

PLANS AND POLICIES COMMITTEE MEETING

September 20, 2023

12:00 p.m.

Councilman Denny Whayne Conference Room (Busch Building, 4th Floor)
840 Boonville Avenue

MEMBERS

PRESENT: Abe McGull, Chair; Callie Carroll; Craig Hosmer*; and Derek Lee.

MEMBERS

ABSENT: None.

COUNCIL/ STAFF

PRESENT: Monica Horton, Zone 1 Councilmember; Collin Quigley, Deputy City Manager; Maurice S. Jones, Deputy City Manager; Brendan Griesemer, Interim Director of Planning and Development; Brock Rowe, Director of Building Development Services; Cora Scott, Director of Public Information and Civic Engagement; Rhonda Lewsader, City Attorney; Kyle Tolbert, Assistant City Attorney; Anita Cotter, City Clerk; and Julie Greer, Deputy City Clerk.

GUEST: Christine Schilling, Commercial Street Community Improvement District and Commercial Club; Shelly Gibson, Midtown; Mary Collette, Commercial Club; Parker Padgett, KOLR10; and Jack McGee, *Springfield Daily Citizen*.

* Councilman Hosmer arrived at approximately 12:05 p.m.

Councilman Abe McGull, Chair, called the meeting to order at approximately 12:02 p.m., and roll call was conducted. Present: Callie Carroll, Derek Lee, and Abe McGull. Absent: Craig Hosmer.

Councilwoman Carroll moved to approve the minutes of the November 17, 2022, and August 9, 2023, minutes as presented. Councilman Lee seconded, and it was approved by the following vote: Ayes: Carroll, Lee, and McGull. Nays: None. Absent: Hosmer. Abstain: None.

Councilman McGull welcomed everyone to the meeting and noted, at the previous meeting, the Committee members had requested information about an inventory of historic buildings; he then turned the meeting over to Maurice S. Jones, Deputy City Manager. Mr. Jones introduced Brendan Griesemer, Interim Director of Planning and Development, as today's first presenter.

Mr. Griesemer explained a question asked at a previous meeting was whether the City had a survey of the various districts. He noted the City does have surveys for Commercial Street and Walnut Street, as well as some notable downtown and center city buildings. He explained these

are a building-by-building look at each historic resource, but the downside is that the information was compiled in the mid-1980s, so some properties are not included.

Mr. Griesemer noted with the resurgence of downtown and Commercial Street, those two districts have had changes to buildings which are not reflected in the historic survey. He expressed his opinion a new survey should be conducted in the near future due to the age of the previous survey. He continued information received from the State Office of Historic Preservation on the cost of a survey estimated about \$120 per historic resource/structure/landmark. Including just the buildings in the downtown and Commercial Street areas, the cost for a survey would be between \$30,000 and \$40,000.

There is an opportunity to apply for a Historic Preservation Grant to help with the funding for a survey. The Planning and Development Department was successful in receiving such a grant in 2020 for the development of the Commercial Street Historic Design Guidelines. That was a 60/40 grant, with the Federal Government paying 60 percent and the City paying 40 percent.

Councilman McGull asked how much the City received for that grant. Mr. Griesemer responded he did not recall.

Councilman McGull asked how much the City could get in grant funds for the survey project; Mr. Griesemer responded he was not sure but expressed his opinion that \$30,000 to \$40,000 would be in that range, as similar amounts had been applied for in the past.

Councilman Lee asked if the 1980s survey included every building or just the more significant ones. Mr. Griesemer replied every single building was reviewed to determine if it was historic. If a building was deemed to be historic, then much more information was collected on the building. Councilman Lee asked if the same approach would be used for a new survey. Mr. Griesemer responded the 1980s survey would be used as the basis for a new survey, and any needed updates would be made. He noted there was a list of items that would be reviewed for each building.

Councilman McGull asked what role the Landmarks Board plays in the historic preservation of buildings. Mr. Griesemer responded the Landmarks Board reviews Commercial Street and Walnut Street properties for certificates of appropriateness which is the formal request to make changes to the exterior of a structure. The property owner would submit a request to make changes to a structure's exterior, and the Landmarks Board would approve or deny the request.

Mr. Griesemer noted the Façade Loan Program was used by the City in years past to assist with the revitalization of downtown, Commercial Street, and other areas; the program has since been suspended. He noted a former Planning Director had previously expressed his opinion that specific loan program was the catalyst that really started the rejuvenation of downtown 25 or 30 years ago. He explained the program allowed the storefronts to be improved, and then the owner funded the interior improvements. He noted the City used Community Development Block Grant (CDBG) funds for the program, which prompted the prevailing wage requirement on the projects.

