



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes ZONING CODE TECHNICAL COMMITTEE

Teodros Medhin, Chair

Stuart Mukamal, Ed Richardson, Ronald Roberts

Staff Assistant, Linda Elmer, 286-2232, lelmer@milwaukee.gov; File Specialist Charlotte Rodriguez, 286-8797, crodri@milwaukee.gov

Thursday, January 8, 2009

2:00 PM

Room 301-B, City Hall

Meeting convened: 2:09 P.M.

Barry Zalben is chairing in the absence of Mr. Medhin

Individuals present:

Ald. Tony Zielinski

Mary Turk - Legislative Reference Bureau

Leslie Silletti - Mayor's Office

Sarah Dollhausen, Elliot Halverson and Reggie Moore from TRUE Skool as well as other individuals from this group

Chris Rute - Dept. of City Development

Sharon Blando - Dept. of Neighborhood Services

Present 3 - Mukamal, Richardson and Roberts

Excused 1 - Medhin

1. [081236](#)

Substitute ordinance relating to mural regulations.

Sponsors: Ald. Zielinski and Ald. Witkowiak

Mr. Zalben read the analysis of the text. Ald. Zielinski believes this ordinance is needed due to the many poorly maintained murals in the city.

Att. Mukamal feels that it has legal problems that can be fixed. He does not feel one can use this ordinance to address graffiti issues because of first amendment concerns.

Ald. Zielinski then left the meeting because he believed that the City Attorney's Office had already reviewed this file and had informally opined that the proposed ordinance was legal.

Mr. Mukamal continued that murals, for First Amendment issues, are considered signs and therefore one cannot regulate the content of murals. If one of the purposes of the ordinance is to prevent graffiti, that is content, "graffiti" is subjective. He has no concerns with maintenance, visual clutter and other facets addressed by the ordinance. He continued that some of the "Whereas" clauses need to be amended to remove the first amendment concerns.

Att. Mukamal's second concern is the rational basis for the ordinance - a link must be shown between the public health, safety and welfare concern and how this ordinance addresses those concerns. The "Whereas" clauses can support that, as well as legislative findings.

He is also concerned that this ordinance is targeted at non-commercial speech, rather than commercial speech. This can be addressed by either applying it to both commercial and non-commercial murals or by limiting it to on-premise signs.

Mr. Richardson noted that this ordinance is less restrictive than commercial signs,

which are currently covered by the code. A cross-reference to those sections might be added.

The record for the ordinance could be created by having materials submitted from other city departments.

Mr. Roberts said he could provide documentation related to the annual \$75 fee.

Mr. Mukamal was concerned about the first two "Whereas" clauses and recommended striking those two and adding a cross-reference to the commercial sign code provisions.

Sarah Dollhausen, Executive Director of TRUE Skool, spoke to the Committee. This group works with individuals charged with graffiti to create murals with positive themes. The group also notes graffiti levels in the area before and after creation of the murals. The group is opposed to this ordinance.

Sharon Blando, who works in the anti-graffiti program of the Dept. of Neighborhood Services, notes that content is not designed to be covered by this ordinance. This ordinance is not directed at TRUE Skool as it thinks outside the box. By the mural at 11th and National, there were 5 incidents of graffiti in the area and she believes that taggers are drawn to this mural and then leave their tags (Exhibit 1). The group will remove tags in the area by their murals if the city notifies them.

Elliot Halverson, TRUE Skool, said that creating murals provides youth with money, as well as giving them a positive outlet for their free time.

Reggie Moore, TRUE Skool, felt that this group also serves a very positive experience for youth.

Chris Rute, Department of City Development, said that this ordinance creates a definition of "mural" and there was no need to add any language besides a simple cross reference to the commercial sign provisions, which Att. Mukamal did agree with. Att. Mukamal moved, seconded by Mr. Roberts, to amend the ordinance by striking the first two "Whereas" clauses and adding text to include a cross-reference to the commercial sign code provisions. Prevailed. 4-0

Meeting adjourned: 3:02 P.M.

Linda M. Elmer

Staff Assistant