



**Special Study Session City Council Meeting  
7:00 PM, MONDAY, OCTOBER 7, 2013  
Conference Room A  
Farmington City Hall  
23600 Liberty St  
Farmington, MI 48335**

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**SPECIAL STUDY SESSION MEETING AGENDA**

**1. ROLL CALL**

**Roll Call**

**2. APPROVAL OF AGENDA**

**3. PUBLIC COMMENT**

**4. SCHOOL BOND PROPOSALS**

**A. Presentation - School Bond Proposals**

**5. HISTORIC DISTRICT STUDY COMMITTEE**

**A. Presentation - Historic District Study Committee**

**6. CONSIDERATION TO INTRODUCE ORDINANCE #C-773-2013**

**A. Consideration to Introduce Ordinance #C-773-2013 Amending Chapter 31 of the City Code Dealing with Local Super Drunk Prosecutions**

**7. OAKLAND COUNTY ANIMAL CONTROL SERVICES**

**1. Discussion - Oakland County Animal Control Services**

**8. OTHER BUSINESS**

**9. COUNCIL COMMENT**

**10. ADJOURNMENT**

**Farmington City Council  
Staff Report**

**Council Meeting Date:**  
October 7, 2013

**Reference  
Number  
(ID # 1378)**

**Submitted by:** Vincent Pastue, City Manager

**Description:** Presentation - School Bond Proposals

**Requested Action:**

**Background:**

Representatives of the Farmington Public Schools will present the bond proposals on the November 5 ballot. Attached are the two ballot proposals.

Attachment

**Agenda Review**

**Review:**

Vincent Pastue      Pending  
City Manager      Pending  
City Council Pending

## Farmington Public Schools Bond Proposals

### **PROPOSAL 1 - SAFETY/INFRASTRUCTURE/TECHNOLOGY**

Shall the Farmington Public School District, County of Oakland, Michigan, borrow the principal sum of not to exceed One Hundred Fifty-Four Million Six Hundred Thousand Dollars (\$154,600,000) and issue its general obligation unlimited tax bonds in one or more series for the purpose of defraying the cost of making the following improvements:

- remodeling, equipping, furnishing, reequipping and refurnishing buildings, including classrooms and media resource centers, and safety and security, technology infrastructure and operational efficiency improvements;
- constructing additions to buildings, including new secure entrances and media resource centers;
- acquiring and installing technology equipment; and
- Improving and developing sites, including playgrounds and parking lots, in the School District?

The estimated millage to be levied in 2014 to service this issue of bonds is 1.52 mills (\$1.52 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds of this issue is 1.95 mills (\$1.95 per \$1,000 of taxable value). The debt millage required to retire all bonds of the School District currently outstanding and proposed pursuant to this Proposal 1 and Proposal 2, if approved, is estimated to be at or below 4.33 mills. The debt millage required to retire all bonds of the School District currently outstanding and proposed pursuant to this Proposal 1 only, if approved, is estimated to be at or below 3.88 mills. The bonds may be issued in multiple series, payable in the case of each series in not to exceed 25 years from the date of issue of such series.

*(Under state law, bond proceeds may not be used to pay teacher or administrator salaries, routine maintenance costs or other School District operating expenses.)*

### **PROPOSAL 2 - ARTS/ATHLETICS/TECHNOLOGY REPLACEMENTS**

Shall the Farmington Public School District, County of Oakland, Michigan, borrow the principal sum of not to exceed Thirty-One Million Six Hundred Thousand Dollars (\$31,600,000) and issue its general obligation unlimited tax bonds in one or more series for the purpose of defraying the cost of making the following improvements:

- constructing additions to and remodeling, equipping, furnishing, reequipping and refurnishing all high school performing arts centers and adjacent spaces;
- acquiring and installing technology and related furnishings and equipment; and
- improving sites, including high school athletic fields, tracks and tennis courts, in the School District?

The estimated millage to be levied in 2014 to service this issue of bonds is 0.65 mills (\$0.65 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds of this issue is 0.55 mills (\$0.55 per \$1,000 of taxable value). The debt millage required to retire all bonds of the School District currently outstanding and proposed pursuant to this Proposal 2 and Proposal 1, if approved, is estimated to be at or below 4.33 mills. The bonds may be issued in multiple series, payable in the case of each series in not to exceed 25 years from the date of issue of such series.

*(Under state law, bond proceeds may not be used to pay teacher or administrator salaries, routine maintenance costs or other School District operating expenses.)*

**Farmington City Council  
Staff Report**
**Council Meeting Date:**  
October 7, 2013

**Reference  
Number  
(ID # 1379)**
**Submitted by:** Vincent Pastue, City Manager

**Description:** Presentation - Historic District Study Committee

**Requested Action:**
**Background:**

Members of the Farmington Historical Commission will attend the study session requesting that the City Council establish a Historic District Study Committee. Representatives of the Historical Commission have provided information regarding the merits of establishing such a district along with the process. At the meeting, the Council will be presented a list of individuals willing to serve on the committee plus a request for interest. Finally, a listing of other cities in southeast Michigan that have established a certified district will be presented.

The City has started this effort in the past. One of the concerns dealt with the potential regulatory controls established within the district. It is important to never lose sight that the City Council is always the body that would establish any regulations in the district by ordinance.

I am recommending that the City Council form the study committee since this is a first step in a multi-step process. The intent would be to have the City Council adopt a resolution at the October 21<sup>st</sup> regular meeting that includes appointments to the study committee. We would not anticipate the committee reporting back to the City Council until sometime during the winter of 2014.

