

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
Housing
(AC-Ho)**

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

Published Documents

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

*Information Collected For Or
Against Proposal*

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

**

➤ Hearing Records ... HR (bills and resolutions)

➤ **

➤ Miscellaneous ... Misc

➤ **03hr_AC-Ho_Misc_pt03d**



SAFETY AND BUILDINGS DIVISION
Program Development
P. O. Box 2689
Madison, Wisconsin 53701-2689
TDD #: (608) 264-8777

Jim Doyle, Governor
Cory L. Nettles, Secretary

April 11, 2003

You are listed on our database as an interested party (IP), not a member of this council. Should you no longer desire to receive these mailings, please contact this office, (608) 266-9375.

Historic Building Code Council Members

Dear Council Members:

The next Historic Building Code Council meeting is scheduled for:

Wednesday, April 23, 2003 9:30 am –2:00 pm
Conference room #3C
Tommy G. Thompson Commerce Center
201 W. Washington Ave.
Madison, WI.

Please bring the following enclosed material** for discussion at this meeting:

- International Existing Building Code (IEBC)
- Progress Report for March 5, 2003 meeting
- Meeting Agenda
- Historic Building code Relevancy Issues
- Comparison of Comm 70.22 Building Safety Parameters and IEBC chapter 12 Compliance Alternatives
- Comparison of IEBC chapter 10 and Comm 70 Historic Building Code

If you have any questions on the meeting or material, please contact Jim Quast, Program Manager, at (608) 266-9292, or me at (608) 266-8982.

Sincerely,

Diane Meredith
Code Consultant

cc. Jon Molzahn
Jim Quast

**HISTORIC BUILDING
CODE
ADVISORY COUNCIL**

Wednesday, April 23, 2003
9:30 am - 2:00 pm
WHEDA Building
201 West Washington Ave.
Third Floor, Conference Room #3C
Madison, Wisconsin

Agenda

- | | | |
|---|--|---------------------|
| 1. Review and approval of progress report and meeting agenda | Jim Quast | 9:30 am - 9:40 am |
| 2. Election of chairperson | All | 9:40 am - 9:50 am |
| 3. Discuss Historic Building Code Relevancy Issues (Building evaluation method) | All | 9:50 am - 10:30 am |
| 4. Break | All | 10:30 am - 10:40 am |
| 5. Discuss organization of IEBC and review the IEBC chapter 10 and Comm 70 comparison | All | 10:40 am - 12:00 pm |
| 6. Lunch Break | Lunches provided for Council members and invited guests* | 12:00 pm - 12:30 pm |
| 7. Continue review of comparisons | All | 12:30 pm - 1:45 pm |
| 8. Set next meeting and adjourn | All | 1:45 pm - 2:00 pm |

REMINDER: PLEASE BRING YOUR CALENDARS TO ESTABLISH FUTURE MEETING DATES AND BRING ALL MATERIALS SENT TO YOU FOR COUNCIL ACTIVITIES.

*Lunch will be provided for members and invited guests. If you are unable to make this meeting or will be sending an alternate, please bring this to staff's attention prior to the meeting date. Contact: Diane Meredith, Code Consultant (608) 266-8982, or TTY (608) 264-8777.

**PROGRESS REPORT
HISTORIC BUILDING CODE COUNCIL**

DATE: Wednesday, March 5, 2003

TIME: 9:30 AM to 2:00 PM

LOCATION: Department of Commerce
201 W. Washington Ave.
Conference Room #3C
Madison, Wisconsin

COUNCIL MEMBER ATTENDANCE:

Bruce Johnson	<u>P</u>	Jim Sewell	<u>P</u>
Timothy Pelzek	<u>P</u>	Harry Sulzer	<u>P</u>
Charles Quagliana	<u>A</u>	David Voss	<u>P</u>
Chris Rute	<u>P</u>	Dean Herriges (Alternate)	Ex

COMMERCE STAFF:

Jim Quast, Program Manager
Diane Meredith, Code Consultant
Jon Molzahn, Integrated Services

GUESTS:

Ed Ruckriegel, Madison Fire Marshall

WELCOME AND BACKGROUND INFORMATION ON DIVISION COUNCILS

Jim Quast opened the meeting by welcoming the members and thanking them for volunteering their time to review the Department rules on Comm 70, Historic Building Code, and by asking the members for personal introductions.

Ron Buchholz, Deputy Administrator of Safety and Buildings, introduced Kimberly Walker, the newly appointed Division Administrator of Safety and Buildings. Ron gave background information on the code development process in Wisconsin and stated how important and beneficial it is for the Division to have advisory Councils to help in this process. He also explained that with the recent budget cuts the Division's vacant positions will be lost but he does not anticipate any layoffs.

DISCUSSION OF CODE PROCESS

Jim Quast indicated the work of this Council would be reviewed by the Division's two Umbrella Councils, the Commercial Building Code Council (CBCC), and the Multifamily Dwelling Code Council (MDCC). He noted the Code Council Handbook explains the members' responsibilities and also discusses the rule-making process. Jim explained that after the Council proposes a rule draft, the rule draft would be submitted to the Umbrella Councils for their review and recommendations. After this review, the hearing package will be submitted to the Secretary's office for approval to hold public hearings. After public hearings, the Council will review and modify the proposed rule draft as necessary based on the comments received at the public hearings, and will propose a final rule draft to be submitted to the Legislative Standing Committees for review. Prior to the rule submittal to the Legislature, the Umbrella Councils may review, depending on the rule modifications proposed after hearings. If the Legislative Standing Committees have no substantive comments, the agency may adopt the rules. The total rule process from the public hearing stage takes at a minimum 6 to 9 months. Depending on the amount of research and review for the revisions, the work of this Council is anticipated to take around 12-18 months.

COUNCIL MEMBER RESPONSIBILITIES AND ELECTION OF CHAIRPERSON

Jim Quast explained the role of the chairperson for the Council is, typically, to assist in the development of the agenda, lead the discussion at the meetings, and act as the spokesperson for the group when questions arise. Jim noted if the chairperson does not want to lead the discussion, he could perform this function. The group decided to postpone the election of the chairperson until the next meeting.

PRESENTATION FROM ED RUCKRIEGEL, FIRE MARSHALL FROM CITY OF MADISON

Ed Ruckriegel distributed and discussed information on the rehabilitation and renovation of the Majestic Theater located on King Street in Madison. The Majestic Theater was an old movie theater with fixed seating that was converted into a nightclub. The Majestic Theater qualified as an historic building and the owners elected to use chapter Comm 70, Historic Building Code. The building passed the life safety evaluation system without installing sprinklers. Ed identified numerous fire safety concerns such as non-separated areas, occupied basements (toilet rooms), increased mezzanine areas, and indirect exit passageways. Ed feels when an existing building has a complete change in use, especially to a more hazardous use, that certain fire and life safety features should be provided, regardless of the life safety evaluation system. He noted the interior of the Majestic Theater was significantly changed, and if the true intent of the Historic Building Code was to maintain the older historic fabric, the Majestic Theater lost most of the significant features. He indicated that looking at fire loss deaths when there is a change in occupancy and requiring sprinklers would offer a safer environment without jeopardizing the historic significance of the building.

Jim Sewell suggested certain occupancies, such as nightclubs, may have to comply with additional requirements above the life safety evaluation system. He also questioned whether there would be statistics on catastrophic fires that have occurred in buildings reviewed under and complying with the Historic Building Code. Currently, there is not a system in place to determine these types of records, but a number of members felt that no fire in an historic structure does mean the building is safe.

Ed summarized by saying the Madison Fire Department is very concerned with the application and use of the Historic Building Code when the older building is changed in use and undergoes major alterations. Jim Quast suggested that maybe the Council should consider using categories of higher hazard, and use the IBC fire areas criteria.

IDENTIFICATION OF CONCERNS AND ISSUES WITH CURRENT COMM 70.

