



Department of Planning & Community & Economic Development
Planning Division

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DATE: October 4, 2011

TO: Mayor Paul R. Soglin
Members of the Common Council

FROM: Brad Murphy, Planning Division Director

RE: Agenda #47, ID #23432 – 5117 University Avenue – Marshall Erdman & Associates Office and Shop
Landmark Nomination

The Common Council agenda was posted on September 30, 2011 with the following action noted for the landmark nomination for the Marshall Erdman & Associates Office and Shop at 5117 University Avenue (ID #23432, October 4 Council Agenda Item #47), which was considered by the Landmarks Commission on September 19, 2011:

"RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS – REPORT OF OFFICER

The Landmarks Commission voted to NOT RECOMMEND TO COUNCIL THE designation of 5117 University Avenue as a historic landmark (see points in attached report)."

A more accurate and complete reporting of the motions passed by the Commission on this item at their meeting of September 19, 2011 is provided below:

The following members were present: Stu Levitan, Chair; Erica Gehrig, Vice Chair; Robin Taylor, Christina Slattery, David McLean, and Michael Rosenblum.

1. A motion was made by Gehrig, seconded by Slattery, that the Landmarks Commission find that 5117 University satisfies Criteria 2, historic personage of Section MGO 33.19.4a. The motion was passed on a voice vote/other.

2. A motion was made by Taylor, seconded by Rosenblum, to not make a recommendation to the Council to designate 5117 University Avenue as a historic landmark. The motion was passed on voice vote/other.

Taylor said points brought forward show that this should not be a landmark. Rosenblum agreed and stated that other properties should be evaluated for landmark purposes. McLean stated that this nomination and discussion has brought and elevated Marshall Erdman's importance to the community and this is a good thing. Levitan stated that we have not stalled the process (as has been recently portrayed in the media); the nomination is due to go to the Common Council on October 4, 2011.

3. A motion was made by Gehrig, seconded by Slattery, to have staff redraft the nomination to correct the historic record as staff's schedule allows. The motion was passed on a voice vote/other."

Prior to the first motion the Commission Chair Levitan explained the issue before the Commission as follows:

Levitan stated there were two different issues before the Commission – a determination whether the property satisfied one or more criteria for designation as a landmark, and, if it did, what action the Commission should take. He noted there are different opinions on how to interpret the ordinance, but that his interpretation was that the Commission, if it found the property satisfied one or more criteria, still had discretion whether or not to make a recommendation. He noted the ordinance read that if the Commission found one more criteria were satisfied, the Commission “may” recommend to the Council that it landmark the property, and that if the Council had intended to require the Commission to make such a recommendation, it would have used the mandatory “shall.” He added that the ordinance requires the Commission to provide its reasons for making a recommendation for landmark status (or rescission thereof), but that reasons are not required when the Commission does not make a recommendation.