HISTORIC DISTRICT COMMISSION

Council Chambers, City Hall
70 Maple Street
Manistee, MI 49660

MEETING MINUTES

September 3, 2015

A Meeting of the Manistee City Historic District Commission was held on Thursday, September 3, 2015 at 3:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 3:17 p.m. by Chair Kracht.

ROLL CALL:

Members Present: Dave Carlson, Teena Kracht, Mary Russell, and Lee Trucks

Members Absent: Aaron Bennett (excused), T. Eftaxiadis (excused), and John Perschbacher (excused)

Others: Brandon Ball (Chair DDA), Patrick Kay (DDA Director), Mark Fedder (Museum Director) Steve Harold (Museum Curator) and Denise Blakeslee (Planning & Zoning Administrator)

APPROVAL OF AGENDA:

MOTION by Mary Russell, seconded by Lee Trucks that the Agenda be approved as prepared.

With a voice vote this motion passed unanimously.

APPROVAL OF MINUTES:

MOTION by Dave Carlson, seconded by ~~Mary~~ Lee Trucks that the Minutes of the August 6, 2015 Meeting be approved as prepared.

With a voice vote this motion passed unanimously.

MOTION by Dave Carlson, seconded by Lee Trucks that the Minutes of the August 14, 2015 Emergency Meeting be approved as prepared.

With a voice vote this motion passed unanimously.

NEW BUSINESS:

None

OLD BUSINESS

344 River Street

An emergency meeting of the Historic District Commission was held on August 14, 2015 regarding the building at 344 River Street. The motion for approval required the Chair to send a letter to each member of the DDA regarding the situation. Commissioners reviewed the letter drafted by Chair Kracht.

MOTION by Lee Trucks, seconded by Mary Russell that the letter prepared by Chair Kracht be sent (attached).

With a roll call vote motion passed 4 to 0.

Yes: Carlson, Trucks, Russell, Kracht
No: None

PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA

Patrick Kay, DDA Director - spoke to the commission about meeting with the applicant and that there was a misunderstanding in the process. He assumed that approval was received from the Commission had been granted. He gave copies of their guidelines to the Commissioners.

Brandon Ball, DDA Chair – spoke about meeting with Mark Fedder and discussing the issue. He plans for the DDA to make changes to their procedures, including adding the application for a Certificate of Appropriates to the application.

Commissioner Trucks asked who approved the applications.

Mr. Ball said the Design Committee Reviews the requests and makes recommendations to their Board. The Board makes final approvals.

Discussion followed about the need that contractors working on all projects (not just projects with façade grants) be educated about the process. A checklist could be developed that take the applicants through the process that as part of the application may be beneficial. Staff offered to help with the checklist.

CORRESPONDENCE

Commissioners received a copy of the Understanding Tourism for Michigan Communities Workshop being held on September 17th.

STAFF REPORTS

Patrick Kay DDA/Main Street Director – the DDA has moved their office to 294 River Street; owner of 346/348 River Street has express interest in making application for a Façade Grant.

Mark Fedder, Museum Director – Issued the following permits:
City of Manistee, 70 Maple Street – Routine Repair and Maintenance and Paint Colors – ***Issued Permit PHDC2015-011***
Famous Flynn's, 344 River Street – Projecting Sign – ***Issued Permit PHDC2015-013***
Kit Holmes & Cynthia Millonzi, 346/348 River Street – Window Signage – ***Issued Permit PHDC2015-014***

Denise Blakeslee, Planning & Zoning Administrator – spoke to the Commission about Ed Kriskywicz's building at 387 River Street. She met with Ed, the City Engineer and DPW Director to look at a situation he has with his building. He wants to replace the wooden deck with a concrete patio. This will require that the "pit" located below the deck be filled and engineered for drainage. He currently is experiencing flooding and structural damage to his building because of water. She showed pictures of the area. Since the project does not change the visible exterior of the building consensus from the Commission that the request does not require approval from the Commission.

Steve Harold, Museum Curator – spoke to the Commission about window wraps used at the Traverse City Mall; Mackinac Island is looking a developing a fine policy for projects that are started/completed without approval from their Historic District Commission. He spoke of previous discussion when the Historic Overlay Committee was operating to have a policy in place to fine projects without permits between $200 and $500.

MEMBERS DISCUSSION

Chair Kracht expressed her appreciation to the members for rearranging their schedules to attend the emergency meeting and thanked them for their service.

