

**ST. JOSEPH LANDMARK COMMISSION
MINUTES
March 1, 2011
7:00 p.m. – Council Chambers**

ITEM I. ROLL CALL

| | <u>Name</u> | <u>Attendance</u> (Mtgs. attended-mtgs. absent) | <u>Term of Office</u> |
|------------------|-----------------------------|--|-----------------------|
| MEMBERS PRESENT: | Joe Ann Brott | (7-3) | 02/12/13 |
| | Ellis Cross | (21-4) | 07/18/11 |
| | Nigh Johnson | (37-4) | 04/02/12 |
| | Sara Markt | (22-3) | 10/10/11 |
| | Roger Martin | (35-1) | 07/13/12 |
| | Robert Meller-Silvestrissen | (33-7) | 07/24/11 |

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|-----------------|---------------|---------|----------|
| MEMBERS ABSENT: | Ron Auxier | (19-17) | 05/22/11 |
| | Royce Balak | (21-15) | 10/16/11 |
| | Jordan Reilly | (3-2) | 02/22/13 |

Staff present:

Scott Des Planques, Historic Preservation Planner
 Sam Barber, Director of Customer Service
 Steve Hofferber, Director of Property Maintenance/Technology Services
 Carol Flury, Neighborhood Development Coordinator
 Ryan Hurst, Intern for Community Development/Midtown Strategic Planning Project

I. ROLL CALL – Five members were in attendance, quorum present.

II. APPROVAL OF AGENDA –

Nigh stated that in consideration of an application from Rob Meller-Silvertrissen, he will be removed and we won't have a quorum with him absent, I think we should arrange the agenda to have Item B of New Business fall after Old Business and called for a motion to that effect. Roger so moved, second by Joe Ann.

Nigh asked for all those to accepting agenda as accepted as amended, signify by saying aye. Five ayes, no nays, 0 abstained. **MOTION CARRIED.**

III. NEW BUSINESS

A. Elect the 2011 Officer for the Landmark Commission. Nigh Johnson asked for nominations.

Ellis nominated Nigh Johnson for Chair, second by Joe Ann.

Roger Martin volunteered to be Co-Chair. Ellis made a motion that the volunteer for the Co-Chair be accepted, Second by Rob.

Nigh closed the nomination part of the election. Needs motion to accept the slate of officers for Chair and Co-Chair. Roger so moved and seconded by Joe Ann. The motion to retain Nigh as chair and Roger as Co-Chair. No discussion.

Vote called. All in favor – 6 ayes, 0 nays, 0 abstained. **MOTION CARRIED.**

IV. OLD BUSINESS

A. Discuss the hand railing at 407-409 S. 12th Street. Should the existing railing be changed to 1 ½ steel tubing? No COA was issued for the existing hand railing.

From the minutes from January, the commission had postponed any decision on the hand railing until a decision had been made by City Council on the faux limestone veneer on the same property. Do we want to maintain that ruling or are we willing to hear it on this agenda and make railing comments first before going to the veneer?

Roger asked if it had been presented to Council yet. Nigh had three phone calls from city staff not to talk it to Council. Staff wanted to come to the Commission and present further information on the case. Nigh held off presenting this to Council but recently spoke to two council members and they had heard nothing about it. These council members said we should wait until city staff gave a report.

Roger made a motion that we discuss Item B prior to Item A and listen to city's findings before we consider the railing. Roger made a motion that we amend the agenda to listen to Item B before Item A, second by Ellis.

All those in favor, signify. 5– ayes, 0 – nays, 0 abstain. **MOTION CARRIED.**

The city presented their findings on the faux veneer at 407-409 S. 12th Street. Mr. Barber stated that essentially what happened with this retaining wall was the owner was proposed to deconstruct this wall and reconstruct it in the same limestone. They applied for a certificate of appropriateness, it was approved. In the process of doing deconstruction, they found out that he was going to have to provide plans because the retaining wall was over four feet high and the limestone upon deconstruction was falling apart. He was not going to be able to reconstruct the wall with the same limestone. He submitted plans to building development which called for concrete retaining wall. Those plans were reviewed and approved by building development. The permit was issued shortly thereafter. There was an internal problem between the COA that the Landmark approved and that information getting to the plan reviewer so that when they did the plan review, they could also verify that it complied with what the Landmark Commission approved. The only thing that was in our system at the time was that the Landmark Commission had approved it, but there were no details. The application was not available at that time and no one contacted the Historic Preservation Planner Scott Des Planques to get a copy of that, nor was that COA information submitted to the building development with the plans like they had been instructed. We have changed our process by internally communicating this information

