City of Birmingham
A Walkable Community

MEMORANDUM

Community Development Department

DATE: June 19, 2015

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director
Leslie Pielack, Museum Director

SUBJECT: Historic District Study Committee

History

On January 12, 2013, at the Long Range Planning meeting, the City Commission discussed ongoing historic preservation initiatives within the City, and specifically, the City's status as a Certified Local Government ("CLG") and the role of the Historic District Study Committee ("HDSC"). (See attached report that reviews the history of the HDSC in Birmingham). While no formal action was taken by the City Commission at the Long Range Planning meeting, the City Commission agreed that the City's CLG status and historic preservation program should be reviewed.

Accordingly, a thorough review of the City's CLG status and ongoing historic preservation program has been conducted. During this review, the question as to necessity for a standing HDSC arose. The Planning Division contacted the Michigan State Historic Preservation Office ("SHPO") to determine whether a CLG must have a standing HDSC, or whether the HDSC could be eliminated and called upon as an ad hoc committe created only as needed and directed by the City Commission. On March 13, 2013, the SHPO confirmed that an HDSC is not required to be standing committee to maintain Birmingham's CLG status.

On March 13, 2013, the HDSC met and discussed the future role of the HDSC. Study Committee members reported on the discussion that occurred at the Long Range Planning meeting. HDSC members discussed waiting on the outcome of the audit by the Michigan SHPO prior to taking any further action.

On April 11, 2013, the Planning Division met with Ms. Jessica Williams, the CLG representative of the Michigan SHPO, for our three year audit and monitoring meeting. Our audit was successful, and Ms. Williams advised that we are very organized and have accomplished much more than most communities with regards to our historic preservation program. We discussed grant funding opportunities for numerous projects. Ms. Williams advised that we had several qualifying project ideas, and that last year there were only two grant applications received by

the SHPO. Thus, we would likely have a competitive application should we apply this calendar year. The grants are 40% federal funding to match 60% local match. We were further advised that the SHPO would assist us with the filing of this year's annual report, and that SHPO representatives would be willing to travel to Birmingham should we wish to hold educational seminars on historic properties from time to time, as we had done in the past.

On May 8, 2013, the HDSC again discussed the future role of the HDSC. No specific action was taken at this time.

On May 20, 2013, the City Commission held a public hearing to consider amendments to Chapter 127, Historic Districts, to convert the HDSC into an ad hoc committee that would meet only as needed, when directed by the City Commission. Based on meetings and discussions with the Michigan SHPO, an ad hoc committee would fulfill our State requirements for studying potentially historic properties and would not affect our CLG status. The City Commission discussed the lack of authority under the City Code for the HDSC to undertake many of the special projects they were currently working on. It was suggested that the HDSC's ongoing projects may have some merit, but may fall under the purview and authority of the Museum Board. No action was taken on the proposed ordinance amendments.

On June 8, 2013, the HDSC again discussed the future role of the HDSC, and discussed several options, including eliminating the HDSC and creating it as an ad hoc committee only when needed, expanding the role and duties of the existing HDSC, and creating a new body, the Historic Study Committee, to work as a new committee under the Museum Board. HDSC members voted 5- 0 to present these options to the HDC and the Museum Board, stating their preference for the second option that would expand the role of the existing HDSC.

On June 19, 2013, the Historic District Commission ("HDC") also reviewed the three options discussed by the HDSC members for the future role of the HDSC. HDC members voted 4-0 to leave the HDSC status quo as a standing committee.

On October 3, 2013, the Museum Board reviewed the three options proposed by the HDSC members, and voted 4-0 to adopt the following position:

- The interests of the Museum Board are aligned with the HDSC in regard to preserving Birmingham's heritage.
- The HDSC serves a valuable function.
- It would be detrimental if the HDSC were dissolved.

On October 9, 2013, the HDSC discussed the outcome of the Museum Board meeting on October 3, 2014. Committee members expressed their concern over what they see as a declining interest in historic preservation in the City. Chairperson Thompson volunteered to write a letter to the City Manager requesting a workshop to discuss the role and duties of the HDSC.

On November 9, 2013 a workshop was held by the City Commission with members of the Historic District Commission (HDC), HDSC and Museum Board. A summary of the meeting by City Manager Robert Bruner is as follows:

> Discussion focused on the purpose of the HDSC and whether or not it fit better under the purview of the Museum Board. The activities of the HDSC were described as educational and informational because they do not go so far as to provide for the protection of the built environment. The activities of the Museum Board were also described as educational. However, opinions differed regarding whether or not the activities of the HDSC fit within the purview of the Museum Board. Although they were not specifically described this way at the workshop, the activities of the HDSC seem to straddle the line between 'historic preservation' and 'local history' because the activities involve the collection, preservation, and interpretation of historical information about the built environment but do not go so far as to provide for the protection of the built environment.
>
> The current activities of the HDSC are not included in the local historic districts act (Act 169 of 1970) or the City Code. The local historic districts act states the duties of a historic district study committee are to inventory resources, conduct research, prepare a preliminary report, transmit copies of the preliminary report, hold a public hearing, and prepare and submit a final report before a local unit establishes, modifies, or eliminates a historic district. Those activities are initiated at the direction of the local legislative body, not by historic district study committee. Section 127-A of the City Code specifically states 'Upon a resolution passed by the city commission, the standing historic district study committee shall do all of the following…'

On February 1, 2014, at the Long Range Planning meeting, City Manager Bruner outlined the history of the HDSC, its expanding role, and ongoing discussions about the future role of the HDSC. (See attached memo dated January 9, 2014). It was recommended at that time that City staff identify options for the City Commission to consider rather than considering only the elimination of the standing HDSC or maintaining the status quo.

