



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Draft AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE

Monday, September 29, 2014

5:30 PM

215 Martin Luther King Jr. Blvd.
Room LL-130 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 5 - Marsha A. Rummel; Steve King; Mark Clear; Chris Schmidt and Shiva Bidar-Sielaff

APPROVAL OF August 27, 2014 MINUTES

A motion was made by Clear, seconded by King, to Approve the August 27, 2014 Minutes. The motion passed by voice vote/other.

PUBLIC COMMENT

John Schlaefter registered in opposition, not wishing to speak.

James Matson representing Madison Alliance for Historic Preservation, registered neither in support or opposition and available to answer questions. Matson explained that he is an attorney and a great believer in the power of well drafted legislation. He explained that the Purpose and Intent section could be improved so that possible conflicts are not set up between the policy and the body of the ordinance. Matson suggested that the "inflammatory" language be neutralized so that it not have the perception of leaning toward a specific interest group. He is hopeful that the suggested changes provide more clarity to the language. He explained that if construction experience is required, he asks that the experience be relevant experience.

Rummel asked what was meant by "inflammatory." Matson explained that some of the proposed language had a tone that may set people to perceive a certain side and ordinance language should be neutral. Matson explained that clarity of standards and procedures are needed. He explained that the language currently states that the purpose is to balance the policy, but really the purpose is to implement the policy in a fair and effective manner. He explained that if balancing is necessary, it should be addressed in the ordinance with clear standards and procedures.

Rummel asked what "wise" meant in the written revision of d. Matson explained that what is meant by "wise creation" will depend on the standards and procedure that are spelled out in the ordinance. He explained that a concern with the existing language narrowed the ordinance to just the review of existing landmarks and historic districts and did not allow for future resources.

Rummel asked about the nuanced language of the Composition and Terms section. Matson explained that there is different construction expertise and some is more related to preservation than others so the language should be more related to relevant construction experience for historic resources.

Clear asked about the organization that Matson was representing. Matson asked for Mollenhoff to explain the organization during his testimony, but that the organization was a group that was organized for the purpose of being involved with the ordinance revision process.

Bidar-Sielaff asked for clarification about the purview of the ordinance and future landmarks.

Matson explained that the City has had a process for identifying historic resources which is very helpful for developers and land owners to understand the importance of those properties. This has not been a regulatory process, but at some time in the future, someone may come forward and request that these properties become landmarks or historic districts. Matson explained that the purpose and intent statement about safeguarding the city's historic resources by establishing an obligation to maintain them...sounded more regulatory and that regulatory issues would be applied to landmarks and historic districts, but not properties that are seen as general historic resources.

Franny Ingebritson registered neither in support or opposition and available to answer questions.

David Mollenhoff registered in support. Mollenhoff asked that the Committee provide a discussion schedule so that the volunteers that are following the progress can work on appropriate sections to prepare for the next meeting in a timely manner. He also suggested that the Committee leave time in the schedule to review the big picture of the ordinance changes so that all parties can understand the future issues that may arise from the new language.

Mollenhoff explained that the Alliance group includes the following members: Craig Christianson, James Matson, Fred Mohs, Franny Ingebritson, John Martens, Kitty Rankin, John Schlaefter, Jim Skretny, Jason Tish, and Will Cook (Attorney for the National Trust for Historic Preservation). He explained that the group is interested in providing the LORC with thoroughly researched and thoughtful comments.

Bidar- Sielaff requested clarification that the group is a volunteer citizen group and not a non-profit organization. Mollenhoff confirmed that the the group is volunteer citizen group.

Schmidt explained that the LORC would have to revise the schedule at each meeting to compensate for the work of the Committee and asked if a schedule would actually help the Alliance. Mollenhoff explained that they can actually work without a schedule, but it would be helpful to understand the general sequence of sections to be discussed in the future.

Ginny Way registered neither in support or opposition and available to answer questions.

