

**Summary Minutes
City of Sedona
Historic Preservation Commission Meeting
Vultee Conference Room – 106 Roadrunner Drive, Sedona
Monday, September 23, 2013 – 4:00 p.m.**

(15 minutes, 4:00 - 4:15 p.m. for items 1 - 4)

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

Chair Unger: Okay terrific, well let's call to order this Historic Preservation Commission meeting of Monday, September 23, 200, 2013, it would be nice if it was 213, umm, at the Vultee Conference Room, in Sedona City Hall, umm, Audree, uh, can you verify that this meeting was noticed?

Audree Juhlin: It has been properly noticed.

Chair Unger: So I call it to order (at 4:10 p.m.). Roll call please.

Audree Juhlin: Chair Unger

Chair Unger: Present

Audree Juhlin: Commissioner Grams

Commissioner Grams: Present

Audree Juhlin: Commissioner Coté

Commissioner Coté: Here

Audree Juhlin: Vice Chair Holmes is excused. Commissioner Jarmusch, we are not sure about; we'll report it if she does show up. Commissioner Schudson is excused. And, Commissioner Segner.

Commissioner Segner: Here

(Note: Staff Present - Audree Juhlin and Kevin Snyder)

Chair Unger: Thank you, and we can say the pledge.

Applicant, Mr. Bill Gunning: I'm a Veteran, so (inaudible).

Meeting participants recited the Pledge of Allegiance.

Chair Unger: Thank You.

2. Approval of the August 5, 2013 and August 12, 2013 minutes

Chair Unger: Umm, now we need approval of August 5th and August 12th minutes.

MOTION: (Commissioner Segner) I move that we approve the minutes of August 5th and August 12th as written.

Chair Unger: Can I have. . . (interrupted).

Commissioner Coté: I'll second it.

Chair Unger: (continued) Umm, okay, then Commissioner Coté seconded it; those in favor.

VOTE: Ayes (4) four - Commissioners Cote, Grams, Segner and Chair Unger.

Chair Unger: Those opposed.

VOTE: No's (0) zero.

Chair Unger: Passed unanimously.

3. Public forum for items not on agenda. Limit of 3 minutes per presentation. (Note that the Commission may not discuss or make any decisions on any matter brought forward by a member of the public.)

Chair Unger: Public forum for items not on the agenda. I don't see anyone here, except Bill, so I think we can skip by that.

4. Commission and staff announcements and summary of current matters.

Chair Unger: Uh, Commission and staff announcements. Audree do you have some announcements?

Audree Juhlin: I don't have anything right now.

Chair Unger: Okay. Uh, does anyone on the Commission have anything they would like to bring up that they think that we need to be aware of at this point?

Commissioner Segner: Uh, I'm just working on the 89A project, umm; I've stumbled into a little problem. We got to get ADA-approved sign mounts and nobody knows what those are.

Chair Unger: (Chuckled)

Commissioner Segner: (Continued) So, I'm working with the City now, umm, to find out those specs, cause I may have to change the stands a bit. Umm, we got all the specs for the, uh, signs, and the signs look like they'll run between \$250 and \$500 completed.

Commissioner Coté: What did you expect, it to . . . ?

Commissioner Segner: Well, when we were looking at the, umm, other ones at \$1,200 to \$1,500 for the, the metal signs, you know, so I'm really happy with the sign. Now, we may down the line have to pay some extra money for writing or maybe some art layout, but at least it's reasonable, and reasonable enough that we can replace 'em easy and change 'em out. Uh, so I'm getting a quote, I got a quote for, I think it was 4' long, 17" high, and I think it was \$280.

Commissioner Coté: Great.

Commissioner Segner: So that's almost like two or three plaques if you really wanted to like tell a big story. And so, that's good. Umm, so we'll get a little more information on the mounting, umm, (word unclear), uh, umm, I've got an engineering company to sign off on the stands, umm, and the City's already painted the railing as I asked, so that's been painted. So, umm, all we got to do now is order one, I think, and think about the look of the layout and where the logo goes, so that we have a consistency that everybody is happy with, so once we have a kind of a layout, we know that it'll say City of Sedona here, donated by here, logo here, and then we fill-in the information in-between.

Commissioner Coté: And is this something that you'll just . . .

Chair Unger: Oh actually, we can't. . . (interrupted).

Commissioner Coté: Oh, we can't say that.

Chair Unger: (continued) this; it's only his announcement, so, and we will be discussing it later.

Commissioner Segner: It was approved by the City Council two weeks ago, and that's it.

Chair Unger: Great, terrific, thank you Steve. Umm, anyone else have any comments about anything? And, I don't have any announcements at this particular meeting, so umm, we'll go on to Consideration of the following request through public hearing procedures, uh, for number 5 on our, umm, our agenda and uh, I'm going to open this public hearing item number 5..

5. Consideration of the following request through public hearing procedures: (90 minutes, 4:15 – 5:45 p.m.)

- a. Discussion/possible action regarding a request to remove the Historic Landmark designation from the Historic Landmark property known as the “Ralph Block House”, Historic Register No. 022, at 355 Arroyo Piñon Drive, Sedona, Arizona 86336. A general description of the area affected includes but is not limited to north of Foothills South Drive, near the southern end of Arroyo Piñon Drive, between El Camino Road and El Camino Grande. The property is approximately 0.79 acres and is further identified as Assessor’s Parcel Number 408-11-431D. Applicants: William R. and Pamela J. Gunning Case Number: HL 13-01**

Chair Unger: Umm, I want to thank, before we start, I want to thank Audree for a brilliant job in putting all of this together, because I think it really gave us all a chance to look at all aspects of it in a way that was really concise, and although 100 and some pages concise.

Commissioners: (Laughed)

Chair Unger: But it was all together; it was all together and we all are on the same page, I'm hoping, so I want to thank that, thank you for that. Umm, and I'm going to just sort of let everybody know this is how we're going to go through this. Uh, and it's how we generally hold our public hearing procedure. First, I will ask the staff to make a report. Second, I will ask the Commissioners if they have any questions of City staff, in this case, it's going to be Audree. Third, the applicant will be asked to speak if he wishes, and I, I'm not sure that he would, wants to do that. Fourth, I will call for public testimony. I don't see many people from the public unless somebody shows up. We probably are going not to have that portion of this. Umm, and then we will turn back to the Commission for motion, action, discussion and comments. Umm, and please remember all of us that this is being recorded. It's interesting, because I noticed in the, umm, in the packet that Audree gave us that oftentimes, our voices diminish to something that nobody could touc[h], understand, so we need to be speaking clearly to the microphone, so that everything is recorded here. Umm, so we can go then and start with Audree, if you would, umm, give me, give us a just a quick sketch of the Staff Report please.

Audree Juhlin: Certainly, because from the comments I'm hearing, you all read the 106 pages, (chuckled), so I won't go into any details other than to bullet the major points. So as you are aware, this is a request to remove the landmark designation from the Ralph Block House. This house was landmarked by the Historic Preservation Commission in November of 2009. The property owners have maintained their home, and I emphasize this, pristine conditions, it's just a remarkable home. I was in there a week and a half ago and simply amazed by how beautiful this home is. In May of 2012, the house sustained damage due to a storm. That information was provided to the Commission at the December 3rd meeting in 2012. As a result of that meeting, there was, or a result of that storm, repair work needed to be done in a timely manner. According to the property owners, uh, the property owners have indicated that they did speak with staff about the damage and the repair work necessary. The property owner did get a quote based on direction from City staff and proceeded to get the repair work completed before the monsoon season began. Umm, that work was completed in May. The property owners have indicated that they have had contact with City staff in May, June and July, and again in October as a result of the letter that staff sent out about the small grant program. Because of that letter inviting property owners to participate

in the small grant program, the applicant sent a letter to City staff and the Commission, basically saying this program has some problems, and they should be looked at and revamped, and had some ideas on what those problems are and probably some solutions that go along with that. As a result, City staff invited the applicant, uh, the property owner, to the Commission's next meeting which was December 3rd. The property owner explained the situation he encountered as a result of this storm and the damage that was sustained. And based on that December 3rd meeting, the applicant, the property owner went home and wrote a letter to the Commission and to the City and said because of the way that he was treated at the meeting and because of the hardship, the financial hardship of the program, he requested that his landmark designation be removed from their home. Uh, based on that request staff did try and reach out to the property owner and see if we could dissuade him from that decision, and he basically sent us back a letter saying no we want it to move forward. So we sent him the application and he immediately returned the completed application at the end of December. We again reached out to the property owners and said, can you give us some more time, the requirement is 60 days in which the Commission has to hear a request for the application, and we asked the applicant and the property owner, would you give us some more time and waive the 60-day requirement. They did agree to that waiving of the requirement. So, that's why we're not within the 60-day timeframe; we're much further than that right now. But over the last nine months, we have, staff has met with and talked to and emailed back and forth with the property owners discussing the situation and seeing if there is anything we could do to fix the problem. And, we couldn't come up with a solution that really worked. And as a result, when we asked in August, the property owner indicated that yes, they would like to move forward with the removal of the landmark designation for the reasons that I have stated -- financial hardship, the underfunded programming with the small grant program, and then the way that the applicant, property owner, was treated at the December 3rd meeting.

So, all those details are provided in 106 pages of (laughter) Staff Report. Umm, I guess, uh, as a follow-up, the property owner is here in the audience. He indicated that he prefers not to participate, but if the Commission has questions, then he will respond to questions if asked. Uh, sample motions are provided in the Staff Report and staff is recommending approval of the request to remove the landmark designation for the reasons stated in the Staff Report, which support the economic hardship, umm, claim. That concludes my quick presentation and I'll open it up to any questions you may have.

Chair Unger: Umm, uh, uh, yeah, now it's for us to ask Audree questions about, umm, her report, so, uh.

Commissioner Segner: No questions

Chair Unger: No questions? How about you, Jane?

Commissioner Grams: Well, I do have some. I read every line.

Commissioner Coté: (Laughed).

Commissioner Grams: Uh, what we heard about this, at least I heard about this, unless I was asleep somewhere along in the fall, on December 3rd. Did you know anything of this before December the 3rd?

