

MINUTES OF A REGULAR MEETING

HISTORIC PRESERVATION COMMISSION

APPROVED

DATE: March 13, 2002

TIME: 7:00 p.m.

PLACE: Council Chambers, 400 South Vine Street, Urbana, Illinois 61801

MEMBERS PRESENT: Rich Cahill, Liz Cardman, Sharon Irish, Alice Novak, Bill Rose, Trent Shepard, Art Zangerl

MEMBERS EXCUSED: There were none.

STAFF PRESENT: Rob Kowalski, Planning Manager; Libby Tyler, CD Director; Teri Hayn, Planning Secretary

OTHERS PRESENT: Howard Wakeland

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Urbana Historic Preservation Commission Chair, Alice Novak, called the meeting to order at 7:00 p.m. The roll call was taken, and a quorum was declared present with full attendance.

2. CHANGES TO THE AGENDA

Mr. Zangerl requested to move the Audience Participation ahead of the other agenda items. Chair Novak approved.

3. AUDIENCE PARTICIPATION

Howard Wakeland, residing at 2213 Combes, mentioned that he owns property on West Main Street. When the Historic Preservation Ordinance was being formed, he sat in on most of the meetings and tried to give input. At that time, he tried to make cautionary statements that if the ordinance was too demanding or appeared to be too rigorous, then people would reject it. He stated that the last meeting of the Historic Preservation Commission clearly showed that there was major concern about the establishment of a historical district along Main Street. The people who opposed the historic district are very concerned that the proposal will appear again at a later time. Those people are also concerned that we are entering a time in which games will be played, such as adding or subtracting a property or putting an outline here or there. It was very clear that the community as a whole from Downtown Urbana to Lincoln Avenue has with a large majority rejected the idea.

Mr. Wakeland continued to say that once a nomination has passed the nomination stage and has been approved, then the individual property owners are virtually and totally defenseless. As a result, the property owners along Main Street have joined together and wish to submit a petition requesting changes be made to the Historic Preservation Ordinance. There are twenty property owners who have endorsed these suggestions. Those suggestions were as follows:

1. *Historic District Section XII-4, Item A-2: "nominations must be accompanied by signatures of parcel owners representing at least fifty percent (50%) of the parcels within the proposed district" (Note a change from 25% to 50%).*
2. *Historic Districts Section XII-4, Item E-3: (a new item addition) Individual or Multiple property owners have the right to withdraw their property from a nominated district by protesting in writing and meeting the same time restraints as stated in XII-4, Item 2.*

Mr. Wakeland noted that the property owners would be going ahead with these suggested changes. He presumed that the final decision would rest with the City Council.

Mr. Wakeland expressed that he was not happy with the position he was placed in. Other than the residents who are adamantly in favor of the historic district, he visited with the other residents along West Main Street. He commented that there are many different types of people who are property owners in this area. There are investors/developers, simple property owners, who were trying to protect their property and older people, who felt threatened by the previous nomination of a historic district. He was surprised by the older homeowners feeling threatened, because he thought that they would be pro historic.

Mr. Wakeland commented that he understands that the historic district has some limits and that a kind and caring administration can be a good thing. However, in his experience and the experience of most property owners, they do not want to trust the judgment of others when it regards their properties. Mr. Wakeland mentioned that he could put some very nice, brand new, historic looking properties along Main Street if the City of Urbana wanted to work with him.

Mr. Shepard asked Mr. Wakeland to elaborate in what way people felt defenseless or threatened? Mr. Wakeland replied that he would have to look at the ordinance again, but he believed that there was some wording to the effect that the properties would have to be restored in original materials in original style. Some of the requirements of a historic district cause it to be extremely expensive to maintain a property zoned historic. Mr. Shepard asked if the people felt defenseless by the number of restrictions that would be placed on what they could do with their houses? Mr. Wakeland responded that the people felt that they would lose control over what they could do to the exterior of their houses, lose control over the materials that would be required, and lose control over the level of craftsmanship that would be required. Many of these people have a limited income. Many of them have kept their houses well maintained. They want to do it in their style and their way.

Mr. Zangerl asked for clarification on what Mr. Wakeland meant by saying that eventually this would end up with City Council? Was he referring to the recommendations? Mr. Wakeland answered that he believed that the submitted petition should ultimately go before City Council. He

came before the Historic Preservation Commission to be open and let the members know that the property owners in the West Main Street area were working on this petition. He added that they were checking with other communities as to what percentage of property owners in support of a proposed historic district must be needed in order to continue with the request. Decatur said that they would never consider a historic district without at least 51% support of the property owners.

