

Ann Arbor Historic District Commission Bylaws

ADOPTED JANUARY 2007

ARTICLE I – NAME

The name of the Commission shall be the Ann Arbor Historic District Commission.

ARTICLE II – OBJECTIVES

The objectives and purposes of the commission are those set forth in Sections 1:191 (Chapter 8), Sections 8:412 through 8:417 (Chapter 103) of the code of the City of Ann Arbor.

ARTICLE III – OFFICERS AND THEIR DUTIES

- (1) Officers shall be Chair, Vice Chair, and Secretary. The designee of the Planning and Development Services Manager shall be ex-officio Recording Secretary.
- (2) The Chair shall preside over all meetings of the Commission and shall have the duties normally conferred by parliamentary usage.
- (3) The Chair shall have the privilege of discussing all matters before the Commission and voting thereon.
- (4) The Vice Chair shall act for the Chair in his/her absence.
- (5) The Secretary shall perform such duties as the Commission may determine.

ARTICLE IV – ELECTION OF OFFICERS

- (1) The election of officers shall be held at the first regular meeting in October. Nominations may be made from the floor in addition to those in the report of the Nominating Committee.
- (2) A candidate receiving at least four votes shall be declared elected and shall serve a term of one year, beginning with the first regular meeting in November, or until a successor shall take office.
- (3) Vacancies in officer positions shall be filled at the next regular meeting by the regular election procedures.
- (4) No member shall hold the same office for more than two consecutive terms.

ARTICLE V – COMMITTEES

- (1) Advisory Committees. The Chair shall appoint members with the 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.

(2) Review Committee. The Review Committee shall consist Commission staff and two Commissioners on a rotating schedule, and shall visit each site on the Monday preceding each regular meeting. Each Commissioner shall be expected to serve at least three times during a calendar year. The committee shall endeavor to visit each site on the agenda.

(a) The Chair shall determine whether or not it is necessary for the Review Committee to convene for an application rehearing. (SR 4/10/86)

(b) The names of that month's Review Committee shall be included at the beginning of the minutes of each meeting. (SR 5/8/86)

(c) When a property is proposed for demolition, all Commissioners shall be notified of the Review Committee meeting time and place. (SR 7/16/03).

(d) A representative of a neighborhood is welcome to attend the review committee's inspection of properties within that neighborhood. Each neighborhood shall be responsible for selecting their representative. Commission staff shall e-mail a monthly agenda noting the Review Committee's meeting date, time, and location to every neighborhood providing a valid e-mail address to Commission staff.

(3) Nominating Committee. The Chair shall appoint a Nominating Committee at the first regular meeting in September. The Committee shall make its report at the October meeting.

ARTICLE VI – MEETINGS

(1) Regular meetings shall be held on the second Thursday of each month unless the Commission shall set an alternate date by resolution.

(2) Special meetings may be called by the Chair or by any two members of the Commission. The notice of a special meeting shall specify the purpose of the meeting, and no other business may be considered except by unanimous consent of the Commission. Any two members of the Commission may request that any proposed action by the special meeting be delayed until the next regular meeting.

(3) Commission staff shall give a written or electronic notice of all meetings, both regular and special, to all members of the Commission at least 48 hours in advance.

(4) A quorum shall consist of four members of the Commission. An affirmative vote of the majority of those members present shall be required to adopt any motion other than an amendment to the bylaws. If a quorum is established at the beginning of the meeting, it is considered a quorum throughout.

(5) Voting shall be by voice and shall be recorded by yes or no. Abstentions are governed by Article IX (4) of these bylaws.

(6) 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 provisions of 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 four votes on a roll call vote.

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

(8) All materials pertinent to Commission action must be submitted to Commission staff no later than ten business days prior to the meeting for which action is proposed.

(9) The minutes of each meeting shall be completed in draft form eight working days following the meeting and be distributed to the Commissioners with the packet for the following regular meeting. (SR 6/12/86, 12/11/86, 7/14/88, 12/12/91, 1/18/98)

(10) Working sessions will be held for the purpose of informal discussions and no action will be taken at such meetings. They will be scheduled separate from regular sessions, and take place eighteen hours after public notice is given. (SR 7/16/03).

