

Agenda

Historic Preservation Commission

City of Kalamazoo



Wednesday, June 14, 2023

6:00 PM

City Commission Chambers at City Hall – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. ADOPTION OF FORMAL AGENDA

C. APPROVAL OF MINUTES

1. Approval of the minutes from the 12 April 2023 meeting of the Historic Preservation Commission.

D. PUBLIC COMMENTS

E. REPORTS

1. Financial Report

F. DISCUSSION/ACTION ITEMS

1. Gift - Community Homeworks
2. Proposal to Transfer Funds from City-held Account to O'Connor Fund
3. City Hall Local Historic District Study Report Discussion
4. Historic Preservation Commission Training Scheduling
5. Robert's Rules of Order Packet (Robert's Rules in a Nutshell)
6. Payment to KNAC For Historic Preservation Awards of Merit Space
7. Payment to Blair Bates of Building Renovation, LLC for Leading a Masonry Workshop

G. COORDINATOR'S REPORT

1. Coordinator's Report

H. COMMISSIONER COMMENTS

I. ADJOURNMENT

The mission of the Kalamazoo Historic Preservation Commission is to educate the public and city leaders on the value of preserving the City's historic resources and to advise the City Commission accordingly. Questions and comments regarding this agenda should be directed to the Historic Preservation Coordinator at 337-8804.

Comments under the "Public Comments" section of the agenda are limited to four minutes per speaker. During agenda items, comments from members of the public are also limited to four minutes each, unless the speaker is invited to join in the discussion by the Commission.



Agenda

Historic Preservation Commission

City of Kalamazoo

Wednesday, April 12th, 2023

6:00 PM

City Commission Chambers at City Hall – 241 West South Street

A. CALL TO ORDER/ROLL CALL

Called to order at 6pm.

Vail approved.

Dr. Powell-Wilson 2nd motion

B. ADOPTION OF FORMAL AGENDA

C. Vail approved.

Dr. Powell-Wilson 2nd motion

D. APPROVAL OF MINUTES

Pena will have minutes for February and March at next meeting.

E. PUBLIC COMMENTS

Pam O' Connor State Preservation Commission next month on Mackinac Island if interested go to mhpn.org.

F. GUESTS

1. Katie McPherson- Executive Director, Building Blocks of Kalamazoo
Forest Street projects, 9 households project cost 2000.00 to 3000.00 once a year one time. Projected to have project complete June 21st, 2023.

Dr Powell Wilson, Vail and Walker would like to focus on window repair and need to know steps for Historic Preservation Commission and need to know the verbiage.

No vote Historic Preservation Commission will table until next month.

G. REPORTS

1. Financial Report
Pena read the report.
2. Preservation Month 2023 Report
Pam O'Connor read report.

3. O'Connor Fund Grant Making Organizing Committee Report
No applications yet, 2 interested parties.
4. Section 106 Quarter 1 Report
Pena read report.

H. DISCUSSION/ACTION ITEMS

1. Re-appoint Dr. Powell-Wilson
White motion
Edison approved.
Dr. Powell-Wilson re-appointed
2. Historic Preservation Awards of Merit Nominations

David S. Brose, Ph.D.
White moved to approve.
Vail 2nd
David S. Brose, Ph.D. approved.

Community Home Works
Dr. Powell-Wilson moved to approve.
Walker 2nd.
Community Home Works approved.

530 W South Street Kalamazoo, MI 49007
White moved to deny.
Dr. Powell-Wilson 2nd.
530 W South Street was denied- need more information and letter.

KNHS Home Ownership Services
White moved to approve.
Edison 2nd
KNHS approved.

606 Stuart Avenue Kalamazoo, MI 49007
Edison moved to approve.
Dr. Powell- Wilson approved.
606 Stuart Avenue Kalamazoo, MI 49007 approved.
3. Gift- Community Home Works
Dr. Powell-Wilson motion needs guidelines and reports.
White 2nd motion.
Postponed until June 2023.

I. COORDINATOR'S REPORT

1. Coordinators Report
Pena read report.

J. COMMISSIONER COMMENTS

1. Dr. Powell-Wilson would like to focus on Allen Chapel, drug store, Forest Hills, Douglas Center culture in these areas.

K. ADJOURNMENT

White moved to adjourn at 7:53pm.

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expstat.rpt
06/06/2023 12:10PM
Periods: 5 through 5

Expenditure Status Report

Page: 1

City of Kalamazoo
5/1/2023 through 5/31/2023

<u>Account Number</u>		<u>Adjusted</u> <u>Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date</u> <u>Expenditures</u>	<u>Year-to-date</u> <u>Encumbrances</u>	<u>Balance</u>	<u>Prct</u> <u>Used</u>
270	HISTORICAL COMMISSION FUND						
270-803	HISTORIC COMMISSION						
270-803-00.000	HISTORIC COMMISSION						
270-803-00.000	HISTORIC COMMISSION						
270-803-00.000-729.000	OPERATING SUPPLIES	400.00	0.00	0.00	0.00	400.00	0.00
270-803-00.000-801.000	PROFESSIONAL AND CONTRACTUAL SERVICES	6,000.00	400.00	514.46	0.00	5,485.54	8.57
270-803-00.000-810.003	MEMBERSHIPS AND SUBSCRIPTIONS	600.00	0.00	0.00	0.00	600.00	0.00
270-803-00.000-811.000	PROFESSIONAL DEVELOPMENT	500.00	0.00	0.00	0.00	500.00	0.00
270-803-00.000-881.000	FUNDRAISING	500.00	0.00	0.00	0.00	500.00	0.00
Total HISTORICAL COMMISSION FUND		8,000.00	400.00	514.46	0.00	7,485.54	6.43
Grand Total		8,000.00	400.00	514.46	0.00	7,485.54	6.43

Page: 1

Fund: 270

Account: 270-803-00.000-801.000 PROFESSIONAL AND CONTRACTUAL SERVICES

Doc Date	Jrnl	Type	Doc #	Ref #	Line	Description	Project String	Actual	D/C	Encumbrance	Budget Adj
5/24/2023	AP	IN	5503834	GUARD-05	1	HPC - REIMBURSEMENT TO PAM O'C		400.00	D	0.00	0.00
TOTAL 270-803-00.000-801.000								400.00		0.00	0.00
Fund 270 TOTAL								400.00		0.00	0.00
GRAND TOTAL								400.00		0.00	0.00

revstat.rpt
06/06/2023 12:19PM
Periods: 5 through 5

Revenue Status Report

Page: 1

City of Kalamazoo
5/1/2023 through 5/31/2023

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
270 HISTORICAL COMMISSION FUND					
270-803 HISTORIC COMMISSION					
270-803-00.000 HISTORIC COMMISSION					
270-803-00.000 HISTORIC COMMISSION					
270-803-00.000-642.003 HISTORIC PRESERVATION SALES	3,000.00	0.00	300.00	2,700.00	10.00
270-803-00.000-674.003 HISTORIC PRESERVATION FUNDRAISING	1,000.00	0.00	0.00	1,000.00	0.00
270-803-00.000-684.000 USE OF RESERVES (BUDGET ONLY)	4,000.00	0.00	0.00	4,000.00	0.00
Total HISTORICAL COMMISSION FUND	8,000.00	0.00	300.00	7,700.00	3.75
Grand Total	8,000.00	0.00	300.00	7,700.00	3.75

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**O'Connor Fund for Historic Preservation in the City of
Kalamazoo (Agency)
OCON01**

For the period of 4/1/2023 through 4/30/2023

Fund Activity

Your asset balance as of 4/1/2023	\$60,483.78
Gifts received (see detail)	\$100.00
Grants approved (see detail)	\$0.00
Net investment return	\$368.04
Foundation annual administrative fee	\$0.00
Other adjustments	\$0.00
Your asset balance as of 4/30/2023	\$60,951.82
Grant making value as of 4/30/2023	\$15,099.81
Grant making value as of 5/17/2023	\$15,099.81

Please note: Variances between Grants approved (listed in Fund Activity) and Grant Detail are due to grant cancellations or refunds.