**Attachments**

1. Why establish a historic district
2. Process flowchart
3. Process for establishing district
4. Local Historic District Act
5. Correspondence from State Historic Preservation Office (SHPO)

**Agenda Review**
**Review:**
**Vincent Pastue      Pending**
**City Manager      Pending**
**City Council Pending**

## WHY ESTABLISH A LOCAL HISTORIC DISTRICT?

Time, geography, people and events uniquely shape each community. It is the combination of the individual pieces—houses and yards, stores and public buildings, trees and sidewalks, streets and alleys—that form the community's overall character. The primary reason for establishing local historic districts is to manage how change occurs in a designated area to ensure that as much of the original character as possible remains intact. After all, changes that occur to one property can impact the property next door, the block, and ultimately the neighborhood overall. Local historic district designation provides communities with the legal tools to protect their local landmarks and architectural character.

### Michigan's Local Historic District Act

In 1970 the Michigan legislature enacted Public Act 169 (PA 169), Michigan's *Local Historic Districts Act*. PA 169 declares historic preservation a public purpose to safeguard a community's heritage, strengthen local economies, stabilize and improve property values, foster civic beauty and promote history. The law enables local governments to adopt a historic district ordinance that contains design review guidelines based on national standards and to appoint a historic district commission to implement the ordinance. It is the responsibility of each community to decide which resources are significant to its history. Once a community has done so, PA 169 provides the process for preserving and protecting those resources and ensures that the law is fairly and equitably applied to all residents in Michigan's local historic districts.

### The Benefits of Local Historic District Designation

Local historic districts provide a wide range of benefits to a community:

- **Legal Protection for Historic Resources** - Local historic district designation is one of the few means of providing legal protection for historic resources. By adopting a local historic district ordinance and designating a local historic district the community is requiring that work to the exterior of a resource, demolition, or new construction in the district be reviewed by the historic district commission before it is undertaken. This ensures that the work is sensitive to the original design and material of the resource.

People often think that listing a property in the National Register of Historic Places or Michigan's State Register of Historic Sites will protect it. This is not true. **Listing in the National and/or State Registers provides no protection for historic resources.** These are purely honorary designations—they place absolutely no restrictions on what property owners can do to a historic property. **Local historic district designation is one of the few ways to protect historic resources.**

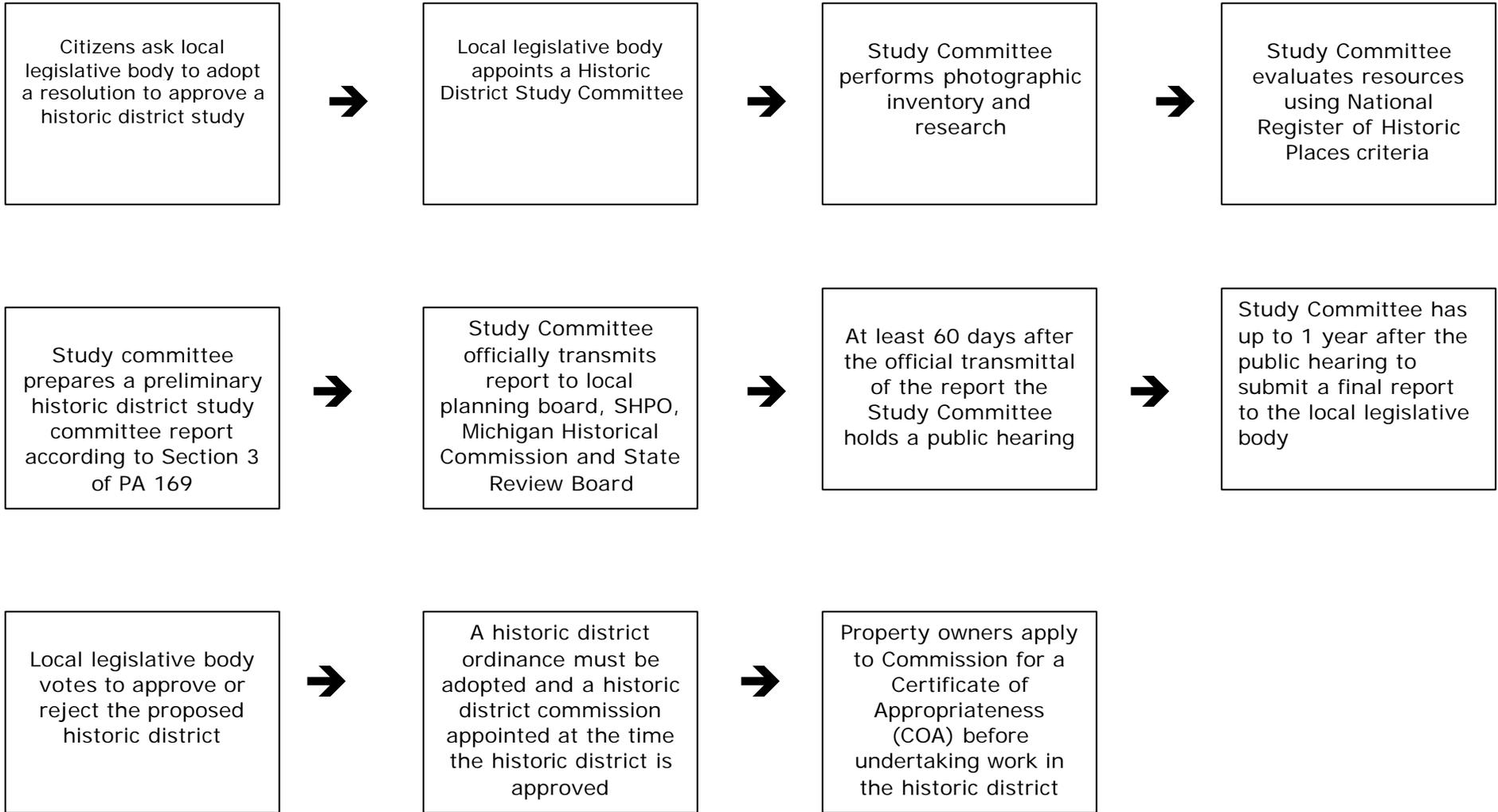
- **Increased Property and Resale Values** – Think of the realtor's motto—location, location, location. Local historic district designation stabilizes neighborhoods by controlling demolition and inappropriate infill in the neighborhood and ensuring that the physical integrity of individual properties is retained. Thus, adopting a local historic district ordinance guarantees that a home's location remains desirable. Studies have shown that both property and resale values either remain the same, or more typically, increase in designated local historic districts and never decrease. Because local historic district designation creates a stable environment, it protects investments. As a result, homeowners are more willing to spend money on the upkeep of their homes and banks are more willing to make loans to property owners in designated districts.
- **Eligibility for Preservation Tax Incentives** - In 1999 the state of Michigan authorized a preservation tax incentive for residential property owners. The incentive provides

