

**CITY OF NORTHVILLE
HISTORIC DISTRICT COMMISSION
RULES AND REGULATIONS**

Section 1.0 Purpose.

The following Rules and Regulations are hereby adopted by the City of Northville Historic District Commission (hereinafter known as HDC) to facilitate the performance of its duties as outlined in the City of Northville Historic District Ordinance.

- 1.1 Internal Affairs.** These rules and regulations shall govern the internal affairs of the HDC.
- 1.2 No Rights Granted.** These rules and regulations govern the procedures of the HDC and do not give rise to any additional rights, remedies, cause of action, or benefits.
- 1.3 Conflict with Law.** These Rules and Regulations in no way amend, modify, or repeal any city ordinance and state law take precedence in all cases.

Section 2.0 Officers and Members.

- 2.1 Selection.** The Mayor or the alternate selected by the Mayor and confirmed by City Council shall serve as the HDC Chairperson. At the first regular meeting in January of each year, the members of the Commission shall elect a Vice-Chairperson. All members are eligible, except the Chairperson.
- 2.2 Tenure.** The officers shall take office the same meeting of their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- 2.3 Duties.**
 - A.** The Chairperson shall preside at all meetings, and perform such other duties as may be requested or approved by the HDC.
 - B.** The Vice-Chairperson shall act in the capacity of Chairperson in his/or her absence and in the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall serve until a successor is appointed by City Council.
 - C.** A Secretary shall be assigned by City Staff and shall be responsible for the record and minutes of each meeting and such other duties as the HDC may determine. The Secretary is not a voting member of the HDC.
 - D.** A representative of the Building Department, qualified to address technical ordinance and application process issues, will attend meetings of the HDC when possible. This representative is not a voting member of the HDC.

2.4 Representation. No officer or member shall act in any capacity which has the appearance of, or could be construed as, representing the Commission unless such action is authorized by the Commission in a public meeting. This shall include, but not be limited to, dealing with the press and attending public and private meetings and/or hearings which deal with the duties or authority of the Commission. Except as authorized above, no individual officer or member shall meet or deal with any applicant in any way that may lead the applicant to believe that he/she has, or will receive approval for any application or other matter to come before the Commission.

Section 3.0 Application.

3.1 Action Items.

A. Filing. Any property owner, or the owner's authorized agent as defined in the adopted building code, may apply to the HDC for permission to undertake work regulated by the Commission. The application shall be in writing on a form provided by the Building Department, sixteen days prior to the meeting where the application is to be considered and shall include payment of fees as may be required and established from time to time by the City Council. When the deadline falls on a Saturday, Sunday, or holiday in which City Hall is closed, the deadline is moved to the prior business day.

B. Public Hearing Notification. When, pursuant to the Ordinance or these Rules and Regulations, a public hearing is required; the HDC shall set a hearing date for the next regular meeting or alternative date as is practical and expeditious. The City Clerk shall publish all required notices and furnish proof of such publication to the HDC prior to the start of the public hearing.

C. Decisions. The HDC shall determine if the application is complete at its first meeting after receipt of the application. If the application is complete, the HDC shall render a decision not more than sixty (60) days after acceptance of the application as complete. Failure to act shall constitute approval unless an extension is mutually agreed upon in writing by the applicant and the Commission. If the application is not complete, the HDC may deny the application for lack of information or return the application to the applicant with a request for additional information.

D. Site Inspection. The HDC, if it considers it necessary, may conduct a site inspection at any site at issue. If such an inspection is part of a public hearing, the site inspection shall be posted as part of the public meeting or hearing. The site inspection, if posted as part of the hearing shall always be held the same day and as part of the same meeting as the start of the public hearing on the application. A quorum of the HDC shall not ride in the same vehicle to or from a site inspection or to or from a meeting. Nothing in this paragraph shall prevent members of the HDC from individually and separately visiting a site in question at their own

expense and time. A quorum of the HDC shall not make site inspections or otherwise discuss an application except during posted open meetings of the HDC.

E. Notice of Decision. The Building Department shall notify the applicant and send immediate notice of all action to the applicant, or his agent, of all decisions, by first class mail, or by personal service within seven (7) days of the action.

3.2 Study Items. Any person wishing to discuss proposed projects or obtain information or advice from the Commission prior to application may request to be placed on the agenda as a study item. The Commission may review plans and advise property owners on what may be appropriate in the District. The Commission may not take any formal action on a study item.

