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## Landmark Commission

240 Columbus Ave  
Sandusky, Ohio 44870

419.627.5715

[www.cityofsandusky.com](http://www.cityofsandusky.com)

### **AGENDA**

**February 19<sup>th</sup>, 2020**

**4:30 P.M.**

**City Commission Chamber**

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1. Meeting called to order – Roll Call
2. Review minutes from the January 15<sup>th</sup>, 2020 meeting
3. Administrative approval of signage per Section 1161.07(b)(1)
4. Review of Landmark Commission goals for 2020
5. Meeting adjourned to training session with the Ohio State Historic Preservation Office

**NEXT MEETING: March 18<sup>th</sup>, 2020**

**Please notify staff at least 2 days in advance of the meeting if you cannot attend.**

**Landmark Commission  
January 15<sup>th</sup>, 2020  
Meeting Minutes**

**Meeting called to order:**

The Chairman called the meeting to order at 4:30pm. The following members were present: Mr. Michael Zuilhof, Mr. Jon Lawrence, Mr. Joe Galea, and Dr. Tim Berkey (recused). Mr. Thomas Horsman represented the Planning Department; Mr. Trevor Hayberger represented the Law Department.

**Review of minutes from December 18th, 2019:**

Mr. Galea moved to approve the minutes as submitted. Dr. Berkey seconded the motion. With no further discussion, all members were in favor to approve the minutes.

**Election of Landmark Commission officers:**

Mr. Zuilhof nominated Dr. Berkey for Chairman. Mr. Galea seconded the nomination. No other nominations were made for Chairman. All members were in favor of the nomination.

Dr. Berkey nominated Mr. Lawrence for Vice Chair. Mr. Galea seconded the nomination. No other nominations were made for Vice Chair. All members were in favor of the nomination.

**1<sup>st</sup> application on agenda:**

Mr. Lawrence stated that the first application on the agenda is for a Certificate of Appropriateness for the Godfrey-Johnson House at 417 Columbus Avenue for Soffit and Fascia Restoration.

Mr. Horsman stated that the building was constructed in 1854 and is listed on the National Register of Historic Places. The proposed renovations are intended to bring the building back to a state of good repair and not to alter the appearance. Staff believe the scope of the work is consistent with the Secretary of the Interior Standards and the Sandusky Preservation Design Guidelines and therefore, recommend approval.

Mr. Galea moved to adopt the recommendation of staff and approve the Certificate of Appropriateness.

Mr. Zuilhof seconded the motion, but stated he would like to hear from the applicant if they would like to say anything.

Dr. Richard Keller, President of the Old House Guild, stated that they would like to replace, to the extent possible, with the original materials, the deteriorated soffit and fascia. They would like to use wood comparable to what was used in the original construction, if they can find it. Dimensions will approximate the original construction. Although modern lumber is sized differently from this construction period. The most difficult part of the project is replacing the brackets. Preliminary indication is that the brackets are in good shape and can be salvaged. The work will be done by Feick Contractors, and is scheduled to start at the end of this month, weather permitting.

Mr. Galea asked Dr. Keller if they were able to determine what the original lumber used was and if they will be able to use the same lumber.

Dr. Keller stated that they had originally thought to replace what is there with treated lumber, but that does not have good dimensional stability, it gets delivered wet, it tends to warp and move, so that idea was discarded. What was there originally would have been cedar or some type of pine lumber, but they still need to get in to see. As long as it is kept weather tight, any

type of construction grade lumber would be manageable. There is a possibility to use cedar, but that would add cost to the project.

Mr. Zuilhof stated that it sounds like the applicant is familiar with the standards and feels assured that they will do what they can to salvage existing pieces.

Dr. Keller said that he does have experience salvaging partially rotted wood and that they will work with the contractor to salvage what they can.

Mr. Lawrence asked if they have an estimate on the percentage.

Dr. Keller stated that all unsalvageable lumber across the front of the building would be replaced if necessary. Standing on the roof and looking down, it looks pretty bad and usually things look worse than what they really are when you start digging in, so they are prepared to replace the entire front if necessary.

Mr. Galea asked if the plan is to paint the wood.

Dr. Keller stated that is the plan.

All members were in favor to approve the motion, and the application was approved.

