

MINUTES OF A REGULAR MEETING

URBANA HISTORIC PRESERVATION COMMISSION

APPROVED

DATE: October 3, 2007

TIME: 7:00 p.m.

PLACE: City Council Chamber, 400 South Vine Street, Urbana, Illinois

MEMBERS PRESENT: Rich Cahill, Scott Dossett, Katherine Lipes, Alice Novak, Trent Shepard, Mary Stuart, Art Zangerl

MEMBERS EXCUSED: none

MEMBERS ABSENT: none

STAFF PRESENT: Robert Myers, Planning Division Manager; Tony Weck, Recording Secretary

OTHERS PRESENT: Joyce Wakeland, Howard Wakeland, Phyllis Williams, Glenn Stanko, Carl Long, Dan Folk, Randy Kangas, Karen Kummer, Gerald D. Brighton, Brian Adams, Ilona Matkovszki, Chris Stohr, Linda Lorenz

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

The meeting was called to order at 7:02 p.m. by Historic Preservation Commission Chair, Alice Novak. Roll was taken and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF HISTORIC PRESERVATION COMMISSION MINUTES

With one correction to the minutes of the September 13, 2007 meeting made by Ms. Novak, Mr. Shepard moved to approve the minutes as amended. Mr. Dossett seconded the motion. Upon a vote, the minutes were unanimously approved as amended.

4. WRITTEN COMMUNICATIONS

The following communications were received by City staff and distributed at the meeting to Commission members:

- Memorandum from Elizabeth Tyler to Mayor Laurel Lunt Prussing on a request by the Zoning Administrator to amend the Urbana Zoning Ordinance by adding Section XIII-5, “Neighborhood Conservation Districts”, (Plan Case No. 2023-T-06)
- E-mail from Betsey Cronan to Robert Myers in support of the nomination of the 800 block of West Main Street as a local historic district
- Fax from Phyllis and Joe Williams to Alice Novak in support of the nomination
- E-mail from Robert Myers to Tony Weck, being a record of a phone call from Naomi Jakobsson supporting the nomination
- Note from William and Joan Price addressed to Elizabeth Tyler in support of the nomination
- Letter from Glenn Stanko, attorney for Howard, Joyce and Craig Wakeland, registering opposition to the nomination
- Letter from Glenn Stanko to Alice Novak and the Historic Preservation Commission reiterating the Wakelands’ opposition to the nomination and seeking confirmation that the opposition will be allowed to question witnesses in support of the nomination
- Historic District Voting Forms from Randy Kangas (802 W. Main St.), Ward and Bissonnette Kangas (804 W. Main St.), Joe Williams (810 W. Main St.), William Price (806 W. Main St.), Daniel Folk (814 W. Main St.), Daniel Folk (807 W. Main St.), and Fernando Reyna, Sr. (816 W. Main St.) in support of the nomination
- Historic District Voting Form from Carl Long (812 W. Main St.) in opposition to the nomination
- E-mail from Lois Steinberg to Robert Myers in support of the nomination
- E-mail from R. Stoddard to Robert Myers in support of the nomination
- E-mail from Jim Wilson to Robert Myers in support of the 800 block of West Main Street as a local historic district
- E-mail from Tori Corkery in support of the nomination of the 800 block of West Main Street as a local historic district
- Notification regarding the Cemetery Tour being held at Mount Hope Cemetery in Champaign on Sunday, October 7, 2007 from 1:00 to 4:00 p.m., and produced by the Preservation and Conservation Association (PACA) and the Champaign-Urbana Theatre Company

5. AUDIENCE PARTICIPATION

Norman Baxley, of 510 W. Main Street, addressed the Commission. Regarding the public hearing process, he was concerned with the use of such terms as “testimony” and “witnesses” as they had appeared in various communications. He stated that in the years of participation in public process by both himself and his wife, Carolyn Baxley, he had never heard such terms used in terms of public participation in a public hearing. He was concerned that allowing proponents to be cross-examined by an attorney would allow the public to be intimidated from participating. He advised the Commission to disregard the City attorney’s advice and carry out the public hearing as they have before.

Robert Myers commented that the Commission should follow the legal advice of the City attorneys which have advised that in light of a recent court ruling, an opportunity should be provided to question those speaking at the public hearing. He noted that this is already done in meetings of the Zoning Board of Appeals and the Plan Commission. However, this meeting was not a court session and participants are not “witnesses.” People can choose whether or not they want to participate.