Commissioner Coté: Oh, I didn't join the Commission until May I think, so. . . (interrupted).

Chair Unger: Yeah, and I think most of these questions should be directed, cause we're going to be discussing this amongst ourselves, so this is a. . . (interrupted).

Commissioner Grams: I'll, I'll address this then anyway.

Chair Unger: To Audree, please.

Commissioner Grams: Why was, was the HPC informed in May, June and July of contact from the, uh, applicant?

Audree Juhlin: Commissioner Grams that's an excellent question. The staff person assigned to liaison with the Commission is no longer with the City of Sedona, so I cannot say yes or no in either case. From my research and looking at minutes, I do not see that this was specifically addressed with the Commission, but I do know the property owner did have contact with staff.

Commissioner Grams: Okay.

Chair Unger: Is that, and may I just follow-up with another question? Do you know when that was or you don't know when it was? You just know that they had contact.

Audree Juhlin: They did have contact in May, in June and in July. . . (interrupted).

Chair Unger: Okay.

Audree Juhlin: (continued) and then again in October.

Chair Unger: Okay.

Commissioner Grams: I just am just puzzled as to why it was not brought forth to the Commission, uh, at that time that there was this problem, and uh, that, uh, what let us make a decision on the solution, which I believe might have been that, file the application immediately. It's done, but file it immediately, then get your, uh, second, uh, estimate. While the work has been done, you still get a second estimate, and uh, let us review this and see what we can do. I, my assumption would be that we would have probably made some gesture as we had some money on hand at that time, if that had come to our attention. So, don't, I just felt guilty in looking at this and shamed at the applicants being upset at the December 3rd meeting, when this is hitting everybody. I knew nothing about this until that point, and I think it was very unfair then to look at it and say it's the Commission's problem, because I don't think it is.

Chair Unger: And I, I have to be honest too. I did not hear until actually November, before, just before we had the agenda, the items put on the agenda. I had no idea that there was even, I'd asked if there had been anybody who had put the applications in and I just did not know anything about it before the middle of November, which is when we were discussing, umm, the meeting for December, so. . . (interrupted).

Commissioner Grams: I am sorry to hear you say that.

Commissioner Segner: I remember the discussion; Kathy said that they were going to bring it forward. She asked that the applicant fill out the proper paperwork, but the paperwork wasn't filled out in time in the right manner. It came in after the fact, not before the fact, and there weren't two estimates. We then had a meeting on it, we discussed it and we voted it down.

Chair Unger: Well then I guess, I guess our question is, you know if we're, and because this is what we're. . . (interrupted)

Commissioner Grams: Is that prior to December?

Chair Unger: No.

Commissioner Segner: No.

Chair Unger: No.

Audree Juhlin: Not in a public meeting.

Chair Unger: Not in a public meeting, because we just don't do anything. . . Now I guess the question, if we want to couch it in a question, cause I think this is the point at which we're, we are right now is, you

know, whose responsibility was it really to know that that was happening, and so that can be a question that I don't know whether or not the answer is going to take us to any real conclusion in the direction we're going with this hearing, but that is sort of what I think the question, uh, Jane is asking.

Audree Juhlin: If I may respond, uh, Commissioner Grams, I can't speak on behalf of the former staff member; I don't know what she did or what she did not do. Unfortunately, I would like to apologize to the Commission; I think that you were placed in a position that was unfair. I agree with you and I apologize on behalf of staff. I do want to say to clarify, that Mr. Gunning came forward in October in response to the letter for the small grant program, not necessarily to get small grant funding, but that could have been an outcome of what he came forward, but he wanted to bring to the Commission's attention was the fact that provisions of the small grant program and the historic preservation ordinance didn't provide for emergency situations. All situations were for, give us a couple of months to get it on an agenda and then a hearing, and it didn't provide for something that needed immediate action, but I think that was really the motivation of Mr. Gunning coming forward to say your program needs to be looked at, because this is a real live situation that the program does not address. So, it was more along that lines of focus and less so on grant funding.

Chair Unger: Well I think, I think maybe one of the things that Jane is, is referring to here, and maybe a little bit Steve, the fact that we had it sort of dumped in our lap at the last minute, and now, it is impending on us to make this very heady decision, that maybe, it may not have had to have happened had we known earlier, had we been able to affect, you know take, have some kind of, uh, umm, a meeting and actually taken care of the problems that Mr. Gunning put in front of us so, you know, I know that sounds like we're shifting, you know, I, I'm not trying to shift blame, but I am saying that right now I think all of us feel, uh and I, it may be the reason that Ann isn't here, I feel really uncomfortable with us having to make a decision that sort of was forced on us by sort of default in a way. Now, it doesn't mean that we're going to have to, not going to have to be faced with this again, so I guess that the reality is we're going to have to look very clearly at it and make a determination now, but I think there is a little bit of discomfort from the fact that we weren't able to help Mr. Gunning, you know, earlier, that we weren't able to look at that before December. And it feels as if, with when you look at the, at the umm, at the minutes, that you know that we were maybe not being appropriate with things, but on the other hand, we had no real understanding of what was happening until that moment. And, Steve you have a comment?

Commissioner Segner: Yeah the small grant program, I think is separate from what's going on with it. A designated property isn't maintained by the City; we never said it would be. We did have a small grant program that could be used at the direction of this group to maintain or fix some things, depending on the grant program that year and if there was any money left in the grant program that particular year. That was explained in detail. The applicant, to my recollection, thought that we should somehow be responsible for taking care of the roof of their property, and I said then and I say it now, I don't think that's our responsibility, and we didn't have any money to speak of at that point in time, and the application came in after the fact. Now, we didn't have a system in place for emergencies, because it was never designed for that. It was just money set aside that we could use if need be to help some people out for some things. It was never meant for protection.

Chair Unger: And, I think this is, this is the section where we're supposed to be asking, so we're going to have that discussion in a moment, but I do have another question, because amongst, and I, it was the one thing I didn't pull off, uh, all of the documentation that you gave us. There was a note made in there that if necessary if there was an emergency or there was something that happened, then the department of the City could actually take a look at it and possibly supply, and, and I'm not, I'm not, I should have that, that piece here in front of me, maybe Jane you do?

Commissioner Grams: I have the whole thing if you know where it is. I have the entire document.

Audree Juhlin: I think what you're referring to, Chair Unger, is the revisions to the small grant program that came after the problems with the Hummingbird House. They had some flooding. . . (interrupted).

Chair Unger: That's right.

Audree Juhlin: (continued) and some language was added to the small grant program that gave the Director, it was broad enough and gave the Director the ability to make that kind of an interpretation, and. . . (interrupted).

Chair Unger: Yes.

Audree Juhlin: (continued) again I will reiterate that, umm, the property owner did not come forward with the goal of getting money necessarily from the small grant program. He came forward to say here's some problems with the small grant program. Uh, if the Commission thought that would've warranted his putting in an application, then he was considering it, but that was not his goal. The other thing is the program; the small grant program in the very beginning of the, the language for the program says roofs are an acceptable maintenance that can be reimbursed.

Chair Unger: Now, Catherine you had some?

Commissioner Coté: I have a technical question. So, assuming that the vote today is to release the designation as requested, can the current owner change his mind in the future and reapply and/or can a future owner reapply for the designation. I understand that you have to start from the very beginning of the legal process, but is that possible? Once it's released, is it free to come back again?

Audree Juhlin: Absolutely.

Commissioner Coté: Okay.

Chair Unger: Thank you Catherine. Umm, Jane you have more questions I see.

Commissioner Grams: No. I understand that, you know, that his goal was that he felt that the system was broken and needed to be repaired, and we never really had the opportunity when he came in to us in December. It wasn't a question of can you put X number or whatever money you might have left; do you have any money in the fund? His position was that there was not enough money in the fund, period. We didn't have enough money to cover his entire roof.

Commissioner Segner: Well, we shouldn't of

Chair Unger: No.

Commissioner Grams: We might have had enough to match \$3,000 or something of the total cost. But we weren't even given that, you know, opportunity to make an offer or anything. It just was like. . . (interrupted).

Chair Unger: Well I and I guess, you know, umm, there. . . (interrupted).

Commissioner Grams: (continued) not like our system is broken and uh. . . (interrupted).

Commissioner Segner: I, I think, I feel like we're defending a position that was voted on, and at that time, we heard the testimony, we voted on it and we voted the way we did, the way we did it, for whatever reason. Going back at it now is just kind of. . . (interrupted).

Commissioner Coté: Well I'm finding, truthfully, I find this conversation irrelevant . . . (interrupted).

Commissioner Segner: Yeah.

Commissioner Coté: (continued) because it has nothing to do with what we. . . (interrupted).

Chair Unger: Well that's what, and, and I was just going to say, and basically for me my question is when we're looking at, and we were given by the City, and this is my question to you I guess, umm

Audree, is it, you know, we are doing this on financial difficulties. We are doing it, because it's in financial difficulties, but we're also being told, well that this isn't being brought to us because of financial difficulties, it's being brought to us because we did something else wrong. So, I'm having a really hard time trying to parallel, umm, get my head around this thing, because I'm trying to see, and I do understand. I mean we, we definitely need to, and I think we need to stress to City Council that we need a fund for exactly what Mr. Gunning said. But, when I'm, when you're bringing this to us and you're asking us to decide it and the motion you gave us speaks only to financial difficulty, and then we're told, well that's not what he's upset about, he's more upset about the fact that we didn't have anything in, in our. . . (interrupted).

Audree Juhlin: Okay.

Chair Unger: (continued) statement, so how do, how do, help us to understand how we put these things together.

Audree Juhlin: I, I can clarify that for you, Chair Unger. The, I don't believe and I'm speaking on behalf of the applicant, and if I am getting this wrong, you can correct me, but the economic hardship isn't necessarily related to the small grant program, although in essence it is, because when he was approached by Commission members, volunteers in our community who went to people and said, would you want to consider designating? This is one of the things that comes along with designation, you have access to our small grant program, which is meant to help rehab and maintain your, your historic structure. So, that was one of the considerations. Preserving his house was never, uh, that was always the most important thing he had in mind. The economic hardship comes into play when you have to jump through the hoops, and the requirements that says you have to do the maintenance this way and you have to hire this kind of person, and you have to do this, this and this, which adds on the layers of economic hardship. Whereas in the past, he was able to maintain his property in pristine, and I again I emphasize pristine, conditions without the, the step-by-step regulations that the City's ordinance placed on him, and that in turn cost extra money for him. That, I believe is really where the true economic hardship comes in.

