

MINUTES OF A REGULAR MEETING

HISTORIC PRESERVATION COMMISSION

APPROVED

DATE: March 5, 2003

TIME: 7:00 p.m.

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

MEMBERS PRESENT: Rich Cahill, Sharon Irish, Alice Novak, Art Zangerl

MEMBERS EXCUSED: Liz Cardman, Bill Rose, Trent Shepard

MEMBERS ABSENT: None

STAFF PRESENT: Rob Kowalski, Planning Manager; Michaela Bell, Planner; Teri Andel, Secretary

OTHERS PRESENT: G. D. Brighton, Chris Stohr

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.

2. CHANGES TO THE AGENDA

Staff noted that Jack Waaler, City Attorney, would be attending the meeting to talk about and explain the Open Meetings Act with the Urbana Historic Preservation Commission. Therefore, staff requested that Mr. Waaler speak directly after the approval of the previous minutes.

3. APPROVAL OF THE PREVIOUS MINUTES

Ms. Irish moved to approve the minutes from the Historic Preservation Commission meeting that was held on December 4, 2002 as corrected. Mr. Zangerl seconded the motion. The minutes were approved as corrected by unanimous vote.

4. AUDIENCE PARTICIPATION

Jack Waaler, City Attorney, approached the Historic Preservation Commission. He gave a brief presentation on the Open Meetings Act. He articulated on the following main points:

1. Not everyone agrees with the Historic Preservation Ordinance. Thus, it puts an extra burden on the Historic Preservation Commission to not only be fair, but it gives no opportunity for any perception that the Commission is not fair.
2. Commissioners can get together without it being considered a public hearing as long as they are not discussing public business. If a majority of the Historic Preservation Commission is at a party, that is all right as long as they do not discuss details about any historic preservation business or case.
3. Conflict of Interest – He noted that it was left up to each Commissioner to determine for him/herself whether or not they have a conflict of interest. If a Commissioner decides that he/she has a conflict, then he/she should announce that they have a conflict and that they would not be voting on the case. The Commissioner should leave the dias and possibly even leave the room. According to the Bylaws, a Commissioner is not obliged to reveal what his/her reason is for having a conflict of interest. However, with the idea of being totally fair, open, and transparent, he encouraged the Commissioners to reveal what they believe would be their conflict of interest.
4. Violation of Open Meetings Act – If a majority of the commissioners were at the same dinner party and began discussing a case, the situation could morph into a possible violation of the Open Meetings Act. It would be okay for those commissioners to be at the same place as long as they do not talk about public business. It is possible to violate the Open Meetings Act by having a meeting without being in each other's presence via telephone, chat room or email.

Mr. Zangerl stated that the commissioners have mixed missions in some respects. There is the quasi-hearing judicial property where they decide whether or not nominations are worthy of designation. On the other hand, they are supposed to be advocates for the general concept of historic preservation and its benefits. In the past when a historic district nomination might be coming up, the commissioners had thought about sending one or two of the commissioners out to talk to the affected property owners about what historic preservation means and does not mean. They would not obviously talk about how they felt about the merits of a particular nomination that might come up. Mr. Zangerl asked if there would be a problem with doing this? Mr. Waaler replied that he felt there would not be a legal problem in doing this. However, the Commission had been saddled with potentially antagonistic goals. The Commission is a hearing body for applications about historic preservation, and yet the Commission is charged with advocating historic preservation. He thought the way to balance this would be when some of the commissioners go out into the community to talk about the advantages of historic preservation, those commissioners should try to emphasize and make clear that when an actual case comes before the Commission, those commissioners can put aside their predilections and judge the case fairly based on the evidence presented during the hearing. All of the commissioners need to be alert to the fact that they are starting a little bit behind simply because of their advocacy roles. Therefore, they need to go the extra measure to prove that would be fair.

Mr. Cahill noted that his experience has been that he spends time at the Preservation and Conservation Association (PACA) warehouse. The public would see him at the Historic Preservation meetings and pull him into trying to defend positions or give his opinion or debate. He tries to save it for the public hearings. However, it inevitably puts him in a touchy role. People at PACA got hostile with him. Mr. Waaler commented that there was nothing that Mr. Cahill could

do about being well known with his association with PACA. He suggested that Mr. Cahill emphasize that when he sits as a member of the Historic Preservation Commission during public hearings that his "PACA hat" is not on.

Ms. Novak inquired about how careful the commissioners needed to be when they are out in public and a citizen asks them about something that might have taken place during a meeting. She asked if the commissioners were free to give their opinions? Mr. Waaler responded that would be okay so long as if the case reappears before the Commission, the commissioner would be able to be free to judge the case based on the evidence. When a citizen approaches any commissioner in public and requests an informal opinion, the commissioner may want to condition his/her response upon words such as, "I don't know all the facts, but assuming that what you tell me is true, I think ...". This would preserve the commissioner's right to say that when he/she knows all the facts, his/her opinion could change. He advised the commission to leave an open-ended statement that lets the public know that they are open to more facts.

