

Summary Minutes
City of Sedona
Historic Preservation Commission Meeting
Vultee Conference Room, 102 Roadrunner Drive, Building 106, Sedona, Arizona
Monday, June 13, 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, led the Pledge of Allegiance and called the meeting to order at 4:00 p.m.

Roll Call:

Commissioners Present: Chair Brynn Burkee Unger, Vice Chair Ann Jarmusch and Commissioners Jane Grams, Allyson Holmes and Steve Segner. Commissioner Harry Danilevics was unexcused and Commissioner Kurt Gehlbach was excused.

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

2. Commission and Staff announcements

Audree Juhlin announced that the City Council is getting ready to pass the final budget. They have passed the tentative budget, and as part of that, they're setting new performance measures for each program area, and Historic Preservation is a program area, so we will be bringing that to the Commission in the July meeting to discuss. Additionally to our surprise, because staff did not request this, Council has allocated \$20,000 for the Small Grant Program – only for existing owners of landmarks, so she will discuss their expectations for that program and how we will move it forward at the next meeting. Commissioner Grams asked if it was existing as of the date that they fund it, and Audree Juhlin responded yes. Chair Unger then asked when the final vote would be and Audree indicated that she believed it is tomorrow night's meeting at 4:00 p.m.

Commissioner Segner wanted to comment that if we don't need the \$20,000 for small grants, he would like to see it be used on the property on Brewer Road to get the maintenance -- some windows fixed and some of that kind of stuff. Audree Juhlin then pointed out that there should be no discussion; it will be on the July meeting agenda.

Donna Puckett reminded the Commissioners who attended the annual HP Conference to turn in their receipts and the Chair commented that she didn't have any.

3. Approval of the March 14, 2016 minutes

Chair Unger asked for a motion to approve the March 14th minutes.

MOTION: *Commissioner Segner moved to approve the March 14th minutes as printed. Commissioner Holmes seconded the motion. VOTE: Motion carried five (5) for and zero (0) opposed. Commissioner Harry Danilevics was unexcused and Commissioner Kurt Gehlbach was excused.*

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. 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 public present, closed the public forum.

5. Discussion/possible action regarding an ordinance amending the Sedona Land Development Code Article 15, Historic Preservation Ordinance, to reexamine the City's preservation philosophy, clarify existing regulations, and establish a process for a

Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs, and maintenance.

Presentation, Warren Campbell: Warren indicated that he sent an email with a link to all of this information to everyone who gave us their email addresses at the open house, and we put it in the paper. Nobody contacted him, and usually if somebody has something negative to say, they have no problem letting him know, so he assumes they were comfortable with it.

Warren then explained that we are getting ready to culminate some direction given to us by the City Council in 2014, and we had three objectives:

- Clarify the regulations
- Streamline and simplify the process where possible
- Create a sense of partnership between the property owners and the City in the historic landmark process.

Warren noted that regarding proposed solutions, a number of additional definitions were included and text was amended throughout the document. We also created a Certificate of No Effect process and defined and clarified maintenance, which we turned into routine maintenance and suggested that it doesn't require any application, review or permit when we look at the definition of routine maintenance.

Warren stated that the changes since March 14th, 2016 include:

- A restructure of the definition of Certificate of Economic Hardship as directed.
- A restructure of the definition of Protected Interiors as directed.
- A restructure and addition to the definition of Routine Maintenance with the direction received.
- Added language stating that work falling within the definition of routine maintenance and repair was permissible without review by staff or the HPC, but we recommend that they talk to us.
- A modification of the timeframes, because with the way they were listed in 1509.02, based upon skipping meetings in certain months, etc., there was concern about whether or not the regulation provided that flexibility. Warren noted that we always get things on the agendas as fast as we can, like when the bench came in, so while it has a certain timeframe; we are always pushing to get things on the agenda as fast as we can.

Referencing Section 1507.07F, Warren explained that it occurred to him that we've always allowed maintenance and repair that didn't involve any changes to occur without any review, but we were trying to strengthen that in these amendments, so we added language to call it routine maintenance and added, "as defined herein", and detailed that it is same-for-same in detail, so we strengthened our level of comfort around what people should be allowed to do without talking to us, and odds are that they do a lot of that anyway as regular routine maintenance. Again, we do encourage that they talk to us in advance so we can tell them if they are going the wrong way.

Vice Chair Jarmusch stated that there was a word that she would like to change in the last phrase, ". . . , it is not required." "It" is really far away from the noun, so we could just say, ". . . consultation is not required." They're encouraged to consult with staff, but consultation is not required, and she only has one more of those. Warren indicated that he got it.