The following are concerns, observations, or issues with the current Comm 70, Historic Building Code:

1. Jim Sewell
 - Explained the benefit of the current chapter Comm 70, Historic Building Code is to permit the reuse of an historic building by using one application method. Prior to the adoption of the Historic Code, owners and designers had to submit separate petitions on each item that did not comply with the prevailing code.
 - Feels there should be some way to evaluate the fire safety performance of historic buildings complying with the Historic Building Code.
 - Noted that rehabilitation is a big part of preservation, but also felt some rehabilitation projects end up with considerable loss of historic fabric or features of the historic building.

- Felt the Historic Building Code should offer flexibility where designer and reviewer could apply common sense solutions where strict compliance with the prevailing code is not possible.
2. Dave Voss
 - Questioned how the new IBC requirements would affect alterations in historic structures and whether the current Historic Building Code building safety evaluation adequately covers the differences between these codes.
 - Feels the building safety evaluation should give credit for partial sprinklers.
 - Asked whether older historic structures would need to be analyzed with the new seismic structural requirements.
 3. Tim Pelzek
 - Noted the reason for the Historic Code should be to preserve the historic fabric or design elements that make the building historically significant, but should not be used when an historic building undergoes a complete occupancy change including extensive alterations.
 - Explained where a downtown Milwaukee office was converted to condominiums and the building passed the building safety evaluation in the Historic Building Code without providing fire safety features such as sprinklers or requiring wet standpipes.
 - Felt the Historic Building Code should promote the reuse of older buildings but should emphasize the need to comply with more fire or life safety provisions for the new use, especially if considered a higher hazard.
 4. Harry Sulzer
 - Felt better compliance may be achieved by using older codes.
 - Suggested the Council review the fire and life safety concerns raised by Ed Ruckriegel.
 5. Chris Rute
 - Explained that without the Historic Building Code, many older buildings would sit vacant because compliance with the prevailing code would be too difficult.
 - Noted his concerns that a building should be evaluated for the fire and life safety issues when a building occupancy is changed.
 - Noted his support for adopting the IBC as the Wisconsin Commercial Building Code (WCBC) and would like to see the Council review the International Existing Building Code (IEBC) for potential application for older buildings that do not have historic status qualification. He indicated that in Milwaukee getting an older building to qualify as an historic building is difficult.
 6. Bruce Johnson
 - Felt it may be easier to get an older building on the historic register than to apply the IBC new construction requirements.
 - Noted his office is located in an historic structure and will try to find out what problems they may have had in rehabilitating the historic building to its current use.

CODE OPTIONS

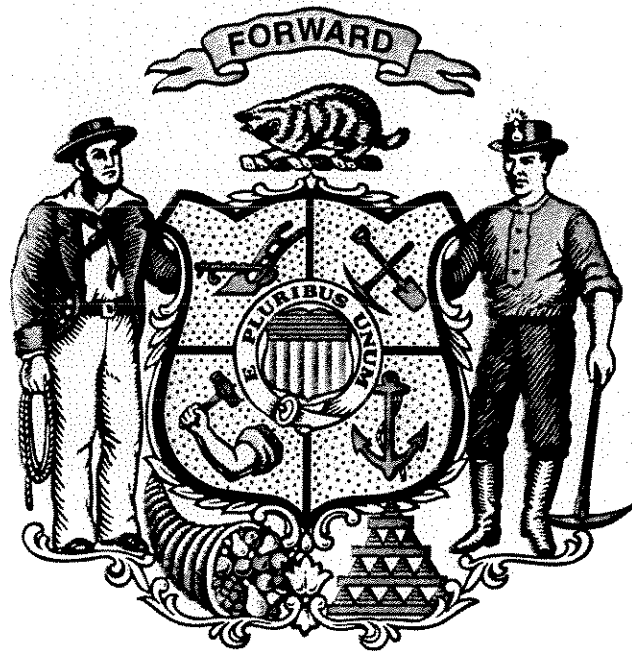
Jim Quast explained there are numerous options for code compliance, including the review of the IEBC, or suggesting modifications to the current Historic Building Code. Both Jim Sewell and Harry Sulzer expressed their feeling to keep the Historic Building Code simple, especially, since the use of this code has been very limited. If the code becomes too complicated, people tend to move away from the use of the code.

Dave Pelzek requested the Department to evaluate the major differences between the IEBC and the current Comm 70 for the Council's review and consideration. Dave Voss also asked whether the Majestic Theater could be evaluated using the IEBC to compare what requirements would be necessary for the older building to be converted to the new use.

Jim Quast indicated the Division could do a comparison of the major topic areas of the IEBC and the current Comm 70, and staff will try to complete this task before the next scheduled meeting. Enclosed is a copy of the IEBC for each Council member.

NEXT MEETING

The next meeting has been scheduled for Wednesday, April 23, 2003, starting at 9:30 a.m. and running until 2:30. The meeting will be held in the Tommy G. Thompson Building in Madison.



COMMENTARY

Appleton, state need to agree on building codes

As the former owner of 304 E. College Ave., I had a decision to make last spring. I was asked to sell the building to neighbor Heid Music so it could expand for the third time on that block.

I had three options: stay where we were, give up on College Avenue or relocate downtown.

I made the decision to pursue another location for Pages & Pipes (formerly Jerry's Tobacco and Book), which has been a part of downtown for more than 50 years.

I took an even greater risk by purchasing two buildings — 322 and 324 W. College Ave. (formerly the Camera Exchange and Card Collector) — that had to be converted into one.

Our plan was to contact an architect, receive state approval and eventually be issued a building permit from the city of Appleton.

After receiving state approval, we then received bids. Based on these bids, we applied for a building permit. The deal would have not gone forward if the city had not issued a permit based on the state's approved plan.

We were issued a building permit Oct. 4, 2002. The permit closed the deal between the three parties involved in the transaction and construction began Oct. 7.

After issuing our building permit, the city noticed that the state-approved plan had mistakes in regard to five codes. There are codes where the state and Appleton are in disagreement.

From that point on, we pushed to stay within the time frame of the project, even though our costs increased significantly because of the oversight of the state.

Reflecting on the five-month project and whether it was worth it, I would have to say yes, but all of these changes cost businesses a lot of extra money.

I do not want to give up on our downtown, nor do I want our current business core to give up, either.

This was a tough learning experience, but with the cooperation between our contractors

guest viewpoint

JOHN STREUR



John Streur is the chief executive officer of BPDI Corp. in Appleton.

It is high time to do something because there are so many small business people in the downtown with the same problem. With what is happening, it would seem as if Appleton doesn't want small businesses downtown.

and the city building departments, the job was finished to my satisfaction.

City tax dollars pay for building and fire inspection. I urge Appleton Mayor Tim Hanna and state Rep. Steve Wieckert, R-Appleton, to take a firm stand and call a meeting of the state, city and fire inspectors as soon as possible to make one set of rules and establish boundaries so that everyone has the same rules.

Then, inspectors wouldn't have to argue among themselves about what is right or wrong.

It is high time to do something because there are so many small business people in the downtown with the same problem. With what is happening, it would seem as if Appleton doesn't want small businesses downtown.

I congratulate all of the business people who have spent time and money to open their doors in downtown Appleton and I encourage more businesses to locate downtown.

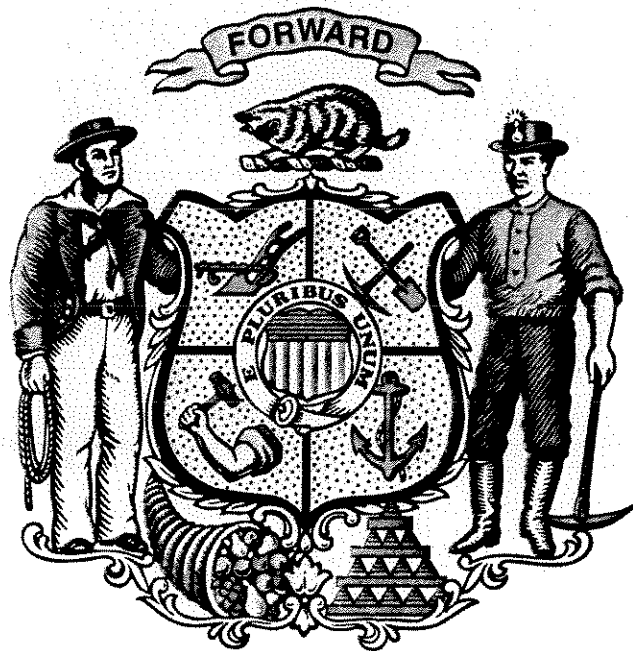
In the interest of future growth on College Avenue, I am willing to share my experience if questions should arise.