Mr. Griesemer distributed a brochure used to provide information about the Commercial Street Façade Loan Program which was patterned after the original program. He noted this program is currently in place and being run by the City's Department of Economic Vitality.

Councilman McGull expressed his opinion the program seemed like a good idea, noting loans up to \$30,000 for cosmetic improvements could make a property very attractive. He noted this is similar to the current Forward SGF program.

Christine Schilling, Commercial Street Community Improvement District and Commercial Club, noted she has had five different façade loans and explained the program worked for on five separate projects. She noted, as a small investor, the program helped make a rundown building very attractive, and she was able to improve five properties.

Mary Collette, Commercial Club, noted the program is out of money. Mr. Griesemer explained this program still has funding. Ms. Collette clarified the loan program that allows infill is out of money.

Councilman Hosmer expressed his opinion this was a great program and asked if the interest rate was two percent. Mr. Griesemer responded the interest rate on this program is two percent, but there is a different interest rate and structure for any Housing and Urban Development (HUD) fund projects. Mr. Griesemer noted the interest rates had been at five percent at a fixed rate; however, as interest rates came down over the past decade, City Council approved the rate to float with the London InterBank Offered Rate (LIBOR).

Mr. Jones noted the other topic requiring follow up from the previous meeting was a review of the active and inactive status of the current ordinance intended to preserve historic structures, and introduced Brock Rowe, Director of Building Development Services, as the next presenter.

Mr. Rowe explained, currently, Article 12 addresses the preservation of structures in certain areas of the city; it deals with the area and mainly addresses boarding up buildings in those areas and how that is enforced.

Mr. Rowe explained the building board up process. He noted a Board Up Permit costs \$400 for 180 days. After 180 days, the applicant must apply for a renewal which would be for another 180 days, and the cost for this is an additional \$400. He noted the idea is to discourage the boarding up of buildings and to encourage the property owner to repair the building.

He did not have an exact number of boarded up buildings under the Board Up Permit process but estimated it was a low number. It is possible that some property owners simply do not go through this process. Mr. Rowe explained there was also a clause in Article 12 that allows the City to charge \$50 per day for being in violation. The City does not currently utilize that, but it is being considered.

Mr. Rowe noted buildings still fall under the existing adopted building code. Because the buildings are so close together, there is not a lot of fire separation. The original intent was to keep the maintenance up on those buildings so the Fire Department would have ready access.

Most are brick but do not have firewall protection and do not have sprinklers. When a building is boarded up, it creates a fire hazard. Additionally, persons inside a boarded-up building may not be able to escape in event of a fire. The intent was to make sure the utilities were turned off and everything was taken care of so no one could use the building.

Mr. Rowe noted the ordinance applied to the areas illustrated on the provided map, including Commercial Street, Downtown, and the Boonville corridor (Exhibit A).

Councilman Lee noted it appeared there were quite a number of inspections which were required. He asked if Building Development Services was conducting inspections. Mr. Rowe responded staff members inspect the property when it goes through the blighted building process,

Councilman Lee noted he had dealt with a number of buildings which have been boarded up and never found them to be successful due to vandalism. Mr. Rowe responded there is an appendix to the Property Maintenance Code which contains information regarding the proper way to board up a building. However, he noted the problem with that board up type is one has to actually gain access to the building; City staff members do not always have access without a search warrant, so they are unable to enter the building. He further explained a lot of the board up that is not successful is because it is just attached by screws to the outside of the building and easily removed. He noted it costs \$8,000 to 10,000 to board up a residential structure. He noted staff had not found boarding up to be successful and further noted they have found it to be a waste of time and does not keep people out. He noted there used to be a type of security screw used on the boards to keep people from removing the screws; however, security screw adapters are now readily available. Mr. Rowe noted the most successful thing is to have a structure occupied and keep people out of it that way.

Councilman Lee noted if the City were boarding things up and there was some type of damage, it seemed like the next step for a lot of structures would be to tear the building down. He asked if staff members were seeing teardown as a remedy as much as paying for repairs. Mr. Rowe responded ultimately, the decision to keep or tear down is up to the property owner, noting his goal was to always save the building and preserve the historical value. He noted buildings have a life cycle; buildings do deteriorate. He explained that is why maintenance is so important, but sometimes it is way too expensive. At some point, there is no recovery after a certain point of deterioration.

Councilman McGull asked about the last time a brick building was demolished. Mr. Rowe responded there was one in the downtown area that was demolished by the owner because the roof had collapsed. He added he had heard of a building on Commercial Street that may be taken down soon. Mr. Rowe noted it is rare to have a commercial building torn down, but it is much more common for a residential structure to be demolished. He noted the cost of tearing down a commercial building near Main Street was approximately \$100,000. He also noted while demolition is very costly, it is sometimes the only way to take care of an unsafe structure.