Chair Unger then noted that she has a few questions, but asked Warren to keep going; however, she then stated that there were a couple of things that she wondered, if she were a homeowner, would she get confused by it. We don't need to go into it in any great depth, but for one, when we say "new material" back farther in the definitions of routine maintenance, her concern is that they will think that new material is different. Warren indicated that is leading right into where he was going. After looking at 1507.07, we created a definition for routine maintenance and repair and have massaged this one probably in every meeting. We discussed percentages, square footages, and the last time, we ended up adding language like "Alterations shall be same-for-same with regard to all details, including but not limited to material, dimensions, texture and architectural

appearance, in order to be deemed routine maintenance and repair.” Then, there was another concern that any alteration to a noted contributing factor should not be considered routine maintenance and repair, so we have been trying to limit this to what we would all be comfortable with somebody doing largely without us knowing. Then, we have a list, because Commissioner Segner mentioned that there is no way we ever get everything on the list, so that is why it says that routine maintenance and repair may involve, but is not limited to, repair and replacement of windows, roof cladding, etc., and if it is not same-for-same; for example, if you have a metal roof and you are replacing it with another metal roof, it better be darn near as brown as the last one. We’ll allow for sun fading, etc., but if you want to go from metal to asphalt, we will do the CNE process, where we will call the Chair and then go down the line, and if you agree, we will issue that administratively, but this is very much same-for-same repairs – even painting your house. If you want to paint your house, it better be the same color. Sometimes when you repaint, it is a different color, because the other paint has faded for 10-15 years, so there is always that little bit of push and pull, and we may have to grin and bear it sometimes, but we try to be very restrictive with same-for-same and pulling out any contributing factors, because there is a vision that at some point, we will identify what the contributing factors are on the various homes. And, item h. has been in there for a while that they can come and talk to us if there is something we haven’t thought of.

Warren noted that he distributed a City of Phoenix handout, and he envisions that we might pull together some documents like it for our public, but it basically has two lists of things that don’t need HPO review and some things that are qualified for CNEs. It is fairly straightforward, but thinking about a typical homeowner, we can try to make it simple, and he thinks we will start working on some lists like this by . . .

Chair Unger interjected a comment that they had an issue recently with their HOA. You are not supposed to cut down any trees if they are bigger than a certain size. They went in the backyard and cut down all of the trees, and they said they never got the HOA’s guidelines, so they aren’t at fault, so is it possible, when somebody gets a house to have the real estate broker, given this is a landmark, give them a sheet of paper to sign saying that they’ve seen it. Commissioner Segner explained that when you buy a house in a HOA, they make you sign in escrow that you received and have read them. The Chair then noted that they are saying that the HOA doesn’t have a ghost of a chance; however, Commissioner Segner stated that they do if they want to fight it, but who wants to fight it after the fact? Warren Campbell added that based on any property he has bought in a HOA, that very thing has occurred.

Commissioner Segner then suggested that when this is done and you have the cheat sheet done, we should probably do a signed receipt mailing to everybody who has a property and bring them all up to speed. Commissioner Holmes asked if you have to disclose that it’s a landmark when it is sold, and Chair Unger stated yes, they do, and she is wondering if we could . . ., just because we are talking about wanting to make this easier for someone, if we had that, but she doesn’t know if we can. Warren indicated that if he has to go back on this, please don’t hold his feet to the fire, but we possibly could talk with Audree and Legal, because anybody can record anything on any piece of property, and it could simply say please be advised that this is a landmark-designated property in Sedona, and Commissioner Segner added, “. . . and you are subject to all of the . . .”; that’s good. Warren noted that it might be pretty heavy handed for Arizona in general, but he can at least ask.

Commissioner Segner indicated that it would be a good idea to just put a notice against it that it is a landmarked property, and be advised that you should be aware of the regulations concerning a landmarked property. Chair Unger stated that after the incident that they just had, they’re going to be doing that where they will have something come back to them directly. Commissioner Segner added that if you did that, escrow would pick up on it and they would have something signed to say they got it or call to ask what they are supposed to do. Warren Campbell stated that when they do their title search, it would just be one of the sheets of paper they give you, but if he has to back up from it, forget he ever suggested it, but it would just simply state that as of this date, it is designated a landmark, please see City staff to learn about it, so it literally is maybe a paragraph.

Chair Unger then suggested doing it in a nice way like it is so exciting that you have purchased this lovely landmark, and Commissioner Holmes suggested saying that we're here to help you. Commissioner Segner noted that he likes to ask how an attorney would ask a question. Let's say they did something wrong and got in trouble, so the City comes back to them and they got an attorney that would ask, when did you notify Mr. and Mrs. Smith of this; they bought the property three years ago, do you have a record of notifying them, were they notified? You would be going no, no, no, so that is why he likes the idea; it closes that gap. Chair Unger added that it might be worthwhile, and Warren indicated that he would look into that outside of whatever we do today.

