

Agenda

Historic Preservation Commission

City of Kalamazoo



Wednesday, January 8, 2025

6:00 PM

Community Room at City Hall – 241 West South Street

A. CALL TO ORDER/ROLL CALL

1.
 - Kaila Akina
 - Fred Edison
 - Nora Harris
 - Kyle Hibbard - *Chair*
 - Dusti Morton
 - Melissa Paduk
 - Patrick Vail

B. ADOPTION OF FORMAL AGENDA

C. APPROVAL OF MINUTES

1. Approval of the minutes from the Historic Preservation Commission meeting on 11 December 2024

D. PUBLIC COMMENTS

E. Guests

1. Stacey Charron-Milnikel - Kalamazoo Community Foundation

F. REPORTS

1. Financial Report
2. O'Connor Fund Report

G. DISCUSSION/ACTION ITEMS

1. Programmatic Agreement Discussion

2. Workplan Session

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.

Minutes

Historic Preservation Commission

City of Kalamazoo



Wednesday, December 11th, 2024 6:00 PM

City Commission Chambers at City Hall – 241 West South Street

A. CALL TO ORDER/ROLL CALL

Called to order at 6:00

Harris moved to approve the absence of
Vail and Akina.

Paduk 2nd motion.

B. ADOPTION OF FORMAL AGENDA

Harris motion to approve

Paduck 2nd

C. APPROVAL OF MINUTES

Morton October changed to I am a very active volunteer. Section F strike I am working on the Scotts Mill project that was not me. Hibbard in October E3 it says Dr Evans Cutler for attendees of the grave cleaning and its it Dr Evan Kutzler's. in F1 B the candidate reviews theres a paragraph from Fred about Murphy Darden needs to add number 2 if moving up to reports as number 5 at the end.

Edison moved to be approved as amended

Harris 2nd motion.

D. PUBLIC COMMENTS

Pam O'Connor wants to remind everyone that our annual Statewide Conference will be held in Sault Ste Marie in mid-May 2025. Will sent a link to the commission as soon as it published. You all will be having a planning meeting for January 2025 meeting. This commission has a role to play in an equity-based preservation program for the City of Kalamazoo. There now a couple of good examples of where that has been done in the county. The most recent I believe is Austin Texas. I am going to try and pull together some materials to share with everyone. I plan on being at that meeting and have some conversation at that point.

E. REPORTS

1. Financial Report
Pena read report.
2. O'Connor Fund Report
Pena read report.
3. City Hall Local Historic

F. DISCUSSION/ACTION ITEMS

1. 2025 Historic Preservation Commission Meeting Schedule
Harris motion to approve the 2025 schedule.
Morton 2nd motion.

G. COORDINATOR'S REPORT

1. Coordinator's Report
Pena read report.

H. COMMISSIONER COMMENTS

Edison spoke to our group a few months ago Jacob Benny hes going to give a lecture at the library up in VanDusen room February 6th. I have some library flyers on it that I would like one. Talking about Kalamazoos black heritage, black history. A meeting we had a few months go Kaila brough up is there anything we can do the 250th birthday of the United States the Semiquincentennial in 2026. I would like to start the ball rolling to see how many people would like to contribute to writing an article about under told stories of Kalamazoo. If we have enough participation then we could maybe put in a booklet. Get 10 or 12 writers document there short history of the under told stories. We would need a editorial board of some people some kind of skill in that field. Pena we should partner with the library to see if we could use some existing platform that they have on their website to document things and publish on their website.

I. ADJOURNMENT

Hibbard moved to adjourn at 6:31

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.

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City of Kalamazoo
1/ 1/2024 through 12/31/2024

270 HISTORICAL COMMISSION FUND

<i>Account Number</i>	<i>Beginning Balance</i>	<i>Debits</i>	<i>Credits</i>	<i>YTD Debits</i>	<i>YTD Credits</i>	<i>Balance</i>
Assets						
270-000-00.000-001.001 BANK 1 CASH (OPERATING-POC	4,890.27	0.00	3,630.52	0.00	3,630.52	1,259.75
Total Assets	4,890.27	0.00	3,630.52	0.00	3,630.52	1,259.75
Liabilities						
270-000-00.000-202.000 ACCOUNTS PAYABLE	0.00	3,315.52	3,315.52	3,315.52	3,315.52	0.00
270-000-00.000-214.233 DUE TO DONATIONS FUND	315.00 CR	315.00	0.00	315.00	0.00	0.00
270-000-00.000-214.705 DUE TO DISBURSEMENT FUND	0.00	3,315.52	3,315.52	3,315.52	3,315.52	0.00
Total Liabilities	315.00 CR	6,946.04	6,631.04	6,946.04	6,631.04	0.00
Equities						
270-000-00.000-385.001 FUND BALANCE - ASSIGNED FO	0.00	2,583.50	2,656.50	2,583.50	2,656.50	73.00 CR
270-000-00.000-390.000 FUND BALANCE - UNASSIGNED	4,575.27 CR	0.00	0.00	0.00	0.00	4,575.27 CR
Total Equities	4,575.27 CR	2,583.50	2,656.50	2,583.50	2,656.50	4,648.27 CR
Operating						
270-000-00.000-700.000 ACTUAL EXPENDITURE CONTR(	0.00	3,315.52	0.00	3,315.52	0.00	3,315.52
270-000-00.000-700.002 ENCUMBRANCE CONTROL	0.00	2,656.50	2,583.50	2,656.50	2,583.50	73.00
Total Operating	0.00	5,972.02	2,583.50	5,972.02	2,583.50	3,388.52
Budgetary						
Total Budgetary	0.00	0.00	0.00	0.00	0.00	0.00

City of Kalamazoo
1/ 1/2024 through 12/31/2024

Assets		4,890.27	0.00	3,630.52	0.00	3,630.52	1,259.75
Liabilities		315.00 CR	6,946.04	6,631.04	6,946.04	6,631.04	0.00
Equities		4,575.27 CR	2,583.50	2,656.50	2,583.50	2,656.50	4,648.27 CR
Operating		0.00	5,972.02	2,583.50	5,972.02	2,583.50	3,388.52
Total	HISTORICAL COMMISSION FUND	0.00	15,501.56	15,501.56	15,501.56	15,501.56	0.00

City of Kalamazoo
1/ 1/2024 through 12/31/2024

Grand Totals

		<i>Beginning Balance</i>	<i>Debits</i>	<i>Credits</i>	<i>YTD Debits</i>	<i>YTD Credits</i>	<i>Balance</i>
Total	Assets	4,890.27	0.00	3,630.52	0.00	3,630.52	1,259.75
Total	Liabilities	315.00 CR	6,946.04	6,631.04	6,946.04	6,631.04	0.00
Total	Equities	4,575.27 CR	2,583.50	2,656.50	2,583.50	2,656.50	4,648.27 CR
Total	Operating	0.00	5,972.02	2,583.50	5,972.02	2,583.50	3,388.52
Total	Expenditures	0.00	0.00	0.00	0.00	0.00	0.00
Total	Revenues	0.00	0.00	0.00	0.00	0.00	0.00
Total	Budgetary	0.00	0.00	0.00	0.00	0.00	0.00
Total	All Funds	0.00	15,501.56	15,501.56	15,501.56	15,501.56	0.00

expdetl.rpt
12/30/2024 2:31PM
Periods: 0 through 17

Expenditure Detail Report
City of Kalamazoo
01/01/2024 through 12/31/2024

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270 HISTORICAL COMMISSION FUND
803 HISTORIC COMMISSION

Account Number		Adjusted Appropriation	Expenditures	Year-to-date Expenditures	Year-to-date Encumbrances	Balance	Prct Used
270-803-00.000	HISTORIC COMMISSION						
270-803-00.000	HISTORIC COMMISSION						
270-803-00.000-729.000	OPERATING SUPPLIES	800.00	0.00	0.00	0.00	800.00	0.00
7/12/2024	po PO P-048277				61.98		
	Line Description: REIMBURSEMENT FOR HISTORIC PRE			Document Description : REIMBURSEMENT FOR HISTORIC PR			
	Vendor: 037096 HIBBARD, KYLE			Check # 0			
7/15/2024	po LI KH-REIMB-01				-61.98		
	Line Description: REIMBURSEMENT FOR HISTORIC PRE			Document Description : REIMBURSEMENT FOR HISTORIC PR			
	Vendor: 037096 HIBBARD, KYLE			Check # 1149823			
7/15/2024	invoice IN KH-REIMB-01		61.98				
	Line Description: REIMBURSEMENT FOR HISTORIC PRE			Document Description : REIMBURSEMENT FOR HISTORIC PR			
	Vendor: 037096 HIBBARD, KYLE			Check # 1149823			
11/7/2024	po PO P-049407				16.52		
	Line Description: NAME PLATE FOR HDC - KATIE BOE			Document Description : NAME PLATE HDC - KATIE BOERTMA			
	Vendor: 006437 WEST MICHIGAN STAMP & SEAL INC			Check # 0			
11/12/2024	invoice IN 32632		16.52				
	Line Description: NAME PLATE FOR HDC - KATIE BOE			Document Description : NAME PLATE HDC - KATIE BOERTMA			
	Vendor: 006437 WEST MICHIGAN STAMP & SEAL INC			Check # 1152490			
11/12/2024	po LI 32632				-16.52		
	Line Description: NAME PLATE FOR HDC - KATIE BOE			Document Description : NAME PLATE HDC - KATIE BOERTMA			
	Vendor: 006437 WEST MICHIGAN STAMP & SEAL INC			Check # 1152490			
270-803-00.000-729.000	OPERATING SUPPLIES	800.00	78.50	78.50	0.00	721.50	9.81
270-803-00.000-801.000	PROFESSIONAL AND CONTRACTUAL SERVICES	2,000.00	0.00	0.00	0.00	2,000.00	0.00
3/15/2024	invoice IN 58808		289.47				
	Line Description: CATERING FOR HISTORIC MEETING			Document Description : CATERING FOR HISTORIC MEETING			
	Vendor: 023596 JIMMY JOHNS			Check # 1147212			
5/2/2024	po PO P-047571				225.00		
	Line Description: KNAC RENTAL - HISTORIC PRESERV			Document Description : KNAC RENTAL - HISTORIC PRESERV,			
	Vendor: 033635 KALAMAZOO NONPROFIT ADVOCACY, COALITION			Check # 0			
5/6/2024	invoice IN 1664		225.00				
	Line Description: KNAC RENTAL - HISTORIC PRESERV			Document Description : KNAC RENTAL - HISTORIC PRESERV,			
	Vendor: 033635 KALAMAZOO NONPROFIT ADVOCACY, COALITION			Check # 1148194			
5/6/2024	po LI 1664				-225.00		
	Line Description: KNAC RENTAL - HISTORIC PRESERV			Document Description : KNAC RENTAL - HISTORIC PRESERV,			
	Vendor: 033635 KALAMAZOO NONPROFIT ADVOCACY, COALITION			Check # 1148194			

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expdetl.rpt
12/30/2024 2:31PM
Periods: 0 through 17

