



City of Madison

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

Thursday, November 6, 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 October 22, 2014 MINUTES

The Minutes were not reviewed,

PUBLIC COMMENT

Stu Levitan registering in neither support nor opposition and available to answer questions.

David Mollenhoff registering in support and wishing to speak. Mollenhoff explained the Appendix and the list of Commissions and Committees that are covered in Chapter 33 and the list of ordinance sections in the Madison General Ordinances. Mollenhoff explained that Chapter 41 is available for the new home for the Landmarks Ordinance substance. He explained that the Matson document is comprehensive.

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 wishing to speak. Vercauteren discussed the details of the written statement he provided. He explained revisions that he made to the compatibility standard and the maintenance obligation section. He explained that the draft language proposes new obligations above the building code and it is not clear what the responsibilities of the property owner would be.

Craig Christianson registering in support and wishing to speak. Christianson explained that he has experience drafting legal agreements, he lives in University Heights, he and his wife own a business that renovates and restores properties in historic districts, and he has been working with the Alliance to revise the ordinance. Christianson explained that the Alliance has looked at best practices from across the country to make the Madison ordinance clear and comprehensive. He explained that business investment demands reliance on the code to make investment decisions. Ordinance language should not promote a pro-business or anti-business model. He explained that when they purchase buildings for their business, the buildings are typically in such poor condition that they have difficulty acquiring insurance which shows that enforcement on maintenance issues is critical to investment potential. The current system for maintenance in historic districts is not working.

Karen Christianson registering in support and wishing to speak. Christianson explained that business interests and preservation interests should work together. She explained that she has been purchasing historic buildings that are not safe due

to condition and that maintenance enforcement is not currently working. The ordinance must be clear and must be enforced. Christianson explained that historic districts make Madison special and that special character should be available to all income levels. Historic districts contain buildings that can provide affordable rents in walk-able and diverse environments.

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

James Matson, representing Madison Alliance for Historic Preservation, registering neither in support nor opposition and available to answer questions. Matson explained that the Alliance provided a complete draft of Chapter 41 for review. Matson explained that clarity is important and that the draft provides flexible language which can dissolve conflicts. He suggested that more clarity in the front end will provide fewer issues in the back end. Matson explained that he and Mollenhoff had discussions with Will Cook from the National Trust about the draft of Chapter 41 in an attempt to create a superior ordinance.

Bidar-Sielaff asked Levitan if he had reviewed the proposed draft Chapter 41. Levitan explained that the concept of a separate chapter makes sense, but that he hadn't had read the entire document. Clear asked about enforcement and how the draft language would change the process. Levitan explained that the draft language would formalize the process to determine if demolition by neglect is occurring and provide a finding of fact which would create a record for that property. Clear asked Levitan about Vercauteren's statement that the Landmarks Commission should not be a quasi-judicial agency. Levitan explained that the Landmarks Commission is a quasi-administrative agency because the Landmarks Commission is part of the process to issue or deny permits. Levitan also explained that Vercauteren's compatibility concepts are subjective and would require a commissioner-by-commissioner reinterpretation of the standards which would not provide clarity or consistent interpretation.

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.

Bidar-Sielaff confirmed that the standards would be moved to a separate Historic Preservation chapter once the discussion on the draft language has finished. Zellers suggested that the Committee review the draft Chapter 41 document to experience the accessible and understandable structure. There was general discussion in agreement.

There was general discussion about the Creation and Amendment of Historic Districts section and how it would be changed and/or improved by proposed language. There was discussion about the need to add language about the process to create or amend a historic district.

This discussion also included the need for definitions of street façade, façade,

publically visible facades, and compatibility.

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

ADJOURNMENT

A motion was made by King, seconded by Clear, to Adjourn the meeting at 7:30 p.m. The motion passed by voice vote/other.