now rather than relying on the customer to provide that. We are also taking it a step further, we are requiring that any COA will have a permit issued. By having a permit issued and if they fail to comply, we have recourse within the ordinance to take some action, issue citations, do things that we can use to enforce the requirements. In this situation, that communication did not happen, so the wall was constructed and submitted and approved. There were some discussions between Scott and the owner prior to the veneer being installed. The veneer that was installed was in fact, approved by building development as well. From our perspective, if the Landmark Commission decides this veneer needs to be replaced by something that is going to be more in tune with what was there previously, it will be something the city will have to pay to have done. Nigh brought up the question that even though the owner was in conversation with the chairperson of the Landmark Commission at the time and was told that it was not approved and it would have to go back before the Landmark Commission to get approval to do a change to do the veneer, and if they continued to do the work without the permit and approval of the Landmark Commission, they would possibly have to take it back off at their expense and do it the way the application said, they told the chair of the Landmark Commission, "That's okay, we will worry about that later." If they were aware this was going to be a potential problem on the day the work began, this still becomes a taxpayer expense to repair it and fix the problem?

Sam stated that when the owner submitted the plans, had them approved, and was issued a permit to do the work, he had the right to do that work. The fact that we didn't stop him at the time and issue a stop work order to correct that part of the problem, I think we were at fault. Yes, Mr. Barber thinks it is a taxpayer's expense to correct the problem. It is Mr. Barber's opinion that since it was an error on the city's part, we will have to find a way to pay to have this corrected and will work on that if the Landmark Commission wants them to.

There was discussion regarding who's liable for the correction. Ellis asked if Mr. Barber had talked to the Foutch Brothers and given them the opportunity to straighten this out. Tad Hopkins had talked to them and the Foutch Brothers response was that they did not feel responsibility since the veneer was approved. This was around September 2010. Mr. Barber would like to point out that not only the structure in question, that both sides of that wall was replaced as well as the staircase to the north, and the staircase to the south where the new steps were installed along the retaining wall.

Nigh opened up the floor for questions..

Tom Rinderknecht, 503 S.11th Street – it appeared to him over the period of time they were working on it that they probably needed to redo the permit and they definitely needed to redo their COA. Has anyone researched the timeliness of work that was done? Mr. Barber said no, that he agrees with him, working on expired documents was one of the things that they are trying to correct by linking the COAs to the permits so that the time frames can be tracked. That was an issue and problem with this project from the time they were issued the permit and the time they actually installed the

veneer and the hand rails, it was definitely beyond the life span of that permit as well as the COA.

Nigh closed the public comment section and opened up comments from Commissioners.

Ellis stated after going through the handbook of the Landmark Commission, he can't find a way to approve what is there. He would like to give the Foutch Brothers the opportunity to do the right thing and fix the wall. That requires a letter from the city requesting this. He would like to settle this by having the city offer an opportunity to do the right thing, maybe a settlement of some sort. But, I hate to just say we are paying for it without putting it back to them one more time and let them decide.

Nigh said that Item B on the agenda does not state we need to make a ruling at this point. There was discussion on how to handle the Commission's ruling in January. For now, the Landmark Commission can make a recommendation without a ruling until we hear back on this. Mr. Barber has no problem with acting on a recommendation from the Commission.

Roger asked Mr. Barber how much it would cost to fix the veneer. The question was referred to Nigh. If we applied veneer, but in a more appropriate pattern it would be under \$3,000. If we tear out the stairs and put stone like what was there, it would cost \$10,000 to \$12,000.

Nigh opened up the floor to the public at this time.

Tom Rinderknecht, 503 S.11th Street – pointed out the homes that have been worked on and for the Commission to look at the extra efforts extended and dollars by homeowners, to see that they were in non-compliance with their COA, replacing pieces and parts of their homes in kind and doing it right. This stone veneer is a slap in the face to them who have jumped through the hoops and spent the money, to see this wall pre-1900 stone wall with 1970-80 veneer. He strongly urged Commissioners that taxpayers not pay for it. We are sorry that the contractor/owner was given the wrong information, but we are not in favor of this stone. He is speaking for the neighborhood association.