Accordingly, City staff from the Planning Division and the Museum met with the City Manager to discuss various options to allow the City to continue to engage in historic preservation-related activities, while either working within the parameters of the existing City Code, or amending the City Code to reflect a new structure. At this time, it is recommended that the City Commission take action to clarify the role and duties of the existing HDSC.

HDSC's Role and Duties

Chapter 127, Historic Districts, section 4 establishes the role and duty of the HDSC to act as a standing committee that may be called upon by resolution of the City Commission, to study proposed historic districts by documenting and researching all proposed historic districts, and all

structures within the proposed historic districts, and then to prepare a report and to conduct a public hearing on the proposal. All of the findings of the HDSC are then required to be sent to the City Commission for their use in determining whether to designate or remove historic districts within the City.

Thus, in accordance with Chapter 127, section 4, the HDSC has a very limited role that includes studying all proposed historic districts and the structures within, and then to prepare a report on the findings and conduct a public hearing on the proposed district. However, this role is limited even further as none of these studies are authorized under Chapter 127 unless the HDSC is specifically called upon by a resolution of the City Commission to study such a proposal. The HDSC is not authorized under Chapter 127, Historic Districts, of the City Code to conduct any other studies or activities. Chapter 127 does however require that the HDSC establish a schedule of regular meetings, which appears inconsistent with the fact that the HDSC is only to act when called upon by resolution of the City Commission. Accordingly, the first sentence of section 127-4(b) should be removed to eliminate this confusion. All other requirements for open meetings would remain under this subsection.

Research on the built environment and the history of development is within the scope of the Planning Department. The Planning Department further reviews all applications for the proposed demolition and alteration of historic properties and buildings within the City. Thus, the authorized study of proposed historic districts falls within the scope of activities of the Planning Department as summarized in the City's annual budget document.

Accordingly, it is recommended that the HDSC remain as a standing committee authorized under Chapter 127, with the City Commission calling the HDSC into action as directed by resolution only as needed to study proposed historic districts. A staff liason from the Planning Department can continue to assist the HDSC with their duties when called upon, and prepare all meeting agendas, minutes, public notices and reports as needed. An ordinance amendment to Chapter 127, section 4(b) should be considered to eliminate the requirement to establish a schedule of regular meetings.

Museum Board's Role and Duties

Chapter 62, Historical Preservation, section 31 establishes the duties of the Museum Board to collect, preserve, catalog, and interpret materials and objects relating to Birmingham's history and making these objects and other source materials available.

The Museum's stated mission, which is in accordance with the ordinance and drives its 2013-2016 Strategic Plan addresses this role and allows for special projects and activities that have previously been conducted. Examples of these activities include:

- survey data, photographs, documents, and other research materials about historic buildings outside established historic districts

- materials that relate to education, voluntary historic preservation, and homeowner recognition programs

A review of the role and duties of both the HDSC and the Museum Board demonstrates that this approach is consistent with both the existing City Code and the Museum's Strategic Plan (see attached Chart of Activities).

The resource materials and information generated would become part of the existing Museum archives and would be maintained and made accessible to the public as part of the Museum's regular operation.

RECOMMENDED ACTION:

To confirm the City's efforts of preserving and supporting Birmingham's historic preservation activities and strengthen them through a realignment of responsibilities, with the role and duty of the HDSC as outlined in Chapter 127, Historic Preservation, to remain as a standing committee, and to perform studies of properties and structures proposed for historic designation when directed to do so by resolution of the City Commission;

AND

To approve an amendment to Chapter 127, Historic Districts, section 4(b) to remove the requirement of the HDSC to establish a schedule of regular meetings;

AND

To confirm the role and duty of the Museum Board as outlined in Chapter 62, Historical Preservation, to collect, preserve, catalog, and interpret materials and objects relating to Birmingham's history and making these objects and other source materials available in accordance with the Museum Strategic Plan.

ORDINANCE NO._____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 127, HISTORIC DISTRICTS, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND SECTION 4(B), TO REMOVE THE REQUIREMENT OF THE HDSC TO ESTABLISH A SCHEDULE OF REGULAR MEETINGS. **Sec. 127-4. - Historic district study committee and the study committee report.**

(a) The city commission shall appoint a standing committee to serve as the historic district study committee. The committee shall consist of seven members in addition to a city appointed liaison. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. Members shall be appointed for a term of three years, except the initial appointments of three members for a term of two years and two members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the committee, interim appointments shall be made by the city commission within 60 calendar days to complete the unexpired term of such position. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations.

