

Summary Minutes
City of Sedona
Historic Preservation Commission Meeting
Vultee Conference Room, 102 Roadrunner Drive, Building 106, Sedona, Arizona
Monday, January 11, 2016 – 4:00 p.m.

1. Verification of notice, call to order, Pledge of Allegiance, roll call

Chair Unger confirmed the meeting was properly noticed, called the meeting to order at 4:00 p.m., and led the Pledge of Allegiance.

Roll Call:

Commissioners Present: Chair Brynn Burkee Unger, Vice Chair Ann Jarmusch and Commissioners Harry Danilevics, Kurt Gehlbach, Jane Grams, Allyson Holmes, and Steve Segner who arrived at 4:06 p.m.

Staff Members Present: Warren Campbell, Audree Juhlin and Donna Puckett.

2. Commission and Staff announcements

The Chair asked the new Commissioners to introduce themselves, and Commissioner Danilevics indicated that he was born in Scottsdale and went to Brophy and Columbia. He returned about a year ago and got involved in the National Monument issue, but after studying Philosophy, Public Service and activism, this is one way to start to do so officially. Commissioner Gehlbach indicated that he is another native of Arizona born in Phoenix, and he attended Phoenix Christian and spent time in other states, but 20 years here, so this is definitely his home. People told him it is about time he got involved, so he is now involved. The Chair thanked them both and the other Commissioners then briefly introduced themselves.

Note: Commissioner Segner arrived at this time.

At Vice Chair Jarmusch's request, Commissioner Holmes announced that the Brewer Road Master Plan is going before the Council on Wednesday afternoon at 3:00 p.m. in Council Chambers to find out what level of support we have, and it meets all legal requirements. Audree Juhlin added that it is a work session, and staff will make sure there are no more questions or anything else they want to have included, and when they are satisfied, it will be taken forward for formal action. That formal action will give staff the direction to do the final plan; this is the conceptual plan. Chair Unger encouraged the Commissioners to attend, since it is an historic building.

Donna Puckett announced that early registration is now open for the annual HPC Conference that will be held June 8th - 10th in Phoenix, so she would like to know by next Monday who is interested in attending. Chair Unger and Vice Chair Jarmusch expressed interest, and Commissioner Holmes asked where it will be located. Donna Puckett noted that it is not agendaized for discussion, but she would send an email to the Commission letting them know the location. Commissioner Holmes asked how many the City could sponsor, because she would like to go, but if it is too limited, she would rather the new people attend. Audree Juhlin indicated that we have the funds to send at least four people, and Donna asked that the Commissioners check their schedules, because we would make hotel reservations as soon as the registrations are made, to ensure you have lodging within the facility. The other part would be to start taking a look at the program sessions to determine which ones are of interest as that information becomes available, because once you are registered, Veer Consulting may be communicating with you directly regarding your choices. Chair Unger explained that they have some sessions that you have to sign up for in advance, because seating is limited, such as things for CLGs and home tours.

4. PUBLIC FORUM (This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda.)

agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)

Chair Unger opened the public forum and, having no members of the public present, closed the public forum.

3. Approval of the November 9, 2015 minutes

Chair Unger became aware that agenda item 3 had been skipped and asked for a motion.

MOTION: *Commissioner Segner moved to approve the minutes. Commissioner Holmes seconded the motion. VOTE: Motion carried five (5) for, zero (0) opposed and two (2) abstentions. (Commissioners Danilevics and Gehlbach abstained, because they were not members of the Commission at that time.)*

5. Discussion/possible direction regarding possible amendments to Article 15 (Historic Preservation Ordinance) of the Sedona Land Development Code

Chair Unger indicated that the Commission starting going over the ordinance last summer and there were parts of this that some Commissioners felt they wanted to vote on, but given the fact that it was not clear what we were voting on at the end of the day, we basically started over with Vice Chair Jarmusch's suggestions last fall, so that is where we are now. We are looking at the entire Article and will make decisions on the entire Article, not just Sections at a time. Audree Juhlin added that the reason is that there is a certain process that has to be followed when we amend the Land Development Code and publicly notice it, and we weren't at a point that we were publicly noticed to take the action in the past nor are we today. Once we get this to a point that satisfies the Commission, then we will publicly notice it for a hearing to take action.

The Chair indicated that she spoke with Warren Campbell and went through some of her points, and Warren indicated that he had some opening comments, then we can start on page one. Chair Unger suggested discussing this for about 45 minutes and see where we are at that time.

Commissioner Segner asked if there are areas where there are no significant changes, so we can concentrate on the hard areas, and Warren indicated that he can point out some areas that the Commission might want to give some attention. Audree Juhlin then suggested giving an overview of the intent behind the changes.

Presentation, Warren Campbell: Warren explained that this came out of trying to develop a process by which we could review certain types of applications that didn't have an effect on the overall design or character of a historic property by implementing a Certificate of No Effect. With that in mind, staff looked at the ordinance, and you now have a consolidation of James Gardner's work, Vice Chair Jarmusch's work and staff's work, so he apologizes if anything was left out, because we were trying to consolidate a lot of documents and many staff members worked on this to propose ideas and thoughts. We want to hear your feedback today and nothing in this is cast in stone yet, so this is the time to give us your thoughts.

