

APPROVED

CITY OF URBANA

HISTORIC PRESERVATION COMMISSION - SEPTEMBER 3, 2008

CITY BUILDING CONFERENCE ROOM, SECOND FLOOR - 400 S. VINE STREET, URBANA, IL

CLOSED SESSION

COMMISSIONERS PRESENT: Alice Novak (Chair); Rich Cahill; Scott Dossett; Trent Shepard; Mary Stuart; Art Zangerl

COMMISSIONERS EXCUSED: Katherine Lipes

STAFF PRESENT: Ronald O'Neal, Jr.; Elizabeth Tyler; Robert Myers; Rebecca Bird

The Urbana Historic Preservation Commission met in closed session for the purpose of discussing pending litigation, pursuant 5 ILCS 120/2(c)(11).

Chair Novak called the closed session to order at 6:07 p.m. Roll was called and a quorum declared. Chair Novak turned the session over to City Attorney Ronald O'Neal, Jr.

Mr. O'Neal stated the purpose of the closed session was to discuss litigation that had been filed in the Circuit Court on July 29, 2008 for administrative review by Howard Wakeland's attorney, Glenn Stanko. They are requesting that the Court review the decision made by the Historic Preservation Commission (HPC) as well as the determination made by the Urbana City Council to uphold the HPC's decision. Mr. O'Neal informed Commissioners of the allegations, indicating that they charge that the City Council and HPC lack jurisdiction (should not have heard this case because a hearing was not held within 35 days based on their interpretation of the City's ordinance), and that the Council designated the property as non-contributing in terms of a historic district and then treated it as contributing.

Debate was entered regarding the following allegations: 1) Errors for the Certificate of Economic Hardship, where Mr. Stanko and his client allege the HPC and Council failed to apply the proper standard in denying the Certificate; 2) The decisions of the Council and HPC were against the manifest weight of evidence, considering the evidence presented on behalf of the plaintiff established that the foundation of the rooming house was structurally unsound and unsafe; 3) That the cost of remodeling exceeds the cost of new construction; 4) That demolition rather than remodeling is the only viable alternative; and 5) That no significant design features or other aspects of the house were worth saving. It was noted that three people with expertise in this matter have looked at the structure and determined that it would be more expensive to renovate than rebuild, and it is structurally unsound and unsafe.

Mr. O'Neal concluded that he had contacted Mr. Stanko requesting extra time in filing the City's response in order to allow him to meet with the Council to determine what course of action they wanted to pursue. Possibilities include litigate (let the Court decide), fold, or negotiate. He noted that the City Council was very adamant about certain standards that should be met if the City allows the house to be demolished and what would go there instead.

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With nothing further to be discussed regarding this issue, Chair Novak declared the closed session adjourned at 7:14 p.m., at which time Commissioners returned to the Council Chambers to resume the special meeting.

Respectfully submitted,

Deborah J. Roberts, Deputy City Clerk
Recording Secretary

This meeting was taped.

Minutes Approved: 4/1/09 _____