

**CITY OF EAST LANSING**

**POLICY RESOLUTION 2014-11**

**A RESOLUTION APPROVING THE BYLAWS - RULES  
OF PROCEDURE FOR THE EAST LANSING HISTORIC  
DISTRICT COMMISSION**

WHEREAS, Section 5(a) of the State Historic District Enabling Act, MCL 399.205, requires that the East Lansing Historic District Commission adopt Rules of Procedure to carry out its duties under the Act; and,

WHEREAS, Section 2-250 of Chapter 2 of the Code of the City of East Lansing authorizes each City board or commission to adopt administrative rules which pertain to the actual conduct of its business, which rules shall not be effective without the approval of City Council; and

WHEREAS, on September 10, 2014, the East Lansing Historic District Commission prepared and submitted to City Council proposed Bylaws - Rules of Procedure for review and approval by Council;

NOW, THEREFORE, BE IT RESOLVED that the East Lansing City Council hereby approves the following Bylaws - Rules of Procedure for the conduct of business before the East Lansing Historic District Commission:

**EAST LANSING HISTORIC DISTRICT COMMISSION**

**BYLAWS - RULES OF PROCEDURE**

**ARTICLE I - NAME**

The name of the Commission shall be the East Lansing Historic District Commission.

**ARTICLE II - OBJECTIVES**

The objectives and purpose of the Commission are those set forth in Sections 20-4 and 20-2 of Chapter 20 of the Code of the City of East Lansing.

**ARTICLE III - OFFICERS AND THEIR DUTIES**

**Section 1**

Officers shall be Chair, Vice Chair and Secretary. The City Manager's designee shall serve as Secretary of the Commission.

**Section 2**

The Chair shall preside over all meetings of the Historic District Commission and shall have duties normally conferred by parliamentary usage.

### Section 3

The Vice Chair shall act for the Chair in his/her absence. The Vice Chair shall be responsible for ensuring that all commission business is conducted in accordance with these Bylaws.

## ARTICLE IV - ELECTION OF OFFICERS

### Section 1

The election of the Chair and Vice Chair shall be held at the first regular meeting of the year.

### Section 2

Nominations shall be made from the floor at the regular meeting in December.

### Section 3

A candidate receiving a majority vote of the Commission shall be declared elected and shall serve a term of one year or until a successor shall take office.

### Section 4

If the office of Chair becomes vacant, the Vice Chair shall immediately become the Chair. Using regular election procedures, a vacancy in the office of Vice Chair shall be filled during the meeting where it occurs or, if it becomes vacant between meetings, at the next regular or special meeting.

## ARTICLE V - MEETINGS

### Section 1

Regular meetings shall be held at least six times per year at such time, date and place as the Commission shall establish by resolution. The Commission or Chair may cancel and/or reschedule a regular meeting.

### Section 2

Special meetings may be called by the Chair, any three members of the Commission, or at the request of the City Manager. The notice of a special meeting shall specify the purpose of the meeting, and no other business may be considered.

### Section 3

The Secretary shall give written notice of all meetings, both regular and special, to all members of the Commission at least 48 hours in advance of the meeting. 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.

### Section 4

A majority of the members of the Commission appointed and serving shall constitute

a quorum for the transaction of business. Any member who has been granted a leave of absence, or has been removed by the appointing authority or automatically removed for nonattendance shall not be deemed to be serving for purposes of determining a quorum.

A concurring vote of four members of the Commission shall be necessary to issue a Certificate of Appropriateness or to make recommendations to City Council for the adoption or modification of Preservation Guidelines. Other actions of the Commission shall require a simple majority of members present constituting a quorum.

#### Section 5

Voting shall be by voice and shall be recorded by "yes" and "no".

#### Section 6

Each member of the Commission shall cast a "yea" or "nay" vote on each question before the Commission.

#### Section 7

Conflict of Interest. A member who has a direct conflict of interest of more than a de minimis nature as defined by MCL 15.322 and 15.323 or the City Code of Ethics, Chapter 2 of the City Code, in any matter before the Commission, shall disclose that interest prior to the Commission taking any action with respect to the matter.