Ms. Irish asked Mr. Wakeland to identify the properties on Main Street that he owns? Mr. Wakeland replied that he owns four properties, which are: 1) 807 ½, 2) 809, 3) 811, and 4) 813 West Main. He mentioned that he was in the tail end of a lawsuit, which is nine years old, regarding these properties. He was invited by the City of Urbana to invest in this area. After investing in the neighborhood, the City of Urbana changed the zoning. He wished that he had never purchased the properties. He foresees a change coming in this neighborhood, and he felt that it could be done in historic style, which would add to the City.

4. APPROVAL OF THE PREVIOUS MINUTES

Ms. Irish requested the following changes:

1. *Page 5, Paragraph 3. Add the word “area”, so that it reads as such: ...to have a public hearing to decide whether the proposed area should be a historic district, ...*
2. *Page 6, Paragraph 5. Change it to read as follows: Gabe Omo-Osagie, of 2409 North High Cross Road, expressed concern of an elite minority trying to decide what is best for everyone. He showed concern for taking the value of a property and essentially giving it to someone else if the proposed historic district is approved. There are some people who may not be able to afford the costs to repair their homes. A historic district will make the land worthless. Homeowners will have to obtain permission before making any repairs. A few people who thought they were smarter than he was were given the power to approve these changes.*
3. *Page 7, Last Paragraph. Change Marta Conway to Marta Wakeland-Conway.*
4. *Page 8, Last Paragraph. Add the sentence, “He thinks the ordinance promotes tearing buildings down in advance of possible designation.” to the end of the paragraph.*
5. *She mentioned that she would submit the remaining changes, because they were typos.*

Chair Novak requested the following changes:

1. *Page 14, 3rd Bullet. Change Lach to Lock.*
2. *Page 2, Paragraph 1 under New Business. Change it to read as follows: Alice Novak abstained from the Chair position for this case because she might have the appearance of a conflict of interest with the proposed nomination.*
3. *Page 6, Paragraph 5. Instead of “A historic district will make the land worthless”, Chair Novak requested that it be changed to the following: Mr.*

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Omo-Osage made reference to having made an offer on the Royer House, and stated that the moment it was made historic, the land was rendered worthless.

Mr. Rose moved to approve the minutes of the meeting held on February 6, 2002 as amended. Mr. Cahill seconded the motion. The amended minutes were approved by unanimous vote.

5. WRITTEN COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Discussion of February 6, 2002 Historic Preservation Commission Meeting.

Rob Kowalski, Planning Manager, noted that after the February 6, 2002 meeting, staff received a number of email, comments and questions regarding that meeting. Staff felt it would be a good idea to get the Historic Preservation Commission together to discuss that meeting.

Mr. Kowalski suggested breaking the discussion into two parts. The first part would be about the content of the meeting. The commissioners could share their thoughts about the proposal, support and opposition that were shown for the nominated historic district case. The second part would be about how the meeting was run and operated. It was a difficult meeting, and probably the first time that this commission had to operate in that kind of situation.

Mr. Zangerl mentioned that he was sorry for not having been able to attend the meeting. However, he watched parts of the meeting on videotape. He felt that he had a substance of feeling of what transpired at that meeting.

Mr. Zangerl had attended a couple of planning conferences in the last few weeks, one of which had to do with public meetings. He felt that one of the biggest issues surrounding the type of interactions that commissions like the Plan Commission and the Historic Preservation Commission have with residents and owners was that frequently the owners and public do not fully know what the consequences are of what is being proposed. It comes back to the old problem of education. There are some other things about meetings and the way they are run that could be friendlier and

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more efficient. For example, one of those inefficiencies we had just seen at the Historic Preservation Commission meeting on February 6, 2002. At City Council, people who wish to address the Council will fill out a card before they even sit down. They indicate on the card their name, their address, and generally what the proposal is and whether they are for it or against it. This saves a lot of time and stress on the speakers. This allows the Chairperson to announce the individuals from the cards by giving their names and their addresses so that those people could come up and immediately get into whatever it is that they want to talk about. He thought it might be something that the Historic Preservation Commission might want to adopt.

Regarding the education of the public, staff and the Historic Preservation Commission might want to look more carefully at what is sent out when a nomination comes to the City and make sure that people have a good feel of what is and what is not involved when homeowners become part of such a district.

Mr. Zangerl noticed from the videotape of the February 6, 2002 meeting that there were questions asked by members of the public that were not really answered. Some of the questions could not be answered in the sense that somebody may say, "I want to change the door on my house. Can I do that?" That would be a hard question to answer because it would depend on what the door is. Staff and the Historic Preservation Commission could give a general answer to give them as much information within the parameters as they can.

Mr. Zangerl felt that if a historic district or landmark makes it through to City Council, then the property owners should be given packets of material or folders that include all of the forms from the City of Urbana that the owners might need if they want to make a change or anticipate that they are going to need a change. This way the property owners would not need to go to the City to get the forms and so that they would know how to fill the out the forms in advance. Also, details and forms for application for the various tax credits and benefit programs that might be available to them should be included in the packets.