ARTICLE VII – ORDER OF BUSINESS

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

Call to order
Roll call
Introductions
Approval of the agenda
Hearings
Old business
New business
Audience participation – general issues
Approval of minutes
Reports from Commissioners
Assignments
Staff report
Concerns of Commissioners
Communications
Adjournment

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

(3) Conduct of hearings. Applications to alter, move, or demolish a building, object or site within a locally designated historic district shall be heard as set forth below. Requests for comment or action from city departments, other Commissions or boards, shall be heard in a similar manner except that there need be no presentation by the

applicant. In the case of demolition or moving application, the Commission requires a written request from the owner stating the reasons for the application. All persons shall be allowed to address the Commission on any issue before it at the proper time. Each person shall give his name and address for the record. Reasonable time limits for the applicant's presentation shall be established by the Chair. Public commentary and rebuttals shall be limited to three (3) minutes. The order of the hearings is:

- a. Chair calls the case
- b. Staff presentation includes: brief description of the property's location, historic district, and history including any significant changes to the original configuration, a summary of the application, and any findings of fact.
- c. Review Committee's report and recommendation.
- d. Applicant's presentation. Applicants are encouraged to testify on their own behalf and may bring such witnesses as may be necessary.
- e. Questions by the Commission of the Applicant.
- f. Audience participation (pertaining only to the current case).
- g. Rebuttal by the applicant.
- h. Questions by the Commission.
- i. Closing of the hearing followed by Commission discussion and action. Audience members may not speak unless rested by the Commission. Action may include discussion followed by a motion, more discussion, and a vote.

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

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

ARTICLE VIII – AMENDMENTS TO THE BYLAWS

(1) The bylaws may be amended or altered during a regular meeting by an affirmative vote of at least four 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.

(2) The provisions of these bylaws shall be reviewed by the Commission annually at the retreat.

(3) Copies of amended bylaws shall be transmitted to the State Historic Preservation Office within 30 days of adoption by the Commission. (SR 3/14/96).

ARTICLE IX – BEHAVIOR AND ETHICS

- (1) Members of the Commission are appointed by the Mayor and City Council.
- (2) Commissioners shall serve without pay. Commissioners attending conferences and workshops for the benefit of the Historic District Commission, or for Ann Arbor preservation in general may be reimbursed for basic registration and expenses incurred. Reimbursements shall receive advance approval by the Community Services Area Administrator.
- (3) Each retiring Commissioner shall receive appropriate recognition and a certificate of commendation from the Commission which has been prepared by the Chair or their designee. (SR 8/31/87).
- (4) On all matters in which a Commissioner has a direct financial interest and/or on matters involving property owned either in part or in total by a Commissioner, that Commissioner shall abstain from discussion and voting on the matter. Commissioners abstaining shall disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and abstention. Commissioners abstaining from discussion and voting shall leave the meeting room while the matter is being discussed and voted upon.
 - (a) On other matters which could involve a conflict of interest, Commissioners shall disclose all pertinent facts relating to the potential conflict, except where it violates a confidence. The disclosed facts shall be included in the minutes of the proceedings. The member may then abstain from discussion and voting on the matter. Commissioners abstaining from discussion and voting shall leave the meeting room while the matter is being discussed and voted upon.
 - (b) If a question is raised under this section at any Commission meeting concerning the eligibility of a member of the Commission to vote on any matter, such questions shall be finally determined by the concurring vote of at least four members of the Commission, not including the member with the potential conflict.
- (5) Commissioners shall not be heard before the Commission as an applicant or as a representative of an applicant during the member's term of office.
- (6) A member of City Council shall not be heard before the Commission as a representative of an applicant or of any party interested in the application during the Council member's term of office.
- (7) It is the duty of Commissioners to refrain from acting as official representatives of spokespersons for the Commission except with authorization from the Chair. When speaking for personal purposes, Commissioners shall indicate clearly that the stated opinions and beliefs are not necessarily the opinions and beliefs of the Commission as a whole.
- (8) The Commission or its individual members shall not intrude into the management of the Community Services Area.