3.3 Demolition and Moving.

Applicants proposing the demolition or moving of any structure within the Historic District shall consult the Northville Demolition Guidelines for information and guidance.

Section 4.0 Meetings.

4.1 Regular Meetings: The HDC shall normally meet the third Wednesday of each month. Any other meetings of the HDC shall be called as needed so long as the meeting is properly noticed to the public. The meeting can be called by the Chairperson of the HDC, or by any two (2) members of the Commission.

4.2 Attendance: Any member of the HDC absent without excuse from more than two consecutive meetings shall be considered delinquent. Delinquency may be grounds for the Commission to request the removal of any member from the HDC for nonperformance of duty or misconduct.

4.3 Public: All meetings, hearings, records and accounts shall be open to the public to the extent required and in conformity with the Michigan Open Meetings Act, Freedom of Information Act, City Ordinance and state law.

4.4 Quorum: Four (4) members of the HDC shall constitute a quorum for the transaction of business and the taking of official action for all matters.

4.5 Order of Business:

4.6 Agenda: The Chairperson or designate shall prepare an agenda for each meeting and the order of business therein shall be as follows:

- A. **Call to Order and Roll Call.**
- B. **Public Comments.** Members of the public may comment on any issue that is not on the agenda.
- C. **Approval of the Agenda.**
- D. **Approval of Previous Meeting Minutes**
- E. **Reports.** Representatives of the City Administration, City Council, Planning Commission, or other Community/Governmental Liaisons may provide a report to the Historic District Commissioners.
- F. **Public Hearing, if necessary.** The Chairperson will declare a public hearing open and state its purpose.
 1. The Chairperson summarizes the procedure for a public hearing as outlined in Paragraphs 2 through 7 below, of these rules of procedure for any members of the public in attendance, or provides copies.
 2. The applicant, or agent, may present his case, including presenting witnesses on his behalf. A limit of 45 minutes will be imposed on the applicant.
 3. Members of the HDC may report on any site inspection, any conversations with the applicant they may have had, and ask questions relevant to the applicant's presentation.
 4. Members of the public who support the applicant may speak and correspondence is read.
 - a. The Chairperson shall allow anyone present to speak in favor of the applicant and can impose a time limit for the speaker.
 - b. All speakers shall state their name, address and note if they represent a group.
 5. Members of the public who oppose the applicant may speak and correspondence is read.
 - a. The Chairperson shall allow anyone present to speak in rebuttal of the applicant and can impose a time limit for the speaker.
 - b. All speakers shall state their name, address and note if they represent a group.
 6. Anyone may ask the Chairperson questions on presentations or comments given at this hearing. The Chairperson will attempt to obtain an answer to the question. Answers shall be given to the Chairperson. No discussion, questioning or answering shall take place between any two or more people except between the Chairperson and the individual who has the floor.
 7. Motion to Close the Public Hearing.
(At this point all public participation on the issue ends.)

G. Cases to be Heard:

1. Case is called.
2. Applicant presents case.
3. Commission questions & comments.
4. A motion pertaining to the completeness of the application is made, seconded, and voted upon. Results are announced by the Chair.
5. Public comments on the case are heard. Members of the public are asked to address the Commission from the podium.
6. If the Commissioners have voted to accept the application as complete, a motion pertaining to granting a Certificate of Appropriateness or Notice to Proceed is made, seconded, and voted upon. Results are announced by the Chair.

H. Discussion

I. Adjournment.

4.6 Comments Out of Order: The Chairperson shall rule out of order any irrelevant remarks; remarks which are personal, about another's race, religion, sex, or sexual orientation, physical condition, ethnic background, beliefs, or similar topics, profanity, or any other remarks which are not about the item at hand or which are scandalous, inflammatory, or threatening.

4.7 Recesses: The Chairperson may recess a public hearing and/or meeting to another time if it is after 10 p.m., or if the meeting has been over three (3) hours in length. In order for a recess to be in order, the time, day, month, date, year and location to reconvene shall be stated as part of the action to recess, and the meeting shall be held within 14 days of the action to recess. If a meeting and/or public hearing reconvenes over thirty-six (36) hours after the action to recess, the reconvened meeting shall be posted at least eighteen (18) hours before the time of the reconvened meeting, to comply with Section 4.3 of these rules of procedure. Upon reconvening, a roll call shall be taken as the first order of business.