Chairperson Novak interrupted to ask Mr. Kowalski to clarify what is included in the packets that staff sends out to the property owners of a nominated historic district or landmark. Mr. Kowalski replied that every property owner in the proposed West Main Street historic district was sent a letter (that described the meeting to be held on February 6, 2002 and what the purpose was), a map of the proposed district (so that the homeowners could find their property), a registered preference form (so that the homeowners could check as to whether they supported or opposed the nomination), a description of the Historic Preservation Ordinance (which stated how the process operates and what was expected of the property owners), and any relative parts of the application required by the Historic Preservation Ordinance (which included the actual application, the listing of properties, the signature of those who supported the proposal, and the history of the properties). Mr. Kowalski stated that if the request had made it to a hearing, then the next step would have been to notify the property owners of when that hearing would have been and send them information about Certificate of Appropriateness. The packet was very large with lots of information. Many of the property owners who received these packets probably had lots of questions.

Mr. Zangerl inquired if any brochures on the incentive programs were included in the packets? Mr. Kowalski replied no. Mr. Zangerl suggested that staff should include brochures with information

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about the programs available with tax credits and property tax freezes and who would qualify. He also suggested including some hypothetical ideas of what a homeowner might want to do and whether or not those ideas would fall under review. Mr. Kowalski noted the brochure that he had handed out. He mentioned that Lauren Kerestes, a Planning Intern, has been working on the brochure. The brochure was a quick snapshot of what it means to be a historic landmark or historic district. He commented that the brochure would have helped a lot; however, the brochure was not available at that time. He stated that the February 6, 2002 meeting was really to make the preliminary determination, so he did not want to load the homeowners up on all the information at once. He added that there is a two-step process to sending out the information, and this nomination never made it to the second step. He reminded the Commission that there had been an informational meeting held about a year prior to the meeting.

Mr. Zangerl continued by saying that the City needs to define more clearly the commission's role and the staff's role. The division, in theory, is at least very clear that it should be left to the Zoning Administrator to determine whether an application is valid on submission. In other words, the Zoning Administrator should determine whether it has the signatures, all the legal requirements, and all the maps. Ms. Tyler commented that as the Zoning Administrator, it was within her purview. She felt that the meeting got off track when trying to decide whether there were actually 25% of the property owners in support of the nomination. That decision should be left to the Zoning Administrator for many reasons, including a lot of good legal reasons. The Commission will have bigger questions that the commission will consider and make recommendations on. Mr. Zangerl added that it helps the Historic Preservation Commission to not take on more than their responsibility. Ms. Tyler noted that it was not very defensible for the Commission to second-guess the Zoning Administrator or staff determinations. There is a different process for that through the Zoning Board of Appeals.

Mr. Zangerl stated that in the type of hearing that the Historic Preservation Commission had at the February 6, 2002 meeting, the only thing that the Commission had to decide was whether or not the substance of the nomination was of sufficiently great merit to proceed with a hearing. Sometimes when commissioners are under a lot of pressure, it is ultimately best to stick within the definition of what their task is. It is important to listen and know what the concerns of the public are and to address questions when they arise.

Mr. Zangerl mentioned that he made up a list of "Essential Robert's Rules". Most of the entire list of "Robert's Rules" was designed for fighting within a group. Most of those rules this Commission does not need to worry about. He noted that the Historic Preservation Commission needs to be able to make main motions, make amendments, and make the motions shorter. The Historic Preservation Commission tends to make long motions. He felt that the best thing was for the commissioners to do their homework prior to the meetings by evaluating the proposal as best they can. Technically, the Chairperson should repeat a motion after a commissioner has made one. However, it is difficult to repeat a long motion. If each commissioner writes down a potential motion before the meeting and if the commissioner's decision has not been changed by testimony from the petitioner, opposition, or by another commissioner's argument, then whichever commissioner that makes the motion could pass the paper down to the Chairperson to make it easier for her/him to repeat.

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Mr. Cahill commented that he also attended a planning conference. One of the topics at the conference was "Ethics of Commissions". There was a list of about twelve or fourteen things that commissioners should know about. There were a lot of things that he had never thought about before on this list, such as: 1) whether commissioners should discuss a case with the public prior to a hearing or wait until the hearing for the public to express their opinions, 2) cheering should not be allowed during a public hearing, and 3) debating with the public should not be allowed as well. Chair Novak commented that the "out of control" nature and "disorganized" nature of the form that the meeting took in the commission discussion gave a lot of frustration to the audience. She could see people squirming and heard people shouting out, "I move", because there was so much struggling to get a motion clearly stated on the floor. She believed that set the stage for the restlessness then that put the pressure on the Commission.

