

**Subject:** Legislative File ID: 22443, 1001 Univ. Ave. -- Balconies, Windows, Common Sense

**From:** Douglas Swiggum <DSwiggum@TDS.Net>

**Date:** Fri, 08 Jul 2011 07:18:01 -0500

**To:** Steve King <district7@cityofmadison.com>, Marsha Rummel <district6@cityofmadison.com>, Chris Schmidt <district11@cityofmadison.com>, Eric Sundquist <erics@cow.org>, Judy Olson <jolson@operationfreshstart.org>, Michael Heifetz <michael.heifetz@deancare.com>, Michael Basford <mabasford@charter.net>, Anna Andrzejewski <AVAndrzejewski@Wisc.Edu>

**CC:** Brad Murphy <bmurphy@cityofmadison.com>

To the members of Madison's Plan Commission:

My name is Douglas Swiggum. I write to you in opposition of the proposed development of 1001 University Avenue for a 12-story student high-rise apartment building.

I am a member of Luther Memorial Church, the neighbor next door. I have raised my family in this parish, and was first exposed to the congregation and the building when I was a student at the UW 30 years ago. I now serve as the chair of the Facilities Committee of LMC, and am intimately aware of the condition of our building and the maintenance that it requires.

Beyond concerns for stone, mortar, roofs, gutters and recent vandalism of these things, I write to you out of concern for the survival of our congregation--a group of people that voluntarily support the maintenance of our building, out of their own pockets; but more importantly are committed to the mission of this church and what it offers to our community. If they find it unsafe to participate at LMC, or find that the building becomes too much of a burden to the ministries that they care about, they will fall away. These are my concerns: SAFETY, ADDED BURDEN of maintenance, and the VIABILITY of a MADISON COMMUNITY.

As a Facilities Committee member, one of my volunteer duties is to make regular inspections of the building. One of the important tasks is to keep track of our roofs, gutters and drainage systems. If these fail, water damage is an expensive thing in an old building, so it is something that needs to be watched closely. As a result, I do a lot of climbing up to our flat roofs, or access points where I can view conditions.

One day, about a month after Grand Central had opened, I climbed out onto the roof of our church tower to discover that it had been pelted with eggs. My initial reaction was visceral: "Who would do such a thing?" "Who would assault a Church?" "What were they THINKING?" Later, I realized that they weren't thinking, they were drinking. I still cannot believe that they intended harm, but rather that they were acting stupid, under the influence of alcohol.

The splatter of the eggs clearly indicated the trajectory of their flight. Since this was about 100 feet above the alley behind the church, the eggs could only have come from 2 or 3 balconies on the North side of Grand Central.

We initiated conversations with Grand Central management to deal with the problem. Nothing was done.

Subsequent climbs of the tower for inspections revealed beer cans, beer cans, beer cans. Initially, they were relatively unaltered, landing on the nearest flat roof section. Later trips up the tower found them partially crushed, creating greater density, allowing them to be thrown to further sections of our roofs. Many of these cans were clogging the downspouts of the flat roofs. Without drainage, these structures become wading pools in a heavy rain. When the water overtops the flashing on these roofs, it finds its way into our building or will saturate the wall and destroy the mortar joints between the stones. We tasked our roofing contractor to clear the debris before such damage occurred--at our expense.

We reported these problems to Grand Central Management, and they

*UJK 11-2-11 No. 4*

said they were having problems with their cameras. Still no action.

Down at ground level, I remember one Sunday morning when I arrived to find that the alley was completely littered with beer cans, broken beer bottles, a broken lamp, smashed furniture, what appeared to be about a gallon of vomit and other trash. My wife had duties in the church at 8:00AM. I did not need to be at choir until 10:00AM. Sunday school families had not yet arrived. So, I spent about an hour sweeping Conklin Place free of beer cans and trash and loading 2 JUMBO trash bags full of the debris, with a SNOW SHOVEL. The beer cans being swept by my push broom made a lot of noise. One of the residents called down from probably the 8th floor: "SHUT THE F\*\*\* UP!" I have to admit, at the time, I didn't care a bit that I had disturbed his sleep.

We reported this problem, and later noticed some custodial staff policing the grounds on Sunday mornings. This was progress.

