

Mallery & Zimmerman^{S.C.}

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RECEIVED NOV 17 2010

November 16, 2010

Ms. Ann Pieper, President
Pieper Properties
234 West Florida Street
Milwaukee, Wisconsin 53204

Dear Ann:

I wanted to follow-up on the meeting of the Historic Preservation Commission yesterday. As I stated at the meeting, we are very confused by what transpired and what happened seems contrary to the Ordinance and Bylaws as well as what we were told by staff prior to the meeting. My clients spent tens of thousands of dollars preparing for the meeting yesterday and WAVE Development is prepared to make a \$50,000,000 investment in this City, at a minimum they deserve the respect and consideration of all involved in this process. We understand that there are those who do not support this project, but simply to delay a project of this nature reflects very poorly on this City.

It became evident in the meeting that I was not going to be able to convince the Commission to reconsider its decision so I thought it would be best to discuss the issues after the meeting. There are a couple of questions that I wanted to ask, but did not. First, it was stated by at least one Commission member that the meeting yesterday was not noticed as a public meeting. I disagree with that statement; if it was not a public meeting, then, according to State law, your Commission could not meet as it did. Second, it was also stated at the meeting that the Commission could have voted to approve our COA yesterday, but could not vote to conditionally approve, continue or deny the COA yesterday because, once again, the meeting was not properly noticed as a public meeting. This is contrary to the Ordinance and to the Commission's Bylaws. Also, it is irrational to think that the Commission could approve a COA at a "non-noticed" meeting, but cannot vote to approve with conditions, deny or continue the COA.


Finally, based upon the comments of the staff, there seems to be some confusion whether our COA is a request for demolition or approval of a new building or both. Let me state definitively, the request being made pursuant to the COA is for demolition of the existing buildings AND

construction of a new building in accordance with the plans submitted with the COA. Section 6(c) of our COA states, "we request a Certificate of Appropriateness for the demolition of the existing buildings and the construction of a new building in their place."

At the end of the meeting yesterday it was stated that the COA would be reviewed at HPC's next "public" meeting on December 13, 2010. We are relying on this statement and assume that we are automatically on the agenda for the December 13, 2010 meeting, please contact me immediately if we have to take any additional steps to be on the agenda. Also, the staff accepted our COA on November 3, 2010 at 10:45 AM and we are relying on the staff's statement that the COA is complete for HPC to rule on December 13, 2010 on both the request for demolition and to build a new building in accordance with the plans attached to the COA. If additional items are needed to complete the COA, please contact me immediately. At the meeting on December 13, 2010 we expect HPC to either approve, deny or conditionally approve the COA.

I would like to request that you and I meet by the end of this week to discuss the procedure and time line for this project. I know you were reluctant to meet with me prior to the meeting yesterday and I appreciate your position. However, the meeting I am requesting would be limited to a discussion on the process, not the content of the COA. As a developer I think you can probably appreciate my request. My clients have spent hundreds of thousands of dollars on this project to date and we are simply trying to define the steps which are necessary to ultimately have the City approve or deny this project. Please let me know when you are available to meet.

Sincerely,



Thomas P. DeMuth

TPD:jf

cc: Mayor Tom Barrett
Rocky Marcoux
Grant F. Langley