A Note about the Kalamazoo Community Foundation Annual Fee:

For more than 90 years the Kalamazoo Community Foundation has been a trusted philanthropic partner in our region and thousands of generous individuals and families have made this possible. The fees we assess each January (based upon the prior 6-30 fund balance) allow us to professionally manage and steward over 800 funds, support staff consultation, distribute grants and prepare gift acknowledgments. Our fees also help to cover the cost of the independent audit, and compliance with federal and state reporting requirements. For more information about your particular fund's fee, contact one of our Donor Relations Officers at 269-381-4416.

Gift Detail	Date	Amount
Kalsec, Inc.	04/07/2023	\$100.00
Total Gifts		\$100.00



O'Connor Fund for Historic Preservation in the City of
Kalamazoo
OCON02

For the period of 4/1/2023 through 4/30/2023

Fund Activity

Your asset balance as of 4/1/2023	\$368,202.62
Gifts received (see detail)	\$0.00
Grants approved (see detail)	\$0.00
Net investment return	\$2,238.41
Foundation annual administrative fee	\$0.00
Other adjustments	\$0.00
Your asset balance as of 4/30/2023	\$370,441.03
Grant making value as of 4/30/2023	\$57,451.20
Grant making value as of 5/17/2023	\$57,451.20

Please note: Variances between Grants approved (listed in Fund Activity) and Grant Detail are due to grant cancellations or refunds.

A Note about the Kalamazoo Community Foundation Annual Fee:
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COMMUNITY HOMEWORKS Preservation Agreement
Kalamazoo Historic Preservation Commission
O'Connor Fund for Historic Preservation in the City of Kalamazoo

This agreement is made the _____ day of _____, by the Kalamazoo Historic Preservation Commission ("KHPC") and the gift recipient, Community Homeworks ("CHW") for the purpose of making repairs on residential, qualified low-income homeowner-occupied residences in the City of Kalamazoo, under its Critical Repair program. The KHPC has determined CHW is an appropriate and qualified recipient of this gift for this important work.

In consideration of the sum of \$10,000 received as a gift from the O'Connor Fund for Historic Preservation in The City of Kalamazoo (O'Connor Fund), at the Kalamazoo Community Foundation, CHW hereby agrees to the following requirements when carrying out its work as a result of this gift:

1. CHW will use this gift exclusively to make repairs to buildings under its Critical Repair program.
2. Homes that receive repairs as a result of this gift must be 50 years or older.
3. Repairs to homes that receive Critical Repairs as a result of this gift will be made in a manner consistent with the *Secretary of the Interior's Standards for Rehabilitation* (Attachment #1);
4. Repairs to homes that receive Critical Repairs as a result of this gift must be approved in advance, in writing, by the City of Kalamazoo Historic Preservation Coordinator, though a process agreed upon by both parties.
5. CHW will acknowledge financial support from the O'Connor Fund and KHPC in ALL media generated (including website and exterior signage) for work carried out as a result of this gift will use only the statements and logos. (Attachment #2)
6. CHW agrees to adhere to ALL City of Kalamazoo ordinances; including as they relate to Chapters 18 and 18A on Non-Discrimination and Fair Housing (Attachment #3)
7. CHW will provide an annual report to the KHPC which provides information about the projects and owner demographics for which funds from this gift were expended.
8. This agreement shall be enforceable in specific performance by a court of competent jurisdiction.

9. It is understood and agreed by the parties hereto that if any part, term, or provision of this agreement is held to be illegal by the courts, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain the particular part, term, or provision held to be invalid.

Grantor: Kalamazoo Historic Preservation Commission and the O'Connor Fund for Historic Preservation at the Kalamazoo Community Foundation

Name and title of Authorized KHPC Representative Kyle Hibbard, Chair

Signature of Authorized KHPC Representative

Date

Gift Recipient: Community Homeworks/Critical Repair Program

Authorized Representative: Kyle Gulau, President

Signature of Authorized Representative

Date

Chris Praedel, Executive Director

Signature of Authorized Representative

Date

Chapter 18

Non-Discrimination

Article I

General Provisions

§18-1 Policy.

- A. It is the intent of the City of Kalamazoo that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of their civil rights.
- B. The prohibitions against discrimination provided for in this Chapter do not preempt Federal or State law, but are intended to supplement existing State and Federal civil rights law to prohibit discrimination in the areas of employment, public accommodations, and housing not addressed at State or Federal law, especially in regards to actions taken because of an individual's source of income, status as a victim of domestic violence, prior arrests, or conviction record; provided, however, this Chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

§18-2 Definitions

As used in this Chapter, the following words and phrases have the following meanings:

AGE

Chronological age.

ARREST RECORD

Information indicating that a person has been apprehended, detained, taken into custody, held for investigation, or restrained by a law-enforcement department or military authority due to an accusation or suspicion that the person committed a crime. Arrest record includes pending criminal charges, where the accusation has not yet resulted in a final judgment, acquittal, conviction, plea, dismissal, or withdrawal of charges.

CITY MANAGER

The City Manager of the City of Kalamazoo or his or her designee.

CONTRACTOR

A person who by contract furnishes services, materials or supplies to the City. "Contractor" does not include persons who are merely creditors or debtors of the City, such as those holding the City's notes or bonds or persons whose notes, bonds or stock is held by the City.

CONVICTION RECORD

Information regarding the history of criminal convictions of an individual in any jurisdiction, including time served in prison, jail, juvenile detention, probation, parole, rehabilitation or diversion programs, and placement on a sex offender registry.

DISCRIMINATE

To make a decision, offer to make a decision, or refrain from making a decision based in whole or in part on an individual's actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity, educational affiliation, source of income, status as a victim of domestic violence, governmental identification method, arrest record and conviction record (collectively "protected classes").

A. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

(1) Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment, public accommodations, or housing.

(2) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.

(3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.

B. Discrimination based on sex includes discrimination based on an actual or perceived sexual orientation or gender identity of an individual

C. Discrimination based on actual or perceived physical or mental limitation includes discrimination because of the use by an individual of adaptive devices or aids.

D. Discrimination also includes the use of facially neutral policies or practices that have a disparate impact on members of a protected class.

E. Discrimination also includes conduct directed at another based on their membership in a protected class which creates an intimidating, hostile or offensive environment regarding employment, public accommodation or housing.

EDUCATIONAL AFFILIATION

The fact of being enrolled, or not enrolled, in any educational institution.

EMPLOYER

Any person employing one or more individuals engaged in a lawful business or enterprise but does not include the employment of an individual by his or her parent, sibling, spouse, or child.

EMPLOYMENT AGENCY

A person who undertakes to procure employees for an employer or procures opportunities for individuals to be employed by an employer.

FAMILY STATUS

A. An individual who is pregnant, or

B. One or more individuals under the age of 18 residing with a parent or other person having custody or in the process of securing legal custody of the individual or individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of the parent or other person.

GENDER IDENTITY

A person's actual or perceived gender, including a person's self-image, appearance, expression, or behavior, whether or not that self-image, appearance, expression, or behavior is different from that traditionally associated with the person's sex as assigned at birth as being either female or male.

GOVERNMENTAL IDENTIFICATION METHOD

The legal form of identification that an individual may use, including any valid, government-issued identification, such as a State ID card, Federal immigration documentation, municipal or county ID card, or passport issued by a foreign country.

INDIVIDUAL

A human being, as distinguished from a person, as defined herein.

LABOR ORGANIZATION

An organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.

MARITAL STATUS

The state of being married, single, widowed, divorced, or separated.

PERCEIVED

Refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.

PERSON

An individual, association, partnership, agency, organization, or corporation, public or private including the employees, members and officers thereof.

PHYSICAL OR MENTAL DISABILITY

A determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder and is unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; or unrelated to one's ability to acquire, rent and maintain property; or unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation "Physical or mental disability" does not include any condition caused by the current illegal use of a controlled substance, the use of alcohol liquor, or use of marijuana by an individual.

PLACE OF PUBLIC ACCOMMODATION

An educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, financial institution, business or facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

PREGNANT

The condition of carrying a developing human embryo in the uterus.

RELIGIOUS ORGANIZATION

An organization, church, group, or body of communicants that is organized not for pecuniary profit that regularly gathers for worship and religious purposes and includes a religious-based private school that is not organized for pecuniary profit.

RETALIATION

An adverse action taken against an individual who files or participates in a complaint investigation under this Chapter.

SEXUAL ORIENTATION

Male or female homosexuality, heterosexuality or bisexuality, whether by orientation or practice. Sexual orientation does not include the physical or sexual attraction to a minor by an adult.