Subsequent climbs of the tower revealed rotted vegetables, apples, lemons, limes, sports-drink bottles, squash, more beer cans, a tequila bottle, vodka bottles, whiskey bottles. Things were escalating. Two of these liquor bottles caused significant damage to our roofs, one to a section of French terra-cotta tile roof over the West transept; and the other to a flat roof membrane above a balcony stairwell. Both caused water damage inside our sanctuary, swelling and crumbling 90-year old plaster detailing done by craftsmen not easily found today. We incorporated this repair with a larger maintenance project in our sanctuary, and Grand Central Management picked up the bill for this one item.

What is never counted is all the volunteer time, and church staff time that it takes to manage all these incidents. It takes an entire Saturday afternoon, for example, for two volunteers to climb a 130' tower with two buckets, a rope, a broom, a scrub brush, a garbage bag, a gallon of water, and assorted hand tools; clean up a mess; and descend with all of the same; several hours on either end for staff and volunteers to process the incident; and several hours setting up and meeting with Grand Central Management. It has taken me another couple hours to tell you about it just now.

MUCH more importantly, we were worried about safety. Liquor bottles or even beer bottles dropped from 12 stories can kill a person. Our members use the alley. Residents of Grand Central use the alley. Citizens of Madison use the alley. One day, a liquor bottle is going to kill a pedestrian. We brought this concern to Grand Central Management. Our question was: We want to know what rules and policies you have in your leases concerning throwing things from balconies; and we want to know what the consequences are for violations. Our position was "First offense and you face eviction", or at least "second offense...". We discovered in this conversation that the balconies are not actually part of the resident's lease; that access to them is solely at the permission of the owner. No access to the balcony still requires full rent.

Simple, we said: "First offense of throwing something off a balcony results in loss of balcony privileges for the rest of your lease." Management should dead-bolt the balcony door with a management-only key. That might be a consequence they would care about.

They seemed to deflect this with replies like "Well if we have restrictive policies about our balconies, how will we compete with 'Lucky' or 'La Ciel' who don't?" We raised the question "How will your insurance company deal with the liability question if you don't enforce stricter policies when you already know about the problem?" After this meeting, it seemed that there was some improvement in the situation.

One of the documents provided for the 6/20 Plan Commission meeting was an e-mail from Tony Fiore, MPD to Jim Stopple of Madison Property Management, that is, Grand Central Management. It discussed progress in "chronic nuisance behavior we brought to your attention in April 2009". This is before Grand Central opened. So these problems have been going on downtown prior to Grand Central. I have attached this e-mail.

There was testimony from Jim Stopple, Madison Property Management's man at the 6/20 Plan Commission meeting regarding vandalism and nuisance behavior. I have attached that as well.

This prompted one of our church members to visit the police station and get a report of the nuisance calls for service. Also attached. It shows 150 police calls at 1022 West Johnson Street since Grand Central opened.

With this new information, it appears that it wasn't *\*our\** insistence that they do something about policies and consequences that made the difference between 2009 and 2010. Rather, it was the MPD putting pressure on them to reduce "nuisance CFS".

Also, I note that in Stopples's testimony, he frames the balcony issue totally in the context of cigarette butts, which could harm or injure no one. When we were meeting with him, our concern was *\*first\** for items that could be thrown or dropped from high balconies that could *\*kill\** someone--like liquor bottles, beer bottles or frozen pumpkins. Secondarily, we were concerned with the vandalism.

We have seen improvement in the situation with our neighbors at Grand Central and the management, MPM, who has been responsive, but always seeming to be catching up to the reality. Every fall, we will have to deal with a new batch of students that have yet to learn the rules.

Our church faces Grand Central with two-foot-thick masonry walls. We can deal with vandalism as a nuisance. Our church faces the proposed St. Francis site with beautiful stained glass windows. Beneath one of those windows is a 19th Century organ, relocated from Chicago, and restored to new condition. It is used every week in worship services. In and of itself, it could be considered a landmark. One vodka bottle tossed from the new development could easily cause \$200,000.00 of damage, and engender a feeling of violation, desecration of sacred space; well beyond mere vandalism.

I write this letter to you, the Plan Commission, with a heavy charge. Really, it is up to you to decide what we want to do with downtown Madison. Do we want these high-rent high-rise student apartment buildings? Do they contribute to the quality of life in Madison? You already have several incidents of public concern with these student occupied buildings with balconies. There has been a suicide attempt. There have been fights spilling over railings. There have been hundreds, perhaps thousands of nuisance calls for service with the Madison Police Department.

