

**HISTORIC CONSERVATION DISTRICT COMMISSION
REGULAR MEETING MINUTES
THURSDAY, JUNE 16 AT 5:00 PM
GRAND HAVEN CITY HALL COUNCIL CHAMBERS
519 WASHINGTON AVENUE
GRAND HAVEN, MI 49417**

Call to order: Chair Eric Bye 5:05pm

Roll Call of Members Present: Chair Erik Bye- Present
Vice-Chair Robyn Vandenberg- Excused
Commission Members Karen Casey- Present
Liza Dora- Present
Paul Martin- absent

Due to lack of quorum, meeting was adjourned at 5:06PM. No official business was conducted.

Others present: Mary Angel, Administrative Liaison; Karen Lowe, City Council Member; and Chad Fisk, nominated HCDC commission member (appointment confirmation council meeting of June 20).

Members present welcomed Karen Lowe, City Council Member, who made a brief presentation to regarding her concerns with the Chapter 19 ordinance changes that had been presented to Council at the June 6 Council Meeting (Attachment A). Commissioners thanked Ms. Lowe for her presentation and would take her concerns under advisement for possible further discussion with all members at upcoming meetings.

Commission members and staff Liaison Angel offered farewell wishes and appreciation to Karen Casey for her valued time served since July 2019. She would not be seeking reappointment to a second term with the HCDC.

Prepared by, Liza Dora
HCDC Recording Secretary

Attachment A

Dear HCDC Commissioners:

June 14, 2022

Thank you for providing me the opportunity to discuss with you my concerns regarding the proposed ordinance language. I am very grateful for your time and effort in this effort as well as your service on the commission.

As you may know, citizen commissions or committees that report to City Council are strictly limited by our city charter. Contrary to popular belief, the Historic Conservation District Commission is NOT an authorized commission nor advisory committee sanctioned by the city charter. Instead, the Historic Conservation District Commission exists and receives its power through statute, Michigan Act 169 of 1970 aka the Local Historic Districts Act. As such, the commission is more similar to the Zoning Board of Appeals, where appeals to its decisions go to the circuit court, not to city council. (See attached excerpts of this Act to understand purpose and duties of local historic district commissions).

Through the power to write local ordinance, city staff has significantly altered our local historic district ordinance, removing or severely restricting its power and duty of historic preservation. For instance, typically (and per statute) Local Historic Conservation District Commissions must review all permit applications for contributing “resources” (i.e., all historical structures) within any historic district and issue a Certificate of Appropriateness before any permits are issued by the city. However, long ago, the city changed the wording in the ordinance such that the commission would only have the power to review structures that were officially designated as “landmarks”. Even by severely restricting this language, the city has failed to follow its own ordinance, in part because the ordinance is so very difficult to understand and is a significant departure from the state Act 169 of 1970.

My primary concerns with the current edits proposed is that the language appears to expand on an advisory role created by city (versus the primary duties of the commission as prescribed by the state) while further restricting the power and authority of the commission as well as diminishing its mission and responsibility to protect and preserve. This seems to be in direct conflict with what the community appears to want. In council meetings as well as in meetings with constituents, I continually hear how important preserving the charm and character of this town is to our citizens. The strength of our historic district commission and its ordinance play a critical role.

Nevertheless, for your consideration, I have attached some suggested language (highlighted in RED) for purposes of clarity and accuracy to your proposed amendments, should you choose to move forward.

I look forward to discussing further at your meeting on Thursday!

Sincerely,

Karen Lowe
Council Member
City of Grand Haven

EXHIBIT A

LOCAL HISTORIC DISTRICTS ACT (EXCERPT)
Act 169 of 1970

399.202 Historic preservation as public purpose; purpose of ordinance.

Sec. 2.

Historic preservation is declared to be a public purpose and the legislative body of a local unit may by ordinance regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the limits of the local unit. The purpose of the ordinance shall be to do 1 or more of the following:

- (a) Safeguard the heritage of the local unit by preserving 1 or more historic districts in the local unit that reflect elements of the unit's history, architecture, archaeology, engineering, or culture.
- (b) Stabilize and improve property values in each district and the surrounding areas.
- (c) Foster civic beauty.
- (d) Strengthen the local economy.
- (e) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the local unit and of the state.

EXHIBIT B

LOCAL HISTORIC DISTRICTS ACT (EXCERPT)
Act 169 of 1970

399.209 Historic district commission; filings with delegated authority; duties of local public officials, employees, and department.

Sec. 9.

(1) The commission shall file certificates of appropriateness, notices to proceed, and denials of applications for permits with the inspector of buildings or other delegated authority. A permit shall not be issued until the commission has acted as prescribed by this act. If a permit application is denied, the decision shall be binding on the inspector or other authority. A denial shall be accompanied with a written explanation by the commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for commission review when suggested changes have been made. The denial shall also include notification of the applicant's rights of appeal to the state historic preservation review board and to the circuit court. The failure of the commission to act within 60 calendar days after the date a complete application is filed with the commission, unless an extension is agreed upon in writing by the applicant and the commission, shall be considered to constitute approval.

