

**Minutes of the Meeting of the Landmarks Preservation Commission
Held in the Caucus Room of the Municipal Building
On Wednesday, March 9, 2016**

The Chairman, Joe Richvalsky, called the meeting to order at 7:05 P.M.

Roll Call:

Members: Present – Chairman, Joe Richvalsky; Vice Chairman, Ralph White; Lois Shinko;
Clint Gault

Guests: Terri Czap, Media Relations, City of Avon; Eva St.Clair; Mary B. Miller; Barbara Kendeigh

Approval of the Minutes of the Meeting of Wednesday, February 10, 2016

A motion was made by Mr. Gault and seconded by Mr. White to dispense with the reading of the minutes of the meeting of Wednesday, February 10, 2016, and approve said minutes as published, and the vote was all ayes.

Amend the Agenda

A motion was made by Mr. White and seconded by Mr. Gault to amend the agenda by adding as the first item a discussion of a special issue presented by the guests at this meeting. The vote was all ayes.

Discussion – Natural Gas Pipeline Through Avon

Ms. St. Clair asked what the Landmarks Preservation Commission does and Mr. Richvalsky answered that the Commission's tasks are written in the Avon Charter, which are: to promote historic preservation in Avon, to create a list of historic properties in Avon, not only buildings but sites such as cemeteries. The Commission has awarded plaques to these buildings or places for the owners of the properties to display on their house. Also, when a property owner who owns a landmark building wants to demolish the property or part of the buildings on the property, they have to come to the LPC before they can receive a demolition permit and we can either approve it or deny it. If we deny it, we can set a 6-month moratorium on the demolition with the hope that within that time, there will be an alternate to demolition. Mr. White added that we can go beyond 6 months to a year if it is important enough. Ms. St. Clair asked if someone else wants to demolish your house but you do not want to, do they come to you? Mr. Richvalsky asked, eminent domain? That is a very good question; we have never had that come up.

Ms. St. Clair stated that they have known for over two years that there is a pipeline corridor that may go through her mother's property at 39348 Colorado Avenue. Now they have been told that it is going straight down the middle of her property which is a little over 2.5 acres. Mr. Richvalsky asked if the property was on the landmark list and Ms. St. Clair said that it was. She lives in Florida but her mother asked for her help and so she has been here for three months doing research, dealing with lawyers, etc. The pipeline would be coming from Avon Lake and they are experimenting with the location, but now they have said that they are going down the middle of the property, so now it is right next to the house. She said they are going to court and have a trial date of June 27th, with a pre trial sometime in May. Ms. Czap said that NRG has proposed to do this natural gas pipeline in order to support non-coal producing electricity and also to give an alternative energy source. Avon Lake Council has passed it but there are all sorts of issues and complaints; it is going all the way to Grafton.

Mr. Richvalsky asked if the pipeline would be affecting the house; are they making you move? Ms. St. Clair said that they do not know. It is commercial property and has been for sale for awhile. Physically the house would not be affected by the pipeline but they do not even know if they will be allowed to live in it.

Mr. Gault stated that, from a legal standpoint, the issue would be that you are not being evicted but is it a constructive eviction? You are not being forced out but due to the decrease in property value, who would want to be there? And then secondly there is the safety factor. Ms. St. Clair said that NRG is not saying anything about the house or what they have to do; they just want the land and they are willing to pay so much money a linear foot.

Mr. Richvalsky asked, so they can do this by eminent domain? And Ms. St. Clair answered, yes, a month ago they were given approval to do this eminent domain in Lorain County, but she did not know if eminent domain is really allowed for utilities. Ms. Czup stated NRG has been in this process for the pipeline for a very long time; where it is going to go and how it is going to go, etc. She added that, since the LPC is a Commission of the City, she thought they needed to see what the Law Director has to say about it, in addition to what the LPC can do in the situation.

Mr. White said that he contacted Eddie Herdendorf as he told Ms. St. Clair he would do and Mr. Herdendorf suggested that she call State Rep. Nate Manning and State Sen. Gayle Manning as they would know all about the pipeline. He gave the contact numbers to Ms. St. Clair.

