

CITY OF STURGEON BAY  
Historic Preservation Commission  
Wednesday, March 30, 2022  
Council Chambers, City Hall, 421 Michigan Street  
12:00 Noon

A meeting of the Historic Preservation Commission was called to order at 12:18 P.M., by Commission Member Dennis Statz in Council Chambers, City Hall, 421 Michigan Street.

**Roll Call:** Members present were City Engineer Chad Shefchik, Dennis Statz, Eric Paulsen and Barry Mellen. Chairperson Dave Augustson was excused. Members Trudy Herbst and Vice-Chair Mark Schuster were absent. Also present from the City were Community Development Director Marty Olejniczak, Planner / Zoning Administrator Christopher Sullivan-Robinson and Municipal Services Secretary Patty Quinn.

**Adoption of the Agenda:** Moved by Dr. Paulsen and seconded by Mr. Shefchik to adopt the following agenda:

1. Roll Call.
2. Adoption of the agenda.
3. Approval of meeting minutes from August 9, 2021.
4. Consideration of: Roof rail system for Anthony Scimeca located 242 Michigan Street.
5. Consideration of: Certified Local Community (CLG) Historic Preservation Program.
6. Adjourn.

All in favor. Carried.

**Approval of meeting minutes from August 9, 2021:** Moved by Dr. Paulsen and seconded by Mr. Shefchik to approve the meeting minutes from August 9, 2021.

All in favor. Carried.

**Consideration of: Roof rail system for Anthony Scimeca located 242 Michigan Street:** Mr. Anthony Scimeca, 6535 Monument Bluff Pass, Egg Harbor, was present and is the owner of the Fairfield Building. Mr. Scimeca distributed a packet of information (see Exhibit A) that included photos and the plans for the roof cable rail system, as well as a sample of roof cable rail metal selected for this project.

Mr. Scimeca provided history of the building and indicated his commitment to preserving and restoring it and that the purpose of installing the system is for the safety of life and not for any other purpose. He has maintenance scheduled to the roof and to the mechanical systems happening this spring and feels the need for a safety system to surround 100% of the roof line prior to any work being completed on the roof.

Various questions were asked by the commission and a number of compromises were suggested to Mr. Scimeca in working to bring the building up to current code and still preserve the integrity of the architecture. The commission didn't really like the idea of adding a cable railing around the entire perimeter. The commission didn't think it complemented the architecture of the building. There are several rooftop HVAC units and skylights on the roof. Current codes would require railings near some of the items. Several options were thrown around to address these issues. Some options included allowing the cable railing in some areas that were not visible from the street along with some options that provided for railings along the street that may possibly require a masonry parapet versus a cable railing. After several of the options were discussed, the owner became confrontational citing delays in his planned

maintenance if his proposal was not fully approved at this meeting. He questioned the commission's level of authority on the matter and stated that the City cannot restrict what needs to be done and indicated that the Commission is putting aesthetics ahead of safety.

A motion was made by Mr. Shefchik and seconded by Mr. Statz to table this decision until three questions can be answered (no later than April 23<sup>rd</sup>):

- 1) What would code require if this building were new today (to be discussed with the City Building Inspector)?
- 2) If the commission would deny railings in areas where they would not be required by today's codes, would the City of commission have any potential liability if someone were to fall?
- 3) Does the commission have the authority to require masonry that would complement the current architecture of the building versus a cable railing?

All in favor. Carried.

**Consideration of: Certified Local Community (CLG) Historic Preservation Program:** Enrollment in this program was originally suggested by the Historical Society and has many benefits including access to grants and being registered with the National Historical Society. There is no cost to the City to enroll and all that is required is annual reporting and submission of the meetings' minutes.

A motion to approve was made by Dr. Paulsen and seconded by Mr. Statz to seek enrollment in the Certified Local Community (CLG) Historic Preservation Program.

All in favor. Carried.

Motion to adjourn by Dr. Paulsen and seconded by Mr. Statz. All in favor. Carried. Meeting adjourned at 1:13 P.M.

Respectfully submitted,



Patricia S. Quinn  
Municipal Services Secretary

Louis Sullivan coined the phrase "Form Follows Function"

This is a perfect example, does life safety lead or follow?

If not for the William Fairfield foundation resurrecting the building 22 years ago the building may not be standing today.

Prior to the Fairfield foundation acquiring the property its prime tenants were sea gulls that found their way into the building through holes in the roof.

Yesterday, I spoke with the prime architect, Alex Krikharr. He regaled me with stories from that time as if it were yesterday.

When the foundation set its course to build a museum/gallery the house the artwork of Henry Moore they were well along their way to build a new building.

At the 11<sup>th</sup> hour JJ Pinney building now known as the Fairfield became available.

They abruptly changed course and went on a preservation crusade.

They chose Windows, doors, and many other architectural elements to preserve the historical value of the property.

They almost had it right.

Form did not follow function when it came to life safety.

Prior to the renovation there was very little or no need for access to the roof.

There wasn't any mechanical equipment that needed regular or emergency maintenance on the roof.

As a part of the renovation, two 25 ton HVAC systems were installed, connecting ductwork, and two mechanical exhaust systems.

The building parapet for all intents and purposes is nonexistent.

As you will see by the pictures there is no impediment that will stop a person from falling to their death.

National building code states:

Any mechanical equipment within 10 feet of the edge of a building must have a safety device installed to prevent falling.

With a minimum of 42 inches in height and a maximum space of 21 inches between its rungs.

Currently, there are areas on the roof that mechanical equipment is within one foot of the edge of the roof.

Then, as now the building is in violation of National Building code and OSHA regulation.

Even in Sturgeon Bay we can see evidence that the laws have been respected.

If we look at the rooftop air conditioning perched above the walk-in cooler at the Firehouse Restaurant and bar you will see a safety guardrail.

This is a potential catastrophe that you as a governing body have the ability and the authority to thwart.

If this request is not approved and a person should meet their demise as a result from the lack of a protective device it would be a tragedy that will be felt forever.

This request is predicated on life safety only. There is no intent to build a beer garden on the roof.

The materials that we have selected and brought here today for your review are very unobtrusive.

We request that the entire perimeter of the roof is protected with the attempt to save lives.

I have provided a copy of this presentation to the authority with the request of having it entered into the permanent minutes.

Thank you very much for this opportunity, I welcome all questions, comments, and suggestions.

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