

HISTORIC DISTRICT COMMISSION

Manistee County Historical Museum
425 River Street
Manistee, MI 49660

MEETING MINUTES

March 15, 2007

A Meeting of the Manistee City Historic District Commission was held on Thursday, March 15, 2007 at 4:00 p.m. at the Manistee County Historical Museum, 425 River Street, Manistee, Michigan.

Meeting was called to order at 4:20 p.m. by Jon Rose

ROLL CALL:

Members Present: David Carlson, T.Eftaxiadis, Teena Kracht, Kelly Niles, John Perschbacher, Dennis terHorst

Members Absent: Vacancy

Others: Steve Harold (Manistee County Historical Museum), Jon Rose (Community Development), and Denise Blakeslee (Planning & Zoning)

APPROVAL OF AGENDA:

MOTION by T. Eftaxiadis, seconded by Kelly Niles that the Agenda for the March 15, 2007 Meeting be approved.

MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by John Perschbacher, seconded by T. Eftaxiadis that the Minutes of the March 1, 2007 Organizational Meeting be approved.

MOTION PASSED UNANIMOUSLY

NEW BUSINESS:

Review/Approval of By-Laws

By-Laws have been drafted for the Historic District Commission. The Commission will have reviewed and made changes to the draft By-Laws and deemed them ready for adoption (copy attached).

MOTION by John Perschbacher, seconded by T. Eftaxiadis that the By-Laws for the Historic District Commission be adopted with the changes discussed.

MOTION PASSED UNANIMOUSLY

Election of Officers

Chair

The Historic District Commission held an election of Officers for 2007. Jon Rose asked for nominations for Chair.

T. Eftaxiadis nominated Teena Kracht to serve as Chair for the Historic District Commission for 2007.

Teena Kracht nominated John Perschbacher to serve as Chair for the Historic District Commission for 2007.

Nominations were asked for three times and there being no further nomination nominations were closed.

John Perschbacher moved that Teena Kracht be unanimously appointed as Chair.

MOTION PASSED UNANIMOUSLY (Teena Kracht will serve as Chair for 2007)

Vice Chair

Jon Rose turned the meeting over to Teena Kracht. Chair Kracht asked for nominations for Vice Chair.

T. Eftaxiadis nominated Dennis terHorst to serve as Vice Chair for the Historic District Commission for 2007.

Kelly Niles nominated John Perschbacher to serve as Vice Chair for the Historic District Commission for 2007.

Nominations were asked for three times and there being no further nomination nominations were closed.

After a tie vote. Dennis Terhorst asked to be withdrawn. John Perschbacher was then unanimously appointed as Vice Chair.

John Perschbacher will serve as Vice Chair for 2007.

Appointment of a Recording Secretary

MOTION by John Perschbacher, seconded by T. Eftaxiadis that Denise Blakeslee be appointed as Recording Secretary for the Historic District Commission for 2007.

MOTION PASSED UNANIMOUSLY (Denise Blakeslee will serve as Recording Secretary for 2007)

Review Application Form

An application form has been prepared for requests to the Historic District Commission. Denise Blakeslee reviewed the application form and with minor changes the form will be used.

Aerial Photos of the district will be obtained for future use at the meetings.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA

None

CORRESPONDENCE

None

STAFF REPORTS

The Historic District Commission will meet on Wednesday, April 5 4, 2007 at 4:00 p.m. at City Hall for a presentation from Robert McKay Architect for the State Historic Presentation Office.

The Next meeting of the Historic District Commission will be on Thursday, April 6 5, 2007 at 4:00 p.m. at the Museum. There may be a request from the owners for 77 Oak Street for exterior renovations, along with two requests from the Museum. One for the replacement of the exterior "fire door" on River Street and the replacement of Skylights.

ADJOURNMENT:

MOTION by T. Eftaxiadis, seconded by Kelly Niles that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 5:50 P.M.

MANISTEE HISTORIC DISTRICT COMMISSION

A handwritten signature in cursive script, reading "Denise J. Blakeslee", written over a horizontal line.

Denise J. Blakeslee, Recording Secretary

CITY OF MANISTEE
HISTORIC DISTRICT COMMISSION
BY-LAWS AND RULES OF PROCEDURES

1. AUTHORITY

These By-laws and Rules of Procedures are adopted by the Historic District Commission of the City of Manistee, County of Manistee, (hereinafter referred to as the Commission) pursuant to Public Act 169 of 1970, as amended, the Local Historic Districts Act; the City of Manistee Codified Ordinance, and the Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

2.1 Selection. At the December meeting, the Historic District Commission shall elect a chair, vice-chair and appoint a recording secretary who shall serve for the next twelve (12) months and who shall be eligible for re-election. Vacancies in an office of the Commission shall be filled at the next regular meeting of the Commission. The membership shall elect one of its members to fill the vacancy until the next annual election.