Roger asked Tom if the veneer were removed and another veneer such as a different pattern, would that be acceptable. Tom responded yes. He agrees with the engineering of those steps. They have no problem with the way the steps were constructed, only the veneer that was used.

Sara Markt has joined the Commission at this time and they now have six present.

Roger made motion to rescind our earlier motion to table the conversation until the City Council has made a decision on the retaining wall, second by Rob.

Nigh called for a vote to rescind earlier decision of the Landmark Commission. 6 ayes, 0 nays. 0 abstain. **MOTION CARRIED.**

Ellis made motion they find the construction is incongruous with our design guidelines, second by Rob.

Nigh called for a vote with all in favor signify by saying aye. 7 ayes, 0 nays, 0 abstain. **MOTION CARRIED.**

Mr. Barber recommends that they table the vote on the COA until they get an application and that application will detail the design the way it is now with the veneer. The parties who create the COA will be the owner and the city.

Roger makes the motion that we approve a recommendation for a new COA to be created by Mr. Barber's team and current owner of the property and then bring that back to the Landmark Commission, second by Rob.

There was discussion on who would pay for the fixing the wall if the owner would not pay for it.

Nigh called for a vote.

VOTE: Cross – aye, Brott – aye, Johnson – nay, Markt – aye, Martin – aye, Silvestrissen - aye; 5 ayes, 1 nay, 0 abstain. **MOTION CARRIED.**

ITEM A – Discuss the hand railing at 407-409 S. 12TH street. Should the existing railing be changed to 1 ½ inch steel tubing? No COA was issued for the existing hand railing.

We are looking at a recommendation on the hand railing at this time until we have a COA.

Mr. Barber directed Commissioner's attention to the pictures of the handrail. The COA for the handrail will be addressed at the same time as they address the wall. Does the Commissions approve of the original drawing of submitted handrail? Mr. Barber is looking for guidance on the handrail.

Mr. Barber said that what they installed was not what the city approved and we will not have a problem with them to replace that. There was discussion on what was installed on the north side.

Sara made a motion that the handrails installed are incongruous with design guidelines and we would like to see a design submitted with the COA for the retaining wall that is congruous with the design guidelines and for handrails, disregarding adjacent handrails, second by Rob.

Nigh called for a vote that current hand railing is incongruous with design guidelines and a recommendation to append the new COA with more information on the design

for the new handrail. All in favor signify by saying aye. 6 ayes, 0 nays. 0 abstain.
MOTION CARRIED.

B. Discuss the permitting process change to avoid non-permitted projects to proceed without COA clearance.

Mr. Barber stated they have identified some internal communication problems and made corrections. When a Landmark COA is issued, Scott will ensure that the permitting department receives a copy of that and that copy will also be included with the plans that we receive for the project. For tracking purposes, we are requiring all COAs to have a permit. If the work is not permit required, we will issue a no fee permit. This will provide a mechanism to help track. We will be attaching the COA to the record so that anyone needs to see it, it will be there. The inspector will be able to check to see that all the work listed on the COA is being done. Scott will still have to do inspections or track those that are not permit required, but they will be in the system so we can all keep an eye on them and check to see those that are expiring or those that have not been inspected. We are extending this process to any of the COAs that are issued by the Planning and Zoning department. Sam said Scott will get the COA to the permit technician and the owner will be notified at that point, before they can pick up their COA, they will have to get their permit.

Nigh had a suggestion regarding Sandy Brook's memorandum.- under Item #1 should read, "will be issued a permit after the COA has been issued".

C. Robert Meller-Silvestrissen – Consideration of an application for a Certificate of Appropriateness for authorization to construct the footings for column bases, installation of new side rails on porch and restoration of columns, bases and capitols on the property located at 703 Hall Street. It should be noted that 703 Hall Street is a contributing structure in the Hall Street Local Historic District.

It is Staff's opinion that this COA Application as written is congruous with the *Design Guidelines for St. Joseph Landmark Commission: Exterior Entrances and Porches*: (pages 39-40) & *Brick and Other Masonry Materials* (Pages 45, 46) as listed above; as long as Commissioner Robert Meller-Sylvestrissen adheres to the *Design Guidelines* listed in this Staff report and City Code 2006 International Residential Code: Sec. R312. Staff recommends approval of COA application as written.