Commissioner Coté: And, he did explain that in the letters. I think it is pretty clear. I don't have an issue with whether it is economic hardship or not.

Chair Unger: Well my only, my only concern with this is that when we, you know, we could say that almost any home now that we have landmarked is going to go under economic hardship.

Commissioner Segner: Absolutely.

Chair Unger: And, my. . . (interrupted).

Commissioner Grams: Yeah, yeah.

Chair Unger: (continued) fear is that we might as well just say, let's close our doors and let it all go, because and, and don't you, is it, and I guess that's something that is part for us to discuss, but amongst ourself, but my question is, I mean what is then to prevent us from losing every single property that we have so far. . . (interrupted).

Commissioner Segner: Nothing.

Chair Unger: I mean I'm not; I'm not trying to be difficult with this. I'm just looking at it, and I also look at the National and, and the, uh, the National Registers and I wonder why is it that they are not, they don't even look at financial difficulty with any of these things, because I think it's such a hard, it's such a hard line. I mean, uh, where do we draw the line with financial difficulty? I mean maybe it's true, maybe we shouldn't have this Commission; maybe we shouldn't have landmarking anymore. I mean, you know what, and my question is how, where does the City see us drawing the line? Where, where do you as a staff see us, us drawing the line? If, because it's going to be, it's obviously, it's going to be a difficulty for every, if everything that he is saying. Now, I will take one thing off the table. I have to say I don't think,

uh, a licensed contractor, if we're going give money to anything, it would have to be a licensed contractor. On the other hand, you know all those other layers, what does the City, does the City have a sort of an idea of how we determine whether it is going to be a financial difficulty for someone? I mean I, I just don't see in all of this, I think you did a wonderful job laying it out, but I'm having a hard time trying to figure out, you know, where are the lines for that?

Commissioner Segner: Brynn, my question is, we're here on one issue, one house, economic hardship, where is the proof of economic hardship, k? He has applied for no changes; we have no denials of anything he's asked to do, we have not made him jump through any hoops, we have not asked anything, except if he wanted some money from a special fund, he had to get two, uh, quotes and had to use a contractor. That's the City law anyway; you would have to use a contractor, so there is nothing on the table saying there's been a hardship. Your point is that if designating it, and we have to do things to a certain standard, is an economic hardship then it belays everything we've done to do any of these homes. That being said, we've spent thousands of hours, as a Commission, to find the homes. I've spent hundreds of hours researching. We photograph 'em, we write up reports on them, we have at least three meetings, we have I think two open meetings and we vote on it. All the information is there; it's all public, we all went through it. The City spends thousands of hours doing this to just come back and delist, I think is setting a poor standard, and if it's for economic hardship where there has been no economic hardship, maybe some hurt feelings I understand, but no economic hardships, I don't understand it and I couldn't vote for it.

Commissioner Coté: Uh, (audio unclear)?

Chair Unger: Yeah.

Commissioner Coté: Okay.

Chair Unger: And I don't share, are we off kilter here, because I, you know, we are, this is supposed to be directing our questions to you. I'm not sure that we should be discussing this at this point.

Commissioner Coté: Okay, if I'm out of bounds on this just tell me. Okay, when I read that packet and I went through those minutes, because I wasn't involved with this at all, because I didn't come on board until like May or whenever it was. What I read in those minutes is what's happening again today, which is there's a problem with the system, and the system needs to be reevaluated and that's what I was going to recommend at the end of this, you know, when it was appropriate, is that we look at the, what caused the problem and try to fix it, but the reality is he has the right, based on the City Code, to come in and declare financial hardship. His letters explain why. I don't think he has to give us a financial statement, and the reason I don't think he does is because the Code doesn't require proof, so if somebody comes in and says I have an economic hardship because of this, the way the Code is, is we decide whether we grant it or not.

Commissioner Segner: Umm, hm (affirmative).

Commissioner Coté: And so, if we don't like the way the Code's written, then maybe that's where the problem lies, and hopefully, somehow maybe this whole unfortunate situation can be remedied and the home could be relisted again as a landmark, you know, and there could be a learning curve that comes from it that we can all benefit from. I don't think tonight is what we're supposed to be hashing out whether. . . (interrupted).

Chair Unger: No, but I do think the ordinance is pretty clear. I mean if you could give the ordinance reference to financial hardship, there are two references made. One, first, is to an investment or income-producing property. Now, you know that, I don't see that as the, as this case, although, umm.

Commissioner Coté: I have . . .

Note: Audio unclear with multiple Commissioners speaking simultaneously.

Chair Unger: It's not, it's not a, it's not a commercial property. I think that that lays in the commercial property. The second is a non-income producing property, which is basically your home that you're living in, and it says in this section, it states that economic hardship relief may be granted if the applicant satisfactorily demonstrates that the property has no reasonable use as a single-family dwelling. . . (interrupted).

Commissioner Grams: Umm, hm (affirmative).

Chair Unger: (continued) or for institutional use in its present condition or if rehabilitated, either by the current homeowner or a potential buyer. Economic hardship relief shall not be granted, and they go into all the things that you could possibly do to destroy the property, but it does not say, you know, that economic hardship, because it's a landmark, and it, to me, you know, if it's economic hardship, . . . (interrupted).

Commissioner Grams: I agree.

Chair Unger: (continued) it says basically the state passed a ruling, uh 207, a number of years ago that actually put that in play, and I think that, you know, we have all suffered. Historic preservation has really suffered, because, it, but what the City has done is every time someone actually decides to landmark their property, they actually sign a document that indicates that they will not use that against the City in that case, so what we're looking at here. . . (interrupted).

Commissioner Segner: That's good; bring it home.

Chair Unger: (continued) is what is the financial difficulty? The financial difficulty was with the roof that didn't work that then had to be replaced. Okay, so that, that seems a little bit separate from, you know, would we? And then, the other question is then if that's the case, are we then willing to force the City every time somebody has a leaky roof to replace that leaky roof for everybody that has it, or if we can't, then do we de-landmark all of those.

Commissioner Coté: But what I read over and over again in those minutes was Kathy Levin, with all of the discussion that was going on, trying to get everybody to understand roofs were covered under. . . (interrupted).

Chair Unger: Oh, yes.

Commissioner Coté: (continued) the grant, and what Mr. Gunning was saying is that, and I'm hearing, obviously, he wasn't even asking for money, but he was saying that, umm, what I was trying to remember in the minutes, if he asked for money or it was in this discussion here now, but that he wasn't, he wasn't doing anything out of the boundaries of his rights as a designated property owner, and so . . . (interrupted).

Chair Unger: But I'm still, I'm still, Catherine, and I understand what you're saying, but I'm still trying to separate, what are we deciding here? Are we deciding the financial difficulty, because of the roof, are we deciding that fin . . . , and if we are, then why weren't we given another chance to actually look at it and possibly supply him with some money or figure something else out, because we actually had a . . . (interrupted).

Commissioner Grams: Right.

Chair Unger: (continued) special meeting that we did for the Hummingbird House. I mean why were we not. . . (interrupted).

Commissioner Grams: That's my point.

Chair Unger: (continued) . . . given an opportunity.

Commissioner Coté: But we can't go back and change that, but his letter said that, and that's where I need to understand, is he said the economic hardship comes because of when he agreed to designate, he was under the impression that there was a grant program that could be helpful in the paying for some of the maintenance of the property, and yet, what he's learned, what he learned is that's not really the case, you just kind of bear the burden of it, and uh, and probably, I can see also how in the first half of the meeting, the Zeitlins were granted 1,000 bucks for their deal, and then. . . (interrupted).

Chair Unger: Yeah, but I think you have to look very closely at the difference about what happened. I think that actually Bill had a very good point, because the reality was that they did follow it, and it did work for them, but Bill's point was that it needed to be much more proactive in instances where there were, uh, things. I'm still finding it hard, when we're talking about this and wanting to de-landmark, that the de-landmarkation at this point will relieve the financial burden. I don't, if I could see that really clearly, I, I'm having difficulty.

Commissioner Segner: Yeah, I, I think there's two different issues, that issue is moot. It was done; we voted on it. The issue now is economic hardship ruling shall not be granted due to any of the following circumstances - willful destructive acts committed or caused by the owner, purchase of the property for substantially more than its fair market value, failure to perform normal maintenance and repair or failure to diligently solicit and retain tenants. That's how you grant economic hardship.

Commissioner Coté: No, that's where it's saying that you can't get it, you know, if you have done any of those things, which I don't see applicable here.

Commissioner Segner: I don't see how you can grant your property to the City historically, and then come back at any time and say, by the way, it's economic hardship today and I want you to delist it. That was never the intention; the intention was never, it may have been assumed that we had a fund that was going to maintain his house. I don't think there's anything written in the City that ever said we were going to help maintain homes or we were going to maintain homes. We just said if you put a new roof on, you need to come to the City first. The roof was gone and we came out and found out afterward; that's fine, it was an okay roof. He understood how it was supposed to work. Now, it may be cumbersome; it may be bureaucratic. . . (interrupted).

Chair Unger: And, and I don't know. . . (interrupted).

Commissioner Segner: (continued) but that's what we are.

Chair Unger: And at the end of the day, I don't know that this, I think that there was more fault lies with the City for that than obviously Steve does, umm, but on the other hand, you know, what I'm worried about now is financial, uh, uh, immediate financial difficulties trumping history. I mean what we could do is we could see, and understand one thing I haven't mentioned here, this is the first time we've gone through this. This is not the first time; it is not just for us; the state doesn't have any of these that have happened before, so we are going to set precedent here, and we have to understand that, you know, I, my feeling is I would love to turn back time. I would love to go back to the time and I, I wish that we had known earlier what was happening with Bill with his house, because I think there was something that we could have done. We did it when, when the Hummingbird House came to us; we jumped on it. The City Council jumped on it and I think we went ahead with it, but I think at this stage in the game, we really do have to and that we've already discussed that. . . (interrupted).

