

**Minutes of the Meeting of the Landmarks Preservation Commission
Held in the Caucus Room of the Municipal Building
On Wednesday, April 10, 2019**

The Chairman, Matt Smith, called the meeting to order at 7:00 P.M.

Roll Call

Members: Present –Vice Chairman Ralph White; Lois Shinko; Chairman Matt Smith
Clint Gaul arrived at the meeting after Roll Call

Guests: Mayor Bryan Jensen and Law Director John Gasior

Approval of the Minutes of the Meeting of Wednesday, March 13, 2019

A motion was made by Mr. White and seconded by Ms. Shinko to dispense with the reading of the minutes of the meeting of Wednesday, March 13, 2019, and approve said minutes as published. The vote was: Mr. White, “yes”, Ms. Shinko, “yes”, Mr. Smith, “yes”. The Chairman declared the motion passed.

Demolition Permits

Mr. Smith stated that he and Mr. Gasior discussed this about two years ago and talked about penalties, etc. He said that his goal is not to stop people from doing what they want with their properties.

Mr. Gault arrived at the meeting at this time.

Mr. Smith continued by saying, the goal is to get people in front of this Commission to speak with us if they decide to demolish something so that maybe we can persuade them to do otherwise with some alternatives. As of now, if a person has a piece of property and wants to develop it and there is a historical structure on it, if they come here and apply for a demolition permit and we deny that, they can still just go out and knock down the structure the next day if nothing happens or they do not even have to show up at this Commission. They can just knock something down and that is it. So the goal here is to try to find a way to get people in front of this Commission so we can at least speak with them before they take a structure down so we can help them with their process.

Mr. White noted that he has been on the Landmarks Preservation Commission for eight years and he has never denied a demolition permit. They have always been reasonable requests. But there are certain landmarks that you just have to protect. There has to be something to protect the Cahoon House, the Nagel House, the Sweet houses, the stone house on Detroit that used to be the chocolate shop – any of the stone, or sandstone pre Civil War houses. We have to have something for things like that.

Mayor Jensen said he thought that in the past, people on the Landmarks Preservation Commission were frustrated because they had no power so they felt it did not make any difference what they did. They felt that if they denied a demolition, it just delayed it six months and then the property owner could do whatever they wanted anyway. He said that that is why he asked our Law Director to be here today. He thought it was frustration all the way around by everybody. As Mr. White said, in recent years several requests for demolition have come before the LPC and most of the structures did not have value and the

LPC saw that the same way and passed the demolition request right away. So he thought that what the LPC is doing now deserves to have some other focus and as he discussed with Mr. Smith the other day, having some form of making sure the property owners have to come before the LPC first. Hopefully, Mr. Gasior can come up with some kind of wording or something we can do to require that.

Mr. Gault stated that one point behind this is why would you pay somebody whatever they make an hour to come to a Commission meeting at night time when it is cheaper just to tear the structure down and move on from it. So the goal is not to try to stop people from what they are going to do but at least to have a voice in it and make it part of the process

Mr. Gault then touched on how difficult it is to find people who really care about preservation to become members of the LPC and how they are appointed. Mr. White said that is a topic to be discussed later in the meeting.

Mr. Smith stated that, as the Mayor said, they talked about a requirement where when a developer comes before Planning Commission for a building permit, if there is a historic building on that property and they want to knock it down, before they can proceed any further with the Planning Commission they would need to appear here before the LPC and speak with us and we would fill out a form that these people came and then they could go back to the Planning Commission and do what they want to do. But if they do not come here, then the Planning Commission would not issue them a building permit.

Mr. Gasior responded that that is in the Code; we adopted that in 2006. We inserted that very exact type of legislation. We created a definition of a landmark structure in Section 1222 and in Section 1228, which is the Development Plan Procedure, and also in the Subdivision Regulations, where you buy perhaps one big tract of land and then you are going to build homes and subdivide it. We have it in both that if there is a designated landmark on the property, they cannot go forward with Planning until they have filed the proper paperwork for the demolition. He assumed that the Building Department has a list of all the landmarks and when a person comes in for a demolition permit, they should immediately know to check the list of landmarks before they issue the permit.

Mr. Gasior said that the penalty section for violation of the Code is outdated and we could go back and focus attention there to make sure that the fine is commensurate with the violation. We need to make sure that the Building Department has a system in place to see that these landmarks are not falling through the cracks. The demolition application needs to be filed with the LPC but then all you can do is hold off the demolition for six months while you try to find an alternate to tearing the landmark down. Mr. White said, and that is what we have been doing but with certain landmarks, there has to be something to say that no way can that house be torn down. He said right now there is a house that he is worried about and that is the Stickney House up by Palmer Subdivision. That house is threatened; it sits very close to the road and if the road is widened, it is in jeopardy. The owner does not care about it. Mr. Gasior stated that a trust owns that house now and he does not know the plans for it. Mr. White said that is an Avon pioneer house, one of the first houses, and it is important.

