



MINUTES

HISTORIC PRESERVATION TASK FORCE

March 5, 2009

7:05 a.m.

Mayor's Conference Room

- Members Present:** Paul Adlaf, Judy Barclay, Anita Bloom (left 7:38), Carrie Davis (7:04), Randy Derifield, Brian Kidd (7:11-8:32), Alfredo Marr, Milton Nelson, Herb Zuegel
- Members Absent:** Ald. Jim Allegretti, Buzz Hill, Steve Huening, Kirke Machon, Juliana Maller
- Staff Present:** Jon Branham, Aggie Stempniak, Barb Cannon
- Others Present:** Nan Parson

I. ROLL CALL

Ms. Davis welcomed the Task Force.

II. APPROVE MINUTES OF FEBRUARY 19, 2009 MEETING

Moved by Mr. Derifield and seconded by Ms. Barclay, the members approved the minutes of February 19, 2009.

III. DISCUSSION ITEMS

A. Ordinance outline and issues/questions to be addressed

Before the Task Force resumed discussion of Chapter 3, Mr. Derifield commented briefly on Chapter 2. In preparing Draft A, the City Attorney used an ordinance other than the State's model as a basis. Mr. Derifield pointed out that the Illinois ordinance has a section called "Surveys and Research" and that there was nothing quite like that in "Duties and Powers" of Draft A. He suggests adding something like that section from the IHPA model to Chapter 2, under "Duties and Powers". It does not necessarily need to be as expansive as the State's, but it should explicitly state that one of the Commission's duties is to conduct surveys and research because that is the first thing that needs to be done. Ms. Bloom agreed.

The Task Force resumed its discussion of the outline presented in the February 12, 2009 memorandum from Ms. Maller:

Chapter 3 – Procedure for any Designation by the Commission or City Council.

Application for designation was decided at the last meeting.

Procedures: The Commission will have a panel of various experts and, for that reason, should have final decision on denials. However, in accordance with the recent Appellate Court decision, and in maintaining consistency with the City's other Boards and Commissions, designation of landmark/historic district status should be decided/granted by the City Council on the Commission's recommendation.

Appeals Process: Though generally thought that those who will apply for designation are already aware they meet the criteria as historic structures, Mr. Kidd raised the possibility that there are organizations or individuals that might push for designation due to the financial incentives that could be involved. Therefore, there is a need to have an appeals process in place. While all agreed, most Task Force members suggested that City Council was not the appropriate forum for appeals and requested staff research other venues. In Hinsdale, if the Village Board denies designation, an appeal can be made to the same Village Board within 30 days, but only with substantial new evidence.

Informal Preliminary Review Process: Residents should be encouraged to avail themselves of the option to discuss their plans with the Historic Preservation Commission rather than staff.

Chapter 4 – Landmarks

Standards: Chicago has seven standards for landmark designation. Mr. Derifield believes we should have less. He also said the City Attorney should weigh in on that due to the recent Appellate Court decision.

Should there be, for Chapters 4 and 5, additional standards outside the ordinance as a design guideline?

Number of votes to *submit* application: This should say vote to *approve*. There should be a majority vote of quorum, not the Commission.

Owner consent prior to landmark approval: Yes

Chapter 5 – Historic Districts

Standards for designation: This is a straight legal question. The City Attorney should address this and the Task Force will go over it once it is drafted.

Requirement to contain at least one landmark: No. (This is to preserve the character of the district.)

Percentage of property owners to apply: 25%

Percentage to consent prior to approval: 66% of *properties* rather than property owners.

Chapter 6 – Alteration of Designated Sites

Definition of “Alteration”. (“Alteration: Any change or modification including, but not limited to, demolition or addition to the structural aspect, the materials, color, texture or details of all or a part of the exterior of any improvement or site. Alteration shall not include normal repair or maintenance.”) Mr. Derifield said that the Building Administrator should make this decision.

“Normal repair and maintenance”: Mr. Kidd commented that there is no such thing as normal repair when it comes to historic preservation. The City Attorney has a definition. This could be expanded upon. This may be in the Zoning Ordinance, but needs to be in this ordinance as well.

Authority to decide “normal repair or maintenance”: the Commission.

Certificate of Appropriateness - Standards and design criteria: We need to work through this with the City Attorney. The Commission needs to create standards and design criteria with which to review Certificates of Appropriateness.

Final approval of COA: As long as the City Council has provided the standards for those decisions, they have delegated the authority to the Commission. There is no need for a public hearing.

Appeals: No. [If they must appeal to the City Council, the Council should either deny the appeal or remand it back to the Commission.] Is there another organization that would be independent and objective?

Chapter 7 – Withdrawal of Designation of Landmarks

Should there be a process for withdrawal from landmark status: Yes.

Under what circumstances: Change of ownership; alterations make structure no longer eligible for designation; withdrawal to tear down the structure.

Process: The same as application.

Additional questions to address:

Does the City Council need to approve everything (Commission activities, surveys, etc.)?

Certificates of Appropriateness (COA’s) – there should not be a one-year wait if denied to reapply.

If someone is putting an addition on and wants to be a designated landmark, do they go through both Appearance and Historic Commission? Mr. Kidd believes, and general consensus was, that standards of the Historic Preservation Commission would be higher and more clearly defined than those of the Appearance Commission.

Is there a way to write something in Chapter 6 that states the Historic Preservation Commission has final authority regarding historic districts and landmarks and not the Appearance Commission?

IV. ADMINISTRATIVE REPORT

None.

V. NEW BUSINESS

Ms. Barclay distributed copies of Landmark Illinois' *Answers to Common Questions* regarding the recent Appellate Court decision.

Now that the Task Force has completed discussion based on staff's outline for a draft ordinance, its recommendations and queries will be given to the City Attorney. The City Attorney will respond to the concerns and incorporate the recommendations into a draft ordinance. The next meeting of the Historic Preservation Task Force will be determined pending its completion.

VI. ADJOURNMENT

With no further business, the meeting was adjourned at 8:48 a.m.