

CITY OF THE VILLAGE OF CLARKSTON

PROPOSED HISTORIC DISTRICT COMMISSION CHARTER AMENDMENT

Some people think the Clarkston Historic District Commission has strayed from a focus on assisting homeowners with historic preservation and has refocused on strict enforcement of nebulous standards, threatening some homeowners, imposing onerous and expensive conditions, and seeking authority to fine homeowners thousands of dollars. We think there should be clearer specifications and limits on what the Clarkston Historic District Commission (HDC) can regulate and how it can spend citizens' tax dollars. Citizens for a Sensible Historic District Commission is petitioning for a charter amendment that would do that. You can see all the detailed provisions at <https://www.clarkstonsecrets.com/hdc-charter-proposal/>. Here is a summary of what the proposal would require:

Policy It is the city policy that the HDC always act reasonably and courteously and refrain from taking onerous or unreasonable enforcement actions. A majority of commission members should meet the qualifications required by law of having "a clearly demonstrated interest in or knowledge of historic preservation" rather than just some generalized interest.

Meetings The HDC must hold its meetings in public, including prior notice and an opportunity for anyone to attend. This includes site visits and inspections. Issuing notices without a vote at a public meeting must stop. Banning the city manager from meetings must stop. The HDC must promptly post recordings of meetings and draft and final minutes.

Records No more "lost" files or throwing out applications after they are processed. The city clerk must keep all HDC records and they must be publicly available by property address.

Authority The HDC can only regulate the exterior of structures—what is visible from the street. Not open spaces, plants, trees, landscaping, fences. It can't insist on an application to do repairs that don't change the exterior appearance or to do ordinary maintenance. Property owners decide that. No stop work orders. No recordings with the register of deeds. If the HDC wants to take enforcement action, it must first discuss the matter with the property owner. If they can't agree, they must mediate the dispute. If discussion and mediation don't resolve the matter, the city council decides. The city council must expressly approve court or State Historic Preservation Review Board enforcement, if it comes to that. The city council must specifically approve HDC expenditures on commission enforcement proceedings.

Removal HDC members can be removed for misconduct in office, including violating the terms of the charter amendment. There will also be a complaint procedure. The city council will hear and resolve complaints.