Expenditure Detail Report
City of Kalamazoo
01/01/2024 through 12/31/2024

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270 HISTORICAL COMMISSION FUND
803 HISTORIC COMMISSION

Account Number		Adjusted Appropriation	Expenditures	Year-to-date Expenditures	Year-to-date Encumbrances	Balance	Prct Used
270-803-00.000-801.000 PROFESSIONAL AND CONTRACTUAL SERVICES		(Continued)					
6/17/2024	invoice IN 091905291042		132.95				
	Line Description: HISTORIC PRES AWARDS OF MERIT			Document Description : HISTORIC PRES AWARDS OF MERIT			
	Vendor: 009957 HOBBY LOBBY #309			Check # 1149385			
11/4/2024	po PO P-049355				73.00		
	Line Description: PAM O'CONNOR REIMBURSEMENT - P			Document Description : PAM O'CONNOR REIMBURSEMENT -			
	Vendor: 004411 O'CONNOR, PAMELA HALL			Check # 0			
270-803-00.000-801.000	PROFESSIONAL AND CONTRACTUAL SERVICES	2,000.00	647.42	647.42	73.00	1,279.58	36.02
270-803-00.000-810.003 MEMBERSHIPS AND SUBSCRIPTIONS		3,050.00	0.00	0.00	0.00	3,050.00	0.00
4/4/2024	po PO P-047250				2,280.00		
	Line Description: HISTORIC DISTRICT & PRESERVATI			Document Description : HISTORIC DISTRICT & PRESERVATIC			
	Vendor: 003962 MICHIGAN HISTORIC PRESERVATION			Check # 0			
4/8/2024	invoice IN P-047250		2,280.00				
	Line Description: HISTORIC DISTRICT & PRESERVATI			Document Description : HISTORIC DISTRICT & PRESERVATIC			
	Vendor: 003962 MICHIGAN HISTORIC PRESERVATION			Check # 1147494			
4/8/2024	po LI P-047250				-2,280.00		
	Line Description: HISTORIC DISTRICT & PRESERVATI			Document Description : HISTORIC DISTRICT & PRESERVATIC			
	Vendor: 003962 MICHIGAN HISTORIC PRESERVATION			Check # 1147494			
4/15/2024	invoice IN 23970		309.60				
	Line Description: L PENA - MEMBERSHIP			Document Description : L PENA - MEMBERSHIP			
	Vendor: 003962 MICHIGAN HISTORIC PRESERVATION			Check # 1147931			
270-803-00.000-810.003	MEMBERSHIPS AND SUBSCRIPTIONS	3,050.00	2,589.60	2,589.60	0.00	460.40	84.90
270-803-00.000-811.000	PROFESSIONAL DEVELOPMENT	400.00	0.00	0.00	0.00	400.00	0.00
270-803-00.000-811.000	PROFESSIONAL DEVELOPMENT	400.00	0.00	0.00	0.00	400.00	0.00
270-803-00.000-881.000	FUNDRAISING	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	HISTORIC COMMISSION	6,750.00	3,315.52	3,315.52	73.00	3,361.48	50.20
Total	HISTORIC COMMISSION	6,750.00	3,315.52	3,315.52	73.00	3,361.48	50.20

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Expenditure Detail Report
City of Kalamazoo
01/01/2024 through 12/31/2024

270 HISTORICAL COMMISSION FUND
970 TRANSFERS OUT - OPERATING

<i>Account Number</i>		<i>Adjusted Appropriation</i>	<i>Expenditures</i>	<i>Year-to-date Expenditures</i>	<i>Year-to-date Encumbrances</i>	<i>Balance</i>	<i>Prct Used</i>
270-970-00.000	TRANSFERS OUT - OPERATING						
270-970-00.000	TRANSFERS OUT - OPERATING						
Total	TRANSFERS OUT - OPERATING	0.00	0.00	0.00	0.00	0.00	0.00
Total	HISTORICAL COMMISSION FUND	6,750.00	3,315.52	3,315.52	73.00	3,361.48	50.20
Grand Total		6,750.00	3,315.52	3,315.52	73.00	3,361.48	50.20

Fund Summaries

OCON 1	January	December
Net Assets	\$ 73,902.58	\$ 70,959.80
Current Available Balance	\$ 14,893.25	\$ 14,893.25

OCON 2		
Net Assets	\$ 460,571.50	\$ 437,408.14
Current Available Balance	\$ 42,599.29	\$42,559.29

**PROGRAMMATIC AGREEMENT
BETWEEN
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER,
~~THE MICHIGAN STRATEGIC FUND, AND~~
THE CITY OF KALAMAZOO, MICHIGAN
REGARDING THE ADMINISTRATION OF CERTAIN
HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS FUNDED BY THE
U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") provides grant funding to the City of Kalamazoo, Michigan (the "City"); and

WHEREAS, the City, with funds from HUD, proposes to administer its grant funds, including but not limited to, Community Development Block Grant ("CDBG") Program, the HOME Investment Partnerships Program ("HOME"), Special Purpose Grants, the Emergency Solutions Grants Program, and the Neighborhood Stabilization Program (collectively, the "Programs" or "Program Activity") with funds from HUD; and

WHEREAS, the City's Programs encompass activities that include single family and multi-family rehabilitation, new construction, demolition, public improvements, public infrastructure, commercial rehabilitation, handicapped accessibility, and redevelopment projects; and

WHEREAS, HUD has unique statutory authority as promulgated at 24 C.F.R. Part 58 that allows State, tribal, and local governments ("Responsible Entities") to assume HUD's environmental review responsibilities, including obligations under Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §§ 470 *et seq*) ("Section 106") and its implementing regulations 36 C.F.R. Part 800 (the "NHPA"); and

WHEREAS, the City has determined that the administration of theits Programs may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (the "National Register"); and

WHEREAS, the City, pursuant to the Federal Agency Alternatives (36 C.F.R. § 800.14(b)) implementing Sections 106 and 110 of the ~~National Historic Preservation Act~~, has consulted with the Michigan State Historic Preservation Officer (the "SHPOfficer"); and

~~**WHEREAS**, the State Historic Preservation Officer (SHPO) was transferred to the Michigan Strategic Fund (MSF) pursuant to Executive Order 2019-13; and~~

WHEREAS, the ~~State Historic Preservation Officer (Michigan SHPOfficer)~~ is part of the Michigan State Historic Preservation Office SHPO (the "SHPO"), and

WHEREAS, the City recognizes that the Grand River Bands of Ottawa Indians, Hannahville Potawatomi Indian Community, Little River Band of Ottawa Indians, Match-e-be-nash-she-wish Band of Pottawatomi Indians, Nottawaseppi Huron Band of the Potawatomi, Bay Mills Indian Community, Grand Traverse Bay Band of Ottawa and Chippewa Indians, Keweenaw Bay Indican Community, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Little Traverse Bay Bands of Odawa Indians, Pokagon Band of Potawatomi Indians, Saginaw Chippewa Indian Tribe of Michigan, Sault Ste. Marie

Tribe of Chippewa

Indians, Miami Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Ottawa Tribe of Oklahoma, Meskwaki Nation/Sac and Fox Tribe of the Mississippi in Iowa, Sac and Fox Nation of Missouri in Kansas and Nebraska, Sac and Fox Nation, Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, Kickapoo Tribe of Oklahoma, Kickapoo Traditional Tribe of Texas, Forest County Potawatomi, Citizen Potawatomi Nation and the Prairie Band Potawatomi Nation (the "Tribes") may have properties of religious and cultural significance within the City of Kalamazoo, and therefore the City has invited the Tribes to engage in government-to-government consultation and, pursuant to 36 C.F.R. § 800.2(c)(2)(ii)(E), has invited the Tribes to enter into this Agreement to specify how the City and the Tribes will carry out Section 106 responsibilities; and

Commented [AW1]: Which Tribes have responded to the invitation?

WHEREAS, the Match-e-be-nash-she-wish band of Pottawatomi Indians responded to the invitation; and

WHEREAS, the Kalamazoo Historic Preservation Commission (~~Commission;~~ including the Kalamazoo Historic District Commission in the event the Kalamazoo Historic Preservation Commission is dissolved and its duties transferred to the Kalamazoo Historic District Commission, the "Commission") has participated in consultation and has been invited to concur in this Agreement; and

WHEREAS, the Kalamazoo Community Planning & Development Department (the "CP&D") administers the City's HUD funds and is an invited signatory to this se Agreement; and

WHEREAS, the SHPOfficer, the City, the Commission, the Match-e-be-nash-she-wish Band of Pottawatomi Indians, and the CP&D are referred to in this Agreement, individually, as a Signatory and, collectively, as the Signatories; and

WHEREAS, the definitions given in Appendix A are applicable throughout this Agreement.;

NOW, THEREFORE, to satisfy the City's Section 106 responsibilities for all individual undertakings of the Programs, the City and the SHPO agree that the Programs shall be administered in accordance with the following stipulations:

STIPULATIONS

The City shall ensure that the following measures are carried out:

I. APPLICABILITY

This Agreement shall apply for all projects and programs where the City is acting as the Responsible Entity under 24 C.F.R. Part 58, including those where the City is not the funding recipient but has been approved by HUD to fulfill the role of the Responsible Entity.

II. QUALIFIED PERSONNEL

- A The City shall employ a Preservation Coordinator(s). The Preservation Coordinator(s) shall meet or exceed the professional qualifications in anthropology, archaeology, architectural history, history, historic architecture, historic preservation, planning or related fields, as specified in the Secretary of the

Interior's *Historic Preservation Professional Qualification Standards*, (48 FR 44738-39, September 29, 1983 and 36 C.F.R. § 61) attached and incorporated into this Agreement as APPENDIX B (the "Professional Standards"). The Preservation Coordinator shall be responsible for administering those terms of this Agreement that require their particular expertise and for coordinating with the appropriate City departments, authorities and agencies regarding Program-assisted activities.

4. If there is a change in staffing, the City shall within fifteen (15) calendar days notify and provide the SHPOfficer with documentation of the new staff person's qualifications in anthropology, archaeology, architectural history, history, historic architecture, historic preservation, planning or related fields, as_

specified in the ~~Professional Standards~~*Secretary of the Interior's Historic Preservation Professional Qualification Standards*, provided in the attached Appendix B incorporated into this Agreement.

~~2.~~ If the City determines that it cannot employ qualified staff to administer the terms of this Agreement, it must follow regular Section 106 procedures.

1. which include forwarding documentation to the SHPO for review as outlined in 36 C.F.R. § 800.

- B. The Commission shall assist the City in the identification and evaluation of historic properties covered under the terms of the Agreement.

III. PROGRAM ACTIVITIES NOT REQUIRING REVIEW

The Program activities listed in Appendix C, ~~attached hereto~~ incorporated into this Agreement, have limited potential to affect historic properties and do not require further review from the SHPO ~~officer~~ when receiving Program assistance. The City shall retain individual project files for each project reviewed in accordance with this stipulation as verification that the scope of work was limited to these activities. The information retained in the files shall include, at a minimum, the address of the property, the work specifications, and any available photographs.