Mr. Jones asked Rhonda Lewsader, City Attorney, to discuss the research on Chapter 36, Preservation of Structures in Certain Areas of the City. Ms. Lewsader noted she had provided a copy of the ordinance to the Committee members.

Councilman McGull noted the topic of Demolition by Neglect was first raised by Councilwoman Horton. He asked how the Committee members would like to proceed. He noted two items had been suggested that could be pursued – the historic property survey, which has an estimated cost of \$40,000, and the historic preservation grant.

Councilman Hosmer responded he would like to instruct staff to make application for preservation grant for the 60/40 grant due to the age of the previous survey. Ms. Lewsader noted City Council would need to make the approval. Councilman McGull responded the Committee would make a recommendation.

Councilman Hosmer moved the Committee recommend City Council pursue a historic building survey, for staff to provide an estimated cost, and for staff to pursue a historic preservation grant. Councilwoman Carroll seconded the motion.

Councilman Lee asked for clarification on what information the survey would provide. He asked if the survey would provide guidance on which buildings need more preservation. He also asked what the goal would be after the survey was completed.

Mr. Griesemer responded the survey would update the 1980s survey, and the Landmarks Board would use the information when making decisions on certificates of appropriateness. He noted the survey may also add buildings that now meet the historic definition. He further noted the survey would really focus in on buildings that are worthy of preservation under the City's current guidelines.

Councilman Lee asked for clarification on the significance and use of a Certificate of Appropriateness. Mr. Griesemer responded a Certificate of Appropriateness is the form used by the Landmarks Board to provide formal approval of a property owner's application to make changes to a building.

Councilman Lee asked for confirmation that the Landmarks Board is currently using forty-year-old document to make determinations. Mr. Griesemer answered affirmatively.

Councilman Hosmer noted the Certificate of Appropriation also helps with Federal Historic Preservation funds, as well, which have been helpful with buildings on Commercial Street in the downtown area. Mr. Griesemer responded affirmatively, noting that is with the National Register District or a National Register Site. The survey would identify those buildings or collections of buildings that would be eligible for a National Register District or National Register Site. The property owner rehabilitating the building could apply for the tax credits.

The motion passed unanimously by voice vote. Ayes: Carroll, Hosmer, Lee, and McGull.
Nays: None. Absent: None. Abstain: None.

Councilman McGull asked about the process for making a recommendation to City Council. Ms. Lewsader responded it depended on the recommendation. She explained, in this case where the Committee is making a recommendation for City Council to take two specific actions, it

would make sense for the Law Department to draft a resolution. Councilman McGull asked if she had enough information to draft a resolution. Ms. Lewsader responded affirmatively.

Councilman Lee asked if there should be a discussion about funding. Ms. Collette noted she would like to see more money put back into City grant programs. Councilman McGull asked which grant program had expired. Mr. Griesemer responded CDBG funds were used for the Façade Loan Program, but that was suspended about ten years ago. He noted he was unsure of the exact reason for the suspension, but did recall hearing the prevailing wage requirements due to the federal funds had an impact on the program.

Ms. Collette noted the Commercial Loan Program is out of money. Councilwoman Carroll asked how the Commercial Loan Program had worked in the past. Ms. Griesemer responded it was run by the City's Department of Economic Vitality to provide funding for the acquisition and rehabilitation of buildings. He further explained the difference in the programs; the façade loan program was just for improvements to the front of a building. Councilman McGull noted that might be a topic for another meeting.

Ms. Collette noted in the 43 years she had been on Commercial Street, there had not been a single demolition; however, in the last year, there are currently two in the works. She noted she would ask City Council to consider televising the Landmarks Board meetings. She further noted it is difficult to find out what actions the Landmarks Board is taking except for reading the minutes, and the minutes are not comprehensive and very rarely record comments by citizens.

Councilman McGull asked for clarification on whether the Landmarks Board meetings were public. Ms. Collette responded affirmatively but expressed her opinion that was not the same thing as being televised because interested parties could review them afterwards. She noted she had experienced things were promised at meetings, but it was difficult to prove that the promises were made.

Councilman Hosmer asked for clarification on notes from the Landmarks Board meetings. Ms. Collette responded the minutes were very abbreviated; due to this, in her opinion, the Planning and Zoning Commission does not receive an accurate account of the proceedings.

Councilman Hosmer asked if those meetings are recorded. Cora Scott, Director of Public Information and Civic Engagement, responded that the meetings are not video recorded by City staff. The only meetings which are video recorded by City staff are the Board of Public Utilities, the Park Board, the Airport Board, City Council, and Planning and Zoning.