6. CONTINUED PUBLIC HEARINGS

There were none.

7. OLD BUSINESS

There was none.

8. NEW PUBLIC HEARINGS

- **Case #HP 2007-D-01, An application to designate the 800 block of West Main Street as a local historic district, Daniel Folk, applicant.**

Ms. Novak opened the public hearing. She relayed the order of business for the public hearing: opening of the public hearing, presentation of a summary of the case by City staff, presentation of the nomination by the petitioner, address to the Commission by other proponents of the nomination, address to the Commission by opponents to the nomination and allowance for questions of the petitioner, comment/questions from others at the recognition of the Chair as issues may arise, additional comment/clarification by City staff, rebuttal from the petitioner, presentation of a summary of the petition by the petitioner, discussion of the case by the Commission. Ms. Novak noted that when Commission is finished taking public participation, the Commission discusses the case amongst the members and typically does not accept further comment/questions from the audience. Ms. Novak emphasized that this meeting was not a trial, that the Commission is comprised of volunteers and that audience members may choose to participate as they wish and may not be compelled to do so.

Robert Myers summarized the case before the Commission and gave an overview of City staff’s recommendation on the case. City staff recommended that the Historic Preservation Commission recommend to City Council approval of the application but excluding 813 and 816 W. Main Street, and with 802, 803, 804, 806, 807, 808, 809, 810, 812, and 814 W. Main Street designated as “contributing” properties and 807½ and 811 W. Main designated as “noncontributing” properties.

Ms. Lipes asked if there was a provision in the Historic Preservation Ordinance for design review of properties abutting a historic district. Mr. Myers responded that to his knowledge there was none.

Ms. Novak then opened the public hearing to audience participation.

Dan Folk, 807 W. Main Street, the petitioner, addressed the Commission. He spoke to the historic character of the neighborhood and to the fact that the neighbors in the 800 block were well acquainted with one another and spoke otherwise generally in support of the nomination.

Phyllis Williams, 810 W. Main Street, spoke in support of the nomination.

Randy Kangas, 804 W. Main Street and owner of 802 W. Main Street, spoke in support of the nomination. He noted that in the years he served on the Urbana Plan Commission, he never experienced participants in a given case being questioned by an attorney for the opposition and expressed concern over such questioning being detrimental to the process. He also urged the Commission to keep the boundaries of the proposed historic district as they were outlined in the petition.

Brian Adams, of 412 W. Elm Street, spoke in support of the nomination and also urged the Commission to keep the boundaries of the proposed district as outlined in the petition.

Linda Lorenz, 409 W. High Street, spoke in support of the nomination and in support of the boundaries of the proposed district being kept as outlined in the petition.

Karen Kummer, 1104 Devonshire Dr., Champaign, and Executive Director of the Preservation (PACA) and Conservation Association, spoke in support of the nomination. The homes in the proposed district were once home to prominent citizens in Urbana's history. She noted how each of the properties in the proposed district met the criteria as outlined in the Historic Preservation Ordinance. Ms. Kummer also noted that the ranking system used for the 1986 PACA survey of the Downtown to Campus area was highly subjective and has been rejected as a valid survey method by historic preservation professionals.

Iлона Matkovszki, 412 W. Elm Street, spoke in support of the nomination. She noted a number of the prominent citizens who once resided in the proposed district and also supported the nomination of the 800 block in its entirety and as outlined in the petition.

Norman Baxley, 510 W. Main Street, spoke on the matter of regulation and design review with regards to historically-designated structures. He stated that it was his experience that modifications made to the historically-designated properties owned by himself and his wife were "not onerous at all" and were accomplished easily in cooperation with the City and with the Commission.

Glenn Stanko spoke on behalf of Howard, Joyce and Craig Wakeland, owners of four properties in the 800 block of West Main Street. Mr. Stanko expressed the Wakelands' opposition to being included in the proposed district and requested that he be able to exercise the right to ask questions of the petitioner. Ms. Novak asked Mr. Folk if he would be willing to answer Mr. Stanko's questions and Mr. Folk agreed.