~~IV.~~ IV. IDENTIFICATION AND EVALUATION

- A. **Survey.** It is the City's responsibility under Section 106 (36 C.F.R. § 800.4(b)) to identify historic properties within the area of potential effects for projects undertaken under this Agreement. To accomplish this responsibility, the City shall provide funding for and complete a Reconnaissance Level Historic Above-Ground Resources Survey (the "Survey") activities ~~as~~ outlined below:

1. In consultation with the SHPO ~~officer~~, the City shall continue the ongoing Reconnaissance Level Historic Above-Ground Resources Survey. The ongoing survey-Survey will be conducted in collaboration with resident volunteers using digital data collection methods (Survey123). Volunteer efforts will be coordinated by the Historic-Preservation Coordinator for efficiency. Collection efforts shall be divided into neighborhoods. Neighborhoods having a majority of properties older than forty years shall be surveyed before neighborhoods with a newer building stock. Once a neighborhood has been fully surveyed, data analysis will begin. Data analysis will be completed by ~~36 C.F.R. 36~~ Part 61 qualified individuals using Architectural Properties Identification Forms in accordance with the SHPO Survey Manual and the Secretary of the Interior's Standards for Identification and Evaluation. Evaluation and eligibility recommendations will be made at the neighborhood level. Analyzed survey-Survey data will be used to serve as the basis for preservation planning in the City and replace the 1999-2001 Reconnaissance Survey. Areas deemed "Potential Historic Study Areas" in the 1999-2001 survey will be evaluated using survey-Survey data and eliminated where eligibility cannot be adequately determined. Additionally, the analyzed data will identify:

- a. Areas of the City having lost sufficient integrity that they are either no longer eligible for listing or Areas-areas of the City that are likely to become eligible for listing in the National Register. This may include re-surveying areas previously identified (e.g., 1999-2001 Survey referenced above) as eligible for listing in the National Register.
- b. Areas of the City not listed in the National Register that are eligible for listing in the National Register.

Commented [AW2]: Do the parties know what this is? Or do we need more information?

2. Areas of the City requiring survey-Survey activities shall be prioritized in consultation with the SHPOfficer.
 3. The City shall submit documented surveys-Surveys to the SHPOfficer for comment. Documentation shall include, at a minimum:
 - a. Location maps outlining the surveyed area.
 - b. Photographic sampling of representative buildings in the area.
 - c. General descriptions of architectural character.
 - d. Comparative information on similar types of neighborhoods/areas in the city.
 - e. A statement of historical/architectural significance.
 - f. A statement of evaluation regarding National Register eligibility.
 4. The SHPOfficer shall provide comments on the survey-Survey data within thirty (30) calendar days of receipt of the survey-Survey documentation.
- ~~B.~~ Eligibility Determinations for Project Reviews.** To determine if a property meets the eligibility criteria for listing in the National Register ~~of Historic Places~~, properties fifty ~~B.~~ (50) years of age or older that may be affected by projects covered under this Agreement shall be evaluated by the Preservation Coordinator within fourteen (14) calendar days following the receipt of adequate documentation from the City department, agency or authority requesting the review.
- C. Within the fourteen (14) calendar day review period. ~~The~~ Preservation Coordinator may consult the Commission if the Preservation Coordinator has questions about the eligibility of a property. ~~(Within 14 days)~~
 - D. If the Preservation Coordinator and the Commission agree that that the property meets the National Register criteria, the City can proceed to implement projects in accordance with this Agreement.
 - E. If the Preservation Coordinator and the Commission do not reach an agreement regarding the eligibility of a property, or if the Preservation Coordinator and the Commission would like the SHPOfficer's opinion on the eligibility of a property, the Preservation Coordinator shall submit documentation to the SHPOfficer. The SHPOfficer shall provide written comments within thirty (30) calendar days following the receipt of adequate documentation.
 1. Documentation submitted to the SHPOfficer for review of properties located within potentially eligible districts shall include:
 - a. The address of the particular property which is the subject of the review, as well as the name of the historic district.
 - b. A map outlining the boundaries of the potential historic district and identifying the location of the property that is the subject of the review.
 - c. Photographs of the property that is the subject of the review.
 - d. Photographs of sample properties in the potential historic district to provide context.
 - e. A statement of significance.

- f. A physical description of the district.
- g. A listing of all the addresses of the properties within the district, and whether or not they are contributing or non-contributing, if such a list exists.
- 2. Documentation submitted to the SHPO~~fficer~~ for review of potential individually-eligible properties shall include:
 - a. The property's address.
 - b. Photographs of the property as well as photographs of any and all adjacent buildings.
 - c. A map indicating the property's exact location.
 - d. A brief history including when the structure was constructed, the name of the architect or builder, the names of early and subsequent occupants of the structure and any history associated with those occupants.
 - e. A statement of significance.
- 3. If the City and the SHPO~~fficer~~ disagree about the National Register eligibility of a property, the City shall request a formal determination of eligibility pursuant to 36 C.F.R. § 800.4(c)(2).

V. REVIEW PROCESS

- A **Adequate Information to Perform a Review.** The Preservation Coordinator shall ensure that projects reviewed under Stipulation V. and found to affect historic properties are treated in accordance with Stipulation VI or Stipulation VII for New Construction and Additions. The City department administering the HUD funding shall provide the Preservation Coordinator with all appropriate information necessary to perform a project review prior to commencing any work on a project covered by this Agreement as follows:
 - 1. **Rehabilitation Projects That Have the Potential to be Eligible for the National Register as Part of a District.** Information shall include, at a minimum, the property address and a recent photograph of the property. If the property is determined to be historic, the project specifications shall be reviewed.
 - 2. **Demolition Projects That Have the Potential to be Eligible for the National Register as Part of a District.** Information shall include, at a minimum, the property address and a recent photograph of the property.
 - 3. **Rehabilitation of Properties That Have the Potential to be Individually-Eligible for the National Register.** Information for rehabilitation projects of properties having the potential to be individually eligible for listing in the National Register shall include multiple interior and exterior photographs, including those showing all sides of the exterior and photographs showing details of character-defining features. Furthermore, information shall include the address of the property and project plans and specifications, historic photographs, if available, as well as identifying whether or not the architect who prepared the rehabilitation plans meets the pProfessional Standardsqualifications for Historic Architecture (see Appendix B attached and incorporated into this Agreement).
 - 4. **Demolition of Properties That Have the Potential to be Individually-Eligible for the National Register.** Information for demolition of properties having the potential to be individually eligible for listing in the National Register shall include

the address of the property and multiple interior and exterior photographs, including those showing all sides of the exterior and photographs showing details of any character-defining features, and historic photographs, if available.

5. **Site Improvement Projects.** Information shall include a description of the work to be done, maps of where the work will occur, as well as recent photographs of adjacent properties that are fifty (50) years or older.
 6. **Infill Construction Projects.** Information shall include photographs of all adjacent and nearby properties. If the project is found to have an effect on any historic properties, the project information shall also include design information for the infill project.
- B. **Eligibility Determination.** The Preservation Coordinator shall identify historic properties in a project area and review projects using survey information and project information provided by the City department (e.g., CP&D,) responsible for administering the HUD funding. Requirements for project information are outlined in Stipulation V. above.
1. If the project does not affect historic properties, the Preservation Coordinator shall provide appropriate and timely notification to the City Department that the project can proceed and review is complete.
 2. If the property itself is listed or eligible for listing in the National Register, or if there are historic properties within the project's area of potential effects, the City shall follow Stipulation VI.
- C. **Adverse Effects.** Prior to taking any action pertaining to historic properties where the Secretary's Standards, as defined below, cannot be met, the proposed treatment of the historic property is not rehabilitation, or if the contemplated action could otherwise have an adverse effect on such historic properties, the City shall notify the SHPOfficer and the Advisory Council on Historic Preservation (the "ACHP").
1. If a project will have an adverse effect, the City will:
 - a. Notify the ACHP and determine if the ACHP will participate pursuant to 36 C.F.R. § 800.6(a)(1);
 - b. Involve consulting parties as applicable pursuant to 36 C.F.R. § 800.6(a)(2);
 - c. Involve the public pursuant to 36 C.F.R. § 800.6(a)(4) and submit copies of any public comment to the SHPOfficer;
 - d. Consult with the SHPOfficer, and with the ACHP if they participate, to minimize or mitigate the adverse effect.
 - i. If the SHPOfficer agrees to the need for the adverse effect, the City and the SHPOfficer, and the ACHP if they participate, shall develop a Memorandum of Agreement ("MOA") to mitigate the adverse effect.
 - ii. If the ACHP does not participate in the development of the MOA, the City shall submit the MOA and the documentation specified in 36 C.F.R. § 800.11(f) to the ACHP prior to approving the project.
 - iii. If the SHPOfficer does not agree to the need for the adverse effect, the City and the SHPOfficer shall consult per Stipulation ~~XIXVII~~.

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VI. TREATMENT OF HISTORIC PROPERTIES

For projects affecting properties listed in the National Register, considered eligible for listing in the National Register by the City and the SHPOfficer, or determined eligible for listing in the National Register by the Keeper of the National Register, the City shall ensure that all historic properties are treated in accordance with the following stipulations.

A. Property Acquisitions

1. The City will secure, stabilize and preserve City-owned historic properties acquired with Program funds, until the disposal of the historic properties. The methods used to secure and stabilize historic properties shall adhere to the Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (~~Secretary's Standards;— found at 36 C.F.R. § 68.3(b) (the "Secretary's Standards");— attached hereto as Appendix D. The Secretary of the Interior's Standards are attached and incorporated into this Agreement as Appendix D)~~ and *Preservation Brief 31, Mothballing Historic Buildings* (U.S. Department of the Interior, National Park Service, September 1993).
2. The City shall consult with the SHPOfficer to determine the need for an architectural façade easement prior to the transfer or lease of historic properties acquired with Program funds.
 - a. An architectural façade easement shall only be considered for historic properties individually listed or eligible for listing in the National Register.
 - b. The easement will be held by the City.
 - c. If it is determined that an architectural façade easement is necessary, the City shall submit to the SHPOfficer for review and approval the proposed architectural façade easement in the case of sale of the historic property or lease agreement, as well as a plan for monitoring and enforcing the easement.
 - d. If the SHPOfficer does not approve the proposed architectural façade easement, the City shall request the ACHP's comments in accordance with 36 C.F.R. § 800.5.
3. For historic properties that are subject to architectural façade easements under Stipulation VI.A.2., the City shall consult with the SHPOfficer to determine whether to create a local historic district for the historic property or properties.

B. Housing, Commercial and Public Improvement Projects.

"Before" and "after" photographs shall be used as evidence of the City's proper application of the Secretary's Standards. The City shall retain in individual project files work descriptions, "before" and "after" photographs of the historic properties proposed for or impacted by rehabilitation or site improvement projects and, when applicable, the comments of the Commission in individual project files. All files shall be retained by the City for a minimum three (3) years following project implementation.

1. **Housing and Commercial Projects.** The City shall ensure that all rehabilitation projects involving historic properties are carried out in accordance with the Secretary's Standards.
 - a. The Preservation Coordinator shall review all plans and specifications or work write-ups prior to the initiation of any work on the historic properties.

