

Council Agenda

April 1, 2013 6:30 p.m.
Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Proclamation in honor of the 50th Anniversary of Mershon Chapter of Trout, Unlimited to be received by Jim Lewis, Mershon Chapter board member.

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

Management Update:

CONSENT AGENDA:

1. Approve the minutes from March 18, 2013 regular council meeting.
2. Approve the Settlement Agreement and Release of all Claims between Shirley Rice and the City of Saginaw and authorize the Mayor or his designee to execute this Settlement and Release on behalf of the City of Saginaw.
3. Approve the Recovery Agreement with the Saginaw Housing Commission and the United States Department of Housing and Urban Development (HUD).
4. Approve the Development Agreement with Bancroft Project Saginaw LLC.
5. Approve the Third Contract Amendment with Spence Brothers to provide construction management services for one year for Neighborhood Stabilization Program assisted projects.
6. Approve the Letter of Agreement amending the Land Lease Agreement with AT&T.
7. Approve the budget adjustment to increase the Public Works Building Fund – Sale of Junk Account from \$0.00 to \$1,104 for scrap metal sale to Rifkin Salvage Company which totals a \$1,104 increase. This increase will be offset by an increase in the Public Works Building Fund – Public Works Building Division's Capital Account for the same amount.

Council Agenda

April 1, 2013 6:30 p.m.
Council Chamber

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

1. Consideration of appointing Leslie D. Tincknell to the Saginaw Riverfront Development Commission with a term to expire April 1, 2018.

INTRODUCTION OF ORDINANCES:

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to amend § 153.750 "Statement of Purpose," § 153.573 "Historic District Commission," § 153.574 "Procedure for the Review of Plans," and § 153.576 "Establishing New Districts and Identifying Historic Resources/Landmarks" of Chapter 153, Zoning Regulations, of Title XV "Land Usage," of the City of Saginaw Code of Ordinance, O-1.

RESOLUTIONS:

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

Darnell Earley
City Manager

PROCLAMATION

WHEREAS, The Saginaw City Council is proud to honor the William B. Mershon Chapter of Trout, Unlimited in celebration of their 50th anniversary; and

WHEREAS, Trout, Unlimited began at George Griffith's home in Grayling, Michigan in 1963. The organization's membership activities soon centered around Art Neumann's local Saginaw flyshop, the Wanigas Rod Company; and

WHEREAS, Friends and colleagues made the Wanigas Rod Company a regular gathering spot, exchanging fishery ideas and fishing knowledge. The W. B. Mershon Chapter evolved from these long-ago friendships. These local meetings strengthened Trout, Unlimited's national position and their position in Michigan. Soon, the National Headquarters for Trout, Unlimited was located in Saginaw from 1962 to 1965; and

WHEREAS, Since 1963, The Mershon Chapter has spent thousands of volunteer hours and thousands of dollars to insure the future of clean, cold rivers in Michigan and thus the future of Michigan's trout population and the sport of trout fishing; and

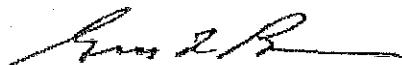
WHEREAS, The Mershon Chapter works with other like-minded organizations each year to carry out projects that improve trout habitat with emphasis on the Au Sable and Rifle Rivers; and

WHEREAS, The Mershon Chapter will host its 50th anniversary banquet on Saturday, April 13, 2013 at 4 pm at the Horizons Banquet Center located at 6200 State Street in Saginaw. This event will celebrate the Mershon Chapter's long history of achievements; Presidents, past and present; as well as their mentor Art Neumann; now

THEREFORE, I Greg L. Branch, Mayor of the City of Saginaw, on behalf of my fellow council members and the citizens of this community, offer our deep appreciation for the positive impact the Mershon Chapter of Trout, Unlimited has made in our local natural resources. We congratulate the members of this great organization on their 50th Anniversary and extend our very best wishes for continued success in all your future endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 1st day of the year of our Lord two thousand and thirteen.

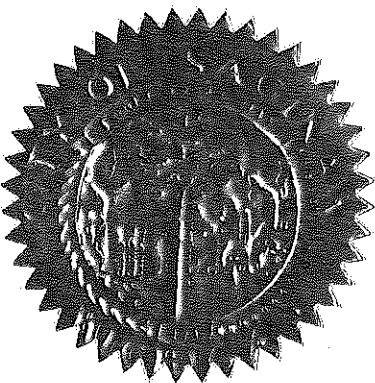
Greg L. Branch, Mayor



Councilmembers

Dennis Browning, Mayor Pro Tem
Annie Boensch, Norman Braddock,
Larry Coulouris, Dan Fitzpatrick,
Floyd Kloc, Amos O'Neal, Andrew Wendt

Darnell Earley, City Manager



April 1, 2013

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, MARCH 18, 2013, AT 12:00 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Council Member Braddock offered a prayer and led the pledge of allegiance.