(b) ~~The committee shall establish a schedule of regular meetings.~~ The business that the committee may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each potential district to be reviewed or considered by the committee.

(c) **When directed by** a resolution passed by the city commission, the standing historic district study committee shall **meet and** do all of the following:

(1) Conduct a photographic inventory of resources within each proposed historic district following procedures established by the state historic preservation office of the state historical center.

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

(3) Determine the total number of historic and non-historic 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 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 CFR part 60, and criteria established or approved by the state historic preservation office of the state historical center.

(4) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:
   a. The charge of the committee.
   b. The composition of committee membership.
   c. The historic district(s) studied.
   d. The boundaries of each proposed historic district in writing and on maps.
   e. The history of each proposed historic district.
   f. The significance of each district as a whole, as well as the significance of sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(5) Transmit copies of the preliminary report for review and recommendations to the city planning board, the state historic preservation office of the Michigan Historical Center, the Michigan Historical Commission, and the state historic preservation review board.

(6) Make copies of the preliminary report available to the public pursuant to Section 399.203(4) of Public Act 169 of 1970, as amended.

(7) Not less than 60 calendar days after the transmittal of the preliminary report, the historic district study committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than 14 calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.

(8) After the date of the public hearing, the committee and the city commission have not more than one year, unless otherwise authorized by the city commission, 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 city planning board and the historic district commission, to the city commission as to the establishment of a historic district(s). If the recommendation is to establish a historic district(s), the final report shall include a draft of the proposed ordinance(s).
   b. After receiving a final report that recommends the establishment of a historic district(s), the city commission, at its discretion, may introduce and pass or reject an ordinance(s). If the city commission passes an ordinance(s) establishing one or more historic districts, the city shall file a copy of the ordinance(s), including a legal description of the property or properties located within the historic district(s) with the register of deeds. The city

commission 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.

(9) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the historic district commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

(Ord. No. 1880, 7-24-06)

the committee.

ORDAINED this _____ day of _____, 2015 to become effective upon publication.

_____

Stuart L. Sherman, Mayor

_____

Laura Pierce, City Clerk

City of Birmingham
A Walkable Community

MEMORANDUM

Community Development

DATE: December 14, 2012

TO: Robert J. Bruner, Jr., City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Historic Preservation

In 1970, the Michigan legislature enacted Public Act 169 (PA 169), Michigan's Local Historic Districts Act. PA 169 declared historic preservation a public purpose to safeguard a community's heritage, strengthen local economies, stabilize and improve property values, encourage 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. 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.

Historic Preservation in Birmingham

Chapter 43 – Preservation of Historic Sites and Structures

On July 11, 1977, the City of Birmingham adopted ordinance 996 to provide for historic preservation within the city. Chapter 43 of the Birmingham City Code was added to establish historic districts, to create the Historic District Commission ("HDC 1") and to provide for the preservation of historic sites and structures in the City. Chapter 43 established all of the historic districts that remain today, which include single family homes, commercial buildings and public spaces and structures. Chapter 43 further required property owners to maintain the exterior of historic structures, and provided that the City Commission may accept grants for historical restoration purposes.

Creation and Role of the HDC 1

As noted above, Birmingham's HDC 1 was established in 1977 under Chapter 43 of the City Code to review plans and applications for any construction, alteration, repair, moving or demolition affecting the exterior appearance of a historic structure within a historic district. The HDC 1 was also given the power to jointly review site plan and design of historic structures with the Planning Board within historic districts. In addition, the HDC 1 was given the power to

review all requests for the acquisition of land by the City to preserve historically significant sites and structures, prior to acquisition by the City Commission, and to maintain all publicly owned historic structures. Chapter 43 also provided that the City Commission may make the HDC 1its duly appointed agent to accept and administer grants and gifts for historical preservation purposes. Finally, Chapter 43 allowed the City Commission to appoint the HDC 1 to act as the Historic District Study Committee under PA 169 ("HDSC") from time to time, as requested by resolution of the City Commission to study proposed historic districts.

On October 22, 1984, the City Commission voted to amend Chapter 43 by combining both the existing Planning Board and the HDC 1 into the Planning and Historic District Commission ("PBHDC"). At the same time, the City Commission created several new historic districts, including the Central Business District Historic District and the Shain Park Historic District.

Chapter 62 –Historical Preservation

On March 7, 1988, the City Code was amended to relocate all historical preservation regulations, processes and bodies to a new Chapter 62, Historical Preservation, of the City Code. At this time, the PBHDC was split back into two boards, the Planning Board, and the Historic District Design Review Commission ("HDDRC") was created to take the place of the former HDC 1.