Article II Conduct Prohibited

§ 18-3 Discriminatory public accommodation practices.

- A. Except as otherwise provided in this Chapter, no person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation.
- B. Public accommodations must be made accessible to individuals with disabilities in compliance with State and federal law and regulations.
- B. Nothing in this Chapter permits or requires access to any place of public accommodation for

the purpose or intent of engaging in criminal conduct, offensive or disorderly conduct, or conduct which represents a threat to the public health, safety, or welfare.

- C. Nothing in this Chapter shall require the construction or provision of unisex, single-user restrooms, changing rooms, locker rooms, or shower facilities.

§ 18-4 Discriminatory employment practices.

Except as otherwise provided in this Chapter:

- A. No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- B. No labor organization shall discriminate in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program.
- C. No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.

§ 18-5 Nondiscrimination by City contractors.

- A. All contractors proposing to do business with the City of Kalamazoo shall satisfy the nondiscrimination administrative policy adopted by the City Manager in accordance with the guidelines of this section.
- B. A contractor shall, as a condition of being deemed a responsible bidder, at the time of its submission to the City in responding to an invitation for bids or request for proposals, certify in writing that it complies with the provisions of this Chapter.
- C. All City contracts shall provide that breach of the obligation not to discriminate is a material breach of the contract. The contractor shall be liable for any costs or expenses incurred by the City in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under the contract.

§ 18-6 Discriminatory effects.

No person shall adopt, enforce or employ any policy, practice, or requirement which has the effect of creating unequal opportunities according to actual or perceived race, color, religion, national origin, sex, age, height, weight, family status, marital status, physical or mental disability, educational association, source of income, status as a survivor of domestic violence, governmental identification method, arrest record, or conviction history for a person to obtain employment, public accommodation, or housing, except for a bona fide business necessity. Such a bona fide business necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons but shall require a demonstration that the policy or requirement is reasonably necessary to the normal operation of the person's business.

§ 18-7 Other prohibited practices.

- A. No person shall adopt, enforce or employ any policy or requirement, or publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing employment, public accommodations, or housing.

- B. No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding *housing*, employment or public accommodations.
- C. No agent, broker, labor organization, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to employment, public accommodations, or housing. A report of the conviction of any such person for a violation of this Chapter shall be made to the applicable licensing or regulatory agency for such person or business.
- D. No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this Chapter, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.
- E. No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this Chapter.
- F. No person shall use any history information other than convictions contained in a criminal record.

§ 18-8 Exceptions.

Notwithstanding anything contained in this Chapter, the following practices shall not be violations of this Chapter:

- A. To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for minorities and women consistent with applicable State and
- B. To discriminate based on a person's age when such discrimination is required by State, Federal, or local law.
- C. To refuse to enter into a contract with an unemancipated minor.
- D. To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
- E. To refuse to admit persons under 18 years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.
- F. For an educational institution to limit the use of its facilities to those affiliated with such institution.
- G. For a religious organization to restrict employment opportunities for officers, religious instructors and clergy to individuals of that denomination. It is also permissible for a religious organization to restrict employment opportunities, educational facilities, and dormitories that are operated as a direct part of its religious activities to persons who are members of the denomination involved or who agree to conform to the moral tenets of that religious organization

- H. To provide discounts on products or service to students, or on the basis of age.
- I. For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to Federal and state laws and regulations.
- J. To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age, sex, height, or weight consistent with applicable state or federal laws and regulations.
- K. To restrict membership in a private club that is not open to the public except to the extent that private clubs which permit members to invite guests on the premises are not exempted as it concerns a member's guest.
- L. To the use of marital status or family status limitations in a health or pension plan if such limitations conform to Federal and State laws and regulations.

Article III Enforcement

§ 18-9 **Complaint Process; Information and Investigation**

- A. Any person claiming to have been discriminated against in violation of this Chapter or Chapter 18A “Fair Housing” must file a signed, written complaint with the City Manager or the designee of the City Manager setting forth the details, including the names of the parties involved, contact information for the complainant, dates, witnesses, and other factual matters relevant to the claim, within 91 days of the incident forming the basis of the complaint. Complaints not filed with the specified timeframe will not be considered.
- B. The City Manager or the designee of the City Manager, with the assistance of the City Attorney or designee of the City Attorney, will review the complaint to determine its relevance to applicable city ordinances. Upon completion of the review, the complaint will be addressed through one of the following actions:
 - (1) Referral of the complaint to an appropriate state, federal or local authority for investigation. If referred to an external agency, the complainant will receive written notification of the referral by the City.
 - (2) Conduct an investigation of the complaint with the assistance of the City Attorney’s Office and personnel from any other City departments.
 - (3) Dismiss the complaint, if after review with the City Attorney’s Office, the allegations do not constitute a violation of city ordinances.
- C. In the course of the investigation, the City Manager or the designee of the City Manager may request a person to produce books, papers, records or other documents which may be relevant to the complaint being investigated. If said person does not comply with such request, the City Attorney may issue subpoenas for the production of materials, and if

necessary, apply to the Kalamazoo County Circuit Court for an order requiring production of said materials.

- D. No person shall provide false information to any authorized City employee investigating a complaint initiated under this section. Violation of this section is a misdemeanor.
- E. Action on the complaint will be completed within 91 days of receipt of the complaint and the parties will be notified in writing if additional time is necessary.
- E. After the completion of an investigation, the City Manager shall give written notice of the results of the investigation to the Civil Rights Board, the person who filed the complaint, and the person accused of the violation. If the investigation establishes that a violation of City ordinances occurred, the City Manager or his/her designee may attempt to resolve the matter by a voluntary settlement agreement between the involved parties without legal action.

§18-10 Voluntary Settlement Agreements.

- A. Cases may be resolved by a voluntary settlement, agreed to by both parties, or by an administrative closure, if the request for settlement is withdrawn or a complaint is filed in court or with another administrative agency based on the same incident of discrimination.
- B. If the investigation establishes probable cause of discrimination, an offer to settle the matter will take place as soon as possible. The City may enter into enforceable agreements with a respondent to terminate the discriminatory conduct and reverse the effects of past discrimination.
- C. The respondent will be asked to 1) cease and desist from the specific discriminatory act or practice involved in the complaint, and 2) implement whatever actions and policies are necessary to remedy the discrimination uncovered in the investigation.
- D. Violations of voluntary settlement agreements are violations of this Chapter, subjecting the respondent to prosecution and equitable action to enforce the agreement.

§ 18-11 Injunctions

The City Attorney may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this chapter, to reverse the effects of such discrimination or to enforce a voluntary settlement agreement.

§ 18-12 Prosecution.

- A. Prosecution for violation of this Chapter may be initiated by complaint of the affected person on the basis of a violation of a voluntary settlement agreement or at the direction of the Civil Rights Board on the basis of an investigation undertaken by the City Manager.
- B. Violation of this chapter shall be prosecuted by the City Attorney as a municipal civil infraction pursuant to the provisions of the Revised Judicature Act of 1961, MCLA 600.101 et seq.

§ 18-13 Penalties.

- A. A violation of any provision of this chapter is a municipal civil infraction punishable by a fine of not more than \$2000, plus all costs of the action. The court may issue and enforce any judgment, writ, or order necessary to enforce this chapter. This may include reinstatement, payment of lost wages, hiring and promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, and other relief deemed appropriate.
- B. Each day upon which a violation occurs shall constitute a separate and new violation.
- C. A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.
- D. Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any person for the prevention or correction of discrimination.

Article IV

Civil Rights Board

§ 18-14 Civil Rights Board creation; composition.

- A. To implement the general policy and purposes set forth in this Chapter, the City Commission establishes a Civil Rights Board.
- B. The Civil Rights Board consists of seven voting members appointed by the Mayor and approved by the City Commission and two ex-officio members who shall have no vote, but who may otherwise fully participate in any meeting of the Board.
- C. Members appointed to the Board shall be residents of the City reflecting and representing the diversity of the Kalamazoo community and be able to demonstrate experience in civil rights issues and law. Members to the Board may be appointed who are not residents of the City, not to exceed two members, when there is a valid reason for such appointment, such as the member works in the City, or has special expertise to carry out the duties and responsibilities of the Board.

§ 18-15 Appointment and terms of Board members; filling of vacancies; termination of appointments.