Mr. Stanko first asked about the source of information used in the application. Mr. Folk answered that the materials were compiled by him but were produced in large part by Carolyn Baxley. Mr. Stanko asked if the information was part of the earlier petition to designate a larger area of West Main Street a local historic district. Mr. Folk confirmed that they were the same, with some minor

changes. Mr. Stanko noted the references in the present application to “significant heritage value” and asked Mr. Folk to clarify the meaning of these references. Mr. Folk responded that these references referred to the standards under the Historic Preservation Ordinance specifically relating to architectural value and important past residents in the neighborhood. Mr. Stanko sought to further clarify the term “significant heritage value” in providing as an example the fact that in the application, the listing for 808 W. Main Street states the qualifying criteria for inclusion in the proposed district to be “significant heritage value”. He asked again what was meant by this reference. Mr. Folk felt that he had already answered this question to which Mr. Stanko responded that the application had referenced architectural value of certain properties and important past residents of some of the properties in the proposed district but pointed out that these aspects were broken out separately in reference to the appropriate properties; he noted again that for some of the properties, the only qualifying criterion listed was “significant heritage value”. Mr. Folk responded that there are houses in the 800 block that have perhaps a greater degree of architectural integrity than others and he felt that it was relevant to point this out in the application. He stated further that all the properties referred to in the application as having “significant heritage value” are of the same time period, that period being the 1860s to the early 1900s and that they possess certain similar architectural features. Mr. Stanko observed that where there were significant architectural features or associations with important persons for a given property, these features were noted in the application as qualifying criteria. He asked what “significant heritage value” added to the qualifications for a particular property to be included in the proposed district. Mr. Folk answered that his feeling was that those properties he listed as having “significant heritage value” on the application hearken architecturally to the period and have significant features that evoke the period in which they were built. Mr. Stanko noted that in section XII-5.c.1 of the Historic Preservation Ordinance, one of the qualifying criteria for nomination of a landmark or district is that it possesses significant value as part of the architectural, artistic, civic, cultural, economic, educational, ethnic, political or social heritage of the nation, state or community and asked Mr. Folk which of those criteria were to be gleaned from the information provided in the application. Mr. Folk responded that he had mentioned several times the architectural, cultural and social heritage of the properties in the proposed district in his answers to Mr. Stanko’s previous questions. Mr. Stanko asked how Mr. Folk defined “cultural and social heritage”. Mr. Folk replied that the age of the neighborhood was nearly all circa 1869-70 to the early 1900s and it was his estimation that all those properties were evocative of that period and evocative of a certain set of social conditions that one associates with that period. He pointed out that when he walks the neighborhood, he gets a sense of the social conditions of that time. Mr. Stanko asked if it was the age of a given house that defined its qualification for inclusion in the proposed district if no architectural significance was pointed out. Mr. Folk answered that this was not necessarily so and stated that the point he was trying to convey was that he recognized differing degrees of architectural significance in his application. As an example, he cited the house at 809 W. Main Street, which was owned by one of Mr. Stanko’s clients. He noted that while the house was somewhat in a state of disrepair and while it did not in his opinion rise to the level of the Kangas house – a very ornate Italianate structure – it had a nice front porch which was evocative of the period in which it was built. Mr. Stanko noted that Mr. Folk made no comment in the application with regards to the architecture of 809 W. Main Street. Mr. Stanko further noted that the application listed 811 and 813 W. Main Street as a noncontributing property and although 807 ½ was listed as a contributing property in the application, he assumed that Mr. Folk would now agree that since this structure had been demolished and 807 ½ was now a

vacant lot, it is now noncontributing. Mr. Folk agreed. Mr. Stanko then noted a past court case involving the Downtown to Campus Plan in the 1990s.

Ms. Novak asked Mr. Stanko to keep his comments relevant to the historic district nomination at hand and to the Historic Preservation Ordinance. Mr. Stanko replied that his comments would be relevant.

Mr. Stanko went on to cite that both Mr. Folk and Randy Kangas intervened in the case of *Wakeland vs. City of Urbana* and that a deposition was given by Mr. Folk on September 30, 1999; he asked Mr. Folk if he recalled that case. Mr. Folk responded that he did recall a meeting that took place. Mr. Stanko said that in that case, Mr. Folk was asked whether any of the Wakelands' properties included in that case had any historic value. He asked if Mr. Folk recalled saying at that time that 809 W. Main Street had no historical significance. Mr. Folk responded that he did not recall saying that but that he could have. Mr. Stanko asked if Mr. Folk recalled suggesting that one thing that could be done with 807½ W. Main Street would be to demolish it. Mr. Folk responded that he and Mr. Kangas had made an offer to buy the properties at 807½, 809 and 811 West Main Street from the Wakelands and stated his feeling that 807½ West Main Street was in poor condition. But one of the things he has learned over the years is that sometimes the heritage value of a house can be obscured by its poor condition.