BUILDING

CODE

COLUMN

PER DAN LACY



City working on building codes

By Steve Wideman
Post-Crescent staff writer

Alderman says problems a detriment to development

APPLETON — City officials are taking steps to ease complaints with building inspections that one alderman said threaten downtown development.

Ald. Walter Kalata, who represents the downtown district, wants the city to conduct a public hearing

within 30 days to discuss problems and disputes arising from the administration and interpretation of state and local building codes.

He said the problems are becoming a detriment to development in the downtown and the city at large.

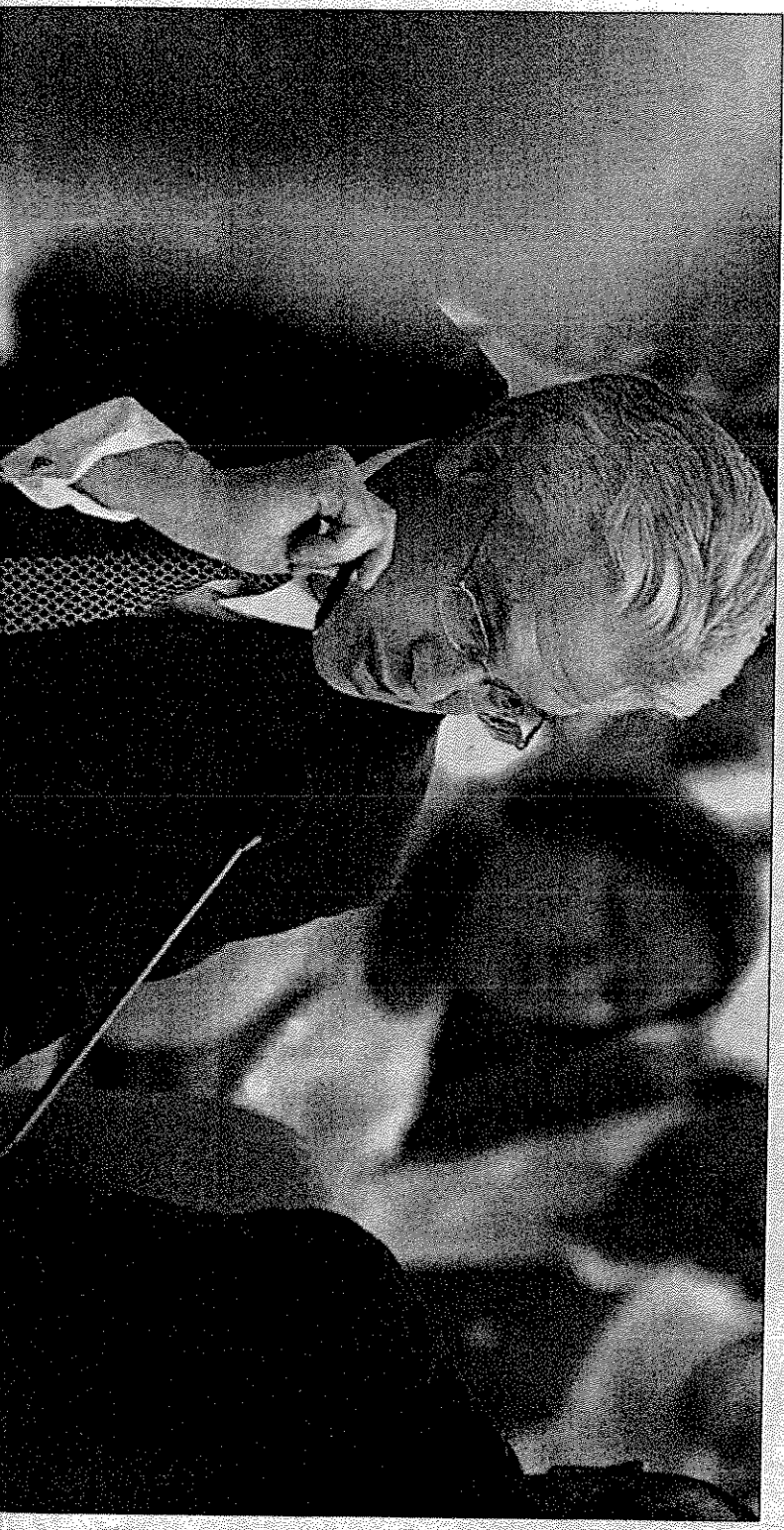
Kalata noted instances of building permits being issued on the approval of one department and later questioned as the result of inspection of plans by another city department.

Inspection Supv. Jim Dallman said several departments involved in the permitting process are working together to assure a faster, smoother process for developers and business owners.

"It's a work in progress," Dallman told the Municipal Services Committee on Tuesday. Dallman said new procedures include holding building permits until all departments review a project and establishing a coordinated assessment of proposed projects early in the permitting process.

"It's partly just the way I operate. If I disagree with somebody I tend to say it."

STATE SEN. BOB WELCH, R-Redgranite



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Hudson wants DNA testing

Convicted
murderer claims
he is innocent

By Dan Wilson
Post-Crescent staff writer

APPLETON — Almost three years after he murdered a 19-year-old Kaukauna woman, Kenneth A. Hudson continued Tuesday to profess his innocence.

Hudson took the stand in front of Outagamie County Circuit Judge

Man claims he has weapon, robs A

By John Lee
Post-Crescent staff writer

APPLETON — A lone man who said he had a gun took an undetermined amount of money from a downtown bookstore Tuesday night.

Police were called to Con-

key's, 226 E. College Ave., after the man approached a male clerk and demanded money. Sgt. Daniel Woodkey said the man made reference to a weapon when he approached a clerk about 7 p.m.

He said there were four em-

ployees in the store at the time.

The man is described as a black male, about 6 feet tall and wearing white clothing.

Witnesses thought he had a mustache, and others disagreed, Woodkey and Sgt. Dan Weiske said. They said the man left

through the rear door last seen walking down an alley behind the store.

Witnesses had different descriptions of the man, unsure whether he had a mustache, Woodkey said.

"It depends on wh

CODES: Old buildings not considered

From C-1

state Department of Commerce.

Dallman said the state in 2002 adopted a new set of international building codes that fail to adequately deal with remodeling, or retrofitting old buildings for new uses.

He said a thin slice, perhaps 20 pages, of the 1,000-page code manual considers retrofit projects of the type frequently involving businesses in the downtown area.

"The retrofit codes are not very descriptive. The code was written for new construction," Dallman said.

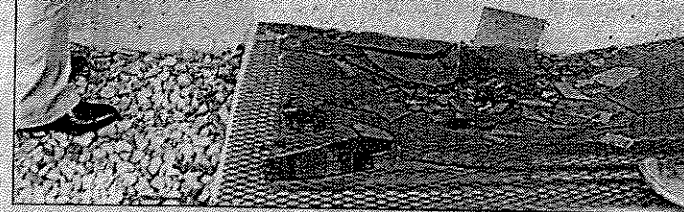
In a resolution forwarded to the Municipal Services Committee, Kalata called for abandoning state building codes, if necessary, to accommodate orderly development in the city.

"The state is trying to instruct us on implementing a building code they don't understand themselves," Kalata said.

Kalata said his resolution is an attempt to "put everyone on the same page."

Steve Wideman can be reached at 920-993-1000, ext. 302, or by e-mail at swideman@postcrescent.com.

New window needed



AP photo by David Sandell

MARK RICHARDS of Brunke Class and Window measures the frame of the window a deer jumped through at Springs Window Fashions in Middleton on Tuesday. The deer was trapped in an office and tranquilized.

DNR ma

The Associated Press

MADISON — State officials said Tuesday they recommend raising the fence requirement for new fences when the state Resources Board takes permanent rules next month.