- A. Except for the initial appointments, members of the Board are appointed for a term of three years. The initial appointments to the Board will consist of 3 members appointed for a 3-year term, 2 members appointed for a 2-year term and 2 members appointed for a 1-year term. Members of the Board may serve up to two consecutive terms. Vacancies may be filled by the same appointment procedure for the remainder of an unexpired term.
- B. The ex officio Board members shall be appointed by the Mayor and approved by the City Commission. One member shall be a City Commissioner and the other member shall be a City officer or employee, recommended by the City Manager, but who shall not be a City

Commissioner or the City Manager.

§ 18-16 Election of Board officers.

The Board shall elect a Chairperson for a term of 1 year, with no limit on the number of terms a member may serve as Chairperson, to conduct its meetings and as it may desire, elect a Vice Chairperson to act in the absence of the Chairperson, from its members. Rules for the conduct of Board meetings shall be stated in the bylaws, as determined by the Board and approved by the City Commission.

§ 18-17 Secretary to Board; administrative support.

The City Manager shall designate someone other than himself/herself to serve as Secretary to the Board and shall provide such administrative support as may be required.

§ 18-18 Board subject to State law.

Meetings of the Board shall be conducted in compliance with the Michigan Open Meetings Act, MCLA § 15.261 et seq. and its records shall be available to the public under the Michigan Freedom of Information Act, MCLA § 15.231, et seq.

§ 18-19 Duties and responsibilities of Board.

The Board shall exercise its authority, functions, powers, and duties in accordance with all ordinances, rules, regulations, orders, and city charter of the City of Kalamazoo. The authority, duties, and responsibilities of the Board shall include the following:

- A. Foster mutual understanding and respect among the people in the City and discourage and prevent unlawful discriminatory practices toward the protected classes described in this Chapter.
- B. Review claims of discrimination brought by residents of the City of Kalamazoo following investigation of the claim by the City Manager or the designee of the City Manager.
- C. Review and analyze of conditions, practices, attitudes, policies, and other factors within Kalamazoo that contribute to discriminatory impact and further inequities, as well as evaluating the impact of anti-discrimination efforts.
- D. Make recommendations to the City Commission and City Manager on ways to improve City programs and ordinances to eliminate discrimination or remove effects of past discrimination.
- E. Engage in public awareness-building activities to ensure residents are informed of increased local protections and the role of the Board, including issuing an annual report of the activity of the Board.
- F. Engage with federal, state, and local agencies to assist in addressing issues of discrimination in the City.
- G. The Board shall provide an annual report to the City Commission regarding complaints received and actions taken.

Chapter 18A Fair Housing

Article I General Provisions

§18A-1 Policy

- A. It is the policy of the City of Kalamazoo in the exercise of its municipal authority for the protection of the public health, safety, and general welfare, that all residents be assured of an equal opportunity to live in adequate housing facilities and prohibit unlawful discriminatory practices in housing and real estate transactions.
- B. The prohibitions against discrimination provided for in this Chapter do not preempt Federal or State law, but are intended to supplement existing State and Federal civil rights law to prohibit discrimination and practices in the area of housing not addressed at State or Federal law, especially in regards to actions taken because of an individual's source of income, status as a victim of domestic violence, prior arrests, or conviction record; provided, however, this Chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

§18A-2 Definitions

- A. Any term used in this Chapter shall have the definition as provided in Chapter 18, "Non-Discrimination".
- B. As used in this chapter the following words and phrases have the following meanings:

ACTUAL EVICTION

The completed legal process of a landlord removing a tenant from a rental property.

ADVERSE ACTION

To evict an individual, fail or refuse to rent or lease real property to an individual, or fail or refuse to continue to rent or lease real property to an individual, or fail or refuse to add a household member to an existing lease, or reduce any tenant subsidy. The adverse action must relate to property located in the City of Kalamazoo.

AGENT

A person acting on behalf of a housing facility entity.

APPLICANT

An individual applying to rent or lease a housing facility and an individual applying to be

added to an existing housing facility lease.

DIRECTLY-RELATED CONVICTION

The conduct for which the person was convicted or that is the subject of an unresolved arrest that has a direct and specific negative bearing on the health, safety, or right to peaceful enjoyment of the premises by persons and includes one or more of the following offenses:

- A. Any conviction where State or Federal law prohibits the applicant from being eligible for public housing; or
- B. Any conviction that leads to the applicant becoming a lifetime registered sex offender.

EVICTION FILING

A legal filing intended to start the process in which a landlord removes a tenant from a rental property.

EVIDENCE OF REHABILITATION

Includes but is not limited to, a person's satisfactory compliance with all terms and conditions of parole or probation (however, an inability to pay fines, fees and restitution due to indigence shall not be considered regarding compliance with terms and conditions of parole or probation or both); employer recommendations, especially concerning a person's post-conviction employment; educational attainment or vocational or professional training since a conviction, including training received while incarcerated; completion or active participation in rehabilitative treatment, such as alcohol or drug treatment; letters of recommendation from community organizations, counselors or case managers, teachers, community leaders, or probation or parole officers who have observed the applicant since their conviction; and the length of time since conviction or release from incarceration. Successful completion of parole, probation, mandatory supervision, or post-release community supervision shall create a presumption of rehabilitation.

HOUSING FACILITY

Any dwelling unit or facility used or intended or designed to be used as the home, domicile or residence of one or more persons, including, but not limited to, a house, apartment, rooming house, housing cooperative, homeless shelter, hotel, motel, tourist home, retirement home or nursing home.

LANDLORD

Any owner, lessor, sublessor, managing agent, or company, or any other person that rents, leases, approves the rental or lease of a housing facility, or makes tenancy decisions.

PUBLIC HOUSING

Rental housing facilities developed with federal, state, or local government (City or county) funding or which pays an annual service charge in lieu of taxes and is intended for eligible low-income individuals and families, the elderly, and persons with disabilities.

REAL ESTATE TRANSACTION

The sale, exchange, rental or lease of real property.

RENTAL APPLICATION FEE

Any fee paid by an applicant to a landlord to permit a background check of the applicant before or after a leasehold contract is created.

SOURCE OF INCOME

Lawful verifiable income derived from wages, salaries or other compensation for employment, money derived from a gift or bequest, contract (including insurance proceeds), loan, or the settlement or award for a claim for personal injury. It also includes but is not limited to social security benefits, supplemental security income, unemployment benefits, retirement income, alimony, child support, Federal Housing Choice Voucher, Local Housing Assistant Fund Millage, or any other housing subsidy.

VICTIM OF DOMESTIC VIOLENCE

An individual against whom any of the following acts were perpetrated by a person that was not an act of self-defense:

- A. Causing or attempting to cause physical or mental harm to a family or household member;
- B. Placing a family or household member in fear of physical or mental harm;
- C. Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; or
- D. Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, threatened, harassed, or molested.
- E. Conduct constituting sexual assault as described in MCL 750.520a to 750.520l
- F. Conduct constituting stalking as defined at MCL 750.411h and 750.411i.

Article II**Fair Housing Standards****§ 18A-3 Discriminatory housing practices.**

Except as otherwise provided in this Chapter:

- A. No person shall discriminate in leasing, selling or otherwise making available any housing facilities.
- B. No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- C. No person shall refuse to lend money for the purchase or repair of any real property or insure any real property solely because of the location in the City of such real property.

- D. No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to any protected classification.
- E. No person shall place a sign or other display on any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.
- F. No landlord shall have or enforce a blanket policy that prohibits renting to a person based on eviction filings or actual evictions, or outright bans prospective tenants with prior actual evictions or eviction filings. Landlords must carefully consider the reason for and length of time since an actual eviction of, or eviction filing against a rental applicant.
- G. No person is permitted to establish an outright ban on any aspect of housing because of a conviction record.
- H. A landlord may not refuse or base an adverse action, in whole or in part on either an applicant or tenant with the status as a victim of domestic violence or having an early lease termination under MCL 554.601b.
- I. No person shall fail to account for any tenant or prospective tenant's entire source of income when using a financial income standard for entering into or renewing a tenancy or lease for a housing facility.
- J. A landlord may not require an individual who receives housing assistance of dedicated rent via voucher or any other housing subsidies to earn any more than what is needed to pay for utilities as a requirement for tenancy.

