design review standards and guidelines that address special design characteristics of historic districts administered by the commission may be followed if they are equivalent in guidance to the Secretary of the Interior's standards and guidelines and are established or approved by the commission.

The commission shall also consider all of the following:

- (1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
- (2) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area. Photos of adjacent buildings shall be required.
- (3) The general compatibility of proposed design, arrangement, texture, and materials.
- (4) Other factors, such as aesthetic value, that the commission finds relevant.
- (5) Whether the applicant has certified in the application that the property where the work will be undertaken has, or will have, before the proposed project completion date, a fire alarm system or a smoke alarm system complying with the requirements of the Stille-DeRossett-Hale single state construction code act of 1972.

COMMITTEES

(1) Review Committee. The review committee shall consist of commission staff and two commissioners on a rotating schedule, and shall visit each site on the Monday preceding each regular meeting. The committee shall endeavor to visit each site on the agenda.

- (a) The chairperson shall determine whether or not it is necessary for the Review Committee to convene for an application rehearing.

- (b) The names of that month's Review Committee shall be included at the beginning of the minutes of each meeting.
- (c) When a property is proposed for demolition, all commissioners shall be notified of the Review Committee meeting time and place.

(2) Ad Hoc Committees: The chairperson of the commission may, from time to time, establish ad hoc committees and may appoint individuals to serve on such committees. At least one member of each ad hoc committee shall be a voting member of the commission. Ad hoc committees shall be established for a specific purpose related to the activities of the commission and shall complete their work, report to the commission and shall be considered dissolved within two years after their establishment.

COMMISSION STAFF

- (1) The commission shall be staffed by person(s) designated by the Assistant City Manager.
- (2) Commission staff shall provide the chairperson with copies of all correspondence, memos, and reports received by and sent out of the office.
- (3) Commission staff shall prepare the commission's annual report for city council in February for the preceding calendar year. The report shall contain the number of cases heard by the commission, the number of certificates of appropriateness issued, the number of denials issued, the total number of applications, the names of the award winners and the results of work by any appointed study committee. The commission shall review the report at their regular March meeting and submit the report to City Council in April.

MEETINGS

- (1) All materials pertinent to commission action must be submitted to commission staff no later than three business days prior to the meeting for which action is proposed. Items submitted later may be accepted by the Chair.
- (2) The minutes of each meeting shall be completed in draft form and be distributed to the commissioners with the packet for the following regular meeting.
- (3) Working sessions may be held for the purpose of informal discussions and no action will be taken at such meetings. They will be scheduled separate from regular sessions, and take place eighteen hours after public notice is given.
- (4) The order of business at regular meetings shall be as follows:

- Call to order
- Roll call
- Approval of the agenda
- Approval of minutes
- Communications
- Public comment (non agenda)
- Hearings
- Postponed business
- New business

Public comment (if any)
Reports from Commissioners
Adjournment

(5) Approval of the agenda. The order and content of the agenda shall be approved by a majority vote of the members present at the meeting.

(6) Conduct of hearings. Applications to alter, move, or demolish a building, object or site within a locally designated historic district shall be heard as set forth below. Requests for comment or action from city departments, other commissions or boards, shall be heard in a similar manner except that there need be no presentation by the applicant. All persons shall be allowed to address the commission on any issue before it at the proper time. Each person shall give his name and address for the record. Reasonable time limits for the applicant's presentation shall be established by the Chair. Public commentary and rebuttals shall be limited to three (3) minutes. The order of the hearings is:

- a. Chair calls the case
- b. Staff presentation includes: brief description of the property's location, historic district, and history including any significant changes to the original configuration, a summary of the application, and any findings of fact.
- c. Review Committee's report and recommendation (if any).
- d. Applicant's presentation. Applicants are encouraged to testify on their own behalf and may bring such witnesses as may be necessary.
- e. Questions by the commission of the applicant.
- f. Audience participation (pertaining only to the current case).
- g. Rebuttal by the applicant.
- h. Questions by the commission.
- i. Closing of the hearing followed by commission discussion and action.
Action may include discussion followed by a motion, more discussion, and a vote.

(7) A request for a re-hearing of an application may only be submitted if there is evidence presented showing a substantial change in facts, circumstances, or the nature of the work.

(8) Applications that do not qualify for a certificate of appropriateness shall not be considered for a notice to proceed at the same meeting. If the next regularly scheduled meeting is after the 60 day commission deadline, the applicant will be required to extend the time for review until the next regularly scheduled meeting or the application will be denied. The commission may require additional information or evidence to consider a notice to proceed.