Warren indicated that the proposed amendments are shown in red for both the strikeout and the new text that is underlined. Anything in black is currently in the code, and there are some changes in the Definitions, so that is probably where we first get into significant amendments; the rest is just being a little more descriptive and clarifying. We created some definitions for terms that are already in the code and added some. In particular, we added Major Alteration and Minor Alteration and that was an attempt with the Certificate of No Effect to maybe create two categories within that new process whereby if a request came in and it was one that we didn't think had any significant impact to the historic character, etc., there could be a much more streamlined process that didn't come before the whole Commission. In that process, we would attempt to reach out to one or two

Commissioners and have them involved to agree with staff that there was no impact. Sometimes something may seem minor, but it's not or it may seem major and it's not, so staff was trying to parse that a little in terms of if there is any way within that process within that new process by which we didn't re need to involve or trouble a member of the Commission, and then there are some that would cause that. There are some square footages that try to set thresholds, but there may be concerns that even one square foot of change could be significant while a 1,000 sq. ft. could not, but at some point you need to define it so it is clear as to what does or doesn't qualify for a review by staff only and staff with a partner in the Commission.

Warren stated that a definition for Routine Maintenance and Repair was created, and Commissioner Segner asked how long it generally takes when someone comes in for a permit. Warren Campbell explained that it depends on what it is, but for something like a roof, it is within two weeks at the max. Audree Juhlin added that roofs don't even require a permit if it is a replacement. The Commissioner then asked if someone came to the counter, why we feel there is a need for speed when someone owns a historic building and wants to do something, and we can get back to them within 72 hours, because we could send it to three designated people. Audree Juhlin pointed out that is one of the processes that Warren outlined, which is the Administrative Review process that doesn't need to be included in the ordinance. The Administrative Review means that we would partner with somebody from the Commission to . . . Commissioner Segner interjected that if somebody wants to make a change, he doesn't think the counter person should be in a situation to make a right or wrong decision, but they could say that we would get back to them within 72 hours or a reasonable time, and then we would work up a process with a couple of phone calls or emails and it is no big deal.

Warren then indicated that he is hearing that with a process being laid out that is fairly expeditious, there would be no need to create a two-layering in the Certificate of No Effect whereby there is strictly an administrative role. Commissioner Segner stated that is right; it is not to protect our authority, but we do have some expertise, and also, you don't have to take your counter people and know if they have the expertise or could they make a wrong decision and be criticized later. Donna Puckett pointed out that no counter people do those and Audree agreed that the counter would never do that. Commissioner Segner then asked who would be doing that and Audree explained that the decision would be made by her or Warren.

Chair Unger stated that she still is uncomfortable with just Audree or Warren making some of these decisions, and she thinks the whole Commission is. It isn't just a one person decision and the reason we have a Commission is to help make these decisions. She thinks that Audree's idea is the best in that when we have a landmark or significant buildings, we have a list of the things that are significant and need to go to the Commission or there are going to be things that Audree or Warren could review and say yes, because the Commission decided that those are things that . . . When we do the historic survey, we have a two-page survey when we do the houses, and we have the application. If we had the most significant pieces in there that we feel need to be justified, that would help to isolate what we can and cannot allow and what the two of you could make a decision on. Some changes could still be made to this to make it better, so she will defer her understanding to what Commissioner Segner is saying, but she feels there are some things here that we could consider, and we haven't discussed Audree's suggestion yet. She doesn't know if we should start by looking at this and going through it, so we all understand what Commissioner Segner is saying, in terms of whether we make changes in this first. Audree Juhlin asked for clarification of first as opposed to what, and the Chair said going through this document first, so we understand where staff thinks changes need to be made, and then take a step back, but within that conversation, she still likes Audree's idea.

Audree explained that some of these changes, like in the definitions, were provided to staff by SHPO and they directed us in this direction, so it is not just made up stuff. Warren asked if the Chair was suggesting that changes could be made to the definitions of Major Alteration and Minor Alteration that would create a dual-layer process in the Certificate of No Effect or if you are

agreeing that the definitions should be deleted and just have the one process that involves a Commissioner.

Commissioner Grams stated that it should be simplified; she just put question marks by it, because she thought that if she lived next door to a historic property and to the back of it they were going to build a 10' x 10' shed or something, she might find that pretty objectionable. Maybe it is okay, but it seems that you would have to use some judgment. Warren explained that a 10' x 10' addition to a historic structure would not fall under these definitions, that would still be under the process as we know it today and come before the Commission. These definitions are trying to say that if you need to repair your façade or reroof your building, there would be an ability for either staff only or staff with a member or two of the Commission to approve that versus bringing it to the full Commission.

Commissioner Grams then indicated that she misinterpreted that a little, so you get this request, why couldn't you just email all of the Commissioners and say within 72 hours . . . Audree explained staff can't do that. We could email one or two Commissioners, but if we emailed everybody, it would be conducting a meeting through email, so we can't do that. Commissioner Grams stated that she understood.

The Chair stated that one of her biggest objections to this was when we say new construction that exceeds 200 sq. ft., so it has to exceed 200 sq. ft. to be a major alteration, and that is 10' x 10', and it doesn't say anything about cubic feet, so it could be 10' x 10' x 200' tall and that is minor. She is objecting to a size, because she doesn't remember anything in any of the dictates from the state or national that gives a size. Audree explained that this was pulled from other ordinances that Bob Frankeberger referred us to. Chair Unger indicated that she is still really uncomfortable with it, and Audree indicated to just remove it then. Commissioner Grams added to make it simple and easy for the staff.

Commissioner Segner stated that he liked the Chair's comment. Let's assume that El Portal was designated, then we would go back and highlight the things that are very important to that property and include them in the binder, so when staff pulled it up, tin roofs are right up there, and that should be done on all of them. It is not like a building code where this size beam hits that size beam; it is subjective like the rock house that they just finished on S.R. 89A. He thinks they used the wrong kind of wood on the outside, but the point is that there should be that kind of discussion. Why did they use that type of Pine, when it should have been this type of Pine? Those things only come from experience, and they probably don't even know, and he is not saying that he is right, but there should be that discussion. He just wants to open it to a little bit of discussion in case we have to research it a little. If they want to put molding back up, then give us some time to do a little research, and that is all he is getting at.

