

**Town of Newburgh
Historic Preservation Commission
December 8, 2022**

Members Present:

David Wills, Jim Renne, Tom Goelzhauser, Brent Grafe

Advisory Members Present:

Sue Morrison, Elyse Brasseale, Taylor Burden, Indiana Landmarks

Administrative Present:

Stacie Krieger, Town Council Liaison; Chris Wischer, Town Attorney, Kelley Gustafson, Civil Town Assistant

Members & Administrative Absent:

Jeff Cox, Heather Cutrell, Troy Wells, Tavi Wydicks, Zoning Administrator

Citizens Present

Ron Herrell, 33 Old Orchard

Reading, Correction, and Approval of Previous Minutes:

David Wills moved to approve the October meeting minutes. Tom Goelzhauser seconded the motion and the motion passed unanimously.

REPORTS:

Town Council Liaison:

No Report.

Indiana Landmarks Southwest Field Office:

Jim Renne introduced Taylor Burden as the new Southwest Indiana Landmarks representative. Taylor Burden introduced herself to the Commission.

Staff Report and Code Enforcement:

Kelley Gustafson stated that there are no updates to code enforcement.

Newburgh Neighbor Committee:

Jim Renne stated that the Committee received an application for a property on Water Street. Kelley Gustafson stated that the project was approved.

Certified Local Government:

No report.

Unfinished Business:

Discussion – 221 State Street Garage

Chris Wischer provided a detailed recap of the initial issue and what has taken place in the past to address the issue, and the covenant agreed to. Mr. Wischer detailed the covenant stating it calls for a \$10 fine, and the vinyl siding be replaced within ten years, or sooner if the property is sold or there is damage requiring replacement. The Commission discussed the previous meetings where the terms were agreed to. Mr. Wischer stated that this property is located in the Core District and is a historic property, and detailed the distinction between the core and expanded districts, and historic rated and not rated properties. Jim Renne stated that he met with Ms. Richard and discussed replacing the siding, and Ms. Richards stated that the cost would be around \$11,000. Mr.

Renne stated that he believes the Commission should re-offer the covenant and if it is not signed the second time, then move forward with action. The Commission discussed possible action that could be taken such as fines and court ordered replacement. Mr. Renne stated that Ms. Richard would represent that she did get approval for the material change because she notified staff that the project was changing, but he does not feel that argument holds up because she cannot produce a COA stating vinyl siding was approved. Mr. Wischer stated that it was shown in the files that staff specifically asked if there would be any changes besides going from attached to detached and Ms. Richard responded no. David Wills stated that he had recommended reducing the fine from the original proposed amount from \$2,500 to \$10 with the purpose of the difference being used to remedy the issue. Mr. Renne stated that the Commission will re-offer the covenant a final time, with the ten years being from the date the covenant is signed. The Commission discussed the option of administering a fine if the covenant is not signed, and Mr. Wischer stated that the Commission can set a fine, but the fine would need to be approved by Town Council. Discussion continued regarding fines and corrective action. Mr. Renne asked what is the incentive for Ms. Richard to sign the covenant, and Mr. Wischer stated that if the covenant is not signed, the Commission could begin fines up to \$2,500 per day the violation exists, and force the replacement immediately. Mr. Wills stated that he does not want the Commission to be punitive with their decisions regarding fines and replacement. Mr. Renne suggested a fine of \$5.00 per day that the violation continues to exist, and it keeps accruing until the violation is corrected. The Commission discussed Mr. Renne's suggestion. The Commission determined to set the fine, and notify Ms. Richard that the fine has been set, but if the covenant is signed within 30 days, then the Commission will waive the fines. The Commission decided that the fines would begin January 1, 2023 unless the covenant is signed before that date.

Jim Renne moved to resolve the 221 State Street issue by continuing to hold open the covenant previously negotiated until December 31, 2022, and begin a fine of \$5.00 per day on January 1, 2023 until the vinyl siding is replaced with an approved material. David Wills seconded the motion and stated further discussion needs to be had. The Commission discussed the time limit for signing the covenant and the length of time the fines will continue to accrue. Mr. Renne amended the motion to include fines of \$5.00 per day the first year, \$10.00 per day the second year, and \$15.00 per day the third year, and continue to increase by \$5.00 per year until the issue is resolved. Mr. Wischer stated that any fines proposed will have to be approved by Town Council. Stacie Krieger stated that she understands why the Commission has to move forward this way, and she agrees that the covenant is fair, but she hates that the Commission has to make this decision. Mr. Renne responded and stated that Ms. Krieger has said what all of the members feel, none of them like to be in this position. Ms. Krieger stated that she would like to put a plan in place to monitor the sale of properties in the Core District and reach out to new owners with the HPC guidelines and contact information for staff. The following roll call vote was taken and the motion passed unanimously:

David Wills – Yes Jim Renne – Yes
Tom Goelzhauser – Yes Brent Grafe – Yes

Mr. Wischer stated that he will take the proposed fines to Town Council for approval. Mr. Wischer stated that he will try to get this to the 12/14/2022 Council meeting, but if that does not work, it will be the 12/28/2022 Council meeting, and if it does not go to Council until the 28th, he proposed extending the date by two weeks for Ms. Richard and the Commission agreed.

New Business:

COA Application – 33 Old Orchard Road

Jim Renne stated that the application is for new construction of a pole barn and the information is in the meeting packet for review. Mr. Renne asked Ron Herrell if he had any information he would like to add, and he said no. The Commission discussed materials with Mr. Herrell. Mr. Renne stated that there is a similar building on the property, and Mr. Herrell stated that there is a similar building directly across the street. Mr. Herrell stated that the construction will take place along Posey Street.

David Wills moved to approve the COA application. Brent Grafe seconded the motion and the motion passed unanimously.

COA Application – 18 E. Jennings Street

Jim Renne stated that application is for new construction of a 3-car garage with a breezeway, and the Main Street view will not be altered by the project, just the side street view. Mr. Renne stated that currently there is a 2-car detached garage with a breezeway. Stacie Krieger asked if there was a list of materials, and David Wills stated that in the past, if the applicant is not present the Commission did not move forward with the application. The

Commission discussed the lack of material information and stated they need the material list before making a decision. The Commission determined to hold the COA application until a detailed material list was provided and/or someone is present to discuss the project.

David Wills moved to table the COA application to the January meeting. Tom Goelzhauser seconded the motion and the motion passed unanimously.

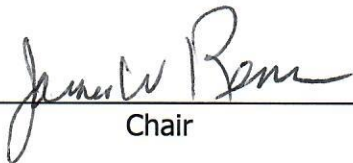
Announcements:

Petitions and Comments from Citizens Present:

None.

Adjourn:

Tom Goelzhauser moved to adjourn the meeting. Brent Grafe seconded the motion and the motion passed unanimously.



Chair



Recorder