Mr. Stanko asked if the people who lived at 807½ were part of the social group to which Mr. Folk alluded when he summarized his application earlier in the meeting. Mr. Folk answered that the people who lived at 807 ½ were friends and that he knew them but that they did not live there long and were not otherwise part of the social group comprised by the rest of the neighbors in the 800 block. Mr. Stanko inquired the same regarding the residents at 809. Mr. Stanko asked Mr. Folk if there was some reason behind the timing of the submittal of his application. Mr. Folk answered that he had been contemplating the nomination of the 800 block ever since the nomination of a larger portion of the West Main Street area failed; he said that he had met with Robert Myers, Libby Tyler and Mayor Prussing – in June 2007, to the best of his recollection – to discuss the possibility of nominating the 800 block and it was when a demolition permit was applied for with regards to 807 ½ that he felt it was important to submit a nomination. Mr. Stanko asked if the submittal of the nomination was timed so as to have an impact on the demolition of the house at 807½. Mr. Folk replied that it was timed as it was because it was feared that the demolition permit for 807½ would be soon followed by one for 809. Mr. Stanko asked if one of the goals of the nomination was to prevent the demolition of 809. Mr. Folk answered that one of the goals of the nomination was to prevent to demolition of all historic properties in the proposed district, not specifically 809. Mr. Stanko asked again if the nomination was made in order to prevent the demolition of 809, to which Mr. Folk replied that the question had already been asked and answered and reiterated that when it was discovered that there was a demolition permit issued for 807½, it was important to get a historic district nomination in place quickly so as to prevent further demolition of historic properties in the neighborhood.

Mr. Stanko mentioned the “testimony” that Mr. Folk had given earlier; Ms. Novak intervened, noting that Mr. Folk was not “testifying.” Mr. Stanko responded that by using the term “testimony”, he was using a term common to him. Ms. Novak responded that Mr. Folk was not sworn in and that this meeting was not a trial.

Mr. Stanko asked if including the entire 800 block was done on the advice or encouragement of City officials. Mr. Folk responded that he asked City staff and the Mayor for their advice on the nomination as it seemed that the physical boundaries of the proposed district were important. The nomination shouldn't "draw lines through people's back yards" and he was concerned about avoiding being perceived as "gerrymandering" the boundaries to create more support or less opposition. He stated that City staff advised him that the boundaries of the district are at the discretion of the petitioner and that it's perfectly legitimate to adjust the boundaries of the district to create a district with greater support. He said that he inquired of City staff if there were any standards prohibiting the drawing of lines around certain properties and was advised that there were none. Mr. Stanko asked for confirmation that it was Mr. Folk's choice to include the entire block. Mr. Folk answered in the affirmative. Mr. Stanko asked if there was any reason that the application did not reach into the 700 block of W. Main Street, noting that there were some properties on the northeast corner of Main Street and Busey Avenue which were considered to be of some historical significance. Mr. Folk responded that at the northeast corner of Main and Busey is a church. Mr. Stanko asked if there were properties there in the past which were no longer in existence. Mr. Folk answered that he did not know. Mr. Stanko asked what was directly east of the Kangas property at 802 West Main Street. Mr. Folk answered that the church was directly east of that property.

There were no further questions by Mr. Stanko for Mr. Folk.