homeowners or long-term lessees with a 25 percent tax credit on qualified rehabilitations. For communities with a population of 5,000 or more, to qualify for the incentive a property must be a contributing resource in a locally designated historic district. The credit provides a significant financial benefit for the maintenance and rehabilitation of historic homes. It not only enables the restoration and preservation of a home's historic features; it can also be used for updating mechanical systems, such as heat and air conditioning systems, or for necessary repairs such as replacing a roof.

- **Promotes Economic Development** - Local historic district designation encourages the adaptive reuse of historic buildings and results in the return of underutilized buildings to the community's tax roles. Investment in one historic building commonly sparks investment in other historic buildings nearby. By reusing existing buildings and infrastructure, less municipal dollars are spent on the construction of new roads, sewer and water lines, and other utilities that support sprawl on the edge of town, and more funds can be redirected to traditional neighborhoods and downtowns.
- **Promotes Community Revitalization and Diversity** - The range of housing types, sizes, and costs within historic neighborhoods typically leads to greater diversity in the race, occupation, and education level of the people who live there. Preservation tax incentives encourage developers to adapt old buildings for housing opportunities that bring new populations downtown. Innovative rehabilitation projects include the conversion of schools into senior housing; second story space above retail shops into loft apartments; or factories, mills or warehouses to mixed-use residential/retail development.
- **Certified Local Government Program (CLG)** - Adopting a local historic district ordinance and appointing a historic district commission qualifies a local government (city, township or county) to apply for National Park Service certification. A CLG can apply for competitive matching grant funds to help implement preservation planning at the local level. The funds can be used for the identification and evaluation of historic resources, public education, planning, and rehabilitation projects.
- **Increased Tourism Revenue** – The tourism industry brings billions in revenue to Michigan annually. A 1998 study by the Travel Industry Association of America showed that visiting a historic site was the most popular cultural activity chosen by travelers. Heritage tourists spend \$688 per visit vs. \$425 spent by other tourists. A historic commercial and/or residential district can serve as a tourist destination or complement other attractions that exist in an area to bring increased tourism dollars to a community.
- **Local Job Creation** - When an existing building is rehabbed, up to 70 percent of the cost is for labor and that means more jobs for local workers. Typically, local laborers purchase their materials from local suppliers, unlike new construction projects where more of the dollars go out of state. Since 1971, historic property rehabilitation has created over 20,000 jobs and generated \$1.7 billion in direct and indirect economic impacts in Michigan. In addition, rehabilitated older buildings provide affordable rental spaces for small businesses that are responsible for 85 percent of the new jobs created in America.
- **A Better Quality of Life** - Traditional downtowns and neighborhoods with their trees, parks and sidewalks are walkable communities geared toward people and pedestrians rather than the automobile. Spending less time on roads traveling to restaurants, stores and services on the outskirts of town and spending more time interacting with friends and neighbors helps to increase a community's quality of life and fosters closer-knit communities.

Local historic district designation enables communities to preserve their unique character and use it to create their future.

# The Process for Establishing a Local Historic District



Attachment: Flowchart Process (1379 : Presentation - Historic District Study Committee)

## THE PROCESS FOR ESTABLISHING A LOCAL HISTORIC DISTRICT

It is important that the process for establishing a local historic district be closely followed when creating a local historic district to ensure a solid legal foundation for the district. One of the reasons an existing historic district can be eliminated, if its creation is ever challenged in court, is that it was created using improper procedures. Public Act 169 of 1970, as amended (PA 169) does not stipulate a timeframe for conducting the study. The study process will usually take six months to a year to complete. It is important for the committee to be timely in completing the work. Dragging the process out will result in the community's loss of confidence in and enthusiasm for the project. The study committee should always act in a professional manner. If they are unable to complete the work in a year, at the end of that time they should provide to the local unit of government a written report on the committee's progress to date and include a reasonable timeframe for completion of the work.

### **Step 1: Obtain Resolution from Local Unit of Government to Conduct a Historic District Study**

Any individual or group can approach the legislative body of a local unit of government (city, township, or county) and request that an area be studied to determine its historic significance. If the legislative body votes to approve the request for the study, they adopt a resolution that gives the authority to conduct the study to a historic district study committee. Contact the clerk's office of the local unit of government where the proposed historic district is located to find out the procedure for requesting a resolution for a historic district study.

### **Step 2: Appointment of a Historic District Study Committee**

The legislative body of the local unit of government is responsible for appointing the members of the historic district study committee. PA 169 as amended requires that the study committee "contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation." The individual or group requesting the historic district study may provide the legislative body with the names of potential committee members when the request for a resolution is made since local officials may not be familiar with individuals that have the qualifications to serve on the committee. However, the final decision on membership is up to the local unit of government. If it chooses to do so, a community can appointment a standing committee to study proposed historic districts.

PA 169 does not specify the number of study committee members that should be appointed. This depends on the size and complexity of the district, how much time people have to devote to the project, and the type of expertise needed to complete the study. Typically, study committees range in size from five to seven members. Study committee members do not have to be residents of the proposed district under study or even the local community. For example, if the study required the expertise of a professional on a specific subject, such as railroads, a professor at a university outside of the community could be asked to sit on the committee. It is, however, a good idea to include at least one resident of the proposed district on the study committee so that the neighborhood has input into the official process. Try to include members on the historic district study committee that have a wide range of skills, such as computer technology, photography, planning, research, or knowledge of architectural styles or local history, that will be of use in the collection, analysis, and organization of historic data.