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

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

(11) Commissioners shall not miss more than two regularly scheduled Commission meetings in a twelve-month period. If this situation should occur, the Commission officers shall discuss it with the affected Commissioner. If sufficient improvement in attendance does not occur, the Chair may recommend to the Mayor and City Council that the affected Commissioner be removed from office.

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

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

(13) Commissioners who attend meetings on behalf of the Commission, where staff is not present to prepare a report, shall prepare a brief typed or oral report, including at least the date, time and place of the meeting, name of organization and topics discussed. This report shall preferably be submitted to Commission staff in time to be included in the monthly packet or copied and distributed at the following regular meeting. (SR 11/13/86, 12/21/91)

(14) All correspondence to boards and commissions and any other correspondence as deemed appropriate shall be approved by the Chair, not the Commission staff. (SR 12/11/86, 2/5/87)

(15) Any letter in which the writer identifies himself/herself as a member of the Commission shall be submitted to the Chair before being sent. (SR 12/11/86, 11/12/87, 9/8/88, 12/12 /91)

(16) Whenever a Commissioner is asked to speak on behalf of the Commission, he/she will apprise the Chair in advance. (SR 12/11/86, 11/12/87, 9/8/88, 12/12 /91)

(17) Any report submitted to a committee or task force by a Commissioner serving as the Commission's official representative shall have the prior approval of the Chair. A copy of the report shall be included in the next Commission packet. (SR 12/11/86, 11/12/87, 9/8/88, 12/12 /91)

(18) Equipment owned by the City and under the Commission's jurisdiction may be used outside of City Hall only by City personnel or Commissioners. (SR 3/12/87)

(19) In order to provide the Commission with the necessary expertise among its members, avoid conflicts of interest, and still not penalize professional Commissioners, the following guidelines shall apply: (Policy 8/13/87, 9/10/87, 7/16/03)

(a) No Commissioner shall be paid by the City for professional services for any project directly sponsored by the Commission. This shall not apply to projects reviewed by the Commission where professional services are awarded after competitive bidding.

(b) Professional services from Commissioners will be appreciated, but no Commissioner is obligated to provide free professional services.

(c) The Commission may actively solicit free or reduced-fee professional services from non-members.

(d) Committee members may not be paid for work approved by that Committee.

ARTICLE X – COMMISSION STAFF

(1) The Commission shall be staffed by person(s) designated by the Community Services Area Administrator.

(2) Commission staff shall provide the Chair with copies of all correspondence, memos, reports, etc., received by and sent out of the office. (SR 11/13/86)

(3) Commission staff shall prepare the Commission's Annual Report for City Council in February for the preceding year. The report shall contain the number of hearings in front of the Commission, the number of certificates of appropriateness issues, the number of denials issued, the total number of applications, the names of the award winners and the results of work by any appointed study committee. The Commission shall review the report at their regular January meeting and submit the report to City Council in February. (SR 9/11/86)

(4) Commission staff shall conduct an orientation session for new Commissioners within two months of appointment. Viewing of taped training sessions can add to the orientation. If an orientation meeting is held Commission staff and the Chair or designee shall attend. All other Commissioners shall be notified of the time and place of the orientation session and will be welcome to attend. (Policy 1/8/87, 2/5/87, 1/19/88, 12/12/91, 7/16/03)

(a) The Chair or designee shall review operational matters, including bylaws, procedures and committees.

(b) The Commission staff shall review Chapter 103, including the background of all districts adopted and under study.

(c) The following items shall be supplied to each new Commissioner:

- (i) Chapter 103
- (ii) Bylaws
- (iii) List of Commission members, Information Sheets
- (iv) Chronology of districts
- (v) Map of districts
- (vi) Study Committee reports for all designated districts
- (vii) The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings
- (viii) Design Guidelines
- (ix) Application and application guidelines
- (x) Any available pamphlets

ARTICLE XI – MISCELLANEOUS

(1) The Commission shall not review any plans for Cobblestone Farm until after the Cobblestone Farm Association Board of Directors has reviewed the same plans and taken action upon them. (SR 3/13/86)