4.8 Parliamentary Procedure: Meetings shall be conducted in a formal manner, and parliamentary procedure shall be governed by Robert's Rules of Order if not specifically dealt with in these rules of procedure. Legal rules of evidence do not apply.

4.9 Motions: Motions shall be reiterated by the Chairperson before a vote is taken.

A. Motions dealing with an application shall contain the following:

1. The address of the subject property.
2. The conclusion and/or decision of the HDC.
3. Any conditions attached to an approval.

4. Reference to the appropriate Secretary of the Interior Guidelines.
5. Statement that the approval is subject to the adopted rules of the Commission

B. Any other motion shall be stated in prose or in the form of a resolution.

4.10 Voting: Voting on any applications or item requiring a public hearing shall be by roll call vote. All other votes may be by voice vote. Any member may request a roll call vote. Members must be present to cast a vote. Voting by proxy is not permitted. Except as required elsewhere in the Rules and Regulations, a motion is adopted only if a majority of the members present cast their votes in favor of the motion.

4.11 Approvals: All work approved by the Commission shall commence within one year of the date of approval. For the purpose of this section, the issuance of a building permit shall constitute commencement. For demolition permits, approvals issued without reservation shall become effective immediately. In this case, the approved demolition must be substantially complete within six (6) months. Approved demolitions issued with reservation due to the historical/architectural/environmental significance of the involved resource shall not become effective until at least six (6) months after the date of such issuance in order to provide a period of time within which it may be possible to relieve a hardship or to cause the property, on its present site, to be transferred to another owner willing to preserve it. If preservation after the six-month waiting period is not possible, then the approved demolition must be substantially completed within six (6) months after the waiting period expires. In the event that the work is not commenced as stated above, the approval shall be null and void and the applicant shall file a new application and fee, if required. In the event a permit is cancelled, rescinded or voided by the Building Department, any approvals by the HDC shall also be rescinded.

Section 5.0 Records.

5.1 Preparation: A record of each meeting, including public hearings, shall be prepared under the direction of the Secretary or his/her designee.

5.2 Content: The record of each meeting shall include the following items:

- A.** A copy of any required notices as required in Section 3.3B of these rules of procedure.
- B.** A signed statement indicating that notices, as required in section 3.3B of these rules of procedure, was published and posted, and a copy of a newspaper notice, if one was published.

- C. The written original of the minutes of the meeting which shall include all action taken.
- D. Verbatim text of any resolutions adopted at the meeting.

5.2 Retention: The record of each meeting shall be permanently kept on file and stored in suitable volumes, with a copy filed with the City Clerk. Draft copies of the minutes shall be distributed to each member of the HDC prior to the next meeting and shall be available to the public within eight business days of the meeting

Section 6.0 Per Diem and Mileage.

Mileage and per diem may be paid to members of the HDC at rates established by the governing body for attending HDC meetings, and other authorized meetings and trips, if those members submit a bill for the same. No mileage or per diem is paid to any members unless authorized and budgeted by the City Council.

Section 7.0 Other Duties.

The HDC may formulate and provide advice and may advise policy to the Planning Commission or BZA or any committee thereof, on issues dealing with construction, planning and/or use of property and structures with the Historic District. All members must abide by the Conflict of Interest Policy, provided in the Appendix.

Section 8.0 Adoption and Repeal.

Upon adoption of these rules of procedure of Northville Historic District Commission and approval by the Northville City Council, they shall become effective and all previous by-laws and/or rules of procedure as amended shall be repealed.

Section 9.0 Amendments.

These rules may be amended at any regular or special meeting by a majority vote of the total membership of the HDC and submission to and approval by City Council provided:

1. Such amendment does not result in a conflict with state law, City Ordinance, or court decision, and;
2. Such amendment was proposed at a meeting prior to the meeting at which it is considered.

Amended and approved by the Historic District Commission on November 17, 2021.

**Amendments adopted by the Northville City Council on December 6, 2021.
Effective February 4, 2022 per Section 42-21(6) in the Code of Ordinances.**

The foregoing *Historic District Commission Rules and Regulations* were adopted by the Northville City Council at their regular meeting of December 6, 2021, held at the City of Northville Council Chambers, 215 W. Main Street, Northville, Michigan, 48167.