Warren then stated that he tried to work on the definition of routine maintenance to make it so we are all very comfortable when it happens, and to some degree, it is probably the stuff that happens today that we don't know about anyway. Moving to Section 1509, Certificate of Appropriateness, we added the process created for the CNE, and he is going to make a suggestion to change today. We would like to suggest a change to 1507.07 to add a little more text, which is shown in gray in your copy, and on page 11, you will see some text highlighted in gray that we thought might make it a little more clear as to what we are trying to do – "No person shall make any material change in the exterior appearance of any landmark or contributing factor, such as . . .", so we added that. It seems innocuous, but he wanted to draw your attention to that change, since it is different than what was emailed to you.

Warren Campbell then indicated that one more change was on page 14 in gray, where we are suggesting deleting the sentence, because whenever an application is received, if it is determined that it was never needed and it was submitted in error, we don't issue it administratively, we just withdraw it and tend to refund their money. Most people talk to us before, but we thought the sentence was confusing, because if it meets the definition of routine maintenance, it doesn't need an application, permit or review, so we wouldn't issue anything administratively and it was easiest just to strike that sentence.

Warren then stated that those are the only additional changes we are suggesting, but as identified before, the threat to our program, as it is a voluntary participation program, is that people do work all over town regardless of whether it is a landmark or not, but we are trying to make it a little bit more of a partnership and friendly, in terms of making it clear what they can do, and then there is always the threat of them taking their sandbox and going home, so we are trying to balance all of that, preserve our past for future generations, and allow the property owners to use and update their properties within the boundaries of the landmark designation.

Warren added that staff is recommending, and with all the changes included in this document, we believe wholeheartedly in this and that we have met those goals of being friendly customer service. There was some desire in both staff and the Commission's thinking to avoid the perception of P&Z and that staff didn't support, but we want to make sure that, because of the last couple of meetings, we have vocalized where we thought we weren't meeting those original goals and we think we are today, by allowing that limited list of routine maintenance and by doing a CNE process where, quickly and immediately, we will call and get responses within seven days. Again, we're going to call and if we don't hear back from the Chair in a couple of hours, we're going to call the next person, because our goal is always faster than the goal of seven days.

Warren stated that you never know what will happen in the P&Z process, but we will keep this Commission informed, and we believe this document, as you have allowed staff to amend it, is supportable by staff, and we have two recommendations you can make if you are comfortable making it today, but if there are so many changes that we should come back, we can do that.

Chair Unger referenced page 4 when you go to repair a, b, c and d, and again stated that her concern is "new material" and the interpretation of somebody that doesn't understand what is meant by "material". She looked at this as if she never had any contact with historic preservation and didn't know anything, so she worries about, "Repair and/or replacement of any exterior wall material with new material"; she doesn't know if we should say "new" and if that is going to be confusing.

Commissioner Holmes asked if she means that “new” might mean different and the Chair indicated yes, possibly, and the Commissioner then suggested saying “new and/or different” or just take out “new”. Commissioner Segner then suggested saying “like material” or just say replaced and not define it; vinyl siding would be like what was up there in somebody’s mind. Warren then explained that in the definition, it is subservient to what is above in the same-for-same, but we could just say, “Repair and replacement of any exterior wall material”; it needs to be same-for-same. Chair Unger restated that it just confused her and also on c. too, but on d, no, because new mortar would be the same. Warren then suggested just saying, “Repointing of masonry joints”, because again if it is not same-for-same . . . , if you tried to caulk your brick joints; it’s not same-for-same, so “with new material” and “with new mortar” are stricken off of those three. He then noted that he had both semi-colons and commas, and they should all be semi-colons, so he will make that change.

Vice Chair Jarmusch referenced page 17 in 1509.04 and indicated that under A., on the second line the word “permit” is used twice with different meanings, so it says, “. . . cause or permit such demolition to be done, nor shall any permit for such demolition be issued”, so let’s use “allow” instead of the first “permit”. Then, she also has questions about demolition and wonders if we should put more teeth in or just more information that provides teeth, because it says it is a misdemeanor if you demolish something without a permit, and then it says there may be penalties, but can we say the penalty up to \$1,000, so we just let them know, or is that too aggressive?

Commissioner Segner suggested making it a felony, but Warren indicated that perhaps the best way is that if we are going to move in the direction of forwarding a recommendation of approval today, maybe on the motion, just ask staff to explore further with the attorneys adding language like that, because he doesn’t know if that is appropriate or not appropriate, but he would suggest doing whatever we do in other parts of the Code. Sometimes, like a Sign Code, will say the fine per day, etc., but sometimes it is left out, because it changes from time to time, but the motion could simply say that you direct staff to continue to have conversations on Section 1509 or whatever it is. The attorneys have read this and they didn’t identify any significant concerns, and he asked pointedly about wanting a little bit more on how to get out of economic hardship, etc., but at the moment, they thought this was the appropriate way to do it, but if you saw the City of Phoenix’s application to get out, we will probably mirror one after theirs. The list of things you have to provide to get out includes getting a contractor’s bid for rehabbing it, etc., but at the end of the day, there is really no protection from somebody just letting their house fall apart to where it is too expensive to fix.