Mr. Stanko commented on the public hearing process. The members of the Commission sat in a different capacity than they normally do in this case because they are "fact finders" and they are supposed to determine whether Mr. Folk has provided the necessary evidence to support his application and that the burden of proof is on Mr. Folk. He referenced Section XII-4.f.1 of the Historic Preservation Ordinance, which states that it is the responsibility of the nominator to provide evidence of the suitability for historic district status. He stated that what is important in this case is what the nominator provides in written and spoken form; what is not important, he said, is what other citizens of the City of Urbana want or desire. He said that this is not part of the determination in this hearing. He further stated that even any perceived knowledge or expertise on the subject of buildings possessed by any member of the Commission is not important in this case. As one would do on a jury, he said, any such knowledge would have to be set aside and only the facts set forth in the case and whether the facts have been proven can be considered. It's not about being a community of people as that's not the criteria. A property owner buys property with certain expectations. In 1986, Howard and Craig Wakeland invested in the 800 block of W. Main Street after the City encouraged him by sending him information on the enterprise zone. Mr. Stanko said that the Wakelands purchased the properties with the expectation that they could build apartment buildings because the properties were at that time zoned multi-family residential. Later those expectations were changed by the passing of the Downtown to Campus Plan in the early 1990s, by which all of W. Main Street was down-zoned to single-family residential. The Wakelands have already had their expectations for their properties downgraded once and noted that now with the possible granting of historic district status, another aspect of zoning will affect their ability to make decisions about properties. The City, through the Historic Preservation Commission, will then be able to tell them whether or not they can demolish a building, repair it in a certain way or if they build a new building, whether it has the correct features or not. In essence, he said, the Wakelands lose control of their property. The Wakelands and any other objectors would be unwilling

participants in the district and would be unable to control the destiny of their property. He believes that only four out of 14 properties on this block contribute to the historical character of the neighborhood: 803, 804, 806 and 807 W. Main Street.

Mr. Stanko felt that there were properties misidentified as contributing in the nomination application when they are actually noncontributing and he distributed to the Commission a color-coded map of the proposed district. He stated that the map was based on the 1985 PACA Survey which Ms. Kummer in her earlier statements had tried to disclaim. Yet it is the most authoritative historical survey done in the City of Urbana and noted that both the Downtown to Campus Plan and the Wakeland vs. City of Urbana case relied on this survey. He noted from the map he distributed that there were two properties listed in the PACA survey as being of first importance, 804 and 806, and two properties of second importance, 803 and 807. He further noted that there were a large number of properties coded as being of third importance, which, he argued, equated to being noncontributing under the PACA survey. Mr. Stanko went through other properties in the 800 block and gave reasoning behind his and his clients' argument that they are noncontributing. He spoke also to the size of the proposed district. The Joseph Royer Historic District has just two properties in it, and he questioned why the presently proposed district couldn't have four properties in it as identified earlier.

In closing, Mr. Stanko stated that historic districts are not approved because they are "a nice thing", and not because the neighbors in a proposed district interact socially with one another, they are approved because the facts validate them. He summarized that the facts as presented in this case do not do support approval, that noncontributing properties were listed in the application as contributing, and he asked that the Commission's findings reflect this.

Christopher Stohr, 405 E. High Street, addressed the Commission. He is not necessarily in opposition to the nomination but that he was opposed to the manner in which this meeting had been preceding up to this point, specifically Mr. Stanko's questioning of Mr. Folk.

Carl Long, owner of 812 W. Main Street, spoke in opposition to the nomination.

With no further comment from the audience, Ms. Novak asked if there was any further staff comment.

Mr. Myers stated on the subject on historic surveys, they are resources to inform decision making but are not controlling documents. In terms of "gerrymandering", he said, the Historic Preservation Ordinance requires that at least 25% of affected property owners must approve of the designation for it to go forward, and there is a protest provision. These are for the purposes of insuring that there is a basic level of support from property owners. Having property owner "buy in" is critical not just for passage but also in administering the district and enforcement. It's in everyone's best interest to choose boundaries with property owners' wishes in mind. On the other hand the boundaries have to be logical in terms of historic resources.

With no further comment, Ms. Novak opened the public hearing to rebuttal from the petitioner. There was none.

Ms. Novak next opened the public hearing to the petitioner to present a summary of his petition. This opportunity was declined.

Ms. Novak next opened the public hearing to discussion by the Commission. Ms. Stuart stated that she was disturbed by the precedent set at this meeting. Upon viewing the letter addressed to the Commission by Mr. Stanko, she stated that she knew that questioning of the applicant by the opposition was possible but she did not know that the City Attorney had advised that the Commission sanction it and she found it distressing and chilling. She intended to find out what legal precedent this has set.