Audree Juhlin indicated that she wanted to make one point really clear. Depending on the outcome of this proposed ordinance, the existing structures may be grandfathered in under the old ordinance, so this perhaps would apply to anything new coming on board. If it is not more intrusive in the process than it is now, it may or may not be grandfathered, so we have to keep that in mind.

Vice Chair Jarmusch indicated that she is concerned about Major Alteration item C regarding the construction of an additional story, because we shouldn't encourage let alone permit second-story additions to historic structures. It was done at the Doodlebug Ranch to the detriment of the historic property, and she is in favor of striking all of the Major Alteration and Minor Alteration. Commissioner Holmes asked if it is too restrictive, and Vice Chair Jarmusch explained 200 sq. ft. and 700 sq. ft. are arbitrary, and 700 sq. ft. is big. Chair Unger added that again you are not talking about cubic feet, so they could do a tower. Commissioner Segner stated that they could add a dormer to a roof, and then it wrecks the whole thing.

Audree Juhlin indicated that to clarify this, and we can take it out, but what we were trying to do is around this create the process, so if you were doing this, then this is the process. If you are doing a major alteration you can't do anything without the whole Commission's approval. It was to give the

property owners some idea of when they would go through a 60 - 90 day process for approval or a two-week approval process. It was not to say yes you can or no you can't; it was just to say this is how you could be considered under these circumstances.

Chair Unger indicated that she understands why in certain instances, and we are looking at this for instances when a person may have flooding in their house, because their roof is leaking, and if they have to bring it to the Commission, it makes it much more difficult. We are talking about a Certificate of No Effect to allow them to go through a process of not having to come to the Commission and take that many days to get it corrected, and it is still something that we need to have, but it is a matter of how we do that. The simpler we make it, the easier it will be when somebody comes to the desk, but making it clear is something else.

Audree Juhlin asked if the Commission wants Major and Minor Alterations removed and the consensus was yes. Warren then indicated that as a replacement of that, we have heard that a system by which we would reach out to the Chair would become the process. Commissioner Segner stated that he would be very comfortable if the Chair got with staff and they both agreed that a Certificate of No Effect could be issued. If they didn't agree, then it would go to the full Commission, so there is a shortcut. Warren then indicated that staff needs to develop that fully, and it may come later.

Chair Unger then asked if we have to speak to that process in the amendment, and Warren stated yes, staff will lay out in the ordinance what the process will be for the determination of whether it is for going for a Certificate of No Effect or it is going through the full process. Commissioner Segner stated that if he wanted to do something, the normal process would be to go through the full Commission, but he could apply for a Certificate of No Effect that would be expedited, and here is how that is done. Warren explained that it might occur that way, but there could be one application and when we see it, if we think it falls into this simpler process, we would put it in that. There wouldn't be any objection from the owner, so when we see it, we would start that process. Commissioner Grams stated to not get into the description of size and every little detail of whether it is a roof, window or door, etc.

Chair Unger referenced the Certificate of Demolition, Certificate of Economic Hardship and Certificate of No Effect, and indicated that she liked the Certificate of Demolition when something has to be destroyed. Commissioner Segner indicated that you can't destroy a national-registered building; however, the Chair clarified that you can destroy a national landmark, but not a local landmark. These apply to our local landmarks. Commissioner Segner asked if we would ever allow a building to be demolished, and Audree Juhlin stated that you may never, but you still have to have something for approval. Chair Unger explained that she liked it, because it clarifies it to people who own the building.

The Chair then referenced the Certificate of Economic Hardship and indicated that the Commission ran into that too, and having that and a definition of it makes . . . , Commissioner Grams interjected that it is judgmental, and Commissioner Segner stated that in Pasadena, they landmarked lots of little buildings, but there was a clause that said if the building became unsafe and an Engineer said it was unsafe, you could change the building, so everyone hired their Engineer who found it unsafe, and they overran all of the buildings, so those little holes can get big. Chair Unger indicated that it speaks to the Certificate of Demolition later in the document, so we might want to look at that. Commissioner Segner suggested that the Commission should just make sure that it is tight and there are no loopholes.

Chair Unger indicated that the Certificate of Economic Hardship is going to be tough, because certain people will feel that something is a hardship to them and others might not agree, but that comes later. She just wanted to point those out, and she thinks they may be something that we want to leave in. Commissioner Segner stated that we don't have any commercial buildings or maybe one, and that is kind of designed for a commercial building. He doesn't like the idea that someone could say they want to get out of their building, because it happened. The Commission

and staff then determined there are four -- the Dr. Williamson B&B, the Hart Store, the George Jordan and Saddlerock, and the Chair pointed out that economic hardship could also be declared by a homeowner. Commissioner Segner stated that is what bothers him, because that is a wide open door and it takes away everything we have. He understands that when the whole neighborhood has been designated as a historic area, you are kind of forced into that, but when he puts his house on this register, he is saying that he wants it to be there 200 years from now, the way it looks today, so how do we protect that person's wishes; that is why he doesn't like that clause. We could change the clause in such a way that it is really hard.