Mr. Cahill mentioned that the Commission could have made a motion to table any action until the next meeting to get the situation under control and alleviate some of the fears. The issues of whether or not a signature had come off the list of property owners who supported the nomination, whether there were 25% of the property owners in support of the nomination, and whether there were 54 or 57 properties altogether made the hearing uncomfortable and seemed to him that the commissioners and staff were not ready to discuss the case. Chair Novak asked for clarification as to when the request was made by one of the signatures on the petition to remove his signature? Mr. Kowalski commented that it was left on a voicemail the day before the meeting around 5:00 p.m. Staff also received a fax the morning of the hearing. Mr. Cahill reminded them that this was an issue that the Zoning Administrator should handle.

Mr. Kowalski responded to the confusion of whether there was 54 or 57 properties altogether. The application that was submitted described and listed out 57 properties. The three that were confusing were the three properties owned by the Sanitary District. The map that had been drawn for the informational meeting a year before appeared to exclude those three properties. It really was 57 properties. He stated that was something that staff had to do quick research at the meeting on. That happens a lot at all meetings. Something will be brought to the staff's attention, and they will need to look up an answer. Sometimes the answer is not accepted, and the opposition will keep driving on the issue.

Ms. Cardman commented that she does not know what else could have been done. All of the property owners received an announcement of the preliminary discussion about a year ago. Chair Novak mentioned that meeting was only informational. There had not been a proposal or nomination put together at that time. It was completely in the initial thinking stage.

Ms. Cardman stated that it seemed that the meeting about a year ago would have been the place to answer most of the issues that had been raised at the hearing. Mr. Shepard remarked that the place to raise concerns is at the hearing. Anything else is just speculation as to whether it will even happen or not. Chair Novak stated that was a good point. She thought part of the confusion was the fact that last month's meeting was a preliminary consideration. It was not even the public hearing. The process, itself, gets confusing to people. She felt it was a necessary process because sometimes the Historic Preservation Commission might get nominations that really do not merit additional consideration. The Commission might get nominations that are not documented in a thirty-page description. The preliminary consideration step serves a valuable purpose in that respect. The

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result was that the people who were vehemently opposed to the designation of the district came and spoke at the preliminary consideration as if that were the public hearing. Many of the people who supported the district did not show up, because they thought it was just the preliminary consideration and the public hearing would follow. That would be the chance to speak in the official public forum. She does not know how to clarify the process. Once people get angry and get misinformation, then it is hard to educate people. She agreed with Mr. Zangerl that the Commission and staff have a lot of education to deal with here. People do not understand. There are people who feel defenseless and run over by the Commission. The Commission and staff need to get accurate information to the public.

Mr. Zangerl commented that the first inkling that a property owner gets would be an approach to get their signature in support of a nomination or a packet that staff sends. They need to get as much good information as possible right from the beginning. Once the property owners feel that the City is trying to put something over on them, and then it is something that can never be rectified.

Mr. Rose stated that he heard someone in the audience shout, "Anti-democratic". He was sure that was in reference to the fact that a 25% vote for designation by the property owners was necessary for the decision that the Commission was making at the preliminary hearing to go forth. For a limited period of time, it brought with it a Certificate of Appropriateness. He felt that there was an impression of perpetual doom. The temporary nature of the Certificate of Appropriateness during this process of consideration was not linked to the 25% as it might have been. It led to a perception that 25% of the property owners could create a condition that would be henceforth incontrovertible and not subject to democracy. He believed that was where the Commission needed to inject the education and counter that impression.

Ms. Irish wondered if it was possible to publish a list of the kinds of changes that would require "no approval process", the kinds of changes that would be "administrative only", and the what changes would require a full review. It would help the Commission not to get as many comments from property owners about not being able to change the screens on their windows. Mr. Kowalski responded that the property owners had a list. There is a list in the Zoning Ordinance that states what there are no requirements for. There is a list in the Zoning Ordinance that describes what things can be considered minor work. It is not an extremely long list; however, there is a general list of changes. Ms. Irish wondered if a graphic presentation might be used to interpret the Zoning Ordinance to make it easier for people to understand, so that the Commission could communicate with someone who will not sit down and read the Zoning Ordinance.

Ms. Irish went on to say that she felt raw and new at this process. She confessed to not having read the huge pile of material when she joined the Commission. She stated that things like what Mr. Kowalski had just said were helpful to hear. She did not know that Ms. Tyler was also the Zoning Administrator. She did not know what the Zoning Administrator's responsibilities were. She did not know what her responsibilities were in relation to the Zoning Administrator. She stated that maybe that all this information is in the Historic Preservation Ordinance. The Commission members are volunteers. Ms. Irish mentioned that she did read the Historic Preservation Ordinance; however, she did not memorize it. She did not know if it was her place to try to answer some of the questions or whether she should have deferred to the Zoning Administrator. Ms. Tyler replied that there is really no obligation to respond to questions. There are hearing procedures, which are used.