### **2019 Landmark Commission Annual Report:**

Mr. Horsman stated that as part of the Landmark Preservation Ordinance, it is a requirement that staff report on the activities of the Landmark Commission to the City Manager and City Commission. He stated he had drafted a report and emailed it to the board and asked if there were any comments or suggestions before making a motion and sending to City Commission.

Mr. Zuilhof made a motion to approve the report for communication to City Commission. Mr. Galea seconded the motion. All members were in favor to approve the motion.

### **Discussion of topics for training with the State Historic Preservation Office:**

Mr. Horsman stated that the training, which is mandated through the ordinance to be done on an annual basis to the best of ability, is scheduled for the following month's meeting time of February 19<sup>th</sup>. Mr. Horsman said that he did let the trainer know that signage in Historic Districts was a topic of importance to this committee and wanted to know if the commission had any other topics they wanted to discuss at this training.

Dr. Berkey stated that in this next calendar year he would like the commission to work with staff on some goals for the year and keep moving on doing something about the buildings that are of concern.

Mr. Zuilhof stated that in the list of goals for 2020, there is one about educating and awareness about Historic Preservation to owners of designated historic properties in the city. He said that he wondered if there were people other than owners that would like attend these sessions, such as contractors. The State Historic Preservation Office does programs that are open to the public.

### **New Business:**

Mr. Zuilhof stated that the Landmark Commission members normally get notified a week in advance if meetings are going to be cancelled or not. He was wondering if cancellation of the meetings should be a decision of the board or staff. Since the submission deadline for applications is the day of the previous month's meeting wouldn't it be possible to cancel the following month's meeting on the day of each meeting and then the board could approve the

decision to cancel or decide to keep the meeting if there is other business that needs to be discussed.

Mr. Hayberger stated that he would like Planning Director Angela Byington to weigh in on the matter. From a legal perspective notice is given when put on the City's website and also given in the City Manager's report at City Commission. Staff are able to cancel the meetings, but as law director, would probably prefer the decision to come from the board.

Mr. Horsman stated that at the next City Commission meeting, it will be announced who the Landmark Commission's liaison will be.

**Meeting Adjourned:**

Mr. Lawrence made a motion to adjourn the meeting. Mr. Zuilhof seconded the motion. All members were in favor to adjourn. The meeting ended at 4:59pm.

**Approved by:**

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Kristen Barone, Clerk

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Timothy Berkey, Chairman



# LANDMARK COMMISSION 2019 ANNUAL REPORT

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF PLANNING

## **Sandusky Landmark Commission Annual Report**

The Sandusky Landmark Commission was established to designate, preserve, protect and enhance current and future Landmark properties within the City of Sandusky; to foster civic pride in and consistent with established long term goals and policies of the city; to stabilize or improve the aesthetic and economic vitality and values of Landmark sites; to protect and enhance the city's attraction to tourist and visitors; and to promote the use of these sites for the improvements and objects for the education, invigoration, and welfare of the people of the city.

Section 1161.03(e) of the Sandusky Codified Ordinances requires that an annual report be submitted to the City Manager and City Commission that summaries the activities of the Landmark Commission over the past year.

The Landmark Commission met 11 times in 2019, 10 of which were regularly scheduled monthly meetings and one was a special meeting called by the chair. The March and August monthly meetings were cancelled due to lack of applications.

As of December 31, 2019, the following people were serving as members of the Landmark Commission:

- Timothy Berkey
- Joe Galea
- Alan Griffiths
- Jon Lawrence
- Nikki Lloyd, City Commission liaison
- Ryan Nagel
- Mike Zuilhof, Chair

The Landmark Commission approved 16 Certificate of Appropriateness applications in 2019 and denied one. There were two demolitions approved in 2019 (both sections of the Cooke Building in the Downtown Commercial Historic District). Below is a summary of the applications that appeared before the Landmark Commission in 2019.