Chair Unger indicated that this is also a reaction to Prop 207, which was driven by the feeling that if their property was designated, then they would lose value. Commissioner Segner then stated that is when you are in a designated neighborhood and you feel you aren't going to be able to sell your home, but that is not us. We are voluntarily designating these homes, and we are like the people in charge of keeping it that way, so our law should be looked at from that point-of-view and how we protect that property. Donna Puckett indicated it is kind of a balancing act, because you could make it very strict to declare an economic hardship, but if a person truly does have a hardship, then they can let it fall into neglect, because they can't afford the repairs as the Commission wants them done, so you have to look at keeping the condition in good shape too. Commissioner Segner stated that if you let them pull it out, then we lose it and they make it anything they want. Jerome doesn't care; you are going to keep that property the way they want it or you aren't going to do anything, and that is just the way it is. Donna Puckett then stated that if it is set that rigidly, you have to make it very clear that once you are in, you are never out.

Audree Juhlin stated that we then need to reevaluate the Commission's policy on that section, when we get to it, and it should be stated in such a way that rarely would any property ever be reversed. Commissioner Segner stated that is fine; last time, the City Council just didn't like the pressure and wanted us to do it.

Chair Unger then suggested continuing to go page by page through this. She just wanted to go back to the three certificates and we will talk about the implementation shortly. The Commission then began a page by page review and made the following suggestions:

Page 1:

- Vice Chair Jarmusch asked to add the word "architectural" under 1501 Purpose in the third line, ". . . properties and areas of historic, cultural, archaeological, *architectural* and aesthetic significance. . ."

Page 2:

- The Chair noted that the bottom of page two was just discussed.

Page 3:

- Vice Chair Jarmusch indicated that under the definition of Landmark in the second line remove the "a" in ". . . which has a historic value . . ." so it would say, ". . . which has historic value . . ."
- Vice Chair Jarmusch stated that under "Maintenance" in the last line add "appearance and", so it would say, ". . . distinctive exterior appearance and character . . ."

Page 4:

- Chair Unger noted that Major Alteration and Minor Alteration have been removed.
- Vice Chair Jarmusch stated that under "Preservation" she would like add "practices and" to say, "Preservation means the act or process of applying practices and measures . . .", because practices imply ongoing and preservation practices that are of high standards.
- Vice Chair Jarmusch asked if in "Protected Interior" we would want to add that in the case of a privately-owned residence with a designated interior, the owner would be required to open that interior to the public once every other year. Audree Juhlin stated that might get into legal issues; we can't require someone to open their private home. Commissioner

Segner added that we haven't ever protected any interiors; however, Audree Juhlin clarified that we did identify the tile in front of the fireplace in the Gassaway house as significant. Chair Unger indicated that she didn't want to get into those legalities and that could be considered a financial burden for people, and Audree added that it would be a disincentive.

Commissioner Segner suggested putting in a line to say that you could encourage that the Commission could inspect or look at it; you don't want to say it is protected, but the Commission would have the right from time to time to inspect, but not make it mandatory. Audree Juhlin noted that we can do the exterior and Chair Unger added that some people want that and keep it, but it isn't something that we can actually enforce. Commissioner Segner then commented that we then start trying to protect interiors, and the Chair stated that we don't want to start down that road, but we could ask people. Warren suggested that some of that conversation rolls into the efforts that the Commission is trying to undertake to make it more fun to be designated and show their property off by doing that. Commissioner Holmes commented that it is not a requirement; it is an opportunity.

Page 5:

- Chair Unger noted a typo at the end of "Review Criteria" where the word "other" was a repeated word.
- The Chair indicated that in "Routine Maintenance and Repair", 100 sq. ft. is a fair amount of space and she is uncomfortable with sizes when we say 100 sq. ft. or less, if it is an accumulative total. Commissioner Segner asked if that is for a lifetime or every year. The Chair then referenced 25 linear feet and stated that could be the full front of a house, so she is uncomfortable with those, but she doesn't know if there is a way to replace the size with something different or if staff has thought about that. Audree Juhlin explained that again this was pulled from other examples provided by SHPO. You don't have to have this; the issue becomes what is "routine" that they can do and what is not "routine".

Commissioner Holmes stated that replacement is not routine; refinishing maybe could be considered or painting. Commissioner Segner suggested saying that we would encourage that they would ask for advice. Part of our job is to give advice and help, so why not ask them to ask the Commission. Audree Juhlin indicated that she is really hearing the Commission say that before they do anything, you want to give permission. The Chair then commented yes, but she would like to isolate that to the things that actually mean something to the structure of the house, and she still thinks Audree's idea is the best, and that is for each landmark a list of the things that they would have to come to the Commission for. There might be a masonry wall that was never part of why it was designated and it isn't important to the visual of the house.

Commissioner Grams pointed out all of these properties would have to be inventoried before you could put this into effect, and Commissioner Segner suggested saying that for any changes to the exterior that would exceed \$200, they should seek advice from the Commission before they proceed; however, Audree Juhlin pointed out that is also subjective and really hard. Chair Unger agreed and noted that if they did it on their own, it wouldn't cost anything, and the reality is that we only have 24 landmarked properties.

Audree clarified that we perhaps only need anything after and maybe not existing, but you don't want to make it so cumbersome that nobody in the future wants to participate in the program. If it is like you can't even breathe without getting the Commission's approval, they are not going to want to participate. The Chair then repeated her concern about 100 sq. ft. or 10'x10', and if you took that out of the face of the George Jordan building, that is a huge section; the height of this wall is less than 10 ft. and if it is a small building . . . Audree Juhlin noted that she is hearing to take out all criteria and get approval whether it is administrative or through the Commission. Chair Unger then stated that if you are in the downtown area where you have big commercial buildings, these sizes make a lot of sense, but for houses that might be small buildings, then 10 ft. might be . . . Audree interjected that

we get that and we are running out of time, so we will kind of write a process that says Administrative Review and Commission Review. Commissioner Segner stated that you see it as cumbersome, but he sees it as protecting the building, so somebody doesn't add three windows to his hotel. He wants you to have the power to say no; however, Audree pointed out that we have to get them in the door first.

