

# City of Bayfield Plan Commission

**DRAFT** - Minutes of January 25, 2022, 4 p.m.

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**Call to Order-Roll Call:** Mayor Ringberg called the Plan Commission Meeting to order at 4 p.m. followed by roll call. The meeting was both in person and virtual.

**Present:** Beagan, Burkel, Hedman, Johnston, VanDerPuy and Mayor Ringberg

**Absent:** Durfey

**Staff:** Clerk/ZA Hoopman

**Others:** Pete Kulenkamp, Jenna Gallagher, Kelsey Lundberg, Erik Gruber, Annalisa Bermel, Kathleen Russell, Amy Sherrard, Carol Fahrenkrog, Rob Reimer, Tom and Brenda Kovachevich, Ted Dougherty, and Josh Pearson

**Approve Agenda:** Burkel/Johnston moved to approve the agenda. Carried.

**Review/Approve Minutes of November 23, 2021:** Beagan/Johnston moved to approve the minutes of November 23, 2021, with the correction of Colleen Beagan being added to the roll call list as present. Carried.

## **Public Input on Agenda Items:**

**Kelsey Lundberg:** She said she has been told not to go to the City because they do not provide fair treatment. She has been told that City Hall has a track record of being difficult to work with, and there is a clear message to not talk to the City because you won't get anywhere. The particular sign ordinance does not need to be enforced. Larger concern is the inconsistency in ordinance enforcement. For 2022, it would be great to bridge relationships with the City, businesses and residents.

**Carol Fahrenkrog** – Questioned how it is determined if the code is still relevant, how often is the code reviewed and how was Section E changed in 2005? She noted their job is to assist businesses and help them be successful. While watering plants in the early morning she has watched many people looking into the various storefronts which provides entertainment and necessary information. Same as during the afterhours timeframe. Important for business owners to be allowed window displays.

**Kathleen Russell** – Noted the Bayfield sign ordinance is an effort to be in line with their Comprehensive Plan, which is driven by a great deal of community input. The plan objectives indicate we want to keep Bayfield's quaint charm and maintain the visual experience. Size and placement contribute to our appearance. She commented on her concerns with signage and shown in the e-mails she sent was for details on daily special boards which is what they have at this time.

**Erik Gruber** – Talked about not being able to go to City Hall to build a garage as staff is not helpful. The City Budget has been mismanaged. We talk about business development but place enforcements on a person who employs many at a good rate. There is a disconnect. Feels there is on-going harassment of Jenna Gallagher. Feels we are wasting time and resources on this issue and offered to take anyone on a tour to point out all the violations not being enforced.

**Amy Sherard** – Called in to say we should be respecting the ordinances and following them until they are changed. She noted as a business owner they have applied for various things and have been told no, but that's the system. The ordinance should be respected and followed.

**Pete Kulenkamp** – Started by saying their signs should be considered merchandise. He questioned other businesses who are not following the rules and asked how is this not selective enforcement or only done by a complaint-based method? Currently most of the street is violating 25% of the window areas. The previous owner also had these same signage issues. Why does our building need to be called out when others are not? He mentioned the paper construction covering at the former Fat Radish Bldg., or the T-shirts at Up North.

**Annalisa Bermel** – Introduced herself as the Co-Owner of Windseeker Rentals, which includes the building in question today. Maybe we need to re-write the script? She said the current ordinance talks about displaying merchandise and argued their signs are merchandise. It's a merchandise display for a real estate business. She hopes the City embraces the creative energy and comes together to re-write the code in a more meaningful way that encompasses modern day developer desires.

### **Agenda Item(s):**

#### **1. Show Window Signage: Review City Code, Enforcement and Complaint**

The Commission was provided with copies of the e-mail exchanges between ZA Hoopman, Jenna Galegher of Windseeker Realty and Kathleen Russell, Apostle Islands Realty. In each ZA Hoopman, communicated the City's Ordinance regarding Show Window Signage and sought compliance from Windseeker Realty due to the signs on her storefront being over 25% and are directly illuminated which are both against the City's Code. Clarification of the code was provided to the Apostle Island Realty.

Hoopman brought the information to the Commission for review for two purposes.

- A.** To get the Plan Commission to determine if Hoopman erred in her enforcement, or interpretation of the code
  - a. If they felt her interpretation and enforcement was correct, to understand the next step is the penalty phase.
  - b. Determine next steps if it was in error.
- B.** To understand there has been a threat of harassment, and it could go further legally speaking.

Hoopman provided a brief history of the City's sign ordinance which was last amended and adopted in July 2020. She argued the comments received tonight were in error and there were not as many signs in non-compliance that was stated, enforcement does occur, and ordinance reviews and changes cause there to be some disparities in what was previously approved that wouldn't be today. She also mentioned the numerous times the ordinance was changed to allow additional signage, like painted windows, daily special boards, non-profit event signage, and open banners. She continued to comment on her open-door policy and that staff is incredibly helpful. If you have questions, please ask. Hoopman continued to say she does not enjoy this part of her job and does not make the rules.