Mayor Branch welcomed the students in attendance for Student Government Day.

ROLL CALL

Mayor Branch called the meeting to order. Council Members present: Annie Boensch, Norman Braddock, Andrew Wendt, Dennis Browning, Larry Coulouris, Floyd Kloc and Mayor Gregory Branch - 7. Council Members absent: Daniel Fitzpatrick and Amos O'Neal - 2.

ANNOUNCEMENTS

City Clerk Janet Santos announced that the City Hall will be closed Friday, March 29, 2013 for the Easter holiday.

City Clerk Janet Santos announced that the Waste Collection Convenience station is open the second Saturday of every month from 10:00 a.m. to 2:00 p.m.

Council Member Boensch read a proclamation declaring March 31, 2013 as Cesar Chavez Day. Frank Ornelas and Adam Gonzales of the American G.I. Forum accepted the proclamation and expressed their appreciation of the recognition.

Mayor Branch read a certificate of recognition for Winnie I. Yeomans Porath, former queen of the 1957 Hoyt Park Winter Sports Carnival. Mayor Branch congratulated Ms. Porath and donned her with a crown. Ms. Porath expressed her appreciation of recognition.

Council Member Kloc read a proclamation to honor Paul Wendler, former City Council Member from 1959 - 1973 and Mayor of the City from 1971 - 1973. Mayor Branch accepted the proclamation on behalf of the Wendler family.

PERSONAL APPEARANCES

The following persons addressed the Council: John Milne and Wendy Milne.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Coulouris, Browning, Wendt, Braddock, Boensch, Kloc and Mayor Branch.

REPORTS FROM CITY MANAGER

Management Update

City Manager Darnell Earley introduced Phil Karwat, Director of Public Services. Mr. Karwat presented a recap of the Weed Abatement Program and the proposed changes necessary due to several factors such as funding, staffing and aging of equipment. Mr. Karwat introduced Jeff Klopccic, Director of Technical Services. Mr. Klopccic presented

images from the GIS system showing the 15,000 lots that were serviced in 2012. The quantities of lots exceed funding levels and are extremely difficult to manage. The team of Mr. Karwat, Mr. Klopac and Tim Novak, County and Land Bank Treasurer, and a representative from MSU conducted a review of the current program and presented changes to include implementation of weed growth control products and consideration of other options.

City Manager Earley introduced Brandon Duvall, Web Technology Specialist. Mr. Duvall presented the newly designed City website. The website has a responsive design to adapt the viewing ability to the device in use and offers interactive capabilities.

City Manager Earley informed Council that a reply letter was received on this date from Sheriff Federspiel regarding the proposed agreement to negotiate the transition of the City's Police Department to the County Sheriff Department. Manager Earley introduced Phil Ludos, Assistant City Manager for Public Safety. Mr. Ludos informed Council of the efforts taken to meet with Sheriff Federspiel to conduct official discussion and the meetings held with the respective union representatives for COAM, POAM and IAFF.

City Clerk Janet Santos informed Council that consent agenda item #4 was removed for further review and consideration for approval is not requested at this time.

Consent Agenda

1. Approve the minutes from February 18, 2013 closed session and the minutes from March 4, 2013 regular Council meeting.
2. Approve to consider the 2013 Single Lot Special Assessment Tax Roll responses provided for all objections received prior to the closing of the public hearing held on February 18, 2013 and that the recommendations be approved and Council consider the resolution confirming the tax roll.
3. Approve the amendments to the 2012/2013 Approved Budget to recognize and carry forward grant funds from 2012 and any errors, omissions, or changes that have occurred during the 2nd quarter.
4. **REMOVED:** *Approve the Development Agreement between the City of Saginaw and Bancroft Project Saginaw LLC and the documents be executed as necessary.*
5. Approve a purchase order to AKT Peerless in the amount of \$12,240 for environmental services associated with the Community Development Block Grant (CDBG).
6. Approve a purchase order to 1st Run Computer Services in the amount of \$3,704 for a Fujitsu color scanner for scanning legal documents.