- Vice Chair Jarmusch indicated that she wanted to add "preservation" under "Review Criteria", so it would say, "Review criteria means the preservation standards. . ." and under "Secretary of the Interior Standards" to say it ". . . means preservation standards. . ."

Page 6:

- Vice Chair Jarmusch indicated that in "Visible from the Public Right-of-Way", it says in the last sentence, ". . . that is not visible due to landscaping shall be considered visible from the public right-of-way, and she would like to add "historic" to say, ". . . due to historic landscaping . . .", because we don't want people planting huge trees or shrubs in front of their house after it is designated. Warren indicated that he thinks this definition related to a definition that we just deleted. It was then determined that this definition would be removed.
- Vice Chair Jarmusch referenced under "Term of Office" and suggested a reordering of the wording after ". . . November 30th or until a successor is appointed and qualified . . ." She would like for it to say ". . . until a qualified successor is appointed."; however, Audree explained that "qualified" refers to the oath of office; you get appointed and then you are qualified through your oath of office, which takes place after your appointment. The City Clerk tells her as soon as the new people are sworn in and can be part of the Commission.

Page 7:

- Chair Unger asked if, you come to a meeting and there is a quorum, but then you leave and it is no longer a quorum, they can still take a vote. Audree Juhlin and Donna Puckett stated no, and Audree explained that you have to have a quorum of the body to vote. Warren Campbell indicated that the Chair was speaking to the fact that there is a quorum to start the meeting, but someone needs to abstain because of an issue of conflict, could they still vote with the three remaining. Audree Juhlin stated that you could have the discussion, but you can't vote. Warren then asked if that needed to be stated and Audree Juhlin indicated that it is pretty much in the state law, and to abstain from a discussion, you have to have a good reason, not just that you don't want to participate in the discussion.
- Vice Chair Jarmusch referenced "Meetings" item C and indicated that the City of Sedona is there twice and it seems that item C and item A under "Rules" are repetitive. Audree Juhlin suggested just removing C.
- Vice Chair Jarmusch asked under "Powers and Duties" items B and C about maintaining review criteria, if we have these criteria in writing, and if not should they be added to the work plan. It says that we should periodically review them and make adjustments or updates, but she is not aware of them in writing. Audree Juhlin indicated that we do not have historic districts, and it says you need to develop the guidelines for the district, and as far as landmarks, the review criteria is your Secretary of Interior guidelines or any other document you find, but this would really come into play if we had a district.

Page 8:

- Vice Chair Jarmusch referenced items Q and R and indicated that they are both referring to the Historic Resource Survey, but only R names it, so should we add it into Q. Chair Unger indicated that she thinks item Q actually means that we don't have to do it for that survey, because the Historic Resource Survey is relooked at after almost eight years, and we want to be able to review properties on a regular basis, so she would not put that in there. Audree Juhlin then added that item Q is possibly an example of someone saying that we need to go look at a site, and it never makes the survey, although you did do that. Warren noted that has happened with the Masonic Lodge and the Elks Lodge, and Commissioner Segner recalled that the Commission also used to drive around neighborhoods years ago.

Page 9:

- Vice Chair Jarmusch referenced 1507.01 Application Submittal and indicated that the way it is written in item A, the applicant would be explaining the application to the Director, so she would suggest, "The applicant should consult with the Director regarding the application submittal requirements." The words "to explain" would be removed.

Page 10:

There were no comments.

Page 11:

- Vice Chair Jarmusch asked if item B at the top of the page could be included in the notice of the public hearing; otherwise, it is only in this ordinance. Audree Juhlin asked for clarification, because this is the Notice of Commission Hearing section. The Vice Chair then indicated that she was suggesting adding the sentence, "The public notice shall encourage or invite persons with specific issues or concerns regarding the proposed." Warren then indicated that he is hearing that the Vice Chair is suggesting that the Public Notice that goes in the paper does not clearly delineate that this is available to people who have concerns, so she is saying that on the public notice we add a sentence. Audree indicated that she thinks that is required by state law, all of this noticing is. We can add that, but she thinks it is required by state law.
- The Vice Chair indicated that she stumbled over a phrase under "Landmark Designation" in item C; she doesn't understand the last phrase. It says we could designate something ". . . representing a significant and distinguishable entity whose individual components may lack distinctiveness; or". She doesn't understand "distinguishable entity". Commissioner Segner cited an example of a 1903 gas station that is nothing special, except being there since 1903. Chair Unger indicated that maybe it is changing the word "whose" to "which"; you are almost making the building a human being. Vice Chair Jarmusch suggested, "which individual components may lack integrity", instead of "distinctiveness"; however, the Chair indicated that she liked distinctiveness, because we want it to be different and individual. Audree Juhlin cited Max Ernst as an example; everybody knows of him, not his house. We're recognizing him, but his house is just an average house. Donna Puckett added that it could be something like Sedona's first Post Office, but to look at it, it is nothing special. Commissioner Segner then referenced the pump house by Tlaquepaque, and Audree indicated that to save time, staff would rewrite it to be clearer in its intent.