§18A-4 Rental housing-prohibition on criminal record inquiries

- A. No person shall use any criminal history information, other than convictions contained in a conviction record, to deny an individual any aspect of housing. An individual's conviction record may only be used to deny the individual housing if the landlord considers an applicant's conviction record taking into account such factors as evidence of rehabilitation, the length of time since conviction, the severity of a criminal conviction, the relevance of the conviction to housing, and any circumstances surrounding the conviction relating to disability or domestic violence. This provision shall not bar a landlord from considering criminal conduct occurring on the premises of the landlord's property, regardless of whether that conduct resulted in conviction.
- B. It is the responsibility of a landlord to ensure that its employees and agents comply with this Section.
- C. Regarding applicants and their household members, a landlord may base an adverse action in whole or in part on directly-related convictions that have a direct and specific negative bearing on the safety of persons or real property, given the nature of the housing, and includes one or more of the following:
 - (1) Any conviction where State or Federal law prohibits the applicant from being eligible for public housing; or

- (2) Any conviction that leads to the applicant becoming a lifetime registered sex offender.
- D. The landlord shall promptly notify the applicant of any final adverse action based upon their conviction history or contents of the criminal background check.
- E. It shall be unlawful for any landlord to engage in a communication, including the production or dissemination of advertisements, related to held housing that expresses, directly or indirectly, that any person with an arrest record or conviction record will not be considered for the rental or lease of real property or may not apply for the rental or lease of real property, except as required by local, State or Federal law. For purposes of this subsection, “engage in a communication” includes, but is not limited to, making a verbal statement or producing or disseminating any solicitation, advertisement or signage.
- F. A landlord shall state in all solicitations or advertisements for the rental or lease of eligible housing, or made on their behalf, that a landlord will consider qualified applicants consistent with this Chapter. This language shall include, at a minimum, the following statement:

“The rental or lease of this property must comply with the City of Kalamazoo ordinance regulating the use of criminal background checks as part of the tenant screening process to provide individuals with criminal backgrounds a fair opportunity. For additional information please contact the City of Kalamazoo Civil Rights Board.”

§18A-5 Rental application fees

- A. A rental application fee may not exceed the actual cost of the background check process which may include national, state and local criminal histories, credit reports, rental history records, reference checks, eviction records and employment verification obtained by a landlord to screen an applicant. An application fee shall not include administrative fees, except for actual reasonable costs necessarily incurred to check the rental history and employment verification of an applicant. Landlords must provide applicants an itemized explanation of an application fee. A landlord must provide an applicant with any reports or correspondence generated as a result of the screening process to the extent permitted or required by State and Federal law.
- B. Before receiving a rental application fee, a landlord must provide a written notice to the applicant setting forth the criteria on which the application will be judged and the amount of the application fee that will be charged. The amount received shall not exceed the amount disclosed.
- C. Landlords shall only advertise housing facilities, receive applications, screen applicants and accept rental application fees for properties that are readily available for rent and occupancy unless an applicant consents in writing to being added to a waiting list. A housing facility is no longer considered available if a different applicant has been offered the housing facility and accepted and has placed a deposit on the housing facility. For purposes of this section, a housing facility may be considered available if a tenant of the unit has declared they will not be renewing the lease. Landlords shall document the date and time that deposits are placed

housing facilities.

- D. A landlord may collect and hold an application fee for an available housing facility for up to 30 calendar days so long as the landlord provides a written receipt to the applicant. If a housing facility becomes no longer available after applications and application fees are received but before some applications have undergone screening process, all application fees associated with unscreened applications must be returned to the respective applicants within 14 calendar days from the date the housing facility is no longer available for rent.
- E. In all cases where an applicant is not offered the housing facility applied for, the landlord shall provide the applicant with a written statement explaining the reason or reasons that the housing facility was not offered to the applicant. The explanation must provide the applicant with a clear statement of the reason or reasons that the housing facility was not offered along with any documentation substantiating the reason or reasons.
- F. If an applicant believes the application fee exceeds the actual cost of the screening process or believes that the reasons for denial deviate from the disclosed criteria for evaluating the application, or believes that the landlord has violated any other requirement of this section, the applicant or their representative may, within 30 days of receipt of the denial, file a written complaint with the City Manager or the City Manager's designee. For purposes of this section, a denial means any circumstances which the applicant is not offered the housing facility.
- G. If it is determined that a landlord has violated this section, in addition to any fines imposed as a result of a municipal civil infraction, the rental property owner must refund the entire application fee to the applicant including, but not limited to, situations in which the screening process has not occurred or has not been documented sufficiently prior to denial.

§18A-6 Exercise of rights protected; retaliation prohibited

- A. It shall be unlawful for a landlord or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this Chapter.
- B. It shall be unlawful for a landlord to interrupt, terminate, or fail to refuse to initiate or conduct a transaction involving the rental or lease of eligible housing, including falsely representing that such property is not available for rental or lease, or otherwise take adverse action against a person in retaliation for exercising rights protected under this Chapter. Such rights include but are not limited to:
 - (1) the right to file a complaint or inform any person about a landlord's alleged violation of this Chapter;
 - (2) the right to inform the administering agency about a landlord's alleged violation of this Chapter;
 - (3) the right to cooperate with the administering or enforcing agencies or other persons in the investigation or prosecution of any alleged violation of this Chapter; or

- (4) the right to inform any person of their rights under this Chapter.
- C. Protections of this section shall apply to persons who mistakenly but in good faith allege violations of this Chapter
- D. Taking adverse action against a person within 90 days of the exercise of one or more than rights described in this section shall create a rebuttable presumption in the administering agency's investigation of such adverse action was taken in retaliation for the exercise of those rights.

§18A-8 Exceptions

The following practices are not violations of this chapter:

- A. For a religious organization to restrict the occupancy of any of its housing facilities or accommodations which are operated as a direct part of its religious activities to persons of the denomination involved or who agree to conform to the moral tenets of that religious organization. This does not include housing facilities or homeless shelters that are available to the public.
- B. For the owner of an owner-occupied, one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use based on sex.
- C. To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over 55 years of age or disabled persons.
- D. To discriminate in any arrangement for the shared ownership, lease or residency of a housing facility
- E. In the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.

§18A-9 Landlord records

- A. Unless prohibited by Federal or State law, a landlord shall maintain and retain records of tenant application forms, and other pertinent data and records required in this Chapter, for a minimum of one year from the date of application, and shall allow the administering or enforcing agencies to access such records, with appropriate notice and at a mutually agreeable time, to monitor or verify compliance with the requirements of this Chapter.
- B. At no time shall the administering or enforcing agencies require a landlord to provide any information or documents the disclosure of which would violate local, State or Federal law.

C. Anytime a landlord does not maintain or provide adequate records documenting compliance with this Chapter or does not allow reasonable access to such records, the Office of the Chief Financial Officer or other City department or agency shall have the authority to provide all nonfinancial information necessary to fill the administering or enforcing agencies responsibilities under this Chapter subject to confidentially provisions of this Chapter and all applicable laws.

Article III Enforcement

§18A-10 Notices

The City Manager or his or her designee shall publish on the City website and make available to landlords, in all languages spoken by more than 5% of the City population, a notice suitable for posting that informs housing applicants of their rights under this Chapter. This notice shall be updated on or before December 1 of any year in which there is a change in the language is spoken by more than 5% of the City population.

§18A-11 Remedies

The provisions of this Chapter are enforced through any of the mechanisms set forth at Article III of Chapter 18, Sections 18-9 through 18-13.

Standards for Rehabilitation *The CHW agreement requires the use of these standards*

Please note: For the Historic Preservation Tax Incentives Program use the Standards for Rehabilitation that are codified separately in 36 CFR 67 and are regulatory for the review of rehabilitation work for that program. The Standards will be applied taking into consideration the economic and technical feasibility of each project.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Date: 6-14-23
To: Kalamazoo Historic Preservation Commission, Sharon Ferraro and Luis Pena
From: Pam O'Connor

Subject: Recommendation for Direct Gift to Community Homeworks from KHPC/O'Connor Fund

Dear KHPC members & Mr. Pena:

According to Community Homeworks (CHWs), more than half of the City's homes are 60 or more years old, and the organization does not want income to be a reason why homeowners can't remain and thrive in their homes.