Creation and Role of the HDSC 1

On March 26, 2001, Chapter 62, Historic Preservation, of the City Code was amended to formally create a Historic District Study Committee ("HDSC 1") that was separate from the HDC 1, and was a committee that could be **called upon from time to time**, by resolution of the City Commission, to study proposed historic districts.

Certified Local Government Program

The National Historic Preservation Act of 1966 (Chapter 16, U.S. Code, section 470 et seq.) provides matching funds for projects designed to facilitate the preservation of historic resources significant in American history, architecture, archaeology, engineering and culture. These funds are only available to communities that have been approved as Certified Local Governments ("CLG") by the National Park Service.

In Michigan, the program is administered by the Department of History, Arts and Libraries pursuant to Public Act 271 of 1913, section 399.1 et seq. of the Michigan Compiled Laws. Federal law requires that 10 percent of the annual federal Historic Preservation Fund allocation provided to the State Historic Preservation Office ("SHPO") to operate its programs be set aside for CLGs. Of the $700,000 estimated that was allocated to the Michigan SHPO for fiscal year 2005, approximately $70,000 was sub-granted to CLGs. Awards range between $5,000 and $30,000 and are competitive. The awards have a 60/40 matching requirement and are paid on a reimbursement basis.

The purpose of the CLG grant program is to help local communities develop or strengthen their historic preservation program. CLG grants can be used to identify, register, rehabilitate, and protect resources that are listed in or eligible for listing in the National Register of Historic Places. The funds can be used for the identification and evaluation of historic resources, public education, planning, and rehabilitation projects.

To become a CLG, a local unit of government must apply to the SHPO and be certified by the National Park Service. The local government must meet the following requirements before it can be certified:

1) A local government must enforce appropriate state or local legislation for the designation and protection of historic properties;
2) A local government must establish by state or local law an adequate and qualified historic preservation review commission composed of professional and lay members;
3) A local government must maintain a system for the survey and inventory of historic resources;
4) A local government must provide for adequate public participation in the Historic Preservation program, including the process of recommending properties to the National Register; and
5) A local government that has been certified must satisfactorily perform the responsibilities delegated to it under the Act.

Birmingham's Decision to Become a CLG

In 2004, the City of Birmingham Historic District and Design Review Commission (HDDRC) expressed a desire for Birmingham to become a CLG in order to assist in the promotion of historic preservation. As a result of the City Commission's directive on March 15, 2004 to passively encourage and promote historic preservation, the Planning Division began the process of having Birmingham's historic district ordinance updated and working toward having Birmingham designated as a Certified Local Government.

As stated above, all five requirements must be met to become a CLG. To begin with, a municipality's historic district ordinance must comply with PA 169, as amended, in order to take advantage of many of the financial opportunities that are available to cities with historic districts and to residents within the districts. This includes the Michigan State Historic Preservation Tax Credit and the CLG program. It was quickly determined that Birmingham's historic district ordinance must be updated to continue to meet the requirements of a local historic district as required by PA 169. PA 169 was amended in 1971, 1980, 1986, 1992, 2001, and 2004. After researching ordinance amendments that have been added to the Birmingham City Code since 1977, the Planning Division determined that the City of Birmingham had not updated the Historic District Ordinance, based on PA 169, since its establishment.

Chapter 127 – Historic Districts

In accordance with the CLG requirement to update the City's historic preservation ordinance, in October of 2004 the Planning Division began preparation to propose the required ordinance

changes to allow the City of Birmingham and its residents to access available funds to promote historic preservation. At the Long Range Planning Meeting, on January 22, 2005, the Planning Division presented the proposal to the City Commission regarding the Historic Ordinance update.

Accordingly, Commonwealth Cultural Resources Group, Inc. (CCRG), a firm that specializes in historic preservation, was selected to update Birmingham's Historic District Ordinance. During the process of updating the Historic Ordinance, the consultant from CCRG pointed out that it was unusual for a historic district commission to also review non-historic signage and exterior design changes outside of historic districts. In order to be compliant with PA 169, the boards must be separate with separate duties. The HDDRC also agreed that two boards must be created and they proposed the following titles; the Historic District Commission and the Design Review Board.

The new Historic Districts Ordinance, Chapter 127, Historic Districts, of the City Code, and amendments to the Zoning Ordinance and other related ordinances were passed by the City Commission on July 24, 2006. The new historic districts ordinance and related ordinance amendments brought the City of Birmingham into compliance with PA 169, making the city eligible to become a CLG.

Creation and Roles of the HDC 2, DRB and HDSC 2

As a result of the new Chapter 127, Historic Districts, and amendments to the Zoning Ordinance, the HDDRC was disbanded and replaced by the Historic District Commission ("HDC 2") and the Design Review Board ("DRB"). The HDC 2 became responsible for conducting all reviews in the historic districts including exterior design, signs and lighting. The HDC 2 is also required to work jointly with the Planning Board to conduct site plan reviews in historic districts. The DRB was established to conduct all design and sign reviews that are not in a historic district, to ensure that historic sites and structures were considered by an independent commission that focused solely on historic properties and historic preservation.