Rob Kowalski, Planning Manager, commented that it is true according to the Zoning Ordinance that the Urbana Historic Preservation Commission has the same charges for reviewing applications as the other commissions and boards. However, the Urbana Historic Preservation Commission also has an additional two points, which are:

- 1) Educating the public on the opportunities presented by historic preservation.
- 2) Performing such other functions as may be useful or necessary to safeguard and enhance the community heritage as embodied in historic parcels or buildings, structures, sites, or objects.

Mr. Kowalski asked if it would be a problem for the commissioners to talk to public citizens about the education efforts on the public opportunities presented by historic preservation? Mr. Waaler did not feel that there would be a problem. In fact, the commissioners could even go further and offer more information about any of the objective information that is true.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

Discussion of "Historic Districts: Preserving Community Identity" Forum

Michaela Bell, Planner, commented that staff had been progressing in the planning of the forum. Staff had solidified a lot of the details. It will be titled "Historic Districts: Preserving Community Identity". It will be held on Saturday, April 12, 2003 at the Urbana Senior High School in the Cobb Auditorium. She reviewed the format of the forum and talked about the Historic Preservation Commission's role. Ms. Novak suggested that another task for the Commission could be to round up people after the breaks to ensure that the forum is sticking close to schedule. Ms. Bell referred to the staff memorandum while reviewing the list of guest speakers and noting their biographies.

Ms. Novak felt it would be good to include the guest speakers' biographies and presentation subjects in packet information for people who attend the forum. Mr. Cahill inquired if the guest speakers would be providing material to be handed out to the audience? Ms. Bell replied that was correct. Mr. Cahill suggested having the guest speakers bring posters or display items that the audience could review during breaks and possibly after the forum is over.

The Urbana Historic Preservation Commission discussed who the target audience would be and the type of advertising for the forum that would be used. The target audience would be anyone who had attended the Comprehensive Plan Neighborhood Workshops, people who had responded to an article in the News-Gazette announcing the historic brochure, as well as residents in the individual neighborhoods. The types of advertising to be used included invitations, flyers, posters, newspaper article, and the WUNA list-serve.

The Commission had some suggestions for improving the flyer. Those suggestions included changing the two photos on the flyer to be photos of either the historic district or one of the landmarks so that it would be more recognizable. There was also a suggestion to change the question on the top of the flyer to read as such, "How does Historic Preservation Affect the Neighborhood?" Another suggestion was to make the flyers less wordy.

Mr. Cahill had mentioned the possibility of taking the guest speakers out to an informal dinner. Ms. Bell noted that she was not sure if that would be possible. She did not know if the guest speakers would be coming in late. She suggested taking the guest speakers out for lunch after the forum.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

Historic Preservation Commission 2002 Annual Report

Ms. Bell presented the 2002 Annual Report. The Commission suggested changing the wording regarding the Historic District Nomination for West Main Street to clarify why the application did not move on. It was also suggested that the demolishing of the Garrett House be included in the report. Ms. Bell stated that it could be added.

9. WRITTEN COMMUNICATIONS

- Email from Karen Kummer regarding the Kids' Building Fair

Ms. Novak inquired if the commissioners would be interested in having an activity of some kind at the Kids' Building Fair? She asked if staff had any plans for another walking tour? Mr. Kowalski replied that there is a new walking tour for the Green Street/Elm Street area waiting in the wings. The Commission discussed the possibility of having the walking tour during Preservation Week.

Ms. Novak explained what the Kids' Building Fair was. Mr. Cahill described the activity, which the Champaign Historic Preservation Commission had last year. He suggested sharing an activity with the Champaign Historic Preservation Commission to break it up, so that no one has to attend for the full four hours.

10. MONITORING OF HISTORIC PROPERTIES

- Ms. Irish commented that the doors on the Cinema Art Café look great.
- Mr. Cahill noted that the Warm Air Research House had officially become property of the University of Illinois.

11. STAFF REPORT

Mr. Kowalski reported on the following:

- ✓ At an upcoming meeting, the Commission will be asked to review a proposal for the property on Green Street and Coler Street, which is across the street from the Ricker House. The structure was removed from that property. The Historic Preservation Ordinance specifies that for proposals that are adjacent to a Historic Landmark or District (excluding right-of-way), the Urbana Historic Preservation Commission would have a chance to comment on what was being proposed.

Mr. Zangerl inquired about staff revamping the Mixed Office Residential Zoning District? Mr. Kowalski responded that it was something that staff was working on.

12. STUDY SESSION

There was none.

13. ANNOUNCEMENTS

- Mr. Cahill announced that the PACA Annual meeting would be held on Sunday, March 9, 2003 at Canaan Baptist Church from 2 p.m. to 4 p.m. A tour of the church will be offered as well as an awards presentation.
- Ms. Novak announced that the new historic brochure was now out-of-date due to the two National Register Listings of Historic Places of Busey-Evans Residence Hall and Freer Gymnasium. They were both listed officially in early February of 2003.

14. ADJOURNMENT

Mr. Zangerl moved to adjourn the meeting at 7:52 p.m. Ms. Irish seconded the motion. The meeting was adjourned.

Submitted,

Rob Kowalski, Secretary