Jeff Vercauteren, representing Urban Land Interests, Apex Properties, Inc., Steve Brown Apartments, and Wright 2102 LP, registering neither in support nor opposition and wishing to speak. Vercauteren discussed the details of the written statement he provided. He explained that he revised the Composition of the Commission to include expertise of professionals and leave the Alderperson seat open to any Alderperson based on the conversation from the previous meeting. Vercauteren explained that the Powers and Duties section should include a periodic survey of the historic resources.

Rummel asked that Vercauteren describe the periodic survey. Vercauteren explained that he understands that a survey has already been completed and that the periodic survey would be completed by preservation planning staff based on the direction from the planning division and the Landmarks Commission.

Rummel explained that the 2015 budget shows funding for a consultant to provide a survey. Vercauteren explained that the survey should be continuously updated.

Rummel explained that the other development review Commissions do not have the level of expertise that is being indicated in the revisions for the Landmarks Commission. Vercauteren explained that the other Commissions may need to have their standards for qualifications reevaluated to match those of the Landmarks Commission.

Zellers asked Vercauteren to describe his revision of (4)(h) regarding land division. Vercauteren explained that this revision removes a conflict and would make more sense as the discussion moves into that later section of the ordinance.

Jason Tish registered neither in support or opposition and available to answer questions. Bidar-Sielaff asked Tish if he had any suggestions for language to address the concerns about incorporating historic structures and artifacts. Tish explained that the language should presume that there will be change.

DISCLOSURES AND RECUSALS

1. [34202](#) Ad Hoc Landmarks Ordinance Review Committee Materials

No discussion on this item. This file is used as a document repository only.

2. [34577](#) Repealing and recreating Section 33.19 of the Madison General Ordinances to update the Landmarks Commission ordinance.

Staff provided a brief explanation of the documents in the packets. Zellers explained that she compiled the references in the Downtown Plan that would support the inclusion of Purpose and Intent language regarding the preservation of valuable energy resources. There was general discussion about the draft language of the Composition and Terms section including whether the Alderperson should be from a historic district and whether the composition should include a person with expertise in construction.

King noted that the language might be revised to suggest that it is preferable to have the Alderperson represent a historic district, but that it is not necessary. Clear explained that the requirement ignores landmark sites that are located across the city and that Aldermanic appointments are largely related to meeting logistics. Rummel explained that the Alder seat has been filled by a district 6 or a district 2 Alder for over 20 years and that the practice should be formalized. Bidar-Sielaff explained that certain constituents may require an Alder with knowledge of historic district issues. Schmidt confirmed that the current ordinance does not require that the Alderperson represent a historic district. King confirmed that the Landmarks Commission discussed this topic and decided that any Alderperson would be appropriate in the composition.

King explained that the architect could provide construction knowledge and that the composition should remain as it is currently. Zellers explained that the language does request that all members have an interest in historic preservation. ACA Strange asked for clarification on what construction expertise means. Bidar-Sielaff explained that construction expertise is different than requesting a developer be a member and that the construction knowledge would have been helpful for recent projects.

Rummel explained that it is not the City's job to design and determine the best construction methods for a building, but the City process should include knowledgeable people. King explained that it would be helpful if one of the three citizen members could have construction expertise and could assist by asking more detailed questions.

Rummel asked if there were certifications that a construction professional receives to assist in guiding the selection process. Monks asked that the committee be more descriptive in their requirements since construction is typically a trade not a profession and that the selection and appointment process needs to have flexible membership possibilities.

There was general consensus that the language about the construction experience should remain as it exists.

A motion was made by King, seconded by Clear to keep the Alderperson unrestricted. Ayes (King and Clear) 2, Noes (Rummel and Bidar-Sielaff) 2, Schmidt broke the tie to Aye.

Clear asked about discussion of the Definitions section. Schmidt explained that the definitions discussion will happen as the ordinance is discussed with a more in depth discussion at the end to add those definitions that are necessary.