Vice Chair Jarmusch noted that we now have in the Article that it must be maintained with weather-resistant . . . ; however, Commissioner Segner indicated that it has no teeth to make them do it, and Warren added that it is the same as the HOA conversation; we try. Commissioner Segner recalled an article about New York City where they wanted to get people out of a building, so they stopped maintaining the building and called the Health Department to come in and say it was not safe, so they threw everybody out and got their building. No matter how you write anything, if somebody wants to get around it, they can.

Vice Chair Jarmusch indicated that another thing that arose from the conference, and she believes it is Tucson’s ordinance that will not allow a demolition permit unless there is a project in the works, and Warren added yes, they even had to show they had the money to make it happen. The Vice Chair then added, so it is not a vacant lot. Chair Unger then stated that what it does, like when they knocked the building down that wasn’t landmarked, they leave these big gaping holes in our community, and Warren Campbell stated that his only recollection on that was also hearing an attorney that said that was pre-207.

Commissioner Holmes then asked for an explanation of the basic rules of 207, and Warren Campbell explained that somewhere in the state, they felt there was a need to protect the rights of private individuals from big, bad people, governments, municipalities, etc., for things as simple as our Community plan saying this should be a hotel, and today it is zoned residential, and we try to follow our Community Plan, but if he changes anything to do with your property in what you can or can’t do with it, and you feel that he has reduced, minimized, affected your property value and your

rights in any way that you feel is egregious or in appropriate, you can sue and likely win, so it has made municipalities very cautious. He has attended a few seminars, and some attorneys have different opinions, but his understanding is that if you put something in place, like a law or rezoning, etc., and go three years, you can't sue after three years. Or, if the owners change like he changed the rules when you owned it, but when Commissioner Grams bought it, she knew the rules, so she lives by those rules. The Chair then asked if Commissioner Grams then can't sue and Warren Campbell stated correct, but the previous owner could have.

Commissioner Holmes then stated that 207 was about that guy who had the garage in Mesa, and the Chair added that they also based it on some problems that they were having back east with governments taking over land. Commissioner Segner added that they would condemn land and then give it to a developer who would develop it into something else. It was a tea party issue, so there is no sense to it; we just have to live with it.

Donna Puckett indicated that she believes even when someone has asked to landmark their property, we would give them a Prop 207 waiver, but then there is an argument of a person not being able to waive their legal rights, so even that could be challenged. Warren added that our City has gone to the point that if you submit an application to rezone your property and pay to do that process, at the end when it happens, he will still get you to sign something that you waive all of your rights. He believes they did something similar to Prop 207 in Oregon and in a matter of a few years, they took something a little more amended that was a little more rational, so hopefully, that happens here in a couple of years. Chair Unger noted that they were expressing that hope at the conference, but we had landmarked our landmarks before 207 was enacted, and as soon as it was enacted, our City Attorney stepped in and did that, that you had to sign a release to all of your property rights in terms of that, to make sure that we could maintain our landmarked properties. Our fear was that we would lose all of them if we didn't have that from the newer people coming in asking to have their places landmarked.

Chair Unger commented that from the conference, in 1505.01B, it says, "Prospective members should have demonstrated significant interest in . . ." and at the bottom, ". . . two members be current or previous professionals in the areas of architecture, history, planning or archaeology." She doesn't know that we need to change it, but in the CLG session or something else, they said that so many of these communities don't have a lot of archaeologists and people who apply, to have someone step in and work with us on that, so the State and National allow for that. Like Bisbee didn't have enough people to do that, so if there is a question that requires someone who understands those things, you can bring in an expert. Donna Puckett noted that she believes this is still in their CLG documents, and Warren noted that if we get something so unique that none of us have any real knowledge or experience, we would work on ways to find a consultant. Chair Unger indicated that she just wanted to make everyone aware that it is in there and that is okay. Donna Puckett added that SHPO is supposed to assist us in matters like that as well, and Warren stated that we call them as the first stop, when there is something we have questions about.

Chair Unger then stated that the other thing in 1505.02B, it is interesting that the Council shall fill the vacancy and it is good that we don't have a timeline on that, because we don't and it says, "In the event of a resignation, removal or death of a member, the Council shall fill the vacancy for the unexpired term." Warren noted that he has never seen a code include a fill it by when; we always advertise them fairly quickly, and then you are dependent upon when you get candidates.