No changes were proposed to the role of the HDSC 1 as a result of the adoption of Chapter 127, Historic Districts, of the City Code. However, the committee was referred to as a **standing committee** in the ordinance amendment with regular meeting times to be established (now "HDSC 2"). The role of the HDSC 2 was again to act as a standing committee that may be called upon by resolution of the City Commission, to study proposed historic districts by documenting and researching all proposed historic districts, and all structures within the proposed historic districts, and then to prepare a report and to conduct a public hearing on the proposal. All of the findings of the HDSC 2 are then required to be sent to the City Commission for their use in determining whether to designate or remove historic districts within the City.

Since 2006, the City Commission has not passed any resolutions proposing to establish any new historic districts or properties, and thus the HDSC 2 has not been required to conduct any studies, prepare any reports, or conduct any public hearings on proposed new historic districts.

Birmingham's Current Status as a CLG

As noted above, according to the National Historic Preservation Act Amendments of 1980, which established the Certified Local Government program, there are five requirements that a local government must meet to be certified, and the same requirements must continue to be met in order to maintain certification by the National Park Service.

1) **Enforce Legislation to Designate and Protect Historic Properties**

As noted above, Birmingham created a new Historic Districts Ordinance in 2006 that was in compliance with P.A. 169. The City continues to enforce these regulations which are currently contained in Chapter 127, Historic Preservation, of the Birmingham City Code.

2) **Establish a Qualified Historic Preservation Review Commission**

The City of Birmingham met the second requirement upon the establishment of the HDC 2, which was created in 2006 under the changes to Chapter 127, Historic Districts, of the Birmingham City Code. The HDC 2 currently meets all professional qualification requirements for commission members and staff support as required by the National Park Service, and that have been previously published in the Code of Federal Regulations, 36 CFR 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities.

3) **Maintain a System for the Survey and Inventory of Historic Resources**

The third requirement requires that the city maintain an on-going survey and inventory system that systematically documents all buildings, structures, sites, objects, and significant open spaces that are historically or architecturally important within its jurisdiction. The CLG requirement provides that proposed districts should be certified first, then existing districts should be re-surveyed to ensure they are adequately documented, and lastly, the City should survey remaining properties within the city that are historically or architecturally significant. However, the State of Michigan also recognizes that some communities may have been extensively surveyed, and in these cases there is no required survey system responsibility until additional properties become old enough or are considered for local designation. The City originally studied all properties proposed for designation prior to designation, and each designated property was also reviewed in 2006-2007 to ensure that all existing information was collected for each historic property. In addition, the City conducted a survey of the Eco City District in 2010-2011, and is currently completing a review of places of cultural significance in the music industry in Birmingham (Creem Project).

4) Provide for Public Participation

Requirement number four states that the City must provide for continued public participation in any historic preservation activities. The City continues to meet this requirement by adhering to the Open Meetings Law, Public Act 267 of 1976; holding regularly scheduled HDC 2meetings; sending out public notices; and making all procedures, standards minutes and decisions, etc. available to the public. The fourth requirement also provides that a City has the responsibility to participate directly in the national Historic Preservation program by reviewing and making recommendations on nominations to the National Register of Historic Places of non-federal properties. One property was recently recommended for nomination to the National Register, but was found to be ineligible.

5) Perform Responsibility Delegated under PA 169

The fifth requirement after certification is to continue to meet all of the responsibilities outline above.

The City of Birmingham obtained CLG status on January 25, 2010, and has continued to meet all of the above CLG obligations. The Michigan Historic Preservation Office is responsible for conducting a review of each CLG every three years, upon 30 day written notice to the City. The City has received no notice from the SHPO of an upcoming review, nor has one been conducted since the City was certified as a CLG in 2010. The City has received no notification that the SHPO intends to pursue a decertification process for Birmingham. The City of Birmingham continues to be listed as a CLG on the SHPO's website and printed materials.

Benefits of Maintaining CLG Status

The original benefits of becoming a CLG was to allow residents within certified historic districts to qualify for State Historic Tax Credits for certain work done within a historic district, and allows the City to participate in the tax credit review process. In addition, becoming a CLG allowed Birmingham the opportunity to share in the annual federal Historic Preservation Fund allocation provided to the SHPO to take advantage of matching federal grants for projects designed to assist in the preservation of historic resources. Finally, CLG status allows the City to participate in the National Register of Historic Places nomination process.

At the time Birmingham was approved as a CLG, the City opted not to participate in the tax credit review process, but to leave the review of tax credit applications to the State. Since Birmingham was approved as a CLG, the State has discontinued the Historic Tax Credit program in Michigan, and tax credits are no longer available for the rehabilitation of historic properties.
Grant funds continue to be available, with a required local match. The City of Birmingham has not applied for any grant funds since the City became a CLG in 2010. The City did participate in the National Register nomination process on one occasion, and the property recommended for nomination was deemed ineligible.