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If it is a simple question that the Commission can answer factual, then that is fine. Sometimes if you answer a question, then you risk getting into a dialog, and that is not the purpose of a public hearing. Ms. Tyler felt that ultimately the questions that could be answered were, maybe not at the moment when the public wanted them to be answered. Most of the time, questions are not answered, but they are followed up on later. Many times, you will not know the answer on the spot.

Ms. Irish mentioned that she felt very uncomfortable with the whole adversarial nature of the meeting. The tone of the meeting was against dialog. This was an informational meeting in many ways. At least, she felt that people were taking it as that. The public is not going to come to a preliminary hearing knowing what a preliminary hearing means. Ms. Tyler noted that the petitioner and opposition would be presenting evidence to the Commission to use to make their recommendation. Ms. Irish commented that was a planner's lingo. Ms. Tyler stated that it was legal. It is quasi-judicial that there are rules in the hearing. Evidence is presented, and the Commission can cross-examine. Ms. Tyler remarked that it might be a good idea to go over the public hearing procedures. Mr. Kowalski added that it was in the "Commissioner's Manual". Ms. Irish stated that reading it once is one thing, and using it under fire is another thing.

Ms. Tyler commented that Ms. Irish did a good job as Acting Chairperson at the February 6, 2002 meeting by keeping people relatively in order and on time. She felt the meeting was civil. Ms. Irish did not think that it met very many expectations. Mr. Kowalski felt that the meeting ran fairly well. It is very difficult with so many people crowded up to the front. There is always going to be someone who heckles. This type of meeting was one where many people came with questions and not just comments. Usually in a Plan Commission case for a rezoning, people are fully aware of what exactly is being proposed, and they have an opinion on whether they want the rezoning or not. They come and state that. They may have a technical question that staff can quickly answer. Then, they make their comments, and they leave. The Plan Commission uses that to make their decision. In this case, there were so many people coming up without a lot of comments, but just questions. It is really hard when a question is asked and the meeting is basically stopped until an answer is given. Then, you get back to this question and answer exchange. The answer to one question leads to another question, and then things start going in a direction that really is not the direction intended for the meeting to go.

Ms. Irish stated that her main interest in being a commissioner was in the area of education and trying to get people informed about the history of buildings. Education needs to be stressed.

Ms. Cardman asked for clarification as to whether it would have been within the Historic Preservation Commission's purview to table a formal decision? She was wondering if once the nomination had been submitted to the City of Urbana, was there a set time that it needed to go forward? Mr. Kowalski answered that according to the Zoning Ordinance, the City of Urbana has within a certain number of days to hold a public hearing after an application has been submitted. He believed that it was forty-five days. In this scenario, the Historic Preservation Commission could have tabled any action. However, the Commission would have had to set a special meeting date to meet again to take action.

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Chair Novak felt it was important that they were having this discussion and that the Commission learn from the meeting. Her comments took the form of two categories: Audience Participation and Education.

Regarding audience participation, Chair Novak stated that there was an extraordinary amount of public participation. In previous meetings, there typically was the League of Women Voters watcher in the audience. He was the chief audience member. In times when the Historic Preservation Commission reviewed the five individual landmarks, which were discussed about two years ago, four of those five were owned by the same property owner. The fifth was owned by the Preservation & Conservation Association. So, the Commission had a completely smooth process, and again not active participation. Although, there was a really heartfelt participation on Busey Hall with a woman who had taken dance lessons in Busey Hall who gave a passionate support statement for the landmarking of that building. Even though the Commission members expected the February 6, 2002 meeting to be heavily attended, it definitely surpassed what she thought the attendance would be.

Chair Novak felt that Ms. Irish did an extraordinary job of very efficiently handling lots of angry people. She had gone through her side notes and compared them with the minutes, and there were twenty-two people who spoke. Seven of those people actually lived in the proposed historic district. Two of the seven people were married and lived in the same house. Seven of the twenty-two speakers did not even own property in the proposed historic district. When the Commission and staff looks at the educational efforts, they can hold informational meetings, but there was a little of the “not in my backyard” syndrome. When the ordinance was passed, there was the attitude that it may or may not affect me by the public. There was finally some serious action, in the fact that a proposed fifty-seven property historic district was being proposed. When education is discussed later, then the Commission needs to take a look at these other folks. Some of these other folks were giving addresses for streets that really do not have any historic houses either. So, what she saw coming forth was people just arguing over the taking issue and property rights and questioning the legal validity of the Historic Preservation Ordinance. Three of the speakers represented rental properties in the proposed district. Five or six of the speakers were related to the two churches within the proposed district. Therefore, she felt that it was a good point that it was difficult to answer questions, but not get into a discussion.

