







- the property at fair market value or relocation of the improvement to another site) have been attempted and exhausted by the applicant; or*
- 4. *The retention of a building, structure, object, improvement, or site is not in the best interest of the majority of the community.*

Additionally, the City Council should consider the following language from Section 10-6-10, which states that “*demolition shall be considered only when all other redevelopment options for a building, structure, object, improvement, or site have been exhausted*”.

**CITY CODE & APPEAL PROCESS**

The City Code provisions pertaining to the appeal of a determination made by the HPC is outlined in Section 10-6-10(A10):

*Appeal of a Demolition Denial to City Council. If an application for any demolition work is not approved by the historic preservation commission, then the applicant may request, in writing, to the director of community development that an appeal of the commission's decision be made to the city council.*

*Both the applicant and the commission have the right to be heard at the appeal proceedings.*

*Upon consideration of the written record of the commission's decision and the applicant's appeal, the city council shall grant or deny the application for proposed demolition work.*

*Within thirty (30) calendar days after such an appeal is made, the city council shall, by resolution, affirm, or reverse the commission's determination according to the applicable standards set forth in this chapter. In accordance with said standards, the city council may also modify the commission's determination. A reversal or modification of the commission's determination shall be approved by a vote of not less than two-thirds (2/3) of the aldermen then holding office.*

Upon consideration of the written record of the HPC’s decision and the applicant’s appeal, the City Council shall grant or deny the application for demolition according to the applicable standards set forth in the City Code.

**Attachments:** *(please list)*

- Resolution 2023-102
- See “Related Documents” at [Development Projects – 4 E. State Street Demolition & De-Designation](#).
- Public hearing transcripts and HPC minutes *(forwarded under separate cover)*

**Voting Requirements:**

*This motion requires 7 affirmative votes for passage. (City Council Only)*

**Recommendation / Suggested Action:** *(how the item should be listed on agenda)*

Consider Resolution 2023-102 reversing the August 15, 2023 determination of the Historic Preservation Commission to deny a request for Demolition and De-designation of the Historic Landmark located at 4 East State Street.



