

Meeting Agenda
Owosso Downtown Historic District Commission
Wednesday, May 15, 2024, 6:00 p.m.

Call to order and roll call:

Review and approval of agenda: May 15, 2024

Review and approval of minutes: February 21, 2024

Communications:

Public Comments:

Committee Reports: None

Public Hearings: None

Items of Business:

- 1) RESOLUTION – Approve HDC Violation Enforcement Procedure
Master Plan Goals: 1.12, 2.3, 2.6, 4.3, 4.7

Public Comments:

Board Comments:

- 1) General Discussion
- 2) Next Meeting: June 20, 2024

Adjournment:

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon 72 hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids on services should contact the City of Owosso by writing or calling Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500 or on the Internet. The City of Owosso Website address is www.ci.owosso.mi.us.]

MINUTES FOR REGULAR MEETING
OWOSSO HISTORIC DISTRICT COMMISSION
Wednesday, February 21, 2024 at 6:00 p.m.
City Hall Conference Room

MEETING CALLED TO ORDER: at 6:00 p.m. by Chairperson Steven Teich.

ROLL CALL: was taken by City Manager Nathan Henne.

PRESENT: Chairperson Steven Teich, Vice Chairperson Omer, Commissioner Gallinger, Commissioner Byrne, Commissioner VanEpps

ABSENT: Secretary Hathaway, Commissioner Powell

OTHERS IN ATTENDANCE: City Manager Nathan Henne, Kori Shook, Josh Shook, Rhiannon Shook, Mayor Rob Teich

AGENDA APPROVAL: February 21, 2024.

MOTION FOR APPROVAL OF THE AGENDA AS AMENDED BY COMMISSIONER BYRNE. SECONDED BY VICE CHAIR OMER.

AYES ALL. MOTION CARRIED.

MINUTES APPROVAL: December 20, 2023.

MOTION FOR APPROVAL OF MINUTES AS PRESENTED BY VICE CHAIR OMER. SECONDED BY COMMISSIONER GALLINGER.

AYES ALL. MOTION CARRIED.

COMMUNICATIONS: None.

PUBLIC/COMMISSIONER COMMENTS: None.

PUBLIC HEARINGS: None.

ITEMS OF BUSINESS:

1. Notice to Proceed – 300 W Main Street – Matthews/Shook Building Façade and Addition

City Manager Henne reviewed the annual report of the Commission and requested its approval. The deadline for submittal is March 1, 2024.

MOTION BY COMMISSIONER VAN EPPS TO APPROVE THE 2023 ANNUAL REPORT OF THE OWOSSO HISTORIC COMMISSION.

MOTION SECONDED BY COMMISSIONER BYRNE

A Roll Call Vote was taken.

AYES: ALL
NAYS: NONE
ABSENT:

MOTION CARRIED.

PUBLIC COMMENTS: Mayor Teich asked about the court order for 117 W Exchange allowing the city to clean up the collapsed building. Henne explained it would be up to City Council unless the building posed a threat to the public – and then it would be possible for the City Manager to act unilaterally – but it was not his desire to do so.

BOARD COMMENTS: The Commission discussed 117 W. Exchange and the recent court order allowing the city the option to remediate the site of the building collapse. Henne explained that the HDC’s requirement to save the façade would remain in effect if the City decided to do the work of cleanup. Commissioner VanEpps stated that it was his view that the Commission would be ok with the removal of the back wall to facilitate cleanup rather than disturbing the front façade. All agreed. Henne updated the Commission on the 123 N Washington property and its rehabilitation. Henne indicated the city would be willing to fund conference registration fees and hotel rooms if Commissioners wanted to attend preservation trainings.

NEXT MEETING: March 20, 2024

MOTION BY COMMISSIONER BYRNE TO ADJOURN. SECONDED BY COMMISSIONER POWELL.

AYES ALL. MOTION CARRIED - MEETING ADJOURNED AT 6:25 P.M.

Philip Hathaway, Secretary



DATE: 5.15.24
TO: Historic District Commission
FROM: City Manager
SUBJECT: HDC Violation Enforcement Procedure

BACKGROUND:

Section 8-208(i) says that “*When work has been done upon a resource without a permit, and the commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness.*”

Section 8-215 says that “*A person, individual, partnership, firm, corporation, organization, institution, or agency of government, including the historic district commission, that violates this act is responsible for a civil violation and may be fined not more than five thousand dollars (\$5,000.00).*”

RECOMMENDATION:

I recommend establishing a procedure to enforce and correct existing and future violations to Article X (Historic Districts) of the City Ordinance to include:

1. Issuing a letter to violating property owners explaining the violation and citing appropriate ordinances. This letter would give the violator 2 weeks to respond with a plan to correct the violation and sets a reasonable amount of time to correct the violation.
2. If 2 weeks goes by and no response to the first letter is received, a final warning letter shall be sent giving 60 days to correct the violation.
3. If 60 days goes by and the violation is not corrected, a \$5000 fine shall be sent to the property owner and court proceedings initiated according to Sec 8-215.

NOTE: All letters and fines to be shared with the Building Department and the City Attorney

This procedure is very similar to the city’s regular code enforcement process with the two initial letters, and fits with the city’s Master Plan goals emphasizing education and voluntary compliance before fines and tickets are issued.

It is also recommended that this procedure shall apply to all existing violations immediately.

HISTORIC DISTRICT COMMISSION RESOLUTION NO. 2024-_____

**RESOLUTION ESTABLISHING HISTORIC DISTRICT VIOLATION ENFORCEMENT
PROCEDURE**

WHEREAS, Article X Section 8-208 grants the Historic District Commission powers of enforcement to correct violations of the Ordinance; and

WHEREAS, Article X Section 8-215 establishes a civil violation and \$5000 fine for violation of the Ordinance; and

WHEREAS, the Historic District Commission wishes to establish an enforcement procedure giving reasonable time for violations to be corrected; and

WHEREAS, the City Master Plan encourages enforcements to educate and provide reasonable time for correction.

NOW THEREFORE BE IT RESOLVED by the Historic District Commission of the City of Owosso, Shiawassee County, Michigan that:

FIRST: That the Historic District Commission create the following procedure for enforcing Article X within District boundaries:

1. Issuing a letter to violating property owners explaining the violation and citing appropriate ordinances. This letter would give the violator 2 weeks to respond with a plan to correct the violation and sets a reasonable amount of time to correct the violation.
2. If 2 weeks expire and no response to the first letter is received, a final warning letter shall be sent giving 60 days to correct the violation.
3. If 60 days expire and the violation is not corrected, a \$5000 civil infraction shall be sent to the property owner and court proceedings initiated according to Sec 8-215.

NOTE: All letters and fines to be shared with the Building Department and the City Attorney

Moved: _____

Supported: _____