

**Timeline of East Lansing city government actions on Oakwood History Boundary issue:**

This table compares (1) the requirements of Michigan state statute [MCL 399.214](#), which allows for the modification of historic district boundaries, and [MCL 399.203](#), which sets out the process by which modification of boundaries can occur, to (2) actions taken by the government of the City of East Lansing in regards to attempts to change the boundaries of the Oakwood Historic District. It was prepared by Alice Dreger.

The yellow highlighting in the table notes possible **problems with procedures taken**, including most notably:

- During the time the boundary study committee was working, it did not have the five members required by the appointing resolution.
- The boundary study committee was subject to the Open Meetings Act, but did not follow it.
- The State Historic Preservation Office (SHPO), which received the preliminary report four months after it should have, found that the boundary study committee’s preliminary report failed to meet the statutory requirements.
- The boundary study committee was supposed to rework the preliminary report to produce a final report, taking into account feedback from the Planning Commission, SHPO, and the public hearing, *before* Council took up an ordinance to make changes to the boundaries. But **such a final report was never produced by the committee**, and Council took up deliberation of an ordinance anyway.
- The boundary study committee had only one year from the date of its public hearing on 11/28/18 to get the final report done, unless Council voted to allow more time on that. Council never voted to extend the period available to the boundary study committee to produce the final report.
- The Council was also supposed to finish its work on the ordinance within one year of the boundary study committee’s public hearing (11/28/17) unless it voted to extend the period for consideration of an ordinance. The first time it specifically voted to enact an extension was on 12/17/19, over a year after the public hearing and without any final report ever having been produced by the committee, as required.

Action described in <a href="#">MCL 399.203</a> and <a href="#">MCL 399.214</a>	Date occurred	Action	Notes
Appointment of a historic district boundary study committee	11/6/13	City Council passed resolution appointing the History District Boundary Study Committee	<ul style="list-style-type: none"> <li>• The resolution by City Council forming the boundary study committee (see <a href="#">minutes</a>) called for 5 members. But the study committee included only at most 4 people, and the draft report submitted to the State Historic Preservation Office (SHPO) was completed by only 3. Email from City staff Pablo Majano dated 11/8/16: “At the time the committee began its study one member resigned [because] after a change in employment he no longer met the qualifications to act on the committee.” Another member, James Robertson, discontinued work with the committee due to personal reasons and has said in public forums that he is dismayed to see his name on the report.</li> </ul>

			<ul style="list-style-type: none"> <li>The boundary study committee appears to have been subject to Michigan’s Open Meetings Act (OMA), yet there does not seem to have been appropriate public noticing, public meetings, or minuting.</li> </ul>
The boundary study committee is to “transmit copies of the preliminary report for review and recommendations to the local planning body, to the department, to the Michigan historical commission, and to the state historic preservation review board.”	9/12/18	Planning Commission discussed the 3-member committee’s preliminary report	See <a href="#">meeting minutes</a> .
“Not less than 60 calendar days after the transmittal of the preliminary report, the committee shall hold a public hearing...”	11/28/18	The 3 remaining members of the study committee held a public hearing (properly noticed)	A <a href="#">recent letter from City Attorney Tom Yeadon</a> incorrectly states this had to happen within 60 days.
As noted above, the boundary study committee is supposed to “transmit copies of the preliminary report for review and recommendations to the local planning body, to the department, to the Michigan historical commission, and to the state historic preservation review board.”	1/18/19	SHPO was provided the preliminary report	<ul style="list-style-type: none"> <li>This transmission to SHPO happened over 4 months after the preliminary report was transmitted to the Planning Commission, and almost 2 months after the study committee’s public hearing. The statute appears to anticipate it would have properly been transmitted at the same time the transmission to the Planning Commission occurred. (Source of transmission date is <a href="#">SHPO’s response letter</a>.)</li> <li>It is not clear if all the state units named in the statute were provided the preliminary report as required.</li> </ul>
	1/24/19	SHPO provides comments on the study	<a href="#">Letter from SHPO</a> calls the quality of the maps “poor”; criticizes what is presented as “historical context”; says they haven’t met the requirements of a study committee; notes much key information is missing; refers to

		committee's preliminary report	"a red flag that something is amiss"; disagrees with the recommendation to take out the West Village condos; etc.
"After the date of the public hearing, the committee and the legislative body of the local unit shall have not more than 1 year, unless otherwise authorized by the legislative body of the local unit, to take the following actions: (a) The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the legislative body of the local unit."	[should have happened by 11/28/19]		<ul style="list-style-type: none"> <li>This never happened; the committee never prepared a revised report according to Dan Bollman, Chair of the Planning Commission and member of the boundary study committee.</li> </ul>
"After the date of the public hearing, the committee and the legislative body of the local unit shall have not more than 1 year, unless otherwise authorized by the legislative body of the local unit, to take the following actions: ... (b) After receiving a final report that recommends the establishment of a historic district or districts, the legislative body of the local unit, at its discretion, may	Done on 2/26/19, out of step	Council began the process of possible ordinance change, holding a public hearing on draft Ord. 1446, aimed at changing the Oakwood boundaries	<ul style="list-style-type: none"> <li>Draft legislation was erroneously introduced without a final report having been produced by the boundary study committee.</li> <li>It appears that the only thing that changed between the <a href="#">preliminary report given to the Planning Commission on 9/12/18</a> and the <a href="#">version of the report given to Council</a> is the addition of two pages (marked as pages 3-4) containing pre-existing "One Pager Plus" boilerplate on historic district rules <a href="#">from the City's website</a>. These two pages were added by staff, not the boundary study committee.</li> <li>The draft ordinance that was considered at the 2/26/18 Council meeting is <a href="#">here</a>.</li> <li>The draft ordinance incorrectly referred to modifying the boundaries of the Colleeville Historic District. (This error persisted until Jim Robertson pointed it out.)</li> </ul>