This disclosure shall become part of the record of the Commission's official proceedings. Any member making such disclosure shall, with the approval of the Commission, refrain from participating in the Commission's decision-making process relative to such matter, including all discussions, motions made and votes taken, unless required by law.

#### Section 8

All meetings of the Commission, including regular meetings, special meetings and all committee and subcommittee meetings, shall be open to the public in accordance with the Michigan Open Meetings Act, being Act 267 of the Public Acts of 1976 of the State of Michigan, as amended. Closed sessions may be called for purposes listed in said Act if approved by a 2/3 vote of the members present and voting.

#### Section 9

Public Notification. At least ten days prior to the public hearing on the application for a Certificate of Appropriateness, the Secretary shall cause the notice of appeal to be published in a newspaper of general distribution in the city and shall deliver the notice of application for a Certificate of Appropriateness personally or by first class mail to the applicant, the owners of all properties within three hundred feet of the subject property at the address given in the last assessment roll, and the non-owner occupants of all residences within three hundred feet of the subject property. Notice shall also be given to all neighborhood associations and heritage neighborhood committees in which the residence is located.

## Section 10

All writing of the Commission shall be maintained and published in compliance with the Freedom of Information Act, being Act 442 of the Public Acts of 1976, as amended. Writings are defined by Section 2(e) of the Freedom of Information Act to mean any means of recording including letters, words, pictures, sounds or symbols on paper, magnetic tape or otherwise.

## Section 11

Parliamentary procedure in Commission meetings shall be governed by *Robert's Rules of Order*, current edition, as amended. A majority vote of the Commission members present may suspend the use of such rules upon motion and second.

## Section 12

All materials pertinent to Commission action must be submitted to the Commission staff no later than four weeks prior to the meeting for which action is proposed.

## Section 13

If the Chair and Vice Chair are both absent at the time a meeting is scheduled to begin, the secretary, after establishing that a quorum is present, will open the meeting, take the roll, ask for nominations for a Chair pro tem and conduct the election, then turn the meeting over to the person elected who will continue with the meeting. Such office is terminated if the Chair or Vice Chair arrives later in the meeting.

## ARTICLE VI - ORDER OF BUSINESS

### Section 1<sup>1</sup>

The order of business at regular meetings shall be as follows:

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- Opening (includes roll call, approval of minutes, and approval of agenda)
- Communications
- Public Hearings
- Old Business
- New Business
- Reports from Commissioners
- Staff Announcements
- Assignments
- Adjournment

### Section 2 - Approval of Agenda

The order and content of the agenda shall be approved by a vote of members present at the meeting.

### Section 3 - Conduct of Hearings

Request for action on a Certificate of Appropriateness shall be heard in the following manner:

1. Call of the case by the Chair.
2. Staff Report. This shall include at a minimum:
  - A. The address of the property, vicinity map and the status of the property in the district.
  - B. The name and address of the property owner.
  - C. The name, address and role of the petitioner. In the case of a demolition or moving request, the Commission requires a written request from the owner stating the reasons for the request.
  - D. A brief description of the building and its history, including any significant changes to the original configuration.
  - E. The current zoning and land use classifications.
  - F. A summary of the petitioner's request and the relevant sections of the Historic Preservation Code.
3. Petitioner's Presentation: Petitioner may testify on his/her own behalf and may bring such witnesses as may be necessary.
4. Question by the Commission.

5. Audience Participation (pertaining to this case).
6. Rebuttal by the petitioner.
7. Closing of the Hearing Followed by Commission Discussion and Action. Before taking up any hearing, announcement shall be made of any petition withdrawn at that time. Requests for withdrawal may be made at any time prior to the case being called and may be granted at the discretion of the Chair.

All persons shall be allowed to address the meeting on any issue before it at the proper time. Said person shall give his/her name and address for the record. Reasonable time limits may be established by the Chair for individual and group presentations.