That's a change from agency rules in place that raised the fence requirement from 8 feet to 10 feet. The agency rules were first implemented as part of the effort to slow the spread of wasting disease until new rules could be adopted.

Raising fence height tended to reduce the number of deer that escapes from deer farms, deer farmers objected. They argued most deer escap

HUDSON: I

From C-1

years now, the same old

On June 25, 2000, he attempted to abduct Yvonne Hoven while she was driving. He stabbed her and she died when a witness saw her cries and came upon the scene armed with a rake.

Hudson tried to run away from the witness before driving off.

On the witness stand before defense attorney Cook, Hudson claimed he stopped to help a young woman waving frantically and a man came at him with a knife. He said he fled out of fear and continued to flee when he was stopped by the police "because

WELCH: Senator's style is to set high goals

From C-1

Doyle's gaming compacts that Republicans are now suing to stop. Doyle plans to quadruple state gaming revenue in exchange for expanded compacts that critics say would be in effect forever.

Welch, an opponent of com

WELCH FILE

State Sen. Bob Welch

Home: Redgranite

Party: Republican

Age: 44

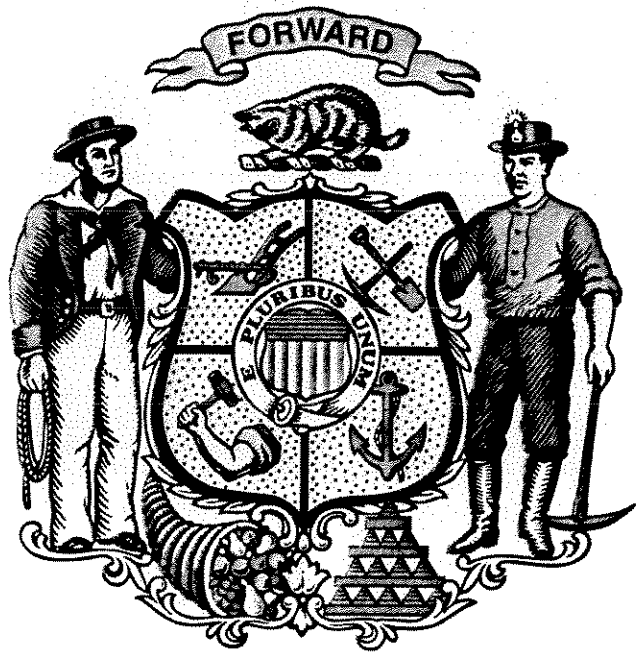
District: Welch represents Wisconsin's 14th Senate District, which includes parts of Outagamie, Winnebago

stand together.

"Given the fact that the Republicans don't have a clear voice, Welch's voice has been powerful and effective in defining what they are trying to do," Kettl said.

Kettl said there is some wisdom for Republican moderates





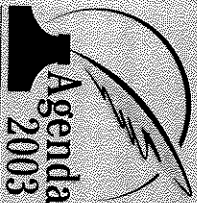
groups, however, a General Accounting Office report said that, in the last two fiscal years, 95 percent of logging requests were approved with-in the standard 90-day period. While 24 percent of those were appealed, three out of four appeals were processed within 90 days, too.

The bill also includes disturbing provisions to limit public comment and make judicial appeals more difficult, too.

There isn't much question that something can be done to help prevent the damage caused in the last few years by forest fires. But the Senate should reject this bill and instead fund an answer that would indeed make forests healthier.

Building-code mess needs public hearing

Meressa Henning and Tim Leab's budgeted \$200,000 to start their College Avenue dessert shop. Something Sweet. The actual cost ran \$306,000 and they opened four months behind schedule. Down the street, Copper Rock Coffee Co. opened five months later than planned, its next-door neighbor, La Pomme Rouge, was supposed to open in April. It'll open Monday.



THE POST-CRESCENT

DOWNTOWN APPLETON

Their mutual problem is they wanted to do something new with old buildings and state and local building inspectors couldn't agree on how to apply new rules, intended mostly for new buildings, to old buildings.

The new code came out with precious little direction from the state, leaving city inspectors to figure it out for themselves. The city of Appleton admitted in April that it needed to do a better job of coordinating its inspection and permitting process. Inspection Supervisor Jim Dallman said Tuesday that the city has made progress.

Meanwhile, Ald. Walt Kalata, who represents downtown, is still hearing about problems caused by confusion over the new International Building Code, and unless it's resolved, it threatens the success of downtown Appleton and its new generation of entrepreneurs.

Kalata wants to get to the bottom of the problem at a public hearing and the Municipal Services Committee should grant his request. This problem isn't going away. But current and prospective businesses may.

groups or three or four in grocery stores on Karinda Street for food to supplement the military's monotonous meals.

Two things strike me as I chat with these cheerful kids from Missouri or the Florida Panhandle:

First, they are very vulnerable. The spots of armed attacks on U.S. troops is still few in number and probably the product of disgruntled Saddamists. Iraqis are in a state of suspense, but anxious about when the Americans will restore water, electricity and security — and an Iraq government. I would hate to see that mood soar.



Second, these kids are part of an occupying army. The United Nations Security Council resolution that the Bush administration pushed through last week made the occupation official. It recognized the United States and Great Britain as "occupying powers."

This is a very big shift. Until very recently, U.S. officials spoke only of "liberation," not occupation. Plans were done to hold a political conference in Baghdad that would transfer political power to an interim Iraqi government.

In the last couple of weeks, all that

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In the last couple of weeks, all that

who could make trouble in the future. It's not surprising that Bremer would probably prefer to concentrate power in American hands.

And setting up an interim government would be a huge challenge. The Group of Seven — the seven leaders of political parties and groups who were organizing the conference — doesn't represent all Iraqis. Some in the group are controversial. But there are ways to make the conference more representative. The Group of seven can be expanded and additional conference delegates chosen from provincial cities.

Without a credible Iraq governing partner, the United States will stand dangerously exposed — both in Iraq and abroad. After a few months, Iraqis will choke under direct American rule.

You need a political partner," says Hoshiyar Zehran, spokesman for the Kurdish Democratic Party, another conference convenor. "A government made up of technocrats won't survive long. It won't have political support."

If there is a national government, people can make their complaints. Now they must go to the Americans. We told the Americans, 'Why take all the blame?'

Why, indeed?

They then can be reached at the Philadelphia Inquirer at Tel. No. 626, Philadelphia, Pa. 19101 or by e-mail at trudy@phillyinquirer.com.

Property-tax freeze hot among online readers

Local municipal, county and school district officials don't want the state Legislature to enact a two-year freeze on property taxes, but *Post-Crescent* online readers love the idea.

The Legislative Fiscal Bureau has estimated that 2004 property taxes could go up as much as 9.4 percent if local units of government

they have to offset every dollar they lose in state aid to their expanding budgets.

According to the results of a poll posted on www.post-crescent.com/postcrescent.com, 62 percent of the 432 readers who responded

favor a freeze. Another 28 percent are opposed. The other 5 percent were undecided.

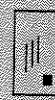
A new online poll question is posted every Monday and Thursday. The current question asks readers how they plan to spend their rebates from tax cuts the federal government enacted this week. We'll report the results in Tuesday's paper.

