



MINUTES

HISTORIC PRESERVATION TASK FORCE

February 19, 2009

7:04 a.m.

Mayor's Conference Room

Members Present: Paul Adlaf, Ald. Jim Allegretti, Judy Barclay, Carrie Davis (7:05), Randy Derifield, Brian Kidd (7:17-8:34), Kirke Machon, Juliana Maller, Alfredo Marr (left 8:01), Herb Zuegel

Members Absent: Anita Bloom, Buzz Hill, Steve Huening, Milton Nelson

Staff Present: Jon Branham, Aggie Stempniak, Barb Cannon

I. ROLL CALL

II. APPROVE MINUTES OF DECEMBER 4, 2008, JANUARY 8 AND JANUARY 22, 2009 MEETINGS

Moved by Ms. Barclay and seconded by Mr. Zuegel, the members approved the minutes of December 4, 2008, January 8 and January 22, 2009.

III. DISCUSSION ITEMS

A. Chicago Landmark Challenge

Attorney Hill's memo regarding the recent case of *Hanna v. City of Chicago, et al.*, was discussed. The Appellate Court found that *Hanna* stated sufficient facts in alleging that the Chicago Landmarks Ordinance was unconstitutionally vague, ambiguous, and overly broad in using words such as *value*, *important*, *significant*, and *unique*. The Court also found that the description of qualifications for Commission members might be deemed vague. The Court particularly focused on the phrase "special interest, knowledge, or experience" and believed the Ordinance improperly delegated the City Council's authority to the Commission.

As the Task Force progresses in drafting an ordinance, it must strive to keep it free of ambiguities. Final authority must be defined fully, as should expertise of Commissioners.

Mr. Derifield wants all to keep in mind that the *Hanna* case is an attack on the Chicago Landmark Ordinance, not on historic preservation.

B. Why some communities choose not to enact a historic preservation ordinance

Mr. Branham contacted representatives from several area communities regarding historic preservation ordinances to find out why they did not have one in place. Most indicated

they were without significant inventory of historic structures because they were primarily developed post-World War II. Arlington Heights and Palatine expressed an interest but do not currently have the staff to support the endeavor. He also mentioned that, contrary to what we had heard at a previous meeting, Downers Grove is supportive of historic preservation, adopted an ordinance two years ago, and is working towards becoming a CLG.

Hinsdale's ordinance was discussed and determined to be a good model to use. Property owner's rights and their ability to withdraw are two elements that allow the ordinance to succeed. We should consider incorporating these provisions, which are not in our Draft A ordinance.

Ms. Davis explained that staff has been trying to locate a community that has struggled in its attempts to adopt a historic preservation ordinance in order for our Task Force to have as much information to weigh – good and bad – in this process, but has not found one.

C. Ordinance outline and issues/questions to be addressed

Ms. Maller recapped the Task Force's progress thus far. The Task Force has completed its education phase through research and hearing from outside speakers. The next phase will be the Task Force's coming to a consensus on various issues before an ordinance can be drafted.

Staff used Attorney Hill's Draft Ordinance A, IHPA's model ordinance, and Hinsdale's ordinance to create a Table of Contents for a historic preservation ordinance. Items in italics are not in the Draft Ordinance A.

The Task Force discussed the Table of Contents for a Historic Preservation Ordinance:

Chapter 1 – General. Mr. Derifield requested that the City Attorney look at the definitions that will be listed to ensure they are not vague.

Chapter 2 – Preservation Commission. It was decided that, once the City Council approves the Historic Preservation Ordinance, a separate Commission should be formed. The Commission will be selected through the Mayor's Advisory Board and consist of seven to nine members with staggered terms of three to five years. It should have a City Council liaison. It should meet at least once a month and consist of members with certain expertise, such as architects, urban planners, design professionals, attorneys, and historians, as well as those residents with an interest in historic preservation. The Commission will promote the ordinance, educate the community, and survey the area.

Chapter 3 – Procedure for Any Designation by the Commission or City Council. It was agreed that anyone could make an application for a building's landmark status, but that application may not proceed to the City Council without owner consent via a signed affidavit. Designating districts was also discussed, requiring at least 25% of the district's

property owners to apply/start the process, but a super-majority to approve its designation.

IV. ADMINISTRATIVE REPORT

None.

V. NEW BUSINESS

The next meeting will be on Thursday, March 5, 2009, at 7:00 a.m.

VI. ADJOURNMENT

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