- b. If the work as submitted does not meet the Secretary's Standards, the Preservation Coordinator shall request changes to the work that will enable the project to meet the Secretary's Standards.
- c. The City shall submit the project to the SHPOfficer for review and comment if the City is unable to change the work to meet the Secretary's Standards. Project materials submitted to the SHPOfficer for review shall include:
 - i. The address of the historic property.
 - ii. Photographs of the historic property, including interior and exterior photographs as necessary to convey the condition of the historic property and any character-defining features.
 - iii. Work specifications as submitted to the Preservation Coordinator for review.
 - iv. The changes recommended by the Preservation Coordinator.
 - v. An explanation for why the work could not be altered to meet the Secretary's Standards. If the Secretary's Standards could not be met because of lead abatement or other safety considerations, then data to document the hazard must be included as part of the materials submitted to the SHPOfficer.
- d. The SHPOfficer shall review the project and comment within thirty (30) calendar days from receipt.
- e. If the City cannot avoid an adverse effect, the City shall follow the process in Stipulation V.C.

2. **Public Improvement Projects.** The City shall ensure that public improvement projects impacting either historic properties or historic districts adhere to the Secretary's Standards. Public improvement projects include, but are not limited to, sidewalk improvement projects, re-paving of streets, installation of landscaping, street lighting, street furniture, and other infrastructure improvements. Site improvement projects affecting historic parks shall meet the standards in *Guidelines for the Treatment of Cultural Landscapes* (Heritage Preservation Services, National Park Service, 1996).

- a. If the project cannot meet the standards in the *Guidelines for the Treatment of Cultural Landscapes*, the City shall follow the process outlined in Stipulation V.C.

C. Relocation of Historic Properties.

- 1. If the historic property was originally located in a historic district, relocation within that same historic district, if feasible, is preferred.
- 2. If relocation within the same historic district is not possible, the City shall consult with the SHPOfficer to identify an acceptable alternate site prior to the relocation of historic properties. The new site shall be compatible with the historic structure being moved in terms of adjacent structures and uses of similar historic and architectural character and period of significance.
- 3. The City and the SHPOfficer shall consult per Stipulation XIXVII if the SHPOfficer objects to the proposed alternate site.

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4. If the SHPO~~fficer~~ approves the alternate site, the City shall ensure that the historic property is moved by qualified movers in accordance with recommended approaches found in *Moving Historic Buildings* (John Obed Curtis, National Park Service, 1979).
5. Following the historic property's relocation, the Commission and the SHPO~~fficer~~ shall consult as to the National Register eligibility of the property.

D. Accessibility

1. Where the removal of an architectural barrier under the Americans with Disabilities Act of 1990 (the "ADA") 42 U.S.C. § 12182(b)(2)(A)(iv) and other local and federal requirements for accessibility would cause an adverse effect to a historic property, the City shall explore alternative methods for providing accessibility to the historic property in accordance with 42 U.S.C. § 12182(b)(2)(A)(v). Access for historic buildings will be built in accordance with the ~~sSecretary's-of-the-interior's~~ Standards and should be placed on secondary elevations to the extent feasible and will not result in the removal of a historic building's significant architectural features per 28 C.F.R. § 36.405.
2. The design of accessible features shall be consistent with the Secretary's Standards, National Park Service *Preservation Brief No. 32: Making Historic Properties Accessible*, and the Department of Interior report entitled, *Access to Historic Buildings for the Disabled: Suggestions for Planning and Implementation* (Washington DC, Department of the Interior, 1980).
3. The City shall retain documentation regarding alternatives as part of the individual project files.
4. The City shall consult with the SHPO~~fficer~~ and provide all documentation of alternate methods of creating access when accessibility projects will have an adverse effect on the historic and/or architectural character of historic properties. Project materials submitted to the SHPO~~fficer~~ for review shall include:
 - a. The address of the historic property.
 - b. Photographs of the historic property, including interior and exterior photographs as necessary to convey the condition of the historic property and any character-defining features.
 - c. Work specifications as submitted to the Preservation Coordinator for review.
 - d. The changes recommended by the Preservation Coordinator.
 - e. An explanation for why the work could not be altered to meet the Secretary's Standards. If the Secretary's Standards could not be met because of lead abatement or other safety considerations, then data to document the hazard must be included as part of the materials submitted to the SHPO~~fficer~~.
 - f. The SHPO~~fficer~~ shall review the project and comment within thirty (30) calendar days from receipt.
5. If, after receiving comments from the SHPO~~fficer~~, the City cannot avoid an adverse effect, they shall follow the process outlined in Stipulation V.C.

E Demolition of Historic Properties

1. **Demolition of Ineligible Buildings.** Upon completion of the review process outlined in Stipulation V, the City may proceed with the demolition of properties determined ineligible for listing in the National Register without further review by the SHPO~~fficer~~.
2. **Non-Emergency Demolitions.** The City shall forward documentation regarding historic properties not covered under emergency demolitions in Stipulation VI.E.3 to the SHPO~~fficer~~ for review and comment.
 - a. Documentation shall include, at a minimum:
 - i. A completed SHPO Architectural Properties Identification Form.
 - ii. Photographs of all elevations and significant features.
 - iii. Historic photograph(s) of the property, if available.
 - iv. A brief history of the property including a statement of the historic and/or architectural significance of the resource meeting the criteria for listing in the National Register.
 - v. A structural report by a qualified structural engineer experienced with historic building structural systems or a qualified architect meeting the Secretary of the Interior's *Historic Preservation Professional Qualification Standards* ~~found in the attached hereto as~~ Appendix ~~CD incorporated in this Agreement~~.
 - vi. An explanation of how long the property has been listed on the City's Blighted Property List and/or Potential Demolition Cases List and why demolition is proposed.
 - vii. A summary of efforts undertaken by the City to rehabilitate and reuse the property.
 - viii. A summary of alternatives to demolition that were considered and why they were not used.
 - ix. The views of the local community.
 - x. Any proposed mitigation measures which shall be forwarded to the SHPO~~fficer~~ in a "two-party" ~~Memorandum of Agreement (MOA)~~ between the City of Kalamazoo and the State Historic Preservation Office.
 - b. Concurrent with submitting the information required in Stipulation VI.E.2.a. to the SHPO~~fficer~~, the City shall notify the ACHP of the adverse effect per 36 C.F.R. § 800.6(a)(1) and determine whether the ACHP wishes to be involved in consultation.
 - c. If the SHPO~~fficer~~ agrees with the proposed demolition of a historic property, the SHPO~~fficer~~ shall sign the "two-party" MOA and return it to the City for signature within thirty (30) calendar days following receipt of adequate documentation.

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- i. The City shall send the executed MOA to the ACHP per 36 C.F.R. § 800.6(b)(1)(iv).
 - ii. The City shall ensure that all mitigation requirements of the MOA are completed before allowing the demolition to occur.
- d. If the SHPO~~fficer~~ objects to the demolition, the City and the SHPO~~fficer~~ shall consult per Stipulation ~~XIXVII~~.

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3. Emergency Demolitions

- a. When the City determines that the emergency demolition of historic properties is required to comply with §9-329 of the City of Kalamazoo Code of Ordinance to avoid an imminent threat to the health and safety of residents, and federal funds are used for the demolition, the City shall forward documentation to the SHPO~~fficer~~ by express mail, and/or electronic mail with a request for comments within five (5) business days of SHPO~~fficer~~'s receipt of the project information. Documentation shall include, at a minimum:
 - i. A completed SHPO Architectural Properties Identification Form
 - ii. Documentation regarding the National Register eligibility of the historic property.
 - iii. Recent photographs of the property.
 - iv. Historic photograph(s) of the property, if available.
 - v. The address of the property and the nature of the emergency.
 - vi. A signed copy of the local order requiring that emergency demolition commence within thirty (30) calendar days or less.
- b. The SHPO~~fficer~~ shall notify the City in writing within five (5) business days following receipt of adequate documentation whether it approves the emergency demolition and what, if any, mitigation measures must be implemented prior to demolition (i.e. recordation, architectural salvage, etc.). The City shall ensure that, to the extent feasible, all mitigation measures are implemented and appropriate documentation forwarded to the SHPO~~fficer~~ and the ACHP within fourteen (14) calendar days following the completion of demolitionactivities.
- c. If the SHPO~~fficer~~ objects to the emergency demolition, the City and the SHPO~~fficer~~ shall consult per Stipulation ~~XIXVII~~.

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VII. NEW CONSTRUCTION AND ADDITIONS

- A. The City may proceed with new construction and additions if ~~p~~Projects are determined to be either outside of a historic district or are not adjacent to historic properties. This shall occur without further review by the SHPO~~fficer~~ upon completion of the review process outlined in Stipulation V.
- B. Proposals for new construction and additions either within or adjacent to a historic district or adjacent to historic properties will be developed in accordance with Standards 9 and 10 of the Secretary's Standards, attached ~~hereto as and incorporated into this Agreement as~~ Appendix D.

- C. If the Secretary's Standards cannot be met, the City will consult with the SHPOfficer under the process outlined in Stipulation V.C.

D. Infill Planning Process.

1. Preliminary plans shall be developed in consultation with the SHPOfficer. The SHPOfficer shall have thirty (30) calendar days from the date of receipt of an adequately documented project to review and comment on the plans and specifications.
2. Final plans and specifications shall be submitted to the SHPOfficer for review and comment prior to initiation of construction activities. The SHPOfficer shall have thirty (30) calendar days from the date of receipt of an adequately documented project to review and comment on the plans and specifications.

- E. **Review Process for Prototype Infill Housing.** If the SHPOfficer agrees that a prototype(s) design for infill construction within a neighborhood or historic district meets the Secretary's Standards, the City may request review and comment on construction projects using the prototype design without further review of the design documents by the SHPOfficer.

1. If the prototype(s) either cannot be followed or is otherwise modified, the City shall submit changed designs to the SHPOfficer for review and comment.

VIII. REDEVELOPMENT PROJECTS

- A. The City shall consult with the SHPOfficer during the preparation of redevelopment or urban renewal plans for a neighborhood, historic district, or target area. The City shall afford the SHPOfficer an opportunity to comment during the early stages of the planning process. The SHPOfficer shall evaluate the potential effect that the goals, objectives and implementation strategy of the plan will have on historic properties and respond to the City within thirty (30) calendar days. The SHPOfficer's comments shall be integrated into the plan or referenced in any resulting document before it is submitted for required local administrative reviews.
- B. The City shall consult with the SHPOfficer to determine whether the redevelopment or urban renewal plan should be implemented under the terms of this Agreement or whether a project-specific MOA should be developed in accordance with 36 C.F.R. § 800.6. The City shall notify the ACHP of the SHPOfficer's determination and, if appropriate, provide the ACHP with background documentation to initiate the consultation process.

IX. ARCHAEOLOGICAL RESOURCES

In the event that ground disturbing activities are planned as part of any rehabilitation, new construction, or site improvement project, the City shall consult with the SHPOfficer and Tribes to determine whether the project will adversely affect archeological resources.

- A. The City's archeological survey and SHPOfficer inventory forms shall be reviewed to determine if any National Register eligible resources are located on the project site.
- B. If the SHPOfficer or Tribes determine that an archeological survey is required, the City shall hire qualified archeologists to assist in the identification, evaluation and treatment of National Register eligible archeological sites. Archaeologists shall meet the ~~Professional Standards~~ Secretary of Interior's Historic Preservation Professional Qualification Standards as described in Appendix B, attached and incorporated into this Agreement.

- C. Any Research design or study plan s~~hall~~~~ould~~ be reviewed by SHPO~~fficer~~ and Tribes before any fieldwork for any project that covers more than 2 acres.