HOW TO CONTACT US

To be published in our Views pages, you have five options:



FTS YOUR CALL
at
620-734-5678



Mail us letters, The Post-Crescent, P.O. Box 55, Appleton, WI 54912



Don't forget our Agreement office, 300 W. Washington St., Appleton, WI 54912



Send us a fax at 620-735-1945



E-mail us at postcrescent@postcrescent.com



The Post-Crescent's advice is a compilation of the views of the newspaper's editorial board. The board, whose members are given below, meet Wednesday at noon at the Post-Crescent office, 300 W. Washington St., Appleton, WI 54912. By e-mail: postcrescent@postcrescent.com

EDITORIAL BOARD

Chair: Robert J. Hoyer
Vice-Chair: Tom Hoyer
Members: Dan Rimmey, Amy Finkler, Larry Gilling, Susan Quares, Karen Walsh, Helen Gammeter, Jerry, Max Ludwig



Address opinions, Dan Rimmey, Amy Finkler, Larry Gilling, Susan Quares, Karen Walsh, Helen Gammeter, Jerry, Max Ludwig



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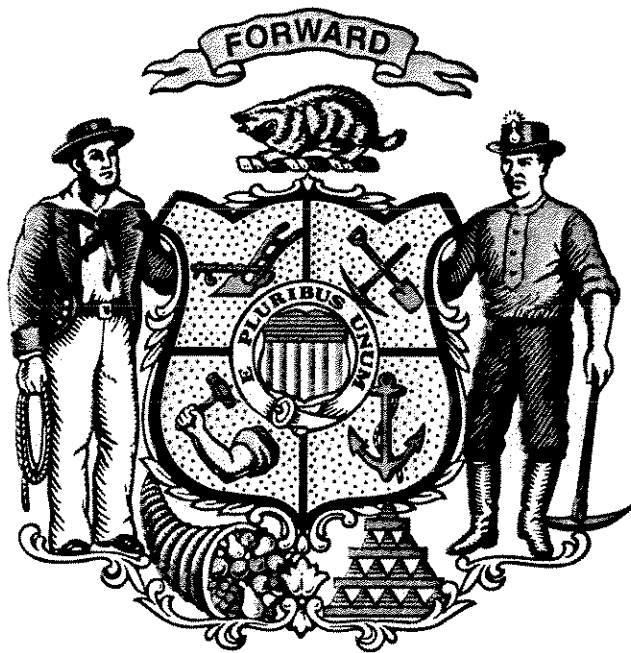


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MAY 30, 2003 - APPLETON POST-CRESCENT



**HISTORIC BUILDING
CODE
ADVISORY COUNCIL**

**Wednesday, June 4, 2003
9:30 am - 2:00 pm
Tommy G. Thompson Commerce Building
201 West Washington Ave.
Third Floor, Conference Room #3C
Madison, Wisconsin**

Agenda

- | | | |
|--|--|---------------------|
| 1. Review and approval of progress report and meeting agenda | Chris Rute, Chairperson | 9:30 am - 9:40 am |
| 2. Explain IEBC and Historic Building Code Comparisons | All | 9:50 am - 10:15 am |
| 3. Discuss plan reviews of Majestic Theater and Watertown Mercantile and Residential Historic Building using the IEBC. | All | 10:15 am - 10:45 am |
| 4. Break | All | 10:45 am - 11:00 am |
| 5. Continue discussion of Majestic Theater and Watertown Historic Building plan reviews | All | 11:00 am - 12:00 pm |
| 6. Lunch Break | Lunches provided for Council members and invited guests* | 12:00 pm - 12:30 pm |
| 7. Discuss plan review of Grain Exchange Building using the IEBC | All | 12:30 pm - 1:45 pm |
| 8. Set next meeting and adjourn | All | 1:45 pm - 2:00 pm |

REMINDER: PLEASE BRING YOUR CALENDARS TO ESTABLISH FUTURE MEETING DATES AND BRING ALL MATERIALS SENT TO YOU FOR COUNCIL ACTIVITIES.

*Lunch will be provided for members and invited guests. If you are unable to make this meeting or will be sending an alternate, please bring this to staff's attention prior to the meeting date. Contact: Diane Meredith, Code Consultant (608) 266-8982, or TTY (608) 264-8777.



SAFETY AND BUILDINGS DIVISION
Program Development
P. O. Box 2689
Madison, Wisconsin 53701-2689
TDD #: (608) 264-8777
<http://www.commerce.state.wi.us>
<http://www.wisconsin.gov>
Jim Doyle, Governor
Cory L. Nettles, Secretary

May 23, 2003

Historic Building Code Council Members

Dear Council Members:

Enclosed is the progress report from the April 23, 2003 meeting, agenda for the June 4, 2003 meeting, IEBC and Comm 70 Comparison, and IEBC summary of types of work for existing buildings. Please bring these materials, and the IEBC and Comm 70 to the next meeting for discussion.

The next Historic Building Code Council meeting is scheduled for:

Wednesday, June 4, 2003 9:30 a.m.–2:00 p.m.
Conference Room #3C
Tommy G. Thompson Commerce Center
201 W. Washington Ave.
Madison, WI.

If you have any questions on the meeting or material, please contact Jim Quast, Program Manager, at (608) 266-9292, or me at (608) 266-8982.

Sincerely,

Diane Meredith
Code Consultant

**PROGRESS REPORT
HISTORIC BUILDING CODE COUNCIL**

DATE: Wednesday, April 23, 2003

TIME: 9:30 AM to 2:00 PM

LOCATION: Department of Commerce
201 W. Washington Ave.
Conference Room #3C
Madison, Wisconsin

COUNCIL MEMBER ATTENDANCE:

Bruce Johnson	<u>P</u>	Jim Sewell	<u>P</u>
Timothy Pelzek	<u>P</u>	Harry Sulzer	<u>P</u>
Charles Quagliana	<u>A</u>	David Voss	<u>P</u>
Chris Rute	<u>P</u>	Dean Herriges (Alternate)	<u>Ex</u>

COMMERCE STAFF:

Jim Quast, Program Manager
Diane Meredith, Code Consultant
Jon Molzahn, Plan Reviewer
Tom Kasper, Integrated Services Section Chief

VISITORS:

Bill Schomburg, International Code Council
Dan Gengler, National Fire Sprinkler Association

WELCOME AND INTRODUCTIONS

Jim Quast opened the meeting with introductions and review and approval of the progress report. There were two corrections to the progress report. The first change is a correction to the last sentence of the second paragraph on page 3. The last line should read "Currently, there is not a system in place to determine these types of records, but a number of members felt that no fire (incidences) in a historic structure does not mean the building is (intrinsically) safe." The second change is a name correction of Dave to Tim Pelzek. The progress report was approved with the modifications. The agenda was approved as presented.

ELECTION OF CHAIRPERSON

Jim Quast reviewed the roles of the chairperson and asked for nominations. Chris Rute offered to serve as Chairperson and David Voss offered to serve as Vice Chairperson. The council members unanimously approved their appointments to serve as chairpersons.

DISCUSSION OF COMM 70 SAFETY PARAMETERS

Jim Quast reviewed the handout material relating to the safety parameters used in the building evaluation method specified in chapter Comm 70, Historic Buildings. He stated the comparison identified some of the conflicts that will arise when using these existing parameters and rating methodology with the new International Building Code (IBC). The members discussed the IBC has a specific definition of "corridors" and using this definition to determine whether corridors exist in older buildings is difficult. Jim felt the members would need to evaluate and determine whether the 17 parameters used in Comm 70 are still valid.

Chapter Comm 70 was originally developed in response to legislation to develop alternative requirements for the preservation or reuse of older buildings designated as historic structures. Jim Sewell explained that many historic structures in the 1980s were not being altered or renovated because it was too expensive for the administrative approval process and many owners decided to do nothing, including leaving safety problems unresolved. When compliance with one code section of the prevailing code could not be achieved, a petition for variance was required for each code section, and each petition required a separate fee for processing. Tim Pelzek felt the complete gutting of the interior of an older building is really not preserving the historic features or characteristics of the interior of the building, and asked whether it was really the intention of Comm 70 to permit this type of alteration. Jim Sewell explained the original purpose for Comm 70 was to preserve the significant features and characteristics of historic buildings, but it was also to allow historic structures to be converted to different occupancies and uses.

DISCUSSION OF IEBC ORGANIZATION AND REQUIREMENTS

The IEBC applies to any existing building, including historic buildings. The IEBC chapter 10 applies to historic buildings and contains certain requirements that may be special exemptions or alternatives to the requirements found in IEBC chapters 4 to 9 and 11. The IEBC chapters 4 to 10 establishes minimum design requirements for any existing building undergoing a repair, alteration, change of occupancy, or relocation. If an existing building cannot comply with these requirements for the type of work being done, the compliance alternative requirements in IEBC chapter 12 may be used. The compliance alternatives are very similar to the safety parameters in Comm 70, except some of the evaluation categories use equations, such as determining building height, computing allowable area, computing vertical openings, and determining maximum exit access travel distance. Background information on how these formulas were derived will be requested from the writers of the IEBC.