introduce and pass or reject an ordinance or ordinances.”			<ul style="list-style-type: none"> <li>• The Council deferred approval of the ordinance to 4/9/19.</li> </ul>
same as above (on legislative action)	4/9/19	Still without a final report from the boundary study committee, something that was supposed to happen before legislative action, Council took up Ord. 1446 again.	There was a unanimous vote to defer approval of Ord. 1446 to 5/7/19, per <a href="#">minutes</a> .
same as above (on legislative action)	5/7/19	Still without a final report, something that was supposed to happen before legislative action, Council voted on what it wanted from a revised Ord. 1446	<ul style="list-style-type: none"> <li>• <a href="#">Minutes say</a> that Council voted 4-1 “to approve the document titled ‘ADD ON: Map Alternate’ on Granicus.”</li> <li>• The video recording shows the motion was this: “Move we adopt the splotch – that we remove the yellow area of the map on front us from the historic district.”</li> <li>• The “splotch” shown on the map was a significantly deeper cut into the existing district than anything the boundary committee had recommended in the preliminary report. (They called this 1446a.)</li> <li>• Note: this was not a vote on the actual ordinance because staff had not prepared an ordinance with these boundaries. The plan was to vote through the actual ordinance, probably on a consent agenda, at a date soon thereafter.</li> <li>• For reasons never explained, no further action was taken until seven months later, on 12/10/19, by which time a new Council had been seated. A new ordinance has never been adopted.</li> </ul>
	11/5/19	A new Council was elected by East Lansing voters	Two new members were seated on the Council of five. (The two were elected on promises of transparency and appropriate adherence to legislative processes.)

same as above (on legislative action)	12/10/19	Still without a final report, something that was supposed to happen before legislative action, the newly-seated Council takes up Ord. 1446	The new Council discussed Ord. 1446 and 1446a (the May 2019 idea), and one member, Mark Meadows, proposed an even more aggressive cut into the existing boundary than had been considered before (now called 1446b). <a href="#">Info on pp. 1-2 here.</a>
same as above (on legislative action)	12/17/19	Council voted to “extend the approval period for the Oakwood Historic District Boundary Study and defer consideration” of the ordinance to 1/21/20	<ul style="list-style-type: none"> <li>• This happened on the consent agenda, per <a href="#">the minutes</a>.</li> <li>• Note this appears to be the first time Council has explicitly voted on an extension of the approval period, and they seem to do so because citizen Jim Robertson – who had resigned from the study committee – had pointed out to them that they hadn’t followed the statute and the year had expired.</li> <li>• By this point, it is over one year since the public hearing of the study committee, and there’s never been a final report as required before legislation is considered.</li> </ul>
	1/9/20	East Lansing Historic District Commission chose, on its own accord, to make a recommendation	Frustrated by what is happening in terms of the talk of aggressively cutting into the district, members of the East Lansing Historic District Commission voted unanimously to recommend Council remove <i>only</i> a small group of properties on the southeast corner of the district. This option comes to be called Ord. 1446c. <a href="#">Info on p. 2 here.</a>
	1/14/20	At a work session, Council discussed the matter again.	Minutes are <a href="#">here</a> . The plan at this point was to hold another public hearing at Council and vote on 1/21/20.
	1/21/20	Council voted to extend consideration	<ul style="list-style-type: none"> <li>• Mayor Pro Tem Aaron Stephens asked, “Was there an original extension?” following up on a public-comment from Alice Dreger about the one-year period. City Manager George Lahanas replied, with the City Attorney in agreement, that it was extended by a vote at the 12/17/19 meeting. <b>But that was after the one-year expiration date.</b></li> </ul>

			<ul style="list-style-type: none"> <li>• Council Member Meadows asked, following up on another public-comment question from Dreger, if there was ever a final report. The City Attorney Tom Yeadon said, “I haven’t been involved in that process.” The City Planning Director Tom Fehrenbach said, “My understanding is that it was transmitted to the Council, which would indicate that it was finalized.” But mere transmission of the preliminary report to City Council by City staff is not what the statute would anticipate constitutes finalization of a report by the boundary study committee. Meadows asked Fehrenbach to find out more before it’s taken up again.</li> <li>• Council votes to extend it and take it up again on 2/11/20.</li> </ul>
	2/11/20	Council due to take it up again.	Mayor Ruth Beier has stated the Council can do whatever it wants to the borders after the report is finalized, and has said she believes it can remove properties in several rounds of legislation. She bases this on advice from the City Attorney.