Mr. White stated that there has to be something that could be done to protect the century homes, the true landmarks, the ones that are really important. Most of the people who buy properties such as the Cahoon House, the Nagel House, etc. have no plans on tearing them down. But it is the little houses like the Stickney House that he is talking about and there are not many of those left. He is just concerned that there are no provisions at all for protection of these properties.

Mayor Jensen asked Mr. Gasior if there was a way to requalify the houses that are on the landmarks list to perhaps remove some and solidify it to say that certain ones are more important. Mr. Gasior asked if anybody on the current list was petitioning to be removed and Mr. White said, no.

Mr. Gasior said that he was going to review the Code and he thought that the first thing is to certainly penalize somebody who tears down a landmark but it sounds to him like the people who know they have a landmark are probably going to be a little more careful with it. Mr. White said that is pretty much true. Mr. Gasior noted that the problems that they have had in the past were when the homes were in commercial or industrial areas and they were being bought by people who had other ideas than living in them as a residence, and then the person who owned it, if they got the money, really did not care what was done with it.

Mr. White asked Mr. Gasior if he could study the Code and see what he could do and maybe come back to the LPC meeting next month and give us an update. What he would like to see is having a bit more "teeth" for protection of the houses that could come up in the future. He said that the LPC is a reasonable group and he does not want to tell people what to do with their properties. He does not think that is fair, but at the same time, if someone is going to buy a property, they need to be aware that it is protected if it is a certain property. Even though they are all on the landmark list, some are expendable and some are not. Mr. Gasior stated that we should get the landmark list together so we know what we are dealing with and make sure we are up to date on the list. Maybe they would want to look into hiring somebody to redo the list and redo it more with what Mr. White has in mind, preserving what really needs to be preserved, and maybe treating those marginal ones in a different way, so they get a different type of scrutiny when it comes in for a demo permit.

Mr. White stated that the other thing they were concerned about was trying to find new members, providing one of them wanted to leave or had to leave. Mayor Jensen agreed that it is difficult to find people. Everyone is so busy and they do really have to have the right personality; you have to have someone who cares. Mr. White then mentioned compensation for the LPC. Originally, they were all volunteers and then they got a small pay and it has not changed in seven or eight years. It is not anything that is attracting anybody, that is for sure. Mayor Jensen said that is something that has been overlooked but it can be discussed at the next Finance Committee meeting. Mr. White said that a pay raise would help down the road.

Mr. Smith felt it would help if there was a procedure to appoint people. Mr. Gasior stated that there is a process for electing members in the Charter and would have to be changed in the Charter. There is a default kind of position in the Charter and that would be that if none of the organizations appoint, then the Mayor could appoint. It really was designed to have those organizations, the Garden Club, the Historical Society and the French Creek Foundation, be appointing those people and you are running the risk of losing that kind of membership if you change that. Mr. White stated that he has been President of the Historical Society for many years and there is just nobody who wants to do anything so in the future you are not going to have any more appointed people or volunteers; they are just dried up. Mr. Gasior said that maybe Council can address that with the compensation. Mr. White said there has to be an alternative plan for getting members, and Mr. Gasior said again that the fallback is the Mayor appointing. Mr. White asked if it would be possible to increase the number of members on the Commission and Mr. Gasior responded that it would have to be by Charter.

Mr. Gasior stated, (going back to fines), that the key now is penalizing because what you have said is, what is to stop somebody from tearing down? You have to make the penalty a first degree

misdemeanor to get somebody's attention. He said he did not think this would be outrageous in order to preserve the City's heritage and protect these historic structures. Mr. Smith said he does not like telling people what to do with their property. It is just that we want to talk with them, within reason, about what we can do to save the property.

Mr. Gasior stated, so we have to tighten up the Code. He will address the penalty section and will talk to the Chief Building Official to make sure that we have our protocols in order and will try to come to the next meeting of the LPC.

Date of Next Meeting

Mr. Smith stated that the next meeting of the Landmarks Preservation Commission would be held on Wednesday, May 8, 2019, in the Caucus Room of Avon City Hall at 7:00 P.M.

Adjourn

A motion was made by Mr. White and seconded by Mr. Gault to adjourn the meeting and the vote was all ayes. The Chairman declared the motion passed and the meeting adjourned.

Transcribed by Gail Hayden, Assistant Clerk of Council