7. Approve a purchase order to Kustom Signals, Inc., a sole source, in the amount of \$5,900 for twenty (20) in-car camera expense microphones for the Police Department.
8. Approve the User Agreement with Michigan Department of Transportation (MDOT) for the use of their Spatial Reference Network (MSRN).
9. Approve the payment of an additional \$6,950 on purchase order #47981 to Custom Engineering, Inc. for emergency replacement of an additional rooftop heating and air conditioning unit at the Maintenance and Service Division.
10. Adopt the Resolution approving the Agreement with Spicer Group for construction survey staking services for the Ezra Rust Street Road Improvements from the Court Street Bridge to Washington Avenue (M-13).
11. Adopt the Resolution approving the Agreement with Spicer Group for construction survey staking services for the Fordney Street Improvements from Rust Avenue (M-46) to Ezra Rust Street.
12. Approve a purchase order to Hoffman's Power Equipment, Inc., a sole source, in the amount of \$15,332 for a 72" mower for the Water Treatment Division.
13. Approve a purchase order to Lingle Equipment, Inc. in the amount of \$4,700 for a used Forklift Truck for the Wastewater Treatment Plant.

Council Action:

Moved by Council Member Coulouris, seconded by Mayor Pro Tem Browning to approve consent agenda items 1 through 3 and 5 through 13 as presented. 7 ayes, 0 nays, 2 absent. Motion carried.

REPORTS FROM BOARDS, COMMISSIONS AND COMMITTEES, AND
APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Council Member Braddock reported that the City/Schools Liaison Committee will meet Thursday, March 21, 2013 at City Hall at 5:30 p.m.

INTRODUCTION OF ORDINANCES

City Clerk Janet Santos informed Council that the ordinance for introduction was removed from the agenda for further review.

RESOLUTIONS

Moved by Council Member Coulouris, seconded by Council Member Braddock to adopt the Resolution certifying the 2013 Single Lot Special Assessment Tax Roll. 7 ayes, 0 nays, 2 absent. Motion carried.

ADJOURNMENT

Moved by Mayor Pro Tem Browning, seconded by Council Member Wendt to adjourn the meeting at 2:04 p.m. 7 ayes, 0 nays, 2 absent. Motion carried.

Janet Santos, CMC/MMC
City Clerk

From: Darnell Earley, City Manager
Subject: Shirley Rice v City of Saginaw Litigation
Prepared by: Amy Lusk, Assistant City Attorney

Manager's Recommendation:

I recommend that the Settlement Agreement and Release of all Claims between Shirley Rice and the City of Saginaw be approved. It is further recommended that the Mayor or his designee be authorized to execute this Settlement and Release on behalf of the City of Saginaw. The Settlement and Release has been approved by me as to substance and the City Attorney as to form.

Justification:

On or about March 16, 2012, Shirley Rice filed a lawsuit against the City of Saginaw alleging that she suffered injuries when she tripped/fell on the sidewalk in front of her home. Both parties accepted the Case Evaluation of \$7,500 and now wish to finalize the process with a settlement agreement for that amount.

Council Action:

Council Member _____ moved, seconded by Council Member _____ that the recommendation of the City Manager be approved.

From: Darnell Earley, City Manager
Subject: Recovery Agreement for the Saginaw Housing Commission
Prepared by: Andre R. Borrello, City Attorney

Manager's Recommendation:

Authorize the Mayor to execute the Recovery Agreement between the Saginaw Housing Commission and the United States Department of Housing and Urban Development (HUD) and the City of Saginaw. This agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

Pursuant to state law and the Saginaw Administrative Code, the Saginaw Housing Commission retains the powers and duties vested or permitted to be vested in housing commissions by MCL 125.651, *et seq.*, as amended. The Mayor has the authority to appoint the five (5) members of the Housing Commission, in addition to City's other powers and duties set forth in Section 12.31 of the Administrative Code.

At the conclusion of a recent assessment performed on the Saginaw Housing Commission, it was recognized that the Housing Commission would need to enter into a Recovery Agreement between HUD and the City of Saginaw. The Recovery Agreement establishes performance targets, sets out strategies for meeting targets and provides for incentives and sanctions for effective implementation of the strategies leading to recovery of performance, with the goal of attaining an improved status of at least a Standard Performer. In summary, the Housing Commission agrees to achieve outcomes outlined in an Action Plan within certain timeframes set forth in the Recovery Agreement.

In support of and as signatory to the Recovery Agreement, the City pledges to comply with all applicable federal, state and local laws and regulations relating to the performance of the Recovery Agreement to which the City's activities are subject, e.g. appointment of Commissioners. HUD retains the authority to unilaterally amend the Recovery Agreement to the extent authorized by the United States Housing Act. The City, through its appointing authority, officially acknowledges in the Recovery Agreement the importance of effective governance as part of the recovery and sustainability of the Saginaw Housing Commission.