Brian P. Turnbull, Mayor

Dianne Massa, CMC, City Clerk

APPENDIX

Historic District Commission Rules and Regulations

Rev May 10, 2010

MICHIGAN STATE HISTORIC PRESERVATION OFFICE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
CONFLICT OF INTEREST POLICY FOR HISTORIC PRESERVATION ACTIVITIES

Application of Policy

The Michigan State Historic Preservation Office is required to implement the federal conflict of interest policy for historic preservation activities. Generally speaking, this conflict of interest policy applies to any person who is paid in full or in part with Historic Preservation Fund (HPF) or matching share (state) monies, or who donates time or provides in-kind services to the HPF program. For purposes of the policy, "person" is defined as and means: the State Historic Preservation Officer; staff member of the State Historic Preservation Office (SHPO), including persons authorized to represent the SHPO or to perform in any official capacity for the SHPO; subgrantees and contractors paid in whole or part by HPF funds or whose time or salaries are used as allowable matching share; members of the State Historic Preservation Review Board and the Michigan Historical Commission; Certified Local Government Historic District Commission members, agents and staff; and the employees, agents, partners, associates, and family members of the persons listed above.

Policy

No person (as defined above) shall participate in the selection, award, or administration of any HPF-assisted program activity, subgrant, contract, or subcontract if a conflict of interest, real or apparent exists; nor shall a person participate through approval, disapproval, recommendation, or other decision concerning any Federal Preservation Tax Incentive Certification, National Register Nomination, or Review and Compliance case if such a conflict, real or apparent, exists.

No person shall engage in outside employment or have any direct or indirect financial interest that actually conflicts or would appear to conflict with the fair, impartial, and objective performance of officially assigned duties and responsibilities for the administration of the HPF program.

No person shall solicit nor accept gratuities, favors, nor anything of monetary value from contractors, potential contractors, or recipients or potential recipients of HPF subgrant award or contract.

Real and Apparent Conflicts

A real conflict of interest exists when a person may benefit (either through financial or personal gain) from the position the person holds with respect to the HPF-assisted program, or may be unable to make impartial decisions or render impartial advice due to outside relationships or other activities with persons as defined above. (This applies to those persons who participate in or influence the grant award decision-making process, gain information not available to the general public, or provide oversight or administration of any aspect of the HPF program.)

An apparent conflict of interest exists whenever circumstances are such that a person may appear to be in a position to benefit (either through financial or personal gain) from the position the person holds with respect to the HPF-assisted program, or may be unable to make impartial decisions or render impartial advice due to outside relationships or other activities with other persons as defined above. (This applies to those persons who participate in or influence the grant award decision-making process, gain information not available to the general public, or provide oversight or administration of any aspect of the HPF program, whether or not such a conflict actually exists.)

An apparent conflict also exists when a person may appear to have an unfair competitive advantage because of his or her relationship to the SHPO.

Declaring and Resolving Conflicts

Should a conflict of interest, real or apparent, exist: The person shall fully disclose the possible conflict in writing as soon as the situation becomes apparent, but at a minimum, before the issue or action for which the conflict exists is acted upon or brought to resolution and shall physically absent himself/herself from the decision-making process. The disclosure shall be presented (if appropriate) to the staff person's supervisor and then transmitted to the State Historic Preservation Officer and the Grant Section Supervisor. A disclosure statement shall be submitted for each subsequent fiscal year while the conflict of interest exists.

The entirety of the U.S. Department of the Interior's Policy and Procedure on Conflict of Interest which is set forth in

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Historic District Commission Rules and Regulations

the National Park Service manual entitled Historic Preservation Fund Grants Manual, Chapter 3 is available in the SHPO office.

ACKNOWLEDGMENT

I certify that the conflict of interest policy for historic preservation activities has been read by me. I agree to abide by the policy and the procedures which implement it, including those specified in the Historic Preservation Fund Grants Manual. In particular, I agree to immediately disclose any real or apparent conflict of interest as soon as such a conflict becomes known to me.

Print Name of Staff Member* (or other affected person) Signature Date

Supervisor (if State employee) Date

Brian D. Conway, SHPO _____
Date

*Staff members who serve in the state classified civil service are also subject to ethics and conflict of interest regulations as prescribed in the Michigan State Housing Development Authority Employee Handbook (January 20, 2010), specific Conflict of Interest Policy for Historic Preservation Activities, Civil Service Commission Rule 2-8, the Contracts with Public Servants Act (Act No. 317 of the Public Acts of 1968), and the State Ethics Act (Act No. 196 of the Public Acts of 1973).