Long Range Planning Meeting Minutes
January 12, 2013

HISTORIC PRESERVATION

Mr. Bruner explained that the Historic District Study Committee (HDSC) responsibilities are narrowly defined. He expressed concern with the process, priorities, responsibilities and budget regarding the HDSC.

Ms. Ecker explained that the Historic District & Design Review Commission (HDDRC) was split into two boards – Design Review Board (DRB) and Historic District Commission (HDC). The HDC reviews all changes to the exterior design of properties within a historic district. The DRB reviews changes to properties not in a historic district. The HDSC, upon resolution of the City Commission, would study properties to determine whether they would qualify for designation as historic properties, then report the findings back to the HDC and City Commission.

Commissioner Rinschler commented that the HDSC process should be driven from the HDC or the City.

Nancy Thompson, chairperson of the HDSC, suggested the HDSC get clarification on its role and the activities it should be carrying out.

Keith Deyer, liaison to the HDC, stated the HDSC items have been reviewed with the HDC.

Mr. Bruner explained his suggestion to review the roles and responsibilities regarding historic preservation. Commissioners Rinschler and Hoff agreed that the Certified Local Government (CLG) and historic preservation should be reviewed.

Commissioner McDaniel left at 11:30 AM.

Historic District Study Committee Minutes
March 13, 2013

4. NEW BUSINESS

A. HDSC Discussion at Long Range Planning Meeting on January 12

Chairperson Thompson highlighted the items that she talked about at the Long Range Planning Meeting:

- The need for the HDSC role to be clarified because of the city manager's December 19th memorandum to the City;
- How all of the HDSC activities have been carried out with full knowledge and approval of the Historic District Commission ("HDC");
- An effective HDSC of volunteers can't be formed and then called out of the blue when needed. That really jeopardizes the City's historic activities and the Certified Local Government ("CLG") designation;
- It is time for the City to assess the importance of historic preservation, planning, and other activities;
- The activities that the HDSC has carried out are very cost effective and affect the whole city; whereas Birmingham's Main Street Oakland County designation applies primarily to the downtown. If there is to be a strategy, consider first the whole city, and then perhaps consider a section of it;
- Birmingham's CLG designation was done with the City's blessing with the idea of trying to secure additional funds from the Government that the City would match to pursue historic preservation activities;
- We have a group of active volunteers and Mr. Dixon was leading a survey of Michigan Modern and that could have dovetailed with the activities going on at Cranbrook this summer. Therefore, we have missed an opportunity to bring some of Birmingham's assets to a higher level;
- We have missed out on some funding that could have come into Birmingham by not being able to get clarification from the City about getting a match so that we can apply for CLG Grant funds.

Mr. Deyer offered his take-away from the Long Range Planning Meeting:

- He thinks the City has been misinformed about what is happening;
- This group has done more than it was expected to do. The City cannot understand why people would be willing to do more;
- He has taken every opportunity to inform the HDC of these activities and make sure they were in full support;

- At the meeting all of the participants that spoke were supportive of historic preservation;

City Commissioners Rinchler and McDaniel met with City Manager Bruner and decided that their strategy is (1) to do nothing until (2) the CLG audit happens this spring when it is discovered that what was committed to on the application has not been done. Once the audit report comes in from the State, the City will move forward, using the report to justify completing the activities and providing the money.

Historic District Study Committee Minutes
May 8, 2013

NEW BUSINESS

A. Proposal to eliminate a standing Historic District Study Committee and replace it with an ad-hoc Historic District Study Committee.

Ms. Bashiri advised that the City Commission will hold a public hearing on this issue on May 20th. Mr. Dixon said he reminded the Commission that at the January Long Range Planning Meeting the discussion was to hold a workshop session rather than a public hearing, and he made that suggestion; however, it fell on deaf ears. He added that Commissioner Rinschler made the comment that maybe the HDSC efforts should be under the Historical Museum. It was this committee's consensus that the entire preservation community should be alerted to attend that meeting on the 20th.

Chairperson Thompson said this sends the signal that the City is not as concerned as it was before about historic preservation and it basically snubs 40 years of tradition with the HDSC and the activities it has performed.

It was contemplated that the only thing the city manager could hope to achieve by the creation of an ad-hoc committee is that Ms. Bashiri's time would be spent more on essential planning matters. Mr. Dixon noted the City Commission has a tendency to support the recommendations of the city manager unless there is a compelling reason not to.

Mr. Deyer stated the consequence of doing this is nothing will happen and the City will go back to where it was 20 or 25 years ago. Chairperson Thompson reiterated what was decided at the last meeting. Until this committee knows the status of things, it will not proceed on anything. The HDSC would never agree to write a CLG Grant Application until the matching funds for it are approved.

Committee members contemplated that someone needs to stand up at the City Commission and ask how this niche will be filled and how is it going to be resourced. Ms. Bashiri noted that the HDC and HDSC have always worked in conjunction with one another.

Ms. Debrecht said she is on the board of the CBRA and will notify Paul Reagan about the public hearing. Further, Heritage homeowners can be alerted to come to the meeting.