The Next meeting of the Historic District Commission will be on Thursday, October 1, 2015 at 3:00 p.m. in the Council Chambers, City Hall, 70 Maple Street.

ADJOURNMENT:

MOTION by Lee Trucks, seconded by Mary Russell that the meeting be adjourned.

Motion passed unanimously.

MEETING ADJOURNED AT 3:42 P.M.

MANISTEE HISTORIC DISTRICT COMMISSION

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Denise J. Blakeslee, Recording Secretary

City of Manistee Historic District Commission
70 Maple Street · Manistee, Michigan, 49660 · 231.398.2805

September 3, 2015

Main Street/Downtown Development Authority Board Members

RE: 344 River Street

Dear Sir/Madam:

The City of Manistee is blessed with a beautiful downtown that is located on the National Register of Historic Places. In 2007 City Council recognized the need to preserve this resource that makes Downtown Manistee unique by establishing the Manistee Commercial Historic District. The Historic District Commission is responsible for the preservation of all buildings within the district and oversees the renovation of these buildings using the Secretary of the Interior Standards and the Guidelines that have been established for our district.

On Tuesday, August 11, 2015 a call was received from a Historic District property owner who has worked diligently with the Historic District Commission in the restoration of downtown properties. The property owner informed the Historic District Commission staff that inappropriate materials were being used on the project at 344 River Street. Disappointment was expressed that these materials were allowed at 344 River Street.

Historic District Commission staff Mark Fedder, Director of the Manistee County Historical Museum, went to the site immediately. It was discovered that proper permits had not been issued, including a Certificate of Appropriateness from the Historic District Commission for the extensive work in progress. Historic District Commission records indicated approval for paint colors and color placement only. This approval was signed by Mark Fedder on authority of the Historic District Commission on November 5, 2014. There is no record of any other applications or approvals by the Historic District Commission for the property at 344 River Street.

On Tuesday, August 11, 2015 a Stop Work Order was issued by Staff Liaison, Denise Blakeslee Planning and Zoning Administrator. This Stop Work Order was issued for modifications to the building without approval from the Historic District Commission. Investigation was made into the situation and an emergency meeting of the Historic District Commission was held on Friday, August 14, 2015 at 3 pm in the Council Chambers at City Hall. A copy of the emergency meeting minutes are attached that details the discussion and action taken by the Commission.

The DDA Façade Grant Application was included among the materials distributed to the Historic District Commission at that meeting. Review of the application is as follows:

1. The DDA Grant Application form states *"They (*the applicant) *must also be given approval from the Historic Commission before submitting the grant. This is not voluntary"* [page 2 of 4]
2. The applicant states, "I am completely renovating the entire building…" [page 4 of 5]

a. *"Please find included with my application a photo of 344 River Street. The Historic Commission* ***has approved the paint colors for the façade****."* [appendix A emphasis added]
b. *"I will be changing the door and replacing the windows"* [appendix A]
c. *"All windows in the front and rear of building will be replaced. All doors to be replaced inside and out"* [appendix B]
d. *"Siding on rear of building to be replaced because of water damage"* [appendix B]
e. *"Structural fixes to back deck and chimney."* [appendix B]

3. Letter included in application. The applicant writes, *"Dear Patrick, Please find attached a drawing indicating what we would do to the façade of "Famous Flynn's"* [proposed business to be located at 344 River Street] *should we receive an extra amount in our potential façade grant…If we are unable to receive extra funding for the façade work, we will paint what exists."*
4. Drawing indicates and applicant writes *"If we would receive a grant above the amount for windows and paint, we would add the decorative front.*
   - *we would put a light in the entry way*
   - *new cement in the entry way*
   - *new beadboard*
   - *add flower boxes"*

