

# MANISTEE CITY HISTORIC DISTRICT COMMISSION

Meeting of Thursday, February 2, 2017  
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 February 2, 2017 Agenda.

### IV Approval of Minutes

At this time Historic District Commission can take action to approve the January 5, 2017 meeting Minutes.

### V Public Comment on Agenda Related items

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

### VI New Business

#### **HDC-2017-01 - Hollander Development, 400 River Street – Demolition Permit**

Hollander Development, 400 River Street has submitted a request to demolish all building and structural elements above but not including the first floor level at the River Street Level. The Historic District Commission may perform a site visit before taking action on the request.

At this time the Historic District Commission could take action on the request from Hollander Development, 400 River Street for a demolition permit.

#### **HDC-2017-02 - Hollander Development, 400 River Street – Request for a Certificate of Appropriateness**

Hollander Development, 400 River Street has submitted a request for a Certificate of Appropriates to allow the construction of a three story building on the remaining slab, basement and foundation system remaining after demolition of the first floor of the building at 400 River Street.

At this time the Historic District Commission could take action on the request from Hollander Development, 400 River Street for a Certificate of Appropriates to allow the construction of a three story building on the remaining slab, basement and foundation system remaining after demolition of the first floor of the building at 400 River Street.

### VII Old Business

#### **Expired Permits: 347& 349 River Street, Paula Rozmarek and 411 River Street, Jeff Gordon**

At the January Meeting staff was asked to contact Jeff Gordon to discuss outstanding permits for 347 & 349 River Street and 411 River Street. Staff will give the Commission and update to the commission.

**Permit Review**

At this time the Commission may take action to close out any outstanding permits.

**VIII Public Comments and Communications concerning Items not on the Agenda**

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

**IX Correspondence**

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

**X Reports**

DDA Executive & Economic Development Director

Museum Curator

Museum Director

Planning & Zoning Administrator

**XI Members Discussion**

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

**XII Worksession**

**XIII Adjournment**



## Memorandum

To: Historic District Commissioners

FROM: Denise Blakeslee, Planning & Zoning Administrator

DATE: January 26, 2017

RE: February 2, 2017 Meeting

**Denise Blakeslee**  
**Planning & Zoning**  
**Administrator**  
70 Maple Street  
Manistee, MI 49660  
231.398.2805  
dblakeslee@manisteemi.gov  
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Commissioners, we have two items for the February 2, 2017 Historic District Commission meeting:

**HDC-2017-01 - Hollander Development, 400 River Street – Demolition Permit** - Hollander Development, 400 River Street has submitted a request to demolish all building and structural elements above but not including the first floor level at the River Street Level. The Historic District Commission may perform a site visit before taking action on the request.

**HDC-2017-02 - Hollander Development, 400 River Street – Request for a Certificate of Appropriateness**

Hollander Development, 400 River Street has submitted a request for a Certificate of Appropriates to allow the construction of a three story building on the remaining slab, basement and foundation system remaining after demolition of the first floor of the building at 400 River Street.

**Expired Permits: 347& 349 River Street, Paula Rozmarek and 411 River Street, Jeff Gordon** - At the January Meeting staff was asked to contact Jeff Gordon to discuss outstanding permits for 347 & 349 River Street and 411 River Street. I spoke with Mr. Gordon who was to send me updated information that was not received before packets were mailed. If information is received prior to the meeting, staff will provide an update.

If you are unable to attend the meeting, please call me at 398.2805. See you next Thursday.

# HISTORIC DISTRICT COMMISSION

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

## MEETING MINUTES

January 5, 2017

A Meeting of the Manistee City Historic District Commission was held on Thursday, January 5, 2017 at 3:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 3:00 p.m. by Chair Kracht.

### ROLL CALL:

**Members Present:** Aaron Bennett, Teena Kracht, Jim Matthews, John Perschbacher, Mary Russell, Lee Trucks

**Members Absent:** T. Eftaxiadis (excused), Lee Trucks

**Others:** Mark Fedder (Museum Director), Denise Blakeslee (Planning & Zoning Administrator) and others

Commissioners welcomed new member Jim Matthews.

### APPROVAL OF AGENDA:

MOTION by Mary Russell, seconded by John Perschbacher that the Agenda be approved as prepared.

With a voice vote this motion approved unanimously.

### APPROVAL OF MINUTES:

MOTION by John Perschbacher, seconded by Mary Russell that the Minutes of the December 1, 2016 Meeting be amended as follows:

*UNDER NEW BUSINESS- HDC-2016-24, Hollander Development, 400 River Street – Request for Certificate of Appropriateness*

*Amend Paragraph 2 to read as follows:*

Chair Kracht wanted to interject before the Commission discussed the request. She asked that Mark Fedder, Museum Director discuss the research that he performed on the site. Mr. Fedder researched the property and the building was constructed in 1954 as the Kennedy's Store, the property was purchased in 1964 by Milliken's

renovated and opened in 1965. In 1988 they demolished buildings to the west and constructed an addition and recovered the existing store. Chair Kracht stated that this **new information** demonstrates a portion of the building is **may be** over 50 years old and ~~as such~~ **if so** should be treated as a contributing building.

*Insert following paragraph before MOTION*

**Due to time restraints an immediate response was requested. The request was via telephone. Chair Kracht's response was predicated on information from three independent credible sources that nothing remained of the Kennedy Store beneath the false stucco siding of the 1988 renovation. Further professional historical research done in the museum archives by Director Mark Fedder cast doubt on this assumption. Given this new information and given HDC Policy #8 "Defining a Contributing Building," and precedent (the Planning Mill and the Ice House) Chair Kracht asked the commissioners how they wished to proceed.**

*Insert following paragraph before Chair Kracht asked for Public Comments on request.*

**Chair Kracht reminded all present that the Historic District Commission is concerned only with the exterior appearance of the buildings in the context of the Historic District and approval of projects is based on meeting the Standards established by the United States Department of the Interior.**

*Remove emphasis from Kenneth Borenitsch Comment as follows:*

**Kenneth Borenitsch, 394 & 415 River Street** – This is a 1,000% improvement over existing non-contributing building; this is a great project that would bring more activity downtown.

*Amend Comments from Tamara Buswinka to read:*

**Tamara Buswinka, Community Development Director, Alliance for Economic Success** – Ms. Buswinka spoke of previously serving on the ~~Historic District Commission~~ **"historic district commission"** and thanked the commissioners for their service... [The Commission wanted this change because Mrs. Buswinka served on the Historic Overlay Committee not the Historic District Commission.]

*Insert following paragraph before the request was reviewed against Guideline #8 Infill Construction.*

**Chair Kracht thanked the speakers. She then reminded the commissioners that the commission is concerned only with the exterior appearance of the buildings in the context of the Historic District and applying the Standards established by the United States Department of the Interior. Chair Kracht read the following from the Historic District Reference Book. "Though commissioners may face pressure from individuals...to make a certain decision, commissioners must remember that their role is to protect the community's historic resources. That is why they are appointed; Commissioners should keep in mind that they are only reviewing the proposed work that is presented to them – not the personal life or the financial situation of the applicant. The Commission should always make their decisions based on the Standards. It should be aware of any precedence it may be setting with its decision and; work to develop a record of consistency."**

With a voice vote this motion passed unanimously.

## **PUBLIC COMMENT ON AGENDA RELATED ITEMS**

None

**NEW BUSINESS:**

None

Commissioner Bennett entered the meeting at 3:10 pm

**OLD BUSINESS**

**Routine Repair and Maintenance**

At this time the Historic District Commission discussed the process for Routine Repair and Maintenance requests in the district and oversight by the Museum Director. The Commissioners express confidence in having Museum Director Mark Fedder continue to approve requests for Routine Repair and Maintenance and reminded him that if any issues arise that he feels needs to go back to the Commission not to hesitate with having the applicant make that request.

**Expired Permits: 347& 349 River Street, Paula Rozmarek and 411 River Street, Jeff Gordon**

Jeff Gordon met with Staff on August 29, 2016 to discuss outstanding permits for 347-349 River Street and 411 River Street. All of the permits have expired and staff is asking the Commission if they want to approve the extension of the permits.

After a lengthy discussion the staff will contact Mr. Gordon to verify completion dates for outstanding permits. With receipt of the information the Commission will take action. Items will be placed on the February 2, 2017 agenda.

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

None

**CORRESPONDENCE**

None

**STAFF REPORTS**

Tyler Leppanen, DDA Executive & Economic Development Director – Mr. Leppanen introduced himself to the Commissioners and spoke of how he is looking forward to working with them in the future.

**Denise Blakeslee, Planning & Zoning Administrator** – Reminded the Commissioners that the City Council will discuss the Historic District Commission at the January 10, 2017 Council Worksession.

**MEMBERS DISCUSSION**

Chair Kracht expressed concerns of the length of time it is taking to paint the marquee at the Ramsdell Theater and the noise the lift is making when work is beginning at 4 am.

The Next meeting of the Historic District Commission will be on Thursday, February 2, 2017 at 3:00 p.m. in the Council Chambers, City Hall, 70 Maple Street.

**ADJOURNMENT:**

MOTION by John Perschbacher, seconded by Mary Russell that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 3:45 P.M.

MANISTEE HISTORIC DISTRICT COMMISSION

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Denise J. Blakeslee, Recording Secretary



## Memorandum

To: Historic District Commissioners

FROM: Denise Blakeslee, Planning & Zoning Administrator

DATE: January 25, 2017

RE: 400 River Street – Demolition Permit

**Denise Blakeslee**  
**Planning & Zoning**  
**Administrator**  
70 Maple Street  
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231.398.2805  
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Commissioners, we have received the Demolition Permit request for 400 River Street. I have included a copy of the Demolition Guidelines, the Application for Demolition which includes the Historical Record Information for Demolition Projects.

Demolition requests require a site visit, the applicant has made arrangements for us to have access to the building that we will do at the start of the meeting. Since the building is so near City Hall, we will plan to walk down to the building, perform the site visit, and then return to City Hall. Please dress for the weather.

Just a reminder that this site visit is subject to the open meetings act and that discussion at the site visit needs to be conducted accordingly.



Historic District Commission  
Planning & Zoning Department  
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## Guideline #12 - Demolition

These Guidelines have been developed by the Historic District Commission to assist applicants. Each request will be reviewed individually by the Commission based on its own merit. Exceptions to these guidelines may be made by the Commission on a case by case basis. The examples used in the guidelines reflect buildings in the district which are Victorian, but alterations to a building should reflect the era in which the building was constructed.

The Historic District Commission uses the Secretary of the Interior's [Standards for Rehabilitation](#) as interpreted by the [Preservation Briefs](#). Copies are available at the Manistee County Historical Museum and the Planning & Zoning Department at City Hall.

The Historic District Commission is charged with insuring the **Maintenance and Preservation** of Buildings in the Manistee Commercial Historic District. Under **exceptional circumstances** a request may be made for the demolition of all or a portion of a building. The City of Manistee Historic District Commission defines the demolition of all or a portion of a building as a reduction in the footprint or elevation or a portion of an elevation of a building.

**Contributing Buildings in the Manistee Commercial Historic District may be eligible for both Federal and State Tax Credits. By demolishing a portion of a building the owner may forfeit eligibility. Owners are advised to have all demolition plans reviewed by the State Historic Preservation Office prior to application for demolition to determine if the demolition may jeopardize tax credits.**

The City of Manistee Historic District Commission has determined that any building that is over fifty years of age shall be treated as a Contributing Building. Contributing Buildings may be issued a Notice to Proceed when a Demolition request is approved. Non-Contributing Buildings may be issued a Certificate of Appropriateness when a Demolition request is approved.

Applicants are to complete the Application for Demolition and provide any supporting documentation they feel will support their request to the Commission. The Commission will review the request and a Site Visit to review the structure will be scheduled as part of their regular meeting. The Historic District Commission will evaluate the request and structure. The Historic District Commission reserves the right to ask for additional information.

Demolition of a historic structure can only be approved after all preferable alternatives have been exhausted. If demolition is approved **before issuance of a permit:**

- The applicant must complete all of the requirements of the Historical Record Information form that will become part of the Property Record File.
- For empty lots the applicant must provide a landscaping and a maintenance plan to be approved by the Historic District Commission.

## **ADDITIONAL INFORMATION THE HISTORIC DISTRICT COMMISSION MAY REQUIRE**

The City of Manistee Historic District Commission may prepare its own evaluation of the property's value, feasibility for preservation, or other factors pertinent to the case. To afford the Commission the ability to consider the economic factors of demolition, the applicant shall submit the following information when required by the Commission:

- Estimate of the cost of the proposed demolition and an estimate of any additional costs that would be incurred to comply with recommendations of the Historic District Commission for changes necessary for the issuance of a Notice to Proceed.
- A report from a licensed structural engineer with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation. This report is required to be sealed.
- Estimated market value of the property both in its current condition and after completion of the proposed demolition, to be presented through an evaluation by a level 3 or higher assessor.
- An estimate from a licensed architect, contractor or appraiser experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure.
- Amount paid for the property, the date of acquisition, and the party from whom acquired, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was acquired, and any terms of financing between the seller and buyer.
- If the property is income-producing, the annual gross income from the property for the previous three or more years; and the depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- Remaining balance on any mortgage or other financing secured by the property owner and annual debt service, if any, for the previous three or more years.
- All appraisals obtained in connection with the purchase, financing, or ownership of the property.
- Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous three or more years.
- Copy of the most recent paid property tax bill.
- Name and form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method.

Applicant will provide any other information that would assist the Historic District Commission in making a determination.



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 Planning & Zoning Department  
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## Application for Demolition

Please Print

| Standards  |  |                  |         |
|--|--|------------------|---------|
| <p>The Historic District Commission is charged with insuring the <b>Maintenance and Preservation</b> of Buildings in the Manistee Commercial Historic District. Under <b>exceptional circumstances</b> a request may be made for the demolition of all or a portion of a building. The City of Manistee Historic District Commission defines the demolition of all or a portion of a building as a reduction in the footprint or elevation or a portion of an elevation of a building. The Historic District Commission uses the Secretary of the Interior's Standards for Rehabilitation as interpreted by the <a href="#">Preservation Briefs</a>.</p> |  |                  |         |
| <p><b>Contributing Buildings in the Manistee Commercial Historic District may be eligible for both Federal and State Tax Credits. By demolishing a portion of a building the owner may forfeit eligibility. Owners are advised to have all demolition plans reviewed by the State Historic Preservation Office prior to application for demolition to determine if the demolition may jeopardize tax credits.</b></p>  |  |                  |         |
| <p><input type="checkbox"/> <b>This box must be checked by the applicant indicating that they have read and understood the requirements for tax credits or do not wish to pursue tax credits. If this box is not checked the application will not be processed.</b></p>  |  |                  |         |
| Submission of Application  |  |                  |         |
| <p>This application must be received by the City <b>at least 15 days</b> prior to a regularly scheduled monthly Historic District Commission meeting. The meeting is held the first Thursday of the month at 3:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan unless it is a legal holiday. Applicants are strongly encouraged to conduct a preliminary discussion with staff and attend the meeting to explain the proposed work.</p>  |  |                  |         |
| <p>As part of the review of the Application the Historic District Commission will schedule a <b>Site Visit</b> during the meeting to review the structure. The Historic District Commission reserves the right to request additional information from the applicant prior to a final decision on requests. <i>Incomplete requests will be returned to the applicant to supply needed information for review.</i></p>   |  |                  |         |
| Property Information   |  |                  |         |
| Address:   |  | Parcel #         |         |
| Applicant Information  |  |                  |         |
| Name of Owner:   |  |                  |         |
| Address:   |  |                  |         |
| Phone #:   |  | Cell#:           | e-mail: |
| Name of Contractor (if applicable):  |  |                  |         |
| Address:   |  |                  |         |
| Phone #:   |  | Cell#:           | e-mail: |
| License Number:  |  | Expiration Date: |         |
| Description of Work  |  |                  |         |
| <p>Be specific and describe the proposed demolition – Use additional sheets if necessary.</p>  |  |                  |         |



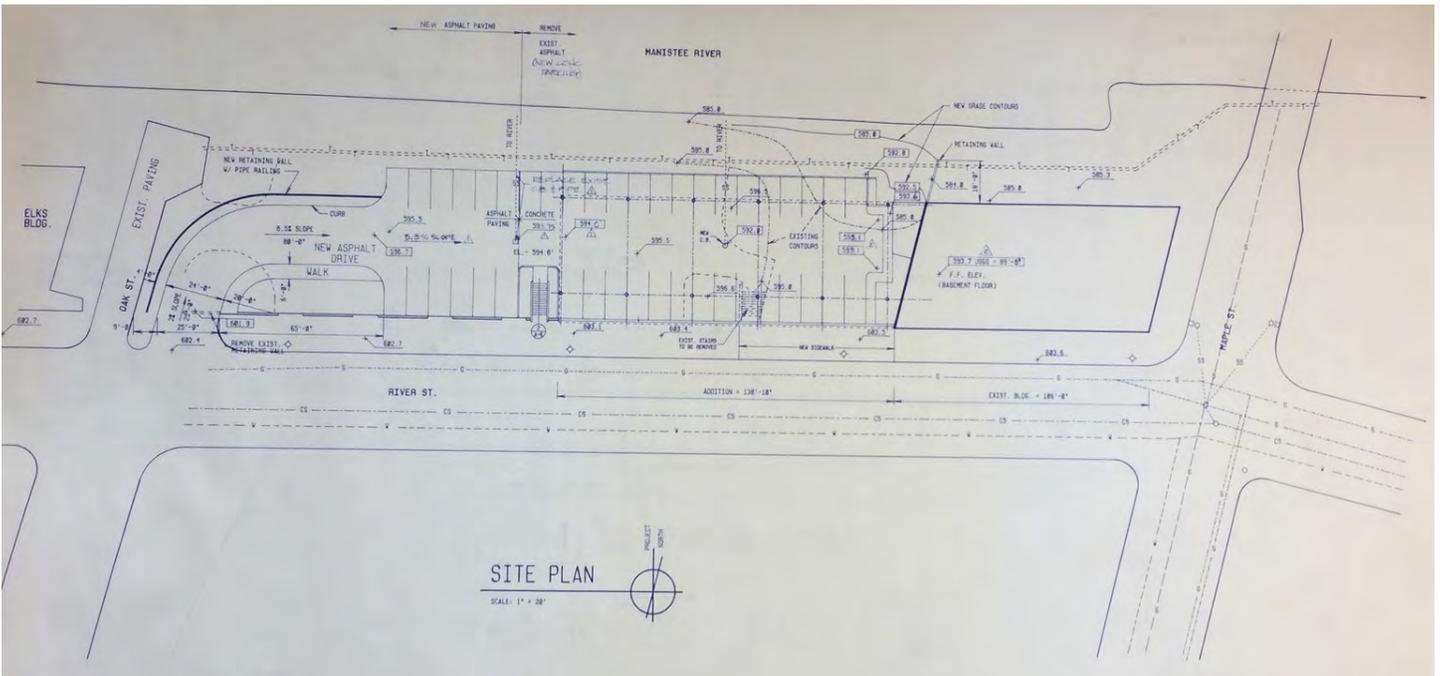


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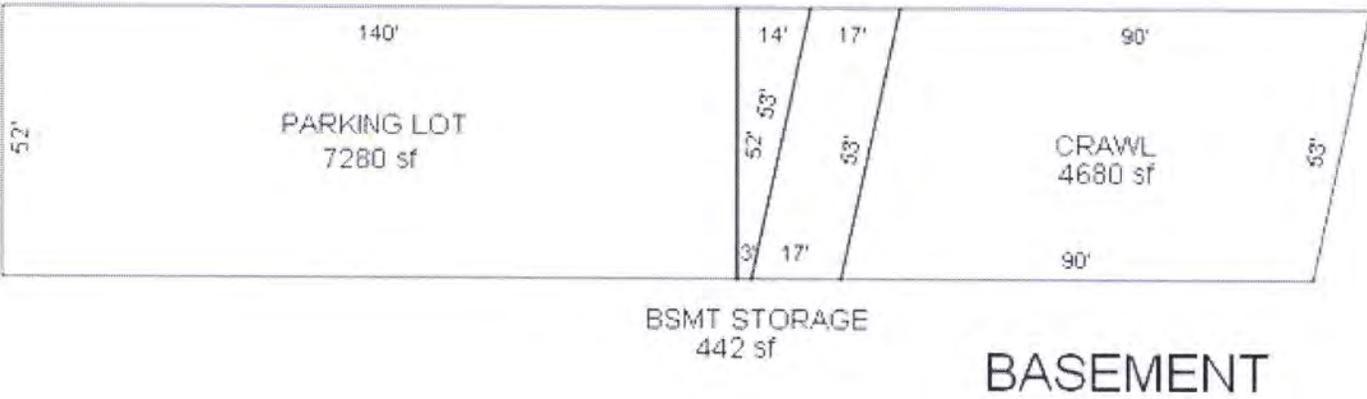
## Historical Record Information for Demolition Projects

Please

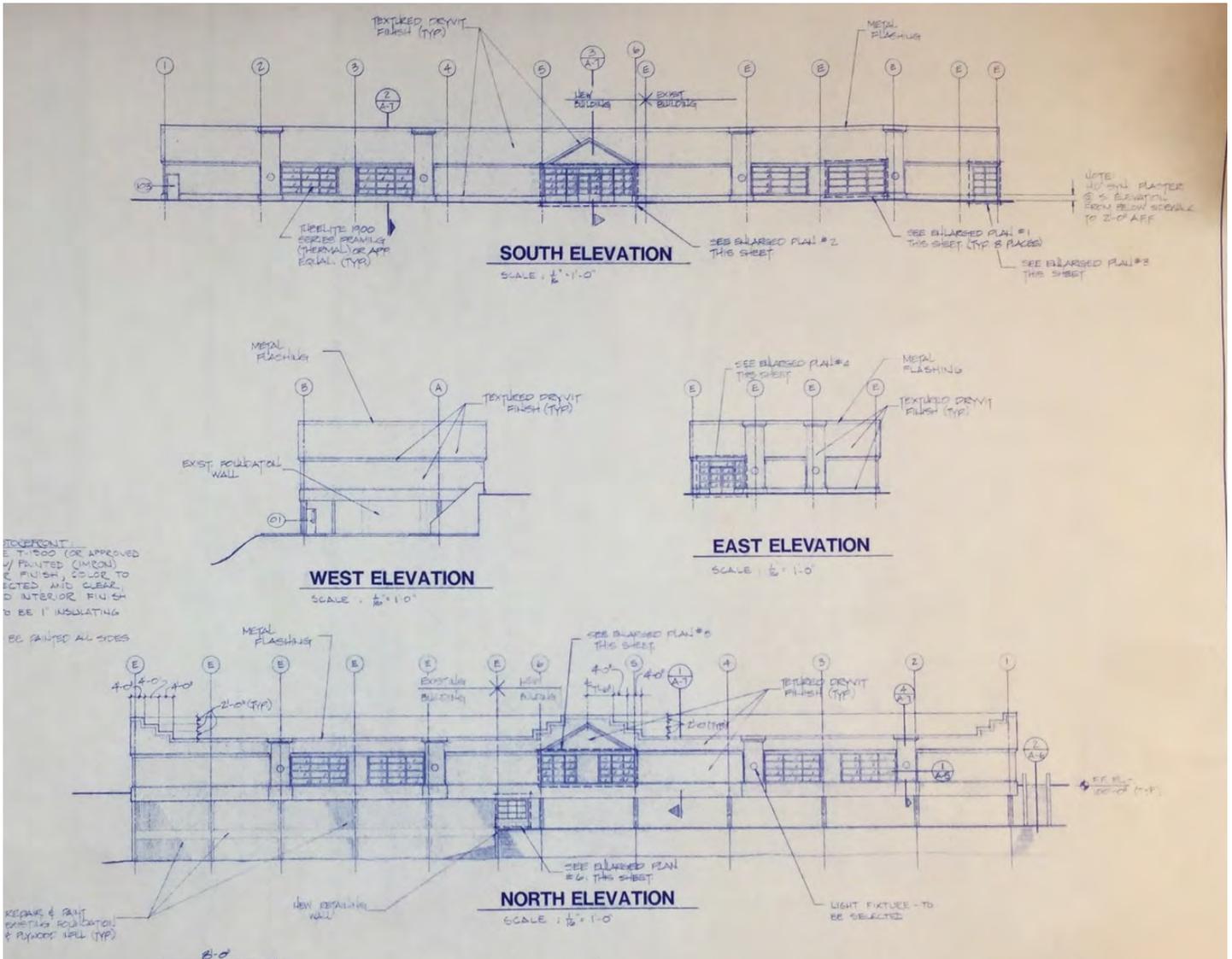
| Standards   |  |                                   |
|---|--|-----------------------------------|
| If demolition is authorized for all or a portion of a structure by the City of Manistee Historic District Commission the applicant is required to provide documentation to the Commission <b>prior</b> to the issuance of a permit to proceed with demolition. This documentation will become part of the Property Record File. |  |                                   |
| Property Information  |  |                                   |
| Address: 400 River Street   |  | Parcel # 51-349-701-01            |
| Historical Name of Building: Kennedy's Department Store / Milliken's Department Store c. 1960 / 1980  |  |                                   |
| Applicant Information   |  |                                   |
| Name of Owner: Hollander Development Corporation  |  |                                   |
| Address: 1822 West Milham, Portage, MI 49024  |  |                                   |
| Phone #: 269-388-4677   | Cell#:   | e-mail:                           |
| Name of Contractor (if applicable): InForm Architecture, LLC (Architect)  |  |                                   |
| Address: 401 East Michigan Avenue, Kalamazoo, MI 49007  |  |                                   |
| Phone #: 269-270-3331   | Cell#: 269-569-5161  | e-mail: steve@informarchitect.com |
| License Number: 1301035138  |  | Expiration Date: 10/31/17         |
| Description of Work   |  |                                   |
| <input checked="" type="checkbox"/> Demolition of part of a building  | <input type="checkbox"/> Demolition of all the building  |                                   |
| Required Information  |  |                                   |
| Photographs   |  |                                   |
| <input checked="" type="checkbox"/>   | Photographs of the exterior of the building (all sides available)                                  |                                   |
| <input checked="" type="checkbox"/>   | Photographs of the interior of the building (all areas i.e. basement, first floor, second floor)   |                                   |
| Drawings  |  |                                   |
| <input checked="" type="checkbox"/>   | Measured drawings of the elevation and footprint of the structure must be submitted drawn to scale |                                   |
| Authorization   |  |                                   |
| As the owner of the building located at <u>400 River Street</u> the attached information is submitted for review by the Historic District Commission or their agent. If review shows the information to be complete a Notice to Proceed or Certificate of Appropriateness will be issued.                                       |  |                                   |
| Signature: <u></u>   |  | Date: <u>1/23/2017</u>            |
| Office Use Only   |  |                                   |
| HDC - _____   | Notes:   |                                   |
| Reviewed by: _____  |  | Date: _____                       |
| <input type="checkbox"/> Approved   | <input type="checkbox"/> Additional information required   |                                   |



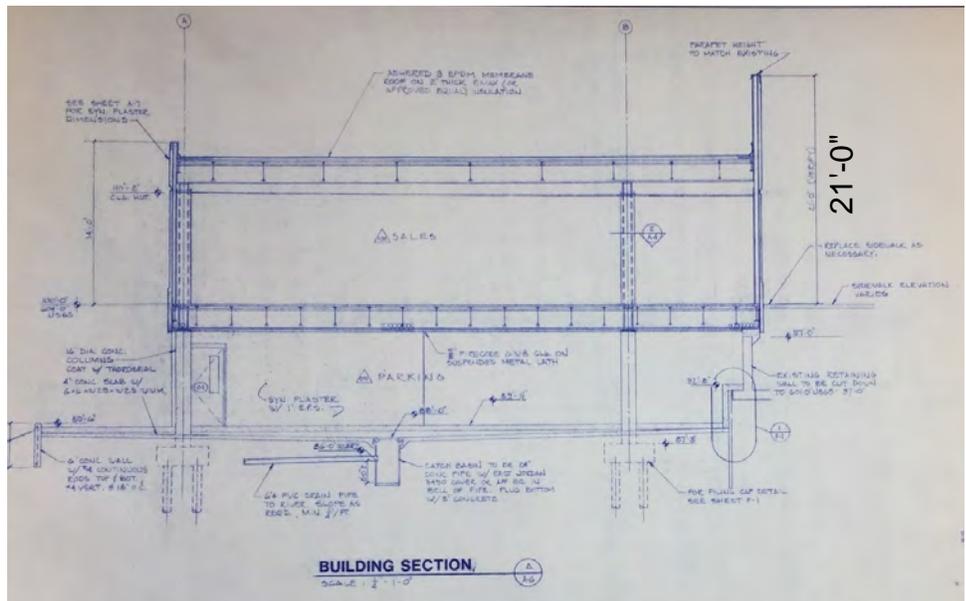
**Existing Site Plan**  
 (From City of Manistee Records)



**Existing Floor Plans**  
 (From City of Manistee Records)



**Existing Exterior Elevations**  
(From City of Manistee Records)



**Existing Building Section**  
(From City of Manistee Records)



Southeast corner of building, looking Northwest



South face of building looking Northwest



South face of building looking Northwest



South face looking Northeast



West face of building, looking Southeast



Northwest corner of building, looking Southeast



North face of building, looking Southwest



North face of building, looking Southeast



North face of building, looking South



Building interior looking northwest



Interior stair looking north (stair to remain)



Interior looking East



Interior looking North



Interior looking Northeast



Roof looking Southeast



320-c

W. W. RIVER ST. MARQUETTE, MICH.





## Memorandum

To: Historic District Commissioners

FROM: Denise Blakeslee, Planning & Zoning Administrator

DATE: January 25, 2017

RE: 400 River Street – Certificate of Appropriateness

**Denise Blakeslee**  
**Planning & Zoning**  
**Administrator**  
70 Maple Street  
Manistee, MI 49660  
231.398.2805  
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Commissioners, we have received an updated request for a Certificate of Appropriateness for 400 River Street. A checklist was provided by staff to the developer that they used in the application that covered the various points from Guideline #8 Infill Construction. A set of updated plans and spec sheets are enclosed for your review.



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## Guideline #8 In-Fill Construction

These Guidelines have been developed by the Historic District Commission to assist applicants. Each request will be reviewed individually by the Commission based on its own merit. Exceptions to these guidelines may be made by the Commission on a case by case basis.

The Historic District Commission uses the Secretary of the Interior's [Standards for Rehabilitation](#) as interpreted by the [Preservation Briefs](#). Copies are available at the Manistee County Historical Museum and the Planning & Zoning Department at City Hall.

The construction of new buildings along the traditional commercial street is a valid tool for downtown revitalization. Since these buildings are often constructed on vacant lots, thus filling a “hole” in the street, they are called in-fill construction. It is extremely important, however, that these new buildings relate harmoniously with the older buildings which surround them. Exact reproductions of Victorian buildings using historically accurate materials such as old-growth lumber must be identified as such. Interpretative reproductions using contemporary construction materials and/or techniques may be approved. False interpretations such as “fussy” Victorian is generally not recommended in the Historic District.

Visually, the design of an in-fill building, particularly its front facade, should be influenced by the other facades on the street. It should “grow” out of them. The new design should not, however, duplicate the design of the neighboring facades. Rather, it should be a contemporary design influenced by its surroundings...a blend of new and old. **The in-fill facade should not pretend to be historic by using false “historic” detail.** Pseudo-Colonial or Victorian elements are often used to blend a new building with older surroundings. This approach generally ends up only compromising what is authentically historic in the environment.

Since good in-fill design responds directly to its surroundings, it is not possible to develop specific guidelines which apply to all cases. There are, however, several general ideas which should govern the visual ties between an in-fill building and its neighbors.

## FACADE SHAPE

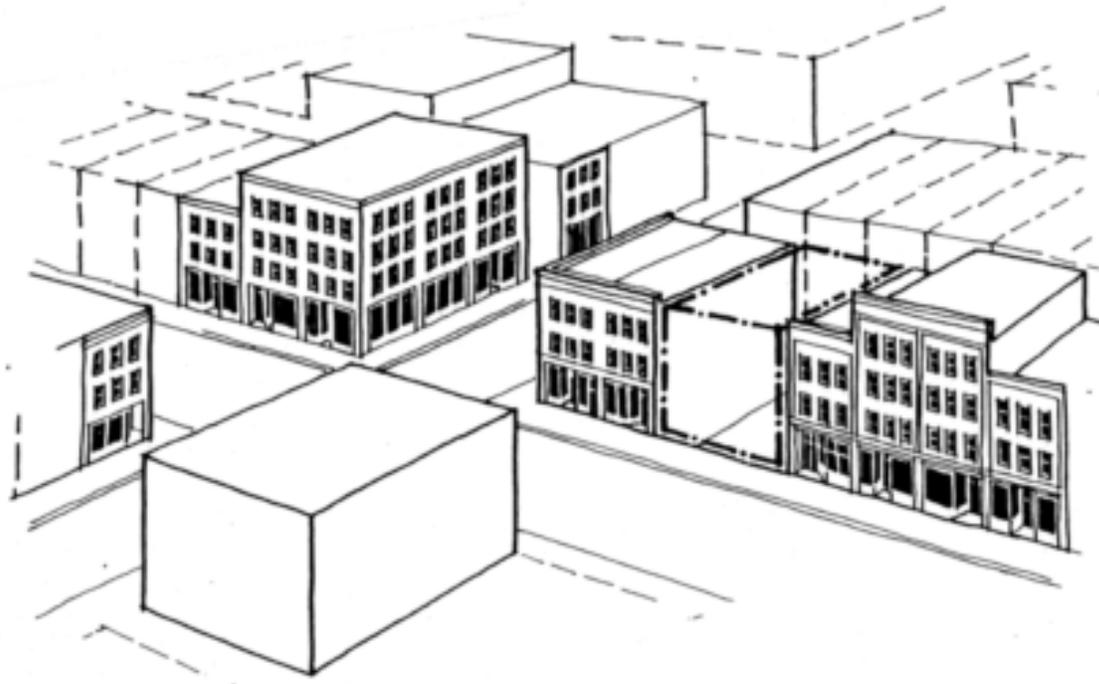
The concepts and characteristics presented on the following page are those of the existing architecture which should determine the “rough” shape, size and location of the in-fill facade.

### Height

Historically commercial buildings are generally similar in height. An in-fill building should not be much higher or lower than the mean height of surrounding structures.

### Roof Forms

The roof type of an in-fill building should correspond to those of adjacent buildings. On commercial streets, this usually means a flat roof not visible on the front facade.



### Width

An in-fill building should reflect the characteristic width of facades on the street. Wider facades should be broken down into a series of smaller “structural” bays.

### Relationship to Street

An in-fill building should have a relationship to the street (primarily an issue of set-back) which is consistent with neighboring facades

### Facade Proportion

The characteristic proportion (relationship of height to width) of existing facades should be respected.

## FACADE DESIGN

The concepts and characteristics presented on this page are those of the existing architecture which should determine the “detail” design of the in-fill facade.

### Visual Composition

The visual composition of the in-fill facade (that is, the organization of its visual parts) should be similar to that of surrounding facades.

### Facade Rhythms

Visual rhythms which unify the blockscape in their consistency (window and storefront rhythms) should be incorporated into in-fill facades.

### Proportion of Openings

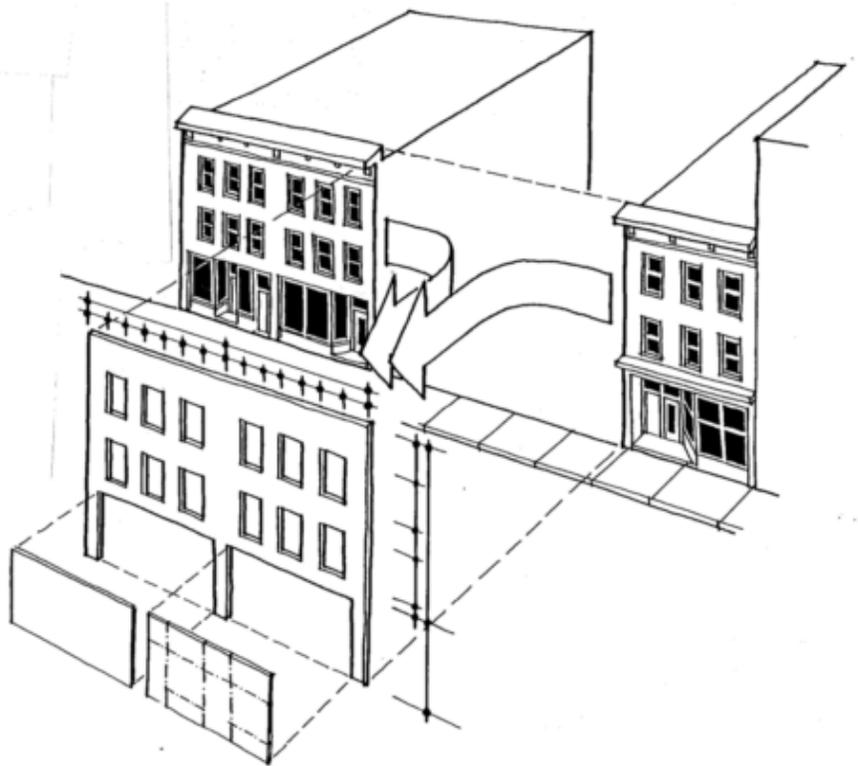
The size and proportion of window and door openings should be similar to those on surrounding facades. The same applies to the ratio of window area to solid wall for the facade as a whole.

### Use of Materials

An in-fill facade should be composed of materials which relate to adjacent facades

### Use of Colors

The colors chosen for an in-fill facade should tie it to its neighbors





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## Application for a Certificate of Appropriateness

**Please Print**

| Standards   |  |         |
|---|--|---------|
| <p>If the owner of the property is interested in receiving tax credits, <b>APPLICATION MUST BE MADE FIRST TO THE STATE HISTORIC PRESERVATION OFFICE.</b> If original features are found during renovation or demolition, a project must be stopped until an emergency meeting of the Historic District Commission is held to determine if the feature is to be incorporated into the project. If the applicant applied for Tax Credits the State Historic Preservation Office must be notified also.</p>  |  |         |
| <p><input checked="" type="checkbox"/> <b>This box must be checked by the applicant</b> indicating that they have read and understood the requirements for tax credits and that a project may be stopped for review if original features are found during the course of the project. If this box is not checked the application will not be processed.</p>  |  |         |
| <p>Properties within the City of Manistee Historic District are subject to the City of Manistee Historic District Ordinance (Chapter 1280 Historic District of the Code of Ordinances). The purpose of the ordinance is to preserve and protect our historic resource. The Historic District Commission is established by the Ordinance, and has the authority to review and approve all work permit applications and plans for exterior property improvements within the Historic District. Regular building maintenance is permitted and encouraged; however, a work permit is required for all alterations, significant repairs, new construction, demolition, moving of buildings, and all other activities affecting the exterior appearance of buildings and properties within these districts. Please consult staff for guidelines and specific details on permissible work.</p> |  |         |
| Submission of Application   |  |         |
| <p>This application must be received by the City <b>at least 10 days</b> prior to a regularly scheduled monthly Historic District Commission meeting. The meeting is held the first Thursday of the month at 3:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan unless it is a legal holiday. Applicants are strongly encouraged to conduct a preliminary discussion with staff and attend the meeting to explain the proposed work.</p>   |  |         |
| Property Information  |  |         |
| Address:  | Parcel #   |         |
| Applicant Information   |  |         |
| Name of Owner or Lessee:  |  |         |
| Address:  |  |         |
| Phone #:  | Cell#:   | e-mail: |
| Name of Contractor (if applicable):   |  |         |
| Address:  |  |         |
| Phone #:  | Cell#:   | e-mail: |
| License Number:   | Expiration Date:   |         |
| Application Requirements  |  |         |
| <p>The following information must be included with this application. Additional information may be required. The applicant must supply 12 copies of any items submitted that are in color.<br/>           Paint colors, Signage and Awnings are approved under a separate application.<br/>           The Historic District Commission requires a copy of the Building Plans for review and for file.</p>   |  |         |
| <input checked="" type="checkbox"/>   | Current photo of the structure as seen from the street and where proposed work is to take place.   |         |
| <input checked="" type="checkbox"/>   | Sketch, drawing or plans drawn to scale to show details and specification of ornamental features. Replacement doors, windows and lights require a copy of the specification sheet. |         |
| <input checked="" type="checkbox"/>   | A completed Certificate of Appropriateness Checklist.  |         |
| <input checked="" type="checkbox"/>   | Replacement doors, windows and lights require a copy of the specification sheet.   |         |

### Certificate of Appropriateness Checklist

Check all of the Renovations that Apply to your project and give a brief explanation of the project attach additional sheets if necessary:

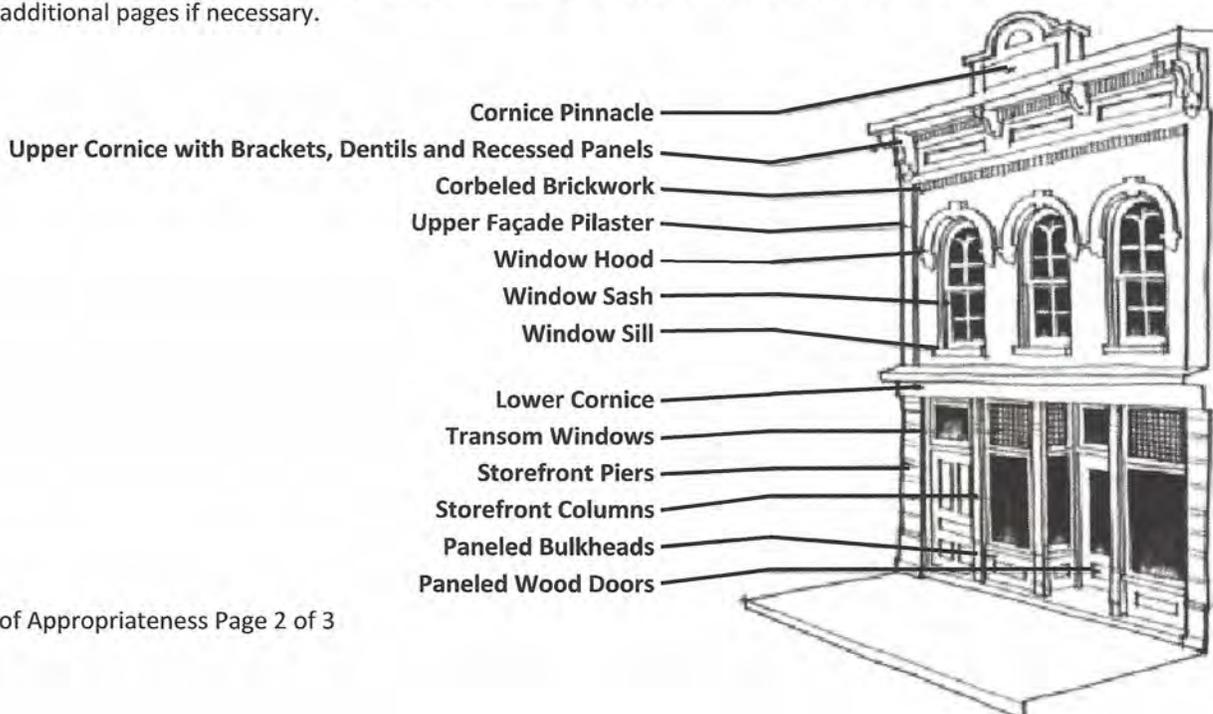
Example:

- Cornice Pinnacle:     N/A
- X    Upper Cornice       Repair and replace with new materials. Wood will be used and painted to match exiting color scheme.
- X    Corbeled Brickwork   Clean using method prescribed in Preservation Brief #1 - Assessing Cleaning and Water-Repellent Treatment for Historic Masonry Buildings.

|  |  |
|--|--|
| <input type="checkbox"/> Cornice Pinnacle      |  |
| <input type="checkbox"/> Upper Cornice         |  |
| <input type="checkbox"/> Corbeled Brickwork    |  |
| <input type="checkbox"/> Upper Façade Pilaster |  |
| <input type="checkbox"/> Window Hood           |  |
| <input type="checkbox"/> Upper Windows         |  |
| <input type="checkbox"/> Lower Cornice         |  |
| <input type="checkbox"/> Transom Windows       |  |
| <input type="checkbox"/> Storefront Piers      |  |
| <input type="checkbox"/> Storefront Columns    |  |
| <input type="checkbox"/> Paneled Bulkhead      |  |
| <input type="checkbox"/> First Floor Windows   |  |
| <input type="checkbox"/> Doors                 |  |
| <input type="checkbox"/> Other                 |  |

| Description of Work  |   |  |  |
|--|---|--|--|
| <input checked="" type="checkbox"/> New Construction   | <input type="checkbox"/> Rehabilitation/Restoration | <input checked="" type="checkbox"/> Addition | <input type="checkbox"/> Other (specify) |
| Describe the proposed project<br>Demolition of existing building above the street floor level and construction of a new three-story apartment building. Existing building foundation, basement and first floor plate will be reused.<br><br>See submittal packet for additional information about the proposed project.                            |   |  |  |
| Proposed Start Date <u>2017</u>  |   | Proposed Completion Date <u>2018</u>         |  |
| <b>Incomplete requests will be returned to the applicant to supply needed information for review.</b>  |   |  |  |
| Authorization  |   |  |  |
| <i>I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent, and we agree to conform to all applicable laws of the State of Michigan. All information submitted on this application is accurate to the best of my knowledge.</i> |   |  |  |
| Applicant Signature: <u><i>[Signature]</i></u>   |   | Date: <u>1.23.2017</u>                       |  |
| <b>By Signing this form the Applicant/Owner certifies that on or before the date of completion of proposed work, my building will have a code compliant smoke detector or fire alarm system.</b>   |   |  |  |
| Office Use Only  |   |  |  |
| HDC - _____ - _____  | Notes:  |  |  |
| Signature: _____   |   | Date: _____                                  |  |

This drawing depicts many of the types of historical decoration found in the Manistee Historical Business District. While all of the elements may not apply to your building this should assist in listing areas of renovation. The next page is a check list to assist in the application process. Please check all that apply to your project and give a brief explanation of proposed work. Use additional pages if necessary.



**FACADE SHAPE**

The concepts and characteristics presented on the following page are those of the existing architecture which should determine the “rough” shape, size and location of the in-fill facade.

|     |    |  |
|-----|----|--|
| Yes | No | <p><b>Height</b> - Historically commercial buildings are generally similar in height. An in-fill building should not be much higher or lower than the mean height of surrounding structures.</p> <ul style="list-style-type: none"> <li>The proposed building is in the same height range as adjacent buildings at the intersection of River and Maple Streets. At approximately 40’ tall, it is slightly taller than the structures on the northeast corner and southwest corner, but somewhat shorter than the structure on the southeast corner.</li> </ul>   |
| Yes | No | <p><b>Roof Forms</b> - The roof type of an in-fill building should correspond to those of adjacent buildings. On commercial streets, this usually means a flat roof not visible on the front façade.</p> <ul style="list-style-type: none"> <li>The proposed building will have a low-sloped hip roof as can be seen on the isometric elevation drawings on the attached informational packet, but the roof will not be visible from the street level, as can be seen from the perspective sketches in the packet.</li> <li>This roof is a similar style to the roof on the City Hall building and is more practical than a flat roof for this type of building and this climate.</li> </ul> |
| Yes | No | <p><b>Width</b> - An in-fill building should reflect the characteristic width of facades on the street. Wider facades should be broken down into a series of smaller “structural” bays.</p> <ul style="list-style-type: none"> <li>The proposed building is broken down into three distinct portions which read as individual buildings. Each building is also broken down further into a series of bays similar to other downtown buildings. These bays give the building a vertical orientation appropriate for the downtown area.</li> </ul>  |
| Yes | No | <p><b>Relationship to Street</b> - An in-fill building should have a relationship to the street (primarily an issue of set-back) which is consistent with neighboring facades.</p> <ul style="list-style-type: none"> <li>The proposed building is set at the sidewalk edge to continue the building line of the block of buildings to the east. The center “connector” portion of the building is set back to reinforce distinctness of the east and west portions of the building and to allow for a landscaped area at the building entry.</li> </ul>   |
| Yes | No | <p><b>Facade Proportion</b> - The characteristic proportion (relationship of height to width) of existing facades should be respected.</p> <ul style="list-style-type: none"> <li>The verticality of the façade and the rhythm of the equal bays relate strongly to the existing downtown area.</li> <li>The “tower” at the corner anchors the building at the corner and relates to the corner entry on the Ramsdell Building across the corner.</li> </ul>   |

**FACADE DESIGN**

The concepts and characteristics presented on this page are those of the existing architecture which should determine the “detail” design of the in-fill facade.

|     |    |  |
|-----|----|--|
| Yes | No | <p><b>Visual Composition</b> - The visual composition of the in-fill facade (that is, the organization of its visual parts) should be similar to that of surrounding facades.</p> <ul style="list-style-type: none"> <li>The façade is a simplified variation on the existing 19<sup>th</sup> and early 20<sup>th</sup> century architecture of the area. The base of the east building consists of glass storefronts interrupted with masonry piers. The entry at the corner is recessed off the sidewalk edge. The lower cornice line is formed with awnings and building panels. Similar to other downtown buildings, the fenestrations on the</li> </ul> |
|-----|----|--|

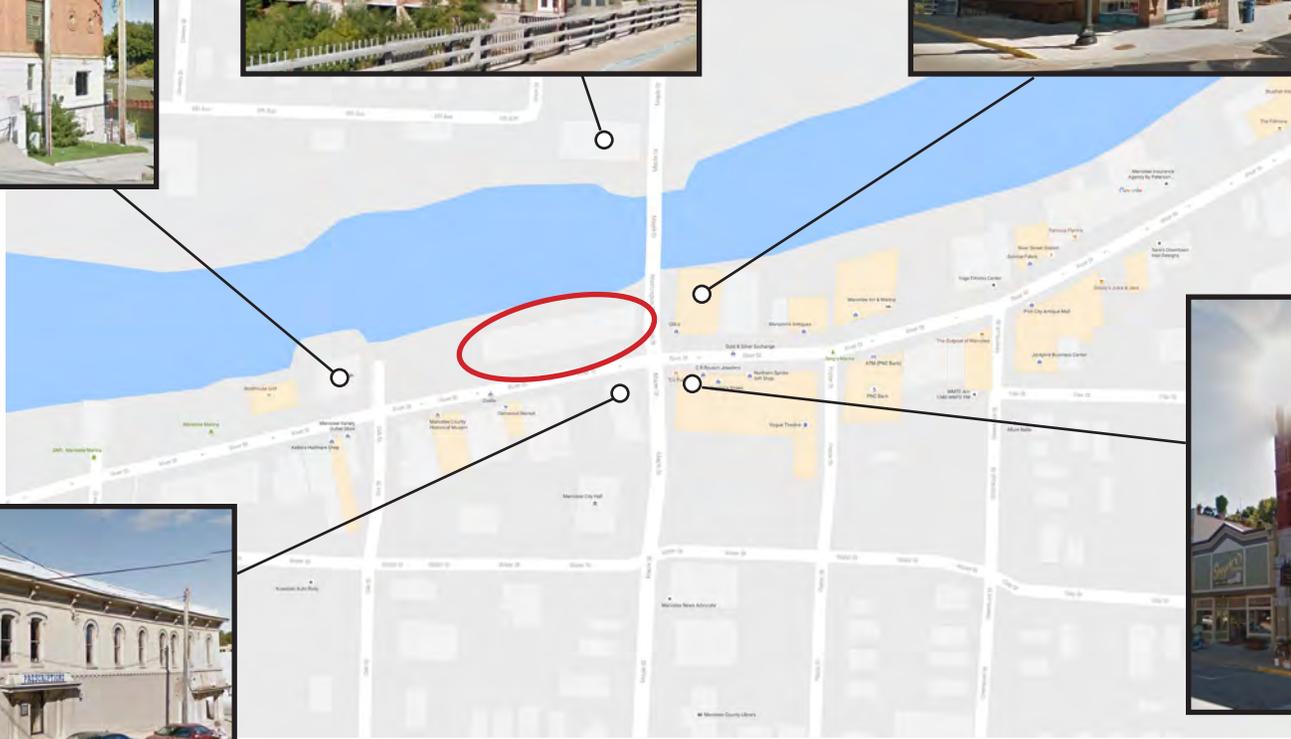
|  |    |  |
|--|----|--|
|  |    | upper levels consist of punched openings that signify a different use on these floors. The building is also capped with a simplified cornice.  |
| Yes  | No | <p><b>Facade Rhythms</b> - Visual rhythms which unify the blockscape in their consistency (window and storefront rhythms) should be incorporated into in-fill facades.</p> <ul style="list-style-type: none"> <li>This building makes up its own block, so there is somewhat more freedom in the rhythms. That said, like the buildings across River Street and in the block to the east, the façade has a regular rhythm of bays making up the whole.</li> </ul>  |
| Yes  | No | <p><b>Proportion of Openings</b> - The size and proportion of window and door openings should be similar to those on surrounding facades. The same applies to the ratio of window area to solid wall for the facade as a whole.</p> <ul style="list-style-type: none"> <li>Like adjacent buildings, the storefront area of the proposed building is made up of large display windows broken up with masonry piers. Upper level walls are more solid with single-hung windows set in a regular pattern.</li> <li>The single-hung windows proposed are 36" x 66" nominal in a vertical orientation. This proportion and size relates closely with other downtown buildings.</li> </ul> |
| <p><b>Use of Materials</b> - An in-fill facade should be composed of materials which relate to adjacent facades</p> <p><b>Use of Colors</b> - The colors chosen for an in-fill facade should tie it to its neighbors</p> |    |  |
| Yes  | No | <p><b>Brick Masonry</b></p> <ul style="list-style-type: none"> <li>Field brick: Sioux City - Monarch Velour Modular</li> <li>Accent brick: Belden – Mo. Lighthouse Gray Sm A</li> <li>Glen-Gery Thin Tech system, Mortar Color to be determined</li> </ul>   |
| Yes  | No | <p><b>Siding</b></p> <ul style="list-style-type: none"> <li>Certain Monogram Series – 5" dutchlap - premium .046" thickness</li> <li>Field color: Sable Brown</li> <li>Accent color: Natural Clay</li> </ul>   |
| Yes  | No | <p><b>Windows</b></p> <ul style="list-style-type: none"> <li>Jeld-wen – Brickmould Vinyl Windows with EverTone Exterior</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>Anderson 100 Series Single Hung</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>Pella Impervia Fiberglass Single Hung</li> </ul> <p>Exterior Color: Bronze or Dark Brown<br/>Single-hung window: 1 over 1 – clear insulated low-e glazing, typical size approx. 36" x66"</p>   |
| Yes  | No | <p><b>Patio Doors</b></p> <ul style="list-style-type: none"> <li>Therma Smooth-Star fiberglass (or equal) 36" x 80" swing door with full glass – no grilles</li> <li>Glazing: Clear, low-e</li> <li>Color: Painted – color to be determined</li> </ul>   |
| Yes  | No | <p><b>Storefront Framing and Doors</b></p> <ul style="list-style-type: none"> <li>Aluminum framing – Tubelite 14000 Series 2" x 4-1/2" typical frame member;</li> <li>Glazing 1" clear insulated low-e glazing;</li> <li>Aluminum Finish; Bronze Anodized; Doors</li> <li>Narrow stile doors with clear insulated low-e glazing</li> </ul>   |

|     |    |   |
|-----|----|---|
| Yes | No | <b>Roofing</b> <ul style="list-style-type: none"> <li>• Asphalt Shingles – Certainteed Landmark</li> <li>• Color – Weathered Wood</li> <li>• 4/12 roof pitch – hip</li> </ul>   |
| Yes | No | <b>Railings</b> <ul style="list-style-type: none"> <li>• South Façade: Superior Aluminum Railing systems or equal – custom built; Color – Bronze</li> <li>• North Façade: Vinyl or wood railing system with similar configuration to south façade – Color – Bronze</li> </ul> |
| Yes | No | <b>Awnings</b> <ul style="list-style-type: none"> <li>• Custom aluminum frame with Sunbrella brand Fabric or equal</li> <li>• Color – to be determined</li> </ul>   |
| Yes | No | <b>Light Fixtures</b> <ul style="list-style-type: none"> <li>• Yet to be determined</li> <li>• Will be dark-sky compliant</li> </ul>  |

Proposed Redevelopment of

# 400 River Street

Manistee, Michigan



## Summary of Modifications from Last Meeting

The following is a brief summary of the significant modifications made to the design based on the input received from the City of Manistee Historic District Commission meeting on 3 December 2016.

- The massing of the west portion of the building has been changed to incorporate smaller, more vertical bays on the south facade and variation along the roof line.
- As suggested at the last meeting, the south facade of the west portion of the building has a distinctive look from the east side to appear to be a different building.
- The north facade was reconfigured to relate to the evolved floor plan. The result is a bay spacing that relates to the south facade and is a smaller scale than the previous version.
- Other minor modifications as shown on the following sketches.

## Background

The current building at 400 River Street in downtown Manistee is a single story, synthetic plaster-clad building with approximately 13,000 SF of floor area on the first level. The lower level contains approximately 1,500 SF of utility and storage space. The east portion of the building dates back to the early 1960's and the west portion was constructed in approximately 1988. It is defined as a noncontributing structure to the City of Manistee Historic District.

The site is bounded by River Street on the south, Maple Street on the east, the Manistee River to the North and Oak Street to the west. There is a surface parking lot to the west of the building, that extends under the west portion of the building.



## 400 River Street - Manistee

Hollander Development Corporation

01.23.2017

## Proposed Use

The proposed use for the property is for a mixed use structure containing retail and 45 one-bedroom and two-bedroom residential units. The surface parking lot and parking under the building would remain.

## Approach

The proposed approach to this project is to demolish the existing building above the first floor slab, leaving the building foundation, basement level and first floor structure intact. A new 3-story building will be built on the existing first floor structure. This approach was developed based on the following factors:

- The existing building has no historic significance
- A new building would allow more flexibility in layout to better accommodate the new uses.
- The existing exterior facade is in poor condition and is not in keeping with City of Manistee Historic District Guidelines

## Design Narrative

When designing the new building for this site, we used the City of Manistee Historic District Guidelines and information discussed during our design assistance meeting on 11/3/16 as our guides. We are considering this building essentially an in-fill construction, but it also has the unique attribute of being essentially the end of the traditional downtown area on the north side of River Street. The property immediately to the west is the Elks meeting hall, then a one-story restaurant and the municipal marina.

Our approach to the design of this rather long building was to break the front facade into three sections, each with a unique, but related, design treatment. The palette of materials of brick, glass and horizontal siding remains consistent between the sections.



## 400 River Street - Manistee

Hollander Development Corporation

01.23.2017

## River Street Facade - Overall



## River Street Facade - Overall



## Eastern Section of River Street Facade

The east-most section (at the corner of River and Maple) has commercial use on the street-level. The facade is brick and glass on the first two floor levels, and is broken up into bays of storefront windows separated by masonry pilasters. These bays are two stories tall to relate to the buildings across the street to the south. Awnings are used at the retail spaces to provide shading and a more pedestrian-friendly feel. The cladding material of the third story

is changed to horizontal siding to reduce the apparent building height. The brick masonry continues on all three levels at the corner to define the intersection. At the "tower" the first floor storefront windows are set back to create a recessed entry. Balconies for the residential units on this facade are in-set to avoid breaking the line of the facades. The rhythm, proportion and style of the double-hung windows get their cue from the windows on other downtown



Eastern Section of River Street Facade



buildings.

### Center Section of River Street Facade

The center section serves as a “connector” for the East and West portions of the building, and is the main entry for the residential units on all three levels. This section is all brick masonry and glass,

is somewhat taller than the adjacent portions of the building and is recessed to create an entry court and to relieve the facade lines. This facade features a large inset entry to provide protection from



## Center Section of River Street Facade



the elements, similar to other buildings in the block to the east.

### Western Section of River Street Facade

The west-most section is all residential. Brick is used on the first story level with horizontal siding on the upper two stories to begin to break down the scale as the downtown area comes to an end. The brick is extended up to the cornice at each corner of this section. The facade is broken down into "townhouse" bays to create a

rhythm. These bays are clad with brick on the first floor level and smooth plaster on the upper levels to resemble limestone. The first floor residential units have an entry recessed from the sidewalk in a small alcove. These units also have a barrier-free entry off the interior corridor. The upper units feature an inset balcony, and double-hung windows.



## Western Section of River Street Facade



## Maple Street Facade

The facade facing Maple street is a continuation of the facade around the corner, with storefront windows, awnings and masonry piers.





## Maple Street Facade

### River Facade

The facade facing the river is distinctly simplified, as was historically done. It consists of large double-hung windows and cantilevered balconies to add texture to the facade. This facade is cantilevered over the edge of the existing building structure to gain needed floor space without disturbing the adjacent grade. Cladding is horizontal siding. The basement level, which is exposed on this facade, will be used for a rental office and tenant amenities. The grade level of this facade is clad in brick, with the upper residential levels clad in two colors of horizontal siding.



## River Facade



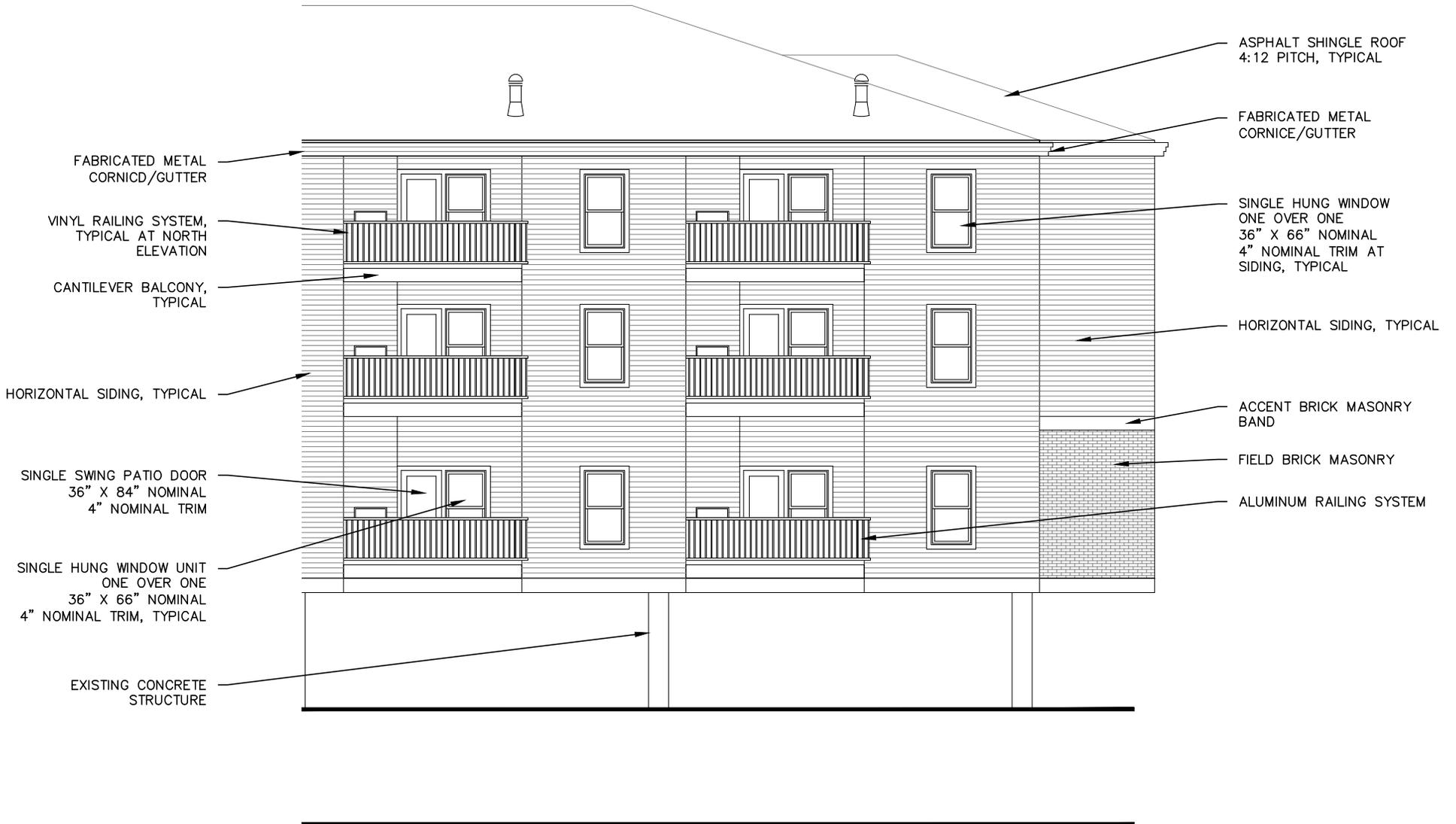
# River Facade - East Portion



River Facade - East Portion



# River Facade - West Portion



River Facade - West Portion



## West Facade

The West facade is a continuation of the west portion of the River Street facade, with a brick masonry base, horizontal siding upper levels and double-hung windows. The Southwest corner of the building is brick masonry on all three levels.



400 River Street - Manistee

Hollander Development Corporation

01.23.2017

IN • FORM Architecture

401 east michigan avenue suite 100 kalamazoo, MI 49008

t: 269.270.3331 www.informarchitect.com ©2017

West Facade





View Looking Northeast



View Looking Northwest



View from Maple Street Bridge



400 River Street - Manistee  
Hollander Development Corporation  
01.23.2017



400 River Street - Manistee  
Hollander Development Corporation  
01.23.2017







Hollander Development Corporation is a leader in the development of affordable, high-quality apartment communities for families and seniors throughout Michigan. Since the creation of our company in 1979, we have successfully developed over 3,000 units of affordable housing.

We take pride in creating apartment communities with architectural distinction and a focus on sustainability. We work closely with the project design team to create housing developments with curb appeal, comfortable and efficient floor plans, desirable resident amenities, site plans which are sensitive to the surrounding neighborhood, and low environmental impact. We are a member of the U.S. Green Building Council and our portfolio includes multiple LEED certifications.

Our careful planning and attention to detail throughout the development process results in properties that enhance the community. Our properties offer attractive housing options to employers who are moving into or expanding within a locality and are looking for affordable housing for their employees. In many cases, our properties help to upgrade the local housing stock and encourage neighborhood revitalization activities.

## IN • FORMarchitecture

InForm Architecture is a collaborative architectural practice based in Kalamazoo with on-going projects throughout western Michigan. We have significant experience with historic and adaptive-reuse projects in urban settings, and strive to design with sensitivity to a building's context and environment.

Our team for this project is led by Steve Hassevoort, AIA, the managing partner of the firm. Steve has over 30 years experience in the profession and is on the Michigan State Historic Preservation Office List of Historical Architects. He also sits on the City of Kalamazoo Downtown Design Review Committee and the Downtown Kalamazoo Incorporated Project Review Committee.

# Exterior Materials & Projects Specifications

400 River Drive – Manistee, Michigan  
Hollander Development Corporation  
01.23.17

## **Brick Masonry**

Field Brick: Sioux City Brick – Monarch Velour Modular\*\*  
Accent Brick: Belden - Lighthouse Gray Modular\*\*  
System: Glen-Gery Thin Tech system  
Mortar Color to be determined

## **Siding**

CertainTeed Monogram 5" Dutchlap\*\*  
Premium Vinyl - 0.46" thickness  
Colors: Field: Sable Brown; Accent: Natural Clay

## **Windows**

Jeld-wen Brickmould single hung with EverTone exterior\*\*

OR

Anderson 100 Series Single Hung\*\*

OR

Pella Impervia Fiberglass Single Hung\*\*

Exterior color: Brown / Bronze

Single-hung window: 1 over 1 – clear insulated low-e glazing  
Typical size approximately 36" x 66"

## **Patio Doors**

Therma-Tru Smooth-Star fiberglass swing doors  
36" x 80" swing door with full glass – no grilles  
Clear low-e glazing  
Color: Painted – color to be determined

## **Townhouse Doors**

Therma-Tru Smooth-Star fiberglass swing doors  
36" x 80" swing door with panels & transom lights (See attached product information)  
Color: Painted – color to be determined

## **Storefront Framing and Doors**

Aluminum framing: Tubelite 14000 Series 2" x 4-1/2" typical frame member\*\*  
Glazing: 1" clear insulated low-e glazing  
Aluminum Finish: Bronze Anodized  
Doors: Narrow stile doors with clear insulated low-e glazing

## **Roofing**

Asphalt Shingles: Certainteed Landmark – color: Weathered Wood\*\*  
4/12 roof pitch – hip

## **Railings**

South Elevation: Superior Aluminum Railing systems or equal – custom built  
Color: Bronze  
North Elevation: Vinyl or wood fabricated – custom built. Configuration similar to south  
elevation  
Color: Bronze

## **Awnings**

Custom aluminum frame with Sunbrella brand Fabric or equal  
Color to be determined

## **Light Fixtures**

To be determined – but will be dark-sky compliant

\*\*Indicates that a sample will be available for review at the 02.02.17 Historic District Commission meeting

# BRICK INFORMATION



Technical Information Where To Buy

712-202-1100

Search



HOME PRODUCTS IDEA GALLERY LITERATURE ABOUT US NEW CONTACT US JOBS

## Color Range

[All \(129\)](#)

[Black \(4\)](#)

[Brown \(36\)](#)

[Buff \(8\)](#)

[Burgundy \(10\)](#)

[Gray \(22\)](#)

[Orange \(10\)](#)

[Pink \(18\)](#)

[Red \(33\)](#)

[Tan \(18\)](#)

[White \(9\)](#)

## Idea Gallery

[Architectural \(141\)](#)

[Residential \(90\)](#)

[Color Combinations \(34\)](#)

[Custom Blends \(7\)](#)

[Award Gallery \(16\)](#)

## Brick Sizes

[Brick Size Chart](#)

## Color Series

[Aztec \(6\)](#)

[Brown, Burgundy, Ironspot \(14\)](#)

[Buff, Gray, Tan, Pink \(21\)](#)

[Centennial Collection \(5\)](#)

[Charleston Texture \(8\)](#)

[Colonial Smooth Ironspot \(12\)](#)

[Monticello \(10\)](#)

[Natural Ironspot \(12\)](#)

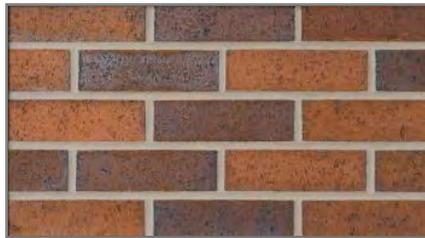
[Red, Red Range \(15\)](#)

[Sanded Architectural \(4\)](#)

[Savannah Texture \(3\)](#)

[Western \(Flashed\) \(3\)](#)

# Monarch



[View larger image](#)

## Specifics

Size: 12 Inch Utility, Closure, Modular, Norman

Textures: Smooth, Velour

Plant: Sergeant Bluff, IA



Okoboji Bank - [view gallery](#)



# Gray Bricks: Lighthouse Velour

SPL ID: 00000240



| STANDARDS<br>(Meets grade SW for all) |                    | TYPE   | TEXTURE | COMP.      | CW   | IRA | TEST REPORT |
|---------------------------------------|--------------------|--|---------|------------|------|-----|-------------|
| PLANT 2<br>EXTRUDED                   | FACE BRICK<br>C216 | FBX  | Velour  | 12,889 psi | 2.19 | 4.3 |             |
| Cleaning Recommendation               |                    | Belden Brick recommends using <a href="#">Sure Klean Vana Trol®</a> to clean this product. Alternatively, <a href="#">EaCo Chem NMD 80®</a> can be used to clean any of our brick. |         |            |      |     |             |



| SIZES                    | WIDTH          | HEIGHT         | LENGTH          | THIN FLAT BACK | THIN DOVETAIL | UNITS / SQ. FT. |
|--------------------------|----------------|----------------|-----------------|----------------|---------------|-----------------|
| Standard                 | 3 5/8" / 92mm  | 2 1/4" / 57mm  | 8" / 203mm      | X              | X             | 6.55            |
| Jumbo Standard           | 3 5/8" / 92mm  | 2 3/4" / 70mm  | 8" / 203mm      | X              | X             | 5.5             |
| Modular                  | 3 5/8" / 92mm  | 2 1/4" / 57mm  | 7 5/8" / 194mm  | X              | X             | 6.86            |
| Jumbo Modular            | 3 5/8" / 92mm  | 2 3/4" / 70mm  | 7 5/8" / 194mm  | X              | X             | 5.76            |
| Norman                   | 3 5/8" / 92mm  | 2 1/4" / 57mm  | 11 5/8" / 295mm | X              | X             | 4.57            |
| Utility                  | 3 5/8" / 92mm  | 3 5/8" / 92mm  | 11 5/8" / 295mm | X              | X             | 3               |
| Double Utility           | 3 5/8" / 92mm  | 7 5/8" / 194mm | 11 5/8" / 295mm | X              | X             | 1.5             |
| Quad                     | 3 5/8" / 92mm  | 7 5/8" / 194mm | 7 5/8" / 194mm  | X              | X             | 2.25            |
| Monarch                  | 3 5/8" / 92mm  | 3 5/8" / 92mm  | 15 5/8" / 397mm | X              | X             | 2.25            |
| Monarch 5-5/8" Thru Wall | 5 5/8" / 143mm | 3 5/8" / 92mm  | 15 5/8" / 397mm | X              | X             | 2.25            |
| Monarch 7-5/8" Thru Wall | 7 5/8" / 194mm | 3 5/8" / 92mm  | 15 5/8" / 397mm | X              | X             | 2.25            |



THIN TECH®

Leading the Way in Thin Masonry Support Technology



[glengery.com](http://glengery.com)

Glen-Gery Thin Tech® is a mechanical support and spacing panel for thin masonry veneers. The strongest, most durable thin veneer panel system



ever designed. Each thin brick, tile or stone is supported by our

patent pending support ties that mechanically interlock the masonry veneer to the panel.

## FEATURES & BENEFITS

**Patent pending support tie configuration placed on a 76 degree angle**

- Allows the mortar to surround the support tie creating a positive masonry lock between the brick mortar and panel

**G-90 galvanized and thermal set coating**

- Provides barrier rust prevention
- Light color helps reflect and evenly distribute heat

**Stucco embossed texture**

- Provides a built-in weep system on both sides of panel for moisture control
- Creates greater surface area for maximum adhesion between veneer and panel

**26-gauge architectural grade steel**

- High fastener pull-through strength for panel support and integrity
- Harden steel sheets help brace wall, minimizing wall racking
- Allows fastening anywhere through the panel for even weight distribution or loading on the wall, using industry standard fasteners

**Lightweight design**

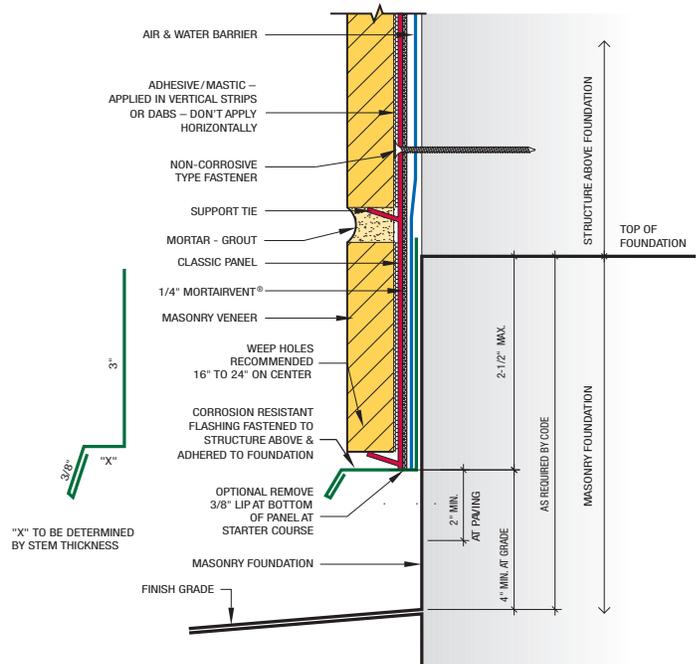
- Reduces footings and lintel requirements
- Cost-efficient wall design
- Reduced labor costs

Glen-Gery Thin Tech® is available in Classic and Elite series

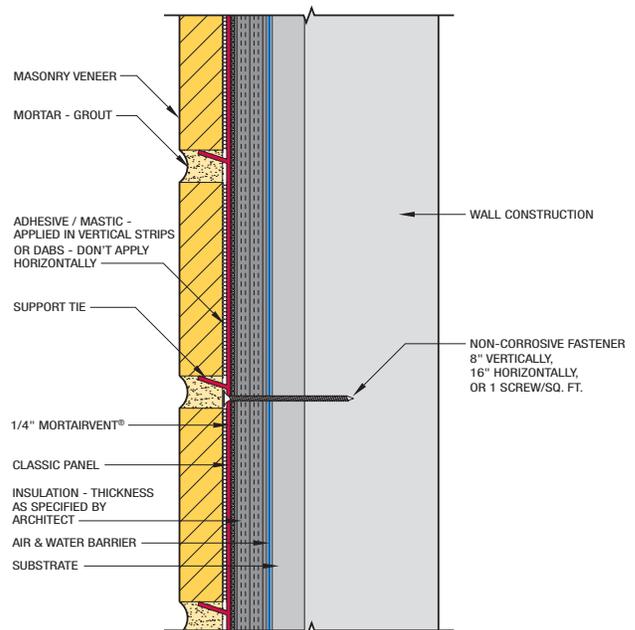
## GLEN-GERY THIN TECH® CLASSIC SERIES

Your traditional choice with our patent pending locking support tie.

### Base Detail – Classic



### Wall Section – Classic (with insulation)



ries. Each series offers multiple face heights of support ties allowing for maximum design flexibility.

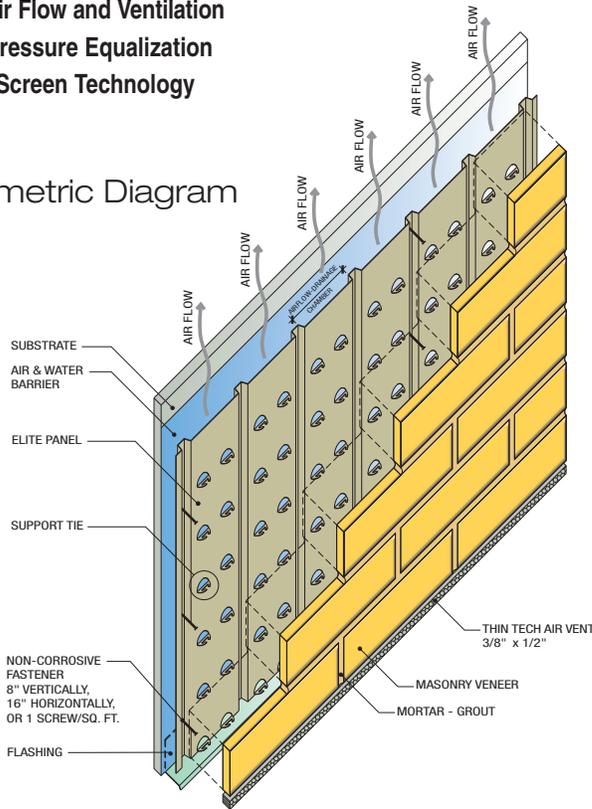
## GLEN-GERY THIN TECH® ELITE SERIES – the most advanced masonry support system ever designed

Your choice for superior performance while maintaining all the features and benefits of the Classic Series.

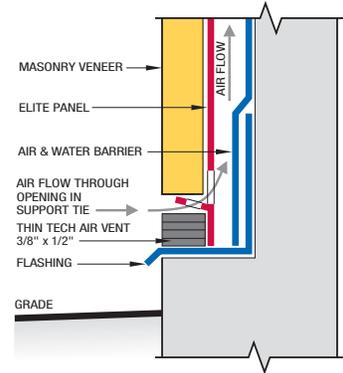
Glen-Gery Thin Tech® Elite provides a true screen-drained wall system with:

- Superior Drainage
- Superior Bond Strength
- Superior Air Flow and Ventilation
- Superior Pressure Equalization
- Plus Rain Screen Technology

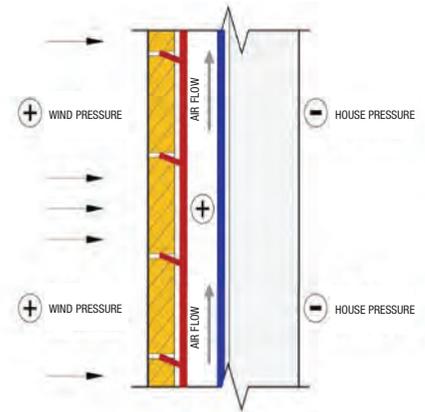
Axonometric Diagram



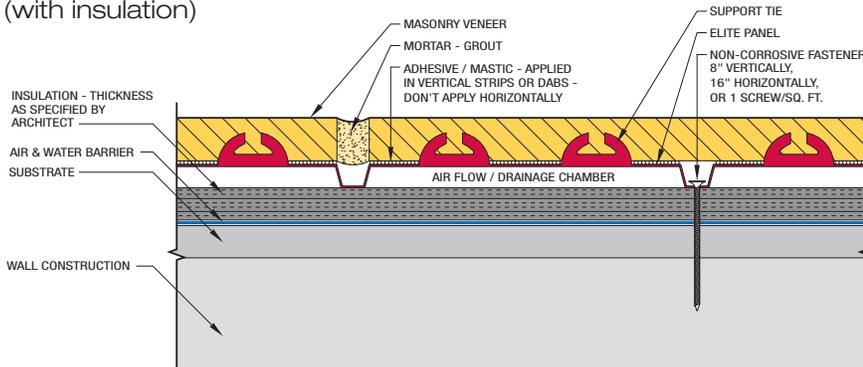
Air Flow & Ventilation Diagram



Air Pressure Diagram



Plan View – Elite  
(with insulation)

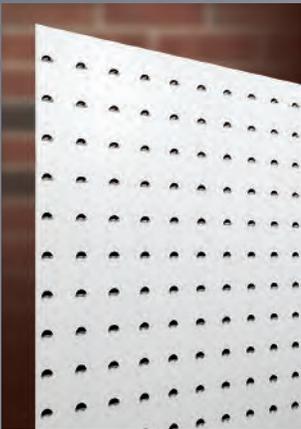


Wind is one of the main contributing forces causing rain penetration in a building. When wind blows on the face of a building, it forces water through even the smallest opening. A wall utilizing rain screen technology is designed to counteract the pressure of the wind. When wind hits the Glen-Gery Thin Tech® "Elite" wall it forces air into the airflow chambers, causing the chambers to reach the same pressure as the wind; thus the net pressure difference across the cladding is near zero. As a result, the wall pressure is equalized and the driving force for pressure-induced water penetration is eliminated.

Leading the Way in Thin Masonry Support Technology

# GLEN-GERY THIN TECH® ACCESSORIES

Glen-Gery continues to lead the way in thin masonry support technology by stocking a full line of high-quality accessories. These accessories are recommended for the Elite and Classic Series panel systems and available through our authorized Thin Tech® distribution network.



**Thin Tech Support Tie Ledge Panel**

Pre-punched panels are available in Classic (shown above) and Elite Series in multiple face heights of support ties that correspond with specific brick sizes allowing for maximum design flexibility.



**Thin Tech Pre-Bent Corner Panel**

Pre-punched and pre-bent corner panels available in Classic and Elite (shown above) Series allow for ease of installation at outside corners and continuous insulation.



**Adhesive**

HD construction adhesive designed for a wide range of construction applications and ideal for metal, brick, concrete and most large panel type substrates.



**Thin Tech Shim**

Used with Elite panels to maintain a solid panel surface when the installation requires the panel to be cut outside the vertical channels.



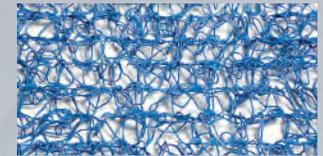
**Starter Angle**

Available in 24-gauge stainless steel. Starter angles are to be installed at base, floor lines, windows and doors.



**Thin Tech Air Vent**

Used with Elite panels at the starter angle or above window and door openings improving aesthetics while maintaining proper water drainage and ventilation.



**Mortairvent®**

Mortairvent®, a mortar deflection, drainage and ventilation system specifically designed for use with masonry veneer applications.

**Fasteners**



Pan head, square drive fasteners available in multiple sizes for steel, wood or concrete.



**Glen-Gery Type N or Type S Preblended Mortar**

Glen-Gery mortars are high-performance factory blends of Portland cement, hydrated lime, and mason's sand meeting ASTM C-144.

| Product  | Size                          | Weight       | Packaging     | Coverage (Approximate) |
|--|-------------------------------|--------------|---------------|------------------------|
| Thin Tech Support Tie Ledge Panel* (Classic or Elite)    | 48" x 48" (nominal)           | 16 lbs. ea.  | As needed     | 16 sq. ft./panel       |
| Thin Tech Pre-Bent Corner Panel* (Classic or Elite)      | 48" x 16" x 32" (48" nominal) | 16 lbs. ea.  | As needed     | 16 sq. ft./panel       |
| Thin Tech Shim   | 4' lengths                    | .4 lbs. ea.  | As needed     | 4 linear ft./piece     |
| Starter Angle  | 10' lengths                   | 3.5 lbs. ea. | As needed     | 10 linear ft./piece    |
| Thin Tech Air Vent                                       | 4' lengths                    | .75 lbs. ea. | As needed     | 4 linear ft./piece     |
| Adhesive   | 29 oz. tube                   | 3 lbs. ea.   | 12 tubes/case | 16 sq. ft./tube**      |
| Mortairvent® (.25 in./6mm)                               | 39" x 61.5'                   | 14 lbs.      | As needed     | 200 sq. ft./roll       |
| Glen-Gery Preblended Mortar                              | 80 lb. bag                    | 80 lbs. ea.  | As needed     | 80 sq. ft./bag***      |
| 1-1/2" Pan Head Square Drive Screw for Steel             | #10 x 1-1/2"                  | 17 lbs.      | 1700/Box      | 1700 sq. ft./box       |
| 3-1/2" Pan Head Square Drive Screw for Steel             | #10 x 3-1/2"                  | 17 lbs.      | 850/Box       | 850 sq. ft./box        |
| 1-1/2" Pan Head Square Drive Screw for Wood and Concrete | 3/16" x 1-1/2"                | 17 lbs.      | 1700/Box      | 1700 sq. ft./box       |
| 3-1/2" Pan Head Square Drive Screw for Wood and Concrete | 3/16" x 3-1/2"                | 17 lbs.      | 850/Box       | 850 sq. ft./box        |

\*Support tie spacing in following sizes: brick – 2-5/8", 3-1/8", 3-3/8", 4"; stone – 8", 12", 16", 24". Available support tie sizes: 3/8" (standard), 5/8" and 7.5 mm

\*\*Corner brick will require 50% more adhesive • \*\*\*Coverage will vary depending on brick or stone



800.854.4780  
glengery.com





THIN  
BRICK

Truly amazing product diversity



Glen-Gery

# PRODUCT DIVERSITY

Glen-Gery Thin Brick is a compelling alternative developed to give architects, engineers, builders and homeowners a choice that expands their design potential by eliminating certain restrictions. Its ageless appeal can be a defining element when building plans or other factors may not permit the use of standard brick masonry. Now the beauty of brick's signal impression has a wider range of applications. Thin Brick will open up great possibilities to enhance internal or external walls and design elements.



**Thin Brick provides the same uniformity and quality that is the standard for our full size facebrick.**



**The diversity of Glen-Gery Thin Brick is emblematic of the company's leadership in brick manufacturing and building innovation.**



Glen-Gery offers Thin Brick in the widest variety of colors, textures and overall appearance for endless design possibilities.

## **Glen-Gery Thin Brick benefits:**

Reduced fuel and energy use minimizes energy costs in manufacturing and transportation.

Reduced wall costs are possible because there are no shelf angles, lintels, support ledge, etc.

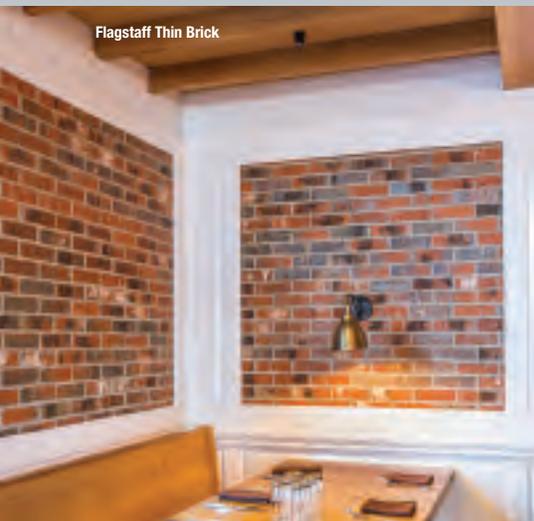
Increased sustainability means decreased use of raw materials and increased quarry life.

It provides an alternative to other materials and presents a genuine brick appearance.

It requires less structure, which means it will be a lighter load with less seismic concerns.

Less job site impact allows for a cleaner work environment with less materials.

Easier installation allows for a greater labor pool, with 15-20 percent fewer man-hours required for comparable square footage.



Flagstaff Thin Brick

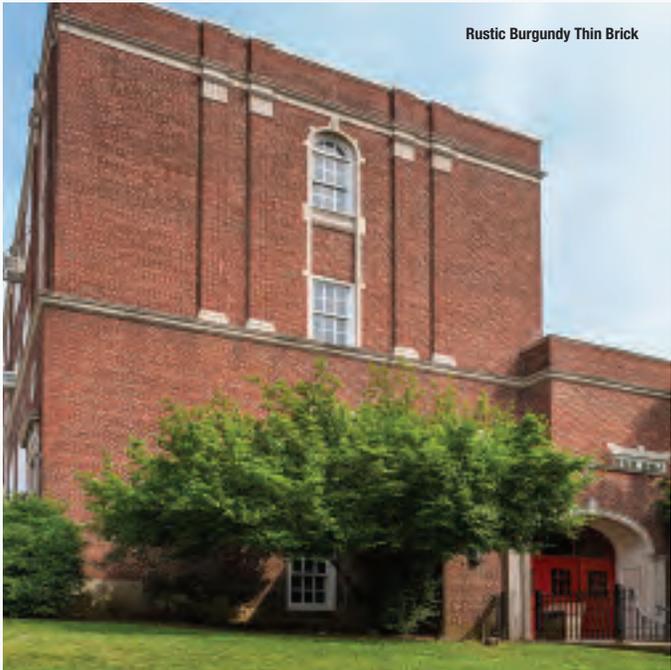


Nob Hill Thin Brick

### A variety of applications

Extending brick's essential versatility, Thin Brick yields superior value at a manageable cost. It excels in a practically unlimited array of architectural settings. Designers who want the inimitable appeal of brick can achieve it even under sometimes constrained budgets for schools, offices, hospitals, apartments/condos, restaurants, malls, and the remodeling of homes with existing siding.

Commercial or residential, indoors or outdoors, for kitchens, basements, accent walls, fireplaces, ceilings and more, this product delivers the presence, permanence and sustainability of standard thicknesses. The choice need not be brick or something less. This is the compelling alternative that puts real brick within reach for countless applications.



Rustic Burgundy Thin Brick

# RESIDENTIAL PROJECTS

Glen-Gery Thin Brick meet the requirements of a broad spectrum of projects—residential or commercial, interior or exterior. The choices and options are nearly endless, making it the pick of architects, engineers and homeowners who want greater design flexibility in a cost-effective product with brick's longstanding endurance.

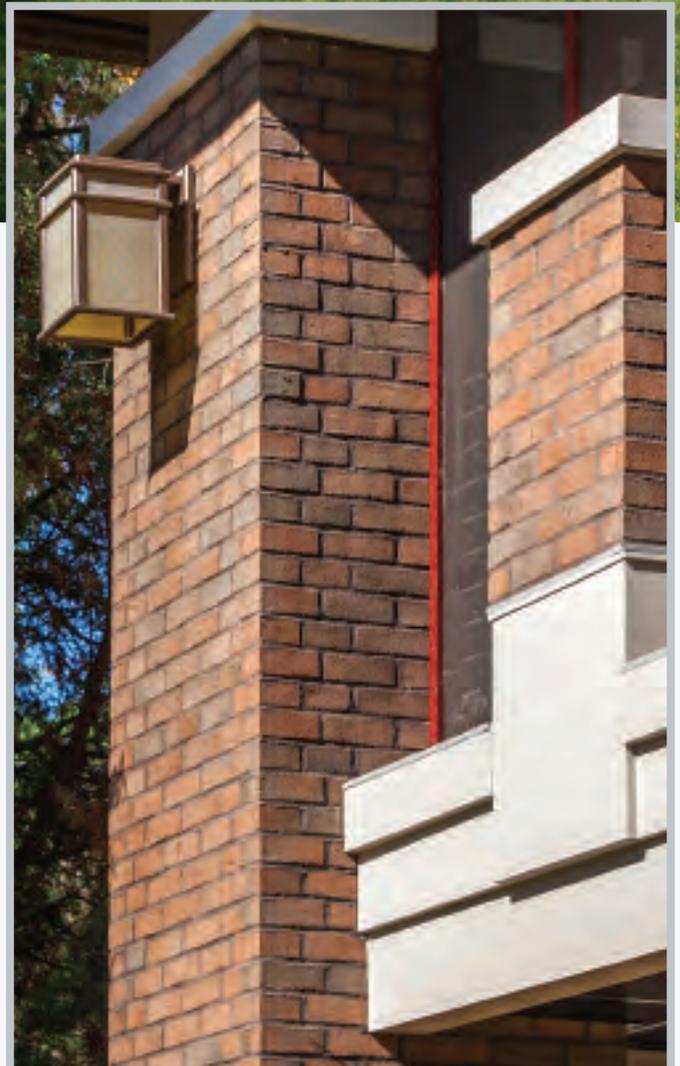


**Red Colonial Thin Brick (Norman)**





Cedar Lake Thin Brick



Glen-Gery Thin Brick will add a beautiful dimension to any building or remodeling project.

# COMMERCIAL PROJECTS

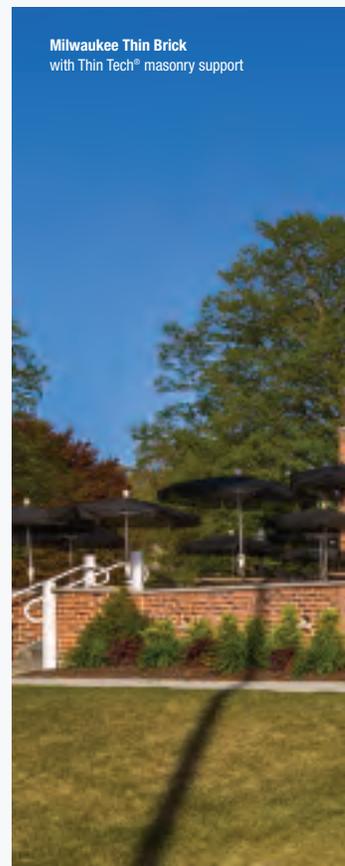
From multi-story apartment complexes to office buildings, shopping centers and additions, Glen-Gery Thin Brick is the premier building material.



Arbor Rose Thin Brick  
and Rustic Burgundy  
Thin Brick (accents)



Milwaukee Thin Brick  
with Thin Tech® masonry support



Rustic Burgundy Thin Brick



# INSTALLATION METHODS

## Adhesive application

*(interior only)*

When Glen-Gery Thin Brick is used for interior walls, kitchens, fireplaces and distinctive design elements like backsplashes, installers can use adhesive applications with either masonry/concrete backing or wood/steel stud framing.



Adhesive interior installation on wood/steel stud framing.

## Mortar application

Mortar can be used for both interior and exterior applications on masonry/concrete and also on wood/steel stud framing where moisture is not a concern.



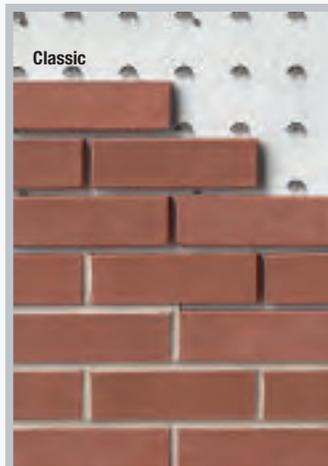
Interior or exterior mortar application on masonry or concrete.

## Glen-Gery Thin Tech®

Glen-Gery Thin Tech® is a mechanical support and spacing panel for thin masonry veneers. The strongest, most durable thin veneer panel system ever designed. Each Thin Brick, tile or stone is supported by our patent pending support ties that mechanically interlock the masonry veneer to the panel.



Glen-Gery Thin Tech® mechanical support tie for both Classic and Elite.



For additional information on Glen-Gery Thin Brick installation please visit our website at [www.glenery.com](http://www.glenery.com).

# GLEN-GERY THIN TECH®

## Thin Masonry Support Technology

**Classic Series** is your traditional choice with our patent pending locking support tie. Main features and benefits are:

Patent pending support tie configuration placed on a 76° angle

G-90 galvanized and thermal set coating

Stucco embossed texture

26-gauge architectural grade steel

Lightweight design

**Elite Series** is your choice for superior performance while maintaining all the features and benefits of the Classic Series, plus:

Superior drainage

Superior bond strength

Superior air flow and ventilation

Superior pressure equalization

Features rain screen technology

For additional information on Glen-Gery Thin Tech®, please visit our website at [www.glengery.com/thin-tech](http://www.glengery.com/thin-tech).





Front cover image:  
La Salle Thin Brick

Back cover image:  
Milwaukee Thin Brick  
with Thin Tech®  
masonry support



610.374.4011  
glengery.com



# SIDING INFORMATION

# Monogram®

|   |  |   |  |   |  |  |  |  |  |  |   |   |   |   |
|---|--|---|--|---|--|--|--|--|--|--|---|---|---|---|
| <br>.046" | <br>3 | <br>41 | <br>up to<br>220mph | <br>Full<br>Rollover<br>Nail Hem | <br>3/4"<br>Panel<br>Projection | <br>TrueTexture | <br>Certilock | <br>Lifetime<br>Limited<br>Warranty | <br>STUDfinder | <br>Class A<br>Flame Spread | <br>PermaColor<br>Fade<br>Protection | <br>Longer<br>Lengths<br>Available | <br>Low<br>Maintenance | <br>Drainability |
|---|--|---|--|---|--|--|--|--|--|--|---|---|---|---|



Siding: Monogram Double 4" Clapboard in sandpiper.  
Trim: Vinyl Carpentry® & Restoration Millwork®.





Double 4"  
Rough Cedar Clapboard

Flagstone



Double 5"  
Rough Cedar Clapboard

Savannah Wicker



Double 5"  
Rough Cedar Dutchlap

Frontier Blend

**XL**  
Longer Lengths Available

**PANEL DIMENSIONS**

4" Profile  
4" Profile  
3/4" Panel Projection

Available Lengths: 12' 6", 16' 8", 20', 25'

**PANEL DIMENSIONS**

5" Profile  
5" Profile  
3/4" Panel Projection

Available Lengths: 12'

**XL**  
Longer Lengths Available

**PANEL DIMENSIONS**

5" Profile  
5" Profile  
3/4" Panel Projection

Available Lengths: 12', 16', 20', 25'



|                   | D4<br>Clapboard | D5<br>Clapboard | D5<br>Dutchlap | XL<br>D4<br>Clapboard | XL<br>D5<br>Dutchlap |
|-------------------|-----------------|-----------------|----------------|-----------------------|----------------------|
| Arbor Blend**     | ●               |                 | ●              |                       |                      |
| Arctic Blend**    | ●               |                 | ●              |                       |                      |
| Weathered Blend** | ●               |                 | ●              |                       |                      |
| Frontier Blend**  | ●               |                 | ●              |                       |                      |
| Timber Blend**    | ●               |                 | ●              |                       |                      |
| Canyon Blend*     | ●               |                 | ●              |                       |                      |
| Meadow Blend*     | ●               |                 | ●              |                       |                      |
| Glacier Blend*    | ●               |                 | ●              |                       |                      |
| Autumn Red*       | ●               | ●               | ●              |                       |                      |
| Terra Cotta*      | ●               |                 |                |                       |                      |
| Mountain Cedar*   | ●               |                 |                |                       |                      |
| Sable Brown*      | ●               | ●               | ●              | ●                     |                      |
| Hearthstone*      | ●               | ●               | ●              |                       |                      |
| Suede             | ●               | ●               | ●              |                       |                      |
| Spruce*           | ●               | ●               | ●              | ●                     |                      |
| Forest*           | ●               | ●               | ●              |                       |                      |
| Ivy Green*        | ●               |                 |                |                       |                      |
| Pacific Blue*     | ●               | ●               | ●              | ●                     |                      |
| Flagstone*        | ●               | ●               | ●              |                       |                      |
| Charcoal Gray*    | ●               | ●               | ●              | ●                     |                      |
| Granite Gray      | ●               | ●               | ●              | ●                     | ●                    |
| Sterling Gray     | ●               | ●               | ●              | ●                     | ●                    |
| Bermuda Blue      | ●               |                 |                |                       |                      |
| Oxford Blue       | ●               | ●               | ●              | ●                     | ●                    |
| Seagrass          | ●               | ●               | ●              |                       |                      |
| Cypress           | ●               | ●               | ●              | ●                     | ●                    |
| Green Tea         | ●               |                 |                |                       |                      |
| Linen             | ●               | ●               | ●              |                       |                      |
| Silver Ash        | ●               | ●               | ●              | ●                     | ●                    |
| Herringbone       | ●               | ●               | ●              |                       |                      |
| Sandstone Beige   | ●               | ●               | ●              | ●                     | ●                    |
| Desert Tan        | ●               | ●               | ●              | ●                     | ●                    |
| Natural Clay      | ●               | ●               | ●              | ●                     | ●                    |
| Savannah Wicker   | ●               | ●               | ●              | ●                     | ●                    |
| Light Maple       | ●               | ●               | ●              | ●                     | ●                    |
| Buckskin          | ●               | ●               | ●              |                       |                      |
| Sandpiper         | ●               | ●               | ●              |                       |                      |
| Heritage Cream    | ●               | ●               | ●              | ●                     | ●                    |
| Autumn Yellow     | ●               |                 |                |                       |                      |
| Snow              | ●               | ●               | ●              | ●                     | ●                    |
| Colonial White    | ●               | ●               | ●              | ●                     | ●                    |

\*Deluxe Colors  
\*\*Premium Colors

# WINDOW INFORMATION



## Brickmould Vinyl Window & Patio Door Features

Casement | Awning | Double-Hung | Single-Hung | Sliding | Fixed, Radius & Geometric  
Sliding Patio Doors



# DEFINING DESIGN DETAILS

## Window and Patio Door Styles



### Integral Brickmould with J-Channel

Our standard integral brickmould and nailing fin creates a J-channel, allowing the siding to slip between the brickmould and nailing fin. This feature makes installation a breeze and produces a clean, streamlined appearance. It's perfect for new installation.

### Vinyl Colors



Actual colors may vary from the samples displayed.  
\*Subject to regional availability

## WEN-Lock® (Single-Hung and Sliding)

Featured on all Brickmould Vinyl single-hung and sliding windows, the WEN-Lock is our exclusive automatic lock system. It features a slim profile that's easy to engage, as well as a tamper resistant design, providing safety and security for your home.



The visible latch indicator (VLI) shown at left indicates whether the window is locked (left) or unlocked (right). The VLI can only be seen from indoors.

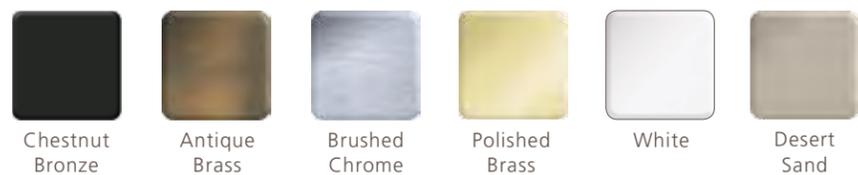
ADA Compliant option also available



## Style Cam-Lock



### Style Cam-Lock Finishes



Actual colors and finishes may vary from samples displayed.

## Nesting Handle (Casement and Awning)



ADA Compliant option also available

## Window Opening Control Device (WOCD)

Factory-installed Window Opening Control Devices (WOCD) from JELD-WEN are designed to meet the ASTM F2090-10 standard intended to help prevent accidental falls from windows by children five years of age and younger. Available on Casement, Awning, Single-Hung, Double-Hung and Sliding Windows. See your JELD-WEN dealer for more information.



## EverTone™ Exterior Color Finishes

Our Brickmould Vinyl windows and patio doors are available in eight EverTone™ colors: Chestnut Bronze, Mesa Red, Hartford Green, French Vanilla, Dark Chocolate, Black, Arctic Silver and Desert Sand. EverTone is used on the exterior only; the interior is White, Almond or Desert Sand.



## Grilles Between the Glass (GBG)



Available in Contour & Flat

### Contour



5/8"

7/8"

1"

### Flat



5/8"

7/8"

## Simulated Divided Lites (SDL)



Available in 7/8" Contour

## Glass Options

### Low-E and LoE<sup>3</sup>-366 Insulating Glass

High-performance Low-E insulating glass comes standard and helps lower energy costs, allows homes to stay cooler in the summer and warmer in the winter, prevents fading of interior furnishings, and reduces condensation. It also delivers greater visible light transmittance than tinted glass. We also offer optional LoE<sup>3</sup>-366, which provides even more protection against heat loss and fading, as well as greater energy savings.

Most windows and patio doors with Low-E glass are ENERGY STAR® qualified. ENERGY STAR products help Americans save energy, save money and reduce their carbon footprints. ENERGY STAR criteria for windows are based on the U-factor and Solar Heat Gain Coefficient (SHGC) combinations that provide significant energy efficiency for a given climate zone. It's easy! Just tell your JELD-WEN dealer you want JELD-WEN windows that are ENERGY STAR qualified for your climate zone.

For more information, visit [www.jeld-wen.com/energyefficiency](http://www.jeld-wen.com/energyefficiency).



In cold weather, Low-E glass reduces the amount of heat lost by reflecting it back inside.

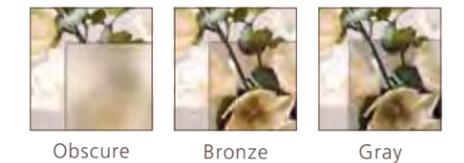
In warm weather, Low-E glass reflects the sun's energy and prevents it from entering the home.



## Tempered Glass

When glass is heat-treated during manufacturing, it is provided with extra strength, enabling it to withstand abnormal force or pressure on its surface—it will not break into sharp pieces. Local codes often require tempered glass to be used in all windows that are close to the floor or near doors, bathtubs or showers.

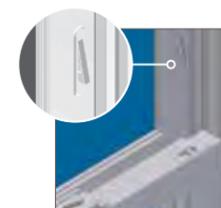
## Textured and Tinted Glass



Obscure

Bronze

Gray



## Secondary Stops

Latch limits sash opening to 4 inches providing fractional ventilation on single-hung and double-hung windows. A nylon lever and housing allow quick and easy release when the vent stop flips open. The lever flips back with an easy push of the finger when not needed.

Secondary stops are not a locking feature.

The JELD-WEN website is your ultimate resource for learning about our reliable windows and doors. It has all the product information and design advice you need. Visit us at [jeld-wen.com](http://jeld-wen.com) today.

## THE JELD-WEN PROMISE

JELD-WEN products create lasting value for your home. We are so confident that you will be pleased with our Vinyl Windows and Patio Doors, that each one carries our industry-leading warranty. Here are just some of the highlights of our warranty...

### The Vinyl Window & Patio Door Limited Warranty Includes:

- » Limited lifetime coverage for defects in material and workmanship for most product components (such as insulating glass, vinyl and metal components, and hardware) for as long as you own and occupy your home
- » Skilled labor for warranty repairs is covered for 2 years
- » 10-year coverage on blinds and shades between the glass
- » 10-year coverage on colored exterior and laminate interior
- » 5-year coverage on retractable roll screens
- » Coverage is transferable for 10 years
- » Optional glass breakage coverage available

#### Important Legal Information

This Limited Warranty document sets forth our maximum liability for our products. We shall not be liable for special, indirect, consequential, or incidental damages. Your sole and exclusive remedy with respect to any and all losses or damages resulting from any cause whatsoever shall be as specified above. We make no other warranty or guarantee, either express or implied, including implied warranties of merchantability and fitness for a particular purpose to the original purchaser or to any subsequent user of the product, except as expressly contained herein. In the event state or provincial law precludes exclusion or limitation of implied warranties, the duration of any such warranties shall be no longer than, and the time and manner of presenting any claim thereon shall be the same as, that provided in the express warranty stated herein. This Limited Warranty document gives you specific legal rights, and you may have other rights that vary from state/province to state/province.

*NOTE: The above information is a summary of key provisions of the **JELD-WEN Vinyl Window & Patio Door Limited Warranty** effective July 1, 2010. For a complete copy of the current warranty, see your sales associate or refer to [www.jeld-wen.com](http://www.jeld-wen.com).*



Each one of our windows and patio doors is built to last.  
We prove this by supporting each product with our lifetime warranty.



Official window and door provider of Major League Soccer



JELD-WEN is proud to support a better way to build



Made in the USA

INSERT  
FSC LOGO  
HERE



## SINGLE-HUNG WINDOWS

Andersen® 100 Series single-hung windows allow ventilation through a single operable lower sash that slides up and down. Classic rectangular shapes are available, or use an arched top for added elegance. Made with our revolutionary Fibrex® composite material, 100 Series products are durable, environmentally smart and energy efficient. 100 Series products are available in deep, rich colors that complement virtually any architectural style. For added style, we offer a wide range of grille patterns and patterned glass options.

### DURABLE

- Virtually maintenance-free
- Rigorously tested to deliver years\* of smooth, reliable operation
- Fibrex material construction provides long-lasting\* performance
- Durable, low-maintenance finish won't fade, flake, blister, chalk or peel\*
- Fibrex material is twice as strong as vinyl

### ENERGY EFFICIENT

- Weather-resistant construction for greater comfort and energy efficiency
- Weatherstripping is designed to seal out drafts, wind and water
- Variety of Low-E glass options are available to help control heating and cooling costs in any climate
- Many 100 Series single-hung windows have options that make them ENERGY STAR® v. 6.0 certified throughout the U.S.



### BEAUTIFUL

- Clean, attractive corner seams
- Six exterior color options
- Attractive matte finish interiors available in four colors
- Add style with grilles or patterned glass

### EXTERIOR COLORS



White Sandtone Terratone Cocoa Bean Dark Bronze Black



# 100 SERIES SINGLE-HUNG WINDOWS

Fibrex® material combines the strength and durability of wood with the low-maintenance of vinyl. The wood fibers are reclaimed from our own factories, which makes this product sustainable and environmentally responsible.

## HIGH-PERFORMANCE GLASS OPTIONS

- Low-E glass
  - Low-E glass with HeatLock® technology
  - Low-E SmartSun™ glass
  - Low-E SmartSun glass with HeatLock technology
- Tempered glass and other glass options are available. Contact your Andersen dealer.

## PATTERNED GLASS

Ideal for letting light into the home while obscuring vision. Available in four attractive patterns.



## FRAME OPTIONS

1-3/8" flange setback, 1" flange setback with stucco key or replacement configuration.

## ADDITIONAL FEATURES

- Sash lock engages automatically when operable sash is closed
- Operable sash has a meeting stile cover with a unique raised profile design, allowing the sash to be opened and closed easily

## INTERIOR OPTIONS



## HARDWARE



Single-hung windows feature hardware that automatically locks when windows are closed. Hardware color matches the window's interior.

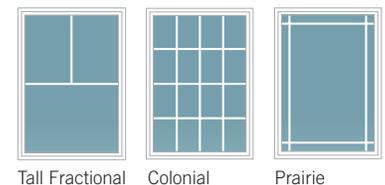
Optional lift handle matches the window's interior.

New metal Slim Line hardware is available in White, Sandtone, Dark Bronze, Black, Satin Nickel and Antique Brass.

## GRILLES

Choose from the following grille options:

- Finelight™ grilles-between-the-glass
- Finelight with exterior grilles
- Simulated divided light
- Full divided light



All grille options are available in a variety of patterns.

\*Dark Bronze and Black interiors are only available with Dark Bronze and Black exteriors respectively. Printing limitations prevent exact color and finish duplication. See your Andersen dealer for actual finish samples. "Andersen" and all other marks where denoted are trademarks of Andersen Corporation. ©2016 Andersen Corporation. All rights reserved. SS\_015 10/16



For more information, visit [andersenwindows.com/100series](http://andersenwindows.com/100series)

For help finding an Andersen product or dealer near you, please call us at 877.577.7655 or visit [andersenwindows.com](http://andersenwindows.com).



# PELLA<sup>®</sup>

## Impervia<sup>®</sup>

FIBERGLASS WINDOWS AND SLIDING PATIO DOORS  
WITH OUTSTANDING BEAUTY AND PERFORMANCE.



# Durability of fiberglass.





Stay comfortable inside, no matter the weather outside. If your home is near the shore or a beach, high on a mountainside or somewhere in between, Pella® Impervia® fiberglass windows and patio doors are strong and stable enough to endure extreme heat or cold, damaging UV rays and sea air.



### What can fiberglass do for you?

It will complement your home with the quality look of a painted window and can increase energy efficiency and comfort. Plus, the interior and exterior of your windows and patio doors arrive with a durable powder-coat paint finish that will last for years.



### Performance highlights.

Pella Impervia products are made from Duracast® fiberglass composite – it's the strongest, most durable material available for windows and patio doors.<sup>1</sup> They won't warp in the heat or become brittle in the cold.

Pella Impervia windows and patio doors offer the energy-efficient options that will meet or exceed ENERGY STAR® certification in all 50 states.<sup>2</sup>



<sup>1</sup> In testing performed in accordance with ASTM testing standards, Duracast fiberglass composite from Pella has displayed superior performance in strength, ability to withstand extreme heat and cold, and resistance to dents and scratches. Pella Impervia Special Shape windows are made of a non-Duracast fiberglass composite.  
<sup>2</sup> Some Pella products may not meet ENERGY STAR® certification in Canada. For more information, contact your local Pella sales representative or go to [energystar.gc.ca](http://energystar.gc.ca).

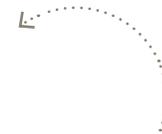
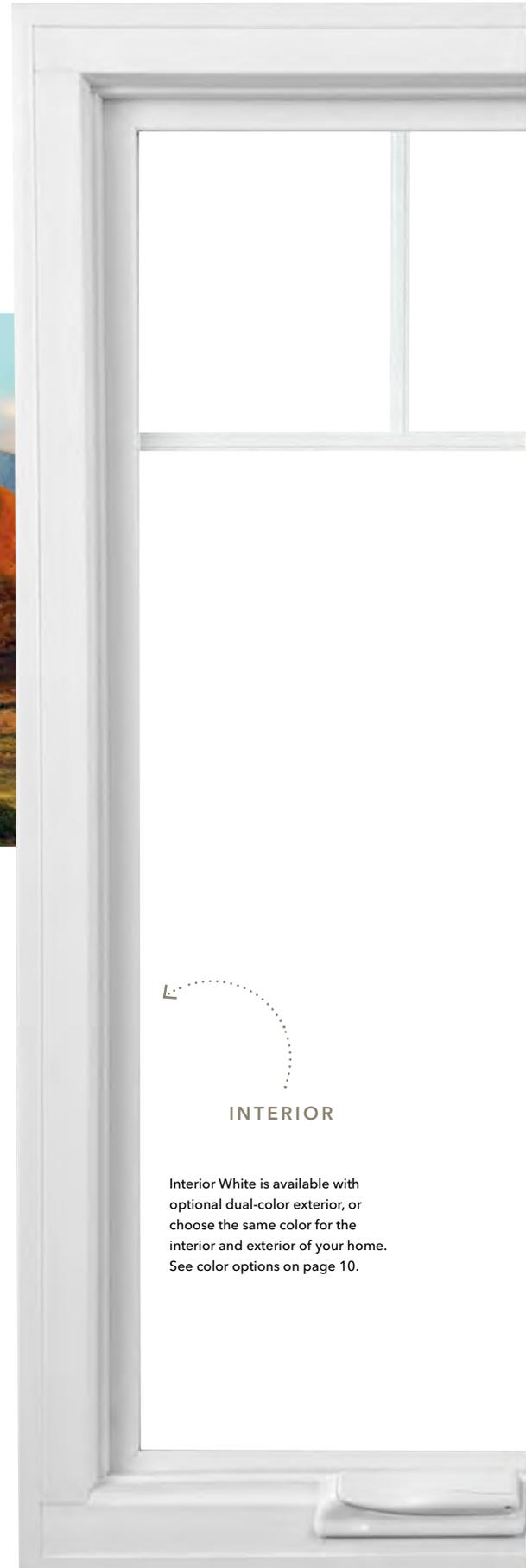
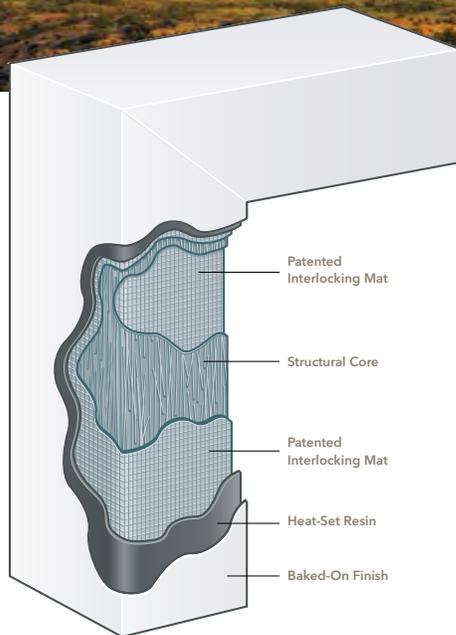
# Durability of fiberglass.

Pella® Impervia® fiberglass products are made to stand up and stand out with exceptional energy efficiency and low-maintenance features – all with the quality look of a painted window.



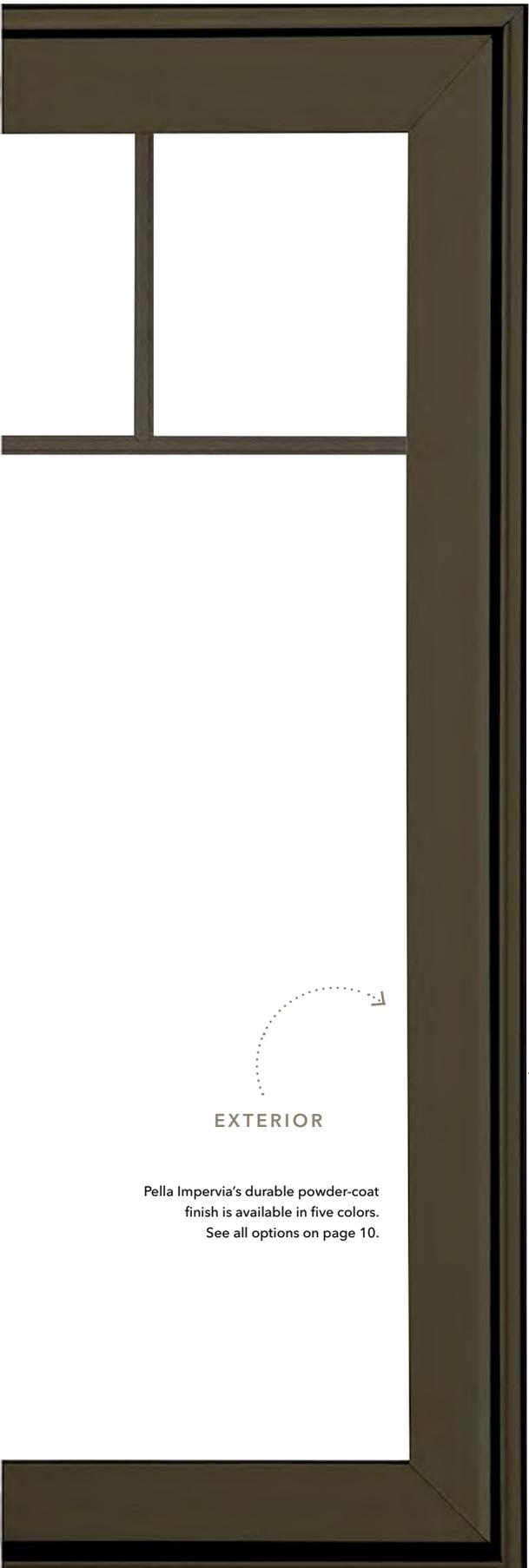
Withstands high heat and subzero cold.

Duracast® material – Pella's patented, five-layer, engineered fiberglass composite – is ideally suited for all climates.



INTERIOR

Interior White is available with optional dual-color exterior, or choose the same color for the interior and exterior of your home. See color options on page 10.



Backed by one of the best warranties in the business.



The Pella Limited Lifetime Warranty is nonprorated, meaning the coverages within the defined warranty periods do not decrease over time. See written warranty for complete details at [pella.com/warranty](http://pella.com/warranty).



EXTERIOR

Pella Impervia's durable powder-coat finish is available in five colors. See all options on page 10.

Beauty that stands the test of time. Pella® Impervia® windows provide years of outstanding performance and beauty that complements the look of your home inside and out.

Learn more about our fiberglass product:  
[CHOOSEPELLA.COM/FIBERGLASS](http://CHOOSEPELLA.COM/FIBERGLASS)

# A fiberglass product that's just right for you.

## WINDOWS



### Sliding Windows

#### Easy operation.

Tandem nylon rollers are extra-durable and help ensure smooth openings and closings.

#### A tighter seal against the elements.

Pella's cam-action locks pull the sashes against the weatherstripping.

#### Simple to clean.

Sliding sash can be removed to clean exterior glass from inside your home.

### Casement and Awning Windows

#### Smooth openings and closings.

Stainless-steel operating arms and hinges resist rust and corrosion.

#### Simple to operate.

SureLock® System secures the window in two places with one easy-to-reach handle.

#### More convenient handle design.

Fold-away handle won't get in the way of roomside window treatments.

#### A breeze to clean.

Easy-clean wash feature makes it simple to clean the exterior glass from inside your home.

### Double- and Single-Hung Windows

#### Easy operation.

Our advanced balance system helps ensure your window will open and close easily for years to come.

#### Strong protection against the weather.

Pella's cam-action locks pull the sashes tight against the weatherstripping.

#### Easier cleaning.

Opening sash tilts in<sup>1</sup> – making it easy to clean the exterior glass from inside your home.

For more information on Pella's window and patio door offering, see your local Pella sales representative or visit:

[CHOOSEPELLA.COM/OFFERING](http://CHOOSEPELLA.COM/OFFERING)



## Bay or Bow Windows

**The right fit for your home.**  
Choose between 30° and 45° bay windows and 4- and 5-unit casement bow windows. Standard and custom sizes and angles are available.

**Extra comfort and charm.**  
Options include beautiful birch and oak headboards and cozy insulated seatboards.

**Beautiful wood frames.**  
Bay and bow wood frames come unfinished, ready to be painted or stained.

## Combination, Fixed and Special Shapes

**Curves, angles and more.**  
Special Shape windows, made from fiberglass resin (non-Duracast® fiberglass composite), beautifully complement other Pella® Impervia® windows and patio doors.<sup>2</sup>

**A quality, seamless look.**  
Grille options are available to match other Pella Impervia products.

**More ways to express your style.**  
Factory-assembled window combinations allow you to create a stunning focal point in your home.

## Sliding Patio Doors

**Exceptional security.**  
Pella Impervia sliding patio doors, with multipoint lock hardware, have been awarded an ASTM Grade 40 security rating – the highest in the industry.

**Better draft protection.**  
Pella's unique design puts the sliding panel on the outside. So when the wind blows against it, it creates a tighter seal. Plus, the screen is protected from the elements.

**Easy to use.**  
The roller system on the sliding panel helps ensure easy openings and closings.

<sup>1</sup> Available on double-hung windows only.

<sup>2</sup> See your local Pella sales representative for details.

# Features and options.

## FRAME COLORS

Pella® Impervia® products feature a durable powder-coat paint finish. Optional dual colors allow you to choose a different color on the exterior.



White

Tan

Morning Sky Gray



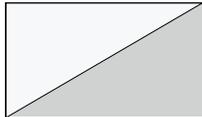
Brown

Black

### Dual-Color Frames



White Interior with  
Tan Exterior



White Interior with  
Morning Sky Gray Exterior



White Interior with  
Brown Exterior



White Interior with  
Black Exterior

## SCREENS<sup>1</sup>

Improve your view and let in more light and fresh air with your choice of innovative screens from Pella.



Conventional  
Screen

InView™  
Screen

## HARDWARE STYLES

Find beauty and function in Pella's innovative, easy-to-operate hardware styles.



Casement Crank



Cam-Action Sash Lock



Sliding Patio  
Door Handle

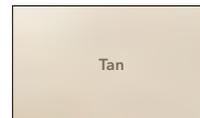
## HARDWARE FINISHES

Choose from today's most popular decorative finishes to coordinate with other finishes in your home.

### Color-Matched Window and Sliding Patio Door Finishes



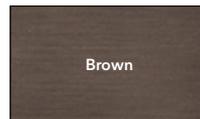
White



Tan



Morning  
Sky Gray

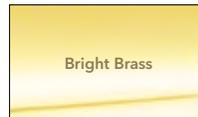


Brown



Black

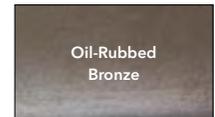
### Additional Window and Sliding Patio Door Finishes



Bright Brass



Satin Nickel

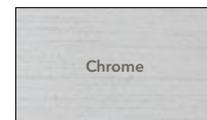


Oil-Rubbed  
Bronze

### Sliding Patio Doors Only



Antique Brass



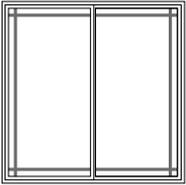
Chrome

# fiberglass window and patio door DESIGN GUIDE

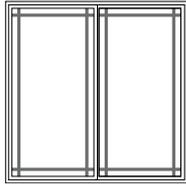
WINDOWS  
SLIDING PATIO  
DOORS

## GRILLE PATTERNS<sup>2</sup>

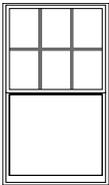
A variety of grille patterns for the look of divided light.  
Custom patterns are also available.



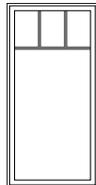
6-Lite Prairie



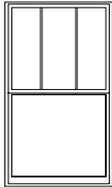
9-Lite Prairie



Traditional



Top Row



Special



Custom (equally divided)  
Additional patterns available.

## COLOR-MATCHED GRILLES-BETWEEN-THE-GLASS<sup>3</sup>

Grilles are color-matched to your window or patio  
door interior and exterior frame color.



3/4" Aluminum Grilles-  
Between-the-Glass

## GLASS

### INSULSHIELD® LOW-E GLASS COLLECTION<sup>1</sup>



|  |   |   |
|--|---|---|
| Advanced Low-E insulating double-pane glass with argon <sup>2</sup>        | O | O |
| AdvancedComfort Low-E insulating double-pane glass with argon <sup>2</sup> | O | O |
| NaturalSun Low-E insulating double-pane glass with argon <sup>2</sup>      | O | O |
| SunDefense™ Low-E insulating double-pane glass with argon <sup>2</sup>     | O | O |

### ADDITIONAL GLASS

|                        |   |   |
|------------------------|---|---|
| Clear insulating glass | S | S |
| Tempered glass         | O | S |
| Obscure glass          | O | O |

<sup>1</sup> See pages 8 - 9 for details. <sup>2</sup> Optional high-altitude Low-E insulating glass available with or without argon.

## FRAME COLORS (INTERIOR/EXTERIOR)

### DURABLE POWDER-COAT PAINT OPTIONS\*

|   |   |   |
|---|---|---|
| White   | S | S |
| Tan, Morning Sky Gray, Brown or Black   | O | O |
| Dual-color (White interior with Tan, Morning Sky Gray, Brown or Black exterior) | O | O |

\* See page 10 for finish colors.

## HARDWARE<sup>1</sup>

### FINISHES<sup>1</sup>

|  |   |   |
|--|---|---|
| White  | S | S |
| Tan, Morning Sky Gray, Brown or Black (to match interior finish) | O | O |
| Bright Brass, Satin Nickel or Oil-Rubbed Bronze                  | O | O |
| Antique Brass or Chrome <sup>2</sup>                             |   | O |

<sup>1</sup> See hardware styles and finishes on page 10. <sup>2</sup> Antique Brass and Chrome available for patio doors only.

## FOOTBOLT

|  |  |   |
|--|--|---|
| Holds door open about 3" for ventilation |  | S |
|--|--|---|

## EASY-CLEAN

|  |   |  |
|--|---|--|
| Easy to clean exterior glass from inside | S |  |
|--|---|--|

## GRILLES-BETWEEN-THE-GLASS\*

|   |   |   |
|---|---|---|
| Aluminum grilles-between-the-glass (matched to frame color) | O | O |
|---|---|---|

\* Appearance of exterior grille color may vary depending on the Low-E insulating glass selection. See grilles and grille patterns on page 11.

## GRILLE PATTERNS\*

|                          |   |   |
|--------------------------|---|---|
| 6-Lite Prairie           | O | O |
| 9-Lite Prairie           | O | O |
| Traditional              | O | O |
| Top Row                  | O | O |
| Custom (equally divided) | O | O |
| Special                  | O | O |

\* Grille patterns offered may vary per product. See specific product information for availability.

## SCREENS\*

|                                |   |   |
|--------------------------------|---|---|
| Conventional fiberglass screen | S | S |
| InView™ screen                 | O | O |

\* ⚠ WARNING: Screen will not stop child or pet from falling out of window. Keep child or pet away from open window.

## WARRANTY

|                            |   |   |
|----------------------------|---|---|
| Limited Lifetime Warranty* | S | S |
|----------------------------|---|---|

\* See written warranty for complete details at [pella.com/warranty](http://pella.com/warranty).

(S) Standard (O) Optional

Because we're always working to further refine our products and develop new ones, specifications may change without notice. Actual products may vary slightly from illustrations and photos. See a Pella sales representative for specific details and options available.

<sup>1</sup> ⚠ WARNING: Screen will not stop child or pet from falling out of window. Keep child or pet away from open window.

<sup>2</sup> Grille patterns offered may vary per product. See specific product information for availability.

<sup>3</sup> Appearance of exterior grille color may vary depending on the Low-E insulating glass selection.

PATIO DOOR & EXTERIOR  
TOWNHOUSE UNIT ENTRY  
DOOR INFORMATION

Trade Professionals

### Fiberglass Entry Door Systems

Design Your Door

## Smooth-Star

Create curb appeal with plenty of color options. Smooth-Star features crisp, clean lines with a smooth, paintable surface. A much more attractive and durable alternative to steel, it has the look of a real wood door with all the benefits of **fiberglass**. From curb appeal to convenience, Smooth-Star entry doors are made to keep up with your lifestyle.



[Browse all doors in this collection.](#)

Where to Buy

- [2016 Full-Line Catalog](#)

### More Information



AccuGrain Technology



System Components

### Design Your Door

Choose your door and then personalize it with our wide variety of options.





[Save My Door](#)

Print Email Post It Share

Pick Door Height: [6'8" Doors](#) [8'0" Doors](#)

Pick a Configuration: [6 Available Styles](#) ▼

Pick a Door Style: [38 Available Styles](#) ▶





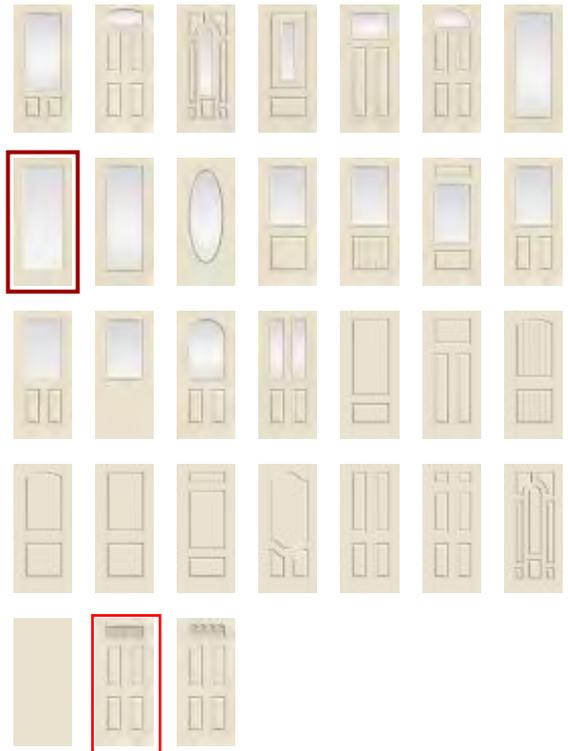
TruDefense® System



Quality Testing



Home Styles Guide



[View Details](#)

[Where to Buy](#)

[Try It On](#)

View style number(s), features and additional information.

**Available Door Sizes:**

- 2'0" x 6'6"
- 2'6" x 6'6"
- 2'8" x 6'6"
- 2'10" x 6'6"
- 3'0" x 6'6"
- 2'0" x 6'8"
- 2'6" x 6'8"
- 2'8" x 6'8"
- 2'10" x 6'8"
- 3'0" x 6'8"

**Dimensional Data**

**Available Options:**

Flush Glazed (?)

Glass: Clear

Low-E Available (?)

**Finish Options:**

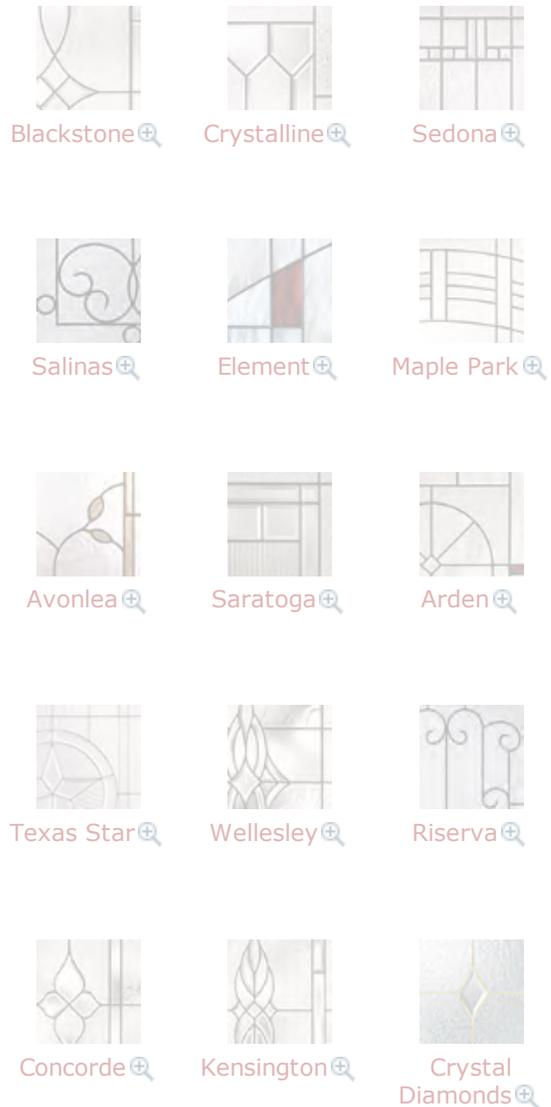
Paintable

**Installation:**

**Installation Instructions**



**Pick a Glass Style: 9 Available Styles**



**STOREFRONT FRAMING  
INFORMATION**

# STOREFRONTS AND ENTRANCES



041015



*More recycled content, eco-efficient finishes*

# TUBELITE®

**DEPENDABLE**

LEADERS IN ECO-EFFICIENT STOREFRONT,  
CURTAINWALL AND ENTRANCE SYSTEMS

800-866-2227 | [www.tubeliteinc.com](http://www.tubeliteinc.com)

Tubelite® has been in the business of fabricating and distributing architectural aluminum products for the glass and glazing industry since 1945. Storefront, entrance and curtainwall systems are available directly from Tubelite® and from a network of independent distributors. Tubelite's corporate office is located in Walker (Grand Rapids), Michigan, and our extrusion plant is in Reed City, Michigan. Fabrication, warehouse, and shipping operations are located in Walker, Michigan and Dallas, Texas. Tubelite's corporate office, fabrication, warehouse, and shipping operations are located in our Walker (Grand Rapids), Michigan facility, and the extrusion plant is in Reed City, Michigan.

Our promise to you is quality in everything we do; fast, reliable and consistent delivery; and responsible, courteous service with a personal touch.

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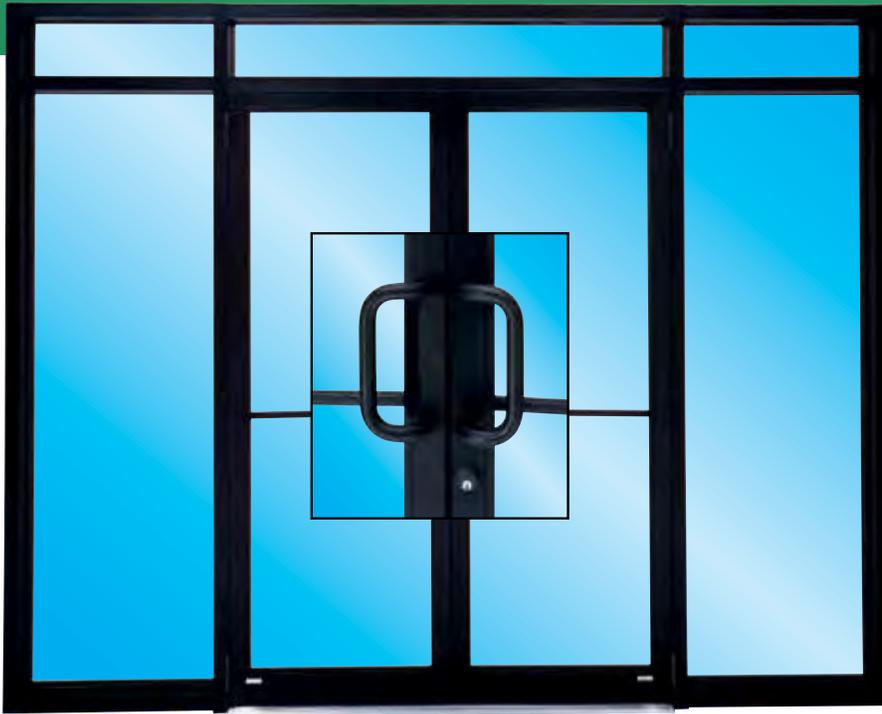
*More recycled content, eco-efficient finishes*

**TUBELITE®**  
**DEPENDABLE**

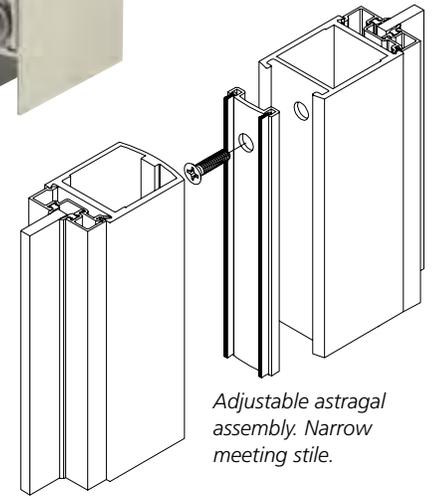
LEADERS IN ECO-EFFICIENT STOREFRONT,  
CURTAINWALL AND ENTRANCE SYSTEMS



*14000 Series Center Glazed Storefront,  
0A Clear Anodized; Owner: Nuway  
Construction Headquarters, Elkhart, IN;  
Tubelite Dealer: Quality Glass*



*Standard Narrow Stile  
1-3/4" x 2-1/8" Door with  
10" Bottom Rail; 0A Clear  
Anodized Finish; 1/4" Glass*



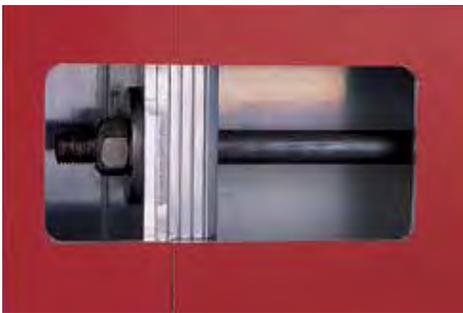
*Adjustable astragal  
assembly. Narrow  
meeting stile.*

## STANDARD ENTRANCES

Our Narrow Stile Doors are designed for light to medium use in commercial and retail applications. Standard doors have exterior installation of glass or panels, with 2-1/8" width stiles and top rails, and the option of 4", 7-1/2" or 10" bottom rails for ADA compliance. The smooth design of Tubelite's door hardware features a convenient pull handle and push bar with lock location 36" above the finished floor. Stock doors and frames are anodized with clear or dark bronze finishes, and readily available for quick delivery.

## DURABLE TIE-ROD CONSTRUCTION

The strength and flexibility of steel tie-rod construction is what holds it all together and makes our doors endure. Tie-rod assembly is as durable as welded corner construction, but superior in many ways. Tubelite doors can be modified, disassembled or resized right in the field. No other door offers you this much strength and flexibility.



## WE LISTEN

Members of our management staff personally visit our glazing contractor clients regularly. We learn what works and what doesn't — from their perspective, not ours. The result is solutions that work — solutions tailored for the field — so jobs get done right the first time.

| STANDARD & MODIFIED DOORS (1/8" WALL) | NARROW STILE                            | MEDIUM STILE                    | WIDE STILE                      |
|---------------------------------------|---|---------------------------------|---------------------------------|
| Application                           | Average traffic, offices, strip centers | Moderate traffic, retail stores | Heavy traffic, public buildings |
| Vertical Stile 1-3/4" x               | 2-1/8"                                  | 4"                              | 5"                              |
| Top Rail 1-3/4" x                     | 2-1/8"                                  | 4"                              | 5"                              |
| Bottom Rail 1-3/4" x                  | 4", 7-1/2", 10"                         | 6-1/2", 7-1/2", 10"             | 6-1/2", 7-1/2", 10"             |
| Glass Sizes                           | 3/16", 1/4", 3/8", 1"                   | 3/16", 1/4", 3/8", 1"           | 3/16", 1/4", 3/8", 1"           |

Note: Dimensions do not include 1/2" glass stops.

# STANDARD AND CUSTOM FINISHES



*Custom Entrance/400 Series Curtainwall, Wild Grape 70% premium painted finish; Sun Healthcare, Albuquerque, NM; Architect: Flatow-Moore-Shaffer-McCabe Inc.; Tubelite Dealer: Southwest Glass & Glazing*

In addition to our standard Clear and Bronze anodized, and White painted colors, we offer five more anodized finishes and nineteen more standard painted colors. Blended standard and custom colors are also available, providing you with an infinite variety. More than a palette of pretty colors, our finishes are tough and backed by some of the best warranties in the industry.

See Tubelite's Standard Finish Color Guide for detailed information on the exceptional performance, integrity and weatherability of our durable anodized finishes. This guide also gives specifications for color retention, erosion resistance and gloss retention of our high-quality, painted finishes.

## THE DIFFERENCE

We're confident that once you experience the benefits of doing business with Tubelite, you'll look to us for all of your storefront and entrance needs. Put us to the test! You'll find us to be the fastest, most **DEPENDABLE** supplier in the industry.



## AAMA 2605 10 YEAR FINISH WARRANTY

70% Kynar premium painted finishes are guaranteed for 10 years against fading, chalking, and gloss reduction.

# ROOFING INFORMATION

CertainTeed

# *LANDMARK*® SERIES

Designer and Luxury Shingles



Shown in Landmark Weathered Wood

**CertainTeed**  
SAINT-GOBAIN



Shown in Landmark Driftwood

# You know it, when you see it.

It's not just a roof. It's a Landmark.

Quality. Durability. Style. Color.

When you select a roof for your home,  
there's a lot to consider.



That's when a roof becomes more than just a roof.  
The same way a home is more than just a house.

You want the best for your home  
and everything in it.

So why guess, when you can be **Certain**?



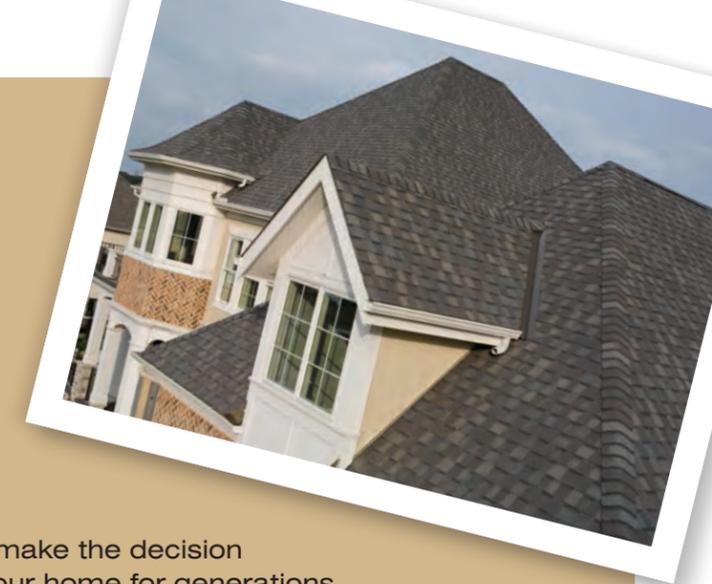


## SO MUCH DEPENDS ON YOUR ROOF.

What's your roof protecting? Your family. Your possessions. The integrity of your house. All under one roof. All protected by the same investment.

When you choose Landmark® Series Shingles, you make the decision that assures the beauty, durability and security of your home for generations.

Landmark Series takes roofing to a higher level. It's engineered to outperform ordinary roofing in every category, keeping you comfortable, your home protected, and your peace-of-mind intact for years to come with a transferable warranty that's a leader in the industry.



Shown in Landmark Driftwood

# LANDMARK® SERIES

### exceptional value

Landmark Series offers four levels of high performance shingles in weight and thickness. The heavier the shingle, the more depth, thickness and dimension it offers. All four offer the exceptional value of the industry's toughest fiber glass mat, the strongest materials available and the best warranty.

### peace of mind

CertainTeed's enhanced lifetime limited warranty protects against ANY manufacturing defects, which include aesthetic defects.

#### Landmark® TL

- Triple-layer protection
- 305 lbs.
- Max Def color palette
- Lifetime limited warranty

#### Landmark® Premium

- Dual-layer, high performance
- 300 lbs.
- Max Def color palette
- Lifetime limited warranty

#### Landmark® Pro

- Dual-layer, high performance
- 250 lbs.
- Max Def color palette
- Lifetime limited warranty

#### Landmark®

- Dual-layer durability
- 229/235 lbs.
- Lifetime limited warranty

### lasting beauty

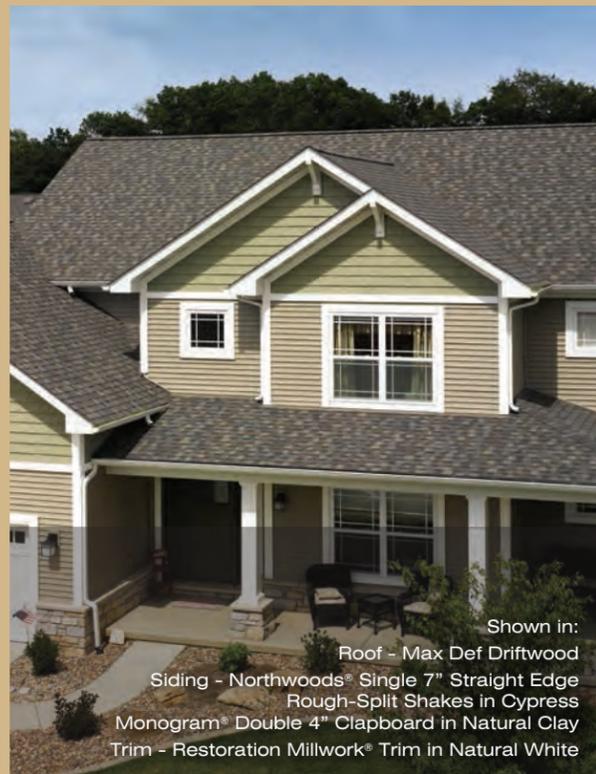
Landmark Series shingles endure time and weather beautifully. They come with our exclusive StreakFighter® warranty, protecting your roof from streaking that can be caused by airborne algae.



Shown in Landmark Weathered Wood

Shown in Landmark Moire Black

# LANDMARK<sup>®</sup> PRO



Shown in:  
 Roof - Max Def Driftwood  
 Siding - Northwoods<sup>®</sup> Single 7" Straight Edge  
 Rough-Split Shakes in Cypress  
 Monogram<sup>®</sup> Double 4" Clapboard in Natural Clay  
 Trim - Restoration Millwork<sup>®</sup> Trim in Natural White

## specifications

- Two-piece laminated fiber glass-based construction
- Classic shades and dimensional appearance of natural wood or slate
- 250 lbs. per square

*For U.S. building code compliance, see product specification sheets.*

CertainTeed products are tested to ensure the highest quality and comply with the following industry standards:

### Fire Resistance:

- UL Class A
- UL certified to meet ASTM D3018 Type 1

### Wind Resistance:

- UL certified to meet ASTM D3018 Type 1
- ASTM D3161 Class F

### Tear Resistance:

- UL certified to meet ASTM D3462
- CSA standard A123.5

### Wind Driven Rain Resistance:

- Miami-Dade Product Control Acceptance: Please reference [www.certainteed.com](http://www.certainteed.com) to determine approved products by manufacturing location.

### Quality Standards:

- ICC-ES-ESR-1389

*Landmark Pro Silver Birch is an ENERGY STAR rated product and may qualify for a federal tax credit.*

## warranty

- Lifetime limited transferable warranty against manufacturing defects on residential applications
- 50-year limited transferable warranty against manufacturing defects on group-owned or commercial applications
- 15-year StreakFighter<sup>®</sup> algae-resistance warranty
- 10-year SureStart<sup>™</sup> protection
- 15-year 110 mph wind-resistance warranty
- Wind warranty upgrade to 130 mph available. CertainTeed starter and CertainTeed hip and ridge required

*See actual warranty for specific details and limitations.*

# LANDMARK<sup>®</sup> PRO color palette

**max def colors** - Look deeper. With Max Def, a new dimension is added to shingles with a richer mixture of surface granules. You get a brighter, more vibrant, more dramatic appearance and depth of color. And the natural beauty of your roof shines through.



\* Not available in all areas



Shown in Landmark Weathered Wood

# easy selection

Add a little accent to your roof.

For a finishing touch to cap hips and ridges, CertainTeed offers Cedar Crest—available in colors to coordinate with your Landmark shingles. CertainTeed also offers Shadow Ridge, a low-profile design for capping hip and ridges. CertainTeed Swiftstart is recommended to be used as the starter course.



Shown in Landmark Driftwood



## Color Companion Products™

With CertainTeed Flintlastic® SA, you can coordinate flat roof areas like carports, canopies and porches with your main roof. Flintlastic SA is a self-adhering low slope roofing product available in eight colors that match some of the most popular CertainTeed shingles. Ask your contractor for more information.

*Lifetime limited transferable warranties, including 10-year SureStart™ protection, are applicable only in the United States, its territories and Canada; for products sold outside these areas, please refer to the International Warranty for specific details and limitations.*

*NOTE: Due to limitations of printing reproduction, CertainTeed can not guarantee the identical match of the actual product color to the graphic representations throughout this publication.*



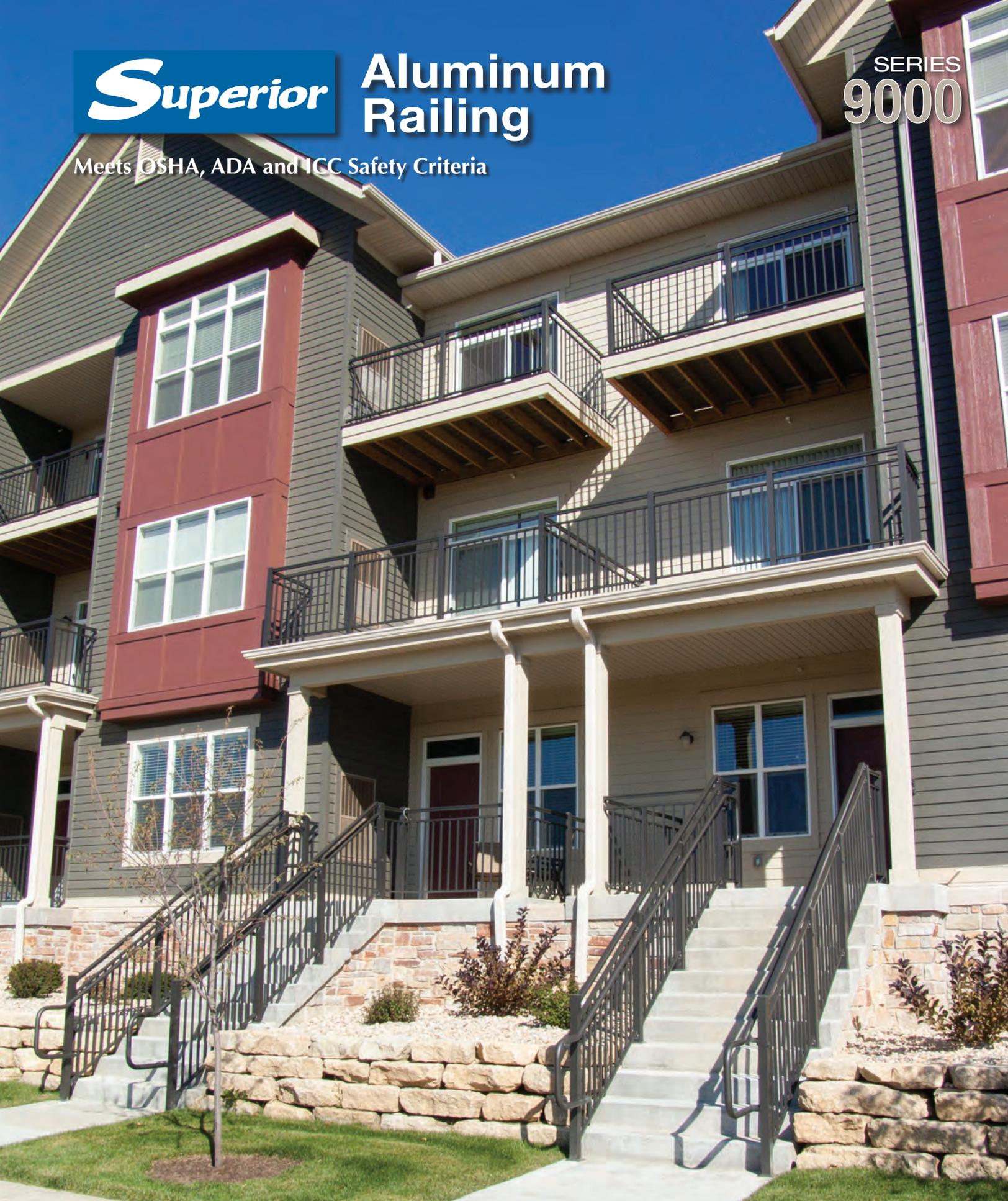
# RAILING INFORMATION

**Superior**

# Aluminum Railing

SERIES  
**9000**

Meets OSHA, ADA and ICC Safety Criteria



***Strong, Durable and Maintenance-Free Beauty!***

***[www.superioraluminum.com](http://www.superioraluminum.com)***



# Heavy-Duty Aluminum Railing

*Strong, Durable, and Maintenance-Free Beauty!*

Superior Series 9000 Heavy-Duty Aluminum Railing offers the finest design features available on the market today. The highest quality aluminum alloy extrusions are used to provide maximum strength and support where it is needed most – in your installation.

Superior Heavy-Duty Railing utilizes all the advantages of aluminum: strong, durable, and rust- and corrosion-free. These characteristics make it a practical, sound investment for the budget-minded buyer.

The smart, contemporary design is an added plus. Our unique, no-weld design utilizes simple, cast aluminum fittings or machined openings for a no-hassle, easy installation.

Superior Heavy-Duty Railing can be found wherever clean design and safety are a must. It is an excellent choice for condominiums, apartments, hotels, churches, schools, commercial buildings and homes.

To make our railing even more versatile, decorative columns, inserts, and scrolls are available.

Superior Railing is available in any height. Standard heights include 42" for commercial railing, 36" for residential railing, and 72" for pool railing. Superior railing comes in standard 6' lengths, as well as custom lengths, in 2-line or 3-line styles. Ordering standard 6' lengths reduces lead times and cost.

### Concealed Picket Screws



Series 9000 Heavy-Duty Railing features a screw cover to conceal picket screws on top and

bottom rail assemblies for a cleaner, more streamlined look.



9900 Railing (Style A), 902 Top Rail and Superior Panel Columns

### Finishes

Smart, decorative finishes add a distinctive touch. Whether baked-on enamel, anodized, or duranodic, these finishes are guaranteed to endure for years of continued service and maintenance-free beauty.



## Series 9000

### 9000 and 9900 Railing



Rails are inserted into machined post openings.

Series 9000 Heavy-Duty Railing features machined post openings on level and ramp railing, eliminating the need for brackets. The result is a clean, rigid design with added strength. If railing is

angled horizontally, the angle must be specified so the proper openings can be machined into the post. **Swivel brackets are required for step rail applications.** The top rail has a 2" wide gripping surface which meets all safety criteria. The machined post openings and assembled sections (standard 6' length or custom length) facilitate quick turn-around and overall savings for the customer.

### Top Rail Selections



### 9000 RAILING

Features 2 1/2" square posts, 3/4" square pickets, and 905 top rail.



### 9900 RAILING

Features 2 1/2" square posts, 1 1/2" x 3/4" pickets, and 905 top rail.

**Note:** All top rail (901, 902, 905), posts (2", 2 1/2", 4"), and pickets (3/4" square, 3/4" x 1 1/2") are interchangeable.

*Superior 9000 and 9900 Railing meets OSHA, ICC, and ADA criteria.*



9000 Railing (Style B), 905 Top Rail



9000 Railing (Style B), 905 Top Rail



9900 Railing (Style A), 902 Top Rail

# Railing Style Systems

Superior offers a variety of styles to fit any application.

## Style A Standard Top Rail



9000 Railing (Style A), 905 Top Rail

## Style B Open Double Top Rail



9000 Railing (Style B), 905 Top Rail

## Style C Double Top Rail with Through Pickets



9000 Railing (Style C), 901 Top Rail

Through pickets can be spaced according to your preference. For example; every picket, every 2nd, 3rd, 4th picket, etc.

## Style D Hand Rail (with mtg. brackets)

905 top rail or Superior Series 500 Pipe Rail can be used for hand rail applications.



905 Top Rail (Style D)

## Customize your look!

Top rail, bottom rail, pickets, and posts are interchangeable for a completely custom look.

### Interchangeable Top & Bottom Rail

All 901, 902, and 905 top rails are interchangeable. Standard 903 bottom rail can be substituted with 902 top rail. *See examples of 9000 Rail below.*



**Option 1**  
905 Top Rail  
903 Bottom Rail

**Option 2**  
901 Top Rail  
903 Bottom Rail

**Option 3**  
902 Top Rail  
903 Bottom Rail

**Option 4**  
902 Top Rail  
902 Bottom Rail



**Option 5**  
905 Top Rail  
903 Bottom Rail

**Option 6**  
901 Top Rail  
903 Bottom Rail

**Option 7**  
902 Top Rail  
903 Bottom Rail

**Note:**  
3/4" sq. pickets  
and 3/4" x 1 1/2"  
pickets are also  
interchangeable.

### Interchangeable Post

All 2" or 2 1/2" square posts can be substituted with a 4" square post.



In the 9000 rail application above, 4" square posts are used for the end posts and a 2 1/2" square post is used for the crossover post.

Machined post openings are available for 2 1/2" and 4" square posts. A 4" machined post opening is shown above.



9000 Railing, Open Triple Top Rail, 905 Top Rail and Series 500 Pipe Rail Used for Hand Rail Application

**SERIES  
9000**

**Meets ADA  
Regulations**

## 9000 Railing Well-crafted lines

Superior Series 9000 Railing features well-crafted lines and an attractive, innovative design that lends itself well to almost any commercial, industrial, or residential application. It's beauty, strength and durability will enhance the quality of your construction project.

## 9900 Railing Clean, rigid design

Superior Series 9900 Railing offers all the features of Series 9000 Railing, with the addition of 1 1/2" wide pickets. This robust alternative results in a strong, rugged design with a clean, refined appearance.



9000 Railing (Style C), 905 Top Rail



**No brackets on level  
and ramp railing!**



9000 Railing (Style B), 905 Top Rail



9000 Railing (Style A), 905 Top Rail and Series 500 Handrail



9900 Railing (Style A) with 902 Top Rail and Superior Aluminum Square Panel Columns



9000 Railing (Style A), 902 Top Rail

9000 Railing (Style A), 905 Top Rail



**Swivel brackets are  
required for all step  
rail applications.**



9900 Railing (Style A), 902 Top Rail and Superior Aluminum Square Panel Columns



## Continuous Top Rail

Unlike some other railing companies, Superior manufactures crossover posts for your rail system. The advantage of using these posts is a continuous top rail surface. Not only is this feature attractive, but it also allows for an uninterrupted gripping surface.

## Easy Assembly and Installation!

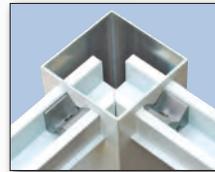


9000 Railing (Style B), 905 Top Rail, GaSt Fleur De-Lis Inserts and Post Ball Cap



View of the underside of bottom rail to show rail wedge location.

**Series 9000 Railing is not only easy to assemble and install, but the machined post openings and factory assembled sections facilitate quick turn-around and cost savings.**



All posts are machined with openings to receive the top and bottom rails. As assembled railing is inserted into the openings, a rail wedge located in the bottom rail will ensure proper insertion of 1 1/4" inside the post.

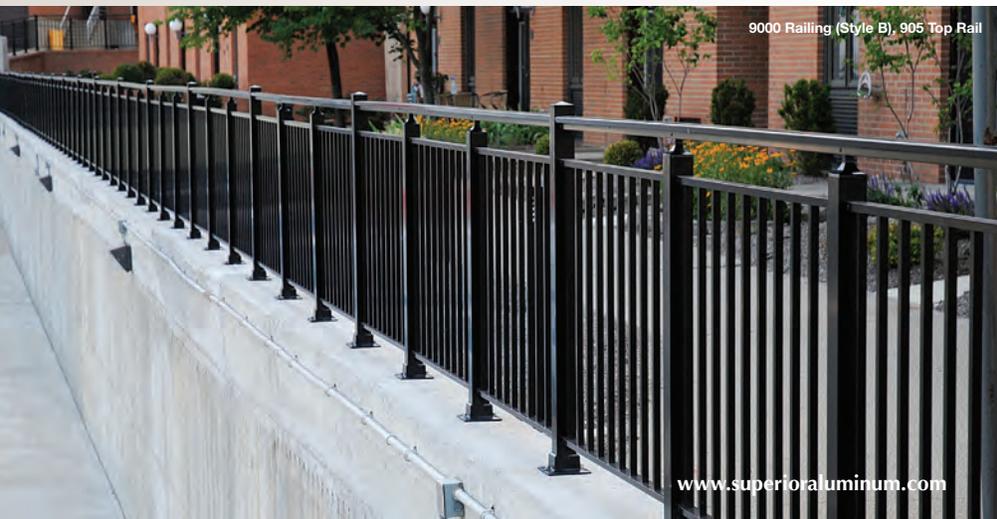


9000 Railing (Style A), 905 Top Rail and Series 500 Handrail

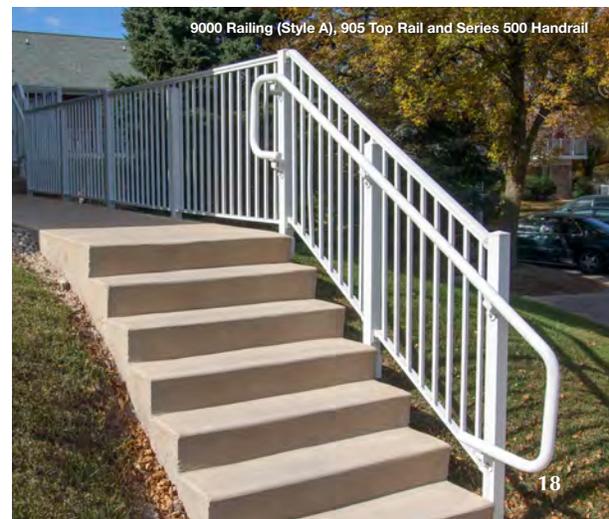


View of the top rail without post cap to show rail tabs.

Predrilled rail tabs are provided with the post to connect the top rails. If a railing section or sections need to be shortened, simply saw an equal amount from each railing end with the use of a miter or circular saw. Reinstall and tighten the rail wedge using an 1/8" Allen Wrench on the bottom rail so 1 1/4" protrudes through the post openings. Next, connect the two top rails together with a rail tab, and drive the post cap in place with a rubber mallet.



9000 Railing (Style B), 905 Top Rail



9000 Railing (Style A), 905 Top Rail and Series 500 Handrail

# Custom Applications

Superior Aluminum offers a variety of custom applications. These include, but are not limited to, attractive gates with custom locks, cast aluminum X-Inserts, an extruded X-Pattern System, and custom rail lengths and heights. Call Superior Aluminum to discuss your needs.



Ask about our extruded X-Pattern System (shown above and to the left) and cast aluminum X-Inserts (shown below).

Extruded X-Pattern System with Superior Panel Columns on balcony and Superior Fiberglass Columns below.



9000 Railing with Cast Aluminum X-Inserts



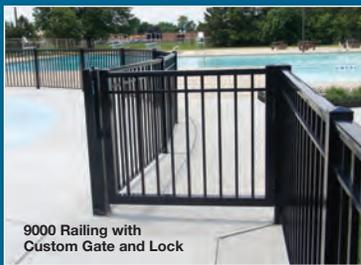
Cast Aluminum X-Inserts



9000 Railing with Custom Gate and Lock

Superior Aluminum manufactures attractive gates with custom locks upon request.

Ask about Series 2000 Cable Railing for a contemporary look.



9000 Railing with Custom Gate and Lock



9000 Railing with Custom Gate and Lock



Series 2000 Cable Railing

## MATERIALS -

**(For 9000, 9900 Railing)**

All rails, posts, and pickets shall be formed from 6063-T5 & 6063-T6 extruded aluminum alloys. All railing accessories shall be cast from industry standard aluminum alloys according to the requirements of the application. All exposed fasteners used in the system shall be aluminum or stainless steel.

## INSTALLATION -

The railing system can be either base mounted, side mounted or embedded into concrete.

Pickets shall run between the top and bottom rail.

**(For 9000 Railing)**

Pickets shall be 3/4" square on 4 1/2" centers.

**(For 9900 Railing)**

Pickets shall be 1 1/2" x 3/4" on 5 1/4" centers.

The railing system will adapt to step railing requirements by providing the riser and tread dimensions of the steps and specifying a rectangular hole in the bottom rail.

## SCOPE OF WORK -

Aluminum railings as shown on drawings shall be Superior Series 9000 Heavy-Duty Aluminum Railings, as manufactured and supplied by Superior Aluminum Products, Inc., Russia, Ohio 45363.

Series 9000 Railing meets federal safety requirements as determined by an independent testing laboratory. Test results available upon request. Superior Series 9000 Railing is protected by US Patent #3707276.





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937-526-4065 • Fax: 937-526-3904  
info@superioraluminum.com • [www.superioraluminum.com](http://www.superioraluminum.com)



***Light Bronze***  
Railings & Fence only



***Tan / Wicker***  
Columns, Railings & Fence



***Satin Anodized***  
Railings & Fence only



***Almond***  
Columns, Railings & Fence



***Dark Bronze***  
Railings & Fence only



***Sandstone / Clay***  
Columns, Railings & Fence



***Green***  
Railings & Fence only



***Brown***  
Columns, Railings & Fence



***Black***  
Railings & Fence only



***White***  
Columns, Railings & Fence

**DISCLAIMER:** While every effort has been made to ensure color accuracy in this printed piece, there may be subtle differences when compared to the actual product. If an exact match is required, please request a product sample.



## Memorandum

To: Historic District Commissioners

FROM: Denise Blakeslee, Planning & Zoning Administrator

DATE: January 26, 2017

RE: Open Meetings Act

**Denise Blakeslee**  
**Planning & Zoning**  
**Administrator**  
70 Maple Street  
Manistee, MI 49660  
231.398.2805  
dblakeslee@manisteemi.gov  
www.manisteemi.gov

Commissioners just wanted to remind everyone that the Historic District is subject to the Michigan Open Meetings Act and as such must ensure that the public has a right to comment, including the right to comment at the beginning of the meeting regarding any matter that appears on the Agenda. Also, you should preserve all emails that have been sent or received relating to your service on the Historic District Commission or relating to a request before the commission as those emails are public records, must be preserved and are subject to disclosure under the Michigan Freedom of Information Act.

Attached are copies of the following:

Memo from City Attorney George Saylor Dated August 4, 2015  
Copy of the Open Meetings Act  
Copy of the Freedom of Information Act

# Gockerman Wilson Saylor & Hesslin

A Mika Meyers Beckett & Jones, PLC Law Firm

## Memorandum

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To: City of Manistee Commissions/Denise Blakeslee

From: George V. Saylor, III

Date: August 4, 2015

Subject: OMA update

C/M: 26943-42142

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The Michigan Open Meetings Act is a group of laws that ensure that decisions of government take place in view of the public. The purpose of this Memorandum is to outline some of the general provisions of the OMA and also discuss the status of the law with regard to current issues. The OMA mandates that deliberations of a public body take place in a setting where the general public is able to observe the debate and are able to offer their comments with regard to matters of concern. With regard to specific questions regarding the OMA, the City has always taken the position that if there is doubt as to whether or not a meeting is subject to the OMA, it will assume it is and post public notice of the meeting and require that the meeting take place in a setting open to the public.

**1. Bodies Covered by the OMA.**

- a. The Michigan Open Meetings Act (OMA) requires that all meetings of a "public body" be open to the public and held in a place available to the general public.
- b. The definition of a public body includes local legislative or governing bodies (like City Council) including boards, commissions, committees, and sub-committees that are empowered by law to exercise a governmental function.

**2. Notice.**

- a. Meetings of a public body cannot take place unless there has been proper notice provided and the meeting is open to the public. The Notice requirements of the OMA are:
  - i. A public notice must be posted at the principal office of the public body and contain the name of the public body, telephone number and address;
  - ii. A person designated by the public body must post within 10 days of the first annual meeting of the body the dates, times and places of its regular meetings for the year;
  - iii. If a change is made to any regular meeting date the new schedule must be posted within 3 days of the meeting at which the change was made;
  - iv. For a rescheduled regular or special meeting a notice, including the date, time, and place of the meeting, must be posted at least 18 hours before

the meeting and if the public body maintains an internet presence the notice must be included on the body's website. The 18 hour requirement dictates that the posting be accessible to the public for the 18 hour period (if posted on an interior location not accessible after hours, the posting must be made for 18 hours when the location is accessible to the public).

**3. Meetings Covered.**

- a. A quorum of a public body, meeting to discuss the business of the public body, is subject to the OMA. Purely social or chance gatherings, that do not involve the discussion of the business of the public body, or attendance of a quorum at a conference or training that does not involve a presentation tailored to the public body, are times when notice would not necessarily be required even though a quorum of the public body is present in the same location at the same time.
- b. If the public body delegates to a group the authority to take action on behalf of the body and not just make an advisory recommendation, then the meeting of that group is subject to the OMA, even if a quorum is not present:
- c. All decisions of a public body must be made at an OMA compliant meeting. While case law indicates that polling does not necessarily violate the OMA, consensus building and debate on an issue that ultimately is decided by the public body is a violation. Distinguishing between polling and consensus building is not a bright-line test and while it is expected that members of a public body will discuss matters involving the body, outside of a public meeting, care must be exercised to avoid debate among a majority on an issue that may be decided by the body.
- d. Committees and subcommittees of a public body that are merely advisory and are not delegated authority to act are not subject to the OMA. As a matter of policy, the City of Manistee requires all meetings, including those of the various City Commissions, comply with the OMA notice requirements, including the requirement for the keeping of minutes (Council Policy – 10).

**4. Impact of technology on the OMA.** The use of e-mail, texting or other forms of electronic communication among members of the various City Commissions during a meeting constitutes deliberations toward decision-making or actual decisions and violates the OMA. In effect, such communication would constitute a closed session under the OMA. The principle is that the deliberation of the various City Commissions must take place in the open and should be something that the public is able to observe. If e-mail communication, texting or other forms of electronic communication takes place between members of City Commissions during a meeting, the public is unable to observe that debate. Whether communication from outside the members of the various City Commissions during a meeting is acceptable would depend upon the nature of the communication. Commission members being available by phone, text or e-mail during a meeting

regarding matters that may be unrelated to Commission business would be acceptable, but the Commissioners should maintain care in managing other types of communication during Commission meetings.

**5. Straw Polls, Communication Among all Members of the various City Commissions and “Reply All” E-mails.** E-mail communication between Commission members where it includes debate on a topic or soliciting the position of all members of the Commission (such as a straw poll) can result in a violation of the OMA. Even though you may not be meeting with a quorum of the Commissioners, and even when your discussions are on a one-on-one basis, if the objective of the discussion is to solicit the position of all the Commission members on a particular issue and offer your argument in favor or against a particular issue, it may be considered a debate on a topic among the Commissioners and constitute a violation of the OMA. Similarly, if an e-mail is exchanged on a particular topic, which is to be decided by the Commission, and is sent to all members, and then multiple members respond to the e-mail by the “reply all” button, it may constitute a violation of the OMA. It certainly is not improper to distribute material to all members of the Commission, but the Commission should not deliberate over the information exchanged by communicating positions with a quorum of the members through e-mail. Avoid the “reply all” response.

**6. Meeting Procedures.** The OMA contains a number of provisions that affect the procedure at a public meeting.

- a. All members of the public must be permitted to attend a meeting of a public body and can only be excluded for a breach of the peace occurring at the meeting.
- b. While the OMA does not permit a governing body to require members of the public to register in order to attend a meeting, the public body may require that an individual speaking at a meeting identify themselves if they wish to speak.
- c. A public body may place limitations on public comment, but may not establish a rule that prevents public comment (if multiple people are speaking in favor or against a particular subject, the body may encourage them to designate one or more individuals to speak on their behalf in order to avoid cumulative comments).
- d. A public body must have a time for public comment, but whether at the beginning or end of the meeting is something up to the public body.
- e. There is no right to address the public body during its deliberations on a particular matter, although the chair may do so if desired.

**7. Minutes.** The OMA requires that minutes be taken for all meetings of a public body. The minimum requirement of the OMA is that the minutes reflect the date, time, place, members present and members absent at a meeting of the public body. As to the substance of the meeting, the

Memo – OMA  
August 4, 2015  
Page 4

OMA requires that the decisions be described and if there is a roll call vote the specific votes recorded. If a public body decides to have more detail in its minutes it may do so.

**8. Quorum.** The public body must follow parliamentary procedures in managing its meetings, including the requirement of a majority vote of members present at a meeting where a quorum is also present, unless the law requires some different number. If a meeting that is properly posted lacks a quorum when it convenes, the members present may receive reports, comments from the public and ask questions, although no decision should be debated or made. If a member of a body is disqualified from voting on a particular matter due to a conflict of interest, they cannot be counted as to whether there is a quorum present at the meeting.

**9. Voting.** Unless authorized by rule or law, members present at a meeting may not abstain on an issue put to vote and the chair votes on all Motions (not just to break a tie in voting).

GVS/pav

**OPEN MEETINGS ACT**  
**Act 267 of 1976**

AN ACT to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts.

History: 1976, Act 267, Eff. Mar. 31, 1977.

*The People of the State of Michigan enact:*

**15.261 Short title; effect of act on certain charter provisions, ordinances, or resolutions.**

Sec. 1. (1) This act shall be known and may be cited as the "Open meetings act".

(2) This act shall supersede all local charter provisions, ordinances, or resolutions which relate to requirements for meetings of local public bodies to be open to the public.

(3) After the effective date of this act, nothing in this act shall prohibit a public body from adopting an ordinance, resolution, rule, or charter provision which would require a greater degree of openness relative to meetings of public bodies than the standards provided for in this act.

History: 1976, Act 267, Eff. Mar. 31, 1977.

**15.262 Definitions.**

Sec. 2. As used in this act:

(a) "Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

(b) "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

(c) "Closed session" means a meeting or part of a meeting of a public body that is closed to the public.

(d) "Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 2001, Act 38, Imd. Eff. July 11, 2001.

**15.263 Meetings, decisions, and deliberations of public body; requirements; attending or addressing meeting of public body; tape-recording, videotaping, broadcasting, and telecasting proceedings; rules and regulations; exclusion from meeting; exemptions.**

Sec. 3. (1) All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this act. The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

(2) All decisions of a public body shall be made at a meeting open to the public.

(3) All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public except as provided in this section and sections 7 and 8.

(4) A person shall not be required as a condition of attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

(5) A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.

(6) A person shall not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

(7) This act does not apply to the following public bodies only when deliberating the merits of a case:

(a) The worker's compensation appeal board created under the worker's disability compensation act of 1969, Act No. 317 of the Public Acts of 1969, as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws.

(b) The employment security board of review created under the Michigan employment security act, Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being sections 421.1 to 421.73 of the Michigan Compiled Laws.

(c) The state tenure commission created under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being sections 38.71 to 38.191 of the Michigan Compiled Laws, when acting as a board of review from the decision of a controlling board.

(d) An arbitrator or arbitration panel appointed by the employment relations commission under the authority given the commission by Act No. 176 of the Public Acts of 1939, as amended, being sections 423.1 to 423.30 of the Michigan Compiled Laws.

(e) An arbitration panel selected under chapter 50A of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.5040 to 600.5065 of the Michigan Compiled Laws.

(f) The Michigan public service commission created under Act No. 3 of the Public Acts of 1939, being sections 460.1 to 460.8 of the Michigan Compiled Laws.

(8) This act does not apply to an association of insurers created under the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.100 to 500.8302 of the Michigan Compiled Laws, or other association or facility formed under Act No. 218 of the Public Acts of 1956 as a nonprofit organization of insurer members.

(9) This act does not apply to a committee of a public body which adopts a nonpolicymaking resolution of tribute or memorial which resolution is not adopted at a meeting.

(10) This act does not apply to a meeting which is a social or chance gathering or conference not designed to avoid this act.

(11) This act shall not apply to the Michigan veterans' trust fund board of trustees or a county or district committee created under Act No. 9 of the Public Acts of the first extra session of 1946, being sections 35.601 to 35.610 of the Michigan Compiled Laws, when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or county or district committee made under this subsection shall be reconsidered by the board or committee at its next regular or special meeting consistent with the requirements of this act. "Emergent need" means a situation which the board of trustees, by rules promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, determines requires immediate action.

*History:* 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1981, Act 161, Imd. Eff. Nov. 30, 1981;—Am. 1986, Act 269, Imd. Eff. Dec. 19, 1986;—Am. 1988, Act 158, Imd. Eff. June 14, 1988;—Am. 1988, Act 278, Imd. Eff. July 27, 1988.

*Administrative rules:* R 35.621 of the Michigan Administrative Code.

#### **15.264 Public notice of meetings generally; contents; places of posting.**

Sec. 4. The following provisions shall apply with respect to public notice of meetings:

(a) A public notice shall always contain the name of the public body to which the notice applies, its telephone number if one exists, and its address.

(b) A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice.

(c) If a public body is a part of a state department, part of the legislative or judicial branch of state government, part of an institution of higher education, or part of a political subdivision or school district, a public notice shall also be posted in the respective principal office of the state department, the institution of higher education, clerk of the house of representatives, secretary of the state senate, clerk of the supreme court, or political subdivision or school district.

(d) If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves and the required public notice for a state public body shall be posted in the office of the secretary of state.

*History:* 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 87, Imd. Eff. Apr. 19, 1984.

#### **15.265 Public notice of regular meetings, change in schedule of regular meetings, rescheduled regular meetings, or special meetings; posting; statement of date, time, and place; website; recess or adjournment; emergency sessions; emergency public meeting; meeting in residential dwelling; limitation; notice; duration requirement.**

Sec. 5. (1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

(3) If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

(4) Except as provided in this subsection or in subsection (6), for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting in a prominent and conspicuous place at both the public body's principal office and, if the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for nonregularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those nonregularly scheduled public meetings. The requirement of 18-hour notice does not apply to special meetings of subcommittees of a public body or conference committees of the state legislature. A conference committee shall give a 6-hour notice. A second conference committee shall give a 1-hour notice. Notice of a conference committee meeting shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting.

(5) A meeting of a public body that is recessed for more than 36 hours shall be reconvened only after public notice that is equivalent to that required under subsection (4) has been posted. If either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection (4) are not applicable. Nothing in this section bars a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat. However, if a public body holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the public body cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" does not meet the explanation requirements of this subsection. If the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, it shall post the public notice of the emergency meeting and its explanation on its website in the manner described for an internet posting in subsection (4). Within 48 hours after the emergency public meeting, the public body shall send official correspondence to the board of county commissioners of the county in which the public body is principally located, informing the commission that an emergency public meeting with less than 18 hours' public notice has taken place. The correspondence shall also include the public notice of the meeting with explanation and shall be sent by either the United States postal service or electronic mail. Compliance with the notice requirements for emergency meetings in this subsection does not create, and shall not be construed to create, a legal basis or defense for failure to comply with other provisions of this act and does not relieve the public body from the duty to comply with any provision of this act.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body that is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice shall be at the bottom of the display advertisement, set off in a conspicuous manner, and include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

(7) A durational requirement for posting a public notice of a meeting under this act is the time that the notice is required to be accessible to the public.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1978, Act 256, Imd. Eff. June 21, 1978;—Am. 1982, Act 134, Imd. Eff. Apr. 22, 1982;—Am. 1984, Act 167, Imd. Eff. June 29, 1984;—Am. 2012, Act 528, Imd. Eff. Dec. 28, 2012.

#### **15.266 Providing copies of public notice on written request; fee.**

Sec. 6. (1) Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5(2) to (5).

(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.

*History:* 1976, Act 267, Eff. Mar. 31, 1977.

#### **15.267 Closed sessions; roll call vote; separate set of minutes.**

Sec. 7. (1) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

*History:* 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

#### **15.268 Closed sessions; permissible purposes.**

Sec. 8. A public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

(i) For a compliance conference conducted by the department of commerce under section 16231 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.16231 of the Michigan Compiled Laws, before a complaint is issued.

(j) In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(i) The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more

members of the governing board of the institution, but the number shall not constitute a quorum of the governing board. However, the search committee shall not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.

(ii) After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.

(iii) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 202, Imd. Eff. July 3, 1984;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

#### **15.269 Minutes.**

Sec. 9. (1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

(2) Minutes are public records open to public inspection, and a public body shall make the minutes available at the address designated on posted public notices pursuant to section 4. The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.

(3) A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer. The public body shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.

(4) A public body shall not include in or with its minutes any personally identifiable information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1982, Act 130, Imd. Eff. Apr. 20, 1982;—Am. 2004, Act 305, Imd. Eff. Aug. 11, 2004.

#### **15.270 Decisions of public body; presumption; civil action to invalidate; jurisdiction; venue; reenactment of disputed decision.**

Sec. 10. (1) Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of this act. The attorney general, the prosecuting attorney of the county in which the public body serves, or any person may commence a civil action in the circuit court to challenge the validity of a decision of a public body made in violation of this act.

(2) A decision made by a public body may be invalidated if the public body has not complied with the requirements of section 3(1), (2), and (3) in making the decision or if failure to give notice in accordance with section 5 has interfered with substantial compliance with section 3(1), (2), and (3) and the court finds that the noncompliance or failure has impaired the rights of the public under this act.

(3) The circuit court shall not have jurisdiction to invalidate a decision of a public body for a violation of this act unless an action is commenced pursuant to this section within the following specified period of time:

(a) Within 60 days after the approved minutes are made available to the public by the public body except as otherwise provided in subdivision (b).

(b) If the decision involves the approval of contracts, the receipt or acceptance of bids, the making of assessments, the procedures pertaining to the issuance of bonds or other evidences of indebtedness, or the submission of a borrowing proposal to the electors, within 30 days after the approved minutes are made available to the public pursuant to that decision.

(4) Venue for an action under this section shall be any county in which a local public body serves or, if the decision of a state public body is at issue, in Ingham county.

(5) In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

**History:** 1976, Act 267, Eff. Mar. 31, 1977.

**15.271 Civil action to compel compliance or enjoin noncompliance; commencement; venue; security not required; commencement of action for mandamus; court costs and attorney fees.**

Sec. 11. (1) If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.

(2) An action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves. An action for an injunction against a state public body shall be commenced in the circuit court and venue is proper in any county in which the public body has its principal office, or in Ingham county. If a person commences an action for injunctive relief, that person shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

(3) An action for mandamus against a public body under this act shall be commenced in the court of appeals.

(4) If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.

History: 1976, Act 267, Eff. Mar. 31, 1977.

**15.272 Violation as misdemeanor; penalty.**

Sec. 12. (1) A public official who intentionally violates this act is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

(2) A public official who is convicted of intentionally violating a provision of this act for a second time within the same term shall be guilty of a misdemeanor and shall be fined not more than \$2,000.00, or imprisoned for not more than 1 year, or both.

History: 1976, Act 267, Eff. Mar. 31, 1977.

**15.273 Violation; liability.**

Sec. 13. (1) A public official who intentionally violates this act shall be personally liable in a civil action for actual and exemplary damages of not more than \$500.00 total, plus court costs and actual attorney fees to a person or group of persons bringing the action.

(2) Not more than 1 action under this section shall be brought against a public official for a single meeting. An action under this section shall be commenced within 180 days after the date of the violation which gives rise to the cause of action.

(3) An action for damages under this section may be joined with an action for injunctive or exemplary relief under section 11.

History: 1976, Act 267, Eff. Mar. 31, 1977.

**15.273a Selection of president by governing board of higher education institution; violation; civil fine.**

Sec. 13a. If the governing board of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963 violates this act with respect to the process of selecting a president of the institution at any time after the recommendation of final candidates to the governing board, as described in section 8(j), the institution is responsible for the payment of a civil fine of not more than \$500,000.00. This civil fine is in addition to any other remedy or penalty under this act. To the extent possible, any payment of fines imposed under this section shall be paid from funds allocated by the institution of higher education to pay for the travel and expenses of the members of the governing board.

History: Add. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

**15.274 Repeal of MCL 15.251 to 15.253.**

Sec. 14. Act No. 261 of the Public Acts of 1968, being sections 15.251 to 15.253 of the Compiled Laws of 1970, is repealed.

History: 1976, Act 267, Eff. Mar. 31, 1977.

**15.275 Effective date.**

Sec. 15. This act shall take effect January 1, 1977.

History: 1976, Act 267, Eff. Mar. 31, 1977.

**FREEDOM OF INFORMATION ACT**  
**Act 442 of 1976**

AN ACT to provide for public access to certain public records of public bodies; to permit certain fees; to prescribe the powers and duties of certain public officers and public bodies; to provide remedies and penalties; and to repeal certain acts and parts of acts.

**History:** 1976, Act 442, Eff. Apr. 13, 1977.

**Popular name:** Act 442

**Popular name:** FOIA

*The People of the State of Michigan enact:*

**15.231 Short title; public policy.**

Sec. 1. (1) This act shall be known and may be cited as the “freedom of information act”.

(2) It is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

**History:** 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1994, Act 131, Imd. Eff. May 19, 1994;—Am. 1996, Act 553, Eff. Mar. 31, 1997;—Am. 1997, Act 6, Imd. Eff. May 16, 1997.

**Popular name:** Act 442

**Popular name:** FOIA

**15.232 Definitions.**

Sec. 2. As used in this act:

(a) “Field name” means the label or identification of an element of a computer data base that contains a specific item of information, and includes but is not limited to a subject heading such as a column header, data dictionary, or record layout.

(b) “FOIA coordinator” means either of the following:

(i) An individual who is a public body.

(ii) An individual designated by a public body in accordance with section 6 to accept and process requests for public records under this act.

(c) “Person” means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity. Person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or in a federal correctional facility.

(d) “Public body” means any of the following:

(i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but does not include the governor or lieutenant governor, the executive office of the governor or lieutenant governor, or employees thereof.

(ii) An agency, board, commission, or council in the legislative branch of the state government.

(iii) A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.

(iv) Any other body which is created by state or local authority or which is primarily funded by or through state or local authority.

(v) The judiciary, including the office of the county clerk and employees thereof when acting in the capacity of clerk to the circuit court, is not included in the definition of public body.

(e) “Public record” means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software. This act separates public records into the following 2 classes:

(i) Those that are exempt from disclosure under section 13.

(ii) All public records that are not exempt from disclosure under section 13 and which are subject to disclosure under this act.

(f) “Software” means a set of statements or instructions that when incorporated in a machine usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result. Software does not include computer-stored

information or data, or a field name if disclosure of that field name does not violate a software license.

(g) “Unusual circumstances” means any 1 or a combination of the following, but only to the extent necessary for the proper processing of a request:

(i) The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.

(ii) The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.

(h) “Writing” means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.

(i) “Written request” means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means.

**History:** 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1994, Act 131, Imd. Eff. May 19, 1994;—Am. 1996, Act 553, Eff. Mar. 31, 1997.

**Popular name:** Act 442

**Popular name:** FOIA

### **15.233 Public records; right to inspect, copy, or receive; subscriptions; forwarding requests; file; inspection and examination; memoranda or abstracts; rules; compilation, summary, or report of information; creation of new public record; certified copies.**

Sec. 3. (1) Except as expressly provided in section 13, upon providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body. A person has a right to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to 6 months, at the request of the subscriber, and shall be renewable. An employee of a public body who receives a request for a public record shall promptly forward that request to the freedom of information act coordinator.

(2) A freedom of information act coordinator shall keep a copy of all written requests for public records on file for no less than 1 year.

(3) A public body shall furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. A public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. A public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction.

(4) This act does not require a public body to make a compilation, summary, or report of information, except as required in section 11.

(5) This act does not require a public body to create a new public record, except as required in section 11, and to the extent required by this act for the furnishing of copies, or edited copies pursuant to section 14(1), of an already existing public record.

(6) The custodian of a public record shall, upon written request, furnish a requesting person a certified copy of a public record.

**History:** 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1996, Act 553, Eff. Mar. 31, 1997.

**Popular name:** Act 442

**Popular name:** FOIA

### **15.234 Fee; limitation on total fee; labor costs; establishment of procedures and guidelines; creation of written public summary; detailed itemization; availability of information on website; notification to requester; deposit; failure to respond in timely manner; increased estimated fee deposit; deposit as fee.**

Sec. 4. (1) A public body may charge a fee for a public record search, for the necessary copying of a public record for inspection, or for providing a copy of a public record if it has established, makes publicly available, and follows procedures and guidelines to implement this section as described in subsection (4). Subject to subsections (2), (3), (4), (5), and (9), the fee shall be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14. Except as otherwise provided in this act, if the public body estimates or charges a fee in accordance with this act, the total fee shall

not exceed the sum of the following components:

(a) That portion of labor costs directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written request. The public body shall not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance regardless of whether that person is available or who actually performs the labor. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down.

(b) That portion of labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information as provided in section 14. For services performed by an employee of the public body, the public body shall not charge more than the hourly wage of its lowest-paid employee capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14, regardless of whether that person is available or who actually performs the labor. If a public body does not employ a person capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14 as determined by the public body's FOIA coordinator on a case-by-case basis, it may treat necessary contracted labor costs used for the separating and deleting of exempt information from nonexempt information in the same manner as employee labor costs when calculating charges under this subdivision if it clearly notes the name of the contracted person or firm on the detailed itemization described under subsection (4). Total labor costs calculated under this subdivision for contracted labor costs shall not exceed an amount equal to 6 times the state minimum hourly wage rate determined under section 4 of the workforce opportunity wage act, 2014 PA 138, MCL 408.411 to 408.424. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. A public body shall not charge for labor directly associated with redaction under section 14 if it knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the public body's possession.

(c) For public records provided to the requestor on nonpaper physical media, the actual and most reasonably economical cost of the computer discs, computer tapes, or other digital or similar media. The requestor may stipulate that the public records be provided on nonpaper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. This subdivision does not apply if a public body lacks the technological capability necessary to provide records on the particular nonpaper physical media stipulated in the particular instance.

(d) For paper copies of public records provided to the requestor, the actual total incremental cost of necessary duplication or publication, not including labor. The cost of paper copies shall be calculated as a total cost per sheet of paper and shall be itemized and noted in a manner that expresses both the cost per sheet and the number of sheets provided. The fee shall not exceed 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A public body shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

(e) The cost of labor directly associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on nonpaper physical media or through the internet or other electronic means as stipulated by the requestor. The public body shall not charge more than the hourly wage of its lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of whether that person is available or who actually performs the labor. Labor costs under this subdivision may be estimated and charged in time increments of the public body's choosing; however, all partial time increments shall be rounded down.

(f) The actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner. The public body shall not charge more for expedited shipping or insurance unless specifically stipulated by the requestor, but may otherwise charge for the least expensive form of postal delivery confirmation when mailing public records.

(2) When calculating labor costs under subsection (1)(a), (b), or (e), fee components shall be itemized in a manner that expresses both the hourly wage and the number of hours charged. The public body may also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used to account for benefits in the detailed itemization described in subsection (4). Subject to the 50% limitation, the public body shall not charge more than the actual cost of fringe benefits, and overtime wages shall not be used in calculating the cost of fringe benefits. Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed itemization described in subsection (4). A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge

if the public body determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by either of the following:

(a) An individual who is entitled to information under this act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency. If the requestor is eligible for a requested discount, the public body shall fully note the discount on the detailed itemization described under subsection (4). If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if any of the following apply:

(i) The individual has previously received discounted copies of public records under this subsection from the same public body twice during that calendar year.

(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

(b) A nonprofit organization formally designated by the state to carry out activities under subtitle C of the developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:

(i) Is made directly on behalf of the organization or its clients.

(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.

(iii) Is accompanied by documentation of its designation by the state, if requested by the public body.

(3) A fee as described in subsection (1) shall not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14 unless failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.

(4) A public body shall establish procedures and guidelines to implement this act and shall create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary shall be written in a manner so as to be easily understood by the general public. If the public body directly or indirectly administers or maintains an official internet presence, it shall post and maintain the procedures and guidelines and its written public summary on its website. A public body shall make the procedures and guidelines publicly available by providing free copies of the procedures and guidelines and its written public summary both in the public body's response to a written request and upon request by visitors at the public body's office. A public body that posts and maintains procedures and guidelines and its written public summary on its website may include the website link to the documents in lieu of providing paper copies in its response to a written request. A public body's procedures and guidelines shall include the use of a standard form for detailed itemization of any fee amount in its responses to written requests under this act. The detailed itemization shall clearly list and explain the allowable charges for each of the 6 fee components listed under subsection (1) that compose the total fee used for estimating or charging purposes. Other public bodies may use a form created by the department of technology, management, and budget or create a form of their own that complies with this subsection. A public body that has not established procedures and guidelines, has not created a written public summary, or has not made those items publicly available without charge as required in this subsection is not relieved of its duty to comply with any requirement of this act and shall not require deposits or charge fees otherwise permitted under this act until it is in compliance with this subsection. Notwithstanding this subsection and despite any law to the contrary, a public body's procedures and guidelines under this act are not exempt public records under section 13.

(5) If the public body directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any charges under subsection (1)(b). If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the public body shall notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, shall include a specific webpage address where the

requested information is available. On the detailed itemization described in subsection (4), the public body shall separate the requested public records that are available on its website from those that are not available on the website and shall inform the requestor of the additional charge to receive copies of the public records that are available on its website. If the public body has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form as described under subsection (1)(c), the public body shall provide the public records in the specified format but may use a fringe benefit multiplier greater than the 50% limitation in subsection (2), not to exceed the actual costs of providing the information in the specified format.

(6) A public body may provide requested information available in public records without receipt of a written request.

(7) If a verbal request for information is for information that a public body believes is available on the public body's website, the public employee shall, where practicable and to the best of the public employee's knowledge, inform the requestor about the public body's pertinent website address.

(8) In either the public body's initial response or subsequent response as described under section 5(2)(d), the public body may require a good-faith deposit from the person requesting information before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee described in subsection (4). Subject to subsection (10), the deposit shall not exceed 1/2 of the total estimated fee, and a public body's request for a deposit shall include a detailed itemization as required under subsection (4). The response shall also contain a best efforts estimate by the public body regarding the time frame it will take the public body to comply with the law in providing the public records to the requestor. The time frame estimate is nonbinding upon the public body, but the public body shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this state's public policy under section 1 and the nature of the request in the particular instance. If a public body does not respond in a timely manner as described under section 5(2), it is not relieved from its requirements to provide proper fee calculations and time frame estimates in any tardy responses. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

(9) If a public body does not respond to a written request in a timely manner as required under section 5(2), the public body shall do the following:

(a) Reduce the charges for labor costs otherwise permitted under this section by 5% for each day the public body exceeds the time permitted under section 5(2) for a response to the request, with a maximum 50% reduction, if either of the following applies:

(i) The late response was willful and intentional.

(ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

(b) If a charge reduction is required under subdivision (a), fully note the charge reduction on the detailed itemization described under subsection (4).

(10) This section does not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

(11) Subject to subsection (12), after a public body has granted and fulfilled a written request from an individual under this act, if the public body has not been paid in full the total amount under subsection (1) for the copies of public records that the public body made available to the individual as a result of that written request, the public body may require a deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if all of the following apply:

(a) The final fee for the prior written request was not more than 105% of the estimated fee.

(b) The public records made available contained the information being sought in the prior written request and are still in the public body's possession.

(c) The public records were made available to the individual, subject to payment, within the time frame estimate described under subsection (7).

(d) Ninety days have passed since the public body notified the individual in writing that the public records were available for pickup or mailing.

(e) The individual is unable to show proof of prior payment to the public body.

(f) The public body calculates a detailed itemization, as required under subsection (4), that is the basis for the current written request's increased estimated fee deposit.

(12) A public body shall no longer require an increased estimated fee deposit from an individual as described under subsection (11) if any of the following apply:

(a) The individual is able to show proof of prior payment in full to the public body.

(b) The public body is subsequently paid in full for the applicable prior written request.

(c) Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to the public body.

(13) A deposit required by a public body under this act is a fee.

**History:** 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1988, Act 99, Imd. Eff. Apr. 11, 1988;—Am. 1996, Act 553, Eff. Mar. 31, 1997;—Am. 2014, Act 563, Eff. July 1, 2015.

**Constitutionality:** The disclosure of public records under the freedom of information act impartially to the general public for the incremental cost of creating the record is not a granting of credit by the state in aid of private persons and does not justify nondisclosure on the theory that the information is proprietary information belonging to a public body. *Kestenbaum v Michigan State University*, 414 Mich 510; 417 NW2d 1102 (1982).

**Popular name:** Act 442

**Popular name:** FOIA

### **15.235 Request to inspect or receive copy of public record; response to request; failure to respond; damages; contents of notice denying request; signing notice of denial; notice extending period of response; action by requesting person.**

Sec. 5. (1) Except as provided in section 3, a person desiring to inspect or receive a copy of a public record shall make a written request for the public record to the FOIA coordinator of a public body. A written request made by facsimile, electronic mail, or other electronic transmission is not received by a public body's FOIA coordinator until 1 business day after the electronic transmission is made. However, if a written request is sent by electronic mail and delivered to the public body's spam or junk-mail folder, the request is not received until 1 day after the public body first becomes aware of the written request. The public body shall note in its records both the time a written request is delivered to its spam or junk-mail folder and the time the public body first becomes aware of that request.

(2) Unless otherwise agreed to in writing by the person making the request, a public body shall respond to a request for a public record within 5 business days after the public body receives the request by doing 1 of the following:

(a) Granting the request.

(b) Issuing a written notice to the requesting person denying the request.

(c) Granting the request in part and issuing a written notice to the requesting person denying the request in part.

(d) Issuing a notice extending for not more than 10 business days the period during which the public body shall respond to the request. A public body shall not issue more than 1 notice of extension for a particular request.

(3) Failure to respond to a request pursuant to subsection (2) constitutes a public body's final determination to deny the request if either of the following applies:

(a) The failure was willful and intentional.

(b) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference to this act, on the front of an envelope or in the subject line of an electronic mail, letter, or facsimile cover page.

(4) In a civil action to compel a public body's disclosure of a public record under section 10, the court shall assess damages against the public body pursuant to section 10(7) if the court has done both of the following:

(a) Determined that the public body has not complied with subsection (2).

(b) Ordered the public body to disclose or provide copies of all or a portion of the public record.

(5) A written notice denying a request for a public record in whole or in part is a public body's final determination to deny the request or portion of that request. The written notice shall contain:

(a) An explanation of the basis under this act or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.

(b) A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the public body, if that is the reason for denying the request or a portion of the request.

(c) A description of a public record or information on a public record that is separated or deleted pursuant

to section 14, if a separation or deletion is made.

(d) A full explanation of the requesting person's right to do either of the following:

(i) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial.

(ii) Seek judicial review of the denial under section 10.

(e) Notice of the right to receive attorneys' fees and damages as provided in section 10 if, after judicial review, the court determines that the public body has not complied with this section and orders disclosure of all or a portion of a public record.

(6) The individual designated in section 6 as responsible for the denial of the request shall sign the written notice of denial.

(7) If a public body issues a notice extending the period for a response to the request, the notice shall specify the reasons for the extension and the date by which the public body will do 1 of the following:

(a) Grant the request.

(b) Issue a written notice to the requesting person denying the request.

(c) Grant the request in part and issue a written notice to the requesting person denying the request in part.

(8) If a public body makes a final determination to deny in whole or in part a request to inspect or receive a copy of a public record or portion of that public record, the requesting person may do either of the following:

(a) Appeal the denial to the head of the public body pursuant to section 10.

(b) Commence a civil action, pursuant to section 10.

**History:** 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1978, Act 329, Imd. Eff. July 11, 1978;—Am. 1996, Act 553, Eff. Mar. 31, 1997;—Am. 2014, Act 563, Eff. July 1, 2015.

**Popular name:** Act 442

**Popular name:** FOIA

#### **15.236 FOIA coordinator.**

Sec. 6. (1) A public body that is a city, village, township, county, or state department, or under the control of a city, village, township, county, or state department, shall designate an individual as the public body's FOIA coordinator. The FOIA coordinator shall be responsible for accepting and processing requests for the public body's public records under this act and shall be responsible for approving a denial under section 5(4) and (5). In a county not having an executive form of government, the chairperson of the county board of commissioners is designated the FOIA coordinator for that county.

(2) For all other public bodies, the chief administrative officer of the respective public body is designated the public body's FOIA coordinator.

(3) An FOIA coordinator may designate another individual to act on his or her behalf in accepting and processing requests for the public body's public records, and in approving a denial under section 5(4) and (5).

**History:** 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1996, Act 553, Eff. Mar. 31, 1997.

**Popular name:** Act 442

**Popular name:** FOIA

#### **15.240 Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10. (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period

during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1978, Act 329, Imd. Eff. July 11, 1978;—Am. 1996, Act 553, Eff. Mar. 31, 1997;—Am. 2014, Act 563, Eff. July 1, 2015.

**Popular name:** Act 442

**Popular name:** FOIA

#### **15.240a Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.**

Sec. 10a. (1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis

under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

**History:** Add. 2014, Act 563, Eff. July 1, 2015.

**Popular name:** Act 442

**Popular name:** FOIA

#### **15.240b Failure to comply with act; civil fine.**

Sec. 10b. If the court determines, in an action commenced under this act, that a public body willfully and intentionally failed to comply with this act or otherwise acted in bad faith, the court shall order the public body to pay, in addition to any other award or sanction, a civil fine of not less than \$2,500.00 or more than \$7,500.00 for each occurrence. In determining the amount of the civil fine, the court shall consider the budget of the public body and whether the public body has previously been assessed penalties for violations of this act. The civil fine shall be deposited in the general fund of the state treasury.

**History:** Add. 2014, Act 563, Eff. July 1, 2015.

**Popular name:** Act 442

**Popular name:** FOIA

#### **15.241 Matters required to be published and made available by state agency; form of publications; effect of matter not published and made available; exception; action to compel compliance by state agency; order; attorneys' fees, costs, and disbursements; jurisdiction; definitions.**

Sec. 11. (1) A state agency shall publish and make available to the public all of the following:

- (a) Final orders or decisions in contested cases and the records on which they were made.
- (b) Promulgated rules.
- (c) Other written statements that implement or interpret laws, rules, or policy, including but not limited to guidelines, manuals, and forms with instructions, adopted or used by the agency in the discharge of its functions.

(2) Publications may be in pamphlet, loose-leaf, or other appropriate form in printed, mimeographed, or other written matter.

(3) Except to the extent that a person has actual and timely notice of the terms thereof, a person is not required to resort to, and shall not be adversely affected by, a matter required to be published and made available, if the matter is not so published and made available.

(4) This section does not apply to public records that are exempt from disclosure under section 13.

(5) A person may commence an action in the court of claims to compel a state agency to comply with this section. If the court determines that the state agency has failed to comply, the court shall order the state agency to comply and shall award reasonable attorneys' fees, costs, and disbursements to the person commencing the action. The court of claims has exclusive jurisdiction to issue the order.

(6) As used in this section, "state agency", "contested case", and "rule" mean "agency", "contested case", and "rule" as those terms are defined in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

**History:** 1976, Act 442, Eff. Apr. 13, 1977;—Am. 2014, Act 563, Eff. July 1, 2015.

**Popular name:** Act 442

**Popular name:** FOIA

### **15.243 Exemptions from disclosure; public body as school district or public school academy; withholding of information required by law or in possession of executive office.**

Sec. 13. (1) A public body may exempt from disclosure as a public record under this act any of the following:

(a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.

(b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:

(i) Interfere with law enforcement proceedings.

(ii) Deprive a person of the right to a fair trial or impartial administrative adjudication.

(iii) Constitute an unwarranted invasion of personal privacy.

(iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.

(v) Disclose law enforcement investigative techniques or procedures.

(vi) Endanger the life or physical safety of law enforcement personnel.

(c) A public record that if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.

(d) Records or information specifically described and exempted from disclosure by statute.

(e) A public record or information described in this section that is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the considerations originally giving rise to the exempt nature of the public record remain applicable.

(f) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if:

(i) The information is submitted upon a promise of confidentiality by the public body.

(ii) The promise of confidentiality is authorized by the chief administrative officer of the public body or by an elected official at the time the promise is made.

(iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision does not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.

(g) Information or records subject to the attorney-client privilege.

(h) Information or records subject to the physician-patient privilege, the psychologist-patient privilege, the minister, priest, or Christian Science practitioner privilege, or other privilege recognized by statute or court rule.

(i) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired.

(j) Appraisals of real property to be acquired by the public body until either of the following occurs:

(i) An agreement is entered into.

(ii) Three years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.

(k) Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.

(l) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation, including protected health information, as defined in 45 CFR 160.103.

(m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in the particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure. This exemption does not constitute an exemption under state law for purposes of section 8(h) of the open meetings act, 1976 PA 267, MCL 15.268. As used in this subdivision, "determination of policy or action" includes a determination relating to collective bargaining, unless the public record is otherwise required to be made available under 1947 PA 336, MCL 423.201 to 423.217.

(n) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.

(o) Information that would reveal the exact location of archaeological sites. The department of history, arts, and libraries may promulgate rules in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide for the disclosure of the location of archaeological sites for purposes relating to the preservation or scientific examination of sites.

(p) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only 1 bidder has met the specifications. This subdivision does not apply after 1 year has elapsed from the time the public body completes the testing.

(q) Academic transcripts of an institution of higher education established under section 5, 6, or 7 of article VIII of the state constitution of 1963, if the transcript pertains to a student who is delinquent in the payment of financial obligations to the institution.

(r) Records of a campaign committee including a committee that receives money from a state campaign fund.

(s) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:

(i) Identify or provide a means of identifying an informant.

(ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.

(iii) Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have.

(iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents.

(v) Disclose operational instructions for law enforcement officers or agents.

(vi) Reveal the contents of staff manuals provided for law enforcement officers or agents.

(vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.

(viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant.

(ix) Disclose personnel records of law enforcement agencies.

(x) Identify or provide a means of identifying residences that law enforcement agencies are requested to

check in the absence of their owners or tenants.

(t) Except as otherwise provided in this subdivision, records and information pertaining to an investigation or a compliance conference conducted by the department under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, before a complaint is issued. This subdivision does not apply to records or information pertaining to 1 or more of the following:

(i) The fact that an allegation has been received and an investigation is being conducted, and the date the allegation was received.

(ii) The fact that an allegation was received by the department; the fact that the department did not issue a complaint for the allegation; and the fact that the allegation was dismissed.

(u) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.

(v) Records or information relating to a civil action in which the requesting party and the public body are parties.

(w) Information or records that would disclose the social security number of an individual.

(x) Except as otherwise provided in this subdivision, an application for the position of president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, materials submitted with such an application, letters of recommendation or references concerning an applicant, and records or information relating to the process of searching for and selecting an individual for a position described in this subdivision, if the records or information could be used to identify a candidate for the position. However, after 1 or more individuals have been identified as finalists for a position described in this subdivision, this subdivision does not apply to a public record described in this subdivision, except a letter of recommendation or reference, to the extent that the public record relates to an individual identified as a finalist for the position.

(y) Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.

(2) A public body shall exempt from disclosure information that, if released, would prevent the public body from complying with 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974. A public body that is a local or intermediate school district or a public school academy shall exempt from disclosure directory information, as defined by 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974, requested for the purpose of surveys, marketing, or solicitation, unless that public body determines that the use is consistent with the educational mission of the public body and beneficial to the affected students. A public body that is a local or intermediate school district or a public school academy may take steps to ensure that directory information disclosed under this subsection shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation. Before disclosing the directory information, a public body that is a local or intermediate school district or a public school academy may require the requester to execute an affidavit stating that directory information provided under this subsection shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

(3) This act does not authorize the withholding of information otherwise required by law to be made available to the public or to a party in a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) Except as otherwise exempt under subsection (1), this act does not authorize the withholding of a public record in the possession of the executive office of the governor or lieutenant governor, or an employee of either executive office, if the public record is transferred to the executive office of the governor or lieutenant governor, or an employee of either executive office, after a request for the public record has been received by a state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of government that is subject to this act.

**History:** 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1978, Act 329, Imd. Eff. July 11, 1978;—Am. 1993, Act 82, Eff. Apr. 1, 1994;—Am. 1996, Act 553, Eff. Mar. 31, 1997;—Am. 2000, Act 88, Imd. Eff. May 1, 2000;—Am. 2001, Act 74, Imd. Eff. July 24, 2001;—Am. 2002, Act 130, Eff. May 1, 2002;—Am. 2002, Act 437, Eff. Aug. 1, 2002;—Am. 2006, Act 482, Imd. Eff. Dec. 22, 2006.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see Rendered Tuesday, January 24, 2017

**Popular name:** Act 442

**Popular name:** FOIA

**15.243a Salary records of employee or other official of institution of higher education, school district, intermediate school district, or community college available to public on request.**

Sec. 13a. Notwithstanding section 13, an institution of higher education established under section 5, 6, or 7 of article 8 of the state constitution of 1963; a school district as defined in section 6 of Act No. 451 of the Public Acts of 1976, being section 380.6 of the Michigan Compiled Laws; an intermediate school district as defined in section 4 of Act No. 451 of the Public Acts of 1976, being section 380.4 of the Michigan Compiled Laws; or a community college established under Act No. 331 of the Public Acts of 1966, as amended, being sections 389.1 to 389.195 of the Michigan Compiled Laws shall upon request make available to the public the salary records of an employee or other official of the institution of higher education, school district, intermediate school district, or community college.

**History:** Add. 1979, Act 130, Imd. Eff. Oct. 26, 1979.

**Popular name:** Act 442

**Popular name:** FOIA

**15.244 Separation of exempt and nonexempt material; design of public record; description of material exempted.**

Sec. 14. (1) If a public record contains material which is not exempt under section 13, as well as material which is exempt from disclosure under section 13, the public body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

(2) When designing a public record, a public body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

**History:** 1976, Act 442, Eff. Apr. 13, 1977.

**Popular name:** Act 442

**Popular name:** FOIA

**15.245 Repeal of MCL 24.221, 24.222, and 24.223.**

Sec. 15. Sections 21, 22 and 23 of Act No. 306 of the Public Acts of 1969, as amended, being sections 24.221, 24.222 and 24.223 of the Michigan Compiled Laws, are repealed.

**History:** 1976, Act 442, Eff. Apr. 13, 1977.

**Popular name:** Act 442

**Popular name:** FOIA

**15.246 Effective date.**

Sec. 16. This act shall take effect 90 days after being signed by the governor.

**History:** 1976, Act 442, Eff. Apr. 13, 1977.

**Popular name:** Act 442

**Popular name:** FOIA