Commissioner Segner: Brynn.

Chair Unger: (continued) that's going to have to change.

Commissioner Segner: One, one comment I would make is that the Gassaway House has been sold, umm, we worked on that house; we looked at it. We refused their request to make changes that made it very difficult for them to sell the property and to put up other homes around it. We made a request that the other lots be placed back at farther distances, and that was a multi-million dollar enterprise. They

then went back and they understood; they realized they couldn't make the changes with the house they wanted to make changes, and they made the changes to the lot plans for the area to fit what this recommendation said. That's what we're supposed to do; we're there to protect the property, so once it's been designated, our job is to say, no, you can do this or no, you can't. It's a very bureaucratic by its very nature. Now, to finish that thought, someone has just bought the Gassaway property; they would love to go in and do a lot of things to it. They could come to this meeting and say, through financial hardship, we want to delist it, and then they can be free to do whatever they want with. . . (interrupted).

Chair Unger: And, then they can knock it down.

Commissioner Segner: (continued) it, but the most important piece of property we have in this town; we have a piece of property on Brewer Road; it is designated. Right now, the value of that property is much less in its worth than it was, if it was not listed. We understand that; they understand that and the City's going through a system to deal with it. That's the reality of where we're at, so everybody knew it going in. The idea of us delisting, because of just the word "hardship" opens up every piece of property we have. It could make the property on Brewer Lane all of a sudden more viable, cause you could just delist it. We really need to be careful here.

Chair Unger: Well you know, and I, I will stress another thought, and Bill, I have to tell you this, I think that's the most fabulous house, and I. . . (interrupted).

Commissioner Grams: It is.

Chair Unger: (continued) hate to see it, somebody come in, because you know, it didn't have any designation on it, I'd hate to see it go. I mean, I mean and I know that it's your property and it's for you to own, but. . . (interrupted).

Applicant, Mr. Bill Gunning: I'd like to make a comment.

Chair Unger: Okay and you're certainly welcome, come on, come up.

Applicant, Mr. Bill Gunning: You're missing the point.

Chair Unger: Come on up and sit up here, because that's why I was hoping that you would be here, so that you. . . (interrupted).

Applicant, Mr. Bill Gunning: And, I wrote the original ordinance; I helped to write it, and when we wrote it, the emphasis was on preserving the houses through incentives. Suddenly 20 years, or how many years later, 14 years later, the emphasis is on preserving the properties through legal actions with attorneys saying you can't do this or that and the other thing, but nobody has come up, and this was brought up at the meeting, with one incentive that's available, except for this modest thing. When I was asked to have our property designated, I was told to talk to Pete Hawley's daughter, who had her house designated, and she said, well yes, they were very good to us. They replaced our roofs and one side of the windows, and they paid for all of that and it was in excess of, I don't know, \$16,000, and I wasn't swayed by that to get the money, but I am concerned that the ordinances and how it's affecting me personally, because we have personal financial hardships, we're not going to be able to maintain the house in the future. I sold, my wife sold three looms to get this roof done; we sold an automobile; we did all these things. I'm not complaining; I agreed to having done that, but I'm telling you if you're going to set a precedent that says (undetermined audio noise) and I was promised by the way, by a person, the main person that, when I was, uh, told them about the leaky roof, they said go ahead and get the, go get the bid, and I said okay. And somebody commented on why did you only get one bid; I've been here 30 years; I knew who the best roofers are. I'm not going to get three bids, if I know that the best roofer comes to town and gives me a timeframe before the monsoon hits, that's the roof I have to go with. The other roofer didn't even show up, so (chuckle). . . (interrupted).

Chair Unger: Well Bill, Bill.

Applicant, Mr. Bill Gunning: (continued) that's crazy. I . . . (interrupted).

Commissioner Coté: Bill is there. . . (interrupted).

Applicant, Mr. Bill Gunning: The subtleties here and the nuances are incredible.

Commissioner Coté: (continued) is there any chance Bill in light of the discussions that have happened today that you would reconsider, you'd withdraw your application and let us, as a Commission. . . (interrupted).

Applicant, Mr. Bill Gunning: No, I'm allowed to present this). . . (interrupted).

Commissioner Coté: Yeah, no I know, but. . . (interrupted).

Applicant, Mr. Bill Gunning: (continued) and you're allowed to vote for and against it, and I will pursue my legal rights afterwards.

Commissioner Coté: Okay, so there's no chance that you would consider giving the Commission a chance to work with you, because they didn't have a chance to work with you before.

Applicant, Mr. Bill Gunning: Well the Commission didn't, but people on staff did.

Commissioner Coté: I know, but I'm hearing the Commission. . . (interrupted).

Chair Unger: Catherine, but wait, if it . . . (interrupted).

Commissioner Coté: (continued) regretting. . . (interrupted).

Applicant, Mr. Bill Gunning: I was told. . . (interrupted).

Commissioner Coté: (continued) they didn't have an opportunity.

Applicant, Mr. Bill Gunning: (continued) to do it. Now had they not, had they, you know, they didn't say actually do it, but they said get the quote, get ready, it shouldn't be a problem, something like that, and then they never got back to me. And then, they never responded, and three inquiries I talked to them. Nobody ever responded . . . (interrupted).

Commissioner Coté: And, I'm hearing that. . . (interrupted).

Applicant, Mr. Bill Gunning: (continued) they were out of town.

Chair Unger: Yeah, we hear that.

Commissioner Coté: Loud and clear and I'm hearing, and I wasn't here as I said, so I'm hearing all of this as a neutral, well not really, because I'm on the Commission, but. . . (interrupted).

Applicant, Mr. Bill Gunning: Umm, hm (affirmative) and I was also told that these funds would augment the additional cost of having these, uh, licensed personnel work on your property. I've been there 30 years; I never had a licensed personnel work on my property; Pam and I did all the work.

Chair Unger: Well if you do it your, yeah, if you do it yourself.

Applicant, Mr. Bill Gunning: Because we have to.

Chair Unger: Yeah, well. . . (interrupted).

Commissioner Grams: You can do it yourself, that's no. . . (interrupted).

Chair Unger: (continued) yeah, you can do it yourself and that's certainly, but the issue with this is if the City is connected with it, and we're going to pay for something, we have to have licensed contractors. There's no other, there's no other. . . (interrupted).

Applicant, Mr. Bill Gunning: And I also want to add, talking to the person in charge, that was the opportunity they had to give me the form. I never got the form; I didn't know there was a form.

Chair Unger: Okay look, look Bill no, we know, we know and we know that you've suffered through this. I would say we have enough difficulty that I think this Commission has with the City Council, because I think we need more money in the fund, and we need, we probably need to set it up differently too. I mean, you know, as much as I would like to accept all responsibility for this, I in a lot of ways, I don't feel it's our responsibility to, at this stage, look at. . . (interrupted).

Commissioner Grams: No.

Chair Unger: (continued) at that, it, I'm trying to, I understand where you're coming from, because I come from a family of artists that have, you know, we've had to sell, I've had to sell everything for some things and it's not an easy thing, and it's not an easy choice, and if you have been presented with something that you think you're going to get money to help you with it, and then it seems to have been pulled back, my feeling is though that we, we, I think were more than willing to work with you, and I would've really liked to have your input on, you know, because we worked for years trying to find something that would be, would bring people in to landmark, and we only came up with this one thing and maybe, as you have pointed out, it is flawed. I mean I, I don't doubt that it's, that there should be changes made. I think we even have had last year, even before then, we had some, we had long conversations about some of that. . . (interrupted).

Commissioner Segner: Or if we should just drop all of it.

Chair Unger: (continued) and one of them was whether we should even just drop it, because it wasn't, it wasn't as clear as it should have been, so I'm not trying to deny you what you feel, because I think you are absolutely right. I'd feel the same way, but on the other hand, I want you to understand where we're coming from as a Commission. I see what we do in a very narrow path, I have always, I mean in the last hearing we had, I directed myself in that very narrow path too. I see us as saving those wonderful properties like yours and I see that as, as needing to do that more than anything else. I look outside of that and I'm trying really hard to understand how we couch this in a way that, because I still don't see that this is going to lessen your financial burden. I mean. . . (interrupted).

Applicant, Mr. Bill Gunning: Number, number one, you have two perspectives. You're saying my house is threatened if it's not landmarked; I'm saying it's actually more likely to be preserved, because there are a lot of people out there that will not touch a property that's designated by the City now and, and that's affecting potential people that could come in that would want to have an historic-type house; not a designation house and you're missing that subtlety.

Commissioner Segner: Let me ask Audree a question.

Chair Unger: Can you ask?

Commissioner Segner: Audree, can I ask you a question?

Audree Juhlin: Certainly.

Commissioner Segner: When was this property designated?

Audree Juhlin: 2009.

Commissioner Segner: Is there anything in writing in the City files that show that we used a carrot or an offer of money? Uh, he mentioned one person got \$16,000 or one person got 12; is there anything that we used that when we went out and signed people up.

Audree Juhlin: Probably not in writing, but that's a common practice to say this is one of the incentives. It was actually designed, the small grant program was designed to help entice people to landmark their property, so when the Commissioners went out to properties, prospective properties, they took this as the carrot, as Mr. Gunning has said, and said this is one of the programs that we're providing, if you want to consider designating your. . . (interrupted).

Commissioner Segner: Well as long as I've been on the program, it never had more than six, eight, \$10,000 in it, and it always had a limit of \$1,800 to \$2,500 I think too.

Audree Juhlin: It initially started out, I can't remember for sure, it was \$15,000, I believe, and. . . (interrupted).

Chair Unger: Right.

Audree Juhlin: (continued) then it went up to \$20,000, and then in the last few years is when it's come down significantly, but I do remember in the first few years, we had \$15,000 grants.

Commissioner Grams: Frequently.

Chair Unger: Yes, we did.

Audree Juhlin: So, that is very true.

Commissioner Coté: You know, but you, which I'm going to ask again. Would you consider giving the Commission time to address. . . (interrupted).

Applicant, Mr. Bill Gunning: To buy the house, yes (chuckled).