If a community already has a designated local historic district and wishes to establish a new one, it is acceptable to have a representative from the historic district commission serve on a historic district study committee. However, it is **NOT** recommended that the two bodies be made up of exactly the same members. It could be perceived as a conflict of interest if the regulatory body (the historic district commission) and the body making recommendations for a district's establishment (the historic district study committee) are composed of the same individuals.

### Step 3: The Historic Resource Survey: Photographic Inventory and Historic Research

PA 169 requires the historic study committee to do a photographic inventory of resources in the proposed district. This inventory is called a historic resource survey and instructions for conducting the survey can be found in the *Manual for Historic and Architectural Surveys in Michigan* (available from the State Historic Preservation Office). Each resource in the district is photographed and the photograph is linked to a data sheet that provides information about the resource and its history. The data sheets are bound together, with a narrative history of the district, to create a historic resource survey report. It is important to remember that the historic resource survey report is **NOT** the historic district study committee report. The survey provides the raw data and background information that is then analyzed and presented in the study committee report. The study committee report should summarize the information found during the survey and highlight specific properties in the district.

The study committee can do the photographic inventory or research work itself or use volunteers. A municipality will often hire a professional consultant to do the work. No matter who collects the data, it is the responsibility of the historic district study committee to monitor the quality of the work to make sure it meets the requirements set forth in Section 399.203 of PA 169.

### Step 4: Evaluate the Resources in the Proposed District

Resources in a proposed district are evaluated individually using the criteria established by the Secretary of the Interior for the National Register of Historic Places to determine if they are historic (contributing) or non-historic (non-contributing). These criteria include: association with a significant person or event, significant design and construction, or the ability to yield more information. Evaluation also requires assessing a resource using the seven aspects of integrity established by the Secretary of the Interior: location, design, setting, workmanship, feeling, materials, and association. *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* discusses the criteria in detail.

The end result of the evaluation will be:

- a list of the historic (contributing) and a list of non-historic (non-contributing) properties in the district by street number and address,
- the proposed boundaries for the district, and
- a significance statement for the district that states which National Register criteria the district meets and why.

There is no set formula or percentage for determining how many individual historic resources a proposed district must have to be determined historically significant. However, the evaluation should show that a strong concentration of resources retaining material integrity exists.

### Step 5: Prepare a Preliminary Historic District Study Committee Report

Michigan's *Local Historic Districts Act* cites six minimum requirements for inclusion in the historic district study committee report: 1) charge of the committee, 2) composition of the study committee membership, 3) the name of the historic district studied, 4) a written and visual depiction of the district boundaries, 5) the history of the proposed district, and 6) significance of the district as a whole and individual representative resources in the district. Criteria established by the State Historic Preservation Office in 2002 require that the written boundary description in the report be a legal description and that the report includes a boundary justification statement. The criteria also require the inclusion of streetscape photographs for individual resource districts. A separate chapter on how to write a historic district study committee report is included in this publication.

## Step 6: Transmittal and Review of the Preliminary Study Committee Report

PA 169 requires that the study committee report be officially transmitted (mailed) to the following:

- **Local Planning Body.** The purpose of transmitting the report to the local planning body is to call attention to the fact that there is a potential historic district in an area. This allows planners to take historic resources into consideration when reviewing planning issues or development projects that might affect those resources.
- **State Historic Preservation Office (SHPO).** The SHPO reviews the report to ensure that it fulfills the six requirements set forth in PA 169; is a document that can stand up in court should the establishment of the district ever be challenged; is a well-organized, stand-alone document; and provides a strong significance statement and boundary justification so that readers understand why a property was included in or excluded from the district.
- **The Michigan Historical Commission and the State Historic Preservation Review Board.** The members of these boards may have specialized knowledge of the proposed district and can offer comments about where sources of information can be found. Or, they may question how boundaries were determined. The Michigan Historical Commission meets monthly while the State Historic Preservation Review Board meets three times a year. The SHPO serves as the liaison between the historic district study committee and these advisory boards. One copy of the study committee report should be submitted to the SHPO. The SHPO is responsible for distributing the report to the Commission and Review Board.

None of the reviewing agencies is approving or rejecting the report. They are only offering comments and suggestions, based on their areas of expertise, in an effort to strengthen and improve the report.

## Step 7: Public Hearing

The historic district study committee is required to hold a public hearing to allow the public to comment on the preliminary historic district study committee report. The study committee must wait at least 60 calendar days after the date the preliminary report is transmitted to the four agencies listed above before the hearing can be held. Property owners in the district must be notified of the hearing by first class mail at least 14 days before the date of the hearing. The hearing must be held in accordance with the Open Meetings Act, Public 276 of 1976. See Section 399.203 of Public Act 169 of 1970 as amended for details of the hearing notification process.

Educating the public about the historic significance of the proposed district is a primary responsibility of the historic district study committee. The public hearing should not be the first time the public is informed of the study. The committee should include the public in the study process from the beginning, as soon as the decision is made by the local unit of government to undertake the study. Including the public in the process will help to increase their understanding and acceptance of the district designation.

At the public hearing, in addition to presenting the history of the district the study committee should be prepared to answer questions about what it means to live in a historic district—the benefits and drawbacks, how a historic district commission operates, and the type of work the commission reviews. Committee members should be prepared for both positive and negative responses to establishing a district. It may be helpful to have on hand a representative from an existing historic district commission that can speak with experience about procedures and issues relating to local historic districts.

**Step 8: Prepare the Final Historic District Study Committee Report and Draft Historic District Ordinance**

The historic district study committee has up to one year from the date of the public hearing to prepare a final report that incorporates the comments and suggestions from the public and the four agencies to which the report was officially transmitted. During that time, a historic district ordinance must be prepared so that it is ready and available for the local unit of government to adopt should it vote to establish the historic district. The historic district study committee, in conjunction with the attorney for the local unit of government, usually prepares the local historic district ordinance. The SHPO has developed a model historic district ordinance that can be adapted for a community. A local historic district ordinance should follow the language of Public Act 169 as closely as possible to ensure procedures are consistent with the law.