Certificates of Appropriateness				
Meeting Date	Address	Request	Scope	Approved or Denied
4/17/2019	223 W. Water St.	Signage	Wall sign for Dandelion gift shop at Hotel Kilbourne	Approved
5/15/2019	127 E. Market St.	Signage	Projecting sign for Noble Axes	Approved
6/6/2019	305 E. Water St.	Signage	Projecting sign for Maca Root	Approved
6/6/2019	125 & 131 E. Water St.	Exterior Renovations	Façade restoration, adding balconies to north side for residences, addition of doorway on 131 building, addition of rooftop deck and penthouse level, addition of two garage doors on north side of 131 building. Rebuilding of roof and north wall on 131 building.	Approved
6/19/2019	300 E. Water St.	Signage	Illuminated Wall Sign for Water Street Financial	Approved
6/19/2019	101 E. Water St.	Exterior Renovations & Signage	Exterior painting and wall signage on the north and south facades for Landmark Kitchen and Bar	Approved
7/17/2019	115 E. Washington Row	Signage	Re-facing the old Calvary Temple sign for Vita Urbana	Approved
7/17/2019	125 E. Water St.	Signage	Wall sign for Lake Erie Shores and Islands	Approved

9/18/2019	128 E. Market St.	Signage	Balooka Balloons Wall Sign	Approved
9/18/2019	150-162 Columbus Ave.	Demolition	Demolition of the 1850-built portion of the Cooke Building	Approved
9/18/2019	150-162 Columbus Ave.	Demolition	Demolition of the 1866-built portion of the Cooke Building	Approved
9/18/2019	401 W. Shoreline Dr.	Exterior Renovations	Restoration of the parapet on the Chesapeake Lofts building	Approved
9/18/2019	221 E. Water St.	Exterior Renovations	Addition of transom windows on the front façade and painting existing window frames	Approved
9/18/2019	216 Columbus Ave.	Exterior Renovations	Removing windows and replacing with a garage door on the front façade of the future CLAG Brewing facility.	Approved
11/20/2019	128 E. Market St.	Signage	Re-facing existing projecting sign for Balooka Balloons (Tabled from 9/18 meeting)	Denied
12/18/2019	300 E. Water St.	Exterior Alteration	Installation of an aluminum awning above the rooftop deck.	Approved



## **Other Activities**

The Landmark Preservation Ordinance was amended by City Commission in March 2019 to clarify language and add additional criteria for the granting of Certificates of Appropriateness and approving demolitions.

The Planning Commission approved changes to the Downtown Sandusky Design Review Guidelines and changed the name to the Sandusky Preservation Design Guidelines to align with language in the Landmark Preservation Ordinance.

The Landmark Commission held a work session at its regular October meeting to discuss potential policy and legislative changes that could help the Commission in carrying out its mission.

In September 2019, the Ohio State Historic Preservation Office completed its biennial evaluation of Sandusky's status as a Certified Local Government and no deficiencies were found.

## **Goals for 2020**

- Conduct a training session for the Landmark Commission with the State Historic Preservation Office (currently scheduled for February 2020)
- Increase education and awareness about historic preservation to the owners of designated historic properties in the city.
- Identify potential sites and/or districts in the city that are worthy of local landmark designation and begin the process of recommending their designation to the City Commission.
- Build relationships with the Old House Guild of Sandusky and Erie County Historical Society to help promote historic preservation to the population of Sandusky
- Identify historic properties in disrepair and work to find ways to stabilize and restore them.
- Update the Sandusky Preservation Design Guidelines and Landmark Preservation Ordinance.

**Landmark Commission  
October 16<sup>th</sup>, 2019  
Meeting Minutes**

**Meeting called to order:**

The Chairman called the meeting to order at 4:35pm. The following members were present: Ms. Nikki Lloyd, Chairman Michael Zuilhof, Mr. Joe Galea, Mr. Alan Griffiths, Mr. Ryan Nagel, and Dr. Tim Berkey. Ms. Angela Byington and Mr. Thomas Horsman represented the Planning Department; Mr. Trevor Hayberger represented the Law Department. There were 7 voting members present.

**Review of minutes from September 18<sup>th</sup>, 2019:**

Mr. Galea moved to approve the minutes from September 18th, 2019; Dr. Berkey seconded the motion.

Mr. Zuilhof asked if we are being especially thorough with the minutes as this was one of the longer ones we have had. He stated he didn't know if there was a change in policy.

Mr. Hayberger stated that there has not been any change.

Ms. Byington stated that unless the commission has any concern, she advised the clerk to not worry about having word for word on the minutes for today's meeting since it is a working session. No concerns were mentioned.

All were in favor of the motion, and the minutes were approved.

