

being conducted, then the façade style should be consistent across the entire building.

Motion: Prebys (second: Stevenson) moved to table the application for 16 N. Huron pending the receipt from the applicant of further information about the extent of work to be done, how surfaces will be treated once exposed, and how the windows will be treated.

Approval: Unanimous. Motion carries.

STUDY ITEMS- none

ADMINISTRATIVE APPROVALS- none

OTHER BUSINESS

YDDA Mainstreet Project

Schmiedeke consulted with the city attorney regarding whether a HDC commissioner sitting on an YDDA committee would present a conflict of interest. Reading his response, she noted that the city attorney was of the opinion that a conflict exists. Referencing a personal email, Schmiedeke shared that the YDDA director, Tim Colbeck, took exception to the attorney's findings. She then stated that the HDC will abide by the City Attorney's opinion at this time.

The email to Jane Schmiedeke, Chair, Ypsilanti HDC from John Barr, Ypsilanti City Attorney dated 2/18/2013 titled "Re: Dual offices, HDC and DDA" reads as follows:

You have requested my opinion as to whether a member of the Ypsilanti Historic District Commission (HDC) may serve on a committee of the Ypsilanti Downtown Development Authority (DDA).

Both the HDC and DDA are authorized by state statute and created by city ordinance. The DDA is charged with developing the downtown area with various projects. The HDC is charged with protecting the historic qualities of the historic district. The downtown is in the historic district. The DDA must go to the HDC for approval of projects in the downtown area that is in the historic district.

The state Incompatible Offices Act, MCL 15.181 (IOA) provides that the same person may not simultaneously hold two incompatible offices. An incompatible office is one where there is subordination of one office to another; or the supervision of one office by another; or a breach of duty of public office.

In this case, the HDC has the power to approve or disapprove of plans of the DDA, and in effect supervise the action of the DDA. Thus, in my opinion, it would be an incompatible office for an HDC commissioner to serve on a committee for the DDA, when the HDC commissioner would be voting on approval or disapproval of requests of the DDA.

The IOA does contain an exception for a city under 25,000 population. The exception, MCL 15.183(4)(c) is that city council does have the power to authorize the dual offices.

Property Monitoring

-303 E Forrest- Owner intended to approach the commission as a study item to seek fencing alternatives but has instead decided to just remove the fence.

Fact Sheets Review

AUDIENCE PARTICIPATION ON NON-AGENDA ITEMS – None

HOUSEKEEPING BUSINESS**Approval of the minutes of February 12, 2013**

Motion: Rupert (second: Prebys) moves to approve the minutes as presented.

Approval: Unanimous. Motion carries.

ADJOURNMENT

Motion: Prebys (second: Stevenson) moves to adjourn the meeting.

Approval: Unanimous. Motion carries.

MEETING ADJOURNED AT 7:25pm