Commissioner Coté: (continued) no, give the Commission time to look at the problems with the system that you've brought to their attention, before asking, because you can always come back and ask again, before asking to be de-designated, cause they have some valid concerns, and yet I, I recognize as a realtor, I mean I totally recognize you as a private property owner and how there's conflict there, so it's not something that you would never have another opportunity to do, but it would give the Commission a chance to be involved in the situation, where they weren't able to before, and would that be possible?

Applicant, Mr. Bill Gunning: (Chuckled). You're asking a lot of me; I've been in this process for over a year, over a year, and I've had some negative comments given to me, and I'm just, I don't need them. . . (interrupted).

Commissioner Coté: But, did you know . . . (interrupted).

Applicant, Mr. Bill Gunning: (continued) I don't need that. I don't need that.

Commissioner Coté: No, of course you don't; nobody does.

Applicant, Mr. Bill Gunning: I mean I worked 30 years on this house to preserve it and nobody's going to preserve it like we've preserved it. We hope to find somebody that in the future would and I think if this Commission gets real and the City gets real, they've got to come up with incentives, and if they don't. . . (interrupted).

Chair Unger: Well . . . (interrupted).

Applicant, Mr. Bill Gunning: (continued) then they're going to lose the battle; mark my words, you're going to lose the battle.

Chair Unger: (continued) well and I'll tell you something, Bill, let me tell you honestly, you have done more to make the City look at this than almost anybody has. I mean, if your wish in doing this was to actually push the City and make us think a little bit more, you have certainly done that. I mean we have talked about, we've talked about it around the corners, but I don't think we've ever been confronted with the reality of what we really need to look at, and so I, understand that I, you know, we really loved having your home as one of our properties, because it is, it is in and of itself, a very important piece of the history of Sedona. I think, and I know you're saying that maybe if we didn't landmark, maybe those houses would be saved. I would say we have issues here and certainly Steve is talking about one of them, like the Gassaway House. I can see us losing these things one right after the other, right after the other, and I know that you don't want us to do that. I know that your goal has been, because you've been a part of us, it isn't like, you aren't, we don't consider you actually a part of this group, because you were a part of it to just found it.

Applicant, Mr. Bill Gunning: The great problem here is, for me, and you don't know my position, because you didn't witness what was said to me and what wasn't said to me. The reality is I was given the situation where I would consider it would be a bait.

Commissioner Coté: Say that again.

Applicant, Mr. Bill Gunning: It's a bait; everything's cool. Everything will be fine, and then after the work is done and the bill appears, oh, it's bait and it's a switch. I did not, you don't, that is intolerable. . . (interrupted).

Chair Unger: No, no.

Applicant, Mr. Bill Gunning: (continued) that somebody would do that, that a City would have no, no, no compunction about doing something like that. I'm kind of flabbergasted. . . (interrupted).

Chair Unger: Look, look, and Bill, um. . . (interrupted).

Applicant, Mr. Bill Gunning: (continued) and I think somebody's going to call the City on me.

Chair Unger: Well okay, call the City.

Applicant, Mr. Bill Gunning: I did call you.

Commissioner Coté: (Laughed).

Applicant, Mr. Bill Gunning: Didn't you read the letter?

Chair Unger: No, no, but you did call, but you're calling us out, and my discomfort with it. . . (interrupted).

Applicant, Mr. Bill Gunning: I'm not calling the City. You're the one in the difficult position.

Chair Unger: Yes, we're really. . . (interrupted).

Applicant, Mr. Bill Gunning: (continued) but not as difficult as me or my wife, no, and it won't happen to the next person, because this is very specific and because of very specific problems that probably will never happen again.

Chair Unger: Oh I don't know, I could see people having difficulties with their homes. I could also see. . . (interrupted).

Applicant, Mr. Bill Gunning: Not like a bait and switch.

Chair Unger: Well, well and I can't, I can't testify to either side of that. I just don't, because I don't know. You never talked to me about it, so I have no idea what happened there, umm, and whoever it happened with is isn't here to, to defend herself.

Applicant, Mr. Bill Gunning: Well that's my interpretation of it, and that's exactly what started this thing going crazy. It didn't have to go that route; an agreement is an agreement. I always bought my house with shaking hands. I never, I didn't need contracts when I came to this town, when I built that; we shook hands, that's how we did it.

Commissioner Coté: But now that that person is gone, is there a chance that the people who care. . . (interrupted).

Applicant, Mr. Bill Gunning: I'm not even blaming that person, maybe they had personal problems, I don't know, and they're responding in a different world, because of the problem, exterior problems. I don't want to blame anybody; I'm not playing the blame game, but I don't want to be blamed, because. . . (interrupted).

Chair Unger: Yeah, nobody . . . (interrupted).

Applicant, Mr. Bill Gunning: (continued) I saved the house; the roof was leaking. If I didn't replace that roof, the interior wood would have been destroyed.

Commissioner Segner: I don't think that's ever the question; you made a comment several times that it's not about the money. You've never been here for the money; you made a comment a few minutes ago that if we didn't get our act together and start giving people money, we were going to lose. . . (interrupted).

Applicant, Mr. Bill Gunning: Not money; incentives.

Commissioner Segner: Incentives or money; we were going to lose people. It has always been our understanding that people didn't, and we don't, designate because we're going to write a check to maintain the homes, and as I mentioned the last meeting, we don't maintain roofs, we haven't maintained roofs. We have usually used the money to fix a broken window, to fix a sash or to hold something together until it could be fixed, so that's what we talked about, that's what we voted on, and I don't see any hardship. Let me ask you a question, on the homes that are registered in America, does it tend to value or devalue them?

Chair Unger: Well and that's the other question that I have, you know, actually, umm, I know in Phoenix, my step-son, who actually passed away a couple of years ago, he had a house in a non-designated neighborhood, and his significant other had a house in a designated neighborhood right next to each other. The designated neighborhood actually maintained its value more than the de. . . , now, so there's one example; there could probably be another example. . . (interrupted).

Applicant, Mr. Bill Gunning: That's a neighborhood; that's . . . (interrupted).

Chair Unger: No, but it is houses too. It is houses. . . (interrupted).

Commissioner Segner: It is houses too. The City of Pasadena. . . (interrupted).

Chair Unger: In Pasadena, the homes. . . (interrupted).

Commissioner Segner: (continued) the homes go substantially for more money if they're designated.

Chair Unger: (continued) if they're designated, they go for much more, so I, you know, when you're . . . (interrupted).

Applicant, Mr. Bill Gunning: A why, why does that happen; because they have incentives in those towns.

Commissioner Segner: No, because people like owning older. . . (interrupted).

Applicant, Mr. Bill Gunning: No, because they have incentives in those. . . (interrupted).

Commissioner Segner: (continued) they don't have, Sir! . . . (interrupted).

Applicant, Mr. Bill Gunning: (continued) towns to preserve those houses.

Commissioner Segner: Well, let's not go down that. . . (interrupted).

Chair Unger: Well I mean, we don't have to go, there's, let's just keep that, we don't need . . . (interrupted).

Applicant, Mr. Bill Gunning: Okay I'll, I'll remove myself.

Chair Unger: No, well Bill, I'm sorry. Bill, I think, I think umm, I think you have a, you know, I think Catherine, you're trying to speak to Bill in this fashion is appropriate, and Bill, I don't think that we are here to argue with you about any of the value that you place on your home is the value we place on your home. That, I mean, and we value the fact that you allowed us to make this a landmark. We do value that tremendously, and I feel if I step back from that, I'm devaluing that, and you may feel that in future, if houses are not designated here, they will be more likely saved if they aren't designated. I have never seen that to be the case, so I, my concern remains. . . (interrupted).

Applicant, Mr. Bill Gunning: (Inaudible). There's a subtlety there that you seem to be avoiding.

Chair Unger: Okay, then explain that to me. Please, please explain, because I don't, I don't get the subtlety there. I'm sorry.

Applicant, Mr. Bill Gunning: Well read an ordinance; go to Atlanta and read their ordinance, and they, they sign a contract for 10 years, and they have certain tax reductions, etc., etc., and improvement funds are available through lottery and mineral rights off the coast. They come into the community, which this community gets, and those funds should go to the houses. Go to the properties to help maintain them, and if those funds are not used in that way, I think that's another problem that we may have here. If somebody should audit the City to see how many funds are coming into the community every year and how many funds are being distributed to maintain the properties, and if there's a discrepancy, then you've got a problem that you would probably identify and resolve.

Chair Unger: Well and, yeah, and I'm sorry that, Bill, this City is not as advanced when it comes to historic preservation as a lot of other cities. We aren't.

Applicant, Mr. Bill Gunning: I don't take away from that.

Chair Unger: Umm and, but I think that we do, we have, we have a terribly good conscience about wanting to maintain them, and I'm still finding when you're asking to remove the landmark, I'm still finding a difficulty in understanding the financial burden it's causing you. Umm, if you feel that it's causing the land, the property to be devalued, because you're selling it, well then that says something to me. It says because you can't sell it for the price that you want, then it is devaluing. I'm just, I still have, I'm still baffled by how this got here, to be honest with you. I'm still baffled, because I think you still have. . . (interrupted).

Applicant, Mr. Bill Gunning: Not as baffled as I am.

Chair Unger: Well and I think, I think you have a tremendous commitment to historic preservation for this community. Obviously you did, because you were one of them to start out, so I don't know why we're at this stage. If it is to make a point, you certainly made that point, but I don't know, given. . . (interrupted).

Applicant, Mr. Bill Gunning: I was approached with a kind of some money, etc., etc., etc. (chuckled), and then what did I, I'm reading in the newspaper the Commission was eliminated, then they call me back and said, forget everything we said about it. We no longer have a Commission, and then three weeks later, the Commission reappears.

Chair Unger: I know.

Applicant, Mr. Bill Gunning: And I was told I'm going to go to Planning & Zoning; they're going to resolve the problem, because they would understand the problem, and suddenly, I'm back to this Commission again, which I have no problem with, I actually respect everybody on the Commission, but the reality is there is some very curious things going on in this community and I would happen to say I'm just a little, poor little victims that have been. . . (interrupted).

Commissioner Coté: I have a question.

Applicant, Mr. Bill Gunning: (continued) brought into this thing.