**1<sup>st</sup> application on agenda:**

Mr. Zuilhof stated that the first item on the agenda is the application for signage at 128 E. Market Street, which was tabled at the September 18, 2019 meeting. He stated that since the applicant could not be present, the applicant asked if commission could move the application to next month's meeting.

Mr. Griffiths stated that since the applicant is not present and wishes to attend, that we should discuss the application at that time.

Mr. Zuilhof stated that we do not need a motion since there is no motion to take the application off the table.

**Discussion of potential updates to the Landmark Preservation Ordinance and Sandusky Preservation Design Guidelines:**

Mr. Horsman stated that Landmark Preservation Ordinance was passed in 2015. The Design Review District has somewhat of an overlap to the Landmark Preservation Ordinance. The ordinance was updated earlier in 2019. As of right now there are over 100 sites on the National Register in Sandusky. There are two locally designated Landmarks, which include City Hall, and the building right next door to City Hall. There are two National Register Historic Districts under this commission, which is the Downtown Commercial Historic District and there is also the Cable Park Historic District. He stated that something that has come up consistently is how does the commission make sure that the historic buildings are maintained and what can there be done to ensure that. He stated that staff has had discussions on how they can do better. One thing that has been thought about is going through the building/code/zoning software and making sure

that all of the historic properties are flagged so that staff are aware when applications are submitted for those properties. He stated that it has also been discussed for staff to look at these properties regularly and give some sort of education to property owners so that they are aware of what they need to do.

Ms. Byington stated that the Planning, Development, and Law Departments have been meeting and discussing the possibility of interior inspections. She stated that they are not yet sure on the answer to that, but that the building department and code enforcement need to focus more on downtown exterior inspections and enforcing them equally. She stated that it has been discussed that in the past there are some properties that should have been enforced upon, but prior administrations knew that they were looking to redevelop or invest soon.

Staff/Commission need to think about how to make enforcement more palatable to those who are getting ready to site. Maybe give information to property owners who are in violation about the ordinance as well as the grant funds, to alleviate any financial burden and bring the property up to code.

Mr. Hayberger stated that in 2015 it was said that you need probable cause to get into properties. Things to look at to determine probable cause include: water infiltration, neighbors complaining of bad smells, dead load, and structural issues.

Dr. Berkey asked about utilities getting turned off.

Mr. Hayberger stated that would depend on the time of the year and if the building is vacant or not. If there is somebody in there in the winter and the utilities are turned off, then that would be probable cause.

Mr. Zuilhof stated that it seems it would take some knowledge for example if the heat is off and there is no provision for ventilation. A building official would realize that you are going to get condensation in there. He asked if there was anything in past cases about what is probable cause or not.

Mr. Hayberger stated that probable cause is a case by case standard.

Mr. Zuilhof asked what is the worst that could happen if someone thinks they have probable cause and the court says that they did not.

Mr. Hayberger said that they could be sued for trespassing.

Mr. Galea stated that more than likely the person would be sued.

Mr. Berkey asked that if they applied what was just shared regarding probable cause to the Cooke Building, would there have been probable cause.

Mr. Hayberger stated that there would have been probable cause to get into the Cooke Building, due to the façade alone.

Mr. Berkey asked what about going to the list of owners in the Historical District and asking them to come in and offering them an inspection free of charge.

Mr. Hayberger said that there would be nothing wrong with that. He stated that the State Historical Society puts trainings on for certain properties.

Mr. Berkey stated that with knowing what happened to the Cooke Building, if owners are offered an inspection and then offered information on resources available to assist them, and it is done in a positive way, this may be a way to jump start things instead of spending months trying to figure out how to force the issue.



Mr. Griffiths stated that he agrees, but another piece that could be added is to say that if a voluntary inspection is done, then enforcement would be waived for a period of time in order to give people an incentive to do that and get the repairs done.

Mr. Hayberger said that he could look into that. He said that if there were safety issues, then we can't give too long of a time frame.

Mr. Griffiths asked if there is a current standard people are given to remediate.

Ms. Byington stated that she is not sure if this would fall under building code or property maintenance code, but that zoning violations are 72 hours, which would not work under the majority of these cases. She said that she thinks a voluntary program is a good idea, but that some people may be scared to take advantage of that. She stated that a prior building official once told her that if enters a building, that he is bound by his certification to cite them on certain issues.