Anita Cotter, City Clerk, noted that the meetings are audio recorded. Ms. Collette responded the meetings are recorded over as soon as they are transcribed. Ms. Cotter noted the recordings are required to be kept for a year. Ms. Collette responded they are not. Ms. Cotter said she would research this issue.

Councilman McGull introduced Councilwoman Monica Horton. Councilwoman Horton noted there was one additional item which was discussed at the previous meeting, and that was research on other cities. One of the cities that came to the forefront was St. Louis. She asked if

there was an update on feasibility and on how the demolition by neglect ordinance is applied in St. Louis.

Kyle Tolbert, Assistant City Attorney, responded he did reach out to the Director of the Cultural Resources in St. Louis who indicated she was willing to share information regarding how the program is operated. However, because of the active cases and active litigation, there was a limit on the amount of information she could share in a public setting.

Councilman McGull asked if Mr. Tolbert would review the statute and provide an assessment on the application. Mr. Tolbert responded there was a legal aspect and a practical aspect. He noted Building Development Services or Planning would better equipped to address the practicalities.

Ms. Lewsader noted she had sent an attorney client privileged document regarding information from St. Louis that would provide some of the requested information.

Councilwoman Horton noted when City Council is considering ordinances, they often look at language from other cities. She noted she does not want to have a duplication of ordinances but noted the St. Louis ordinance was a stand-alone ordinance for a reason. She further noted it has components within it that should be investigated more thoroughly so the Committee could determine if there should be amendments to what currently exists in Springfield. She expressed her opinion historic preservation should be put in the forefront equally with the safety of buildings. Councilwoman Horton asked if the City should consider the establishment of a Historic Preservation Advisory Board which would review properties with criteria which would be different from that of the Landmarks Board; it would be an advisory board.

Councilman McGull asked if the creation of a new board fell within the Committee's purview. Ms. Lewsader responded the topic that was referred to the Committee was Demolition by Neglect, so creating a new board was probably beyond the current referral and would require a different referral.

Councilman Hosmer expressed his opinion if the issue of Demolition by Neglect was before the Committee, seems like would be appropriate to address the board creation if needed. Ms. Lewsader responded it was appropriate to address the topic of Demolition by Neglect but not broader topics.

Councilman Hosmer asked if an owner of a Commercial Street property would have to have approval from the Landmarks Board to demolish the building. Mr. Rowe responded approval of the Landmarks Board would be required; however, even if the Landmarks Board denied approval of the demolition, the property owner could proceed after 60 days.

Councilman McGull asked what happened during the 60-day waiting period after a denial. Mr. Rowe explained the 60-day waiting period allows the Landmarks Board to review the structure and make sure there are no architectural features that need to be documented.

Councilman Hosmer suggested the Committee members look at the process the Landmarks Board goes through to approve the demolition of a historic structure. He expressed his opinion

there should be an added level of protection for those structures. He suggested the Committee review the Landmarks Board processes, including the steps that occur after a denial. He suggested a denial could be an opportunity for someone else to purchase the property or for the City to look at tax incentives.

Councilman McGull asked about the possibility of the Landmarks Board considering options after a denial or forwarding them to City Council for consideration. Mr. Tolbert responded the Landmarks Board operates on the basis of City Code; City Code spells out what the Landmarks Board is supposed to consider. If City Council wanted to change some of those considerations, then that is something that could be initiated. He also noted the waiting period prior to demolition is 180 days if it is a historic landmark or within a historic district. The Landmarks Board can appeal to City Council and request an additional 120 days; the purpose for the extension as listed in City Code is for communication with developers and the exploration of other options.

Mr. Jones asked if it would be helpful to have someone from the Landmarks Board attend a Committee meeting. Councilman McGull responded affirmatively.

Ms. Collette expressed her opinion it would be helpful for members of the Landmarks Board to attend conferences and other events to learn how other communities are using historic resources as economic development tools and how other communities are preserving their historic buildings.

Councilman McGull asked about the date of the next Committee meeting. Ms. Cotter responded the next meeting was scheduled for October 11, but that date conflicts with the Community Leadership Visit. Councilman McGull suggested moving the next meeting date to October 25, and all Committee members agreed.

Ms. Lewsader asked if the Committee members would like to have the resolution discussed earlier held since the topic was still being addressed. Councilman McGull responded he would like to move forward with the resolution and move forward on the issues related to the Landmarks Board and historic preservation.

Councilwoman Carroll moved to adjourn. Councilman Lee seconded, and it was approved by the following vote: Ayes: Hosmer, Lee, Carroll, and McGull. Nays: None. Absent: None. Abstain: None.

With no further business to come before the Committee, the meeting adjourned at 12:54 p.m.

Prepared by Julie Greer