



City of Madison

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

Tuesday, August 20, 2019

5:30 PM

215 Martin Luther King Jr. Blvd.
Room 206 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 4 - Patrick W. Heck; Christian A. Albouras; Keith Furman and Marsha A. Rummel

Excused: 1 - Arvina Martin

Staff present: Heather Bailey and Bill Fruhling, Planning Division; John Strange, City Attorney's Office

APPROVAL OF MINUTES

A motion was made by Heck, seconded by Rummel, to Approve the July 30, 2019 Minutes. The motion passed by voice vote/other.

SUSPENSION OF RULES

No action was taken

PUBLIC COMMENT

Kurt Stege, registering neither in support nor in opposition and wishing to speak

Fred Mohs, registering in support and wishing to speak

Sarah Coyle, registering in opposition and wishing to speak

Vaughn Brandt, registering neither in support nor in opposition and wishing to speak

Jim Skrentny, registering neither in support nor in opposition and wishing to speak

David Mollenhoff, registering neither in support nor in opposition and wishing to speak

Stege, President of the Madison Trust for Historic Preservation and member of the Madison Alliance for Historic Preservation, said that he appreciates the committee and staff's time and effort on this process.

Mohs said that he hopes they will have standards that are specific to the individual neighborhoods they are trying to protect because general standards might be difficult for people to understand and apply usefully. He thanked the committee for the important work they are undertaking.

Coyle said that she used to work for the New York City lead poisoning and prevention project, and old windows with lead paint are often the cause of lead poisoning. She said that her child also had lead poisoning, and old windows in their former house on Jenifer Street were a large culprit in that, so she wants to make sure that is kept in mind as the guidelines are developed. She said that consigning families to have to live with windows with lead paint is unacceptable. She explained that lead paint is a big source of lead dust, and no amount of encapsulation is going to remediate that problem. She expressed concern for young

children and their parents not having the ability to change their windows, and said that safety should be considered before aesthetics.

Brandt said that as staff proceeds with the ordinance revisions and Building Inspection considers how to implement the proposed changes, more emphasis should be given to guidance, outreach, and education rather than to requirements and enforcement. He said that Chapters 4 and 5 address some of that, as well as the Build II document, which has good graphical documentation that is easy to understand. He said that as the City is considering enhancing regulations around historic preservation, they should take an honest look at the role of the Preservation Planner because having only one staff person to do this job is very challenging. He said that he has spoken to contractors who don't want to work in historic districts because the rules are stricter and the approval process is perceived as difficult, and suggested that making it approachable and accessible to homeowners and encouraging education would help to make it a collaborative and cooperative process rather than adversarial. He said that they should also consider additional support staff or Preservation Planners to help make this happen.

Skrentny, a member of the Madison Alliance for Historic Preservation, discussed the Alliance's statement they previously submitted to the committee. He said that an ordinance for local historic districts should be applicable and compatible with the full range of possible historic districts, so it is important to consider current historic districts as well as those that could be designated in the future. He said that this is difficult when drafting only a general ordinance with broadly applicable standards. He said that an ordinance should also aim for objective standards that can be consistently applied, and mentioned that the draft ordinance frequently uses subjective words and phrases that can result in inconsistencies and conflict. He said that an ordinance should explicitly specify an appropriate and stepped set of preservation standards based upon four factors noted in the Alliance's statement. He said that those factors are inconsistently applied in the draft ordinance, and a more consistent framework is needed. He said that the last two factors the Alliance has identified are that an ordinance should clearly state what approval, if any, is needed for each category of activity and should have a clear distinction between requirements and guidelines that is readily understandable and consistently applied. He said that he knows this is difficult work and appreciates the willingness of the committee to do it, but it is important to do it right and not box ourselves into a general ordinance that doesn't work.

Mollenhoff, a member of the Madison Alliance for Historic Preservation, referred to the complete draft ordinance submitted by the Alliance. He also handed out a chart regarding Chapter 41, which compares the current ordinance, staff's proposed ordinance, and the Alliance's proposed ordinance. He said that there are advantages of clarity and sequence in the Alliance's draft ordinance, and they will ask for time to discuss the documents at a future meeting.

Rummel asked how to balance the focus on a particular property versus the overall historic district, and how new construction fits with those standards. Skrentny said this is a concern of the Alliance because most historic districts have very different characteristics. He said that for maintenance and repairs, it is a sensible approach to avoid redundancy and have a general ordinance, but when it comes to additions and new construction, one needs a view of the larger historic district to determine what is appropriate. He said that the Alliance feels there is an important need for a blend between the general ordinance and part that is specific to each historic district.

DISCLOSURES AND RECUSALS

None

1. [56918](#) Draft Historic Preservation Ordinance

Bailey said that the goal for this draft was to have all the pieces in place for a cohesive ordinance, beginning with minimal intervention and moving to more drastic intervention. Fruhling suggested the committee work through the ordinance and flag areas where there are questions or possible exceptions to call out. Bailey pointed out that there is a pattern in how each section is organized, which begins with a General statement with the idea that if elements are not covered within the specific areas of that section, they will be covered under the General statement so that there are standards that the Landmarks Commission can use in their review. She said that the General statement also guides the overall concept of what that section is attempting to accomplish. Bailey said that the general format is modeled after the Secretary of the Interior's Guidelines, and explained that requirements are things that one needs to do, while guidelines are suggested ways to meet those requirements.

Rummel asked if there is information regarding how one can damage brick and the specific methods of how to protect it. Bailey said that she discusses that information with people, and mentioned that they had some educational information in the guidelines that they took out with the idea that they can provide supplemental education pieces such as Preservation Briefs. There was further discussion on whether additional information should be included, and it was decided that staff would develop language to include in the masonry guidelines.