Mr. Zuilhof asked that if the building department is in doubt of what is probable cause would they consult the law department.

Mr. Hayberger stated that yes that happens occasionally.

Mr. Berkey asked if there is anything on the books that allows staff to inspect the interior at the plan of transfer of ownership of the building.

Mr. Zuilhof stated that was proposed several years ago and it was not the sense of the City Commission to do that, as change in ownership does not give probable cause.

Mr. Galea asked that if commission find that Section .11, as far as when maintenance is not being observed is when the penalty, what is found under Section .09, as far as a fourth degree misdemeanor, or either aspects of the building code, which would apply as it essentially determined by what the actual maintenance failures are found. He stated that he is trying to figure out what the enforcement mechanisms are as far as assuming staff does go through and start preventing willful neglect, what avenues are there. He said his concern is that the penalty is a fourth degree criminal violation misdemeanor.

Mr. Zuilhof stated there is also the foreclosed properties and buildings ordinance, with expected maintenance expectations and penalties.

Mr. Hayberger stated that the theoretical answer is that a misdemeanor fourth degree is a \$250 fine and 30 days in jail as a maximum sentence. Maybe that isn't sufficient, but if it is a daily offense, that can add up real quick. The real answer is: is Judge O'Brian ever going to sentence anyone to jail or give them a big fine regardless. He stated that he does not believe laws should be made based off of who is sitting on the bench at that time. He said that he does not want to misguide the commission by stating that if we make this a misdemeanor in the first degree with a \$1,000 fine, tomorrow we will have people in jail, because that is not what is going to happen.

Mr. Galea stated that it is not his intention for anyone to go to jail, but that civil enforcement and fines are probably better. He asked that from a law department standpoint, does Mr. Hayberger think that adding a civil component to this would help enforcement, or if there are ways to make enforcement and compliance easier, or is the way it is written now the best way.

Mr. Zuilhof stated that there is the commercial and industrial property maintenance code that does have a first degree misdemeanor. One of them had a limit of \$5,000.

Mr. Hayberger stated that if these cases are done in as a civil matter, it may sit at common pleas court just as long. He stated that he thinks that the sooner there is punishment to the crime, it changes behavior. He said that if we went the civil route and went to common pleas, we are talking maybe a two year period and maybe it loses its emphasis.

Mr. Galea asked if there is any benefit to getting an injunction from somebody or a TRO.

Mr. Hayberger stated that if he was the defense attorney on that TRO, he would say that the city hasn't wasted all of the administrative remedies, which is one of the factors for the TRO.

Mr. Griffiths asked if we have any examples of previous enforcement actions. He would suggest taking on a free inspection program and an education program, with an understanding that we will start enforcing provisions that are already existing.

Mr. Zuilhof asked if there is need for new legislation, or do we need to use what we already have. He asked what can there be done so that staff do not seem like jerks when they go after someone who has let a building fall apart.

Ms. Lloyd stated that some of it is just consistency and enforcing what we already have. For example, Bertsch Jewelers has been gone for some time now, but their sign is still there, and people see that. She said that we could have a meeting and invite property owners in and let them know that as of the after the first of the New Year, what is going to be getting looked at. Property owners could then get potentially 9 months to try get the money and get the violations resolved before getting fined.

Mr. Griffiths stated that he agrees and that another step that could be taken is to send a letter to those that have a Landmark property, with the guidelines, a note that actions will start taking place, a number to call.

Ms. Lloyd stated that property owners that rent out their building could even state in their lease that when businesses leave that they take their sign with them.

Mr. Griffiths stated that another example is store fronts. There have been discussions many times about putting window dressings in empty buildings.

Mr. Zuilhof stated that we can't get everybody and that it isn't a good enough defense to say that because one person got away with something, so should someone else.

Mr. Galea asked if there is a program or ability to send out letters when those who are in violation get a warning letter.

Mr. Hayberger stated that Mr. Matt Lasko would have to weigh in on this, but he would think that his department would want to send a letter stating what the violation is and then if nothing happens maybe a second letter comes from the law department with a final notice.

Ms. Lloyd stated that the agenda for today with the ordinance and guidelines is overwhelming, so it might be better to give owners something simpler with common violations, and then state where they could find more information.

