



# City of Madison

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

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Monday, December 8, 2014

5:30 PM

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

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**\*\*Note\*\*** Quorum of the Landmarks Commission may be in attendance at this meeting.

### CALL TO ORDER / ROLL CALL

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

### APPROVAL OF November 20, 2014 MINUTES

**A motion was made by Rummel, seconded by Bidar-Sielaff, to Approve the Minutes of the November 20, 2014 meeting. The motion passed by voice vote/other.**

### PUBLIC COMMENT

David Mollenhoff, representing Ordinance Committee of Madison Alliance for Historic Preservation, registering in support and wishing to speak. Mollenhoff explained that the Alliance was told that the LORC was supposed to only review the draft ordinance as provided by the Landmarks Commission, but that he could not find that reference. Mollenhoff explained that the Alliance has changed their opinion and instead of two tracks (one for landmarks and one for historic districts), all items related to the Certificate of Appropriateness review should be handled by a single track system to relate to the single procedure. Mollenhoff explained that the Alliance looks forward to reviewing the advantages of the chapter 41 format with the Committee after the winter holiday break.

Bidar-Sielaff asked staff to explain the statement that Mollenhoff made about the draft ordinance. Staff explained that the base document for the LORC to review was intended to be the draft ordinance language proposed by the Landmarks Commission. Mollenhoff explained that this was not how he interpreted the process.

Jeff Vercauteren, representing Urban Land Interests, Apex Properties, Inc., Hovde Properties, Steve Brown Apartments, and Wright 2102 LP, registering neither in support nor opposition and available to answer questions.

Kitty Rankin registering neither in support nor opposition and wishing to speak. Rankin explained that she was planning to attend all meetings as a resource for the LORC to answer questions about process.

Jason Tish, representing Madison Trust for Historic Preservation, registering neither in support nor opposition and available to answer questions.

Stu Levitan, registering neither in support nor opposition and wishing to speak. Levitan explained that Tish's written comments were good and that the addition of relocation language was a helpful revision; that the concept regarding demolition by neglect was insightful; and that the "building" and "structure" debate had been covered by the Commission, but that he would leave any advisory comments to ACA Strange.

Clear asked Tish about the use of the word "deliberate" when considering demolition by neglect as it relates to motivation. Tish explained that he was trying to highlight those cases where the neglect is intentional and malicious. Clear asked if neglect through ignorance would be the same. Tish explained that it would be difficult to prove ignorance when it is the responsibility of the property owner to maintain their property.

King asked if "demolition by neglect" should just be referred to as "neglect".

Rummel explained that the definition of "deleterious" does not seem to convey the correct intent.

## DISCLOSURES AND RECUSALS

None

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.

The discussion started at section (10)(d). There was a general discussion about the penalties and a structure to provide a multiplier for fines.

There was general discussion about the concept of demolition by neglect. Bidar-Sielaff asked if the term could just be "neglect" because intention of the property owner does not matter. Clear agreed and asked ACA Strange if adding a modifier to "neglect" might make it more difficult to prove. ACA Strange explained that "demolition by neglect" is a phrase of art in the preservation community. ACA Strange also explained that the definition in the draft language did not consider intent. Bidar-Sielaff asked if the neglect section could be covered by revised language under the Obligation to Maintain (b) section. ACA Strange explained that the Demolition by Neglect section was put in place to provide a formal process to address this issue. There was general discussion about the proposed process and the existing informal process.

Rummel explained that minimum housing standards literally keep the building maintained to minimum levels not to optimum levels.

Staff will review the dates described in the ordinance and provide revisions based on realistic review schedule.

Bidar-Sielaff suggested that this process does not provide a remedy to the maintenance issue and the demolition concerns remain. ACA Strange explained that the Landmarks Commission cannot assess fines for violations and that the municipal court determines the fines when the issue is being prosecuted. Levitan explained that the process makes a symbolic statement of importance so that the property owner

addresses the issue before it is a candidate for demolition. Clear explained that this process seems to be a penalty enhancer and a deterrent for behaviors. Bidar-Sielaff explained that action needs to happen at the time the building maintenance is needed. She explained that one egregious act may be enough to warrant demolition by neglect and that there may not be enough time to establish a pattern of behavior.

ACA Strange explained that the demolition by neglect finding could be used in municipal court as an enhancer when assessing the fine. He suggested that an abatement or condemnation provision may be a possibility, but that a multiplier could be added to section (d). There was general discussion about this issue and Schmidt suggested that the penalties and possible historic preservation fund be put in the "parking lot" for future discussion.

There was general discussion about the (11) Certificate of Appropriateness section. Bidar-Sielaff suggested that the relocation language as provided by Tish is an important revision to include. There was general discussion about the use of this language and that it may be addressed in the definitions.

There was general discussion about the Certificate of Appropriateness standard related to sandblasting. ACA Strange explained that this relates to a state statute. Rankin explained that there is an absolute prohibition of sandblasting in the current Landmarks ordinance. Clear suggested that the language implies that you may be able to receive a Certificate of Appropriateness for this section. Clear asked that ACA Strange review the state statute and provide future guidance.

There was general discussion about the formalization of sign approvals.

Bidar-Sielaff asked if the proposed land division language was the same as what currently exists. Staff confirmed. There was general discussion about revising the language to "land divisions and combinations" and remove "subdivision".

There was general discussion about the need for public hearings when reviewing Certificate of Appropriateness requests. Bidar-Sielaff suggested that the language codify what approvals need to have public hearings and which do not. There was general discussion about those items that can be administratively approved. Bidar-Sielaff explained that land divisions requests should require a public hearing.

There was general discussion about the inability to act on the Certificate of Appropriateness within 60 days.

King asked for clarification on the reference to (9)(c) that is made in (12)(a)ii.

**A motion was made by Clear, seconded by Bidar-Sielaff, to Refer to the next meeting. The motion passed by voice vote/other.**

### 3. Upcoming Meeting Dates

Schmidt suggested that the LORC schedule a meeting in January.

## ADJOURNMENT

**A motion was made by King, seconded by Bidar-Sielaff, to Adjourn the meeting at 7:55 p.m. The motion passed by voice vote/other.**