**Step 9: Adoption of the Historic District Ordinance and Appointment of the Historic District Commission**

The local unit of government makes the decision to adopt or reject the establishment of the local historic district at the time the final report is presented to them. If the local unit votes to establish a local historic district, then a historic district ordinance must be adopted and a historic district commission must be appointed at the time the district is approved.

The study committee should provide a list of potential historic district commission candidates that meet the qualifications set forth in PA 169 to the local unit of government along with the ordinance.

The process for establishing a local historic district is found in Section 399.203 of Michigan's *Local Historic Districts Act*, Public Act 169 of 1970, as amended.

**LOCAL HISTORIC DISTRICTS ACT**  
**Act 169 of 1970**

AN ACT to provide for the establishment of historic districts; to provide for the acquisition of certain resources for historic preservation purposes; to provide for preservation of historic and nonhistoric resources within historic districts; to provide for the establishment of historic district commissions; to provide for the maintenance of publicly owned resources by local units; to provide for certain assessments under certain circumstances; to provide for procedures; and to provide for remedies and penalties.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

*The People of the State of Michigan enact:*

**399.201 Short title.**

Sec. 1. This act shall be known and may be cited as the “local historic districts act”.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**399.201a Definitions.**

Sec. 1a. As used in this act:

- (a) “Alteration” means work that changes the detail of a resource but does not change its basic size or shape.
- (b) “Certificate of appropriateness” means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.
- (c) “Commission” means a historic district commission created by the legislative body of a local unit under section 4.
- (d) “Committee” means a historic district study committee appointed by the legislative body of a local unit under section 3 or 14.
- (e) “Demolition” means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
- (f) “Demolition by neglect” means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
- (g) “Denial” means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
- (h) “Department” means the department of history, arts, and libraries.
- (i) “Fire alarm system” means a system designed to detect and announce the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.
- (j) “Historic district” means an area, or group of areas not necessarily having contiguous boundaries, that contains 1 resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
- (k) “Historic preservation” means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.
- (l) “Historic resource” means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this state or a community within this state, or of the United States.
- (m) “Local unit” means a county, city, village, or township.
- (n) “Notice to proceed” means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under section 5(6).
- (o) “Open space” means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.
- (p) “Ordinary maintenance” means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.
- (q) “Proposed historic district” means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

(r) “Repair” means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this act.

(s) “Resource” means 1 or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features, or open spaces located within a historic district.

(t) “Smoke alarm” means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, “single-station alarm” means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. “Multiple-station alarm” means 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.

(u) “Standing committee” means a permanent body established by the legislative body of a local unit under section 14 to conduct the activities of a historic district study committee on a continuing basis.

(v) “Work” means construction, addition, alteration, repair, moving, excavation, or demolition.

**History:** Add. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001;—Am. 2004, Act 67, Imd. Eff. Apr. 20, 2004.

### **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.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

### **399.203 Historic districts; establishment; study committee; duties; public hearing; notice; actions; availability of writings to public.**

Sec. 3. (1) A local unit may, by ordinance, establish 1 or more historic districts. The historic districts shall be administered by a commission established pursuant to section 4. Before establishing a historic district, the legislative body of the local unit shall appoint a historic district study committee. The committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall contain representation from 1 or more duly organized local historic preservation organizations. The committee shall do all of the following:

(a) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the department.

(b) Conduct basic research of each proposed historic district and the historic resources located within that district.

(c) Determine the total number of historic and nonhistoric resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places, as set forth in 36 C.F.R. part 60, and criteria established or approved by the department, if any.

(d) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

(i) The charge of the committee.

(ii) The composition of the committee membership.

(iii) The historic district or districts studied.

(iv) The boundaries for each proposed historic district in writing and on maps.

(v) The history of each proposed historic district.

(vi) The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(e) Transmit copies of the preliminary report for review and recommendations to the local planning body, to the department, to the Michigan historical commission, and to the state historic preservation review board.

(f) Make copies of the preliminary report available to the public pursuant to subsection (4).

(2) Not less than 60 calendar days after the transmittal of the preliminary report, the committee shall hold a public hearing in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the hearing shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Written notice shall be mailed by first-class mail not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the local unit.

(3) After the date of the public hearing, the committee and the legislative body of the local unit shall have not more than 1 year, unless otherwise authorized by the legislative body of the local unit, to take the following actions:

(a) The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the legislative body of the local unit. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(b) After receiving a final report that recommends the establishment of a historic district or districts, the legislative body of the local unit, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the local unit passes an ordinance or ordinances establishing 1 or more historic districts, the local unit shall file a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts, with the register of deeds. A local unit shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

(4) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1980, Act 125, Imd. Eff. May 21, 1980;—Am. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001.

### **399.204 Historic district commission; establishment; appointment, qualifications, and terms of members; vacancy; commissions previously established by charter or ordinance.**

Sec. 4. The legislative body of a local unit may establish by ordinance a commission to be called the historic district commission. The commission may be established at any time, but not later than the time the first historic district is established by the legislative body of the local unit. Each member of the commission shall reside within the local unit. The membership of the historic district commission in a local unit having a population of 5,000 or more individuals shall consist of not less than 7 or more than 9 members. The membership of the historic district commission in a local unit having a population of less than 5,000 individuals shall consist of not less than 5 or more than 7 members. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. The members shall be appointed by the township supervisor, village president, mayor, or chairperson of the board of commissioners, unless another method of appointment is provided in the ordinance creating the commission. Initial members shall be appointed within 6 months after the ordinance establishing the commission is enacted. Members shall be appointed for 3-year terms except the initial appointments of some of the members shall be for less than 3 years so that the initial appointments are staggered and that subsequent appointments do not recur at the same time. Members shall be eligible for reappointment. A vacancy on the commission shall be filled within 60 calendar days by an appointment made by the appointing authority. The ordinance creating the commission may provide procedures for terminating an appointment due to the acts or omissions of the member. The appointing authority of a local unit having a population of 25,000 or more individuals shall appoint at least 2 members from a list of citizens submitted by 1 or more duly organized local historic preservation organizations. A local unit having a population of more than 5,000 individuals but less than 25,000 individuals shall appoint at least 1 member from a list of citizens submitted by 1 or more duly organized local historic preservation organizations. The commission of all local units shall include as a member, if available, a graduate of an accredited school of architecture who has 2 years of architectural experience or who is an architect registered in this state. This section does not apply to historic district commissions established by charter or to historic district commissions established by ordinance before August 3, 1970.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1971, Act 30, Imd. Eff. May 25, 1971;—Am. 1992, Act 96, Imd. Eff. June 18,

1992.