Dr. Berkey stated that he agrees that it is overwhelming and that is why he comes back to offering an inspection so that someone could explain to owners what is not in compliance. He stated that he feels a sense of urgency to get something kick started.

Mr. Zuilhof stated that the law is complicated and summarizing things is within reach. He said that he has a list of what could be summarized and that includes: Signs, Landmark Buildings,



Design Review, and Building Maintenance. He stated that he would be inclined to look for a motion to ask staff to create summaries for the public with those headings.

Ms. Lloyd asked if commission would give more guidelines in what they can use to attach the signage with. For example there is one business that is open that has probably 40 screws drilled on the outside, into a white sign. She asked how restrictive does commission want to be and how many guidelines should be given.

Mr. Zuilhof stated that he is not sure if the public will support it.

Mr. Horsman stated that he has found some documents to make things simpler for the public. He stated that sometimes something visually can help and showed examples of what other cities have done.

Mr. Griffiths stated that this would be a good place to start and let people know that staff will be following up and looking at other things to help the public.

Mr. Horsman stated that something else staff have talked about include dining areas on the right of way on the sidewalks.

Mr. Zuilhof stated that there are cases where people have built fences without proper review and have created barriers. He stated that people could sue when they cannot get through due to these barriers and action is not being taken.

Ms. Lloyd asked what would the steps be for enforcement, or is commission still trying to figure that out. She also asked what the purposes are for when people are doing this.

Mr. Zuilhof stated that when an encroachment license is granted it is always revocable by the city at will and asked the law director if that was correct.

Mr. Hayberger said that as long as it is a license, that is correct.

Mr. Nagel stated that as a newbie on the group he is still trying to understand how things work in Sandusky. He stated that it still doesn't sit well with him what happened at the last meeting, to approve demolition of the Cooke Building, when design is not yet approved.

Mr. Horsman stated that he generally agrees that there should be a good development reason why, but with the Cooke Building the structural soundness was a big issue and reason of the application.

Mr. Nagel stated that several people have said that the Cooke Building has been at risk for several years, but then a decision was made quickly to demolish it, so moving forward, he stated he thinks those issues can be handled differently through a combination of education, code enforcement, and requiring plans.

Mr. Galea asked Mr. Nagel that on boards he has sat on before, do they take into consideration the fact that a building may or may not be economically viable to demolish.

Mr. Nagel stated that no, because as a property owner, it is your responsibility to know if the building you are buying is a Landmark building or not. Also, if the building does not allow for what the owner's purpose is, then the owner could pick a different building.

Mr. Griffiths stated that in looking at existing language on demolition, it talks about preliminary development plans. So that language could be changed to state that a certificate of appropriateness is needed for demolition.

Mr. Nagel stated that in the Cooke Building case, the preliminary development plans were not shared, or not shared until the day before, and then they were too vague.

Mr. Griffiths stated that he would like Mr. Horsman to come back with some proposals on some new language to tighten that up and ask City Commission to look at that.

Mr. Zuilhof stated that it is common practice to look at what other successful cities are doing.

Mr. Horsman stated that staff's priorities are: formalizing an internal policy related to building maintenance and citations and looking at education and outreach and will bring those back to commission. He stated that he did get a date from SHPO (State Historic Preservation Office) to hold a training session, and that is the date of the December meeting and asked if there were any comments on that date.

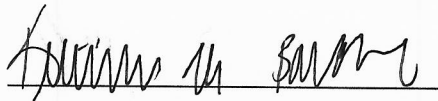
Mr. Zuilhof stated that if there is a lean agenda that month, then he would propose that commission gets through the agenda and then have the training session afterwards. If it is a large agenda, there could be a special meeting on a different day to go over applications, to prevent having to reschedule with SHPO. He asked if there were any objections to that. There were none.

Mr. Horsman stated that the certified local government evaluation by the state was reviewed and no deficiencies were found.

**Meeting Adjourned:**

Mr. Zuilhof asked if there was any further business, and with no responses, he adjourned the meeting at 5:51pm.

**Approved by:**

A handwritten signature in cursive script, appearing to read "Kristen Barone", written over a horizontal line.

Kristen Barone, Clerk

A large, stylized handwritten signature in cursive script, appearing to read "Michael Zuilhof", written over a horizontal line.

Michael Zuilhof, Chairman