The Chair then referenced 1505.04, Meetings, in B, it was interesting, because they discussed it at the conference and it says that four members shall constitute a quorum, and then they say the affirmative vote of the majority of the members present shall be required for passage, and we've gone through that . . .; Commissioner Segner interjected that you can't have a meeting if you don't have a quorum; however, the Chair stated that if you have a quorum of four, you only need three to pass it, or if somebody recuses themselves, we could actually pass something with three rather than four votes, but she doesn't know that we need to change that. Donna Puckett indicated that she takes that to mean that if you have five of the seven present and you have a three to two vote,

but in a recent P&Z meeting, we had five present and with the ones that had to abstain, because they weren't present for the meeting, they only had three people that could vote, so it wasn't a quorum that could vote. Where if you have five that can vote, then there is a majority with three to two. The Chair indicated that she thought that if only four Commissioners showed up, all of them would have to vote for it, but three could vote for it and it would pass.

Chair Unger then stated that in going through this, in item Q. of 1505.06, we annually have to produce a report, and she did one last year and Audree has been doing them, but the Commission is supposed to, and Warren indicated that he believed that is right. The Chair then added that the Commission should be working on that.

Commissioner Segner indicated that he didn't see that once you are a Commissioner, what your expectations are and how you remove a Commissioner, because you can appoint a Commissioner that can't come to any meetings and always be short, so there needs to be some ramifications to replace a Commissioner. Donna Puckett stated that those fall under the City Council's rules and procedures. Warren then added that in Vail, the Council looked at the attendance from the minutes, and he periodically had to give attendance reports. Commissioner Segner then requested that at the next meeting, Warren bring the attendance report and read it to the group, so the group knows that we are keeping track. Chair Unger noted that will go into future agendas. Commissioner Segner then recalled that when he was interviewed years back, they would tell you how many times you missed a meeting, and that is important. If you aren't going to come to the meetings, don't be a Commissioner.

The Chair then referenced 1509.03 on page 16, Commission Review and Decisions, and indicated that you added #5 that says, "Any proposed new construction shall be distinguishable from the historic architecture", and she wonders if we should add, because they emphasized at the conference to do something about scale, etc., but she doesn't know that we need to do that. Basically what we are asking is that it be different. Commissioner Segner suggested quoting SHPO instead of trying to name it in the document, we would say per SHPO's requirements, etc., because those are detailed requirements. Chair Unger noted those are the Secretary of Interior's Standards, and it just came up so many times in the conference that it jumped out at her. Warren noted that several of us were in the CLG meeting where the gentleman was expressing more confusion than he thinks most people would have, but does the Secretary of Interior's Standards speak very pointedly to that, because distinguishable is a good word. Commissioner Segner indicated that they give examples that if you have a colonial house, what you add would be '60s modern, so you can readily see the difference. They are pretty good about explaining it and giving examples.

Vice Chair Jarmusch suggested saying "Shall be distinguishable and harmonious with the historic architecture; however, Commissioner Segner stated that you don't want it to necessarily be harmonious. Look at the Louvre; when they remodeled the Louvre, they put in the pyramid. Warren added that they did say that it could be appropriate for the addition to have a look like this house, but you might distinguish it by siding that is 5 in. or 6 in. instead of 4 in., so it is all the same type palette, but you change the trim, etc., so you can see it is different, but to most people it wouldn't look that different, so there are times that it is harmonious and looks very much in that flavor, but you aren't supposed to make it look like that. The Chair then discussed a building in New York that got taken off of the Register and Landmarks, because they added on and it looked exactly like the rest of the building.

Warren Campbell indicated that he believes that in using this document, we refer to the Secretary of Interior's book all day long; he did for the bench. Donna Puckett indicated that as a homeowner, when she hears the term "scale" in Sedona, she thinks of the small independent business versus WalMart or the one-story versus a twelve-story building, and if you get into Sedona's design guidelines, etc., scale becomes kind of a touchy subject, so to her it wouldn't be as much size as the style. Vice Chair Jarmusch noted that #5 falls under Certificate of Appropriateness, so there would be supervision, and they don't have to go ahead and build something that's distinguishable; we wouldn't let them do that. The Chair and Warren agreed, and Warren noted that we added it,

but we've been using it and holding people to that standard. The Chair then stated that it is fine and she is glad it is there, so you can leave it alone.

Vice Chair Jarmusch referenced her comment about Tucson and asked if we want to add something about demolition. Warren suggested changing "permit" to "allow", and then give direction to staff to continue working with the City Attorney's office on looking at the appropriateness of implementing demo permit standards, such as those in Tucson, which require a plan in place and monetary funds to be demonstrated, and he will look into that with them and report back. There was another one to look into recording a document on landmarked properties that says you are a landmarked property. If the Commission gives staff that direction today, it won't submit whether it is in here or not, but it will be something that he will bring up, and it will show in the record and he will report to the Planning Commission that he looked at it and this is what they said, etc. Vice Chair Jarmusch then indicated that there is a third one to confer with the City Attorney about and that is whether or not we can put more teeth . . . , Warren interrupted to say individual fines and penalties should be included.