These buildings are marketed to young people who are probably living without supervision for the first time in their lives; who have parents co-signing their leases; who have no jobs and responsibilities of their own; who have kitchens that resemble wet bars; who have ready access to alcohol; who have ready access to balconies; who are ready to party rather than study.

Of course, I overstate this. But is this the downtown and campus environment that you wish to plan?

A responsible plan would eliminate balconies from these types of apartment buildings. Or, at a minimum, *\*all\** downtown balconies (leased or owned) should have certain rules in Madison ordinance about their use, and certain consequence of violation (for throwing things). And special requirements for monitoring for buildings marketed to students. Lucky, La Ciel, Grand Central, or St. Francis should not have to compete based on party-friendly standards. They should all have to comply to the same standard, one that you set.

When I lived in a UW dorm, 30 years ago, we had a set of rules that carried serious consequences. It was called "The Big Five". Five rules which if violated would get you evicted. Some of the rules carried *\*expulsion\** from the UW as a consequence. All of them had to do with safety. When researching this for our conversations with Grand Central Management, I discovered that the list has now become "The Big Eighteen". Then and now, the rule at the top of the list was never throwing something out of a window. I was on the third floor of Witte Hall in the South East dorms. It didn't matter if it was a water balloon or a paper airplane, it would lead to eviction. Period. It seems overstated, but nobody challenged it.

Today, the UW Housing policy is here:

[http://www.housing.wisc.edu/expectations/pdf/2011-12\\_expectations.pdf](http://www.housing.wisc.edu/expectations/pdf/2011-12_expectations.pdf).

It might serve as a guide for planning these housing arrangements (for students) in the downtown area.

Sincerely,  
Douglas Swiggum  
Chair, Luther Memorial Church Facilities Committee

"Are there specific questions you have? I am Jim Stopple with Madison Property Management."

Olson: "I'd like to ask you to respond to some of the descriptions we have heard here tonight about the behavior of residents of Grand Central, especially vandalism of the church and other nuisance behaviors, and what, if anything, you have done to address them."

Stopple: "We have worked with the Madison Police Department closely. And there was a period of time after the construction of Grand Central where we had no issues whatsoever that we were aware of, and then we spoke with Sgt. Tony Fiore of the Madison Police Department, and he indicated that he thought there were some calls that were coming in that shouldn't be.

And we said 'Please let us know.' and 'Shame on us that we hadn't been getting weekly police reports.' With the blessing of ownership, we employed security service every Thursday, Friday, Saturday evenings, Halloween, other specific evenings associated with what we would anticipate young people to be enjoying life. And have worked very closely with them so that they call security vs. the Madison Police Department in most cases from within Grand Central.

There are balconies on Grand Central, and there were issues, and times in which students thought that there was a place to be able to disseminate their cigarette butts. We issued... The owners of Grand Central authorized an additional camera which had been put in a small blind spot, it was a wireless camera, at no small expense, and I think now we have a vision of every side of the building, as well as a vision inside the entire building of every hallway. The impact of students saying 'No, I didn't throw anything off.' recognizing it's a \$500 fine, and when you bring the cameras back up and you can see a cigarette butt, as small as that, going off their balcony at a fine of \$500, going to their parents, has been excruciatingly painful for those young students.

So, I think we have done anything and everything we can. We have custodial people there in the morning on Sundays and on Saturdays to make sure that if there is anything outside whether it is the responsibility or has been caused by residents of Grand Central, residents of any place else, or people walking by, because there is a lot of traffic in that location. And they are correct. But in most cases, that traffic is going from one class to another. If you go through that intersection, and it is not a result of Grand Central, but it's a result of 29,000 undergraduates plus graduate students at the University of Wisconsin that are heavily entrenched in that local area.

So, we have done everything we can to try to make sure that we have taken every step possible toward preventive cures as opposed to reactionary to fires."