- D. If archeological resources meeting the National Register criteria are identified they shall, if feasible, be avoided or preserved in place.
- E. If the City determines that it is infeasible to preserve or avoid archeological resources, the City shall consult with the SHPO~~fficer~~ to develop a treatment plan consistent with the ACHP's publication, "Treatment of Archeological Properties: A Handbook" (ACHP, 1980) and current guidance on archaeology available on the ACHP website at <https://www.achp.gov/sites/default/files/documents/2018-11/Treatment%20of%20Archeological%20Properties-A%20Handbook-OCR.pdf> <http://www.achp.gov/archguide>. The City shall ensure that the plan is implemented by a qualified archeologist once it is approved by the SHPO~~fficer~~.

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X. TRIBAL CONSULTATION

- A. The City shall identify ~~Native American~~ Tribes with an interest in projects occurring in the City using HUD's Tribal Directory Assessment Tool.
- B. The City will initiate consultation with the Tribes regarding federal ~~U~~ndertakings that may affect properties of religious or cultural interest to provide the Tribes an opportunity to:
1. Identify concerns about ~~H~~istoric ~~P~~roperties.
 2. Advise on the identification and evaluation of ~~H~~istoric properties.
 3. Participate in the resolution of adverse effects and indicate any areas of concern with which the tribes wish to be advised of any individual ~~U~~ndertakings.
- C. In initiating consultation, the City will submit project information, including the following information via electronic mail to the Tribes with a request for comments within thirty (30) calendar days:
1. Address of property or properties to be reviewed.
 2. USGS 7.5' minute Topographic Quadrangle with the project location(s) clearly marked.
 3. Project type (demolition, rehabilitation, etc.).
 4. Brief description of the project site including size (acres) and any previous ground disturbance.
 5. Brief description of the ~~U~~ndertaking, including the length, width, and depth of any ground disturbing activities. ~~and~~
 6. Copies of any project-related correspondence the city has received from the SHPO~~fficer~~ or other Consulting Parties.
- D. If within thirty (30) calendar days there is no response or if no objections are raised by any of the Tribes, the City may proceed with the proposed ~~U~~ndertaking as outlined in ~~s~~Stipulation VI. If any ~~t~~Tribe objects to the proposed ~~U~~ndertaking, the City will consult further to try to resolve the objection or follow the dispute resolution process in ~~s~~Stipulation XVII.
- E. The City shall ensure, to the extent allowed by applicable laws, including Section 304 of the NHPA and Section 13(1)(o) of the Michigan Freedom of Information Act, M.C.L. § 15.243(1)(o), that its consultation with other consulting parties shall not include the dissemination of information that might risk harm to a ~~H~~istoric ~~P~~roperty or that might impede the use of any site by the Tribes, or that a Tribe has designated as confidential.

- F. The City shall consult on projects with all Tribes identified in Stipulation X.A pursuant to 36 C.F.R. § 800.2(c)(2).

XI. PUBLIC PARTICIPATION

- A. **Public Notice.** Each year the City shall notify the public of the City's current Program Activities and make available documentation about the City's Program for public inspection. Public notice shall include:
1. General information on the type(s) of activities undertaken with Program funds.
 2. Information on identified historic properties in communities which might be affected by the ~~Program~~ aActivities.
 3. The amount of Program funds available in the current program year.
 4. How interested persons can advise the City of any comments or concerns they may have about the Program aActivities.
 5. The effects of the City's Program aActivities on historic properties.
- B. Public notice will be provided to all neighborhood associations, the ~~Kalamazoo Historic Preservation~~ Commission, the Kalamazoo County Preservation Alliance, the Old House Network, and the SHPO officer.
- C. **Public Meetings.** Each year the City shall conduct a minimum of one (1) public hearing and comment period on the activities covered under this Agreement. An announcement of the public hearing and public comment period shall be provided via the public notice referenced in Stipulation XI.A. and published in the Kalamazoo Gazette or another regularly published general circulation publication and posted on the City's ~~of Kalamazoo~~ web page.
1. The public hearing may be incorporated into another meeting held by the City. However, the issues outlined in Stipulation XI.A.2. and Stipulation XI.A.5. must be specifically addressed at such meeting.
 2. The public hearing and comment period, shall address planned activities for the coming Program year from January 1 – December 31.
 - ~~3.~~ The public hearing and comment period shall also address the performance of Programs and the ~~Programmatic~~ Agreement. During the comment period, the

City's Consolidated Annual Performance and Evaluation Report (~~CAPER~~) and the City's Annual Action Plan covering Program Activities, as well as the Programmatic Agreement, shall be available for public inspection. The public shall also be invited to submit comments to the SHPO~~fficer~~ and the ACHP regarding the effectiveness of the Agreement.

~~D.~~ Program ~~a~~Activities involving identified historic properties shall be included on the agenda and discussed at Commission meetings which shall be open to the public for comment. The public shall receive notification through the Commission meetings.

~~D.~~

~~E.~~ If at any time during the implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised by a member of the public, the City shall take the objection into account and consult as needed with the objecting party, the SHPO~~fficer~~, or the ACHP to resolve the objection.

~~E.~~

XII. UNANTICIPATED DISCOVERIES

If previously unidentified ~~H~~historic ~~P~~properties (including both above ground buildings or structures and archaeological sites), human remains, or unanticipated effects, are discovered after the City has completed its review under this Agreement, no further work will proceed in the area of the discovery until the requirements of 36 C.F.R. § 800.13 have been satisfied. The City shall consult with the SHPO~~fficer~~, representatives of the Tribes, and appropriate ~~C~~onsulting ~~P~~arties to record, document, and evaluate the eligibility of the ~~H~~historic ~~P~~roperty for the ~~National Register~~RHP and the project's effect on the ~~H~~historic ~~P~~roperty. The City will consult with any participating Tribes that may attribute traditional cultural or religious significance to an affected ~~H~~historic ~~P~~roperty. If neither the SHPO~~fficer~~, the ~~C~~onsulting ~~P~~arties, or the Tribes submit any objection to the City's plan for addressing the discovery within five (5) business days, the City may carry out the requirements of 36 C.F.R. § 800.13 and must notify the ACHP only if there is an adverse effect. A template Unanticipated Discoveries Plan can be found in Appendix E attached hereto.

- A. STOP WORK. If any professional employee, contractor, or subcontractor believes that they have uncovered a historic property, object, or human remains at any point in the project, all work within 100 feet of the discovery must stop. The discovery location should be secured and monitored at all times to prevent looting. Minimize movement of vehicles and equipment in area immediately surrounding the discovery. For the unanticipated discovery of human remains, Native American funerary objects, sacred objects, items of cultural patrimony, or burial features, see procedures in Stipulation X.
- B. The monitor or construction manager will notify the Preservation Specialist (~~the~~ "PS"). The PS will make all calls and notifications to SHPO~~fficer~~ and ~~T~~ribal ~~L~~iaisons (~~the "Tribal Liasons"~~). ~~The a-~~ SHPO~~fficer~~ and identified ~~T~~ribal representatives will be invited to ~~eo~~observe the implementation of any proposed work.
- ~~C.~~ Within 24 hours, if possible, an ~~an~~-professional archaeologist ~~meeting the Professional Standards~~ will examine the location of the discovery.

~~C.~~

1. If the archaeologist determines that the discovery is not a historic resource, the archaeologist will immediately advise the PS. The archaeologist will submit a report

including photographs of the discovery site to the City ~~of Detroit~~ for distribution to the Tribal Liaisons and the SHPO fficer with a request for expedited review.

- ~~2.~~ If the archaeologist determines that the discovery is a historic or cultural resource, the archaeologist will immediately advise the PS. The PS will notify the SHPO fficer and

Tribal Liaisons by telephone and e-mail. The SHPOfficer will assign an Archaeological Site Number to the discovery.

- i. If the resource is determined to hold Tribal associations, the PS, archaeologist, SHPOfficer, and Tribal Liaisons will coordinate to determine appropriate preservation, excavation, and disposition of the discovery.
 1. If any photographs or sketches are collected of Native American human remains or funerary objects, disposition of all images, including electronic and physical copies, will be subject to consultation with Tribes and any digital files will be destroyed.
 - ii. If the resource is believed to represent National Register-of Historic Places significance, the archaeologist will prepare a proposal for data recovery and will request SHPOfficer and Tribal Liaison approval to immediately implement the work scope.
 - iii. If the resource is determined ineligible for inclusion on the National RegisterRHP, the archaeologist will document the discovery in a report (including photographs of the discovery site). The report must also include a completed site form for the discovery and an explanation of why they believe the resource is not significant. The archaeologist will formally request permission from SHPOfficer, and participating Tribal Liaisons, for construction to recommence.
- D. When the evaluation of the cultural resources is complete tThe City-of-Detroit will notify SHPOfficer, and participating Tribal Liaisons, by telephone and discuss the project archaeologist's opinion concerning the potential significance of the resource and next steps if mitigation is required.
- E. A final report on the findings will be provided to the PS, participating Tribal Liaisons, and the SHPOfficer upon completion.

XIII. DISCOVERY OF HUMAN REMAINS AND FUNERARY OBJECTS

- A. STOP WORK and notify law enforcement. If any professional employee, contractor, or subcontractor believes they have uncovered human remains, Native American funerary objects (associated and unassociated), sacred objects, items of cultural patrimony, or burial features at any point in the project (the "Discovery"), all work adjacent to the Discovery must stop. The location should be secured at all times. Discoveries of human remains and/or associated funerary objects shall comply with applicable state laws and standards (M.C.L. § 750.160, Michigan Attorney General Opinion 6585 Cemeteries and Dead Bodies, the Native American Graves Protection and Repatriation Act of 1990, additional guidance provided by the SHPOfficer and the Tribes, and the specific requirements detailed in Section B(5)(b) of aAppendix GE, attached hereto).
- B. Work must stop within a 300-foot radius around the Discovery and the City should set up fencing or other protective barrier and cover the remains for protection. Be careful not to further disturb the remains. Ensure the location is secure and monitor the location to prevent looting or vandalism.

~~C.~~—The law enforcement agency will then determine if the remains are human, and whether the Discovery constitutes a crime scene. If law enforcement determines that

the remains are human, they will also indicate if the remains are those of a prehistoric or historic ~~Native~~ American.

DC Within 48 hours of the Discovery, the City will notify the Tribes identified pursuant to Stipulation X of the Discovery by phone and then in writing via U.S. mail or electronic mail. This notification will include pertinent information regarding human remains, funerary objects, sacred objects, or items of cultural patrimony discovered inadvertently or in areas of prior disturbance, their condition, and the circumstances of the Discovery.

Commented [JWS9]: Tribes identified pursuant to Stipulation X?

1. No intentional excavation, public access, publicity, or analysis of human remains, or funerary objects suspected of being Native American in origin, will be conducted by the project archaeologist or any other professional without first consulting with the Tribes and securing their permission.

ED Within 24-hours of the time law enforcement releases the scene, if possible, a physical anthropologist with forensic experience or expertise or an archaeologist specializing in human osteology, or a forensic scientist will examine the human remains to determine if they are Native American or non-Native American. This shall be completed in coordination with federally recognized Indian Tribes and the SHPOfficer.