   "If we are unable to receive extra funding for the façade work, we will paint what exists"
   [Enclosed letters from Larry Austin Builder and Orshal Construction give itemized quotes for the proposed work]
5. The application packet includes a copy of the Application for a Certificate of Appropriateness from the Historic District Commission for Paint Colors. (Paint Colors clearly stated at the top center of the application) signed by Mark Fedder, Historic District Commission Authorized Staff, Bottom of Application also States *"Historic District Commission Paint Color Application"*
6. Application packet includes a Historic District Certificate of Appropriateness for *"Paint Colors as approved by the Museum Director on November 5, 2014"* signed by Denise Blakeslee, Official.
7. The Manistee Main Street DDA Façade Grant Agreement 2015 states: *"Grantee agrees to complete all construction work on the exterior for the property including but not limited to:*
   - *Complete renovation to the façade of the building*
   - *Window and door replacement on façade*
   - *New paint as submitted in the Façade Grant Application*
   - *Removal of existing windows on front of building not conforming to historic nature of premises"*
8. The agreement also states [page 1 of 2] *"The Executive Director of the Manistee Main Street DDA may conduct weekly site inspection. Any minor changes in the approved work must have prior approval of the Executive Director and also the Historic District Commission."*

THE HISTORIC DISTRIC COMMISSION DRAWS THE FOLLOWING CONCLUSIONS:

1. The DDA and the Executive Director of the DDA were and are aware of the role of the Historic District Commission in all matters pertaining to the Historic District under Chapters 257 and 1280 of the Codified Ordinances of the City of Manistee. (items #1 & #8 above)
2. The DDA and the Executive Director were informed of the extensive nature of the proposed work. (items #2, #3, #4, & #7 above)
3. The DDA and the Executive Director were provided with proof of Historic District Commission approval for Paint Colors and Paint Color Placement **ONLY** (items #2, #5 & #6 above).
4. No other Historic District Commission approvals were provided by the applicant. Therefore, the application is incomplete by the definition of the DDA. (item #1 above)

5. In lieu of approval of *"extra funding for the façade work"* the applicant would have painted *"what exists"*, for which the applicant had written confirmation of Historic District Commission approval. [items #2 & #4 above]

THE HISTRIC DISTRICT COMMISSION FUTHER CONCLUDES:

1. The DDA was given ample evidence of the lack of needed permits and Historic District Commission approval.
2. The DDA knew the approval of the Historic District Commission was required for all work.
3. The DDA was remiss in not carefully reviewing all documents submitted by the Applicant, for any missing documents and requiring the Applicant to supply them before considering awarding the grant.
4. The application is incomplete
5. It is incumbent on the DDA as the knowledgeable resource to carefully oversee the application process, mentor the applicant, and ascertain that all legal requirements are being met and all permits and approval from all bodies are in place prior to awarding the grant.
6. Under the Historic District Commission and Department of the Interior Standards, the owner could have opened the proposed business with no changes to the façade, and brought any proposed changes to the façade to the Historic District Commission at a later date, thus incurring no expense or time delay due to Historic District Commission procedures.

THE HISTORIC DISTRICT COMMISSION FINALLY CONCLUDES:

1. The lack of oversight in this project resulted in the possible removal of existing historical features, the installation of non-conforming materials and elements and the purchase of elements that do not meet the requirements of the Secretary of the Interior's Standards.
2. This resulted in undue expense, delay, and inconvenience to the Applicant, Contractors, Historic District Commissioners, Staff and City of Manistee Officials.
3. The opportunity to accurately restore the façade of one of Manistee's fine historic buildings (constructed in circa 1880) under the Secretary of the Interior's Standards has been jeopardized.
4. The efforts of the owners who have worked diligently with the Historic District Commission to follow the standards and provide Manistee's Historic District with appropriate and durably restored properties are offended.

THEREFORE

The City of Manistee Historic District Commission goes on record that the DDA oversight was inadequate and the necessary corrections to bring the building at 344 River Street into compliance should be borne by the DDA.

The following new elements installed under DDA supervision do not conform to the Secretary of the Interiors Standards and need to be replaced to bring the building into compliance.

Storefront

1. Entrance Door
2. Aluminum wrap around storefront windows
3. Two exterior lights (remove both lights; will allow a single ceiling light to be installed)

Rear of Building

1. Siding
2. Windows
3. Door
4. Exterior Light

Review of the elements by the Historic District Commission and the replacement thereof, as determined to be necessary under the Secretary of the Interior Standards is required.

Attention in this matter will help to support the work of those property owners who have made often extraordinary efforts to preserve, restore and appropriately renovate their properties. The Historic District Commission applauds those who have cooperated earnestly with the Historic District Commission to preserve Manistee's unique architectural heritage.

Sincerely,

CITY OF MANISTEE HISTORIC DISTRICT COMMISSION

Mary "Teena" Kracht

Mary "Teena" Kracht
Chair

Enclosures

Cc: City Manager
City Council
Property File