**399.205 Permit required; completed application; certificate of appropriateness or notice to proceed; issuance; permit fee; appeal to review board and circuit court; plan review standards, guidelines, and considerations; scope of review; preservation plan; approval; conditions; public meeting; availability of writings to public; rules of procedure; approval of minor work; finding of demolition by neglect; restoration or modification of work done without permit.**

Sec. 5. (1) A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district or, if required under subsection (4), work affecting the interior arrangements of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings, the commission, or other duly delegated authority. If the inspector of buildings or other authority receives the application, the application shall be immediately referred together with all required supporting materials that make the application complete to the commission. A permit shall not be issued and proposed work shall not proceed until the commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this act. A commission shall not issue a certificate of appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. A local unit may charge a reasonable fee to process a permit application.

(2) An applicant aggrieved by a decision of a commission concerning a permit application may file an appeal with the state historic preservation review board within the department. The appeal shall be filed within 60 days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. 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. A permit applicant aggrieved by the decision of the state historic preservation review board 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.

(3) In reviewing plans, the commission shall follow the United States secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 C.F.R. part 67. 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 interior's standards and guidelines and are established or approved by the department. The commission shall also consider all of the following:

(a) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.

(b) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.

(c) The general compatibility of the design, arrangement, texture, and materials proposed to be used.

(d) Other factors, such as aesthetic value, that the commission finds relevant.

(e) Whether the applicant has certified in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(4) The commission shall review and act upon only exterior features of a resource and, except for noting compliance with the requirement to install a fire alarm system or a smoke alarm, shall not review and act upon interior arrangements unless specifically authorized to do so by the local legislative body or unless interior work will cause visible change to the exterior of the resource. The commission shall not disapprove an application due to considerations not prescribed in subsection (3).

(5) If an application is for work that will adversely affect the exterior of a resource the commission considers valuable to the local unit, state, or nation, and the commission determines that the alteration or loss of that resource will adversely affect the public purpose of the local unit, state, or nation, the commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(6) Work within a historic district shall be permitted through the issuance of a notice to proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

(a) The resource constitutes a hazard to the safety of the public or to the structure's occupants.

(b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.

(c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.

(d) Retaining the resource is not in the interest of the majority of the community.

(7) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the commission.

(8) The commission shall keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines for resource treatment to carry out its duties under this act.

(10) The commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to its staff, to the inspector of buildings, or to another delegated authority. The commission shall provide to the delegated authority specific written standards for issuing certificates of appropriateness under this subsection. On at least a quarterly basis, the commission shall review the certificates of appropriateness, if any, issued for work by its staff, the inspector, or another authority to determine whether or not the delegated responsibilities should be continued.

(11) Upon a finding by a commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the commission may do either of the following:

(a) Require the owner of the resource to repair all conditions contributing to demolition by neglect.

(b) If the owner does not make repairs within a reasonable time, the commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

(12) When work has been done upon a resource without a permit, and the commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the court, the commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. When acting pursuant to an order of the circuit court, a commission or its agents may enter a property for purposes of this section.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1980, Act 125, Imd. Eff. May 21, 1980;—Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986;—Am. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001;—Am. 2004, Act 67, Imd. Eff. Apr. 20, 2004.

### 399.206 Grants, gifts, and programs.

Sec. 6. The legislative body of a local unit may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept

public or private gifts for historic preservation purposes. The legislative body may make the historic district commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

### **399.207 Historic resource; acquisition by local legislative body.**

Sec. 7. If all efforts by the historic district commission to preserve a resource fail, or if it is determined by the local legislative body that public ownership is most suitable, the local legislative body, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the commission or standing committee. The commission or standing committee is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the local legislative body. Upon recommendation of the commission or standing committee, the local unit may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

### **399.208 County historic district commission; coordination with township and municipality.**

Sec. 8. The jurisdiction of a county shall be the same as that provided in Act No. 183 of the Public Acts of 1943, as amended, being sections 125.201 to 125.232 of the Michigan Compiled Laws, or as otherwise provided by contract entered into between the county and a city, village or township. If a county historic district commission is in existence, coordination between the county historic district commission and township and municipality historic district commissions shall be maintained. The overall historic preservation plans of cities, villages and townships shall be submitted to the county historic district commission for review, and county plans submitted to cities, villages, and townships having historic district commissions. Day-to-day activities of a commission shall not be reviewed unless the activities affect resources of importance to another commission.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

### **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.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001.

### **399.210 Construction of act.**

Sec. 10. Nothing in this act shall be construed to prevent ordinary maintenance or repair of a resource within a historic district, or to prevent work on any resource under a permit issued by the inspector of buildings or other duly delegated authority before the ordinance was enacted.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**399.211 Appeal of decisions.**

Sec. 11. Any citizen or duly organized historic preservation organization in the local unit, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under section 5(1) may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board under section 5(2).