Both the Saginaw Housing Commission and HUD request the City's support of this Recovery Agreement by authorizing the Mayor to execute the Recovery Agreement, which has been reviewed by the City Attorney as to form.

Council Action:

Council Member _____ moved, seconded by Council Member _____
that the recommendation of the City Manager be approved.

From: Darnell Earley, City Manager

Subject: Purchase and Development Agreement with Bancroft Project Saginaw LLC, 131 S. Franklin

Prepared by: Bill Ernat, Interim Director of Community and Economic Development

Manager's Recommendation:

I recommend that the Development Agreement ("Agreement") between the City of Saginaw ("City") and Bancroft Project Saginaw LLC be approved and the documents be executed as necessary. I have approved the Agreement as to substance and the City Attorney has approved as to form.

Justification:

Bancroft Project Saginaw LLC ("Bancroft") is the developer that purchased the Bancroft and Eddy buildings and will redevelop them into market rate apartments with retail on the first floor. They are seeking to purchase the vacant lot located at 131 S. Franklin from the City of Saginaw to utilize as a parking lot for the tenants/visitors of the Bancroft Building located at 107 S. Washington Ave. and the Eddy Building located at 100 N. Washington Ave. They currently own the vacant lot located at 126 S. Washington, which is immediately west of this lot and plan to create a parking lot on both lots. A map of the area is attached for your review, with the above lots identified.

The City's parcel is irregularly shaped and has an approximate area of 12,250 square feet. Bancroft recently purchased the adjoining lot, which is approximately 12,775 square feet in area. The two lots have a combined area of 25,000 square feet and staff has estimated that 77 parking spaces could be created on these lots. The Bancroft and Eddy buildings have 69 on-site parking spaces. With the addition of the proposed parking lot, the parking spaces would be approximately 146. This figure is well below the desired 250 parking spaces. Bancroft is working with the adjacent property owners to acquire additional land for parking to overcome this shortfall.

The development of a parking lot at this location would eliminate several vacant parcels on a highly visible street within the downtown area. These lots are across the street from the Bancroft Building and one (1) block south of the Eddy Building. These lots are key in Bancroft's efforts to create sufficient parking for the two buildings. To make this more feasible to Bancroft, the City would sell the lot for one dollar (\$1.00), upon execution of this Agreement. Should Bancroft accept the offer, the parcel would then be placed back on the active tax rolls and would be maintained by Bancroft.

Pursuant to the proposed Development Agreement, Bancroft has a 90-day due diligence period to determine whether it will take the property. In that 90-day period, Bancroft will have to purchase title insurance, and will have the option to order a survey

of the property, at its sole expense. They have the option to complete an environmental assessment of the property, again at its sole expense. If they do not terminate the agreement they would accept the property as is without warranty or representation. After transfer of the property, Bancroft cannot sell or transfer the developed properties or the parking lot without the City's prior written consent for five years. After that time, the developed properties and the parking lot can only be sold or transferred to a third party provided that the sale or transfer of the developed properties and the parking lot are part of one transaction. Any other transaction would require City approval.

In exchange for the sale of the land, Bancroft agrees to remediate all environmental conditions, if any, within one year of the effective date of the Agreement, will complete the development of the property with a parking lot within eighteen (18) months of the effective date of the agreement. Failure to comply with any of the above items shall result in the property being returned to the City free of any liens, mortgages, charges, claims, or encumbrances.

Council Action:

Council Member _____ moved, seconded by Council Member _____ that the recommendation of the City Manager be approved.

City of Saginaw

Legend

- 100 N WASHINGTON AVE
- 107 S WASHINGTON AVE
- 126 S WASHINGTON AVE
- 131 S FRANKLIN ST
- Parcels



From: Darnell Earley, City Manager

Subject: Spence Brothers Construction Management Services Third Contract Amendment

Prepared By: M. Allen, Department of Community and Economic Development

Manager's Recommendation:

I recommend approval of the Third Contract Amendment ("Amendment") with Spence Brothers ("Spence") to provide construction management services for Neighborhood Stabilization Program ("NSP") assisted projects. The term is for one year. I have approved the Amendment as to substance and the City Attorney as to form.