Commissioner Coté: What would solve the economic hardship that you feel under the burden of the designation? Is there something that the City could do now that would solve that for you, to be able to say, you know what, I can now continue under this set of conditions.

Applicant, Mr. Bill Gunning: Well unfortunately, there's two people involved, my wife and I, and my wife was very upset. That's it.

Chair Unger: Well you know I, what I hate to see is that a landmark is, what I think you've done is you've made us all aware of some of the problems that we have with some of these things, and I think, and you've, you know, you've brought that to our attention, uh, uh, in a way that we would never have had it brought to our attention again, so when you say you want to de-landmark, my concern is that you want to take the landmark status off, not because of anything other than the fact that there was a difficulty you found, when you brought these things here, so. . . (interrupted).

Applicant, Mr. Bill Gunning: That's not true, inaudible. . . (interrupted).

Chair Unger: (continued) so, how then financially now, if we're not helping you with your roof, please explain to me how financially this is a burden to you now. I just need to know that, cause I'm just, I still feel like I'm sort of boxed into a corner. I don't understand, you know, if we take the landmark off, how do you gain financially; that's, that's what I need to know. Where is the gain there, if you take, now obviously, you know, uh, you maybe could put a, a cheap roof on your house and you could possibly tear up your garage or do something else. I don't see you doing that. I mean I, I see that as being something that is so out of your real house. . . (interrupted).

Applicant, Mr. Bill Gunning: No, but if I were to sell the house in the next 5 years and three people, and people have come to me and tried to buy the house over the years, and I won't even tell you for how much, because you'd all faint if I told you, but the reality is I've always escorted the developers off of the property, so money isn't the primary concern in my pocket, but it is as I get to be 66 years old and my wife gets three operations. It's suddenly, priority number one was the house; priority number one is now my wife.

Chair Unger: Yeah, and well certainly I think . . . (interrupted).

Applicant, Mr. Bill Gunning: And that's a concern and it's real, and if you don't think so, go down and have an operation in this hospital. . . (interrupted).

Chair Unger: No, no, no.

Applicant, Mr. Bill Gunning: (Chuckled) and pay for it out of your pocket.

Chair Unger: Well, no.

Applicant, Mr. Bill Gunning: Three times.

Chair Unger: Yeah. Well no, and, and Bill, I certainly understand that. I mean I'm not trying to argue that.

Applicant, Mr. Bill Gunning: And what if she has a fourth one; what then?

Chair Unger: Yeah.

Applicant, Mr. Bill Gunning: Where's the money coming from?

Chair Unger: Where's the money coming from? Well I, and I wish. . . (interrupted).

Applicant, Mr. Bill Gunning: Sell the house.

Chair Unger: Yeah, well you'd sell the house, umm, but I'm having difficulty justifying removing the landmark for those reasons. I totally understand what you're saying. If we could, and that's why I think. . . (interrupted).

Applicant, Mr. Bill Gunning: I heard the rumors.

Chair Unger: (continued) and that's why I think Catherine was saying. . . (interrupted).

Applicant, Mr. Bill Gunning: I've heard the rumor. I will be the example to stop other people from doing it; you're making an example of me to stop other people from coming before you to delist. I think that's very unfortunate if that's true.

Chair Unger: No, I think, I think anybody is, is . . . (interrupted).

Applicant, Mr. Bill Gunning: I'll just rest my case and leave.

Chair Unger: Okay. Well, I think anybody is, everybody has the opportunity to come in. . . (interrupted).

Applicant, Mr. Bill Gunning: Well I'll see you in court.

(Note: Mr. Bill Gunning left the hearing at this time.)

Commissioner Segner: We had a discussion; I think we need to keep away from the emotion.

Chair Unger: I know this. . . (interrupted).

Commissioner Segner: I think we need to stay with the facts of what we're trying to do, and I'm going to go back to the Gassaway House. They wanted to put like 22 lots on that property and we said no. It significantly changed the value of that property and we were okay with that, and they were okay with it. We all understand that rules guide you and they keep you in a little box. Umm, I do not, I'm really, really worried about delisting a property, because I'm turning 65, I may need the money and I may want to do

other things. I totally understand that, but everybody that owns a delist, a house now could come up and say the same exact thing, so I think we've just got to stay with the facts.

Chair Unger: Well I think that the reality is that he, Mr. Gunning, probably will go to the City Council and we may lose this battle there, if we don't do it here.

Commissioner Grams: Lose it there?

Commissioner Segner: We may lose it there.

Chair Unger: Audree, do you have any more comments on what you think is transpiring here? Do you think, can you explain to me, I mean he seemed to explain. The reason doesn't make sense in the context of what we are to do as a Historic Preservation Commission. It just doesn't to me. Is there something that I'm not seeing here?

Audree Juhlin: I think Mr. Gunning has shared in writing and verbally before the Commission his position and I put it in the Staff Report.

Chair Unger: So, you feel it's completely covered.

Commissioner Coté: Staff has made the recommendation.

Chair Unger: Yeah, well the reality is that for the most part I follow the staff's recommendation, so umm, because I think the staff, umm, every single time has been on top of something. In this case, I'm battling. I mean I haven't slept for about two or three nights, because I know where he is coming from, but I also know that in all probability, the reason the National probably doesn't have anything about finances on it, because they don't want to get into something like this. This is a really difficult thing, and I don't know, maybe they need to look at it again. Maybe we need to look at it closer.

Commissioner Coté: So, Steve read. . . (interrupted).

Commissioner Grams: Look at what closer?

Chair Unger: Look at how, whether we even have anything that speaks to financial difficulty.

Commissioner Coté: Well, that was my question. Steve read when you can't claim economic hardship. Does, I didn't see it defining what was. It just says, you can under economic hardship. . . (interrupted).

Commissioner Grams: It doesn't.

Commissioner Coté: (continued) except for this, so, so. . . (interrupted).

Chair Unger: Well, it does. It does have . . . (interrupted).

Commissioner Coté: (continued) are we then to say, and I'm not saying that it's right, but I'm saying if the guideline that we're supposed to work under does not give restriction on when a person is under financial hardship, how can we say they're not?

Chair Unger: Well, how can we say they are though too? I mean that. . . (interrupted).

Commissioner Coté: We can't. They are saying they are, but unless we get them to lay out their financials. . . (interrupted).

Chair Unger: But if somebody comes in here and is worth \$2 million and needs a new roof and says I'm going under financial, well how are we to know that they're worth \$2 million? How are we to know what the roof costs? I mean we're, we're digging ourselves a hole here.

Commissioner Coté: Well that's where the system's broken; that's where the cutoff. . . (interrupted).

Chair Unger: But do I think. . . (interrupted).

Commissioner Coté: (continued) the guidelines should give. . . (interrupted).

Commissioner Segner: Well, I think we should go over that phrase.

Chair Unger: Here, and wait a minute. Let me read again what it says, "Economic hardship relief may be granted if the applicant satisfactorily demonstrates that the property has no reasonable use as a single-family dwelling or for institutional use in its present condition." That's all.

Commissioner Coté: But, does it say that is the only reason?

Chair Unger: Yes.

Commissioner Segner: Yeah, that's it.

Chair Unger: That's the only reason.

Commissioner Coté: What page is that on? I want to go to it and read it.

Chair Unger: Here; it's actually on page 12 of the, umm, it's on page 13. Page 12, it starts on page 12.

Commissioner Segner: And I go back to Brewer Road; if Brewer Road was de-designated, the property value would double.

Chair Unger: And yeah, we . . . (interrupted).

Commissioner Segner: How do we, how do we, how do we . . .

Commissioner Coté: Is that what this is about?

Commissioner Segner: Well it's about, yes, the precedent set here. . . (interrupted).

Chair Unger: No, I don't think it's about that, I think it's about it's a precedent.

Commissioner Segner: It's a precedent. In other words, if we're going to spend hours and hundreds of thousands of dollars over the years to list properties, to have them delist it at a whim, then why do we do this?

Chair Unger: Here, I've got it right here too, if you need to look at it.

Commissioner Grams: I agree.

Chair Unger: It's on the bottom of page 12 and top of page 13.

Commissioner Segner: And to me, this is somebody who's mad at us and the City.

Commissioner Coté: (Inaudible), not the first either. I want to see. . . (interrupted).

Commissioner Grams: Well, the house really had; the, uh, Doodlebug. . . (interrupted).

Commissioner Coté: Can I ask a question?

Commissioner Grams: (continued) they had a bid from Behmer, the same person he had, and it was somewhat higher than the one that they selected and that we agreed on behind, but both are union, I mean both are qualified registered contractors. That just doesn't, you know, he was comfortable with them; that's fine if someone's comfortable with something, and if he had filled out the paperwork, which I don't think he ever intended to. . . (interrupted).

Commissioner Segner: No, he didn't and he stated that he would not get two bids; that he didn't use a contractor and wouldn't.

Commissioner Grams: And he wants to (word unclear) that comfort level and. . . (interrupted).

Commissioner Segner: We explained that we were a bureaucratic group and that we had to do certain things to protect the City's money and I don't think we've been unreasonable in anything. . . (interrupted).

Commissioner Grams: I don't either

Commissioner Segner: (continued) we've asked.

Commissioner Coté: I'm not seeing in the guideline where it says that . . . (interrupted).

Chair Unger: Here.

Commissioner Grams: Here, right here it is.

Commissioner Coté: Yeah, it's right here, "economic hardship" right here. It just goes on to say that they can apply for it and that the City can decide to give them money, you know, uh.

Commissioner Segner: Yeah, and we can refuse too.

Chair Unger: But the ordinance, actually there are two in the ordinance. There are the two points that, and here, you can read it right there.

Commissioner Coté: So can I ask, can I ask Audree?

Chair Unger: Oh yeah, go ahead.

Commissioner Coté: So how did staff come to recommend it be delisted? Why did they feel it was an appropriate measure?