Kulenkamp asked the City to tell him how far back a false wall would have to be to get around the window signage issue. Hoopman indicated he would need legal advice for that, and our job today was to deal with the number of signs on the window and the fact they are lit.

Johnston said she believes Hoopman's assessment of the signage being over 25% and they should not be lit was correct. She further noted the tone of the e-mails received from Gallagher were rude and made her very uncomfortable. It was unnecessary.

Beagan noted the unprofessionalism in the e-mail from Gallagher and said this was disrespectful toward the City and Staff and the only way to work together is in a respectful manner. She noted we do have an ordinance, there may be some inconsistencies, but it is clear the signs cover more than 25% of the window and supports Hoopman's determination. Her main concern is with the illumination.

Burkel, how do we move on? Do we need to have someone look at this ordinance? Do we want to remove it from the books? Do we need an attorney's position?

Hedman echoed Beagan's comments and noted the e-mails from Gallaher were offensive and poorly drafted. The signs are blocking the view but feels there is some ambiguity with the language, and we should talk to legal counsel. She believes the signage in question is merchandise. She asked about the illumination of the signs and it was confirmed they are back lit (directly illuminated).

VanDerPuy is happy with the points made by Hedman. Feels there is a compromise that could be found. Suggested there may be some actual personal feelings that are muddling up right now. Hoping to find a compromise. Hopes to revisit the ordinance and address some of the concerns later.

It was clarified that signage in the window is not an issue, it is the amount of them, and they are lit. The question on the table, is the sign display against the current ordinance? Johnston and Beagan agrees it violates City Ordinance. Hedman felt the code was ill written and is not clear.

Hedman/Burkel made a motion to refer the issue to legal counsel for further review; do nothing until we get an opinion on the ordinance due to ambiguity in the language. Passed by roll call vote as follows: Beagan-yes, Burkel-yes, Hedman-yes, Johnston no, VanDerPuy-yes, and Ringberg - yes.

## **2. Zoning Code - Review draft RFP/approve for posting**

Burkel/Headman made a motion to approve the RFP for posting with the understanding the dates need to be updated. Beagan expressed she would like the process to include a mechanism to be open and progressive in our thinking. Passed by roll call vote as follows: Burkel, Hedman, Johnston, VanDerPuy, Mayor Ringberg and Beagan - yes.

Hedman suggested we post the RFP on the Wisconsin Chapter of the American Planning Association's website and provided their contact information to Hoopman.

Hoopman noted she was stewing on the motion made in Agenda Item #1 and asked for clarification on how to deal with lit signage going forward. She noted that just today she called two businesses regarding lit "Open" signage. Discussion ensued about the previous motion made. The Commission reviewed Ordinance 500-54 G. and H. with regards to Indirect/Direct Illumination. They also viewed the City's night sky ordinance and read the various ordinance that applies.

Hedman/Burkel moved to amend the motion made under Agenda item #1 and replace it with: a motion was made to seek legal counsel on the Sign Code as it relates to Show Window Signage but to find the existing window signage to be in violation of 500-54 (H.) ; direct illumination which requires a conditional use permit. Passed by roll call vote as follows: Hedman-yes, Johnston-no, VanDerPuy-yes, Ringberg-yes, Beagan-yes and Burkel – yes.

Hedman/Johnston as recommended by the Mayor to give Hoopman a vote of confidence. Passed by voice vote.

**3. Wayfinding Signs – Discuss project, steps to move forward**

Hoopman has reached out to a few sources including Stand Associates, NWRPC and the WisClerks network looking for samples of plans and/or RFPs for Wayfinding Planning Services. Burkel/Johnston moved to give the Mayor and Hoopman the task of developing an RFP. Carol Fahrenkrog said she would ask her colleges for sample RFPs/Plans that she would share with us. VanDerPuy mentioned the use of an intern to assist. Beagan agrees a professional is needed to avoid any missteps.

**4. Consider Cruise Ship Policies – specifically the limitation on the number allowed**

Some information from Bar Harbor was provided for review along with some very draft verbiage for the City to consider. Harbor Chairman Dougherty provided some insight on the topic and mentioned creating a sub-committee to discuss the issues further and to help create policies. In summary, all agree we need to work on a policy that limits the number of people/vessels visiting our community at one time. It may never be problem, but it will be good to have legal policies in place just in case we do. Susan Hedman and Dionne Johnston volunteered to be on the sub-committee with the Chamber Director and two Harbor Commissioners.

**5. Comprehensive Project Updates:**

a. Housing: Chequamegon Bay Region Housing Initiative – Mayor Ringberg gave a brief update on the WHEDA Pilot Project.

b. Parking: Issues / Paid Parking Plan – No new information to present.

**6. Confirm/Set Next Meeting(s):** February 22, 2022, 4 p.m.

**Adjourn:** Johnston/Beagan moved to adjourn. Carried. (5:36 p.m.)