In 2022-2023, using a \$10,000 direct gift from the KHPC's O'Connor Fund, CHWs made critical home repairs, addressing health and safety issues in five homes in the City that were at least 50 years old. In some cases, some of CHW's other unrestricted funds were also used to complete a project.

This proposal asks you to approve a second gift of \$10,000 for the same purpose, at this meeting on June 14th, 2023, following the same procedure and using the same agreement as the 2022 gift.

Past experience tells us that if those repairs you funded last year were not made, the chances are good the homes would eventually be demolished. A home would no longer fill its critical space as one of many needed make a great neighborhood. It might take a year, or 5, or even 10, but eventual demolition from lack of maintenance nearly always leads to other multiple losses on several levels: neighborhood and owner health, and economic health and sustainability.

CHW's Deputy Director Kaylen Humes recently repeated a comment she strongly believes in, saying: "The most affordable housing is the housing that you already own." I agree – and I think you agree that it's also clearly proven that it is also the most sustainable practice for responding to the crisis.

This kind of work almost never gets the "beauty" award, that's for sure. It's furnace and water heater replacements, electric and plumbing repair, and basic carpentry – but those are the most foundational needs when keeping a home upright and occupied. In 2022, CHWs served 186 households. Sixty-eight per cent of that work was in the Northside, Edison and Eastside neighborhoods, 33% was for senior homeowners, 30% of heads of households identified as disabled, and 57% were Black and Latino.

This work is preservation, perhaps the most important kind. And the "beauty" preservation brings to a community can only be achieved if the structures that deliver it are strong. CHWs is strong, and preservation is the KHPC's business – it's a great partnership that works at the intersection of the two organizations' principal objectives.

Recommendation

I enthusiastically recommend that the KHPC approve a second, one-time gift of **\$10,000** to CHW this evening, in support of its Critical Repair Program, using the same procedure and agreement as its 2022 gift, which are outlined here. Following approval:

- 1) The KHPC Chair signs the agreement.
- 2) The Preservation Coordinator transmits the signed Preservation Agreement and its attachments to CHWs.
- 3) CHWs Authorized Representative Kaylen Humes acknowledges the gift by countersigning the Preservation Agreement and returning it to the Preservation Coordinator.

- 4) The Preservation Coordinator requests the gift from the Kalamazoo Community Foundation's (KZCF) O'Connor Fund for Historic Preservation in Kalamazoo, and asks the KZCF to transmit the gift directly to CHW.
- 5) The Preservation Coordinator keeps the KHPC informed on the status of the gift making process until it is completed, as signaled by the receipt of a gift acknowledgement from CHW.

For clarity and transparency, I have *again* included the Committee's rationale for making a gift to CHW from 2022.

Why

This gift proposal is NOT for the usual exterior - only repairs and rehabilitation addressed by either of Kalamazoo's Preservation Commissions or commissions in other cities. *However*, there is a strong case to be made for this gift to the CHW program *precisely* because it treats "root causes" which, when left untreated, can lead to fires, deaths, abandonment (for code violations or other reasons) and homelessness, and then, unfortunately and ultimately, demolition. ***And we can't preserve owner-occupied residences and support their role in supporting strong neighborhoods and residents if the buildings are no longer there.***

After reviewing a number of other Kalamazoo area agency/non-profits, this CHW program was selected for recommendation because:

- It is a "no-charge" program for qualified low-income homeowner-occupants only. This helps keep the homeowner-occupants in their homes and supports the growth of generational wealth and wellness.
- CHW's construction staff and sub-contractors are trained to do these jobs, and they are completed at no charge to the homeowner. Other programs either charge for work, or the work is carried out at no charge, but completed by volunteers who may not be trained. (Other programs reviewed either charge for work, or the work is carried out at no charge, but by volunteers that may not be trained.)

All are good programs, but since our draft gift agreement requires that all work meets the *Secretary of Interior's Standards*, this gift should go to a program that uses trained contractors, and Community Homeworks is confident it can meet those requirements.

- This program supports Imagine Kalamazoo 2025 by responding directly to the need to preserve old buildings as a sustainable development practice. It also addresses multiple preservation-related goals identified in several completed Neighborhood Plans, including those for the Northside, Vine, and Eastside neighborhoods.
- Homes must be 50 years or older and within the City of Kalamazoo.
- Work must meet the *Secretary of Interior's Standards for Rehabilitation*, and be approved *in advance* by the City's Historic Preservation Coordinator.

Many thanks for your consideration. This is a great partnership that deserves the KHPC's support!



Historic Preservation Commission Staff Report

City of Kalamazoo

TO: The Kalamazoo Historic Preservation Commission

FROM: Luis Pena, Historic Preservation Coordinator

DATE: June 14, 2023

SUBJECT: Proposal to Transfer Funds From City-Held Account to O'Connor Fund
(Kalamazoo Community Foundation)

SUMMARY:

Revisiting the proposal to transfer funds from the city-held account to the O'Connor fund held at the Kalamazoo Community Foundation.

BACKGROUND:

At the 14 January 2020 meeting of the Historic Preservation Commission, it was decided that any funds over \$10,000 held in the commission's city account be transferred to the O'Connor fund. The motion stated nothing about the recurrence of this transfer, though it was brought up in discussion that the movement would recur annually.

RECOMMENDATION:

If the transfer is approved again, the motion will need to be approved since the current city held fund is \$8,000. Considerations should be made for fluctuations in the market, both up and down, and for the amount of money spent annually by the commission.



**Community Planning and Economic Development
Historic Preservation Coordinator**

245 N. Rose St.

Kalamazoo, MI 49007

Telephone: (269) 337-8804

FAX (269) 337-8513

ferraros@kalamazoo-city.org

To: Marcy Dix, Grants Finance Officer

March 3, 2020

At their January 14, 2020 meeting, the KHPC voted to retain \$10,000 in its City Treasury account(s) and move all remaining funds to the 'Agency' account (OCON01) in the O'Connor Fund for Historic Preservation at the Kalamazoo Community Foundation. A copy of the meeting notes with the motion and vote is attached to this letter.

Please prepare a check or transfer equal to the funds that exceed the \$10,000 amount they wish to retain and directed to the Foundation.

Please designate the contribution to the O'Connor Fund "agency" account (OCON01) to insure it goes to the correct account.

If possible, it should arrive at the Foundation before March 23, 2020, so it will be recorded on time and included in the Foundation's quarterly income and growth accounting figures.

If a check goes by mail, the address is: 402 E. Michigan Ave., Kalamazoo, 49007.

Thank you

Sharon Ferraro
Historic Preservation Coordinator

History is lived in the main by the unknown and forgotten. Then occasionally voices ring out of the darkness – voices that historians never expected to hear, whose existence they had almost forgotten. Historian - Arthur Schlesinger Jr.



Historic Preservation Commission Staff Report

City of Kalamazoo

TO: The Kalamazoo Historic Preservation Commission

FROM: Luis Pena, Historic Preservation Coordinator

DATE: June 14, 2023

SUBJECT: Historic Preservation Training Scheduling

SUMMARY:

Discussion to decide a meeting date for Historic Preservation Commission Training.

BACKGROUND:

Training sessions allow for questions to be asked outside of the regular meeting session, thus empowering commissioners to be confident in more practical situations. To best schedule a training session, commissioners should list topics they feel are important, confusing, or interesting. With commissioner input, the training session can be tailored to the unique needs of the commission. Historically, the training session has been held during a special meeting, not during the commission's regular business meeting.

RECOMMENDATION:

Commissioners should provide input on the following topics:

1. What topics are important to be covered in the training?
2. Should the training be held during a special meeting, or during a regular business meeting?
 - a. When should the training be held?

After discussion, the Historic Preservation Coordinator will schedule the meeting.

