

# MANISTEE CITY HISTORIC DISTRICT COMMISSION

Meeting of Thursday, January 3, 2013  
3:00 p.m. - Council Chambers, City Hall, 70 Maple Street,  
Manistee, Michigan

## AGENDA

### I Call to Order

### II Roll Call

### III Approval of Agenda

At this time the Historic District Commission can take action to approve the January 3, 2013 Agenda.

### IV Approval of Minutes

At this time Historic District Commission can take action to approve the December 5, 2012 meeting Minutes.

### V New Business

#### By Law Review

According to the By-Laws of the City of Manistee Historic District Commission shall annually review their By-Laws at the regularly scheduled meeting in January.

At this time the Historic District Commission could take action to make changes to their By-Laws if necessary.

### VI Old Business

#### Close out Permits

Members of the Historic District Commission will review outstanding permits.

### VII Public Comments and Communications concerning Items not on the Agenda

At this time the Chair will ask if there are any public comments.

### VIII Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

**IX Reports**

Main Street/DDA Director  
Museum Curator  
Museum Director  
Community Development Director

**X Members Discussion**

At this time the Chair will ask members of the Historic District Commission if they have any items they want to discuss.

**XI Worksession**

**XII Adjournment**

# HISTORIC DISTRICT COMMISSION

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

## MEETING MINUTES

December 6, 2012

A Meeting of the Manistee City Historic District Commission was held on Thursday, December 6, 2012 at 3:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 3:10 p.m. by Chair Kracht.

### ROLL CALL:

**Members Present:** Dave Carlson, T. Eftaxiadis, Teena Kracht, John Perschbacher

**Members Absent:** Maria DeRee (excused), Jeremy Loveless (excused), Mary Russell (excused)

**Others:** Joe Mathewson, 339 River Street, Roger T. Hall, Jon Rose (Community Development), Travis Alden (Main Street/DDA Director), Mark Fedder (Manistee County Historical Museum,) and Denise Blakeslee (Planning & Zoning)

### APPROVAL OF AGENDA:

MOTION by Dave Carlson, seconded by T. Eftaxiadis that the Agenda be approved as prepared.

With a voice vote this motion passed unanimously.

### APPROVAL OF MINUTES:

MOTION by John Perschbacher, seconded by Dave Carlson that the Minutes of the November 1, 2012 Meeting be approved

With a voice vote this motion passed unanimously.

**NEW BUSINESS:**

**Election of Officers 2013**

According to the By-Laws of the City of Manistee Historic District Commission their annual election of Officers is held at the December Meeting for the following year.

Chair

At this time the meeting was turned over to Jon Rose who asked for nominations for the Position of Chair.

T. Eftaxiadis nominated Teena Kracht for the position of Chair

Nominations were asked for three times. There being no further nominations, nominations were closed.

With a roll call vote, Teena Kracht was elected Chair of the Historic District Commission for 2013, 4 to 0.

Yes: Perschbacher, Carlson, Eftaxiadis, Kracht

No: None

Jon Rose turned the meeting over to Chair Kracht.

Vice-Chair

Chair Kracht asked for nominations for the Position of Vice-Chair.

T. Eftaxiadis nominated John Perschbacher for the position of Vice Chair

Nominations were asked for three times. There being no further nominations, nominations were closed.

With a roll call vote, John Perschbacher was elected Vice - Chair of the Historic District Commission for 2013, 4 to 0.

Yes: Eftaxiadis, Perschbacher, Carlson, Kracht

No: None

**Appointment of a Recording Secretary 2013.** At this time the Historic District Commission will appoint a Recording Secretary to handle the administrative functions of the office.

Motion by T. Eftaxiadis, seconded by John Perschbacher that Denise Blakeslee be appointed Recording Secretary for the Historic District Commission for 2013.

With a roll call vote, Denise Blakeslee was appointed Recording Secretary of the Historic District Commission for 2012, 4 to 0.

Yes: Carlson, Perschbacher, Eftaxiadis, Kracht

No: None

## **OLD BUSINESS**

None

## **PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA**

Joe Mathewson, 339 River Street – Mr. Mathewson is ready to begin renovation the exterior of his building at 339 River Street. Mr. Mathewson introduced Roger T. Hall who would be assisting with the project.

Mr. Mathewson had contacted Ms. Blakeslee about the project, after discussing the project with her she suggested he contact Travis Alden, Main Street/DDA Director to see if there were any grant funds available to assist with the project. She also suggested that he speak to the commission to determine what components of the project may be able to be done under Routine Repair and Maintenance so he could begin sooner.

The Commission reviewed the List that was submitted by Mr. Mathewson and Mr. Hall. The Commissioners asked questions and Mr. Mathewson and Mr. Hall answered responded. A photo of the building was reviewed with the list and the commission determined the following:

Item 1 could be addressed under a Signage-Awning request reviewed by Mark Fedder, Museum Director.

Items 2 through 9 could be addressed under either an Application for Routine Maintenance or Paint

Colors or both which would be reviewed by Mark Fedder, Museum Director.