Chair Novak mentioned that the commissioners needed to remember the role of the Historic Preservation Commission. On page 211 of the Historic Preservation Ordinance, it clearly spells out the purpose of the Historic Preservation Commission and what they are supposed to do. The bottom line is that they are the stewards of historic properties. They are on this Commission because they maintain a certain expertise and interest in historic preservation, and that is their job. The commissioners got off their job in questioning the decisions of the Zoning Administrator and in letting the audience having the impact over the conversation that was taking place.

Regarding education, Chair Novak mentioned that the Historic Preservation Commission has a serious component of continuing their mission as a commission to promote historic preservation by educating the public. But then, the commissioners also need to educate themselves by continuing to learn the Historic Preservation Ordinance and Plan and reading the packet materials. She

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appreciated Mr. Zangerl's comments and useful "Robert's Rules" handout. The Commission is not getting the procedural thing down pat either.

Chair Novak mentioned that she talked to Mike Ward, who is the Local Government Services Coordinator with the Illinois Historic Preservation Agency (IHPA), about possibilities for a commissioner education. It would be more at a statewide level and maybe be supported through IHPA. IHPA happens to have some extra federal funding that they have to use up by September. She will talk to Mike more about possibly pulling together a forum for commissioners and covering such topics as how to interpret the Ordinance, how to deal with public hearings, and how to get through those processes. She felt this would be helpful.

Chair Novak went on to say that the Historic Preservation Commission needed to deal with the fact that they had their largest audience ever and the meeting was played on television repeatedly. As a commission, their image was damaged by that meeting. They need to think about that and work towards things that they can do to improve historic preservation in the community and hopeful focus back on what they should be doing.

Chair Novak felt very sad that this is what happened on West Main Street. After working for a number of years on the committee to help put the Historic Preservation Ordinance and Historic Preservation Plan together, West Main Street was one of the areas that came up continually. It is the most obvious historic district. She looked back at the Preservation Plan and noticed that on page seven it states, "Many of Urbana's most historically significant residences were built on West Main Street very near the downtown." The few pages that were chosen to define the history of Urbana and West Main Street was one of the things that were the focus of that. She hoped that it would resurface and that something happens.

Discussion of Historic District Nomination Process

Mr. Kowalski stated that subsequent to the February 6, 2002 meeting, staff had received many questions about the 25% to nominate a district. Some of the questions were as such: Is that consistent with what other communities do? Is that number too low? Is this a democracy? Staff researched to find out what percentage the other communities use. He mentioned the handout with the chart showing staff's findings. Lauren Kerestes, the planning intern researched ten other communities in Illinois.

Mr. Kowalski noted that Ms. Kerestes asked three questions of each of the ten communities. Those questions were as follows:

- 1) *Does the owner have to consent to a landmark nomination being submitted?*
- 2) *For a historic district designation, what percentage of people in the proposed district have to consent to the application?*
- 3) *Can someone who lives in a proposed district say that they do not want to be a part of the district?*

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He noted that staff was focusing on the middle column of the chart, which was “Historic District Designation”. Staff found of the ten communities that some of them have no percentage threshold, some have around 20-25%, one had a 51%, and another had 2/3 of the property owners must consent. This research really shows that the Ordinance is pretty consistent with what else is happening around us. He believed that this research had been done previously when the Ordinance was written in 1997 and 1998. Nevertheless, the question is still there of whether this is an adequate number?

Ms. Tyler noted that at the February 6, 2002 meeting, one number she felt was important, which was the percent of the property owners who actually filed opposition to the proposed district, was 70%. Only two of the fourteen petitioners spoke at the meeting. Of twenty-two speakers, only three or four spoke in favor. She wanted to mention those because although the Commission struggled with whether 24.56% was really 25%, the bigger question for the Commission was 70% opposition daunting? She was asked by several people to change the percentage. She wondered if there was a larger more practical number that the Commission would feel more comfortable with?

Mr. Kowalski added that of the fifty-seven properties, staff heard a preference from nearly every property owner in the proposed district with the exception of five properties. Three of those five properties belonged to the Sanitary District, who did not register a preference. There were really only two other properties that did not say one way or another.

Chair Novak commented that for informational use, she asked around statewide about procedural things as well. She had not found any other community that sends out a registered preference form to facilitate objecting.

Mr. Rose supported the 25%. Having this period of time to reflect on that number and its significance, he found that it was appropriate that the effort, which is typically done by a smaller group of people and rarely done by a majority, is critical to the initiation of this effort. Obviously there is dialogue, discussion, participation, and education that have to go on as part of this. He felt that this was most appropriate that it occurs once a nomination is put forward in forum like tonight and at a preliminary hearing, where it really does move the blood of the citizens. If the considerable work that was necessary to prepare the nomination and to achieve the support for it and the work involved achievement of a minority, then it would disadvantage the dialogue and put it outside of this public realm in which the dialogue actually did take place. So, he was a proponent of the number as it stands.