Justification:

Recently, the City was awarded additional NSP funds by the Michigan State Housing Development Authority ("MSHDA") to rehabilitate additional single-family residences. As a result, the City must amend the Agreement to provide Spence time to perform additional construction management duties. As a result, the Amendment extends the term of the Agreement for one (1) year. The term of the Amendment is retroactive to February 11, 2013.

This vendor meets all requirements of §14.23, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this contract are available in the Neighborhood Stabilization Program Construction Projects Account Number 279-6552-761-83.30.

Council Action:

Council Member _____ moved, seconded by Council Member _____ moved that the recommendation of the City Manager be approved.

From: Darnell Earley, City Manager

Subject: Letter of Agreement Amending Land Lease with AT&T

Prepared by: Bill Ernat, Interim Director of Community and Economic Development

Manager's Recommendation:

I recommend that the Letter of Agreement amending the Land Lease Agreement ("Agreement") between the City of Saginaw ("City") and AT&T be approved and the document be executed as necessary. I have approved the Letter of Agreement as to substance and the City Attorney has approved as to form.

Justification:

On March 19, 2012, the City of Saginaw and AT&T entered into a Land Lease Agreement to allow AT&T employees exclusive use of the parking lots at 309 Water Street, 416 S. Washington Avenue, and 235 S. Washington Avenue. This land lease was to accommodate the additional 230 employees that were being relocated to the downtown AT&T office, located at 309 S. Washington. Per the Land Lease, AT&T is responsible for maintenance of these three parking lots, including the striping and lighting, and other improvements that may be necessary.

At this time, AT&T is preparing to provide striping and other improvements to these parking lots. In order to do so, they must make alternative parking plans for their employees that use these lots. AT&T has requested to temporarily utilize the 507 S. Washington Avenue and 602 S. Water Street to accommodate their employees. These lots are used by the Farmer's Market. This year the Farmer's Market will begin on May 25th. The temporary parking for the AT&T employees would begin on April 1, 2013 and would not extend beyond May 14, 2013 for these sites so as not to conflict with the Farmer's Market. AT&T has also contacted the Saginaw County Land Bank to use their lots at this location as well. Attached is a map that identifies the two city parking lots.

Parking improvements will be done in stages with the first stage to include the largest parking lot at 309 S. Water Street. The following stages will include work on the two smaller parking lots. It is anticipated that the entire project will be completed by July 2013.

Council Action:

Council Member _____ moved, seconded by Council Member _____ that the recommendation of the City Manager be approved.

AT&T Parking



From: Darnell Earley, City Manager
Subject: Increase Scrap Metal Revenue Account
Prepared by: Bruce Caradine, Public Services Department

Manager's Recommendation:

I recommend that a budget adjustment be completed to increase the Public Works Building Fund – Sale of Junk Account No. 641-0000-532-62.36 from \$0.00 to \$1,104 for scrap metal sale to Rifkin Salvage Company, of Saginaw, which totals a \$1,104 increase. This increase will be offset by an increase in the Public Works Building Fund – Public Works Building Division's Capital less than \$5,000 Account No. 641-4439-811.97-05 for the same amount.

Justification:

The Parks, Building and Grounds Maintenance Division took inventory of the old equipment and parts that were inoperable and transported the pieces to Rifkin Salvage Company for sale of scrap. The City received at fair market rate payment by check (separately) for each truck load of scrap metal delivered. Checks received were deposited into the revenue account Sale of Junk.

These checks totaling in the amount of \$1,104, will be used toward the purchase of small engine equipment and tools for Parks, Building and Ground Maintenance. Bids will be received to purchase three (3) gas-powered weed trimmers and one (1) 18-volt cordless screwdriver. This budget adjustment is needed for this equipment.

Council Action:

Council Member _____ moved, seconded by Council Member _____ that the recommendation of the City Manager be approved.

From: Darnell Earley, City Manager
Subject: Historic District Ordinance Amendment
Prepared by: Planning Commission

Manager's Recommendation:

I recommend the amendment of §153.750 "Statement of Purpose," §153.573 "Historic District Commission," §153.574 "Procedure for the Review of Plans," and §153.576 "Establishing New Districts and Identifying Historic Resources/Landmarks" of Chapter 153, Zoning Regulations, of Title XV "Land Usage," of the City of Saginaw Code of Ordinance, O-1. I have approved the Amended Ordinance as to substance and the City Attorney has approved it to form.

Justification:

The zoning text amendments were requested by the Historic District Commission members to bring the Zoning Regulations in line with State Statutes and Public Act 169. In addition, language was inserted to allow the membership number to vary from nine to seven members. Should the membership vary, the quorum requirements would vary as well, with the quorum being four for seven members and five for eight or nine Commission members. The proposed ordinance amendments also more clearly define the procedure for the application process, the review of plans, and the responsibilities of the Historic District Commission.