**Mathewson Upholstery  
339 River Street  
Manistee, MI 49660**

The

**Scope of work to be done to Store Front at above address**

- 1) **Remove existing awning cover to be sandblasted, primed, and painted.**
  - a) **Paint to match Lamp Post.**
- 2) **Remove existing cornice to be restored and replaced.**
- 3) **Sand, Prime and Paint Soffit tin roof.**
  - a) **Black**
- 4) **Strip paint off brick columns on either side of store front back to original brick, pressure wash and seal.**
- 5) **Remove and strip entry door to upstairs and replace.**
- 6) **Remove all existing wood and trim around windows and replace with new white oak, to be stained and apply polyurethane.**
- 7) **Remove all damaged wood on soffits and replace – strip and stain remainder.**
- 8) **Paint 3 upstairs windows.**
- 9) **Remove old sign post from front of building.**

Commission explained the need to follow the requirements of Preservation Brief 1 – Assessing Cleaning and Water Repellent Treatments for Historic Masonry Buildings and Preservation Brief 2 Repointing Mortar Joints in Historic Masonry Buildings. Mr. Mathewson and Mr. Hall were given copies for their review and Mark Fedder will review the requirements with them when they submit their application.

**CORRESPONDENCE**

We received two complimentary copies of the Lead Resource Guide for Owners of Older and Historic Buildings. One copy will be available at the museum the other at City Hall.

## **STAFF REPORTS**

Jon Rose, Community Development Director – discussed the Cnudde project with the Commissioners.

Travis Alden, DDA/Main Street Director – reported to the Commission on recent activities including the grant program, changes to the program, possible purchase of the former Tuscan Grill.

## **MEMBERS DISCUSSION**

Commissioner Perschbacher asked for an answer to his question about grants for a Building in Grand Rapids. Commissioner Eftaxiadis offered to research it for him.

MOTION by T. Eftaxiadis, seconded by John Perschbacher to close the Historic District Commission Meeting.

With a voice vote motion passed unanimously. Meeting Closed at 4:20 pm

## **WORKSESSION:**

Certified Local Government Program – Staff will follow up with Mr. Conway.

Paint Pallets – Hold till next Worksession

Close out permits – Permits will be divided up by members of the committee and a meeting will be scheduled. Hopes are to have the majority closed out by mid-February.

The Next meeting of the Historic District Commission will be on Thursday, January 3, 2013 at 3:00 p.m. in the Council Chambers, City Hall, 70 Maple Street.

WORKSESSION ADJOURNED AT 4:25 P.M

MANISTEE HISTORIC DISTRICT COMMISSION

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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 31<sup>st</sup> 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 Commission Absences. In order to maintain the maximum participation of all appointed Historic District Commission members at all scheduled meetings, the following is the attendance guide and Commissioner replacement policy for “excused” or “unexcused” absences:

1. When appointed, each Commissioner should state his/her willingness and intention to attend each scheduled meeting of the Historic District Commission.
2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Commissioner from attending the scheduled meeting; the Commission Chair or staff Liaison to the Historic District Commission should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend. The Commissioner upon this notification will receive an “excused absence” for the involved scheduled meeting.
3. If any Commissioner is absent from three (3) consecutive scheduled meetings without an “excused absence” for any of the three (3) meetings, the Commissioner shall be reported in writing to the City Manager. The City Manager will contact the Commissioner in writing and question his/her continued ability or interest in being on the Commission, giving the member a chance to rectify the attendance issue or submit a resignation.
4. There will be no limit on the number of consecutive “excused absences” for any Commissioner. However, if the Commissioner is repeatedly absent for at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the City Manager. The City Manager will contact the Commissioner in writing and question the member’s continued ability or interest to be on the Commission. The Commissioner will be considered for an appointment nullification when the absences total six in the calendar year.
5. The appointment nullification action would be initiated by the City Manager and forwarded on to the City Council for official action.

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.
  - g. A commissioner who feels, in his/her judgement that his/her job, scope of duties and/or position may be at risk, pending the outcome of the permitting process.
2. A commission member shall, when he/she has a conflict of interest do the following immediately, upon the first review of the case and determining a conflict exists:
- a. declare a conflict exists at the beginning of the meeting where the case appears on the agenda, or when the topic brought up so such declaration is recorded in the minutes, and
  - b. refrain from participating in the discussion, site inspection or review of the case, except where specific information has been requested by the commission, and
  - c. refrain from casting a vote on any motion having to do with the case.

#### 4. MINUTES

- 4.1 Preparation. Commission minutes shall be prepared by the Recording Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, action and resolutions shall be attached to the minutes.

#### 5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 5.1 All meetings of the Commission shall be open to the public and held in a place available to the general public.
- 5.2 All deliberations and decision of the Commission shall be made at a meeting open to the public.
- 5.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5, and to address the Commission concerning non-hearing matters at the time designated for such comments.
- 5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

5.5 All records, files, publications, correspondences, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

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 9<sup>th</sup> day of July 2009.

\_\_\_\_\_  
Mary (Teena) Kracht, Chair

[Annotation: As approved by the City Council at their June 2, 2009 Meeting - Council authorized the bylaw amendments for all Boards and Commissions to include the new Board Absences language; directed all boards or commissions to implement and follow these changes as Council has requested; and authorized the Mayor to sign the amended bylaws.]

Approved by the City of Manistee Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cynthia A. Fuller, Mayor