Mr. Zangerl stated that as one of the people involved in helping to draft the Ordinance as it is, there was obviously discussion about these percentages. The counter-balancing part of this would be that if there was a valid protest of a nomination, then the City Council has to approve it by a 2/3 majority, which is a sizeable number especially for City Council’s seven members. The Historic Preservation Commission (HPC) needs to distance their role from the City Council’s role. The HPC’s role is to evaluate the validity of the nomination, whereas, the City Council’s role is a political one. They will make their decisions on however they perceive the balance between historic preservation of a particular proposed district and concerns of the people that own properties in the proposed district.

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Ms. Cardman concurs that the paperwork that staff has provided certainly underlines the fact that a 25% is sufficient to move it forward. For those who are concerned about the democratic process, that is where the elected officials on City Council will in fact make the final decision.

Mr. Shepard commented that it seemed to him that theoretically the 25% to get things started was a reasonable percentage. That does not assume that 75% are against it. Many people just will not have opinions or will express them later in the process. He felt that if the proposed nomination for West Main Street to become a historic district would have been determined worthy of a public hearing, then the 70% against the nomination would have weighed upon him and his consideration of what the HPC should recommend.

Chair Novak reminded the commissioners that HPC does have their duties and City Council has their duties. HPC's duties are to evaluate a proposal based on the criteria. Mr. Shepard asked if HPC should not have listened to anyone at the hearing talk about hardships? Chair Novak responded that HPC members are appointed for their expertise and interest in historic preservation. What HPC does is reviewed and approved by the City Council, and that is the political step. City Council is responsible, because they are the elected officials. Even in cases where HPC has more reviews for Certificate of Appropriateness, if the HPC denies them, then the appeal body is the council in those cases. The HPC gets off track when they do not stay focused on what they are suppose to be doing.

Ms. Irish felt this was a how question as opposed to a what question. She heard about staying on task and understands that. The reason why she voted the way she did last time was because she felt that HPC was making more enemies by voting yes. Her concern was not to win the battle and lose the war. She wants historic preservation to be valued in this community. She was trying to figure out how to avoid in the future what happened at the last meeting. A minority of people nominated the district in order to get the process going. Maybe in a different situation that would have been real useful to get the process going. But what in fact seemed to happen, between misinformation, it all got locked into place. There were people not in dialogue. Ms. Irish talked to one lady, who now feels that she lives in a very bitter neighborhood. Ms. Irish felt very conflicted about that.

Mr. Zangerl responded by saying that the only way you can avoid any opposition is to require 100% approval going into the process. So, it becomes an issue of what percentage is the right percentage.

Mr. Cahill sensed that part of the problem was that if HPC passed the nomination, then it would tie the hands of the property owners by requiring them to obtain a Certificate of Appropriateness to make any changes to the outside of their homes. He suggested making that requirement begin after a district has been approved. That might have saved a lot of the opposition. Chair Novak commented that it would have saved the opposition for one month until the public hearing was held.

Mr. Shepard inquired as to what the maximum time was permitted for a Certificate of Appropriateness? Chair Novak replied that a public hearing is required to be set within forty-five days. After that, it depends on what happens at the public hearing. Mr. Kowalski stated that the key dates are the date the application is submitted and the date that a preliminary determination is made to have a hearing. Between that time, property owners are free to do as they wish. Once a

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preliminary determination is made, then the Certificate of Appropriateness process kicks in, which includes building and demolishing permits.

Mr. Shepard noted that once it is frozen, it is not an interminable period. Ms. Tyler responded that HPC has to make a recommendation within sixty days following the date of the public hearing. The Commission cannot indefinitely continue the case. Mr. Shepard was not convinced that being tied up during the process was that good of an argument.

Mr. Rose appreciated the discussion that had taken place, especially the distinction of the role of a commission. Going into the last meeting, he understood that the commission's task was quite strictly defined. As the meeting moved forward, his thoughts were similar to those that Ms. Irish expressed, in that; he was asking himself what would be best for the preservation in Urbana.

Mr. Rose was struck during the discussion that how the commission operates and how they provide Certificates of Appropriateness or not was unknown to the audience. As a result, the audience was acting negatively to the absence of the information that they may have on it. He was wondering if a picture of a historic building with an owner asking a question like, "Can I change my storm windows?" on a brochure. Then, provide an answer. There could be pictures to include the topics of hardship, major renovation, and minor renovation. Chair Novak asked if he meant a brochure similar to what Lauren Kerestes, planning intern, had done? Mr. Rose replied yes, and that he felt it was well worded and uses the right language.

Chair Novak commented that in her opinion if the Historic Preservation Commission was going to have a percentage of signatures up front, then no more than 25 percent should be required. There is a lot of work involved in putting together a nomination. An additional burden of a greater percentage would just make the process that much more difficult. She felt it was important to key in the Certificate of Appropriateness requirement at the point of favorable finding for a preliminary consideration. If the Historic Preservation Commission believes that there is some merit to an application, then there needs to be some layer of protection for those properties as well.