Chair Unger then indicated that, when we applied for a CLG, SHPO had to see our document, Article 15, and she thinks SHPO has to see the rework of it too. Warren indicated that he had talked with Audree and, yes, the intent is that this will be sent to them at the appropriate time. Brynn then indicated that she thinks it also has to go to National; they want to be sure whatever we are doing fits with their confines and we are just making it stronger, so she thinks they will be happy with the changes. She just didn't want to lose our CLG, because they didn't know we've done this, so she wanted to be sure if we have to do it, we do it. Warren indicated that he and Audree are tracking on that; it was new to him, but not others.

MOTION: Vice Chair Jarmusch moved to forward a recommendation of approval to the Planning & Zoning Commission to approve an ordinance approving PZ15-00015 (LDC), amending the Sedona Land Development Code Article 15, Historic Preservation Ordinance, to reexamine the City's preservation philosophy, clarify existing regulations, and establish a process for a Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs and maintenance, with the following modifications:

- ***We direct City staff to explore with the City Attorney demolition permit standards, demolition penalties and recording documents of landmarked status on properties, and to explore whether demolition will be prohibited, unless there is a project. We will explore implementation and inclusion if appropriate, any of the regulations similar to those down in Tucson, specifically a plan . . .***

Warren Campbell interrupted to say, yeah, so we will explore implementation and inclusion if appropriate, any of the regulations similar to those down in Tucson, specifically a plan . . . , and Donna Puckett interrupted to ask if this is part of the motion. Warren then suggested talking about what we want to change in the ordinance first, and then give the direction on those three things. He then asked if that would make it cleaner, and Donna indicated that shorter is better. Warren then stated that we will start with what we want to change in here, and then we can say that we further direct staff to look at those three things. Donna then asked when the citing of the motion stopped, and Vice Chair Jarmusch stated that she is no longer making a motion; did it stop at ". . . recording documents on landmarked status" . . . , and Warren indicated those are going to be things we are directed to explore further, so he would suggest we go back to the end of the motion read into the record, and the Chair noted that ends in "maintenance", and Warren continued to say that we will talk about what we want to change in Article 15 from what was provided today, and then we will get that direction on those three things.

Donna then asked if you are going to insert your items before she did her reading. Warren then asked if it is easier to start over and Donna indicated that eventually we will probably need a reading of the motion. Warren and Donna referenced what Vice Chair Jarmusch had read into the record up to with the following modifications, and Warren then read the following:

- ***Under the definition of routine maintenance and repair, under letter A, we are going to strike “with new material”; under letter C, we’re going to strike “with new material”; and under letter D, we’re going to strike “with new mortar”.***
- ***Under 1507.07, the changes suggested by staff at the hearing where under 1507.07C, the language “or contributing factors, such as” is included.***
- ***Under 1507.07F, we are going to change at the end of the last sentence, “Property owners and/or their representatives are encouraged to consult with staff prior to any work being performed, to discuss a scope in compliance with the definition of routine maintenance and repair; however, consultation is not required.” So, “it” will be stricken.***
- ***Under 1509, the language that was proposed by staff to be stricken, the sentence that says, “Applications deemed by the Director as meeting the definition of routine maintenance and repair, as defined herein, may be issued administratively.” will be stricken as proposed by staff.***
- ***Under 1509.04A, the word “permit” will become “allow”. “. . . within a Historic District or cause or allow such demolition to be done, . . .”***

Warren then stated that we can second that and add on the three things to direct staff to continue looking into, because they’re not per se a part of this, but it is further exploration to be done. Donna asked if Vice Chair Jarmusch’s additional part is no longer part of the motion, and Warren explained that it will be after the second . . . , and we further direct staff. Donna then asked if he means an amended motion and Warren indicated that after those changes, it would state the following:

“Staff is further directed to explore with the possibility of recording a document on all landmarked properties, making it clear that they are designated properties in the City of Sedona and that there are regulations that come with that. Number two is to explore the incorporation of any regulations that are appropriate that would reference some of those done in Tucson, such as you need to have a plan in place before demolition and you need to have money in place before demolition is approved of a landmark. Third and finally, explore the inclusion of fines and/or other max penalties for violation of Article 15 in Section 1513, Violations and Enforcement.