Audree Juhlin: Based on our conversations with the property owners over the last nine months and their explanation of how the process and the program works and does not work, we made our determination based on that. For instance, uh, the program requires a Certificate of Appropriateness in this case. For the roof, a Certificate of Appropriateness was required. For Jill Sands, the one that was on December 3rd too, her work required a Certificate of Appropriateness, um, the grant was given without that, so there's some flaws in the program, in itself, that we agree with the property owners. We need to fix it and that's why, in the Staff Report, my final sentence in there says the program needs to be reevaluated and relooked at to fix the problems that were raised, as a result of Mr. Gunning's experience.

Commissioner Segner: Is that the grant program or the historic designation program?

Audree Juhlin: It's both programs.

Commissioner Segner: What's wrong with the historic designation program?

Audree Juhlin: The historic designation program does not provide for emergency repair work; it requires. . . (interrupted).

Chair Unger: Yes.

Audree Juhlin: (continued) a Certificate of Appropriateness. . . (interrupted).

Chair Unger: It still does, which you know it's absolutely true.

Audree Juhlin: (continued) which requires any work to the exterior of a building, based on ordinance, requires a Certificate of Appropriateness, any work. That is a two to three month process, to go through the process from beginning to end. That is a flaw, when we have an emergency situation, as Mr. Gunning has demonstrated, so I'm not saying that the work was wrong or anything was wrong. It's just the program needs to be revised and fixed to correct the situation that we all encountered here.

Commissioner Coté: So your, staff's interpretation was the owner suffered an economic hardship, because of the broken system.

Audree Juhlin: Right.

Commissioner Segner: For what, I don't see where, he said he didn't do it for the money. He didn't apply for the money. He said it wasn't about money; he was just mad at the system.

Audree Juhlin: You know I can't speak on behalf of the applicant; I can only speak on what I know.

Chair Unger: Yeah, exactly.

Audree Juhlin: And in the past, he was able to maintain it in the pristine condition he has, because he and his wife did all the work. The program now says you have to have a licensed contractor to do the work, and he's having a hard time living up to that, so . . .

Commissioner Segner: Well, that's a City regulation anyway.

Audree Juhlin: No, you can owner-contractor, we do that.

Commissioner Segner: But he said he can't when he gets up, you still, if you're going to spend over a few hundred dollars you have to get a . . . (interrupted).

Chair Unger: A \$1,000, over \$1,000, you're supposed to have a licensed contractor. . . (interrupted).

Commissioner Segner: He just really. . . (interrupted).

Chair Unger: (continued) according to the Registrar. . . (interrupted).

Commissioner Segner: Yeah, and we talked about that in the first meeting.

Chair Unger: (continued) of Contractors, but I'm not sure, I mean it is.

Commissioner Segner: You have to have a registered contractor and you have to apply for a permit.

Chair Unger: Now, it used to be \$600, cause I've been in this business forever. It used to be \$600; now it's \$1,000.

Commissioner Segner: At the first meeting, when I asked him, I said okay, you gotta get a new roof, you put it on, okay, and we didn't ask this, but it's a good roof. We aren't complaining about that, okay, so what's the problem? Well, they're not going to pay me. Okay, well we never really said we would. We have a grant program that has some money. I think we had a small limit on it, a couple of thousand dollars. It would have never paid for the roof anyway, so now it comes back to promises made in 2000 by unknown individuals that promised that they would, that he would maintain his house for him, so I'm in a

quandary, cause it's spinning around here, uh, all I'm really concerned about is I want to protect the historic properties we have now that have been listed. I don't think we should have a wide view of hardship for delisting, because any commercial property, right now I can think of three, it would be to their advantage to delist them.

Commissioner Grams: Umm, hm (affirmative).

Commissioner Segner: Umm, for that, I think we should look very hard with this vote. If the City disagrees, well that's fine. They have an attorney and they want to look at it and they're going to look at it from a different point of view, but I know that I'm very worried about some other properties we have listed at this point.

Chair Unger: Well and that may not be something, I think that that actually is going to color our judgment here, no matter which way we go with it. I have to be honest; I don't think that that is something that we can keep off of the table, although that is not what we are really supposed to be deciding here. What we're really supposed to be deciding is a very single issue, and that is whether Mr. Gunning has a legitimate complaint and legitimate difficulty and a financial difficulty that he can bring forward to us, and then make up, have us make a decision to delist for that. I, personally, he hasn't actually made me feel that that's the case. I, I'm having, I know that maybe he, with the City staff, and the long conversations he's had with City staff, maybe that came very clear to them. I still have a bit of a difficulty seeing a line between, a direct line between financial difficulty and de-landmarking. If I could see that line, I'd be more than willing to say yes, we need to do that, but I, I do think that the City has flaws with this program, but I think every city does, and I think that those things, he has made us aware of them, and yes, we need to correct them, but I don't, I still don't see that direct line. I just, I cannot see. . . (interrupted).

Commissioner Segner: I hear, I hear analogies of other cities that give money to people that landmark, and there are some that do, and there are most that don't.

Commissioner Grams: Right.

Commissioner Segner: It's not the standard of the business. It is what it is the time he signed the papers. It is what it is the way we have it right now, and we have a small grant to help people that we did little things to help maintain the house. At the last meeting, we talked about we don't help with roofs, you know.

Commissioner Coté: Then, why did Kathy Levin keep coming back over. . . (interrupted).

Chair Unger: We actually do.

Commissioner Coté: (continued) and over and over to say we did. . . (interrupted).

Chair Unger: We do, we actually, I think, Steve, that's sort of inappropriate, because we do. We have done roofs; we have done them.

Commissioner Coté: That's what I saw. She kept coming back over and over in those minutes saying we do contribute to roofs.

Chair Unger: We do.

Commissioner Segner: Contribute, but not buy the whole thing and all we asked him at the last meeting was fill out the paperwork, get two bids. Well I just got it done, because of the same story. Okay, well then the way our rules are written for that grant program, we could not do it historically, we had to have it done a certain way. I'm not saying that's right; it's just to get the small grant, you had to do this, then this, then we vote on it. He said, we're being bureaucratic; we're being a pain in the ass, and I said, yes, we are, because it's the City's money and we have to do that, and he took exception to it, and I think at this

point in time, it is all about personality, and it is all about hurt feelings and it is not about structure of what's going on.

Chair Unger: Yeah, but I don't think we, we really at this stage, I don't think our decision on this can be judged on . . . (interrupted).

Commissioner Segner: Can't be judged on that, because it's really how can somebody (audio unclear).

Chair Unger: (continued) that at all. To me, the only thing we have to be able to draw a complete line to is, if because his property is landmarked, is it causing him financial difficulty, and I'm just, I still as much as, I mean and, and I'm not giving the same feedback from him, when he speaks to us. I'm just, you know, I just feel like this is something I really didn't want to, if I could have been (chuckling) in another country at this point, I probably would have been, because this is a really difficult thing. I mean I. . . (interrupted).

Commissioner Grams: Well the law is the law and I just . . . (interrupted).

Chair Unger: I mean I think. . . (interrupted).

Commissioner Grams: I don't think he's proven it.

Chair Unger: I don't in my mind, if this hasn't, he hasn't come, it hasn't been made absolutely an absolute that his financial difficulties come from his house being landmarked. I just can't see that, but I think. . . (interrupted).

Commissioner Coté: I think, Brynn, and I, I can see where this is all going, okay, but I just have to say, because having just come through the great recession and feeling it, okay, I think you can be in economic hardship. . . (interrupted).

Chair Unger: Right.

Commissioner Coté: (continued) and the cause and effect isn't maybe connected yet, but guaranteed when that bill comes in, sure you're going to be affected, okay, so I sense yes, there's definitely hard feelings, I can tell that if this had been handled better, we wouldn't be here. . . (interrupted).

Chair Unger: Yeah, that's true.

Commissioner Coté: (continued) but unfortunately we can't go back and repeat history, but I do, in listening to him, I sense that they're feeling the pinch financially, because of illness, aging, retired, the whole nine yards. Money is not flowing, right and, and so by having the designation, they are anticipating the hardship that is going to come the next time that requirement comes in, and that is the premise of the economic hardship. Now, I don't know if that's right or wrong, but I'm saying I believe that, even though it's aggravated by the emotion, I believe there is an economic hardship that is justified from what he is telling me, and I don't think he has to show me his financials, okay. He's explained how issues. . . (interrupted).

Chair Unger: Yeah but, but see, and yeah, but see I still say that his financial, if we're going to run it on that, then always immediate finances are going to trump history, and we might as well forget it. I mean what I'm seeing here is, because you financially are having a difficult time today, well tear down the house, because, because it's, it's the easier solution here and you get more money for it. Then, we don't have piece of history. I mean I don't think that immediate need in that sense can automatically trump, uh, uh, history; I just can't see it. I can see it if, for example, he came to us and said, you know, the bottom's coming out of the house and we've got a flood here. It's so destroyed that the only way I can do it is to get out of this and get rid of the house. I can see that, and I, I would be the first one to say, yes, we need to. We need to give you that, that waiver here; we need to get rid of that landmark, but he's not doing that. I mean I don't see, I don't see that directly falling here. That's, because I, I'm with you, there are,

there're going to be instances in this town where we have an older home that has gotten to the point where no, maybe we can't save it, maybe we just have to de-landmark it and let it, or take the landmark away, umm and, and let it go. We're going; we are going to find that.

Commissioner Segner: It's a slippery slope on this, in the sense that, go back to Brewer Road, you knock those two buildings down; that's a nice piece of property. Okay, I mean and it's an easy case to make, and if I were a realtor, I'd make it in a heartbeat. You listed it; he listed it; it's listed, umm, with you, I don't, I have not seen any evidence of hardship. He said several times that it's not about the money, umm, I see it as a political statement, and I think at some point in time, we've got to just bring this to a head, change the meeting, (audio unclear) a vote, and let's move on.

Chair Unger: I think we just need to make a motion and, and go from there, umm.

Commissioner Segner: You want to make a motion?

Commissioner Grams: (Chuckled).

Chair Unger: You can use a motion here, but if you think you need to add to it, please do, because I think, you know, there might . . .

Commissioner Grams: Well I wouldn't, I could not, I cannot go with any of this up here and I do feel the denial is the one that I would go with, and it says for the following reasons, and I would just, I feel that the applicant has not properly made his case to prove that the landmark designation on the house is presenting the financial hardship.