There was general discussion about the draft language of the Powers and Duties section including whether to add language about a periodic survey of historic resources. Rummel explained that it is not realistic to think that the Preservation Planner can complete the periodic survey as one person. Schmidt explained that the language may allow the Landmarks Commission to alert the Common Council to the need for an updated survey.

Bidar-Sielaff explained that there should be a time (at least every ten years, for example) specified in the language for the updating of the survey.

Clear suggested that the Language read, "oversee a survey of the historically significant properties in the City at least every ten years."

There was general discussion of Vercauteren's comments. Zellers explained that Vercauteren's (h) should not be stricken until the discussion occurs later in the ordinance to determine if there is a conflict. There was general discussion about using the Landmarks Commission draft language to guide the discussion.

There was general discussion about the definitions of guidelines and standards.

Clear asked if there was a process for the rescission of a historic district. Staff explained that there is a process for the amendment of historic districts.

Staff explained that the request for a Certificate of Appropriateness for signs in historic districts was new to the ordinance and was an attempt to formalize a practice. Clear confirmed that a neighborhood sign and signs on non-historic properties would have to receive a Certificate of Appropriateness. Clear confirmed that signs erected by the City (street signs for example) would not need to receive a Certificate of Appropriateness. Rummel explained that "for rent" signs are a problem and that they are usually permanent so they should be reviewed by the Commission. Staff explained that the Landmarks Commission provides the Preservation Planner with the ability to administratively approve those things specified in the Policy and Procedure manual and that certain types of signs would be addressed.

There was general discussion about the draft language Powers and Duties. Rummel explained that there needs to be a way to make the Landmarks Commission review all development projects before other commissioning and even for PDs which may require a Zoning Code change.

During the discussion of (4)(g), the Committee suggested that the language of (12)(e) be more specific and the language of (4)(g) be more general.

During the discussion of (4)(i), the Committee suggested that the language may not be appropriate as it seems it is suggesting that the Landmarks Commission lobby elected officials. Bidar-Sielaff suggested that this language may be for the education of the public regarding the available incentives. Schmidt explained that the Commission should not lobby the State on behalf of the City. Staff explained that the intent of the Commission is to be active in the development of City TIF policy and the creation of a revolving preservation fund as examples and does not necessarily imply State Legislation. Clear suggested that the language read "work for the continuing education of landmark owners and the owners of properties in historic districts about resources and incentives available which would assist in carrying out the purpose and intent of this ordinance."

Staff suggested that the ordinance have some language about the Landmarks Commission proactively searching for incentives for historic preservation. There was general discussion that language about "proactively seeking resources" may be discussed at the next meeting.

There was general discussion about needing the language about reviewing and providing recommendations on proposed preservation plans and amendments to the Landmarks ordinance.

There was general discussion and acceptance about the draft language of the Powers and Duties of the Preservation Planner Section and the Notice section.

A motion was made by Bidar-Sielaff, seconded by Clear, to Refer to the AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE. The motion passed by voice vote/other.

3. Discussion of work plan and schedule

Staff explained that the work toward Phase 2 cannot occur until the LORC is completed with Phase 1 due to current staff resources. In addition, the current budget shows funding in 2015 toward a comprehensive preservation plan which would review the historic resources in the historic districts and help guide the ordinance revisions for phase 2. Staff suggested that the LORC continue to work on phase 1 until the end of the year which would give time for the budget to be accepted. This would also mean that phase 2 work by the Landmarks Commission and the LORC would need to wait until the comprehensive preservation plan is underway or completed.

Schmidt explained that the LORC would need to triage and avoid conflict between Phase 1 changes and the existing historic district sections until Phase 2 was completed as originally planned.

Rummel and Zellers were concerned about the need to revise the language for the historic district sections.

ADJOURNMENT

A motion was made by King, seconded by Rummel, to Adjourn at 7:47 p.m. The motion passed by voice vote/other.