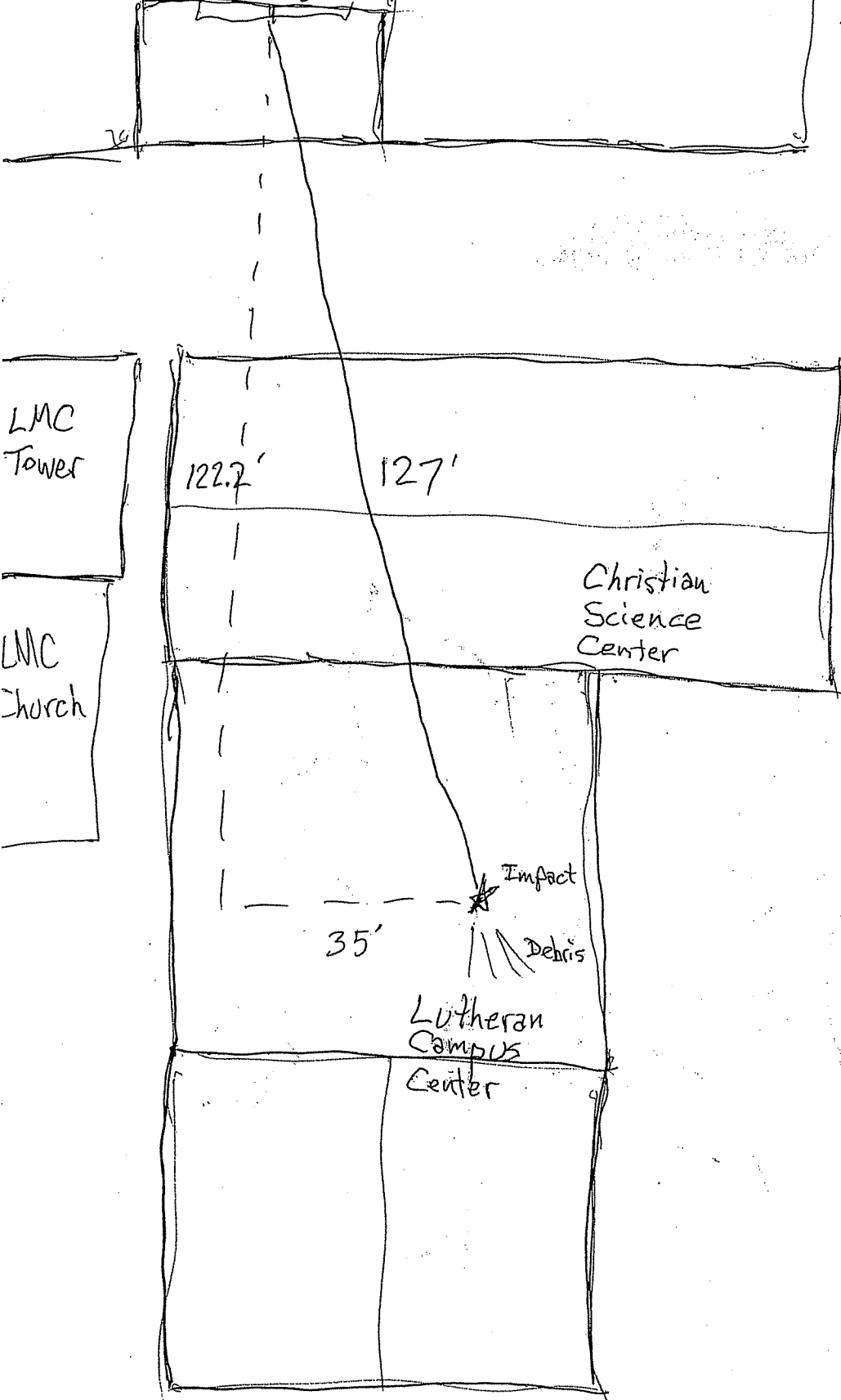
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# Grand Central

North Facing Balconies



LMC Tower

LMC Church

122.2'

127'

Christian Science Center

35'

Impact

Debris

Lutheran Campus Center



Grand Central  
IN THE HEART OF THE COLLEGE EXPERIENCE



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SO WHAT IF IT'S SECONDS FROM EVERYTHING.  
*ice is free and bountiful.*

That's true. Grand Central features commercial ice makers in common areas, and hook ups have been installed to include more on floors 2, 6, 12 and 13.

Yeah, that's cool—and so is each of the following:

- Large bedrooms with closet organizers
- Hardwood laminate floors in kitchens
- Variety of floor plans  
*(with campus, city and lake views on higher floors)*
- Every unit is furnished *(very nicely we might add)*
- Laundry and vending on each floor
- Units include private deck or balcony
- 13th floor outdoor terrace for residents *(awesome views)*
- Main floor resident lounge, study and event rooms
- Main floor resident coffee shop
- Resident package delivery service
- Choice of cable and Internet providers
- Inside bike and moped parking
- Underground car parking