#### Section 4 - Rehearings

An application for rehearing shall be reviewed in the same manner as an original hearing.

The application shall be denied by the Commission if the petitioner is unable to present evidence to show that there has been a substantial change in facts, circumstances or the nature of the request.

#### Section 5 - Continuation of an Application

Since four (4) affirmative votes are required by ordinance to approve a Certificate of Appropriateness, the absence of one or more members of the Commission could affect the outcome of an application. Therefore, to afford due process to each applicant, the Commission shall reconsider an application at a subsequent meeting if all the following conditions are met when the application is initially considered:

- a) one to three members of the Commission are absent from the meeting at which the application is considered, excluding members who have been excused from considering the appeal because of a conflict of interest;
- b) a motion to grant the Certificate of Appropriateness application is supported by at least one half of the members present but fewer than four members as required to approve the application; and
- c) the applicant affirmatively states on the record the desire to continue the application.

The application shall be reconsidered at the next regular meeting of the Commission unless an alternative time is agreed to by the Commission and the applicant. In addition to the notification requirements in Section 4 above, all persons who communicated to the Commission on the application at the original public hearing

shall receive notice of the date, time and place at which the application will be reconsidered. All written materials and communications received on the application at the original public hearing and the minutes of the original public hearing shall remain as part of the record on the application and be provided to Commission members, the applicant and the persons who participated in the original public hearing at least ten (10) days in advance of the meeting at which the application is reconsidered. When the application is reconsidered, the applicant and other interested persons shall be provided the opportunity to correct or supplement the record previously provided to the Commission.

## ARTICLE VII - COMMITTEES

### Section 1

In accordance with Section 20-33 of Chapter 20 of the Code of the City of East Lansing, the Commission shall appoint a member or members to the Design Assistance Team. The Design Assistance Team shall make recommendations to the Historic District Commission, the Building Official and other staff support concerning applications for changing any district resource and the creation or administration of Commission policies, procedures and programs.

### Section 2

Advisory committees may be appointed by the Chair with consent of the Commission. Additional citizens, groups, or representatives of organizations may be invited to participate in the committee activities in a manner deemed most appropriate by the Chair of the committee.

## ARTICLE VIII - AMENDMENTS TO THE BYLAWS

### Section 1

The Bylaws may be proposed for amendment during a regular meeting by an affirmative vote of at least six members of the Commission, provided notice of the proposed change is given to the Commission at the preceding regular meeting and specific wording for the change is included in the Commission's packet for the meeting at which the decision will be made. The Bylaws and amendments to the Bylaws must be approved by City Council.

### Section 2

The provisions of these Bylaws shall be reviewed by the Commission annually at the first regular session in January.

## ARTICLE IX – APPOINTMENT, ABSENTEEISM, REMOVAL

Section 1

Members of the Historic District Commission shall be appointed and serve and be removed in accordance with the provisions of Chapter 2 of the Code of the City of East Lansing.

ARTICLE X - RESIGNATION

Section 1

In order to maintain a fully staffed Historic District Commission in accordance with State Law, a member of the Commission is encouraged to give 60 days notice to the City of a pending resignation from the Commission.

Adopted:

Policy Resolution 20014-11 replaces Policy Resolution 2005-6

BE IT FURTHER RESOLVED, that this Policy Resolution shall have immediate effect.

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Nathan Triplett, Mayor  
Dated: November 6, 2014

Moved by Council member: Goddeeris

Supported by Council member: Beier

ADOPTED: Yeas: 4  
Nays: 0  
Absent: 1

CLERKS CERTIFICATION: I hereby certify that the foregoing is a true and complete copy of a Policy Resolution adopted by the East Lansing City Council at its meeting held on Wednesday, November 5, 2014, the original of which is part of the Council's minutes.

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Marie E. Wicks, City Clerk

City of East Lansing  
Ingham and Clinton Counties, Michigan

Drafted by:  
Timothy R. Schmitt, *AICP*  
Historic Preservation Officer  
City of East Lansing  
410 Abbot Road  
East Lansing, MI 48823