Discussion continued about what would happen without the HDSC:

- Nothing else would get designated historic, so without that protection there is always the risk of the structure being torn down;
- There would not be an appreciation or understanding of various neighborhoods containing buildings that have historic integrity;
- Heritage homes would not be acknowledged;

- Workshops that educate people about how to maintain their homes would cease;
- The City's heritage can be lost;
- The City would miss out on the expertise that the HDSC has gained, having been in place for so long;
- Potential funding from the State will be lost.
- It is harder to start up an ad-hoc committee than to continue a standing committee.

Chairperson Thompson thought this can be brought to a wider audience only after a determination has been made at the public hearing on May 20.

City Commission Minutes
May 20, 2013

05-160-13 PUBLIC HEARING – ORDINANCE AMENDMENT CHAPTER 127

Mayor Dilgard opened the Public Hearing to consider amendments to Chapter 127 of the Historic Preservation Ordinance at 8:01 PM.

Ms. Ecker explained that the Michigan State Historic Preservation Office confirmed that the Historic District Study Committee is not required to be a standing committee to maintain the City's Certified Local Government status.

The following individuals expressed support for the HDSC:
Nancy Thompson, chair of the HDSC
Russ Dixon, member of the HDSC and chair of the Museum Board
Erin Jacobs, student representative on the HDSC
Gigi Debbrecht, member of the HDSC
Cindy Rose, 1011 Clark
Dorothy Conrad

The Commission discussed the duties of the Historic District Study Committee (HDSC), funding, staffing levels, and whether the committee should be under the Planning Department or the Museum. Commissioner McDaniel cautioned about re-designating the HDSC without sufficient resources.

Mr. Dixon suggested a workshop be held to further discuss the best placement for the committee. The Commission agreed.

The Commission took no action.

Historic District Study Committee Meeting Minutes
June 8, 2013

A. Proposal to create a Historic Study Committee

The group endeavored to determine where the traditional activities of the HDC should be placed within the City government. The City Commission has indicated their willingness to support historic preservation activities, but it has not been determined through what body.

Three potential options were discussed:

- HDSC ad-hoc only
  - Disadvantage is the group that has familiarity with historic preservation would not meet on a regular basis and may move on. Therefore, a consultant may have to be hired.
- HDSC with expanded mandate to include activities
  - Continues 40-year tradition of addressing historic preservation.
  - Mr. Dixon is liaison because he is on the Museum Board.
  - Link with the Community Development Dept. prevents the need for a consultant and is efficient with respect to recording minutes.
  - Potential for CLG matching funds; makes use of volunteers.
  - Disadvantage is the expanded mandate would require Ordinance change.
  - Another drawback is requirement of regular and adequate staffing.
- HSC, a new committee linked with the Museum
  - Disadvantage is potential for bureaucracy.
  - Requires adequate staffing as well as monetary support.
  - Would require an Ordinance change.

Ms. Bashiri advised that the Museum Board is exclusively for the support of the Museum, so the third option would develop an entirely separate body.

Mr. Deyer observed this group is left with the situation of what they are trying to fix, who the decider is, and what kinds of resources the City might commit. If Mr. Bruner doesn't want to meet, then the only other choice is to meet with the City Commission. Following a discussion with Mr. Bruner, Mr. Dixon got the feeling he wants the committee to sort this out with the Museum Board, at least as a preliminary step. It was considered that a fourth option might be to assign all of the responsibilities to the Museum. However, that was not thought to be realistic.

Several members expressed their partiality for the second option.

Motion by Mr. Dixon

Seconded by Mr. Deyer to present the three options to the Museum Board with the caveat that the second option is preferred by the HDSC.

Motion carried, 5-0.

VOICE VOTE
Yeas: Dixon, Deyer, Lang, Maricak, Thompson
Nays: None
Absent: Debrecht, Healey

Motion by Mr. Deyer
Seconded by Mr. Dixon to present the three options to the HDC with the caveat that the second option is preferred by the HDSC.

Mr. Dixon agreed to make the presentation. Ms. Bashiri said the material will go into the HDC packets for their next meeting.

Motion carried, 5-0.

VOICE VOTE
Yeas: Dixon, Deyer, Lang, Maricak, Thompson
Nays: None
Absent: Debrecht, Healey

Chairperson Thompson said her perception is that City Commissioners Rinschler, Nickita and Hoff are all very supportive of historic preservation. Even the mayor has suggested they can find money. It is just a matter of coming up with the right home for this group.

Historic District Commission Meeting Minutes
June 19, 2013

Mr. Russell Dixon, a member of the Historic District Study Committee ("HDSC") and the Historical Museum Committee, advised that when the City Commission was doing their Long Range Planning, the city manager suggested that the HDSC become an ad-hoc committee rather than a standing committee.

The HDSC has been busy over the last few years with a number of programs, which Mr. Dixon described. The city manager has asked the committees who might have some input come to some agreement about how they might proceed.