The Planning Commission held a public hearing on this request on February 26, 2013, and with a unanimous vote recommended approval of the amendment request. There was no opposition from the public to the requested amendment.

Council Action:

This Council Communication is for explanation purposes of the ordinance to be introduced and enacted according to the City Charter, Section 22, titled, "Ordinances."

Moved by Council Member _____, seconded by Council Member _____ to introduce an Ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND § 153.570 "STATEMENT OF PURPOSE," § 153.573 "HISTORIC DISTRICT COMMISSION," § 153.574 "PROCEDURE FOR THE REVIEW OF PLANS," AND § 153.576 "ESTABLISHING NEW DISTRICTS AND IDENTIFYING HISTORIC RESOURCES/LANDMARKS" OF CHAPTER 153, ZONING REGULATIONS, OF TITLE XV "LAND USAGE," OF THE CITY OF SAGINAW CODE OF ORDINANCE, O-1.

Laid over under the Charter Provision.

Council Member _____ moved, seconded by Council Member _____ that an ordinance introduced on April 1, 2013, be taken up and enacted, entitled and reading as follows:

O- _____

AN ORDINANCE TO AMEND § 153.570 "STATEMENT OF PURPOSE," § 153.573 "HISTORIC DISTRICT COMMISSION," § 153.574 "PROCEDURE FOR THE REVIEW OF PLANS," AND § 153.576 "ESTABLISHING NEW DISTRICTS AND IDENTIFYING HISTORIC RESOURCES/LANDMARKS" OF CHAPTER 153, ZONING REGULATIONS, OF TITLE XV "LAND USAGE," OF THE CITY OF SAGINAW CODE OF ORDINANCE, O-1.

The City of Saginaw Ordains:

§ 153.570 STATEMENT OF PURPOSE.

The purpose of this subchapter is to:

- A. Safeguard the heritage of the City by preserving districts in the City which reflect elements of its cultural, social, economic, political, **archaeological, engineering** or architectural history;
- B. Stabilize and improve the property values in such districts;
- C. Foster civic beauty;
- D. Strengthen the local economy;
- E. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City.

§ 153.573 HISTORIC DISTRICT COMMISSION.

- A. *Creation of Historic District Commission.* In order to execute the purposes declared in this subchapter, there is hereby created a commission to be called the Saginaw Historic District Commission.
- B. *Membership of Commission.* The Historic District Commission shall consist of **seven (7) to nine (9) members** whose residence is located in the City. Members shall be appointed by the City Council for terms of office of three (3) years, **except that the initial appointments of some of the members shall be for less than three (3) years so that the initial appointments are staggered and that subsequent appointments do not recur at the same time.** Subsequent members shall be appointed for terms of three (3) years as terms expire. Members of the Historic District Commission may be re-appointed after their terms expire. The terms of office of the members shall begin as of the effective date of Ord. D-1914 (March 7, 2002).
- C. *Membership eligibility.*
 - 1. **A majority of the members shall have a clear and demonstrated interest in or knowledge of historic preservation.**

2. All members must have their principal place of residence within the City; removal from the City causes the member's seat to become vacant. All duly organized historic preservation societies within the City shall be requested to submit a list of citizens' names as nominees for any vacancy; at least two (2) members of the Historic District Commission shall be appointed from such nominations. At least one (1) member of the Historic District Commission shall be a graduate of an accredited school of architecture who has two (2) years of architectural experience or who is an architect registered in Michigan, if such person resides in the City and is available for appointment. At least one (1) of the remaining members shall be a property owner who is a resident of a Residential Landmark Structure or District and at least one (1) of the remaining members shall be a property owner of a Commercial Landmark or District.
3. A vacancy occurring in the membership of the Historic District Commission for any cause shall be filled **within sixty (60) calendar days** by a person appointed by the City Council for the unexpired or new term.
4. The members of the Historic District Commission shall serve without compensation.

D. Duties and powers of the Historic District Commission.

1. The Historic District Commission shall have the authority to review all work affecting the exterior appearance of a resource in a historic district and shall not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in § [153.574](#).
2. If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to local unit, state, or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the local unit, state, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.
3. Work within a historic district shall be permitted through the issuance of a notice to proceed if any of the following conditions prevail and if the proposed work can be demonstrated by finding of the Commission to be necessary to substantially improve or correct any of the following conditions:
 - a. The resource constitutes a hazard to the safety of the public or to the structure's occupants;
 - b. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances;
 - c. Retaining the resource will cause undue financial hardship to the owner when a governmental action, act of God, or other events beyond the owners control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site

within the historic district have been attempted and exhausted by the owner.