FE Photography shall/will be limited to those required for forensic examination and criminal investigations and the resultant photographs shall be kept secure. If any photographs or sketches are collected of Native American human remains or funerary objects, disposition of all images, including electronic and physical copies, will be subject to consultation with the Tribes and any digital files will be destroyed.

GE If skeletal remains are determined to be non-human and there is no archaeological association, the archaeologist making the determination (the "Project Archaeologist") will immediately advise the ~~Preservation Specialist~~, the Tribes, and the SHPOfficer, and once permitted construction may resume. The archaeologist will submit a letter report including photographs of the discovery site to the ~~Preservation Specialist~~ within fifteen (15) business days of the determination.

HE If the skeletal remains are non-human, but are associated with an archaeological site, the City will follow the steps described in Section A, of the Unanticipated Discovery Plan in Appendix GE.

HE If the skeletal remains are human and not associated with an archaeological context, the ~~Preservation Specialist~~ will notify the Tribes and the SHPOfficer.

JE If the skeletal remains are human and associated with an archaeological context the Project Archaeologist, the SHPOfficer, and the Tribes will coordinate to determine appropriate preservation, excavation, and disposition of remains.

KE When the evaluation of the human remains and/or cultural resources is complete, the City will notify the Tribes and the SHPOfficer by telephone or e-mail and discuss the Project Archaeologist's opinion concerning the potential significance of the resource and next steps if mitigation is required.

LE The Project Archaeologist will prepare and submit a final report on the findings to the Preservation Specialist, the Tribes, and the SHPOfficer upon completion.

ML Project activities on the site may only resume once the [Preservation SpecialistProject Archaeologist](#) has verified all steps to identify and evaluate the Discovery have been followed accordingly.

XIV. TECHNICAL ASSISTANCE AND TRAINING

To assist in carrying out the terms of this Agreement, the SHPO staff will provide technical assistance, consultation, and training as requested by the City. The City, assisted by SHPO, shall provide guidance documents to City staff and officials to assist in Agreement compliance.

XV. PROJECT COORDINATION

- A. Within ninety (90) calendar days following execution of this Agreement, the City, in consultation with the SHPOfficer, shall develop internal review procedures to ensure that Program Activities carried out by City departments, authorities, and agencies are implemented in accordance with the terms of this Agreement. Internal review procedures shall identify at a minimum how documentation will be submitted to the Preservation Coordinator, how the Preservation Coordinator will respond to requests for review, when consultation with the SHPOfficer and/or the ACHP will be triggered, how public comment will be obtained, and the documentation the departments are to retain in individual project files. A final copy of the procedures shall be submitted to the SHPOfficer.
 - 1. -If the internal review procedures are modified by the City, the City shall notify the SHPOfficer of the changes within thirty (30) calendar days.
- B. The City shall ensure that Program Activities related to historic properties, including the issuance of certificates of appropriateness, notices to proceed, building permits, construction permits, demolition permits, or the expenditure of federal funds are not implemented until the department, authority, or agency has received written clearance from the Preservation Coordinator or the SHPOfficer, as appropriate.

XVI. REPORTING REQUIREMENTS

A. Meetings and Reports.

- 1. A meeting between the City and the SHPOfficer and any consulting parties will be initiated by the City and held on an annual basis at least one (1) month prior to the beginning of the City's fiscal year on January 1.

In addition to providing the opportunity for ~~the Signatories~~~~parties to this Agreement~~ to review the specific information described in Stipulation XIV.A.3., the meeting described in this Stipulation will also provide ~~parties~~ an opportunity to assess the Agreement's overall effectiveness in addressing the preservation of historic properties within the City. Specifically, the meetings will provide ~~the parties~~ an opportunity to discuss the planning, design, review, and implementation of undertakings affecting historic properties within the City and to discuss and evaluate the following issues:

- a. Whether consultations, when required by this Agreement or carried out pursuant to 36 C.F.R. Part 800, have been initiated early enough in the planning process to ensure consideration of potential alternatives that avoid, minimize, or mitigate harm to historic properties.
 - b. Whether undertakings affecting historic properties within the City have adhered to the Secretary's Standards, unless otherwise provided under this Agreement.
 - c. Whether there has been effective coordination between the Preservation Coordinator and appropriate project managers and contract personnel assigned responsibilities affecting historic properties.
 - d. Whether problems or misunderstandings have arisen in the course of consultations, and if so, how these problems were resolved and how they could be avoided in the future.
 - e. How to increase the effectiveness of project selection criteria and/or contract performance requirements in contracts that involve work affecting historic properties to ensure appropriate treatment of such properties.
2. Participants from the City shall include staff from the CP&D, any other City departments that are administering HUD funds, and the ~~Historic~~-Preservation Coordinator.
 3. At least two (2) weeks prior to these meetings, the Preservation Coordinator will provide the consulting parties with the following information:
 - a. A summary of actions taken under Stipulations VI, VII, VIII, and IX. The summary shall contain:
 - i. Address and historic categorization. If the project is located in a historic district, the name of the district shall be included.
 - ii. A brief description of the proposed action.
 - iii. Determination of effect.
 - iv. Date of project review.
 - v. A list of properties determined in the reporting period to be individually eligible for listing in the National Register.
 - vi. A summary of any training given pursuant to Stipulation XII.
 - vii. Notification of any Preservation Coordinator staff changes.
 - b. A summary of any planning activities in the City subject to consultation with the SHPO~~fficer~~ per Stipulation XV.
 - c. A brief summary of any and all areas surveyed since the previous meeting.
 - d. A map indicating the area(s) surveyed since the previous meeting.

- e. A brief description of any and all historic districts determined eligible for listing in the National Register, including boundaries for the district(s).
 - f. A brief description of any and all areas determined ineligible for listing on the National Register, including boundaries for those area(s).
 - g. A description and the location of any and all local historic districts established since the previous meeting.
4. The ~~Signatories~~parties to this Agreement shall hold a meeting at least six months before the expiration date of this Agreement to determine whether this Agreement should be extended beyond December 31, 2033. The City shall notify the public of this meeting and shall invite the public to submit comments to the SHPOfficer and ~~the~~ ACHP regarding the effectiveness of the Agreement prior to the scheduled meeting.
- B. **File Retention.** The City shall retain individual project files containing determinations of eligibility, written authorization from the Preservation Coordinator, specifications and work write-ups, "before" and "after" photographs, the comments of the SHPOfficer, if applicable, and any other pertinent documentation for at least three (3) years following completion of any Program Activity.

XVII. PLANNING

- A. A copy of the City's 2025 Master Land Use Plan shall be provided to the SHPOfficer. The SHPOfficer may provide comments on the historic preservation provisions contained in the Master Land Use Plan to the City. If comments are received, the City shall take them into consideration should that document be amended.
- B. The City shall provide to the SHPOfficer a copy of any other planning efforts and programs that have the potential to affect historic resources. The SHPOfficer shall provide the City comments on the provisions contained in the plans that may affect historic resources within thirty (30) calendar days of receipt. The City shall make every effort to take those comments into account, should those documents be amended.

XVIII. COORDINATION WITH OTHER FEDERAL PROGRAMS

Should other Federal agencies provide financial assistance to the City to assist with the implementation of housing and community development projects, they may satisfy their Section 106 compliance responsibilities by accepting and complying with the terms of this Agreement. The City or the Federal agency shall notify the SHPOfficer and ~~the~~ Tribes in writing of its intent to adhere to this Agreement in lieu of case-by-case Section 106 reviews.

XIX. DISPUTE RESOLUTION

- A. If the City Program staff disagree with the Preservation Coordinator regarding the eligibility of a property or an area, whether an activity is exempt from review, whether the proposed treatment of a historic property is appropriate, or any other provision of this Agreement (~~including any objection by the SHPOfficer, the "Dispute"~~), the City shall consult with the SHPOfficer. The SHPOfficer shall review the ~~Dispute~~issue referred by the City and comment within thirty (30) calendar days.
- ~~B.~~ Should the SHPOfficer object to any proposed plans for action, the City shall consult with the SHPOfficer to resolve the ~~objection~~Dispute. If the City determines that the ~~Dispute~~objection cannot be

- B. resolved, the City shall forward all relevant documentation to the ACHP for action per 36 C.F.R. § 800.7(b).
- C. Within forty-five (45) calendar days following the receipt of adequate documentation, the ACHP shall either:
1. Provide the City with recommendations, which the City shall take into account in reaching a final decision regarding the ~~d~~Dispute (36 C.F.R. § 800.7(b)); or
 2. Notify the City that it shall comment pursuant to 36 C.F.R. § 800.7(c), and proceed to comment. Any ACHP comment provided in response to such a request shall be taken into account by the City in accordance with 36 C.F.R. § 800.7(c)(4) with reference to the subject of the ~~d~~Dispute.
- D. The ACHP's responses to such request shall be taken into account by the City in accordance with 36 C.F.R. § 800.7(c) with reference only to the subject of ~~the~~ ~~d~~Dispute; the City's responsibility to carry out all actions under this Agreement that are not the subject of the ~~d~~Dispute shall remain unchanged.

XX. TERM OF AGREEMENT

This Agreement shall take effect on the date it is signed by all ~~Signatories~~parties and shall continue in full force and effect until December 31, 2033 (~~the "Expiration Date"~~), unless otherwise terminated or extended. At any time in the six-month period prior to ~~the Expiration Date~~is date, the City may request in writing that the SHPO~~fficer~~ review the ~~City's~~ Program and consider an extension or modification to this Agreement. All parties to this Agreement must agree in writing to any extension for it to take effect.

XXI. AMENDMENTS AND MODIFICATIONS

Any ~~Signatoryparty~~ to this Agreement may request in writing that it be amended. Any amendment must be in writing and signed by all ~~Signatoriesparties to the Agreement~~. At any time in the six month period prior to the ~~Expiration Dateexpiration of the Agreement on December 31, 2033~~, the City may request in writing that the SHPO~~fficer~~ review the ~~City's~~ Program and consider a modification to this Agreement. The amendment shall take effect on the date a signed copy is filed with the ACHP.

XXII. TERMINATION

Any ~~Signatoryparty~~ seeking to terminate this Agreement must make the request in writing to all ~~sSignatories to this Agreement~~. Any party seeking termination must consult with all ~~sSignatories~~ thirty (30) calendar days prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the City will comply with 36 C.F.R. § 800.3 - 800.6 with regard to individual undertakings covered by this Agreement.