REVISED MOTION: Vice Chair Jarmusch moved to forward a recommendation of approval to the Planning & Zoning Commission to approve an ordinance approving PZ15-00015 (LDC), amending the Sedona Land Development Code Article 15, Historic Preservation Ordinance, to reexamine the City’s preservation philosophy, clarify existing regulations, and establish a process for a Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs and maintenance with the following modifications:

- ***Under the definition of routine maintenance and repair, under letter A, we are going to strike “with new material”; under letter C, we’re going to strike “with new material”; and under letter D, we’re going to strike “with new mortar”.***
- ***Under 1507.07, the changes suggested by staff at the hearing where under 1507.07C, the language “or contributing factors, such as” is included.***
- ***Under 1507.07F, we are going to change at the end of the last sentence, “Property owners and/or their representatives are encouraged to consult with staff prior to any work being performed, to discuss a scope in compliance with the definition of routine maintenance and repair; however, consultation is not required.” So, “it” will be stricken.***
- ***Under 1509, the language that was proposed by staff to be stricken, the sentence that says, “Applications deemed by the Director as meeting the definition of routine maintenance and repair, as defined herein, may be issued administratively.”, will be stricken as proposed by staff.***
- ***Under 1509.04A, the word “permit” will become “allow”. “. . . within a Historic District or cause or allow such demolition to be done, . . .”***

Staff is further directed to explore with the possibility of recording a document on all landmarked properties, making it clear that they are designated properties in the City of Sedona and that there are regulations that come with that. Number two is to explore the

incorporation of any regulations that are appropriate that would reference some of those done in Tucson, such as you need to have a plan in place before demolition and you need to have the money in place before the demolition is approved of a landmark. Third and finally, explore the inclusion of fines and/or other max penalties for violation of Article 15 in Section 1513, Violations and Enforcement. Commissioner Holmes seconded the motion.

Warren indicated that he just went through the mark-ups he had and then his notes, and he will have those. Vice Chair Jarmusch commented that he did an excellent job of summarizing those, and Chair Unger commented that we all realize that we want this to keep going forward, and this allows staff to find out if we can do any of those things, and then it can go from there onto P&Z. Donna then confirmed for the record that Vice Chair Jarmusch made the motion.

Chair Unger clarified that this can now go and you'll check to see if we can even do those, and if they can be done fine; if they can't we won't do them, and then it will go directly to P&Z. Otherwise, it has to come back here, and she is thinking that the Commission has spent so much time . . . , Warren interjected that at this particular point in time, it will not come back to this Commission, but you can be kept in the loop. The Chair then explained that she just wanted the Commission to be aware that if this is approved that is what will happen. Warren then added that everyone is comfortable with the language as amended, and those other things are improvements that could be made, if they can be made. The Chair then indicated that in all probability the one where we're sending something out, she doesn't know that it has to be in the Article, but whatever, so if there are no other questions or comments, we can vote.

VOTE: Motion carried five (5) for and zero (0) opposed. Commissioner Harry Danilevics was unexcused and Commissioner Kurt Gehlbach was excused.

6. Discussion of details regarding the Commission and staff's participation in the State Historic Preservation Conference in Phoenix June 8th through the 10th.

The Chair asked if the Commission wanted to move this item to the next meeting; she hasn't had a chance to go through all of her notes. Warren indicated that it could be reagendaized if that is what the Chair is suggesting. Commissioner Holmes asked if we need to talk about it in detail, and Chair Unger indicated that she wouldn't say that we're talking about it in detail, but she would suggest moving it to item 7 and discuss it in a future meeting, because she wants to filter through everything and come up with the three most important things. Commissioner Segner then added that you would have time to have a conversation of what you felt happened at the meeting, where today, since we already had something big on the agenda, you are just going to buzz through, so he would rather see it moved to another time.

Donna Puckett noted that you have a consensus, so that is fine. The Chair indicated that she would like it if Audree could be here too, because she experienced it, so it would be nice for her to give . . . also, Kurt. She doesn't know how many things . . . ; she didn't seem him that often, so she doesn't know what he participated in, so maybe he can give us a briefing on that. Warren restated that it could be reagendaized for a future meeting.

Vice Chair Jarmusch asked if the Commission wanted to send a memo to the City Council thanking them for sending us to this conference. Chair Unger indicated yes, every year they put themselves out for us to do this, and we learn so much every time, but she wants to collect her thoughts. Warren suggested two ways to do it – individually you can send an email to the Council distribution list on the website or you can . . . Commissioner Segner stated that Chair Unger should just write a thank you note; however, the Chair suggested that each Commissioner do it, because the City Council so rarely gets thanked as much as they should be, so you can go on the website and send the whole Council a thank you. Warren stated that is the easiest, because everyone can write exactly how they feel.

Vice Chair Jarmusch then suggested doing an official one from the Commission, and then we all individually do it too, because from the Commission has weight. Audree told her that usually she budgets for three people and this time it was five, so it was very generous. Chair Unger indicated that they could do that, and she then asked if the Commission wanted her as the Chair to do one, and then all three of us can all do it individually. Chair Unger noted that she can't really send what she is going to say to everybody, because she would get into trouble. Warren then explained that she could send it to staff, and Donna added not for approval, they just need to authorize her to be the representative to write a letter on behalf of the Commission. Then, we can distribute it to you for information only, but not for you to critique and wordsmith. Warren noted that everyone is saying that they trust the Chair.