(2) Local public officials and employees shall provide information and records to committees, commissions, and standing committees, and shall meet with those bodies upon request to assist with their activities.

(3) The department shall cooperate with and assist local units, committees, commissions, and standing committees in carrying out the purposes of this act and may establish or approve standards, guidelines, and procedures that encourage uniform administration of this act in this state but that are not legally binding on any individual or other legal entity.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE CITY OF GRAND HAVEN
CODE OF ORDINANCES BY REVISING CHAPTER 19,
ARTICLE II REGARDING HISTORIC CONSERVATION
DISTRICTS.**

**THE CITY OF GRAND HAVEN, COUNTY OF OTTAWA, STATE OF MICHIGAN,
ORDAINS:**

Section 1. Major construction projects defined. Chapter 19, Article II, Section 19-12 (14) shall be added to state as follows.

Major construction projects means changes to the exterior of a landmark which qualify as at least one (1) of the following:

- (a) Alterations, additions, or demolitions to a principal building, but excluding decks and patios on rear-facing elevations;
- (b) Changes to arrangement or orientation of exterior siding/cladding materials on walls facing a public street, public park, or publicly maintained alley;
- (c) New or altered window or door openings on walls facing a public street, public park, or public alley; or
- (d) Changes to an existing accessory building that are each greater than two hundred (200) square feet in size.

Section 2. Commission duties and authority – power to designate. Chapter 19, Article II, Section 19-14 (1) shall be restated to state as follows.

(1) *Power to designate and protect; generally.*

- (a) The city council has the authority to designate by ordinance historic conservation districts. Historic preservation shall be practiced in historic conservation districts through several measures. Such measures shall include:

(i) Mandatory commission ~~the commission's~~ review of permit requests for major construction projects additions, alterations, demolitions, new construction, reconstruction, rehabilitation, repair, restoration and any other

type of action proposed with regard to a landmark, prior to a permit being issued, which requires a permit, except for major construction projects.

(ii) At the planning commission's or city council's request, the commission will provide a non-binding, advisory review with regard to preservation for permits on any structure within the seven historic districts.

(iii) The commission shall be consulted prior to the moving of any landmark.

(iv) Upon any commission member's explicit request, he/she shall be given copies of all permit applications pertaining to properties within historic conservation districts whether or not such properties are landmarks and shall offer information and assistance on historic preservation to property owners and people living within historic conservation districts."

- (b) As to any major construction project for a landmark, a separate application for a Certificate of Appropriateness shall be filed with the historic conservation district commission.

Section 3. Commission duties and authority – advisory capacity for non-landmarks. Chapter 19, Article II, Section 19-14 (7) shall be restated to state as follows.

(7) *Additional advisory capacity for non-landmarks.*

- (a) It shall also be the duty of the commission to render advice and guidance with respect to any proposed work to property within historic conservation districts in the City of Grand Haven for which a permit is required. In rendering advice and guidance, the committee shall promote historical preservation and consciousness in educational programs, and shall undertake any advisory duty deemed appropriate by the city council.
- (b) To assist the commission with its **THESE** advisory duties, city staff shall send commission members a weekly list of permit applications for properties within historic conservation districts. If the commission decides, during a regular or special meeting, that a permit application merits comment by the commission, it may contact the applicant or the owner of the property in question and render advisory educational comments. The commission shall not take further action unless directed to do so by the city council.
- (c) Any property owner within one of the historic districts may request a non-binding, advisory review by submitting a Certificate of Appropriateness application to the historic conservation district commission, provided that property is not a designated landmark.

Section 4. Commission duties and authority – review of applications. Chapter 19, Article II, Section 19-14 (9) shall be restated to state as follows.

(9) *Review of permit applications for Landmarks.* The commission shall review all applicable permit applications and plans for landmarks in historic conservation districts. No permit with regard to a major construction project for a landmark in an historic conservation district shall be granted until, pursuant to section 19-16, the commission has granted its approval via a Certificate of Appropriateness or the commission's denial has been reversed on appeal. An applicant aggrieved by a decision of a commission concerning a permit application may file an appeal with the state historic preservation review board. The appeal shall be filed within 60 days after the decision is furnished to the applicant. The review board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal, but may not charge a fee for considering an appeal. The review board may affirm, modify, or set aside a commission's decision and may order a commission to issue a Certificate of Appropriateness or a notice to proceed. If aggrieved by the decision of the state historic preservation review board, a permit applicant may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the state historic preservation review board.

Section 5. Procedures; certificate of approval. Chapter 19, Article II, Section 19-16 (12) shall be added to state as follows.

~~(12) Notwithstanding all of the above, the language of this section shall not change the fact that the commission's decisions are advisory only, except for a major construction project for a landmark in an historic conservation district.~~

Section 6. Effective Date. This amendment to the City of Grand Haven Code of Ordinances was approved and adopted by the City Council on _____, 2022. This Ordinance shall be effective 20 days after its publication.

Mayor

Clerk