- d. **Retaining the resource is not in the interest of the majority of the community.**
4. The Historic District Commission shall have the following powers and duties in regard to the identification of Historic Resources:
 - a. To establish basic standards for the selection of sites, buildings, structures, and districts to be placed on the list of potential historic districts;
 - b. To compile and maintain a current list of potential landmarks and districts, such list to include a description setting forth the general characteristics and location thereof, and the reasons for its inclusion in the list;
 - c. To identify specific historical resources/landmarks and districts of historical or cultural value to be preserved and protected under this subchapter after a public hearing of local area occupants and property owners;
 - d. To recommend to City Council such historic resources/landmarks and historic districts and the locations and boundaries thereof.

E. *Rules of the Historic District Commission.*

1. The Historic District Commission shall elect from its membership a Chairperson and Vice-Chairperson whose terms of office shall be fixed by the Commission. The Chairperson shall preside over the Commission and shall have the right to vote. The Vice-Chairperson shall, in the case of the absence or disability of the Chairperson, perform the duties of the Chairperson.
2. The Associate Planner, or his or her designee, shall be Secretary. The Secretary shall keep a record of all resolutions, proceedings, and actions of the Historic District Commission and report periodically to the City Council.
3. **The number of members of the Historic District Commission necessary for the transaction of business shall depend upon the overall number of members. If the Historic District Commission has 7 members, a quorum will consist of 4 members; if the Historic District Commission has 8 or 9 members, a quorum will consist of 5 members.** The Historic District Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding regular meetings. They shall provide for the calling of special meetings by the Chairperson or by at least two (2) members of the Historic District Commission. All meetings of the Historic District Commission shall be open to the public and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter before it reaches its decision.
4. The Historic District Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings, and actions. The concurring affirmative vote of **a majority of** members shall constitute approval of plans before it for review or for the adoption of any resolution, motion, or other action of the Historic District Commission.
5. The Historic District Commission shall promulgate regulations, guidelines, and standards to enable the Commission and applicants to evaluate proposals. The Historic District Commission can declare certain plan elements described in an

application involving minor classes of work and allow for issuance of a certificate of appropriateness by staff. In such case any applicant aggrieved by the decision of the staff shall be entitled to have the application reviewed by the Historic District Commission at its next meeting.

6. The Historic District Commission shall submit an annual report to the Council of the general activities of the Historic District Commission for the preceding year and shall submit such special reports as requested by the City Council.

§ 153.574 PROCEDURE FOR THE REVIEW OF PLANS.

- A. Application for a building permit for work on any resource in an historic district shall be made to the Chief Inspector (or his designee). It shall be the responsibility of the Chief Inspector to determine whether the property is in an established historic district and if the resource is a historic resource. **The Chief Inspector shall immediately refer a complete application and all required supporting materials to the Historic District Commission.**
- B. In reviewing **the application and supporting materials** the Historic District Commission must give the applicant an opportunity to present his or her application **at a regularly scheduled meeting of the Historic District Commission.**
- C. The Historic District Commission shall meet at least once each month in which there are pending applications, said meeting to be at a regularly scheduled day of each month as determined by the Historic District Commission. **The business of the Historic District Commission shall be conducted at a public meeting held in compliance with the Open Meetings Act. Public notice of the time, date, and place of the meeting shall be given in accordance with the Open Meetings Act. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Historic District Commission.**
- D. The Historic District Commission shall approve or disapprove such plans and if approved shall issue a certificate of **appropriateness** which is to be signed by the Chairperson, attached to the application for a building permit, and immediately transmitted to the Chief Inspector. The Chairperson shall stamp all prints submitted to the Historic District Commission signifying its approval. **The Historic District Commission shall not issue a certificate of appropriateness unless the applicant has certified in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale Single State Construction Code Act.**
- E. If the Historic District Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing to the Chief Inspector and to the applicant. The Historic District Commission may advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he or she so desires, may make modifications to his or her plans and shall have the right to resubmit his or her application at any time after so doing.