Page 12:

- Chair Unger referenced number 3 at the top of the page and asked if we should include, "no damage is allowed to happen or was done by the property owner to make it a financial burden to be restored", because we are talking about removal of the landmark and the earlier concern about the Certificate of Economic Hardship, so do we need to explain that they can't damage the property in that way. Warren indicated that it warrants review; you are concerned about self-inflicted harm, so if you won't let him out unless it is in disrepair, then he will let it fall into disrepair. Vice Chair Jarmusch stated that where it falls into disrepair is addressed in number 2, but the Chair is referring to willful damage. Chair Unger agreed and stated that it seems obvious, but it is still maybe a good idea. Warren indicated that he would check with Legal; how do you prove that sometimes? Commissioner Segner then asked if they are obligated to bring it back to its pre-damaged condition before they apply, and Chair Unger suggested that staff check with Legal.
- Vice Chair Jarmusch referenced the last phrase in number 3, ". . . qualified appraiser of the historic improvements on the site", and indicated that "improvements" is a surveyor's term, so would it be better to say historic structures instead of historic improvements? Warren noted that an improvement could include structures, but he doesn't have a thought on it right now.
- Vice Chair Jarmusch then referenced number 2 in the second line, where it says, ". . . including this diminution is not the result of demolition by neglect or work performed without

a permit", and "demolition by neglect" is a legal term to her that means that you have neglected the property so it has led to the state of requiring demolition, and she would suggest saying, ". . . the result of deterioration by neglect . . .", because demolition is far beyond diminution. "Demolition" will be replaced with "deterioration".

Page 13:

- Vice Chair Jarmusch indicated that to be clear to what we discussed about "distinguishable entity", in item C of 1508.03, we again need to change "whose" to "which"; however, Chair Unger noted that it depends on whether we are looking at the human being who lived in the building or the building itself, so is there a way to include both. Audree Juhlin stated that staff will clarify this one just like in Landmark Designation Criteria.

Page 14:

- Vice Chair Jarmusch referenced item C at the bottom of the page, where there is a long list that you can't make material changes to, and after "fences", she would like to add "walls". It appears earlier in the document and she wants to be consistent.

Page 15:

- Chair Unger indicated we need to discuss . . . Audree Juhlin explained that this was not carried over as we discussed and she doesn't know where it got dropped, but it was supposed to be the Chair and Director working together with the Certificate of Appropriateness or Certificate No Effect. Somehow that got dropped and staff needs to put that back in. The Chair agreed and indicated that Section 1509 is where it goes.
- Vice Chair Jarmusch referenced item A under "Certificate of Appropriateness" in the red section and indicated that she would like to again add "appearance", so it says, ". . . that will alter the historic appearance or character . . ."
- Vice Chair Jarmusch indicated that under 1509.01A, it again should say "regarding" instead of "to explain", so as said before, "The applicant should consult with the Director regarding the application submittal requirements."
- Donna Puckett noted that a previous change was to say "appearance and character"; however, Vice Chair Jarmusch stated that in 1509, it should be "appearance or character".

Page 16:

There were no comments.

Page 17:

- Chair Unger indicated this is the same issue that fell out of the last one; however, she then determined that the language was okay and indicated she was pulling that off the table.
- Vice Chair Jarmusch complimented Warren and staff on all of this work, and indicated that she is thrilled with number 5, "Any proposed new construction shall be distinguishable from the historic architecture." We all know that, but it wasn't in here.

Page 18:

- Chair Unger stated that she is really glad that staff put this together with "Maintenance and Repair"; it has been such an important and neglected part of what the Commission has been doing, so she congratulates staff on putting this together. The two things that she thought really were needed was the Certificate of No Effect and this. Audree Juhlin then noted that we have to change it, because of what we discussed earlier. This statement says, "Nothing in this Article shall be construed to prevent normal maintenance"; however, we are saying that normal maintenance needs approval of some kind. Commissioner Segner suggested saying, "Normal maintenance will be in keeping with the character and . . ."; however, Audree Juhlin explained that basically the Commission wants to have it reviewed either at an administrative or Commission level, based on your earlier discussion. Chair Unger indicated that is a good idea, because everybody will have a different

interpretation of "maintenance", and somebody will say they need to paint their building purple. Commissioner Segner agreed that it is better to ask for advice. Audree Juhlin noted that we removed any definition of what "maintenance" or "repair" means, so we basically are saying that everything now needs to be approved. Donna Puckett added that the definitions that were pulled basically said they were replacing it with exactly the same thing, so if you don't want that in there, it really doesn't leave anything else. Commissioner Segner stated better to ask than go wrong. Warren Campbell then asked if they want them to check-in with the Commission, because they may have thoughts to offer, etc.

- Vice Chair Jarmusch referenced 1510 in the third line, where it says, ". . . faithful to its historic character . . ." and indicated that she would like for it to say, ". . . faithful to its historic appearance and character . . ."

Page 19:

- Vice Chair Jarmusch referenced the first line and suggested changing "outward appearance" to "exterior appearance".
- Chair Unger noted that we also need to add Director and one member of HPC to reflect what we discussed earlier, and Audree stated that staff would make it consistent. Chair Unger then asked how they would determine what a change in outward appearance would be, and Commissioner Segner stated that it is subjective and that is why a couple of people need to look at it. Audree Juhlin explained that we are basically saying that the property owner can't do anything to the exterior of their property without approval of somebody, and the process for that would start with an application to the City, and it would involve a staff member and the Chair or designee, and if we can approve it, we will issue a Certificate of No Effect, but if not, we will say it requires a Certificate of Appropriateness and move it forward. It was in there at one time, so she is not sure why it is not there now.
- Vice Chair Jarmusch again wanted to add "appearance" in the third line of item A "Investment or Income-Producing Properties", so it would say, ". . . contribute to its distinctive appearance and character".

Page 20:

There were no comments.