Ms. Novak asked Mr. Myers to speak briefly to the situation of which Ms. Stuart had made mention. Mr. Myers responded that in certain types of public hearings that affect property rights, the public board or commission hearing the case sits in a quasi-judicial capacity. He noted an Illinois Supreme Court case involving the Village of Lisle, Illinois. He stated that the ruling in that case has had an effect on how municipalities deal with zoning cases, specifically special use permits, but it also left open the possibility that other zoning cases would be affected. City staff asked the City Attorney for advice on how the public hearing for this application should be held, taking into account that this is not a special use or Zoning Board of Appeals case. The City Attorney advised to allow the counsel for the opposition to ask the petitioner questions. Mr. Myers emphasized that this meeting was a public hearing and not a court session, that no one was under oath and no one would be compelled to provide information if they chose not to do so. He noted that not everyone present was a technical expert and that many had simply an opinion on whether or not they believe the subject properties have historic value. He also emphasized that the Commission is a recommending body and that it was not making a final decision as the Zoning Board of Appeals does. The Commission's duty here was to recommend action to the City Council.

Mr. Dossett suggested that where questioning of the petitioner by the opposition is possible or probable, both the Commissioners and the public need to know what that means for them. He stated that a posting should be made at the front table which should clarify the rights, responsibilities and limits of the Commission, legal counsel and the public.

Mr. Zangerl noted that historical integrity as defined in the Historic Preservation Ordinance dealt not with how a given property has been modified on the interior but, rather, with the integrity and design of the exterior. He wished to make this clear to the audience.

Ms. Lipes questioned whether signage placed at each end of the proposed district would send a confusing message to the public since the proposed district would include noncontributing properties. Ms. Novak responded that there is no official district signage per se. She noted that the plaques which the Commission approved in the past go on individual buildings.

Mr. Shepard stated that he was unsure whether to include the properties that City staff recommended excluding. He questioned whether 813 and 816 West Main Street should be included and said that he would be interested in hearing the opinion of other Commissioners on the matter.

Ms. Stuart stated that she was persuaded by the arguments for the cohesiveness of the proposed district to include the properties shown to be noncontributing. She noted that the historic Fort Clark

Trail, of which West Main Street is a part, is an integral part of the history that unifies this proposed district.

Mr. Zangerl noted that the Historic Preservation Ordinance suggests that noncontributing structures may or should be included in a historic district if they are important to the preservation of the district. He stated that the reason noncontributing properties should not be excluded is so that such properties cannot take on characteristics that would be detrimental to the district. He also felt that 809 W. Main Street was contributing to the historic character of the neighborhood. In addition, he felt that all the properties that were proposed in the application should be included, with the possible exception of 813, though he noted that to have an entire block except for one property as a historic district would be rather strange.

Mr. Cahill stated that he was in support of the proposed district and said that the question now was what the boundaries would be. He considered 816 W. Main Street to be a contributing structure and felt that it should be part of the district.

Mr. Dossett stated that he also felt that with regards to 809 W. Main Street, the overall quality and period nature of the home made it a valuable asset to the proposed district. He agreed with Mr. Shepard in questioning whether 813 and 816 should be included. He asked Mr. Myers whether more time could be allotted to look at 813 and 816, since a staff memo dated September 7, 2007 stated that the Commission was to provide a recommendation within 60 days of the public hearing. Mr. Myers confirmed that the Commission has 60 days to make a recommendation to City Council and said that if extra time for consideration was needed, the case could be continued to the next regular Commission meeting, but if the input received was sufficient, the Commission could make a recommendation tonight.

Mr. Shepard asked if a majority of all seven Commissioners, not just a majority of those present at a particular meeting, was required to be present to make a decision on the application before it, regardless of the requirement of a Commission decision within 60 days of the public hearing. Ms. Novak answered in the affirmative.

Ms. Novak stated in regards to the inclusion of all properties on the application, she referred to the definition of "noncontributing" as outlined in the Historic Preservation Ordinance. She felt that the noncontributing properties being on one end of the proposed district did not diminish the importance of the inclusion of the boundary for the full extent of this historic thoroughfare. She felt also that what could happen on possibly excluded properties could have an impact on the overall integrity of the proposed historic district. She noted that the inclusion of noncontributing properties would subject those properties to the design review standards for noncontributing properties in the Historic Preservation Ordinance.

Mr. Dossett made a motion that the Historic Preservation Commission determine that the proposed district qualifies for designation as a local historic district based on criteria a. (an area containing a significant number of buildings, structures and sites...) and c. (an area containing sufficient historic integrity) of the applicable section of the Zoning Ordinance; and that the addresses to be called contributing include: 802, 803, 804, 806, 807, 808, 809, 810, 812 and 814 West Main Street; and

the following addresses to be included in the district and identified as noncontributing: 807½, 811, 813 and 816. Ms. Stuart seconded the motion.