ARTICLE 4. COMMISSIONER BEHAVIOR AND ETHICS

(1) Commissioners shall serve without pay. Commissioners attending conferences and workshops for the benefit of the Owosso Downtown Historic District Commission, or for Owosso preservation in general may be reimbursed for basic registration and expenses incurred. Reimbursements shall receive advance approval by the Assistant City Manager or designee.

(2) On all matters in which a commissioner has a direct financial interest and/or on matters involving property owned either in part or in total by a commissioner, that commissioner shall abstain from discussion and voting on the matter. Commissioners abstaining shall disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and abstention. Commissioners abstaining from discussion and voting shall leave the meeting room while the matter is

being discussed and voted upon.

(a) On other matters which could involve a conflict of interest, commissioners shall disclose all pertinent facts relating to the potential conflict, except where it violates a confidence. The disclosed facts shall be included in the minutes of the proceedings. The member may then abstain from discussion and voting on the matter. Commissioners abstaining from discussion and voting shall leave the meeting room while the matter is being discussed and voted upon.

(b) If a question is raised under this section at any commission meeting concerning the eligibility of a member of the commission to vote on any matter, such questions shall be determined by the concurring vote of at least four members of the commission, not including the member with the potential conflict.

(4) Commissioners shall not be heard before the commission as an applicant or as a representative of an applicant during the member's term of office.

(5) A member of City Council shall not be heard before the Commission as a representative of an applicant or of any party interested in the application during the Council member's term of office.

(6) It is the duty of commissioners to refrain from acting as official representatives of spokespersons for the commission except with authorization from the Chair. When speaking for personal purposes, commissioners shall indicate clearly that the stated opinions and beliefs are not necessarily the opinions and beliefs of the commission as a whole.

(7) Whenever a commissioner is asked to speak on behalf of the Commission, he/she will seek approval of the Chair in advance.

(8) The commission or its individual members shall not intrude into the management or operations of the City of Owosso.

(9) Commissioners shall not accept gifts or favors from applicants, their representatives, or other persons and institutions concerned with matters which have been, are now, or which might come before the commission.

(10) Commissioners shall conduct themselves at commission meetings in a fair, courteous, and understanding manner. Commissioners shall avoid interchanges involving personality differences.

(11) Commissioners shall not have more than two unexcused absences from regularly scheduled commission meetings in a twelve-month period. If this situation should occur, the Chair may recommend to the Mayor and City Council that the affected Commissioner be removed from office.

(12) Each Commissioner is required to notify commission staff prior to any meeting at which he or she expects to be absent or tardy. The staff shall keep attendance records and report to the Chair if an attendance problem has developed.

(13) When a regularly scheduled meeting date is changed and a commissioner is subsequently unable to attend, that shall not be considered an absence in accordance with paragraphs 11 & 12 above.

(14) Commissioners who attend meetings on behalf of the commission, where staff is not present to prepare a report, shall prepare a brief written or oral report, including at least the date, time and place of the

meeting, name of organization and topics discussed. This report shall preferably be submitted to commission staff in time to be included in the monthly packet or copied and distributed at the following regular meeting.

(15) All correspondence to boards and commissions and any other correspondence as deemed appropriate shall be approved by the Chair or commission staff.

(16) In order to provide the commission with the necessary expertise among its members, avoid conflicts of interest, and still not penalize professional commissioners, the following guidelines shall apply:

- (a) No commissioner shall be paid by the city for professional services for any project directly sponsored by the commission. This shall not apply to projects reviewed by the commission where professional services are awarded after competitive bidding.
- (b) Professional services from commissioners will be appreciated, but no commissioner is obligated to provide free professional services.
- (c) The commission may actively solicit free or reduced-fee professional services from non-members.
- (d) Committee members may not be paid for work approved by that committee.

ARTICLE 5. APPROVAL AND AMENDMENTS

APPROVAL

These bylaws shall become effective following their approval by the commission and by the city council.

AMENDMENTS

These bylaws may be amended as deemed necessary by the commission if notice is given prior to the meeting in accordance with the Open Meetings Act. Such amendments shall be approved as provided for in this article.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of the **BYLAWS OF CITY OF OWOSSO DOWNTOWN HISTORICAL DISTRICT COMMISSION** as adopted by the Owosso City Council at their regular meeting on December 6, 2010.

Mayor Benjamin Frederick
Owosso City Council