Execution and implementation of this Agreement evidences that the City has afforded the ACHP a reasonable opportunity to comment on the Program and that the City has taken into account the effects of the Program on historic properties.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK – SIGNATURE PAGE FOLLOWS

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

By: _____

Date: _____

By: Ryan Schumaker~~Martha MacFarlane-Faes, Deputy SHP Officer~~

Its: State Historic Preservation Officer
MICHIGAN STRATEGIC FUND

By: _____ Date: _____

Valerie Hoag, Fund Manager

CITY OF KALAMAZOO

By: _____ Date: _____

By: James Ritsema~~City Manager~~

Its: City Manager

Invited Signatory:

CITY OF KALAMAZOO COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

By: _____

Date: _____

By: Antonio Mitchell, Director,

Its: Community Planning and Development

MATCH-E-BE-NASH-SHE-WISH BAND OF POTTAWATOMI INDIANS,

By: _____

Date: _____

By: Melissa Brown

Its: Senior Director of Operations

Concur:

KALAMAZOO HISTORIC PRESERVATION COMMISSION

By:

_____ Date: _____

By: Kyle Hibbard

Its: ~~C~~Chairperson

APPENDIX A

DEFINITIONS AND ABBREVIATIONS

ACHP	The Advisory Council on Historic Preservation, an independent Federal agency that advises the President and Congress on historic preservation matters
ADVERSE EFFECT	The altering of a property in a manner that would diminish its integrity or alter the characteristics that qualify the property for inclusion in the National Register of Historic Places
CDBG	Community Development Block Grant
CP&D	City of Kalamazoo Community Planning and Development Department
COMMISSION	The Kalamazoo Historic Preservation Commission or the Kalamazoo Historic District Commission
ESG	Emergency Solutions Grants
HISTORIC PROPERTY	As set forth in 36 C.F.R. § 800, any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places
HOME	HOME Investment Partnerships Program
HUD	The United States Department of Housing and Urban Development
MOA	Memorandum of Agreement
NATIONAL REGISTER	The basic inventory of historic resources in the United States maintained by the Secretary of the Interior, also known as the National Register of Historic Places
PRESERVATION COORDINATOR	The City staff member who meets the professional qualifications as specified in the Secretary of the Interior's <i>Historic Preservation Professional Qualification Standards</i> , (48 FR 44738-9, September 29, 1983)
PROGRAM	Refers to all activities funded by HUD specifically covered by this Programmatic Agreement
RESPONSIBLE ENTITY	The entity that legally assumes HUD's federal agency responsibility for compliance with environmental review under 24 C.F.R. Part 58

SECTION 106	Refers to the section of the National Historic Preservation Act of 1966 and its resulting review process designed to ensure that impacts on historic properties are taken into account during Federal project planning and execution
SHPO fficer	The Michigan State Historic Preservation Officer
STANDARDS	The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildingspublished at 36 C.F.R. § 67
_TRIBE	Refers to a federally recognized Tribe having a government-to-government relationship with the U.S. government and possessing certain inherent powers of self-government and entitlement to certain federal benefits, services, and protections because of the special trust relationship.
UNDERTAKING	A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federalagency

APPENDIX B
ARCHEOLOGY AND HISTORIC PRESERVATION:
Secretary of the Interior's Standards and Guidelines
[As Amended and Annotated]

Professional Qualifications Standards

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 C.F.R., Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

- At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
- Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archeology

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

- At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
- At least four months of supervised field and analytic experience in general North American archeology, and
- Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Architectural History

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

- At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
- Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

- At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or

- At least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

APPENDIX C

PROGRAM ACTIVITIES NOT REQUIRING REVIEW

A. Public improvements

1. Reconstruction of roads where no change in width, surface materials, surface treatments, or vertical alignments of drainage is to occur.
2. Repair/replacement of existing curbs and sidewalks when located outside of designated historic districts.
3. Repair/replacement of water, gas, storm, and/or sewer lines if it occurs within the dimensions of the original trench and permanent impacts upon surface treatments or landscape features which contribute to the historic or architectural significance of the resource are avoided.
4. Tree plantings.
5. Repainting parking spaces or streets.
6. Items that require immediate attention to correct a threat to health or safety.
7. Installation of required public improvements under the ~~American with Disabilities Act (ADA)~~, if the design was previously approved by the SHPO officer.
8. Installation of detectable warnings required by the ADA.

B. Interior Rehabilitation

The following may proceed without review if permanent impacts upon interior elements or surface treatments that contribute to the historic or architectural significance of the buildings are avoided.

1. All plumbing rehab/replacement - includes pipes and fixtures.
2. Repair, replacement or cleaning of existing water heaters, heating systems (including ductwork and piping) and other appliances.
3. Electrical work.
4. Restroom improvements for handicapped access - provided that work is contained within the existing restroom.
5. Interior surface treatments (floors, walls, ceilings, and woodwork) provided the work is restricted to repainting, refinishing, re-papering, or laying carpet or linoleum and the feature is not significant to the integrity of the property.
6. Installation of insulation provided it is restricted to attics and crawl spaces, upper surfaces of existing ceilings and the ceilings are not dropped, and proper vapor barriers are used.
7. Repair or replacement of concrete basement floors and interior basement walls.
8. Installation of new kitchen and bath appliances, cabinets, counters, tubs, sinks and toilets.
9. Installation of smoke or carbon monoxide alarms.
10. Replacement of door locks.

C. Exterior Rehabilitation

1. Caulking, weather stripping and replacement of window glass with glass of the same surface qualities (color, texture, and reflectivity).
2. Installation or replacement of gutters and downspouts (if the color is historically appropriate for the period and style of the historic resource).

3. Flat or shallow pitch roof repair/replacement (shallow pitch is understood to have a rise-to-run ratio equal to or less than 3 inches to 12 inches), with no part of the surface of the roof visible from the ground.
4. New storm windows - provided they conform to shape and size of historic windows and that the meeting rail coincides with that of the existing sash. Color should match trim; mill finish aluminum is not acceptable.
5. Repair or repainting of existing storm windows.
6. In-kind replacement - the new features/items shall duplicate the material, dimensions, configuration and detailing of the existing of the following:
 - a) Porches – including railings, posts/columns, brackets, cornices, steps, and flooring,
 - b) Roofs,
 - c) Siding,
 - d) Exterior architectural details and features,
 - e) Windows - including the frame, panes and sash,
 - f) Doors,
 - g) Cellar/bulkhead doors.
7. Painting previously painted surfaces.
8. Repair or replacement of existing wheelchair ramps.
9. Repair, replace, or install new sidewalks or driveways located outside of designated historic districts.
10. Repair or replacement of chimneys with the same material, dimensions, and design.

APPENDIX D

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 C.F.R. 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall 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.

Appendix E

Unanticipated Discoveries Plan

Purpose

This document outlines the procedures to prepare for and address the unanticipated discovery of historic properties or human remains. It provides direction regarding the proper procedures to follow in the event that unanticipated cultural materials or human remains are encountered during construction. An unanticipated discovery can result when previously undocumented or unknown historic properties are discovered during the course of projects.

Cultural materials include human-made objects (both pre-contact and historic period) and features (e.g., foundation walls, hearths, middens, or other remnants of cultural activity) that are part of an archaeological site. Examples of cultural materials include:

- An accumulation of shell, burned rocks, or other food related materials
- Bones or small pieces of bone,
- An area of charcoal or very dark stained soil with artifacts,
- Stone tools or waste flakes (i.e., an arrowhead, or stone chips),
- Clusters of tin cans or bottles
- Logging or agricultural equipment that appears to be older than 50 years, Buried railroad tracks, decking, or other industrial materials.

Human remains are physical remains of a human body or bodies, including, but not limited to, bones, teeth, hair, ashes, and preserved soft tissues (mummified or otherwise preserved) of an individual.

Remains may be articulated or disarticulated bones or teeth. Any human skeletal remains, regardless of antiquity or ethnic origin, will at all times be treated with dignity and respect.

A. PROCEDURES FOR ARCHAEOLOGICAL DISCOVERIES

STOP WORK. If any employee, contractor, or subcontractor believes that he or she has uncovered cultural materials relating to an archaeological site at any point in the project, all work at and adjacent to the discovery must stop. The discovery location should be secured at all times. Minimize movement of vehicles and equipment in area immediately surrounding the discovery.

1. Contact.

- a. If the discovery does not appear to be human remains, the applicant will contact the City and the City will notify the SHPOfficer/THPO of the discovery and the possible actions within two business days of discovery if the discovery occurs Monday through Friday.
- b. If the discovery occurs during a weekend or Federal holiday, the City will

notify the SHPOfficer/THPO on the first working day after the weekend and/or holiday. The SHPOfficer/THPO will respond within 48 hours of the notification or on the first working day if preceded by a weekend or holiday.

- c. The City will take into account the SHPOfficer's/THPO's recommendations and advise the Applicant to carry out appropriate and specific actions
2. **Evaluate.** Archaeological discoveries will be identified and evaluated by a qualified professional who shall meet, at a minimum, the Secretary of Interior's Professional Qualification Standards (44 FR 44738-9) for archeologists. The professional archaeologist will examine the location of the discovery. All work to evaluate significance and Project effects will be confined to the Project's potential area of impact. The costs of such professional services will generally be the responsibility of the Applicant.
- a. If the archaeologist determines that the discovery is not a cultural resource, the archaeologist will immediately advise the City in writing and will notify the SHPOfficer/THPO of their findings.
 - b. If the archaeologist determines that the discovery is a cultural resource, the archaeologist will immediately advise the City and the City will notify the SHPOfficer/THPO. The SHPOfficer will assign an Archaeological Site Number to the discovery.
 - i. If the resource is not significant, the archaeologist will document the discovery in a report (including photographs of the discovery site). The report must also include a completed site form for the discovery and an explanation of why they believe the resource is not significant. The archaeologist will formally request permission from the City and SHPOfficer/THPO for construction to recommence. SHPOfficer and identified tribal representatives will be invited to observe the implementation of any proposed work.
 - ii. If the resource is believed to be significant, the archaeologist will document the discovery in a report (including photographs of the discovery site). The report must also include a completed site form for the discovery and an explanation of why they believe the resource is significant and a proposal for mitigation or data recovery. Then based on this information, the City and SHPOfficer/THPO will consider mitigation efforts.

3. **Mitigate.**

- a. For resources that are deemed significant, the City and its Applicant will consult with the SHPOfficer/THPO on measures to avoid further impacts to the discovery. If the SHPOfficer/THPO does not object to the City's recommendations, the City will require the Applicant to modify the project design plans to implement any recommendations.
- b. If the SHPOfficer/THPO objects to the recommendations, the City and the

SHPOfficer/THPO will consult further to resolve the objection through actions including, but not limited to, identifying project alternatives that may result in the undertaking having no adverse effect on historic properties. The costs of such recovery and recordation will generally be the responsibility of the Applicant.

- c. When an Applicant's project cannot be modified and will have adverse effects on an archaeological property, the City may treat the adverse effect by providing for the recovery of significant information through archaeological data recovery or other scientific means. To accomplish this objective, the City will follow the ACHPCouncil's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" published in the Federal Register (64 FR 27085, May 18, 1999); and consult with the other consulting parties to prepare a data recovery plan, including material and record curation provisions. A report of data recovery efforts must be completed and submitted to the SHPOfficer/THPO for review.
- d. For sites where the City determines other treatment measures are appropriate, the City will consult further with the other consulting parties to develop an appropriate approach to resolving the adverse effects.

B. PROCEDURES FOR THE DISCOVERY OF HUMAN SKELETAL MATERIALS AND ASSOCIATED FUNERARY ITEMS

STOP WORK. If any employee, contractor, or subcontractor believes that he or she has uncovered skeletal remains at any point in the project, all work within a 300 foot radius of the finding must stop. The discovery location should be secured at all times with fencing or protective barriers to secure location. Minimize movement of vehicles and equipment in area immediately surrounding the discovery.