Nigh states for the record that since Sara is now in attendance, there is now five Commissioners for a quorum with Mr. Meller-Silvestrissen being excused. He would also like to mention that this application has been heard one time before, but the time had expired.

Robert Meller-Silvestrissen, 703 Hall Street - this application is a second one that is exactly the same as the first one. The problem was he ran out of time.

Nigh closed public comment portion as there is no public present.

Nigh opened up the floor for questions from the Commissioners. No questions. He opened the floor for discussion from the Commissioners. Hearing none, he will entertain a motion to find the application congruous or incongruous with the design guidelines.

Sara made a motion that the COA is congruous with Exterior Entrances and Porches (pages 39-40) and Brick and Other Masonry Materials (pages 45, 46), second by Roger.

Nigh called for a vote for this application being congruous with Exterior Entrances and Porches (pages 39-40) and Brick and Other Masonry Materials (pages 45, 46).

VOTE: Cross – aye, Brott – aye, Johnson – aye, Markt – aye, Martin – aye; 5 ayes, 0 nays, 0 abstain. **MOTION CARRIED.**

Nigh entertains a motion to issue or deny a Certificate of Appropriateness.

Roger would move that we approve a Certificate of Appropriateness for this property located at 703 Hall Street, second by Ellis.

VOTE: Cross – aye, Brott – aye, Johnson – aye, Markt – aye, Martin – aye; 5 ayes, 0 nays, 0 abstain. **MOTION CARRIED.**

Nigh reminded Mr. Meller-Silvestressen that his COA will be ready to be picked up in about a week. The permit can be obtained as early as tomorrow. With this COA, it is approved for one year and the work will need to be completed within that time.

V. APPROVAL OF MINUTES

Nigh entertains a motion to accept the minutes with grammatical correction on first page under New Business fourth sentence up from the bottom, "... City funds because the Foutch Brothers 'was'", will be changed to 'were'.

Motion to accept the minutes as corrected was made by Rob, second by Sara.

Nigh called for a vote with all in favor signify by saying aye. 7 ayes, 0 nays, 0 abstain. **MOTION CARRIED.**

VI. STAFF UPDATE ON PRESERVATION ACTIVITIES

On February 11th, staff sent a letter to City View Lofts regarding their "temporary banners". The city issued a permit for the temporary signs on 10/26/09 and it expired as of 10/26/10. There has been no response to this letter and I have turned in a complaint to both the Customer assistance Department and the City Planner to remedy this problem.

On February 11th, staff sent a second letter to Manor Place LLC., Attention Cheryl Thompson, regarding the removal of the stained glass window on the façade of 1025 Angelique, Angelique Apartments. There has been no response to this letter and I will

check with Legal to see if a citation can be issued in this case. Without knowing the owner's intent it is very difficult to deal with a problem like this.

Regarding Satellite Dishes:

The Design Guidelines do not specifically address Satellite Dishes because they were not as prevalent when the guidelines were drafted. On January 26th staff e-mailed other Preservation Planners from CLGs across Missouri inquiring as to how they deal with Satellite Dishes in their local historic districts. Sadly I only received one response and that was from Wendy Shay in Independence; she said, "In Independence, satellite dishes are considered reversible. As long as removal would not cause irreparable damage to the building fabric, the Commission has supported the installation of small satellite dishes in most locations." In some cases the only option for dishes happens to be on a street facing elevation and it may infringe upon property owners rights to tell them that they cannot have satellite service.

In some cases, we might have to allow people to have this service rather than tell them they can't. I don't think we don't have the ability to tell them they can't receive this service.

Nigh opened the floor to public comment. Being none, he opened the floor up for staff comment.

Staff member Steve Hofferber updated everyone on the administrative citation process the city would like to initiate. We are waiting for a ruling from the legislature. We would then draft a proposal for the City Council

Roger Martin would be willing to talk to the legislators on behalf of this process for St. Joseph.

There was discussion about the Commissioners' involvement in the Geiger Mansion decision. Nigh asked the Commissioners if this was something they want to get involved with. Someone from our commission could be an ex-officio member. We could give guidance. Ellis feels that the commission should make a written recommendation on what they think is best.

VII. ADJOURNMENT

Motion made by Roger to adjourn, second by Sara.