7. Discussion regarding future meeting dates and future agenda items

- **July 11, 2016**

Chair Unger indicated that she and Audree were thinking of having the next regular meeting next month, and then taking August off, and we are going to be talking about the work plan and all of the things that Audree was talking about before she left, with the grant and everything, and we need to be on top of that at our next meeting. She doesn't want to miss that time to do that, because we will then go into September, and she thinks the City Council really wants us to . . . The Chair then suggested that everybody look at their calendar for the 11th of July. Commissioner Segner stated that he should be here. Commissioner Grams stated that she would be gone almost the entire month of July and Vice Chair Jarmusch stated that she very well may be gone, probably for two months.

Commissioner Segner asked about having it later this month; however, Warren pointed out that it makes it a little more difficult, because we book these dates out, but we will have at least two Commissioners out. Chair Unger indicated that she doesn't know anything about Commissioners Danilevics and Kurt Gehlbach. Donna then pointed out that the new fiscal year starts July 1st, so after that date, we would know for sure what was accepted in the final budget. Commissioner Segner asked about July 6th and Donna noted that would be the July 4th holiday weekend; however, the Commissioner indicated that ends on the 5th. Warren noted that he is hearing a couple of months, and Commissioner Holmes indicated that could easily make it to where we don't have a quorum. The Chair then stated that it could be moved into August and not do the meeting in July and Commissioner Segner stated he is around the first of August. Chair Unger noted that typically August is the hardest month, so that is why she thought we wouldn't do that. The Chair then asked Donna to send out an email for the 11th and let the Commissioners respond; there is a big possibility that two of us won't be here, but if either Kurt Gehlbach or Commissioner Danilevics is here, we can do it. Donna then asked if Chair Unger, Commissioner Segner and Commissioner Holmes are available on the 11th, and they all responded probably, but it will help if you send that out.

Vice Chair Jarmusch requested a future agenda item to be updated regularly on what is going on with the Ranger Station. Commissioner Holmes asked if she could address that, and Donna indicated that we can agendize it for the next meeting. The Vice Chair then stated that she wanted staff and Commissioner Holmes to keep us apprised of what is going on. Commissioner Segner then suggested having Parks & Rec. come and give an update; however, Donna pointed out that Commissioner Holmes was a member, but Commissioner Segner indicated it would be nice for them to come and show us what they have done. Warren stated that at this point, he doesn't even know how big their role is, but we will get an update and we may fire off an email in the next few days to bring you up to speed. Commissioner Holmes added that Cynthia already has one composed. The Chair then stated that it is a good idea, because people will ask them and if we don't know, it sounds really dumb.

Commissioner Segner then stated that he wanted to talk about the \$20,000 that we didn't ask for to a program that we don't seem to support too much as a group. There ought to be some discussion. Vice Chair Jarmusch objected saying, yes we do. Commissioner Segner then explained that the

way we talked about it in the past, about just handing money out. Donna Puckett then stated that the small grant program would be on the agenda. Commissioner Segner then stated good; he just wants to have a discussion on it.

Vice Chair Jarmusch then asked to explore asking SHPO for a grant and Chair Unger indicated yes, but as of yet, she doesn't know that we can. She doesn't know that they have monies yet for the Heritage Fund, but we can discuss that. She then suggested just putting grants on the agenda, because there are some and maybe not make it so specific. Commissioner Segner then commented that we might be able to ask for grants that Parks & Rec. can't. Donna Puckett again stated that it would be agendized for the next meeting. The Chair then asked that it just be put on the agenda as "Grants Program".

Commissioner Holmes then asked if that would be part of the discussion on the conference too, and Chair Unger agreed that there were some things from the conference that we'll add to that, so that is a good thing on the agenda.

6. Discussion of details regarding the Commission and staff's participation in the State Historic Preservation Conference in Phoenix June 8th through the 10th (continued).

Commissioner Segner stated that he understood that one Commissioner didn't make it to the meeting and asked if anybody was notified. Chair Unger indicated that she didn't know; that is something that the City has to deal with. The Commissioner then stated that a letter should go to at least say something. A lot of money was spent and it shouldn't be ignored.

8. Adjournment

Chair Unger asked for a motion to adjourn.

MOTION: Commissioner Segner moved that we are over. Commissioner Grams seconded the motion. VOTE: Motion carried five (5) for and zero (0) opposed. Commissioner Harry Danilevics was unexcused and Commissioner Kurt Gehlbach was excused.

The Chair adjourned the meeting at 5:20 p.m.

I certify that the above is a true and correct summary of the meeting of the Historic Preservation Commission held on June 13, 2016.

Donna A. S. Puckett, *Administrative Assistant*

Date