ROBERT'S RULES OF PARLIMENTARY ORDER IN A NUTSHELL

Clyde J. Robinson
Kalamazoo City Attorney
April 2021

LETTER OF THE LAW

A Service of the Kalamazoo City Attorney's Office

Vol. 15, No. 1

December 2015

Parliamentary Procedure is Not a Rabbit Hole of Rules

"If there weren't rules, how could you break them?" — Leo Durocher, major league baseball manager

"If I'd observed the rules, I'd have never got anywhere." — Marilyn Monroe, starlet and model

"It's not wise to violate rules until you know how to observe them. — T.S. Eliot, poet, essayist, playwright

"Freedom without rules doesn't work" — Judith Martin, aka "Miss Manners", etiquette authority

As the above quotes suggest, rules provide structure, but not necessarily to the point of stifling creativity. Nearly every organization adopts rules of procedure to govern the manner it conducts its business, makes decisions and in general gets things done. In America, most state legislatures, by an overwhelming majority use *Mason's Manual of Legislative Procedure*, a parliamentary guide book written by Paul Mason, a former California Senate staffer in 1935. However, most local governing bodies use a version of *Robert's Rules of Order*, now in its 11th edition.¹ These parliamentary rules were published in 1876 (and repeatedly revised) until his death in 1923 by Major Henry Robert.² The catalyst for the Rules came after he unsuccessfully attempted to preside over a church meeting years before.

Regardless of the version of parliamentary order used, the objectives are the same; namely to 1) provide organization and structure to the decision-making process and 2) safeguard the rights of members of the body, whether they be in the majority, minority or absent. The Kalamazoo City Commission has adopted *Roberts Rules of Order* to govern its proceedings. However due to the ubiquitous use of *Robert's Rules*, or their misuse,³ sometimes can result in the parliamentary chaos that the Rules were intended to avoid.

By practice the City Attorney is the parliamentarian for the City Commission, although meetings are actually presided over by the Mayor (or Vice Mayor in the absence of he Mayor) who is technically empowered to make parliamentary rulings (subject to appeal by two other members of the body) but who may inquire of the parliamentarian before ruling. As the parliamentarian, the City Attorney, like a sports referee, has to use his or her judgement as to when the *Rules of Order* need to be strictly observed and when, due to the nature and flow of the debate and decision-making process there needs to be some flexibility. As *Robert's Rules* advises; "it is undesirable to raise points of order on minor irregularities of a purely technical character, if it is clear that no one's rights are being infringed upon and no real harm is being done to the proper transaction of business." In other words, the Rules are not intended to act as a straitjacket.

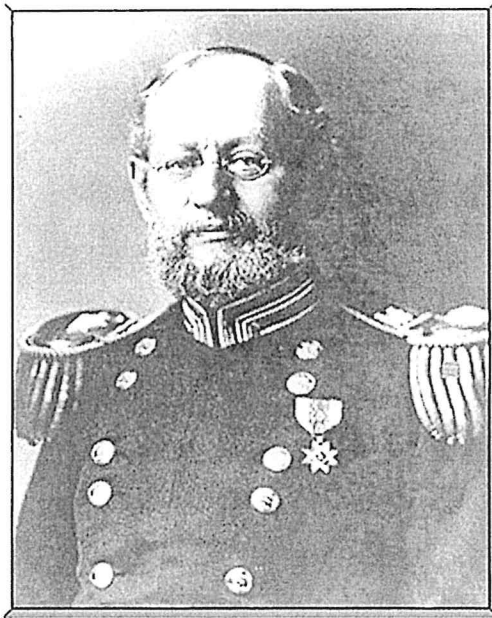
Attached is an outline, intended to provide some guidance on the rules of parliamentary procedure, in a succinct and easily digested and referable format. Although there are some little used and arcane rules, such as those governing "orders of the day", at their basic level the guidelines penned by Major Henry Robert provide a well-established, familiar and recognizable path for small legislative bodies, like the City Commission, to assist in making decisions without falling into a rabbit hole of confusion.

—CJR

¹ The other generally used legislative guide is Thomas Jefferson's *Manual of Parliamentary Practice*.

² Robert was a U.S. Army engineer who ultimately achieved the rank of Brigadier General and served a portion of his career in Wisconsin and Michigan working on the Great Lakes. He is buried at Arlington National Cemetery.

³ *Robert's Rules* does not formally recognize so-called "friendly amendments" and many people use the Motion to Table when they really intend the Motion to Postpone.



"The great lesson for democracies to learn is for the majority to give to the minority a full, free opportunity to present their side of the case, and then for the minority, having failed to win a majority to their views, gracefully to submit and to recognize the action as that of the entire organization, and cheerfully to assist in carrying it out, until they can secure its repeal."

--Brig. Gen. Henry Martyn Robert (1837-1923)

Robert's Rules Of Parliamentary Order in a Nutshell

A. Why use Parliamentary Procedure?

1. Provides organization to a meeting
2. Permits orderly, focused debate and discussion
3. Results in a vote or decision

B. Objects of Parliamentary Procedure

1. Keeps the business of the governing body organized and business moving
2. Insures fairness to all sides of an issue in the conduct of the meeting

C. Basic Principles

1. Only one **main** proposal or question is under consideration at a time
2. Only one person may have the floor at any time whose remarks should be directed to the issue under consideration
3. Majority vote decides a question unless specifically required by law or parliamentary rule, however the minority has a right to be heard and its arguments considered

D. Rules of Debate

1. Motions should be stated in the affirmative, for example;
 "I move the approval . . ."
 NOT "I move the rejection . . ."
 OR WORSE "I move we don't . . ."
2. Use of the term "second" is preferred to "support", as the latter term connotes affirmance or concurrence with the motion, while "second" does not mean agreement, but signifies the willingness to consider the matter.
3. Maker of the motion has the first right to speak, and may not *speak* against the motion, but may *vote* against the motion.
4. To make clear what **question** is under consideration, the chair should restate it following the second.

5. A member may only speak twice on a motion and may not speak a second time until other members have spoken or otherwise had the opportunity to do so.
6. When a **secondary motion** is under debate, a member may not speak about the merits of the **main motion or question**.

E. MOTIONS: The Meat in the Nutshell

1. **Main Motion**-- used to conduct business or decide a question, e.g. "I move the approval of the side yard variance requested by the petitioner."

2. **Secondary Motions**-- used to assist in dealing with the **main motion** or to address a question of procedure of the meeting body. There are three types of Secondary Motions: **Privileged, Subsidiary, and Incidental**

3. **Privileged Motions**—this is a special class of motions which although unrelated to the pending motion, usually seek to address urgent matters. As such they are not debatable, usually not amendable and immediately voted *upon unless a higher ranking privileged motion is made*.

a. Fix the Time to Adjourn- ends the meeting and sets the time and place of the next meeting of the body if the next meeting is not already scheduled (amendable)

b. Adjourn- ends the meeting

c. Recess- creates an intermission to the meeting; business resumes at the same point when the body comes back into session (amendable)

d. Question of Privilege- relates to the comfort, disturbance or conduct of the meeting or a member's request to go into executive or closed session.

WARNING: The ability of a public body to go into a closed session is severely limited by Michigan's Open Meetings Act.

e. Orders of the Day- request for adherence to the order of business

4. **Subsidiary Motions**-- used to dispose of the **main motion** and are assigned a specific ranking meaning that **a lower ranked subsidiary motion may not**

be considered when a higher ranking subsidiary motion is under consideration.

a. Lay on the Table- this is the highest ranking subsidiary motion but it is often misused and misunderstood. Its use is confined to setting aside the main motion to consider more pressing business which has come before the body with the intention that the matter will be taken up later in the same or the next meeting of the body.

b. Previous Question/Close Debate- this motion is used to halt debate and vote on the immediately pending lower ranked subsidiary or the main motion.

c. Limit or Lengthen Debate- this motion seeks to set limits on the amount of time the present question will be discussed.

d. Postpone to a Time Certain- this motion delays action on the matter until the next meeting, a specific set time or until after a certain event.

e. Refer to Committee- this motion refers the matter to a committee to so as to obtain additional information.

f. Amend the Amendment- this motion seeks to amend a pending proposed amendment to the main motion. Only one amendment to the amendment is permitted to be considered at a time, in other words, one CANNOT amend a pending amendment to the amendment.

g. Amend the Main Motion- this motion seeks to alter or suggest a change to the main motion

h. Postpone Indefinitely- this lowest ranked subsidiary motion seeks to reject the main motion for consideration, effectively defeating it.