Mr. Shepard then made a motion for an amendment to Mr. Dossett's motion, reducing the size of the district by removing 813. Mr. Cahill seconded Mr. Shepard's motion.

Ms. Lipes stated that she was having difficulty including 813 but she stated that in the interest of keeping a cohesive district, it did not make sense to remove just one property in a block. She felt it would make better sense of both 813 and 816 were excluded. Mr. Zangerl stated that to exempt one property could have an impact on the rest of the properties in the district. Consequently he felt that 813 should be included.

Mr. Shepard stated that he was not sure if he would vote for his own motion but that it was for the purposes of discussion.

Regarding Mr. Shepard's amendment to Mr. Dossett's earlier motion, Ms. Novak asked for a roll call vote. Roll was taken and the votes were as follows:

Mr. Cahill – yes	Mr. Shepard – no
Mr. Dossett – no	Ms. Stuart – no
Ms. Lipes – no	Mr. Zangerl – no
Ms. Novak – no	

The motion failed by a vote of six to one.

Regarding the motion made by Mr. Dossett, Mr. Myers clarified that the staff recommendation included findings for possible adoption by the Commission. He noted that if the Commission should decide to adopt any of those findings, which he recommended they do, the meeting date listed in finding number four should be corrected. Ms. Novak asked if the motion should be amended to include the findings mentioned by Mr. Myers. Mr. Myers answered that was City staff's recommendation. Mr. Dossett agreed with the amendment to his motion, as did Ms. Stuart, and Ms. Novak read the motion in its entirety as amended. Mr. Zangerl asked if it was necessary to also include in the findings the registrations of protest to the proposed district, to which Mr. Myers answered in the negative. With no additional discussion, Ms. Novak then asked for a roll call. Roll was taken on the amended motion and the votes were as follows:

Mr. Cahill – yes	Mr. Shepard – yes
Mr. Dossett – yes	Ms. Stuart – yes
Ms. Lipes – yes	Mr. Zangerl – yes
Ms. Novak – yes	

The motion passed unanimously meaning that the application would be forwarded to the City Council with a recommendation for approval. It was anticipated that the case would be heard by City Council on October 15, 2007.

Ms. Novak thanked members of the audience for participating in the public hearing and she also stated that the manner in which the questioning of the applicant had proceeded was strictly on the behalf of Mr. Stanko. She noted that these proceedings were not something that the Commission had experienced in the past. She further noted that a number of those present at this meeting took issue with having to reduce public participation to a courtroom setting. She hoped that no one would be discouraged from participating in the future and emphasized that the Commission does not conduct trials but that it does hold public hearings, it is a group of volunteers and it relies very heavily on the civic participation. Ms. Novak closed the public hearing.

9. NEW BUSINESS

There was none.

10. MONITORING OF HISTORIC PROPERTIES

Mr. Cahill asked if there had been any response to Ms. Novak's e-mails regarding the Mumford House. Ms. Novak responded in the negative.

11. STAFF REPORT

- **City Council direction for a Demolition Delay Ordinance**

Mr. Myers reported on this topic. Discussion from the Commission ensued. Ms. Stuart made a motion that the Commission make a recommendation to City Council that with the proposed demolition delay ordinance apply to properties older than 50 years (as opposed to 75 years) and that the requirement that there be a survey on file be dropped. Mr. Cahill seconded the motion. Mr. Shepard did not feel that he knew enough about this topic to vote on it and asked if an abstain vote would be possible for him in this case. Ms. Novak stated that in the Historic Preservation Commission bylaws, it is stated that if a Commissioner abstains from a vote but does not announce that such abstention is based on a conflict of interest, the abstention shall be recorded as going with the majority. Mr. Dossett stated his support for Ms. Stuart's motion. Regarding that motion, Ms. Novak asked for a roll call. Roll was taken and the votes were as follows:

Mr. Cahill – yes	Mr. Shepard – no
Mr. Dossett – yes	Ms. Stuart – yes
Ms. Lipes – no	Mr. Zangerl – no
Ms. Novak – yes	

The motion passed by a vote of four to three.

12. STUDY SESSION

There was none.

13. ANNOUNCEMENTS

There were none.

14. ADJOURNMENT

Mr. Dossett moved to adjourn the meeting. Mr. Cahill seconded the motion. The meeting was adjourned at 10:26 p.m.

Submitted,

Robert Myers, AICP
Planning Division Manager