Warren asked if Vice Chair Jarmusch suggested adding "appearance" somewhere on page 18 and Vice Chair Jarmusch indicated that was in the third line under "Maintenance and Repair". He then asked if she wanted the same change on the top of page 19 in the second line, and the Commissioner stated yes.

Commissioner Gehlbach indicated that he noticed that throughout this the relationship between the homeowners and the Commission is so important and to have them come in and communicate. He then asked if the Commission offers resources or any referrals for them to take advantage of. The Chair stated that we can give them some guidance, but she doesn't think we can say that they can go to these places. We have to ensure that they understand that we aren't going to be responsible for where they go, because if they used a source that we said to use and it ended up being a bad job . . . Audree pointed out that you may want to revisit Section 1506, Incentives, where it talks about exactly that, and the Commission is basically saying that we will help advise in locating potential financial assistance and tax credit sources, advise in preparing grants, advise in routine maintenance, repair and technical information, so you are giving a lot of information here that says you are going to provide advice. The Commissioners then indicated that advice is different than suggesting that someone do that, and the Chair stated that she would be hesitant to say that this is a contractor that is brilliant in doing this, go hire him, but we could give advice and say these are the things you need to look for. Audree Juhlin then explained that it is the same thing as here is a contractor you may want to talk to, but this says that you are going to give advice on who to get. Commissioner Segner indicated that is okay; if somebody asked about how to do that molding and he knew some resources, he would take the person aside and say let's have coffee. Chair Unger indicated

that we could individually do that, but she would hate for the City to get trapped into something. Audree pointed out that it says referrals, so the Commission might want to relook at that, and the Chair suggested that staff check with Legal about that too. Commissioner Gehlbach commented that we may have to offer three of each. Commissioner Segner indicated that as a Commission, we wouldn't say here is a contractor's name; we would say find a good contractor, and if somebody asked if we had some names, we could probably say that outside of the Commission. Audree Juhlin repeated that the Commission should relook at it, and Donna Puckett noted that some groups tell them how to look up the contractors, but they don't get into suggesting competitive businesses. Chair Unger agreed and restated that staff should talk with Legal about referrals, because they aren't going to want us to tell people a specific person to go to, because if something goes wrong, then the Commission and City are liable. Commissioner Segner indicated that on the other side of that, if someone says their window was blown out what do they do, as a Commission, we could say that you would go to a demolition company, because they probably have old windows that you could replace that sash with, because that is general information. The Chair then repeated that she would like for staff to check with Legal.

Commissioner Gehlbach stated that his point was that by creating something like this, then it is also going to create relationships and bring the people forward. The Chair stated that the Commission wants to be a source for them in a sense, but we also have to be cautious. Commissioner Holmes added that we had discussed having a yearly event to allow us to develop communication with them and the "cool" factor. Commissioner Segner agreed that Commissioner Gehlbach's point is well taken in that we need to keep a relationship with them, and if we talk to them, they will know they can come to us for help, which might be just how they can find a paint or if they can change the color. You can have discussions outside of the City that help them, and we need to ask the City for \$20,000 so we can do it.

Commissioner Holmes noted that we could have a presentation that would benefit the Commission too, and Chair Unger stated that SHPO would be happy to send somebody up to talk to people. Audree Juhlin noted that is part of the CLG Agreement, and she pointed out that they are now moving into another agenda item.

Chair Unger suggested moving on to number 6.

6. Discussion/possible action regarding the Commissions 2016/2017 work program and proposed budget

Chair Unger indicated that she distributed her ideas for the work program, and what Commissioner Segner was talking about is included. Audree noted that it is the second to the last bullet. Commissioner Segner then stated that is a good time to ask if anybody has questions about maintaining their homes. Donna Puckett asked if SHPO gives a workshop to help them know how to repair their home, and Chair Unger indicated that they might do that. At the conference, they had a section about some deterioration of Jerome's old adobe buildings, and they showed how a group was able to do that and they probably have resources to bring some people in.

Commissioner Segner suggested having a party to see what questions pop up and what needs they have, and then we can decide what we should do. First, it is building the relationship with those people again or new owners, and thanking them with the Mayor there, etc. We can say before they start something, just give us a call, and then we can say here is how we would approach it.

The Chair then asked if anything needed to be added to the work program; this is going to dictate what we might need in the budget and what we might need monies for. The Historic Preservation Conference is obviously one of the things that we need money for, but in terms of money for a grant program, she feels that we shouldn't ask for that. We need to reconstruct it, and we may decide it is something that we don't do at all; however, putting money in an account and then trying to make a determination of what that grant might be is not a good idea. The better idea is seeing if there is

any reason for doing it, and then ask next year. Audree pointed out that is what happened this year; you don't have any money in the grant program, because City Council said until you have revised it, they aren't going to put any money into it. The Chair stated that it is something we need to look at, because we want to make sure if we have killed it or not.

Commissioner Segner suggested some money for a couple of historic plaques, right now he has found other sources to do that, but if we want to designate something, it would be nice if we had some funds. Commissioner Gehlbach asked if each owner has a plaque for their home, and the Chair indicated yes. Item 6 in the list is making at least one new landmark, so we will need monies; the other thing is the Historic Pride Program and that would also require plaques, and that is number 7 on the agenda.

Commissioner Segner indicated that a prime example is where Tlaquepaque is building their new section, because right there you can see the Owensby Ditch that goes under S.R. 89A and that would be a great place to say when and how it was dug, and that is one that he doesn't have a sponsor for.