A number of members asked whether the IEBC could be used on any existing building besides historic buildings. Jim Quast responded the Department has been requested to review the IEBC for use on existing buildings, but he pointed out the scope of the project for this Council is only for historic buildings. Jim stated the Commercial Building Code Council (CBCC) would be considering the proposal for using the IEBC for existing buildings.

DISCUSSION OF COMPARISON OF IEBC CHAPTER 10 AND COMM 70

The members discussed the handout material that compared the IEBC chapter 10 requirements with the applicable Comm 70 requirements. It was explained that IEBC chapter 10 contains specific exemptions or alternatives to the requirements specified in IEBC chapters 4-9 for repairs, alterations (levels 1 to 3) and for a change of occupancy, and IEBC chapter 12 contains compliance alternatives when compliance with IEBC chapters 4-9 cannot be achieved. Chapter Comm 70 contains specific requirements relating to miscellaneous building elements, accessibility, mechanical, energy conservation, structural, electrical and museum or exhibit-type buildings, as well as the building evaluation method.

The members discussed that Comm 70 is an elective code and that other earlier Commerce codes may be used, however, they felt if the IEBC was used it would mandate its use without allowing the other current code options. Staff explained that IEBC chapter 1 and chapter Comm 61 relating to administration and enforcement should be reviewed and evaluated when developing similar requirements for the historic code, so application options could still be included, if necessary. Staff also stated that all statutory requirements, such as "uniform" application, specific to the historic code would also be maintained.

CODE OPTIONS

Chris Rute indicated there appears to be three options for proposing improvements to Comm 70, the options are:

1. Do nothing to Comm 70 requirements
2. Make minor or minimal changes to Comm 70 requirements
3. Adopt something entirely new to replace the current Comm 70 methodology

Chris asked the council members to give their opinion on which option seems to them to be the most reasonable. The following suggestions were given:

- David Voss would like to pursue adoption of the IEBC because it provides a level of consistency between other states, and includes substantial information on archaic materials. He also stated the current point system for the building evaluation method may not work or may not be valid.
- Bruce Johnson indicated there may be some specific requirements contained in chapter Comm 70 that should also be used in conjunction with the IEBC, and feels adoption of a model code may be needed.
- Jim Sewell stated using the IEBC would be a possibility if certain concessions for atriums, accessibility and energy conservation requirements currently addressed in Comm 70 were retained.
- Tim Pelzek also feels using the IEBC for historic buildings is a possibility but does not think this Council should make decisions for its use for all existing buildings, including non-historic.
- Harry Sulzer indicated Comm 70 should be completely rewritten and use of the IEBC as the model code would probably work better with the IBC.

Staff members Tom Kasper and Jon Molzahn indicated there may be some benefit to keep the historic building code separate from the existing building code requirements, but felt there should be coordination between existing and historic requirements for consistency. Jim Quast mentioned there are various code packaging options, including renumbering Comm 70 to Comm 66 and including these requirements in the Commercial Building Code, chapters Comm 61-65.

ASSIGNMENTS FOR NEXT MEETING

Staff members are to continue with the comparison of Comm 70 to the IEBC chapters 4-8 relating to repairs, alterations, and change of occupancy. Staff will also review the building plans of the Majestic Theater and the Grain Exchange Building to see how these buildings would fare under the compliance alternatives specified under IEBC chapter 12 and IEBC chapters 4-8. They also suggested an additional comparison review of these building plans using the current WCBC as it applies for the alteration or change of occupancy of existing buildings.

Council members are to identify any requirements from Comm 70 that may be beneficial to keep, and to submit any questions or concerns with the IEBC to Diane Meredith or Jim Quast. Bill Schomburg from the International Code Council has offered to assist in getting information on IEBC interpretations or application.

NEXT MEETING

The next meeting has been scheduled for:

Wednesday, June 4, 2003, from 9:30 a.m. to 2:00 p.m.

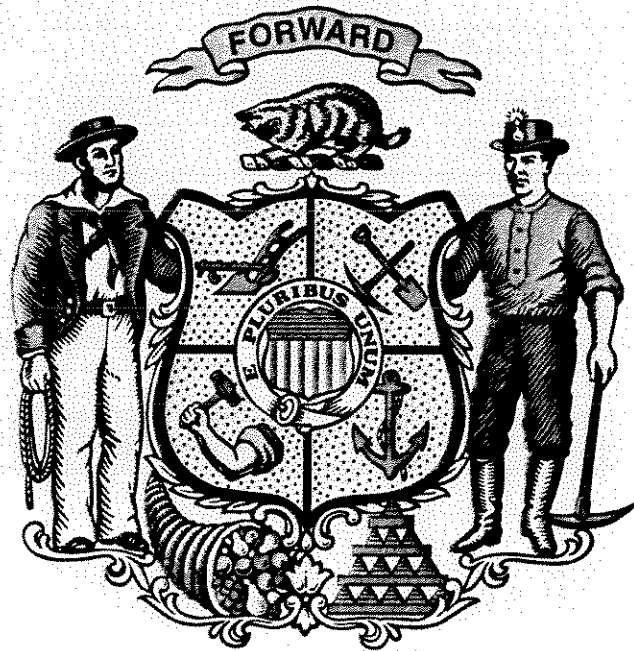
Tommy G. Thompson Building in Madison

Conference Room #3C

201 W. Washington Ave.

Madison, WI

If you have any questions, please contact Diane Meredith at (608) 266-8982, or email at dmeredith@commerce.state.wi.us, or Jim Quast at (608) 266-9292, or email at jquast@commerce.state.wi.us.



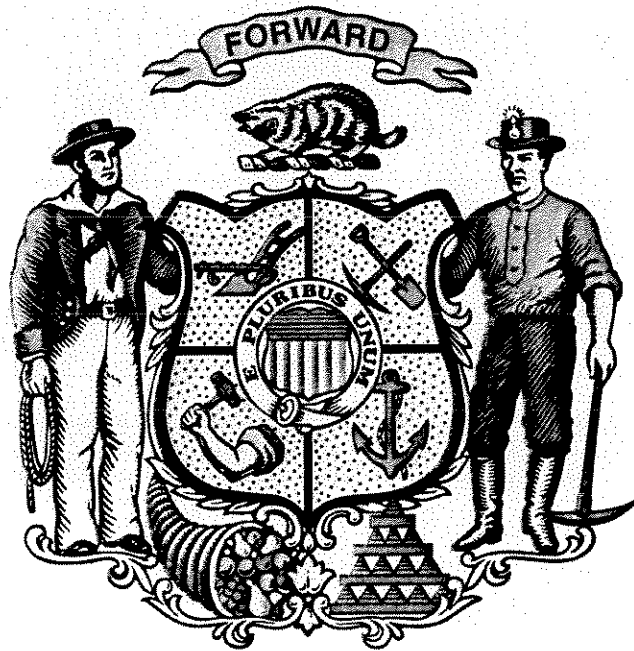
Pelnar, Angela

From: DuPont, Robert
Sent: Wednesday, February 25, 2004 3:26 PM
To: Rep. Wieckert
Cc: Olver, Aaron - COMM; Storey, David - COMM; Walker, Kimberly - COMM; Buchholz, Ron
Subject: Consideration of the International Existing Buildings Code

As you requested yesterday during our telephone conversation I have prepared the following summary of anticipated Commerce activities related to the consideration of the International Existing Buildings Code for use in Wisconsin as part of the Wisconsin Commercial Building Code.

Commerce now anticipates starting work with advisory code councils in 2004 to update the Wisconsin Commercial Building Code, including provisions governing repair, alteration, change of occupancy, addition, and relocation of existing buildings. Public hearings are expected in early 2006 with the anticipated code effective date being July, 2007. The 2003 and 2006 editions of the related national model codes, including the International Existing Buildings Code published by the International Code Council, will be considered during this update.