2.2 Duties. The chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein and sign all official documents.

The vice-chair shall act in the capacity of the chair in the absence of the chair or in the event of a vacancy in the office of chair; in which case, the Commission shall select a successor to the office of vice-chair at the earliest practicable time.

The Recording Secretary shall be responsible for execution of documents in the name of the Historic District Commission, the preparation of minutes, keeping of pertinent public records, delivering communications, reports, and related items of business of the Commission, issuing notices of public hearings and performing related administrative duties to assure efficient and informed Commission operations. In the event the Recording Secretary is absent, the chair or acting chair shall appoint a temporary recording secretary for such meeting.

2.3 Tenure. The officers shall take office at the first regularly scheduled meeting immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

- 3.1 Meeting Notice. Notice of all meetings shall be posted at City Hall by December 31st of each year. The notice shall include the date, time and place of the meeting. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meeting act.
- 3.2 Attendance A member may be removed from office by the appointing City Council for neglect of official duty or misconduct in office after being given a written statement for reasons and an opportunity to be heard thereon. Un-excused absences may be reason for removal and three (3) un-excused absences in a row, shall be reported in writing to the City Manager.
- 3.3 Special Meetings. A special meeting may be called by the Chair, or three members of the Historic District Commission upon written request to the Recording Secretary. The business which the Historic District Commission may perform shall be conducted at a public meeting of the Historic District Commission held in compliance with the Open meeting Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meeting act, and the Recording Secretary shall provide notice to commission members by writing, telephone, or e-mail.
- 3.4 Quorum. In order for the Commission to conduct business or take any official actions, a quorum consisting of at least a majority of the appointed Commissioners shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the commission may discuss matters of interest, but shall take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.
- 3.5 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and Ordinance cited in Section 1. Public hearings conducted by the Historic District Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure.

1. The Chair of the Historic District Commission shall announce that a public hearing will be conducted on a request.
2. The Chair shall read the public hearing announcement as published in the newspaper and give a brief description of the hearing subject and the public notice procedure.
3. The Chair shall announce the following hearing rules:
 - a. The Chair will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
 - b. Each speaker shall state their name and address for the record and may present written comments for the record.
 - c. Speakers shall address all comments and questions to the Historic District Commission and comments will be limited to the subject matter of the Public Hearing.
 - d. Unless waived by the Historic District Commission for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for collective comments of the group as presented by that speaker.
 - e. The Chair may require that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak. Everyone shall have an opportunity to speak before someone is allowed to speak a second time.
 - f. The Chair may establish additional rules of procedure for particular hearings as he/she determines appropriate.
 - g. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior may result in removal from the hearing or an adjournment.
4. Once all public comments have been stated, the Chair shall close the hearing. Any voting member of the Historic District Commission may initiate a motion to close the hearing.
5. Public Hearings shall be carried out in the following format:
 - a. The Chair shall open the hearing.
 - b. The Applicant shall present any comments and explanation of the case. Applicant's presentation shall not be subject to the five (5) minute limitation.
 - c. The City staff and any consultants serving the City shall present their reports.
 - d. The hearing will be opened for public comment.
 - e. The public comment period will be closed.
 - f. Deliberation and discussion by the Historic District Commission.
 - g. Disposition of the case by the Historic District Commission.

- 3.6 Motions. Motions shall be restated by the Chair before a vote is taken. The name of the maker and supporter of each motion shall be recorded.
- 3.7 Voting. An affirmative vote of the majority of those members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last.
- 3.8 Order of Business. A written agenda for all regular meetings shall be prepared.
- 3.9 Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.
- 3.10 Agenda Items. For an item to be considered at a regular Historic District Commission meeting, it must be submitted to the City no later than the established policy of the City prior to the next scheduled Historic District Commission Meeting.
- 3.11 Conflict of Interest:
1. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. A commission member issuing, deliberating, voting or reviewing a case concerning himself.
 - b. A commission member issuing, deliberating, voting or reviewing a case concerning work on land owned by himself.
 - c. A commission member issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or other entity in which he is a part owner, or any other relationship where he may stand to have a financial gain or loss.
 - d. A commission member issuing, deliberating, voting or reviewing a case which is an action which results in a pecuniary benefit to himself.
 - e. A commission member issuing, deliberating, voting or reviewing a case concerning his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law or member of his household.
 - f. A commission member may consider the possibility of declaring a conflict of interest if his/her home falls within a notification radius used for a Public Hearing. Because the sending of the notice automatically presumes some degree of interest, this fact should be recognized by declaring a conflict, particularly if a financial impact is likely.

6. ANNUAL REVIEW OF BY-LAWS

The Commission shall annually review their By-Laws at the regularly scheduled meeting in January .

7. AMENDMENTS

These rules may be amended by the Commission by a concurring vote subject to subsection 3.7, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

I HEREBY CERTIFY that the above Bylaws were adopted the 15th day of March, 2007

Mary (Teena) Kracht, Chair

Approved by the City of Manistee Council

Date

Cynthia A. Fuller, Mayor