Heck asked staff to discuss issues with lead paint that were brought up in public testimony. Bailey said that there is EPA guidance for dealing with lead paint in historic properties, and for some surfaces, encapsulation is recommended. However, she said for windows where there is friction, it creates a situation where one can repaint, but it will keep wearing down to the lead layer. She said that in those instances, remediation is recommended, so one would remove the lead paint and then repaint with something non lead-based as a way to preserve the historic materials. Heck asked if the ordinance should point people to the EPA guidelines, or if it is sufficient to say that it has to "meet environmental regulations." Bailey said that she is hesitant to reference something specific because the EPA guidelines are out of the City's control and could change. She said that she is developing a section of the website with informational pieces, and they could make the guidance available there.

Bailey explained how vegetation can be destructive to buildings. Heck said that this section is new to the ordinance, and there are many buildings in Madison with vegetation on them. Albouras asked if people would have to remove the vegetation from their buildings. Bailey said that if it is a preexisting condition, they would not need to remove it; however, if they decided to remove the vegetation, the ordinance would not allow it to grow back. Strange asked if they were going to mention the preexisting condition in the ordinance because it is not an automatic. Albouras asked how they would enforce this, and how it would work if there is vegetation on a portion of the building that grows and spreads over time. Bailey said that her preference is that if there is something proving to be destructive in one area, they should not allow it to spread. Fruhling said that the committee will need to make this tough decision because it is a popular aesthetic, but from a preservation and maintenance perspective, it is a problem that is damaging buildings. Albouras asked if it would be cumbersome for a property owner to limit where the vegetation grows, and Heck said that it is not difficult to control where the vegetation grows and prevent it from spreading. Furman asked if they should call out the reasoning for this form of maintenance because it is new, or if it would be too long to explain the reasoning for each item in the maintenance section. Bailey said that some other sections have an explanation, so they could include one for vegetation.

Rummel asked if storm windows should be called out in the windows and doors section.

Bailey said that staff had gone back and forth and finally decided to simply say windows so that no matter the type of window, they need to be maintained.

Heck said that he was thinking about redundancies with building code, and pointed out that there will be some of that no matter what. Bailey said that many administrative approvals are related to enforcement actions, so the owner would need to maintain or repair the property and also keep the decorative features. She said that Building Inspection is concerned with safety, but not necessarily concerned with character.

Regarding the Building Site section, Albouras asked if there are programs or funds available to help pay for such structural enhancements on a property because it seems expensive, and they should balance the interest of the homeowner's cost with the standards they are creating. He said that fixing the foundation makes sense, but questioned doing the extra structural work to the site. Bailey said that they would lose historic material every time they repair the foundation, so doing other work on the site will help to remedy the larger problem and save historic materials. Albouras said that he understands preserving the home, but it can be financially overwhelming and wants to be mindful of that. Bailey said that if the property is in a National Register Historic District, they could potentially get tax credits; however, not all local historic districts are National Register. She said that there is also variance criteria which could be a recourse.

Albouras left at 6:45 pm.

Bailey described the General section in the Standards for Repairs that describes what qualifies as a repair, and if more is being done than this scope, it would be an alteration. Rummel asked about the phrase "limited amount of repair," and Bailey said that she doesn't know if there is a more specific way to describe it. Bailey said that in the guidelines area under (1)2.b, there is language that references the new state statute for being able to use the same or alternative materials as long as they are similar in design, color, scale, architectural appearance, and other visual qualities, which she pointed out is verbatim from the state statute. Heck asked about using the word "shall" in the guidelines section. Fruhling asked if it should be a requirement instead, and Strange said that he would like to look at the state statute language again before changing it.

In the Masonry section, Rummel pointed out that it doesn't mention bricks and only talks about mortar, and asked if that should be called out. Bailey said that in most instances of repairs, one repairs the wall by replacing the unit-the brick, and she would make a note that they should consider discussing repairs to the particular unit. Heck pointed out that "period of significance" was used in the Masonry section, and Fruhling said that for now there are inconsistencies in the language to use as examples for a future discussion, and they will come back to the issues of "period of significance" and "visible from the street" at a future meeting.

2. [57050](#)

Example Tour Materials

Fruhling provided the example tour materials that staff prepared for the Third Lake Ridge Historic District, which included examples of alterations, additions, and new construction. He explained that they tried to cluster them within the district to see a lot without having to go far, though he encouraged committee members to look around the whole historic district. He said that staff selected projects, which are identified on a map and keyed to photos of the buildings, and included the staff reports from the Landmarks Commission. He said that the staff reports include a description of the project, the standards for review, and the conclusion of staff's review, and then committee members can go out to the properties in person to see the result. He said that if this is the type of materials the committee was looking for, staff can prepare them for the other four historic districts. Furman said that he liked it, and Heck said

that it is helpful to have Landmarks Commission materials included as a reference because a lot of this process is about how the Landmarks Commission is going to use the ordinance. Rummel thanked staff for preparing the materials.

3. [54448](#)

Discussion of Next Steps and Schedule

The committee looked over the work plan and schedule of upcoming meetings. Furman said that he thinks it will be helpful to look at the Alliance's work and asked committee members to read the Alliance's draft ordinance for a potential discussion at the next meeting. He said that he appreciates feedback from the public, but also wants to see the committee make some progress, and welcomed thoughts on how to handle public comments moving forward. Fruhling asked about scheduling meetings in September and October, and Furman requested that staff send a poll to committee members.

ADJOURNMENT

A motion was made by Heck, seconded by Rummel, to Adjourn at 7:24 pm. The motion passed by voice vote/other.