I hope this information is of help to you. If you have any further questions about this endeavor or about application of the current Wisconsin Commercial Building Code to existing buildings, please don't hesitate to contact me. My telephone number is 266-8984.



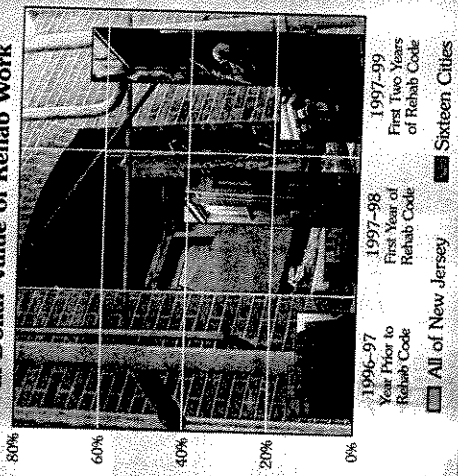


New Jersey Department of Community Affairs
 Attn: Code Assistance Unit
 Post Office Box 802
 101 South Broad Street 6th Floor
 Trenton, NJ 08625-0802

Place Stamp Here

- ### Benefits of the New Jersey Rehab Code
- Lowers rehabilitation construction costs
 - Ensures safe buildings
 - Protects historic architectural integrity
 - Makes rehab costs predictable
 - Simplifies and speeds building code enforcement
 - Encourages reinvestment in existing buildings and neighborhoods
 - Promotes adaptive reuse of buildings
 - Promotes "Smart Growth"

Percent Change in Dollar Value of Rehab Work



The New Jersey Rehabilitation Code has been hailed as a national model for urban redevelopment efforts...

- 1999 National Award Winner
 Innovations in American Government
 The Ford Foundation, John F. Kennedy School of Government at Harvard University, and Council for Excellence in Government
- 1999 National Award Winner
 Center for Restructuring Government
 The Pioneer Institute for Public Policy Research
- 1999 National Award Winner
 Innovations in State Government
 The Council of State Governments
- 2000 Award of Appreciation
 Public Service Excellence
- 1998 State Award Winner
 Historic Preservation
 New Jersey Trust for Historic Preservation

The Rehab Code formed the basis for the Nationally Applicable Recommended Rehabilitation Provisions (NARRP) distributed by the US Department of Housing and Urban Development

The Rehab Code has been adopted by the City of Wilmington, Delaware.

For more information contact
Code Assistance Unit
Tel 609-984-7609 Fax 609-984-7717
www.state.nj.us/dca/codes/rehab

New Jersey Department of Community Affairs



The First Comprehensive Set of Code Requirements for Existing Buildings

NEW JERSEY REHABILITATION CODE

A 1999
Innovations in American Government National Award Winner

AWARDED BY THE AMERICAN GOVERNMENT

CHRISTINE TODD WHITMAN, GOVERNOR
 JANE M. KENNY, COMMISSIONER



THE PROBLEM: Applying code requirements for new buildings— to old buildings

In New Jersey and nationally, building codes have been oriented toward new construction. This orientation has added unnecessary time and expense to the rehabilitation of existing buildings.

Developers and building owners could not predict with certainty the time and resources required to rehabilitate outdated or deteriorated buildings. Consequently, many projects have not even been attempted—and the buildings become dilapidated or remain vacant.

Some of the code requirements for new buildings that cause rehab problems in older buildings are:

- Arbitrary dimensional requirements (for stairs, doors, and corridors).
- Limitations on building size and height.
- Provisions requiring changes in the basic construction of the building.
- Requirements to upgrade functional plumbing and electrical systems.

These requirements for new construction have been applied even when the building is safe and sound.

"The subcode applies common sense standards, rather than rigid bureaucratic regulation to renovating buildings."

Charles C. Eichner,
Associate Director of the Center for Urban and Regional Policy
at Northeastern University in Boston, Mass.

THE SOLUTION: Code requirements tailor-made for existing buildings

New Jersey's reassessment of construction regulations resulted in fewer—and more sensible—building rehabilitation requirements.

Not New—But Still Safe

The Rehab Code establishes a common sense approach to overcome rehabilitation problems. The premises of the Rehab Code are:

Maintain building safety—Work performed should leave the building no less safe than it was when the work began.

Predictability—The Rehab Code establishes sets of requirements in a clear, cookbook approach.

Proportionality—The Rehab Code does not impose requirements that would significantly extend the owner's scope of work. The requirements are in proportion to the work planned. The time to impose additional code requirements is NOT when a building owner has decided to make an improvement.

CATEGORIES of WORK

The Rehab Code has specific requirements that are based on the owner's scope of work.

- Repair
- Renovation
- Alteration
- Reconstruction
- Change in the use of a building
- Addition

Once the category of work is determined, the building owner, developer, contractor, and inspectors know what is required for code compliance.

For ease of use and understanding, the Categories of Work are summarized in a Matrix that is provided with a copy of the Rehabilitation Code itself.

Historic Preservation—A special section of the Rehab Code deals specifically with historic structures, making it easier than ever to preserve a building right down to the door hardware. The Rehab Code received a 1998 New Jersey Historic Preservation Award.

Accessibility—Accessibility for people with disabilities is addressed incrementally in the Categories of Work.

Estimated Cost of Construction: 1999*

New Construction vs. Rehabilitation
(Dollars in Millions)

New Construction
\$6,001.6 (57.3%)

Nonresidential and
Residential Rehab
\$4,476.4 (42.7%)**

*1998 data as of 5/8/2003

**Annual 1% of the annual \$ Value of Construction



To receive an
Information Kit,
fill out this response card
and mail or fax it back.

Yes, please send me an Information Kit that includes a copy of the Rehabilitation Code and a Matrix summarizing the Categories of Work. The Rehab Code is of particular interest to:

- ✓ Building Officials
- ✓ Fire Officials
- ✓ Historic Preservationists
- ✓ Advocates for People with Disabilities
- ✓ Environmental Groups
- ✓ Smart Growth Organizations
- ✓ Urban Redevelopment Enterprises
- ✓ Economic Development Groups
- ✓ Affordable Housing Advocates

Please ship my Information Kit to:

Name _____

Title _____

Department _____

Address _____

State _____

Zip _____

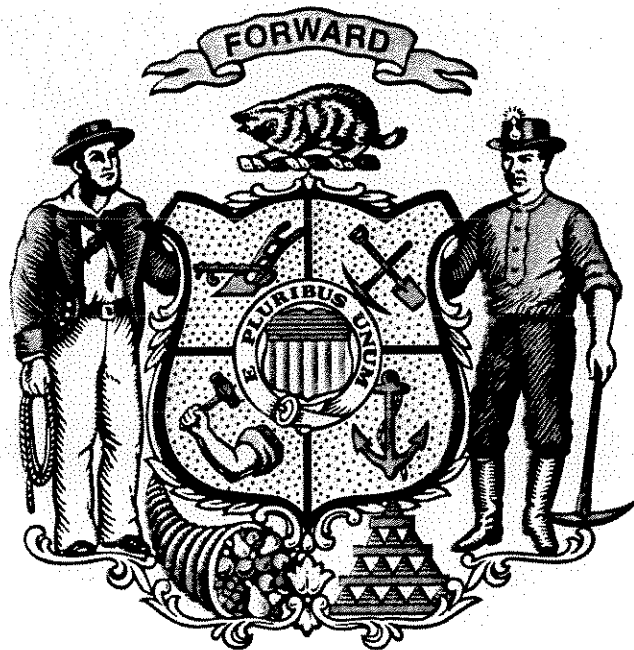
Phone _____

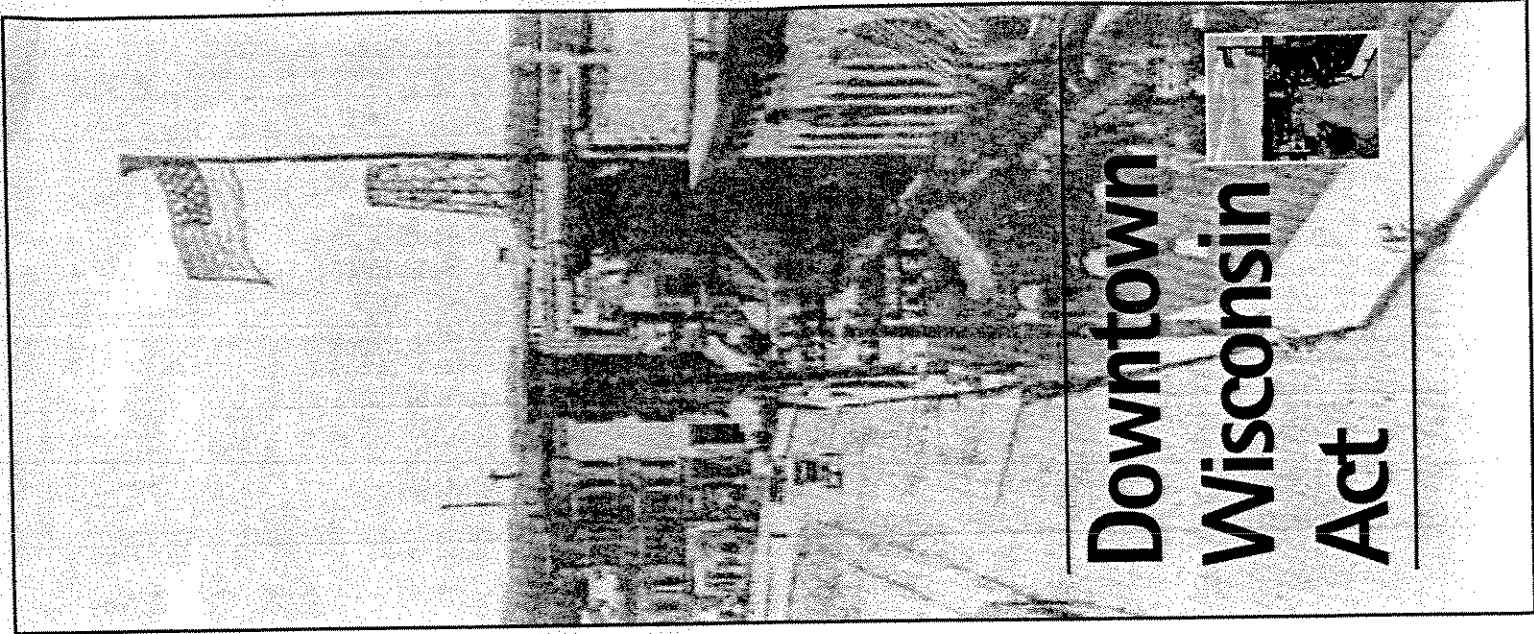
Fax _____

You may Fax this card to 609-984-7717
Code Assistance Unit: REHAB CON

New Jersey Department of Community Affairs







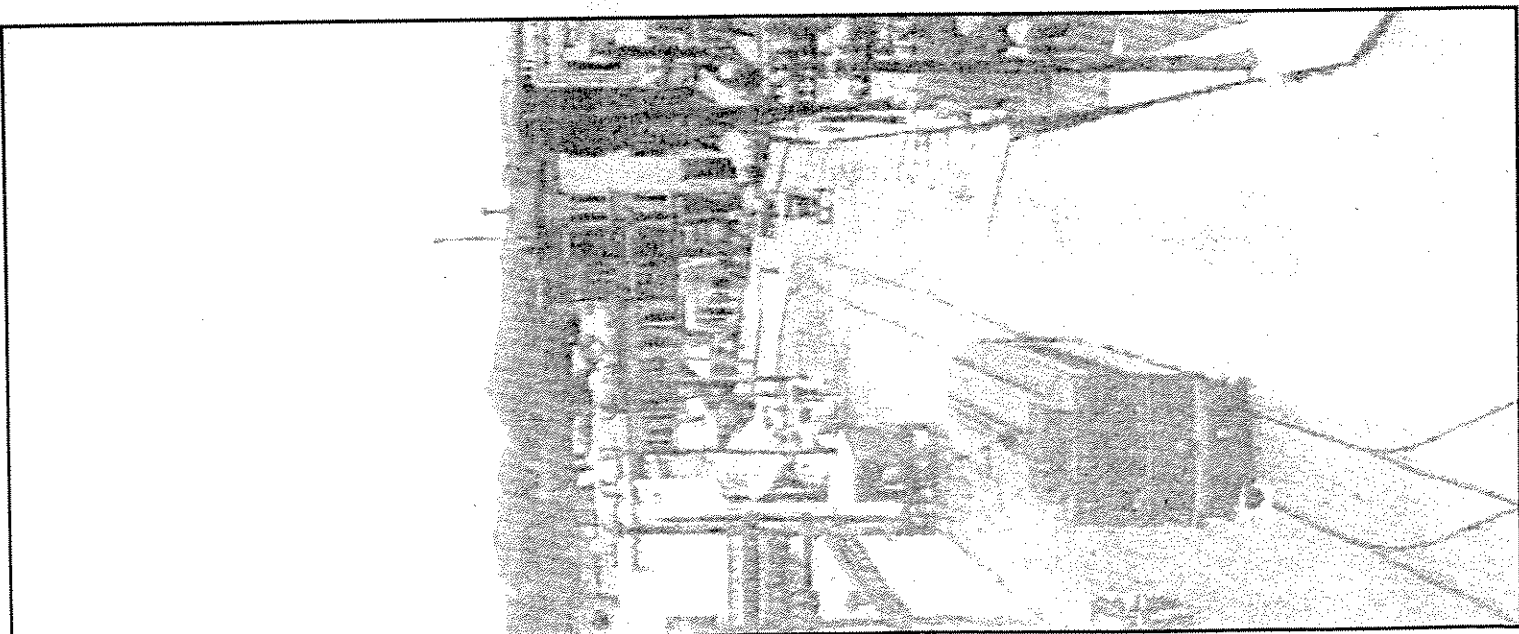
**Downtown
Wisconsin
Act**

State Representative
Dan Schooff

State Representative
Jennifer Shilling

P.O. Box 8953
Madison, WI 53708-8953

**Downtown
Wisconsin Act**



Downtown Wisconsin Act



The Downtown Wisconsin Act was created to promote the successful economic development of Wisconsin's central business districts. The package reduces counterproductive state regulations that hamper downtown development, while expanding programs that have a proven record of fostering successful economic growth in Wisconsin's central business districts.

The act was developed through ongoing discussions with local downtown developers, the Wisconsin Downtown Action Council, municipal planners and state agency representatives.

Wisconsin's downtowns are the heart and soul of our communities; it is key that State Government do all that it can to advance their development. By focusing on economic growth community by community, we will be able to improve the economic forecast for all of Wisconsin.

Downtown Wisconsin Act will include:

Department of Commerce

- Prioritize Small Business Development
- Create Definition and Certification of Downtowns
- Main Street Program Enhancement
- Central Business District Assistance

Department of Transportation

- Coordination with Central Business Districts
- Prioritize and fund parking lanes
- Study "True" or active bypasses
- Stage projects to reduce impact

Department of Tourism

- Promote Travel to Wisconsin Downtowns

Department of Administration

- Encourage Location of State Offices in Downtowns
- Historic Building Code Encouragement

State Historical Society

- Increase State Tax Credit

Building a Statewide Coalition

led by State Representative Dan Schooff and State Representative Jennifer Shilling, the Downtown Wisconsin Act was created with the goal of building a statewide coalition of support from diverse groups. This partnership will include business leaders, environmental advocates, local officials, downtown planners and a bi-partisan alliance of state policymakers.

If you would like to learn more about the Downtown Wisconsin Act, view the endorsement list, or add your support, you may do so by calling 888-534-0045 or logging on to www.legis.state.wi.us/assembly/asm45/news/

Send in your support!

To add your name to the Downtown Wisconsin Act endorsement list or to receive further information on the act, please detach and send in the form.

Name _____

Organization _____

Address _____

Phone _____

Email _____

- Add my name to the endorsement list
- Send me more information

Mail to:

State Representative Dan Schooff
State Representative Jennifer Shilling
P.O. Box 8953, Madison, WI 53708