- F. The failure of the Historic District Commission to approve or disapprove of such plans within **sixty (60) days from the date the complete application is referred to the Historic District Commission**, unless otherwise mutually agreed upon by the applicant and Historic District Commission, shall be deemed to constitute approval and the Chief Inspector shall proceed to process the application without regard to a Certificate of Appropriateness.
- G. After the Certificate of Appropriateness has been issued and the building permit granted to the applicant, the Chief Inspector shall, from time to time, inspect the construction, alteration, or repair approved by such Certificate and shall take such action as is necessary to force compliance with the approved plans.
- H. The Historic District Commission shall have all the powers, duties and authority as conferred upon it by MCL 399.201 - 399.215, as amended. It shall be the duty of the Historic District Commission to review all applications for work affecting the exterior appearance of a resource in an historic district before a permit for such work can be granted. In reviewing the application, the Historic District Commission shall give consideration to:
 - 1. The historical or architectural value and significance of the structure and its relationship to the historic value of the surrounding area;
 - 2. The relationship of the exterior architectural features of such resource to the rest of the resources and to the surrounding area;
 - 3. The general compatibility of the exterior design, arrangement, texture, and materials proposed to be used; and
 - 4. To any other factor, including aesthetic, which it deems pertinent.

§ 153.576 ESTABLISHING NEW DISTRICTS AND IDENTIFYING HISTORIC RESOURCES/LANDMARKS.

- A. *Establishment of new districts and identifying historic resources.* Establishment of new historic districts and historic resources shall be established by ordinance. Before such establishment, the City Council shall appoint a historic district study committee. The committee shall contain a majority of the persons who have clearly demonstrated interest in or knowledge of historic preservation and shall contain representation from one or more duly organized local historic preservation organizations. The committee shall do the following:
 - 1. Conduct a photographic inventory of resources within each proposed historic district following procedures established by the center.
 - 2. Conduct basic research of each proposed historic district and the historic resource located within that district.
 - 3. Determine the total number of historic and nonhistoric resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the national register of historic places, as set forth in 36 C.F.R, part 60, and additional criteria in [§ 153.576\(F\)](#).

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 the committee;
 - c. The historic district or districts studied;
 - d. The boundaries for each proposed historic district in writing and on maps;
 - e. The history of each proposed historic district; and
 - f. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
5. Transmit copies of the preliminary report for review and recommendations to the Planning Commission, to the Michigan Historical Center, to the Michigan Historical Commission, and to the State Historic Preservation Review Board.
6. Make copies of the preliminary report available to the public in compliance with MCL 15.231 - 15.246.
- B. *Notice of public hearing.* Not less than sixty (60) days after transmittal of the preliminary report, the committee shall hold a public hearing in compliance with MCL 15.261 - 15.275. Public notice of the time, date, and place of the hearing shall be given in the manner required by MCL 15.261 - 15.275.
- C. Written notice shall be mailed by first class not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the local unit.
- D. After the date of the public hearing, the committee and the City Council shall have not more than one (1) year, unless authorized by the City Council, to take the following actions:
 1. The committee shall prepare and submit a final report with its recommendations and the recommendations, if any of the Planning Commission to the City Council. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.
 2. After receiving a final report that recommends the establishment of a historic or historic districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances. If City Council passes an ordinance or ordinances establishing one (1) or more historic districts, the City shall file a copy of that ordinance or those ordinances, including the legal description of the property or properties located within the historic district or districts, with the Register of Deeds. The City Council shall not pass an ordinance establishing a contiguous historic district less than sixty (60) days after a majority of the property owners within the proposed district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.
- E. A writing prepared, owned, used, in the possession of, or retained by the Historic District Study Committee in the performance of an official function shall be made available to the public in compliance with MCL 15.231 - 15.246.

F. *Historic District Criteria.* A historic district shall not be established unless the resources in the proposed district are at least thirty (30) years old and meet at least one (1) of the following criteria:

1. Historic:
 - a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the City, state or nation; or is associated with the life of a person significant in the past; or
 - b. Is the site of a historic event with a significant effect upon society; or
 - c. Exemplifies the cultural, political, economic, social, or historic heritage of the community.
2. Architecturally worthy:
 - a. Portrays the environment in an era of history characterized by a distinctive architectural style; or
 - b. Embodies those distinguishing characteristics of an architectural or engineering type; or
 - c. Is the work of a designer whose individual work has significantly influenced the development of the community; or
 - d. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
 - e. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
 - f. Contains any architectural type, detail, or other element in danger of becoming extinct; or
 - g. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the City.

This ordinance shall become effective April 25, 2013.

Enacted: April 15, 2013.

Yeas:

Nays:

Absent:

Abstain:

Motion Carried.

Gregory L. Branch
Mayor

Janet Santos, CMC/MMC
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on April 15, 2013; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk