



MINUTES OF THE LANDMARKS COMMISSION

WEDNESDAY, JUNE 16, 2021, 4:30 PM
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains documents which provide call in information and instructions for the Zoom meeting.

B. ROLL CALL.

I. Members: Chair Paul Martzke, Vice Chair Ron Dehn, Ald. Mark Steuer, Ian Griffiths, Susan Ley, and David Siegel

Present: David Siegel, Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, Absent: Ald. Mark Steuer, Excused: None

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the June 16, 2021, meeting of the Landmarks Commission.

Moved by Susan Ley, seconded by Ron Dehn to approve the agenda. Motion Passed.

Yes- David Siegel, Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, Abstain- None.

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the May 19, 2021, meeting of the Landmarks Commission.

Moved by Ron Dehn, seconded by David Siegel to approve the minutes. Motion Passed.

Yes- David Siegel, Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, Abstain- None.

E. REGULAR BUSINESS.

I. (COA 20-13) Consideration of a requested extension for porch repair and painting at 637 S

Madison

Moved by Paul Martzke, seconded by Ron Dehn to approve the extension of the deadline for porch repair and painting to October 31, 2021. Motion Passed.

Yes- David Siegel, Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, Abstain- None.

2. (COA 21-06) Consideration with possible action on a design review for a new garage located at 704 S. Jackson Street.

Moved by Paul Martzke, seconded by Ian Griffiths to approve the removal of the existing 1-story, 2 car garage and replace it with a new 2-story, 2 car garage with attic space located at 704 S. Jackson St. Motion Passed.

Yes- Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, No - David Siegel; Abstain- None.

3. (COA 21-11) Consideration and possible action on a design review for foundation work, window repair, and storm window installation located at 843 S Monroe

Moved by Ian Griffiths, seconded by David Siegel to approve the COA for foundation repair, window repair and storm window installation on the condition that all SHPO Assigned Project Conditions are satisfied. Motion Passed.

Yes- David Siegel, Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, Abstain- None.

4. (COA 21-13) Consideration and possible action on a design review for a new sign located at 130 E Walnut Street

Moved by David Siegel, seconded by Paul Martzke to open the floor. Motion Passed.

Yes- David Siegel, Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, No- None, Abstain- None.

Moved by David Siegel, seconded by Ron Dehn to close the floor. Motion Passed.

Yes- David Siegel, Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, No- None, Abstain- None.

Moved by David Siegel, seconded by Ian Griffiths to approve the COA with the conditions that repairs are made to the exterior of the building to the satisfaction of staff using the Department of the Interior National Park Service Preservation Brief 7 "The Preservation of Historic Glazed Architectural Terra-Cotta" guidelines and the electrical box is moved to the interior of the building. Motion Passed.

Yes- David Siegel, Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, No- None, Abstain- None.

Moved by David Siegel, seconded by Ron Dehn to Table the issue of a fine. Motion Passed.

Yes- David Siegel, Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, No- None, Abstain- None.

F. INFORMATIONAL.

1. Staff-Level COA Applications.

2. Review City Raze/Repair Orders and Demolitions.

3. Staff Update.

4. Date of next meeting: Wednesday, July 14, 2021.

G. ADJOURNMENT.

Moved by Susan Ley, seconded by Ron Dehn to adjourn. Motion Passed.

Yes- David Siegel, Ian Griffiths, Paul Martzke, Ron Dehn, Susan Ley, Abstain- None.

VERBATIM MINUTES

- Stephanie, are you there?
- Hi, this is Jason flatt. No, Stephanie will not be joining us tonight.
- Okay.
- David Buck is the new Stephanie for tonight, I believe.
- Yes, Mr. David Buck is the new Stephanie for tonight.
- And I'm pausing here because I'm waiting to see if we have a quorum.
- I'd appreciate it if you continue to pause for a moment we're working some technical issues.
- Okay, let me know when you guys are ready on your end, Jason. And hopefully by the time you are, I see Ron Dehn. So I think we've got four. .
- Hello everyone.
- Good afternoon everyone. Just testing the audio here quickly. Sounds pretty good for me. Can everyone hear me?
- Yup, you're good.
- Well, that's awesome. We should start our recording on our end then I think that's already in process. So Mr. Martzke, whenever you'd like to get the show on the road, it's all yours. Okay, we will start the call to order the Wednesday June 16th, 2021 meeting of the Landmarks Commission. We will take the roll first. Ron.
- I'm here.
- Ian.
- Here.
- David.
- Present.
- Susan. Alderman Storer. And Justin. Okay, so Justin, Mark and Susan as absent. Maybe they're just late in logging on. Next item on tonight's agenda is the approval of the agenda. There was...

- Sorry I was on mute, I'm here.

- All right. Thank you, Susan.

- You're welcome.

- There was a little bit of confusion with the agenda that was sent out but I'm assuming everybody has the current agenda in front of them. Are there any proposed changes or comments on the agenda? Hearing none, I would look for a motion to approve.

- So me.

- Second.

- All in favor, signify by saying aye.

- Aye.

- Any opposed? The agenda is approved unanimously. Next item is item D that's the approval of the minutes from the May 19th, 2021 meeting of the Landmarks Commission. Those minutes are available on the site. I assume everybody's had an opportunity to see those minutes. Does anybody have any comments or corrections on the minutes? Hearing none, I look for a motion to approve.

- I make a motion to approve.

- Motion by Ron. Is there a second?

- I'll second it.

- Seconded by David. All in favor, signify by saying aye.

- Aye.

- Any opposed? The motion carries unanimously. Onto item E, which is regular business. The first item is a certificate of appropriateness 20-13. This is consideration of a requested extension for portrait pier and painting at 637 South Madison. Jason, would you like to give us the description?

- I'd enjoy that, yes. 637 South Madison came before the Landmarks Commission in July of 2020. And we're approaching a one year anniversary of that. Here you see not only the location of the house but also the letter that was sent. And there was a condition on this COA approval, which said that all wood portions of the porch needed to be painted. And of course the approval expires one year from the date of this letter. So on the next slide to refresh your memory, we have on the left a picture of the project as it currently stands. The porch has been replaced. You see a lot of unpainted wood components. Picture on the upper right as the property looked, when it came to you in 2020 for your COA approval. And a couple of sketches at the bottom just showing what was approved. And again, what we had here was all the wood stuff would be painted or not left in a natural wood appearance. So procedurally, we need to have either an extension or the denial of an extension and then proceeding to fines. But I think the request before he was to extend the COA timeframe, that extension, the amount of time is up to you. If you so choose to grant this, I look at this as somewhat precedent setting, you'll be saying know, yeah we can do six months extensions, one year extensions whatever you like or zero month extensions. But I can provide no particular guidance on how to proceed.

- The comment I guess I would make to the commission is simply painting is a weather dependent activity. You can't paint in January in Wisconsin. So if we were to consider an extension, I guess my recommendation would be that we grant the extension until October 31st which would take us through the current painting season. I feel that's a reasonable amount of time to get this work done that wasn't completed in the last year.

- If that is your motion, I would second that motion.

- I will go ahead and make that, convert that into a motion.

- And I will stick with my seconding.

- Yeah, so then there's a motion on the floor. Are there any other discussion?

- The only thing that I might add to that is that an extension of that magnitude should not need a further extension beyond the October 31st that it would not be an extent, that we would not be looking at an extension on an extension to the...

- I would agree.

- Yeah, likewise.

- Yep.

- Any other comments?

- This will be the final extension.

- Okay, motion is on the floor is to grant the extension until October 31st, 2021. We will do a roll call. Vote on this item.

- Yes.

- David.

- Yes.

- Ron.

- Yes.

- Alderman Storer is absent. Justin is absent. Susan.

- Yes.

- And the chair also votes yes. Motion passes unanimously. Next item is certificate of appropriateness 21-06. Consideration with possible action on a design review for a new garage located at 704 South Jackson Street, Jason.

- Yes, this is a return item again, it's the Lens home at the corner of Casse and south Jackson Street we've received some additional information related to the scale of the proposed garage. So on the left is a photograph of the property as viewed from South Jackson. On the right is that same photo with an

approximate scale representation of what the proposed garage would look like. I guess I invite you to take a moment and soak that in. If we go to the next slide, we have a few views from around the neighborhood. The two at the top are of the house in question. And this gives you some sense of the neighboring homes. The scale of those. The two at the bottom are pictures of garages on the opposite side of Casse Street in the immediate vicinity of the Lens home. I guess I felt like Stephanie was perhaps going to collect some more information on the heights of these other garages but that has not happened. And perhaps my feeling was misplaced. Maybe that wasn't going to happen. But on the next slide, this was the original recommendation from a few meetings ago. And you know, I put it back in your hands. You can either take action at this point or discuss or do as you please.

- I guess I would ask for a discussion from the committee members.

- If I can jump in here real quick. I thought that the owner did a very nice job of providing some photo montage of the existing and proposed. You can see by the red tick marks the height. I think in my perspective, what this shows is that three or four feet of the existing home plus the high floor to floor of the first floor. The high floor to floor of the second and the mass of the roof really does put into perspective the size of the garage. And it doesn't appear nearly as big as one might've presumed it might from the drawing of the garage or lawn. You know, my two senses that the scale is appropriate for the size of the home. And I will leave my comments at that for the moment.

- Just a quick reminder too. This is the narrow side of the garage.

- Correct.

- Any comments?

- Heather, I'd like to jump in here given that we've been going around on this for a little bit. I went to the ordinance, the city ordinance as well as the secretary of the interior's guidelines to find information to take a position. I do wanna preface things specifically to the Lens family that I wanna commend you for what you have done with that home. It's beautiful. You described yourself as stewards in your application. I would go beyond that and say, you are exemplary stewards for historic preservation and I hope you're an inspiration to others. I also see from the garage, or rather from the picture there's a child there, there's the place set. So I imagine you've got kids and that tiny current garage has gotta be aggravating when it comes to a modern vehicle inside a garage that was not designed for that. So I understand what you're looking for but the bottom line is going to the ordinance. And the secretary of interior standards is that I am going to vote against demolishing with the information we have. And if demolition is approved, excuse me I'm gonna go against the new design because it does not match. Some of the things that I found that place my position here, is in the ordinance. It does talk about economic feasibility to repair or restore and anything in terms of an estimate for what the cost would be. That would be something that would sway me. I know at the last meeting, it was mentioned that economics should not be a factor. Well I did find in the ordinance that economics are a factor. So I haven't been swayed that it is an economically or even a practical yet to demolish. If it is demolished though, the standard and the ordinance are very clear that things need to match what was there. And this garage is really a very quaint reminder of what it was like. It's a small garage. It really draws one's eyes to it. And the larger, more modern size garage, shaped garage is just incongruent with the historical context. So those are my positions having gone over the ordinance and the secretary standards I'm sympathetic to the Lens's plea. I understand why they want it. But I think this situation is just one of the downfalls of owning a historic home, an older home. I imagine there have been others. This one is just the issue that's before this commission. And that's all I got.

- Anybody else on the commission who would like to speak to this? I will add my comments. In reviewing the application, a couple of things came out. It does not appear that if the existing garage is removed from the property that it would impact the historical listing of the property which although it changed the property. I

think that's important to note that it would still be listed on the registry. I think that the thing that's important to me is that the new garage is being proposed in the same location as the existing one. And it's not changing the spatial arrangement of the site as far as the house and how it relates to the garage. I do not feel that there's a negative impact to the neighboring properties because of the location of the garage. It's to the north of the adjacent property. It's not an issue of sunlight. It's to the east of obviously the property to the west of it. So again, it's not blocking daylight, that type of thing. And it's also not on the street edge. It's on the far back corner of the lot, furthest from view. The proposed new garage is taller, yes. But I believe it's in proportion to the residence. And so I really don't take exception to it. And while it isn't an exact match of the garage it's replacing, I believe that it's sensitive to the historic nature of both the residents and the neighborhood as a whole. And so based on all those things. And also, I would point out that again I consider each review of each property individualistic as it's submitted to this commission. And in this instance, I'm in favor of approving this project as it's been submitted. Anybody else on the commission?

- I like to... I concur Paul, with your perspective on it I did some additional research on the Wisconsin historic properties website. And there's some interesting articles in there. You know, I think if the expansion of this property was not through the garage, then maybe an addition to the existing building will satisfy the needs of the homeowner? Well, I'm not sure that I would like to see an addition to this existing structure that is in very good shape based on the amount of work that they've put into it to have an addition done to that property. My thought is that if there is an additional space needs that that could be done in the secondary structure which is the garage. There is, you know, on the state site one of the indications it again says is, you know, avoid these actions designing an addition to a false style or time period, you know and trying to imitate an original design. So you can't tell where one starts and one finishes. There's enough separation I believe in the design as proposed to feel like it's compatible, but not mimicking. And so I'm not gonna object to this proposal for the same reasons that Paul indicated plus I believe the scale of this is appropriate for the scale of this particular house. And again, these are individual and the next garage, maybe something completely different. So this is not a precedent setting proposal in my mind.

- If I could just add too, you may want to include a recommendation in your emotion regarding the, you know, other city code that says there are certain height limits or you may not want to include a recommendation but I want to bring that to your attention again.

- So that's a good point to bring up Jason. I guess my question would be in and maybe we can't answer this tonight but is it understood that when an applicant brings a project forth to this commission, regardless of our decision, the applicant is still responsible for obtaining a building permit and therefore, you know we're one step in that process.

- That's correct. Your recommendation may or may not be implemented.

- I guess where I'm going is that I don't know or I'm not aware of what other steps to get their building permit. And so my recommendation and emotion would simply be that, they still need to follow through with the various other departments or approvals necessary.

- Yeah, hello, I'm David. I'm a planner with the city, I'm Steph's replacement for the day. Yeah, this is really the first step because a building permit whether it meets height regulations or setbacks or whatnot wouldn't even be entertained if Landmarks did not approve the concept. So once that, if assuming there is an approval tonight, they would have to still submit for their building permit application. We would check it against setbacks, heights, building code regulations and they would have to meet those if they could not for whatever reason. And there is a safety valve to go to the board of appeals. And they would have to prove a hardship at that point. So this is really the first step in the process of getting the structure built. But again, if this one didn't happen, it would need to go to the others. That make sense.

- And this is not specific to this application, obviously but it certainly speaks to the process you just

mentioned. And I don't know if it exists or not but I would guess it would be helpful to the citizens. If there was some sort of a flow chart that showed a resident, all of the approvals or things they needed to go to if they got a project like this and that may be impossible to do because every project is different. But my concern would simply be that we might have projects come before the landmarks commission that we could potentially approve. And made me think they're good to go and start building without getting the necessary building permit approval and things like that. Obviously I trust that staff is shepherding them through that process but I'd hate to see penalize from the why didn't know that and assume that our approvals on Landmarks Commission are all encompassing.

- Yeah, and Stephanie sends a response letter after the certificate of appropriateness is approved. And it is spelled out in there that other permits are required, you know, per municipal code. And I'm sure she does walk them, kind of walk them through the process. It's really a second step. It's really going to get the building permit. The other stuff I kind of mentioned is all internal to us. But yeah, she does explain that in the letter. And I'm assuming staff when they speak with the applicants, explain that as well.

- So without hearing any other discussion at the moment I will go ahead and make a motion to approve this request as submitted.

- I will second that motion.

- Then I would ask if there's more discussion from the committee. Without any more discussion, then I guess I would ask for a roll call. Vote on the motion. Ron.

- Yes, excuse me.

- Alderman Storrier is absent. Ian.

- Yes.

- Susan.

- Yes.

- David.

- No.

- Justin is absent. And I would vote yes. So the motion carries four yays and one nay. Next item on the agenda. Item three, a certificate of appropriateness 21-11. This is consideration and possible action on a design review for foundation work, window repair and storm window installation located at 843 South Monroe Avenue, Jason.

- The current slide shows you the property at the corner of Porlier and South Monroe Avenue. On the right, you see two photographs of the property. And this one should be pretty quick. They are working with Shippo for tax credits to add storm windows, air conditioning and do some repointing of the foundation. So next slide shows what the Shippo assigned project conditions are. Bit of an eye chart but it says something about the air conditioner needs to be hidden. The storm windows need to look a certain way and the pointing has some requirements on the mortar. Given that Shippo has some oversight on this, I feel confident that they'll do a good job and claim those tax credits. So recommendation is to approve the COA as submitted with these Shippo project conditions incorporated.

- Question I have Jason is I agree with your statement. If this is being submitted to Shippo in terms of the

competence of that. What happens if during the course of construction the property owner decides they don't need the tax credits and then abruptly changes the entire scope of work and does not follow the historic guidelines that Shippo would have enforced?

- Well, two things happen, if your approval of the COA is conditional upon them meeting, Shippo assigned conditions. Then they would first and foremost be in violation of the local municipal code. And they'd be doing work without a COA. Second and separately, they won't get their tax credits. That's kind of the short answer from the state perspective.

- Well, and I understand they won't get the tax credits. The concerning thing I would have is if they would decide not to pursue the tax credits and then embark upon a renovation project that would potentially harm the property and not be able to repair it after the fact.

- Oh, that's why my recommendation to the Landmarks Commission is to incorporate the Shippo assigned project conditions into the COA approval.

- Okay.

- So its... Then it boxes them into doing all the work required in order to get the tax credits as to whether or not they choose to finalize that and claiming credits that's kind of up to them.

- Understood.

- Other comments from the commission.

- No, it's a very historic property, very prominent property in the district. And I have every confidence in the homeowner that they will get executed appropriately and subsequently we'll make a recommendation for approval.

- Would you like to make a motion, Ian?

- I will make a motion to approve.

- I'll second that.

- Just as the motion should include that it follows the Shippo conditions that should be incorporated into there.

- Yep.

- Yep.

- Any other discussion? Hearing none, I call for a voice vote on this. Ron?

- Yes.

- Ian?

- Yes.

- Susan?

- Yes.

- David?

- Yes. And I would also vote yes. So the motion carries unanimously. Last item under regular business is item four, certificate of appropriateness 21-13. Consideration and possible action on a design review for a new sign located at 130 East Walnut Street, Jason.

- This building is the bell and building. I think you're all familiar with that.. Here you see the map showing it at the corner of East Walnut and South Washington Street. The tall looking photograph is relatively early in its career. And the smaller photograph is from the late 1970s. And I have a lot of photographs to share with you and I'm kind of afraid that I'm gonna forget to mention something. So I may linger a bit. Here in the middle, tall photograph. I want you to notice the number of signs mounted directly to the facade. I don't see many on the South Washington Street facade. I do see one projecting on the East Walnut Street facade. And then again in the 1970s, smaller photograph on the far, right. I still see no signs on the South Washington Street facade. And that really doesn't mean much. I just wanna point out to you that maybe somebody had something in mind when they weren't mounting signs for so long. Next slide. There's a lot to talk about here. Top left, there is a preservation brief on this as there is on different topics. But preservation brief number seven written by Patt Tiller. To give him a little shout out. He was my thesis advisor. And if there's anything I learned about glazed architectural terracotta tile it's that, that I don't know enough about it and I should tread lightly. Kind of a unique material. At the top right, you see the previous sign at this location. The Black & Tan sign. And you're gonna see a lot more of that sign as we go through because I just wanna have it there as reference. And I'm not saying that that was a good sign or a bad sign, but it shows us some visual bits that you know, are handy reference points as we go forward. At the bottom left, you see the proposed signage and at the bottom right some details on the proposed signage. And here a little bit of background information is important because Stephanie assures me that the city received an email inquiry about permits. The city responded that the sign owner needs to get a certificate of appropriateness, a sign permit and they hold harmless agreement. And following that response, the sign owner went ahead and installed the sign without actually having gone through any of these necessary steps. So, we don't really have a proposed sign but rather we have worked done without a certificate of appropriateness or work done without signed permit and work done without the hold harmless agreement

- The sign permit was sent to you. Just so we're clear, for the record.

- So today we're of course looking at the COA for the first time. And if we go ahead and move to the next slide, on the left you see, you know, a general overview of the sign as installed. At the top right, for reference again, as the Black & Tan. Again, no judgment on that sign. Immediately below that, we see a little bit of detail on the new sign as installed. And more detail again, bottom, right of the new sign as installed. We can go to the next slide. You're gonna get tired of my photos. Again at the top right and middle right, you've seen these photos on the previous slide. That's great. I just wanted to call your attention to the previous mounting of the old Black & Tan. The large photo on the left if you will. It has left some holes in the glazed architectural terracotta block and some dirt. And in way of at least the upper hole there, you see the glaze is no longer present on that block. And at the very bottom of the screen on the right hand side you see the little power box or transformer or whatever it is that's been installed. You know and that's right next to some previous dirt from the previous sign. I guess I've learned a little bit more about terracotta from Patt Tiller. I know that's sources of water intrusion are very important to manage. And preservation brief number seven describes what to do. And in the cases of area where the glaze is gone, it should be painted. And in areas where holes are left exposed, they should be filled with a certain type of cork. And in general, of course, given that you want to minimize points of water intrusion. It's a good idea not to go drilling many holes into this material. So if we look at the next slide. Here are two views of the as installed sign, looking upwards from the sidewalk on the left, I'm zoomed out a bit. So you see the metallic power box near the bottom. And behind the lettering of course you see all these kind of silver gray colored spacers. And each one of those spacers is covering a screw

that's been drilled directly into the terracotta facade. And information provided by the sign owner states that there are 24 screws or anchors or foundation bits attaching this sign to the facade. So next slide. In case you ask, this is handy. This is what the ordinance currently states for any work done without a certificate of appropriateness. I'm not asking you to read it right now but if you have a question, we'll come back to this slide. Is that good deal? Then moving forward, the recommendation. You'll see the first one's crossed out. As a proposed sign, staff would recommend that the sign be redesigned to minimize the number of penetrations required in the facade. And going one further to maybe hide or dress up the exposed electrical box and the associated wiring. We're not there anymore. As an installed sign, my concern is that any replacement might result in additional damage to the facade. So I would recommend that you keep the sign but if you want to be a little picky about it the exposed electrical box and the exposed wiring is a bit inappropriate. And in my opinion, obtrusive. And should either be relocated inside or perhaps powder-coated painted and made to blend in a bit. Third point here, any new sign to replace the Black & Tan sign should have required patching of the holes and painting of any damage to the glaze. All this work done in accordance with preservation brief number seven. And again, that's because glazed architectural terracotta block is a special creature that does not like water intrusion and it's not the sort of resource where you over the decades can just keep putting new holes in it and not expect something bad to happen. So, you know, ideally I think a sign design should have a sign foundation that's semi-permanent. And any new signs and future signs then would mount to that foundation without drilling new holes into the terracotta block. So at this point, I need to turn it over to you. We can look at the pictures again or go to the ordinance or whatever you like. But I guess the recommendation here is, that we issue a COA with some conditions. And as the ordinance is written, I don't know that you can wave a fine at this point. I think you could make a recommendation as to what the magnitude of the fine would be but, I leave that to your discussion. Thank you.

- Jason, could you go back to the ordinance and leave that up for a minute?

- Jason, because there was no certificate of appropriateness for this project, the ordinance states that this gets turned over to the common council. What is the mechanism? How does that happen? Do we have to make a motion to do that? Again, this goes back to kind of procedures within city hall.

- So I don't think so. After the historic preservation ordinance was updated to reflect what you see here. Some point later, the common council identified what the appropriate fine amounts would be and that is now codified. So you basically look up, what is the default fine for this? Now that's outside of my, part of the ordinance book but if memory serves, I think it's either a thousand dollars or up to a thousand dollars. I'm not sure what the language is. Either way, I wouldn't let that discourage the Landmarks Commission for making a recommendation here. And again, this is beyond my wheelhouse but the city machinations will take care of it is what my understanding is.

- Well, it would seem to me that an appropriate fine would certainly be an appropriate amount to cover that cleanup and restoration part of that dirty stuff at minimum. I mean that that should still be taken care of no matter what. Because we can't leave that building exposed like that.

- Well, and you can still make that a condition of the COA because in order for that sign to remain, COA is still necessary, so...

- Yeah, I mean obviously that repair work still needs to be done and that cleanup needs to be done. I mean, without a question.

- Before we would move on to fines or orders to change or remove, I would like to hear from the building owners. There was the one woman that spoke up earlier briefly, perhaps there are others. So I would make a motion to open the floor to those building owners and associated people.

- I'll second the motion. All in favor.

- Aye.

- Any opposed? Okay, is there somebody present that would like to speak?

- So I am the business owner. I think Heather, who is the representative from the sign company is there as well. Heather, are you there? Maybe Heather isn't there

- Yes, I'm here.

- Oh, you are. Okay, awesome. So does the committee have a specific question or do you just want us to discuss.

- Yeah, Elizabeth I've got a question for, I'd like to get your perspective, your side of what your understanding is of your obligation as the business owner, under the ordinance, what you're aware or weren't aware of what you needed to do to get this COA and what you did or didn't do. I basically like to hear your side of the story about what transpired.

- Sure, so as a new business owner, it was obvious that I needed to take down the old Black & Tan sign. So I found a new sign company to design the sign that I wanted. We went back and forth a couple of times. I was not aware of a historic committee that needed to approve any sign. I thought it was just the building owner. And then of course the sign permit application. So I went ahead and did that. And that's about it.

- Jason or David perhaps you could enlighten us. She just mentioned a sign permit. What part of the process or what a part of the city does that go through?

- That would go through our inspection division. So the sign permit application would come in with the attachments, gets to our inspection division. The software they use will kick up a historic designation or in a historic district. If the property is in a district or individually designated and that'll kick it over to Stephanie Hummel who's a staff person or Jason who the staff people for the review of alterations to a historic property.

- So you're saying that a staff would have sent the business owner in response to the application notification about a COA and this commission, is that accurate?

- That is both accurate. And according to Stephanie, if I quote her, if it gets brought up, I'm quoting. For Bellin if it gets brought up, they installed the sign after emailing the city, asking about permits. We're told they needed a COA signed permit and a hold harmless. And they installed without any of those things, in quote.

- Well, Elizabeth would you be willing to respond to that?

- Sure, so, and this is, I did do this on permanent application and then the other documents, I believe I sent over to Tom after the fact, which I apologize for. But a lot of the information that was required on those forms was the same exact information that was put on the sign permit application. So while I understand that there's forms and those need to be done the required information was on the sign permit application. Granted, I didn't get approval. I understand that 100%. I'm here right now having to deal with it. But the sign permit application, I thought that I was doing what I needed to do. I had no idea that there was levels, upon levels, upon levels. The approval of the sign. I did not think it was...

- In no instance does a sign permit get approved before the COA has been issued.

- I understand that now, I did not understand that in the beginning.

- So the sign application permit was submitted but you didn't get a... There wasn't an approval of that permit application?

- Correct.

- Okay.

- So you indicated you're the new business owner?

- Correct.

- I thought I understood that it was a name change, not a new venture.

- Well, I mean, it technically it's operating under the same LLC as the Black & Tan. Doing business as slander. So I guess you could look at it two different ways. Operating under the same legal entity but doing business as a different restaurant. So it doesn't serve the same food as the old, Black & Tan. It looks different than the Black & Tan but in terms of the legal entity, it's the same. Does that make sense?

- Sure. So the, yeah, okay. I guess, is there any other information that the owner or the sign applicant wants to share with this commission? Or should we go back into regular business?

- I don't know if we wanna reiterate the email that Heather had sent providing more information on the sign? I don't know if that interests the committee at all.

- What would that include?

- If I may, my name is Heather. I'm from Signarama. And I guess I'd like to speak to the fixing of the what's been done. In the past whenever we've gotten a sign applicant or a sign permit, I've never been asked for a COA before. We did go ahead and get an obstruction permit because of where the work was taking place. We had one for the removal of the existing and then we had another for the installation. Obviously any of the cleanup the patching of the holes, changing the cover of the electrical box that can all be done, absolutely. Without making more holes. I mean, to fill the holes that were left from the Black & Tan sign. To clean the dirt that's there. He mentioned painting the tipped part where the glaze was gone and painting the electrical box hiding the wires that work. Not creating more holes, no.

- Other question for you since you're the site installer is it feasible to move that electrical box out of sight.

- To take it inside would mean an additional hole and cause the junction box the power does come outside and that was existing. That was there. So to get rid of that, it would leave another hole.

- And a new one would be required.

- And we need a new one to get the wires into the building.

- Why wouldn't you just use the same hole that's already through the building?

- I believe, it Wasn't the electrical box that was already there from the Black & Tan sign. I think that's what she's saying.

- The power coming out of the building.

- Sure, but that sign is no longer there. So now the box is exposed. The gray conduit, the flexible conduit

that's coming out?

- On the bottom, yes. Right here on . On the bottom there. That was the pipe that was existing.

- Sure, so why could that box not be inside and feed?

- Through that same hole?

- Yes.

- I suppose. And then the wires I would be open to suggestions on that as well because the location of the sign, it's much shorter, much smaller than what the Black & Tan was. If we take the sign all the way over to that existing hole, it'll be hidden by the tree, it'll be on the corner. I'm not sure if that would be feasible to move the sign.

- My thought is that it's a piece of conduit that comes from the existing penetration and runs horizontally over to the sign. The conduit's painted out to match the terracotta.

- And if the conduit needs to be anchored to the wall, it should be done in the joint and not in the face of the terra-cotta.

- Understood.

- Could you go back one, could you go back one slide? Yeah, I mean the wire that actually runs from the conduit to the slander sign is very thin.

- Yes.

- I don't see any reason why that whole box couldn't be inside just that thin wire right along a seam. Right along the, you know, the seam right there, yeah. In my opinion.

- Unless there's any more comments from either of the two folks that have spoken, I'm gonna make a motion to close the floor, return to our normal.

- I'll second that motion.

- All in favor.

- Aye.

- Any opposed? Okay. Where are we at folks? We've got a recommendation by city staff that essentially is saying that we want the terracotta cleaned up, sealed where the existing holes were and we'd like the electrical box relocated to the inside of the building which I think we kind of just discussed. It seems to be possible.

- Hmm.

- Is there anything else that anybody is concerned with?

- There was discussion before about fines for this. You know, I'm a law and order guy but I understand that this is a new ordinance. It's not necessarily an obvious one that a business owner would inherently recognize the need for. You did acknowledge that you're negligent doing the work before the permit was initiated. So I

appreciate your honesty but I am reluctant to impose a fee or a fine rather at this time, simply because I'm recognizing the fact that this is not an inherently obvious thing. The only thing I would ask the business owner of is please do share with everybody else in that building the realities of the Bellin building that permit needs to be passed through this commission. But based on that, I would, I am reluctant to impose a fine.

- But David in response to that, the question that I don't understand or it's not really clear is whether or not there were actual sign permits granted for this work? And if they were, obviously that was a mistake somewhere in City Hall. Those permits never should have been granted without coming before this commission first.

- The sign permit itself still has not been granted. That's pending the CLA...

- That's my understanding. She applied for a permit and then just went ahead and did the work without waiting for a permit. Even though she received a letter from the city stating what needed to be done.

- That was approved as my understanding.

- So I can't speak to that but my hunch is that there's no flag on sidewalk, closure permit. It's presumed that you know what you're doing at that point.

- But there is a signage ordinance.

- There is.

- Correct.

- And there should have been a permit granted to put the sign up.

- Permit specifically was not granted because it had yet to go through the Landmarks Commission among other things, the hold harmless and the other one. Maybe, that's all three.

- I'm not sure that the fine is something that we can take action on or not. Or if that clearly falls in city council's purview.

- We just recommend there should be a fine unless city council...

- No, I think Jason indicated that that fine is structure is already laid out.

- That's right. That's right. They already have that set off.

- Is that correct, Jason?

- Yes, and I apologize my memory. You know, I live in certain chapters of the ordinance and I don't live in that one so much but where my memory is unclear is if it's an up to amount or a prescribed this amount. I think it was a prescribed this amount, but you know, we'd have to take a look. And if it's an up to, then perhaps a recommendation would have some sway.

- If I may, is that okay? 'Cause I looked for the ordinances. I'm pretty familiar with reading those and I did not see any type of ordinance paragraph that dictated an amount of fine. And it doesn't seem like any of you know either so a reasonable person how am I supposed to know?

- I do have in front of me, the fine structure. If we are aware of it. It's 13-15, 14 and very simply it can be up to

\$50 a day per violation that we make as a recommendation that is issued by the development director and that the fines ultimately are established by the common council. So yes, it very much exists as Jason says. It's buried, but it does exist.

- Well, in a separate section, there's a blanket statement. A different chapter that says, if you've done the work without a COA, there's, you know it's like your first tier thing. There's a fine. I forget if it's a thousand or up to a thousand but it's very prescriptive that's this is one of our standard fines. and I forget which chapter it is but I've got two people here looking for it if that's any consolation. So the \$50 a day is for say, if somebody has done work without a COA and you don't issue a COA, for example, if you say, no, we refuse to grant a COA for this sign. Then you can impose that \$50 a day fine until they correct the situation. In addition to the fine, that was already levied for work done without the COA in the first place.

- My concern with this discussion is that the applicant has hired a professional sign company to do this work. And so there's no excuse sign for the work having proceeded without having the proper permits in place. It may not be fair or right but I would be more sympathetic to a private property owner doing work on their own residents and not understanding that. But that's not what we're discussing here. We're discussing a commercial building with a commercial contractor that doesn't have the appropriate permits in place.

- I think to add to that this we've reviewed several sign permits since this ordinance has been in place. And so it's not the first person to go through this ordinance as it's currently written. So that gives me some pause also.

- And I think the ordinance has been in place for nearly three years now.

- I also had a problem with that.

- Heather here, may I speak to that?

- Sure.

- I guess the honors on me would have been not to go forward without the permit in hand. This particular case. We were doing, the work. The business owner was applying for the permit. We do charge for that service if we get the permitting and go through all that. We charge for that, this is a new business owner wanted to save some money on that end and she was gonna go through that process herself. So I guess that's where err occurred on...

- Thanks for the clarification on that. I guess the other piece, Jason all the property owners in the historic district did receive notification that this ordinance, when it was being considered and when it was approved. I presume that they all received indications that there was a process and additional ordinances.

- Yes, and that came after letters saying that there was a proposed historic districts and letters saying we're having public hearings to discuss a proposed historic district. And letter saying we're discussing, changing the ordinance and letters saying that the ordinance goes before council tonight. So, yes, every one of these gates. A letter was sent to the property owners.

- The issue you've got here is that the work is being by a tenant and not the property owner or landlord.

- Understood. I think it's just important that we know that that work was done or that the work from the city was done. And those were, I mean, that information should be relayed not only from the building owners, but from, I would suggest the downtown Green Bank board maybe that notification that these permits are required should be further enhanced and shared with not only the building owners, but the tenants also.

- I think it goes back to that the city did send a letter when the formula was applied for. And the tenants, what needed to be done.

- Would anybody like to make a motion?

- Okay, I'll make a motion regarding the structure itself and separate out the issue of a fine. My motion is that they be directed to repair all damage whether it was preexisting or a result of the installation to the satisfaction of this commission as well as move that electrical box inside.

- We have the repair be done with the appropriate material.

- Yeah, exactly.

- Cause somebody doesn't go and get a toolbox, a cork..

- That's why I said to the satisfaction of this commission. And essentially that'd be in the form of staff making visits.

- And that's fine. Preservation brief number seven from the department of the interior's park services fairly prescriptive in saying what type of cork to use. And they mentioned paint for where glaze has gone. I forget if I think they are prescriptive in saying a latex or some other type of paint. So, if you include preservation brief number seven in your motion, that would give us some firm, you know benchmark to refer to.

- I will modify my motion. Exactly what Jason just said.

- I would second that motion.

- Yeah.

- Any other discussion on? We have a motion on the floor and a second.

- Just quick question. Did this motion include an approval of the COA or not? My memory gets a little sketchy.

- No, it did not but that would be appropriate and I'll amend my motion to include the approval of COA with the caveats I stated before.

- And did the second to that motion, agree to the amendment.

- I do.

- Thank you.

- So any further discussion on the motion? Just so we're clear. My understanding is there's a motion to approve the COA requiring the existing terracotta facade to be repaired per, with those National Park Service guidelines, Jason.

- Yes, department of the interior National Park Service preservation brief number seven written by De Teel Patterson Tiller.

- Requiring the terracotta to be cleaned and repaired for those National Park Service guidelines and also the relocation of the electrical box to the interior of the building. I think that's where we left off.

- Yes, Paul, that's exactly my motion.

- Okay. Now roll call vote, Ron.

- Yes.

- Ian?

- Yes.

- Susan?

- Yes.

- David?

- Yes.

- I will also vote yes. The motion carries unanimously. Thank you. Okay, we're on to item F. Staff level applications.

- Oh, do we have a matter of the fine or do we have not? Or don't we have any input regarding the fine from the city regarding the sign.

- So, at this point, the \$50 a day, isn't an issue because you've granted a COA. There is still a question of what the, you know base fine is for work having been done without a COA. I can't tell you exactly what that is right now. If you want to make a motion recommending lesser or more, I'm afraid, I just don't have that ordinance section in front of me to tell you what the city will be doing behind the scenes after this meeting.