1. Contact.

- a. Notify the appropriate local law enforcement agency and the City immediately. Law enforcement will then determine if the remains are human, and whether the discovery constitutes a crime scene.
- b. If the police determine that human remains represent evidence of a crime or missing person, they will complete their investigation.
 - i. If skeletal remains are determined to be non-human and there is no archaeological association, then the City will notify SHPOfficer/THPO and work can proceed.
 - ii. If the police determine that human remains do not represent evidence of a crime or missing person, but an archaeological burial site, then the City will notify SHPOfficer/THPO and in consultation with the SHPOfficer/THPO a recovery plan will be developed. In most cases, it is preferred that burial sites be preserved, adequately documented, and maintained in place. If this is not possible, the remains and any associated materials would need to be moved for their protection. The following sequence of steps will be employed if it is not possible to preserve and maintain an inadvertently discovered burial in place:

2. Document.

- a. A qualified archaeologist experienced in human remains recovery shall document and recover the remains and any related materials that may be present. Archaeological expertise is important in documenting the discovery context and evaluating whether the remains are isolated or if additional remains may be immediately present. Archaeological recovery may be done under the auspices of law enforcement. If law enforcement chooses not to be involved, a permit for disinterment must be obtained from the local Department of Public Health, or through a court order.
 - i. Documentation and recovery shall be respectful and conducted out of public view, to the extent possible.
- b. As soon as possible, the remains shall be examined by a physical anthropologist using standard non-invasive methods and procedures to create a basic biological profile and estimate ethnicity. Known or suspected Native American Ancestors or other materials subject to [the Native American Graves Protection and Repatriation Act of 1990 \("NAGPRA"\)](#) will not be moved, touched, or further disturbed after discovery until completion of Tribal consultation or emergent circumstances arise.
- c. If it can be determined immediately that a discovery is, or has the potential to be, a Native American Ancestor and/or other materials subject to NAGPRA (i.e., associated or unassociated funerary objects, sacred objects, and objects of cultural patrimony), the THPOs will be notified within 48 hours of discovery and potential identification. Tribal notification and consultation will be coordinated by the City and SHPO [officer](#). After notification and initial consultation, consulting Tribes may request that all federally recognized Tribes likely to be culturally affiliated with the discovery be notified in writing by mail or email and further consultation initiated regarding the cultural affiliation, care, handling, excavation (if necessary), and/or disposition per NAGPRA.
- d. Accommodations will be made for traditional or ceremonial practices in association with discoveries. Consulting Tribes will be afforded opportunities to employ proper traditional cultural practices and treatments during periods of non-Tribal holding of discoveries.
- e. Photographs shall not be taken, except when necessary for identification and documentation. Tribes may request that any photographs of Native American Ancestors or other materials subject to NAGPRA be destroyed or repatriated at the end of the project.
- f. Pending consultations, documentation of the discovery will include a written description, mapping and sketching, and precise GPS coordinates. This documentation will be curated with other project records and not be published or made publicly available in any way.
- ~~g.~~ To ensure the protection, preservation, and proper respectful treatment of any discovered materials, pursuant to applicable law, the nature and location of any discovery shall remain confidential as best as reasonably possible given the circumstances and location. Only those persons and entities identified in this plan shall be notified of the discovery or given

information about the discovery. The City and related

contractors will ensure all staff and consulting personnel are appropriately trained for their respective roles in implementing this plan.

h.g. The permanent care of Native American Ancestors and materials subject to NAGPRA will be determined by the appropriate Tribe or Tribes in consultation with the SHPO fficer.

3. **Reporting.** Draft and final archaeological reports, with related physical anthropological reports and law enforcement case documentation appended, will be submitted to the City, SHPO, and consulting THPOs.

Contact Information

Kalamazoo County Sheriff
Richard C Fuller III
1500 Lamont Avenue Kalamazoo, MI 49048
Non-Emergency Dispatch: [269-488-8911](tel:269-488-8911)

Kalamazoo Police Department
Emergency Line: 911
Non-Emergency Line: 269-337-8123

State Historic Preservation Office
Sarah Surface-Evans, Ph.D., RPA
Senior Archaeologist
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surfaceevanss1@michigan.gov

City of Kalamazoo Historic Preservation Coordinator
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Ottawa Tribe of Oklahoma
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Sac and Fox Nation (Oklahoma)
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Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
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Kickapoo Tribe of Oklahoma
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Kickapoo Traditional Tribe of Texas
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Citizen Potawatomi Nation
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Prairie Band Potawatomi Nation
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16281 Q Road, Mayetta, KS 66509

Kalamazoo Historic Preservation Commission's Core Values:

Diversity, Equity and Inclusion, Education, Sustainability, Stewardship

- I. **Goal: Determine if and how the KHPC may contribute to the City of Kalamazoo's [Ransom Street Reconstruction](#) project.**

Committee Leader: ???

Committee Members: ???

1. Understand the project's goals and progress to date.
2. Identify neighborhood, CoK and other stakeholders working with the project.
3. Meet with stakeholders by April 2024 to determine ways the HPC might assist.
4. identify Next steps, if any, as determined according to need, and which needs fall within the KHPC's Duties.
5. Make a monthly Committee status report in writing for KHPC meetings, when necessary.

Estimated Completion Date: July, 2024

Core Value Alignment: DEI

Ordinance Duties Alignment: (Potentially, 3, 6, 7)

II. Goal: Develop relationships with under-represented community groups within the City of Kalamazoo for the purpose of learning those group's missions and goals, and sharing the KHPC's core values, activities and duties.

Committee Leader: ???

Committee Members: ???

1. Create a list of under-represented community groups within the City of Kalamazoo.
2. Create a "one pager" document that explains what the Historic Preservation Commission is and its duties, including a list of ways (generally) that the KHPC can assist.
3. Attend a meeting held by each organization to make introductions and understand that organization's mission and goals (bring the list to the meetings and plan to listen well).
4. Consider ways in which historic preservation can be mutually beneficial.
5. Make a monthly Committee status report in writing for KHPC meetings, when necessary.

Estimated Completion Date: Fall 2025

Core Value Alignment: DEI, Education

Ordinance Duties Alignment: 6, 7

III. Goal: Hold two Grave Issues Squad cleanings before October 31st 2024

Committee Leader: Kyle Hibbard & Ryan Walker

Committee Members: ???

1. Take inventory of cleaning supplies (and purchase more if necessary).
2. Schedule grave cleaning events.
3. Send out communications for each cleanup, targeting the following:
 - a. Neighborhood associations
 - b. Social Media
 - c. Try for print material
 - d. Local schools
4. Host events, ensuring supplies are handed out and new attendees are familiarized with the process of grave cleaning, as well as the core values and duties of the KHPC.
5. Develop materials that enhance the gravestone cleaning experience and help connect people to the experience, like research-based storytelling and interpretation.
6. Make a monthly Committee status report in writing for KHPC meetings, when necessary.

Estimated Completion Date: October 31, 2024

Core value alignment: DEI, education, stewardship

Ordinance Duties Alignment: 6

IV. Goal: Host (or co-host) 1 (?) educational workshops in historic districts within the city of Kalamazoo by the end of the fiscal year.

Committee Leader: Lenae Powell-Wilson

Committee Members: ???

1. Identify relevant topics by working with community members.
2. Identify community partners.
3. Plan events.
4. Provide outreach.
5. Make a monthly Committee status report in writing for KHPC meetings, when necessary.

Estimated Completion Date: ???

Core Value Alignment: Education, Stewardship

Ordinance Duties Alignment: 6

V. Goal: Hold a nomination for Preservation Awards and have a ceremony for the winners.

Committee Leader: ???

Committee Members: ???

1. Consider creation of new categories that highlight underrepresented communities.
2. Publicize and email out award nomination forms.
3. Make decisions and vote on award winners.
4. Put together videos of the award winners for use at the awards event.
5. Complete preservation awards event during month of May.
6. Report to the KHPC on the event.
7. Create further programming for Preservation Month that can align with other KHPC goals and duties, including workshops, presentations on the findings of the SHPO project, etc.
8. Make a monthly Committee status report in writing for KHPC meetings, when necessary.

Estimated Completion Date: May 2024

Core Value Alignment: Education, Stewardship, DEI

Ordinance Duties Alignment: 6

VI. Goal: Manage grants and gifts programs for the O'Connor Fund

Committee Leader: Pam O'Connor

Committee Members: Katherine White, Kyle Hibbard

1. Invite the KZCF Donor Relations Officer to speak to the KHPC about how the Fund works.
2. Implement a Spending Policy for the O'Connor Fund's use, using 6-25-23 draft to begin
3. Publicize the new spending policy on the City's O'Connor Fund Web Page
4. Manage the recently developed and revised O'Connor Fund grant programs for preservation rehabilitation and planning, and make grants as appropriate.
 - Revise the calendar for grant-making
 - Hold informational meeting early in the year for potential applicants.
 - Open the grant round and publicize.
 - Close the grant round and review applications.
 - Select grantees if appropriate.
 - Publicize grants made, per the calendar.
5. Using the new Spending Policy, consider and investigate options to financially support historic preservation programs for the City of Kalamazoo, including means to help develop a more inclusive and diverse Kalamazoo history as it relates to preserving important buildings, places, people and culture in general.
6. Write, print, stuff, stamp & and mail annual O'Connor Fund solicitation in early November.
7. Make a monthly Committee status report in writing for KHPC meetings, when necessary.

Estimated Completion Date: Annual, Ongoing

Core Value Alignment: Diversity, Equity and Inclusion, Education, Sustainability, Stewardship
Ordinance Duties Alignment: 1, 5, 6, 7

VII. Goal: Develop finance ad hoc group for financial understanding and disbursements decision-making.

Committee Leader: Patrick Vail & Katherine White

Committee Members: None.

1. Gain a better understanding of the current financial situation in the KHPC's city-held account through meetings with appropriate parties from the City of Kalamazoo
2. Gain a better understanding of the O'Connor Fund accounts held at the KZCF, possibly by meeting with a representative (see Goal VI. for more detail).
3. Develop guiding financial principles and policies for monitoring and understanding the KHPC's monthly financial report, including a policy for making transfers to and from the O'Connor Fund.
4. Make a monthly Committee status report in writing for KHPC meetings, when necessary.

Estimated Completion Date: September, 2024

Core Value Alignment: Sustainability, Stewardship

Ordinance Duties Alignment:

VIII. Goal: Complete the process of listing Kalamazoo City Hall as a local historic district in 2024.

Committee Leader: Kyle Hibbard

Committee Members: Luis Pena, Pam O'Connor

1. Review what has occurred to date.
 - a. Confirm SHPO's advice to proceed with designation under the current ordinance appointing the KHPC as the Study Committee.
 - b. Review minutes from public meeting from **9/14/2022**

(Pam's note: Here is the remainder of the process that follows the above, as I understand it – we may have to **begin again**)

1. Study Committee has up to **1 year after the public hearing to submit a final report (we are past that deadline now)** to the local legislative body (The City Commission.)
2. Local legislative body (City Commission) votes to approve or reject the proposed historic district
3. A historic district ordinance must be adopted and a historic district commission appointed at the time the historic district is approved
4. Property owners apply to Commission for a Certificate of Appropriateness (COA) before undertaking work in the historic district
5. Make a monthly Committee status report in writing for KHPC meetings

Estimated Completion Date: September 2024

Core Value Alignment: Education, Sustainability, Stewardship

Ordinance Duties Alignment: 1, 5