Vice Chair Jarmusch asked if a review of the Historic Resource Survey that was done should be added to the work program; however, the Chair indicated that should fall within this year. Audree Juhlin then explained that it might carry over, because what you are talking about is identifying contributing and non-contributing factors of the existing landmarks, in addition to every other resource in there. Chair Unger indicated that the Vice Chair is referring to the survey that was done, and Audree explained that is the same thing. We created it, because the Commission didn't have quorums and we couldn't get to the Commission before the end of the budget year, so we created a very flexible document where pages can be removed and inserted based on the Commission's final review. The Chair then agreed that it may need to be added; this work program goes from July 1st to June 30th of 2017.

Commissioner Grams asked if we are going to do anything for the May Historic Preservation Month. Commissioner Segner suggested doing the party and combining them. We can have a party for all of the people who designated their homes and celebrate that at the same time, and it can be at his hotel. Chair Unger noted that would actually be in this fiscal year, and this plan is for the next fiscal year; however, Commissioner Segner suggested maybe doing it every year. Commissioner Holmes agreed and indicated that it could be developed to be bigger and better every year. Commissioner Segner then added that it could be a recurring event and we could build a little money into it for 2017 and 2018.

Commissioner Grams indicated that when she was involved, the people really loved going to these places. She was the representative at the Hart Store, and they just eat that place up; they were in love with everything about it, and they were so nice. Our cemeteries are somewhat in disarray and need attention. Commissioner Segner noted that he fixed one of them; they redid the whole thing on Red Rock Loop Road and cleaned it up. Commissioner Grams stated that work is also needed on the Cook Cemetery, and Commissioner Segner indicated that they will do it. Commissioner Grams added that we also need documentation and every gravesite should have a significant indication of who is there, etc. People would love to come, but they want to know something about the people. Commissioner Segner suggested talking to the Historic Preservation Society, because they have a lot of that information.

Commissioner Segner then stated that we have something on the work program about having an event and we could go to the property behind his place which is the new park and that building, and then you could walk to the Hummingbird House, so we could do a little of that. Chair Unger agreed, and indicated that something that should be on the work program would be going over all of the buildings and reviewing all of the landmarks . . . Audree noted that is what she just added -- the resource survey and looking at resources and landmarks.

Commissioner Holmes asked why the Commission needs a retreat, and Chair Unger indicated that every year we have something that comes up, and one reason is for retraining. It could include

bringing in SHPO to have their CLG people cover that, and it is something that is good to have in the budget. Audree Juhlin explained that we do it with all Commissions annually to enforce Open Meeting Laws and the operating rules, etc. Chair Unger added that if we have had an issue during the year, it also gives us an opportunity to look at it. Commissioner Segner indicated that if the Commission is going to do it, then take a half-day to go out and survey a couple of houses, and the Chair noted that would be part of the item added to the work program.

Audree Juhlin indicated that this is a pretty aggressive work program, and the Chair agreed, but noted that the Commission has to do some of them. Commissioner Grams asked if she should mark off the May Historic Preservation Month and Audree stated no. Chair Unger explained that the Commission will start what Commissioner Segner said for this year, and this list is actually for a year from May. Audree then added that we want to leave it on here, because staff is preparing the budget for next spring, and we want to ensure you have adequate funds to do what you want.

Commissioner Segner suggested letting the grant program slide another year, and the Chair agreed, but explained it is there for a review only, and we aren't looking for any money from the City. Audree Juhlin agreed that it would not be funded for this next budget year.

7. Discussion/possible action regarding a recognition program and/or event for landmarked structures

The Chair suggested deferring this agenda item, because of the time, we couldn't have a legitimate discussion on it. Audree Juhlin noted that the Commission has already been discussing it. Commissioner Holmes then asked if the party isn't the first phase of that and the Chair stated yes. Commissioner Segner then suggested putting it on the next agenda, and he and Commissioner Holmes will bring some information back for the next meeting.

Commissioner Gehlbach asked about discussing a separate website, and the Chair noted that we need to proceed to agenda item 8 to discuss the next meeting.

8. Discussion regarding future meeting dates and future agenda items
• **February 8, 2016**

Commissioner Gehlbach suggested considering a separate website for the Commission and Audree Juhlin asked if he meant separate from what is out there now and explained that we have one, so we will discuss the webpage and potential changes. We can put it up on the board and go through everything that is there; remove what is not wanted and add what we want. Commissioner Segner noted that he has all of his plaques and artwork, and people should be able to go someplace to see it. Audree asked if there are QR Codes on them, and Commissioner Segner stated yes. The Chair noted that is something that we have needed to do for a while, so we do need to look at the webpage.

Chair Unger stated that on the agenda, we will be going back over Article 15 with the changes, and Audree Juhlin explained that we probably won't be able to notice it for action, because of the requirements. Chair Unger then expressed some concern, because the Commission would want to make sure it is satisfied with staff's changes, and Warren explained that staff would bring it back on the 8th, and Audree added, not necessarily for approval, just review. Warren stated that in March, we can plan on having it for final action, so we will work on being ready to notice that. The Chair suggested that the Commission try to not have to go through it page by page next time. Commissioner Segner and Commissioner Holmes indicated that if Vice Chair Jarmusch is happy with it, they will be happy with it.

The Chair indicated that there could be a little discussion on the May event and recognition program, and Audree indicated that she has three items -- the May party recognition program, the webpage, and the review of HPC Article 15 amendments. The Chair agreed that would be a full meeting, and Audree noted that the web alone could take a couple of hours.

Commissioner Segner stated that before the Commission discusses the web, bug him and he will send his artwork, so if you want to do a presentation, you could show it to see what you want to use.

9. Adjournment

The Chair called for adjournment at 5:48 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Historic Preservation Commission held on January 11, 2016.

Donna A. S. Puckett, *Administrative Assistant*

Date