- I'm just gonna make an assumption that the inspection division is the ones who are going to wanna look into the fact that they've had a sign installed without the permits granted.

- Yes, that's a separate fine as well, I believe, but you know that's a discussion to be had by others, not me.

- I'll make a suggestion. We table the issue of a fine until staff can prepare a report on the fee structure rather than try and find it on a .

- Have more information.

- Agreed.

- You can do that. I can't guarantee that it won't already happen before that report is prepared.

- I make a motion we table an issue of the fine until next meeting.

- I'll second.

- Any other discussion?

- Just one quick thing, you know, as far as the fine goes, you know, I don't necessarily see that the owner is as culpable as the sign installer. Now, I don't know if that's broken down in the codes or, you know, through the

city or not but I mean, when this building would have been notified, she wasn't even the owner yet nor was she probably even in the building at that time. I mean, I can't speak for out when she was there but you know, at that particular moment she wasn't the owner. You know, when they were notified of the COA process and all that originally of the historic nature of that building, so.

- But subsequently LC staff did send the information that did state and the various things that need to be sought. And that was not complied with.

- Sure, well, that's why it's good to table this, I suppose because we can really look into those items better. Okay, okay. That's all.

- Good.

- Okay, this is Dave again. Typically, so what happens if you do work without a permit, regardless if you're in historic or not, the permit fees are either doubled or tripled depending on criteria inspection uses. I believe any fine which is set by the council is probably gonna be a set amount or like Jason had said an up to amount. I don't know if the Landmarks Commission is gonna have any control over implementing or not implementing that fine. That's something that's gonna go through the regular city mechanisms. Generally the fines, my understanding typically go to the property owner because ultimately it's the owner's responsibility to watch his tenants and not to do stuff in his building. So that is typically what happens. Obviously landlords typically would send that fine down to whoever did the work or taking the court or whatever. But that's typically how it goes. I didn't, I kind of was trying to dig around in the municipal code. I did not find that. And I'm not a landmark surfer but I didn't find the penalties what they are but I'm guessing it's not gonna be at the judgment of Landmarks Commission. It's going to be a flat fine.

- You know, this was precedent for us. We have never as a commission ever seriously examined fining anybody. So again, I'd like to urge that we table this as I moved next month so that we can get the information and we can get it right. As if we're doing this for the first time, let's do it right.

- Okay.

- I think the discussion David is simply we don't necessarily have the power to do anything in this regard. That it's not this commission is not the deciding body on that. It's the common council.

- I believe you're correct. And depending on how it's worded, it may not even be common council may not have the ability change it, correct. But obviously we can report back to you. And if it is something that's a judgment call by the Landmarks Commission, we will hold off any type of fines that are gonna out or maybe processed until you can obviously speak about it. And we'll also kind of get you up to date on what those fees are and what the process are. But I would recommend as a staff member that if you made a motion to recommend there be no fine because this is a new ordinance and a new tenant. And you know, it's just confusing time. You could make that, it might not have any weight but at least if it does, it's already out there. Would be my recommendation. It doesn't hurt to make the recommendation if that's what you're looking to do.

- So to show on floor that we're essentially tabling the issue of a fine until the next meeting.

- Correct. To give staff a chance to prepare a report instead of the uncertainty we're hearing now.

- Did anybody else wanna comment on this before we vote on that motion? Okay. By the roll, Ron.

- Yes.

- Ian.

- Yes.

- Susan.

- Yes.

- David.

- Yes.

- I vote Yes. So motion carries unanimously. And now I believe we're on to item F which would be staff level applications.

- There were two applications for staff level approval. We're looking for them. One was a fence. Yep, there we go. A fence at 1120 South Quincy. We approved it. And the other one at, I didn't list the address there. Well at the house on the bottom right they're replacing a precast concrete porch steps with basically identical precast concrete porch steps. So we approved that. That approval noted of course that the handrails and the newel posts would have to be the subject of a separate COA because they were silent in their application in the first place. But as it stands, now they can replace the concrete steps and not replace the handrails. Any questions on either of these two?

- No.

- Then if you'd like to move on to next slide, next topic.

- The raise and repair orders?

- None that have come my way.

- Okay. Staff update.

- No, it's been a good month. I guess the update there is that the intensive level survey did start. I rode around in a car with Rowan, from Legacy Architecture for three days, and we've completed the phase one windshield reconnaissance survey. And at this point, we're now looking into the history of buildings that were noted for inclusion in the inventory of things. I don't know that anything in particular jumped out as spectacular. From my perspective, I was a little surprised in reading the railroad swing bridge in the middle of the river dates from 1895. Probably eligible for national register listing. But beyond that there were a few neat ones that we all know about at different points. I don't know if any of them will be individually national register, eligible. And it seemed that we did not find any districts in the phase one area, which is the near west side. I just don't think there were any districts that popped out, so.

- Okay. Any other business from any of the committee members? Hearing none. The date of our next meeting is Wednesday, July 14th, 2021. I guess I would look for a motion to adjourn.

- I'll second that.

- All in favor?

- Aye.

- Motion to adjourn carries unanimously. Thank you everybody. See you next month.
- I hope to have a new, a positive report on the use of the term Portico Share over a tactical radio channel. I really want to.
- When you accomplish that, we'll come up with another significant architectural term for you to work on next.
- I don't think we can force this thing. It took two and a half years to come up with Portico Share. So yeah, I'll let you know.
- I would hate to think there would be Portico Share...
- Thanks everyone.
- Okay.
- Thanks.