Mr. Richvalsky stated that since the property is on the landmarks list, it is under the protection that the LPC can provide. So if there was a request to demolish or change any of the structures, then they would have to make a request to the LPC and go through our process. And the most that we could do is delay it for 6 months. Ms. Czup added, and that is for the structures. Mr. Richvalsky said that the LPC has never come across this before and do not have provision in our Charter to handle this. From what he knows and what they have done in the past, it has been the buildings on the site. Ms. Czup then said that the best bet for Ms. St. Clair is to contact the State officials because they are also part of Avon Lake, North Ridgeville, and Grafton so they would know all about that. Ms. St. Clair said, so they would know what is going on through Lorain County with the pipeline and Ms. Czup said, yes, absolutely. Mr. Richvalsky stated that if NRG purchased the property and they wanted to demolish the buildings, it seems to him that they would have to come to the LPC before they could get the demolition permit, unless eminent domain says they can do whatever they want and that is another thing he does not know. Mr. Gault noted that eminent domain is a strong power because the idea behind it is that it is for the public good, or for some benefit for the greater good of the whole.

Mr. Gault stated that it seemed like Ms. St. Clair has a lot of a "what is fair" type of an argument in a court of law. He thinks it is going to be very difficult, but he would say that her strongest basis is that they would be constructively evicting her and there is a fairness argument that if they put the pipeline there and it is dangerous, they are essentially doing the same thing as taking the entire property and she should be compensated for that. He added, though, that Ms. St. Clair probably has more ground in going to the State representatives and getting a more equitable number than she would in talking to an attorney about it.

Mr. Richvalsky said that Ms. St. Clair has the backing of the LPC as far as a landmark property and they will do whatever they can do. He said that her house is one of the best Craftsman style houses in Avon and the LPC judges on historic merit and value to the story of Avon.

LPC Project Committees

Landmark Awards Committee

Mr. White presented Ms. Czup with the historic landmark plaque for the Schwartz Road Barn.

Mr. White then stated that he had five award letters completed and ready to mail. He read the names and addresses of the properties for the record: Mr. and Mrs. Greg Allen, 3888 Long Road; Mr. David Less, 2590 Stoney Ridge Road; Mr. and Mrs. Roy Ladegaard, 34745 Schwartz Road; Mrs. June Kearney, 37511 Detroit Road; and Mr. and Mrs. Jim Szippel, 2623 Stoney Ridge Road. He said, so we are doing five letters this month and he would like to continue doing at least one a month. The letters were then signed by the Commission.

History Walk Committee

Ms. Czup reported that Karen Kirsch of First Energy Corp. had informed her that the LPC would be receiving a total grant of \$10,000. for the History Walk project. Ms. Czup had hoped to receive \$10,000. this year and then \$9,600. next year which would pay the entire cost, but she has found another grant from ODNR and will investigate that as well as others. Mr. Richvalsky noted that, also, we have offers from individuals to pay for markers. Mr. White said he would follow up with that. Mr. Richvalsky stated that they would be acknowledged for their gifts. The first marker on the History Walk will give all the credits and introduce the project.

Mr. Richvalsky noted that he have the LPC the list of the marker titles and he wrote a brief description of some of the content and this is part of the promotion. This will help once we line up the offers and he added that Scott Seighman at the High School is right at the point of submitting the grant for that contest, so we are moving along. Also, Matt Smith has purchased a small scanner which can be taken anywhere to scan photos, etc. So not only is that a part of the History Walk Project but it is also for our other project of archiving historical photos, etc.

Additional Reports and Comments

Ms. Czup offered to mail the award letters out from City Hall. Mr. White asked that the letters not be folded in case somebody would want to frame them.

Mr. Richvalsky stated that the Schwartz Road Barn is down and Ms. Shinko said that the sandstone blocks and the beam that was across there were in perfect condition; they looked like they were just put down there.

Date of Next Meeting

Mr. Richvalsky stated that the next meeting of the Landmarks Preservation Commission would be held on Wednesday, April 13, 2016, at 7:00 P.M. in the Caucus Room of Avon City Hall.

Adjourn

A motion was made by Mr. White and seconded by Mr. Gault to adjourn the meeting and the vote was all ayes.

Transcribed by Gail Hayden, Assistant Clerk of Council.