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**399.212 Effect of act as to existing legislation and historical commissions.**

Sec. 12. This act does not affect any previously enacted legislation pertaining to historical preservation and does not affect historical commissions appointed by local governing bodies to foster historic preservation. An existing local historical commission organized under Act No. 213 of the Public Acts of 1957, as amended, being sections 399.171 and 399.172 of the Compiled Laws of 1948, may be designated as a historic district commission, if its membership and structure conform, or are revised to conform, to the provisions of section 4.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970.

**399.213 Powers and duties of historic district commission.**

Sec. 13. The local legislative body may prescribe powers and duties of the historic district commission, in addition to those prescribed in this act, that foster historic preservation activities, projects, and programs in the local unit.

**History:** Add. 1986, Act 230, Imd. Eff. Oct. 1, 1986.

**399.214 Local units; establishing, modifying, or eliminating historic districts; study committee; considerations; review of applications within proposed historic district; emergency moratorium.**

Sec. 14. (1) A local unit may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the legislative body of the local unit shall, except as provided in subsection (2), comply with the procedures set forth in section 3 and shall consider any previously written committee reports pertinent to the proposed action. To conduct these activities, local units may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved.

(2) If considering elimination of a historic district, a committee shall follow the procedures set forth in section 3 for issuing a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing 1 or more of the following:

- (i) The historic district has lost those physical characteristics that enabled establishment of the district.
- (ii) The historic district was not significant in the way previously defined.
- (iii) The historic district was established pursuant to defective procedures.

(3) Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the legislative body of a local unit may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the commission as prescribed in sections 5 and 9. The commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than 1 year, or until such time as the local unit approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(4) If the legislative body of a local unit determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the legislative body may by resolution declare an emergency moratorium of all such work for a period not to exceed 6 months. The legislative body may extend the emergency moratorium for an additional period not to exceed 6 months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

**History:** Add. 1992, Act 96, Imd. Eff. June 18, 1992.

**399.215 Violation; fine; payment of costs.**

Sec. 15. (1) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act is responsible for a civil violation and may be fined not more than \$5,000.00.

(2) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

**History:** Add. 1992, Act 96, Imd. Eff. June 18, 1992.

**From:** "Arnold, Amy (MSHDA)" <[ARNOLDA@michigan.gov](mailto:ARNOLDA@michigan.gov)>  
**Date:** September 10, 2013, 9:35:14 AM EDT  
**To:** Ellen Thackery <[info@mhpn.org](mailto:info@mhpn.org)>, 'Jena Stacey' <[jlstacey@sbcglobal.net](mailto:jlstacey@sbcglobal.net)>  
**Subject:** RE: Historic District Study Committee

The Historic District Commission CANNOT appoint a study committee. The study committee must be appointed by city council. Once the study committee is appointed they can use the work that has been done by historic commission as the basis for their report—no need to reinvent the wheel—but the study committee is responsible for final content and must make sure it meets the requirements of the law.

We recommend that the HDC and study committee NOT be the exact same members. There is a perception of conflict of interest if the group that creates the district is also the group that regulates it. Also, it is better to involve a wider range of people in the preservation of the community's history. Otherwise it looks like a small faction are in control of the town's history. Sometimes this can result in marginalization of preservation. We recommend that the city do as much as possible to make preservation inclusive and a part of the regular system of government.

Re the research and information on individual resources, study committees are required to do intensive level survey as opposed to reconnaissance level survey when developing the study committee report (Note section 399.203 (3) (b) of PA 169 says research must be conducted on the district **and the historic resources located within that district**) Therefore, each individual property in the district must be researched. Thus a survey inventory sheet must be created for each property. The study committee is really creating a survey report. Our SHPO survey manual is available on the SHPO website under publications. The study committee then takes the information from the survey report and creates the study committee report, which is an executive summary. You will note that the study committee report only needs to include representative examples of the resource.

The list of contributing and non-contributing is typically just an Excel database of the address, year built and determination of contributing/non-contributing.

**From:** Ellen Thackery [<mailto:info@mhpn.org>]  
**Sent:** Monday, September 09, 2013 2:34 PM  
**To:** 'Jena Stacey'  
**Cc:** Arnold, Amy (MSHDA)  
**Subject:** RE: Historic District Study Committee

Hello! I hope you're well! Thanks for your question. I'm ccing Amy Arnold at the SHPO on this response in case she has anything to add. I'll respond to your questions, but I am also pasting the relevant language from MI's local historic district enabling statute below my answers so you can read the relevant text directly. The whole text is available at <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-act-169-of-1970.pdf>.

Regarding your first questions—who appoints a study committee and is there a minimum number of members for the committee.... The local legislative body, like City Council, appoints the study committee. No other body can do that, to my knowledge. The study committee should be made up of people other than the entire historical commission. Certainly, some of those members can serve on the study committee but the study committee should also have others on it.

Regarding your other question about the content of the report itself, I defer to Amy. Amy, Jena asks, "Additionally, looking at the Ferry Court Historic District Sample Study Committee Report, the

list of resources has a description of each structure. Is this also a requirement?" A list of contributing and non-contributing resources must be included, as well as the ratio of contributing to non-contributing. I don't see anywhere in the law that states that each contributing resource must be described. The report must include a statement of significance keyed to the National Register Criteria, and that statement must be supported/illustrated with examples of resources in the district that represent the variety of resources found in the district. But I don't see anywhere where a list of every resource in the district must be described. Perhaps I have missed that. Amy?

The text of the study committee portion of the state statute is below (with highlighting from me), and you might also find this section of a handbook Amy drafted helpful as well:

[http://www.michigan.gov/documents/hal\\_mhc\\_shpo\\_Study\\_Comm\\_report\\_154707\\_7.pdf?20130909142004](http://www.michigan.gov/documents/hal_mhc_shpo_Study_Comm_report_154707_7.pdf?20130909142004)

Please let us know if we can offer any further assistance. Thank you very much!