5. Incidental Motions—Unlike the two preceding classes of motions, these are not ranked since the question or issue being raised is immediately considered when made. The first six are rather straight-forward, the last one is somewhat complex.

a. Point of Order- motion to correct a substantive breach of rules

b. Appeal Decision of the Chair- motion immediately questioning decision of chair

c. Suspend the Rules- sets aside a rule, CANNOT be used to violate bylaws or statute

d. Object to Consideration of Question- if adopted, kills the matter before it is even considered; somewhat analogous to Postpone Indefinitely (see above)

e. Parliamentary Inquiry/Point of Information- seeks an opinion or information

f. Division of Assembly- used to clarify a close voice vote

g. Request to Withdraw a Motion-

1. *Before the chair states the motion*, it can be withdrawn by the maker and restated; if restated, the original second can withdraw, thus requiring a new second; it can also be subject to another member suggesting whether a proposed change is acceptable to the maker, in this case, both the maker and second of the original motion must concur with the suggested change (*See also discussion of "friendly amendments", infra*)

2. Once the chair states the motion, it can only be withdrawn with permission of the assembly, either by general consensus or vote

6. Unclassified Motions- Used to return a matter to the assembly for consideration

a. Take from the Table- used to recall a matter which has been Laid on the Table

b. Reconsider the Vote- used to permit an assembly to change its mind on a vote; can't be used when other business is pending, can only be made by a member who voted on the prevailing side of a question; and is a two-step process, if this motion is approved, then the motion being reconsidered is under discussion and a new vote takes place on that matter

F. VOTING Or How Things Get Done/Decided

1. Abstention—Although Robert's Rules permits a member to abstain from a vote without reason, members of a **public body** who are present have an obligation to vote unless a direct pecuniary or personal relationship presents a conflict of interest. (If so conflicted, the member should state the nature of the conflict for the record and not participate in the discussion.)

2. However, a member who abstains is still counted for purposes of a quorum and can preclude action by the body if a majority of the membership is required for a decision
3. Likewise absent members or a vacancy can also preclude the ability of a board to affirmatively act, depending on how the pertinent statute is worded.
4. Use the plain English, "Yes" and "No", NOT "aye" and "nay", the latter phrases are arcane and have no place in a 21st Century meeting. Also AVOID, "All opposed same sign."

G. Miscellaneous Points of Interest

1. *Quorum*—the number of members necessary to take action; in the absence of a quorum of its members, the body may only do the following:
 - a. Do anything which does not require a vote, such as hearing a presentation on a matter that does not require action by the assembly.
 - b. Recess, so as to attempt to locate a quorum of the body.
 - c. Fix the Time to Adjourn, so as to set a date and time at which the present meeting will be continued. **WARNING: Open Meetings Act precludes any recess or adjournment of more than 36 hours without providing an 18 hour public notice of the recommencement of the recessed/adjourned meeting.**
 - d. Adjourn, which ends the meeting.
2. *No Second to a Motion*--technically the motion never occurred, and it needn't be recorded in the minutes of the meeting. (Avoid, "Dies for lack of a second.")
3. *Friendly Amendment*—not recognized or recommended by Robert's Rules; BUT at times Robert's Rules of Parliamentary Procedure can be unduly constraining on small legislative or administrative bodies, HENCE: When there is a request for a minor change which helps clarify the intent and does not change the substance of the motion, the chair may state, "If there is no objection, then the motion is amended to state . . . " (*But see also* Request to Withdraw Motion, *under* Incidental Motions heading, *supra*)

4. *Minutes*—Need not nor should be like the *Congressional Record*, they are intended to be a notation of the actions taken at a meeting. It is but one part of the record of evidence that is created to support an administrative or quasi-judicial determination. **Exception:** When creating a record which is the basis of a decision, the minutes should reflect the relevant and salient points, both in support and opposition to the proposed decision. In this case, it merits moving to accept a summary of facts prior to acting on the matter.

5. *Open Meetings Act* (MCL 15.261 *et seq.*) While this is a whole separate topic, all deliberations and decisions of a public body must take place at a meeting open to the public where a quorum of the assembly is present.

H. **10 Commandments of Motion Practice and Debate**

1. Use "I move that . . ." (stating the motion in the affirmative, so that a "yes" vote reflects a positive action or decision whenever possible; this is also true when the action might be viewed in the negative.) Don't use "I motion that . . ."

2. Use "I second." or "I second the motion." Avoid using "I support."

3. Following the second, either the Chair should, or if the motion is complicated the Chair may ask the Recording Secretary, to repeat the motion. The maker of the motion has the right to first address the motion but need not do so. It is at this point that the maker may clarify the motion and if changes are made, the Chair may inquire of the member who seconded the motion if he or she agrees.

4. Use "I move to amend by (striking out . . . ; inserting . . . ; adding (or removing) the words/phrase . . . ; substituting the following . . ."

A motion to amend requires a second and as is the case of the initial motion, the amendment should be restated by the Chair. At this point the issue before the body is the amendment to the Main Motion. Whether the amendment is approved or defeated, the discussion returns to the Main Motion as modified (or not). A motion to amend may also be amended, called a secondary amendment, but secondary amendments may not be amended.

5. Avoid so-called "friendly amendments" unless it is merely a minor clarification.

6. During discussion or debate, each member is permitted to speak only twice on any motion, and each member must be given the opportunity to address the question before a member may speak a second time.

7. To delay action on an item, "move to postpone (until a specified time)" or "indefinitely". (Requires a second, is debatable, and is adopted by majority vote.)

8. To delay an action do not use, "I move to lay on the table" or "I move to table". This is a different motion than postponing an item, and is used only when another item of more pressing concern comes up which must be immediately addressed so the present question is "tabled" with the intention to return to it later in that meeting or the following meeting with a motion to remove or take from the table.

9. To end debate, a member once recognized by the Chair may "move to close debate" or more formally, "move the previous question". (Requires a second and 2/3 vote and is not subject to discussion.)

10. To recess or adjourn, such may be done by a motion and second, as in "I move to recess for x minutes or until x o'clock" or "I move to adjourn". And voted on. It may also be done by the prerogative of the Chair, as in "There being no objection, the meeting is recessed (for x minutes or until a certain time) or the meeting is adjourned." If there is an objection, then the Chair may entertain a motion and second to recess or adjourn.



Historic Preservation Commission Staff Report

City of Kalamazoo

TO: The Kalamazoo Historic Preservation Commission

FROM: Luis Pena, Historic Preservation Coordinator

DATE: June 14, 2023

SUBJECT: Payment to KNAC For Historic Preservation Awards of Merit Space

SUMMARY:

Action item regarding the payment of KNAC for the use of their space to hold the 2023 Historic Preservation Awards of Merit. The total is \$110.

BACKGROUND:

KNAC has hosted the last two Historic Preservation Awards of Merit ceremonies (2022 and 2023). In 2022, KNAC was gracious enough to allow the HPC to use the space free of charge. The fee this year for using the space for three hours was \$110.

RECOMMENDATION:

As the HPC did not meet in May, this payment has been delayed. The disbursement of money to KNAC should be voted upon at the June meeting.



Historic Preservation Commission Staff Report

City of Kalamazoo

TO: The Kalamazoo Historic Preservation Commission

FROM: Luis Pena, Historic Preservation Coordinator

DATE: June 14, 2023

SUBJECT: Payment to Blair Bates for Masonry Workshop

SUMMARY:

Action item regarding the payment of Blair Bates of Building Renovation, LLC for leading a masonry workshop. The total is \$500.

BACKGROUND:

Building Renovation, LLC is a local company focused on teaching trowel trades to preserve history. The workshop, held on 10 June 2023, was attended by eight residents interested in learning more about historic building maintenance. The total cost for instruction was \$500.

RECOMMENDATION:

The workshop aligns with the goals of the OHOW subcommittee.



Historic Preservation Commission Staff Report

City of Kalamazoo

TO: The Kalamazoo Historic Preservation Commission

FROM: Luis Pena, Historic Preservation Coordinator

DATE: 14 June 2023

SUBJECT: Historic Preservation Coordinator's Report

Orientation/Training

In the next few months (see the item “Historic Preservation Training Scheduling”), an orientation/training will be held at the regular meeting of the Historic Preservation Commission. Please let me know if there are any specific topics you would be especially interested in discussing. This meeting will include an assessment of the existing workplan.

Current Vacancy

Please spread the word about the current existing vacancy on the Historic Preservation Commission. Currently there has been one application.

Historic District Reviews

Review Type	Cost	Number of Reviews	Totals
Administrative, no permit	\$0	15	\$0
Administrative, permit	\$35	19	\$665
Hearing	\$85	15	\$1275
		49	\$1,940