At the last HDSC meeting three potential options were discussed:

HDSC ad-hoc only;

HDSC as is, but alter the City Code and expand the scope;

HSC, a new committee and a parallel committee that would be made up of people who are on the HDSC which would be ad-hoc or the HSC which would be active and continue with some of the projects.

By motion, the HDSC voted at their meeting to remain as it is.

Mr. Dixon said he would be grateful if the HDC could apprise them of its preference, or another idea they might have on this matter.

In response to the chairman, Mr. Dixon said his opinion is that City Commission members were not in favor of turning the HDSC into an ad-hoc. Mr. Bruner has indicated in conversations that in his mind, the budget is not an issue.

Motion by Ms. Gehringer
Seconded by Ms. Lekas to leave the HDSC status quo as a standing committee.

At 7:40 p.m. there were no comments from the public on the motion.

Motion carried, 4-0.

VOICE VOTE
Yeas: Gehringer, Lekas, Coir, Henke
Nays: None
Absent: Deyer, Goldman, Weisberg, Willoughby

Museum Board Minutes
October 3, 2013

Unfinished Business

Ms. Thompson gave a summary of the history of the Historic District Study Committee (HDSC) and its relationship to the Historic District Commission and the Community Development Department with the City of Birmingham. The committee's purpose and existence as a standing committee has been a recent focus of discussion between the city manager, the commission, and members of the HDSC. Ms Thompson presented several options for the committee's relationship to the city's organizational structure going forward, one of which would place the committee under the Museum Board's authority. After general discussion, the Museum Board determined that placing the HDSC under the Museum Board may not be more efficient or appropriate in regards to the roles and relationships of the two entities. In addition, the Museum Board wished to clarify their position to assist the HDSC in its future planning.

MOTION: by Wilmot, seconded by Logue:

That the Museum Board's position in regard to the Historic District Study Committee is as follows:

- The interests of the Museum Board are aligned with the HDSC in regard to preserving Birmingham's heritage.
- The HDSC serves a valuable function.
- It would be detrimental if the HDSC were dissolved.

VOTE: Yeas, 4
Nays, none

HDSC Minutes
October 9, 2013

5. **OLD BUSINESS**

A. Discussion on proposal to create a Historic Study Committee

At the last meeting, committee members endeavored to determine where the traditional activities of the HSC should be placed within the City government. Three potential options were discussed and the committee voted for an HDSC with expanded mandate to include activities. Since then, the Historic District Commission ("HDC") has also voted for that option.

B. Results of Museum Board Discussion of Historic Study Committee Proposal

The Museum Board has passed a motion regarding the HDSC that the interests of the Museum Board are aligned with the HDSC. In regard to preserving Birmingham's heritage, the HDSC serves a valuable function and it would be detrimental if the HDSC was dissolved. The chairperson noted it is very clear that the Museum has an awful lot on its plate and declining resources to deal with its mandate.

Mr. Dixon indicated he sent a letter to Commissioner Mark Nickita which was forwarded to the city manager. In the letter Mr. Dixon noted that he is dismayed with the treatment of Historic Birmingham:

The museum director's reduction in hours;
Museum funding reduced;
Diversion of Park bond funds from the Museum, shy of $100,000;
The de-listing of 505 Townsend;
The city clerk has not taken minutes at the Museum Board meetings;
The HDSC circumstance; and
The cemetery circumstance.

As a result, the city manager has indicated to Mr. Dixon that he wants to cooperate and that this issue needs to be looked at more comprehensively. The major focus would be the City's historic preservation policies and how they will be carried out to insure that the intrinsic values of Birmingham are reinforced.

Chairperson Thompson agreed to write a letter to the city manager asking for a date to set a three hour workshop session prior to December 2013. In addition to the future role of the HDSC, other related entities within the City's organizational structure are matters to be considered. Therefore, representation from these groups in addition to the City Commission would be appreciated.

Chairperson Thompson observed the City has not taken advantage of the match opportunities for CLG Grant funds. Further, Ms. Bashiri noted the projects this board was working on were ones that the State is interested in, such as Mid-Century Modern. Mr. Dixon thought the workshop might begin with a presentation by Chairperson Thompson highlighting what the HDSC has done over the past five years. He went on to note there really is a link between this

group and the Museum, and that should be defined. That link was compromised when the Museum Director's attendance at this committee's meetings ended.

Chairperson Thompson concluded by saying there should be an opportunity for community minded citizens to be able to participate and make a difference. If nobody is concerned, what is very special about Birmingham may be lost.

IX. VOLUNTARY HISTORIC PRESERVATION

Assistant City Manager Valentine explained the City Manager's suggestion to identify alternatives to consider when it comes to the Historic District Study Committee. A policy alternative is to include something in the middle rather than eliminating or reaffirming the Committee. He noted that the memo suggests further evaluation be done to determine how best to serve the community.

The Commission discussed which department budget this committee would fall under. Commissioner Hoff noted that there is a staff member whose primary responsibility is to handle historic preservation. Ms. Pielack pointed out that consideration should be given to where there material collected is stored.