Ellen

**Farmington City Council  
Staff Report**

**Council Meeting Date:**  
October 7, 2013

**Reference  
Number  
(ID # 1380)**

**Submitted by:** Vincent Pastue, City Manager

**Description:** Consideration to Introduce Ordinance #C-773-2013 Amending Chapter 31 of the City Code Dealing with Local Super Drunk Prosecutions

**Requested Action:**

Move to introduce ordinance #C-773-2013 which amends Chapter 31 of the City Code, Traffic and Motor Vehicles, Section 29, "Limitations," to allow the prosecution of cases under Section 625(1)(c) of the Michigan Vehicle Code, 149 PA 300.

**Background:**

The City Council discussed Administration's recommendation at the September 30 special meeting to adopt an ordinance to allow for City prosecution of super drunk as provided by Michigan statutes. Super drunk is established as operating a motor vehicle with a blood alcohol level exceeding .017. This would allow for increased fines, increased jail time, and increased community service over existing penalties for conviction of drunk driving. As discussed at the special meeting, the Public Safety Department is currently able to process super drunks under state statute only. However, the ordinance would allow the department to now write citations by local ordinance.

It is estimated that approximately 20 of the annual arrests would be classified as super drunk.

The intent is to introduce the ordinance at the October 7 meeting and present it to the City Council for adoption at the October 21 meeting.

**Agenda Review**

**Review:**

**Vincent Pastue      Pending**  
**City Manager      Pending**  
**City Council Pending**

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON  
ORDINANCE NO. C-773-2013

AN ORDINANCE TO AMEND THE CITY OF FARMINGTON CITY CODE OF ORDINANCES, AT CHAPTER 31 “TRAFFIC AND MOTOR VEHICLES,” SECTION 29, “LIMITATIONS,” TO ALLOW THE PROSECUTION OF CASES UNDER SECTION 625(1)(c) OF THE MICHIGAN VEHICLE CODE, 149 PA 300.

**THE CITY OF FARMINGTON ORDAINS:**

**Section 1 of Ordinance**

Chapter 31, Traffic and Motor Vehicles,” of the City of Farmington Code of Ordinances, Section 29, “Limitations,” is hereby amended to read as follows:

Section 31-29. Limitations

Violations of any code or regulation adopted in this article for which the maximum period of imprisonment exceeds ninety-three (93) days shall not be enforced by the City as an ordinance violation; except for a violation of MCL 257.625(1)(c), which the City adopts by reference in Section 31-26 of the City Code of Ordinances in conformity with the Michigan Vehicle Code, Public Act 300 of 1949, as amended, and which shall constitute a misdemeanor punishable by one (1) or more of the following: community service for not more than three hundred sixty (360) hours, imprisonment for not more than one hundred eighty (180) days, and a fine of not less than two hundred (\$200.00) dollars or more than seven hundred (\$700.00) dollars.

**Section 2 of Ordinance**      **Severability**

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the ordinance.



## Farmington City Council Staff Report

**Council Meeting Date:**  
October 7, 2013

**Reference  
Number  
(ID # 1381)**

**Submitted by:** Vincent Pastue, City Manager

**Description:** Discussion - Oakland County Animal Control Services

**Requested Action:**

### **Background:**

The public safety department has been responsible for providing animal control and working with a local veterinarian to board stray dogs and cats for over 25 years. Near the end of September, the department was notified that the local vet will no longer assist with the boarding of stray animals. Commander Purves assisted in contacting area veterinarians and none where able to provide the assistance that was required.

Commander Purves and Director Schulz met with officials from Oakland County Animal Control and learned that we could turn our animal control authority over to them. To have Oakland County assume our animal control, several changes would have to take place. The following is a list of the changes:

- Farmington City would have to cancel Chapter 5 "Animals" from our local ordinances.
- Farmington City would have to stop selling a local animal license and start selling Oakland County animal license.

With the requirement to eliminate Chapter 5 "Animals", I would recommend that the ordinance in this chapter be amended and reinstated in Chapter 19 "Nuisances" or Chapter 20 "Offenses". This would still give the city the ability to enforce ordinance governing barking dogs, stray animals and the number of animals kept by a property number as examples.

The following is a break down of the change in license fees:

City Of Farmington (Dog & Cat)

January 1 to March 31 \$7.00

After March 31 \$10.00

\$3.00 discount for spayed/neutered pets for both rates.

Oakland County (Dogs only)

December 1 to June 1 spayed/neutered dogs \$7.50, senior rate \$6.75

Male/female dogs \$15.00, senior rate \$13.50

After June 1 \$30.00 across the board

The city collects an average \$1,626.00 per year based on the last four years of license sales. The public safety department was spending less than \$120.00 on local boarding fees until July 2011 when fees increased. In FY2011/12 boarding fees were \$476.00, FY2012/13 was \$392.00 and FY2013/14 is already at \$155.00. This does not include the \$859.00 that we had to pay Oakland County Animal Control for boarding stray dogs/cats that had to be held longer than two days during the calendar year 2013. (Note: the local vet was not allowed by state regulation to board a stray animal longer than two days.)

Under the change, the public safety department will still respond to animal complaints. The main change will be that stray cats will no longer be accepted by department staff. It should be noted that the boarding of stray cats has been the main reason for the increase in boarding fees. Stray dogs will still be picked up from residents and temporarily boarded at the public safety department. Stray dogs not returned to an owner by the following business day will be turned over to Oakland County Animal Control for boarding. This will require the department to purchase at least one large dog cage, food/water bowls and dog food. There will be no charge to the department for the boarding of stray dogs at Oakland County Animal Shelter located in Auburn Hills.

By Oakland County taking over as the official animal control authority, this will also provide additional services that we would not have access to without being billed for. Some of those services would include investigating suspected rabies

Information Item (ID # 1381)

Meeting of October 7, 2013

cases, handling vicious dogs and removal of wild animals from the living area of a home if public safety needed help. Animal control officers are on call 24 hours a day and would respond at the request of the public safety department to any emergency involving animals if help was needed.

In the area, Farmington Hills and Novi currently have Oakland County serving as their animal control authority.

### Agenda Review

**Review:****Vincent Pastue      Pending****City Manager      Pending****City Council Pending**