Ms. Tyler inquired as to whether the Historic Preservation Commission wished to do anything with the rounding problem of the 25%? Mr. Zangerl stated that if the Zoning Administrator rounded with other procedures, then he felt that the Zoning Administrator should stick with the rounding of the percentage. Mr. Rose uses rounding to apply whole percents. Mr. Shepard felt that it was not fair to allow less than 25%, even if it is 24.56%.

Mr. Zangerl asked if it would be something that the Commission could adopt procedurally or would it have to be a text amendment to the Zoning Ordinance? Ms. Tyler replied that if the Commission does not change the 25%, then there is really no reason to have a text amendment. She added that staff was in the process of editing and cleaning up the typos in the Zoning Ordinance. Staff would probably be able to put the .00 in to read 25.00%.

Chair Novak inquired as to whether staff had to be conscious of having all zoning procedures the same? Ms. Tyler replied yes. Mr. Kowalski stated that when staff does the overall cleanup of the Zoning Ordinance, they could add language for the whole Ordinance regarding how staff interprets whole numbers and percentages.

Mr. Zangerl moved to authorize staff to make an omnibus editing of the Zoning Ordinance to clarify 25% as being 25.00%, so that rounding off shall not take place. Ms. Irish seconded the motion.

Mr. Shepard questioned if there was somewhere else dealing with an area of the Ordinance that has a different percentage that the Historic Preservation Commission should be looking at as well? Ms. Tyler replied that there was a 40% reference for the protest. Mr. Shepard asked if that should be looked at in order to be consistent? Chair Novak recommended that the Commission let staff look at the situation in more of an omnibus fashion, because the Historic Preservation Ordinance has to be consistent with the remainder of the Zoning Ordinance. Ms. Tyler commented that the Zoning Ordinance was the Plan Commission's responsibility. Staff will take a look at the two percentages in the Historic Preservation Ordinance, and if staff felt that there were other numbers in the Zoning Ordinance that could be challenged with rounding, then staff would bring them to the attention of the Plan Commission.

Mr. Shepard suggested a friendly amendment that the sense of the Historic Preservation Commission would be comfortable with .00%. Mr. Zangerl amended the motion to direct staff to explore with the Plan Commission the issue of how percentages are calculated. Ms. Irish agreed with the amendment. The motion was passed by unanimous vote.

Discussion of Potential Historic Preservation Outreach/Education Efforts

Mr. Kowalski presented the brochure and asked the commissioners for their opinions. He felt that a brochure would be a good thing to have. At the last meeting, there was discussion of having a walking tour again this year. He was looking forward to having a lot of intern help to work on the brochure and help with setting up a walking tour.

Mr. Shepard thought it was good that the Commission does outreach and educational things. However, they need to be careful in what the Historic Preservation Commission does, so that it does not appear that they are pushing for something to take place. The commissioners have been and want to appear that they will consider what is presented to the Commission with open minds. Ms. Tyler responded that some commissioners are grappling with some of the realities of the opposition. It is time to be smart about where the Commission dedicates its efforts, so that there are districts and landmarks that are welcomed and beneficial. That hopefully would have a snowball effect in getting more meaningful districts and landmarks that people could see the benefits from. There was some criticism of the Royer District. The West Main District was highly opposed. In the interest of public relations for the Commission, the commissioners might want to consider projects and activities that will have a little more positive support. Last year, there was a lot of progress made with five great nominations and landmarks, plaques, house research workshop, and a successful walking tour. Even though this has been a difficult year so far, there is no reason why the rest of this year could not be just as positive as last year.

Mr. Shepard felt that the walking tour last year on West Main Street was right. He believed that it would be right to have another walking tour for a different area in Urbana as well. Mr. Rose felt that it would be perfectly appropriate for the Historic Preservation Commission to go back and do

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another walking tour of West Main Street. Ms. Tyler commented that another project to consider would be the churches in the community and maybe other institutional buildings like the post office. There are a lot of churches that are remarkable. Chair Novak felt it would be beneficial to move on to another area for a walking tour, for example: Elm Street. Mr. Cahill felt that West Green was important. There is a lot of controversy with the changing traffic patterns and how it affects Urbana. Chair Novak remarked that there seemed to be a consensus about the next walking tour being around West Elm/West Green and vicinities.

9. MONITORING OF HISTORIC PROPERTIES

Chair Novak noted that the Buena Vista house was on the market for sale. It was not listed as a Historic National Register. She felt it was important to make people aware of the status of the properties and the benefits connected to that.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ANNOUNCEMENTS

There were none.

13. ADJOURNMENT

Mr. Zangerl moved to adjourn the meeting at 9:05 p.m. Ms. Cardman seconded the motion. The motion was passed by unanimous vote.

Submitted,

Rob Kowalski, Secretary