Chair Unger: Okay, now, umm, that probably has to be put in a more formal, uh, way, does it not?

Commissioner Segner: That's her thought process.

Commissioner Grams: Well and I was just saying that I'll move, you know all of the things that are up here.

Chair Unger: Okay go, maybe go from the draft from the motion for denial. Just read that through, and then just add your reasons, right?

Commissioner Grams: Is that right, Audree?

Audree Juhlin: That is correct.

Chair Unger: And then, does she need to read it out, or?

Audree Juhlin: I'd, formally you need to make a motion.

Chair Unger: Yeah, so you need to read this whole thing out.

Commissioner Grams: Oh, I do need to, okay, and I had to read it all out.

Audree Juhlin: You need to make whatever your motion is going to be. If you want to read that or create your own, you can do whatever you want.

Commissioner Grams: Alright, okay.

MOTION: *(Commissioner Grams) I formally move to deny case number HL13-01 (HL), a request to remove the historic landmark designation from the residence known as the "Ralph Block House", Historic Register No. 22, located at 355 Arroyo Piñon Drive, Sedona, for the following reasons: The applicant has not made a case supporting sufficient financial difficulties due to the landmark*

designation, and the designation for removal should be denied. (Commissioner Segner) I'll second.

Chair Unger: Any more discussion? Does there anything that you would like to add to that, Catherine?

Commissioner Coté: Umm, just that I totally get your side, I do, I see your side completely.

Commissioner Grams: Well I have a hard time with it, but I just cannot see, I feel as I've said before that we found ourselves in a situation here that I just, you know, I would feel better if he had filled out the application, brought in a second one, and done this properly, and then said okay, we look at it, we say well we can't give him the whole amount, we don't have the whole amount. We've got what the City has given us, so we can give him \$3,000, \$2,900, whatever we had, which would be less than 50% and that's our benchmark, and then he either said oh well that's, you know, then he refused or whatever. He never went that step. He never gave us the opportunity to do that and I just feel that it's, you know, we had not, we did not have the proper, you know, opportunity to evaluate it as we normally would, but I don't think that uh. His mind was made up; he was going to use what he wanted to use to repair his roof. He made that clear, and he thinks our system is wrong, and the fact that he is right and he feels the City system is wrong does not justify taking away the designation of a landmark.

Chair Unger: Well and I would have to agree with that. I think we, in a sense, feel a little bit accused of something, having done something that I don't know that we did, but umm, on, and I do feel that we, had we had a chance, I really do feel that had we had a chance to actually look at this. . . (interrupted).

Commissioner Grams: Early on.

Chair Unger: (continued) and if he had given us the opportunity, we would have given that to him, but I, that's water under the bridge.

Commissioner Segner: I know that staff before this staff spent a lot of time on this, and I remember the conversations, and there was thought process; it wasn't just dropped through the crooks, people didn't do bad things. There were things said that I don't think were necessarily true of staff. I think staff did a good job on this. I think they tried, she tried to walk him through the process, and he did not really want to walk through the process, and so it became a finger-pointing thing, and then after that, it became a finger-pointing thing here and, umm, I think so much of what I've heard was well I was told and 20 years ago and money, and so I think when you list, you list, and I think we should do everything we can to keep every listing we have, umm, if we get overruled by a higher court or somebody else, well that's how it goes, but I think they need to understand that it took thousands of hours to put these listings on the City roles, and we can't just have them disappear, because somebody wants to sell the house.

Chair Unger: Well I think, I think that you know, I don't think, he did not bring that up as being one of the, one of the reasons that he brought it to us, so I think it's unjustifiable for us to say that he did this, because he wants to sell the house. He didn't make it clear to me, you know. . . (interrupted).

Commissioner Segner: Well, he said that it would make it difficult down the line, cause people don't want to have to do all this stuff, so I picked up that, you know, he didn't want it listed, cause it was going to make it harder to sell. I happen not to think that's the case; I think it's going to add a premium to his house. If it's a nice property on a nice street with a, I know when I go out and look for properties, if I can find a registered property, you know I'm going to look hard at it.

Commissioner Grams: Well, I'm not going back to where it is, I may have it.

Commissioner Coté: Let's call for the vote.

Chair Unger: Yeah, let's call for the vote, because I don't think that there's any, I think we've all pretty much. . . (interrupted).

Commissioner Segner: Yeah.

Chair Unger: (continued) said what's, so umm, uh, those in, in favor of the motion that Jane has made say aye, please.

VOTE: Ayes (3) three - Commissioner Segner, Commissioner Grams and Chair Unger.

Chair Unger: Those opposed.

Commissioner Coté: Uh, me.

VOTE: No's (1) one - Commissioner Coté.

Chair Unger: There are three for and Catherine Coté voted against this. Well I do think and at the end of the day, I think we're going to really have to take a close look at the ordinance and understand it a little bit better, umm, and, uh, I'm, I'm sure that, uh, Mr. Gunning will be bringing this to City Council. I think that is the next step, is it not?

Audree Juhlin: Yes, it is.

Chair Unger: And, umm, and I, I'm hoping that they don't allow it, but on the other hand, it is going to be their decision.

Commissioner Grams: Well, I would like to, for us to maybe put it on the agenda for the next meeting that we don't have a fixed amount of money; that people come with a project. If you've got an emergency, then call immediately. Call and get your, you know, I don't care if it's 6:00 a.m. the next morning, as soon as you get to a phone where somebody's going to answer, call in whatever your problem is, but if it's a routine replacement of a special window or something, they go through the process. We'll try to move it as fast as possible. We evaluate it, do we think it's truly something that we should be reimbursing. We then ask the City for the money.

6. Discussion regarding future meeting dates and future agenda items. (5 minutes, 5:45– 5:50 p.m.)

Chair Unger: Yeah, well I think we sort of moved on to item 6 on the agenda, which is what we're going to be discussing at our next meeting, so that, that before we, um, adjourn, while I think that is something that we do, we definitely need to have a long discussion about.

Commissioner Coté: I wanted to, in this section of the meeting, I wanted to, uh, ask if it couldn't be put onto a meeting agenda in the very near future, that we review the program, and, uh, because how many other properties are out there that. . . (interrupted).

Chair Unger: Wait just one moment. Audree, I'm sorry.

Audree Juhlin: Brynn, you really haven't closed Item 5, the public hearing.

Chair Unger: Oh, I'm sorry, we've closed item 5 and moved on to item 6. I think we sort of jumped the gun here. I mentioned we went on, but I didn't say we closed item 5, so go ahead.

Commissioner Coté: Okay, so uh, because I'm wondering how many other owners are out there that also felt like they got designated, because they were baited, as he used the word, so that there would be funds to help maintain the property, and what I'm hearing from our discussions is there's no incentive for these owners to have designations other than the pride of preserving history, and so that's great, if that's the way people make the agreement, but if Mr. Gunning was being truthful in how he felt he was drawn into the program, how many other people are out there under that same, and I, I just think we have to look

at the program, umm, can this whole economic hardship part be eliminated, so we don't have to be here again.

Commissioner Segner: Yep.

Commissioner Coté: You know, from the whole Code, the whole thing and just really try to use this as a learning curve. Learn from it.

Commissioner Grams: I agree.

Chair Unger: I think that's what we need to do.

Commissioner Segner: I'd like to comment on that. You weren't at some of those meetings, umm, we did mailings every year to everybody, as a designated property, saying funds are available. We offered it to everybody. They would then submit a form and some years we had a lot and some years we didn't have many, so everybody was aware of it. We told them what the amounts were. He was notified on many occasions that it was available and what the amounts were. I came back at other meetings and said I think we ought to dump the whole thing. I would much rather have staff have \$10,000 frankly and staff could use it as an emergency item, if they felt they needed it, cause they wouldn't have to go through a process like this. You wouldn't have to go through three meetings.

Commissioner Coté: But my point is all these people that got those letters are thinking they've got this designation and that there is this beautiful symbiotic relationship that I designated my house, and then when I want to do some stuff, I get money.

Commissioner Segner: I, I did 11 designations myself on the Owenby Creek crick. Nobody, we never ever talked about giving anybody money.

Commissioner Coté: But if they're getting letters saying they've got this. . . (interrupted).

Commissioner Segner: All we said was here's some money and if you have \$1,500, \$1,800 that would qualify here, you can apply, that's all we. . . (interrupted).

Chair Unger: And actually I have to say, Catherine, up until now it has worked, I think . . . (interrupted).

Commissioner Segner: Yeah.

Chair Unger: (continued) very well.

Chair Unger: What would you say, Audree?

Commissioner Segner: Yeah.

Commissioner Coté: But now, we're saying that. . . (interrupted).

Commissioner Segner: I don't know, but I don't know the system's really broke.

Audree Juhlin: No.

Chair Unger: No.

Audree Juhlin: No, I'm not going to; I'll stay out of this discussion.

Commissioner Segner: I just think, I don't think the system's broke. I think it can be changed. I think it can be modified. I don't think it's broke, umm, I think by someone saying that in Atlanta, they give you money and the statement I remember is you guys don't get it. If you don't give money, people will start

delisting their property and you won't get 'em. That's not the mentality that I have ever heard from any of our people. They are happy to list their homes usually. They're proud of it; they show 'em off. We, we list 'em with the City; there's a pride of saying I have this older home. That's what I've always encouraged. The money thing; get rid of it.

Commissioner Coté: Right, but this is what I'm saying, we need to throw it on the agenda. . . (interrupted).

Chair Unger: Yes, we do.

Commissioner Coté: (continued) so we can have a thoughtful. . . (interrupted).

Chair Unger: I think that, that. . . (interrupted).

Commissioner Coté: (continued) discussion about it, and. . . (interrupted).

Chair Unger: And, I don't know what, we haven't looked at our agenda yet, so. . . (interrupted).

Commissioner Coté: But I think. . . (interrupted).

Chair Unger: That's something that we can certainly put on the next agenda.

Commissioner Coté: (continued) I think we need to define economic hardship, so that there isn't. . . (interrupted).

Chair Unger: I don't know.

Commissioner Coté: (continued) a discussion, so that. . . (interrupted).

Commissioner Segner: I don't know that we can after that.

Commissioner Coté: Well that, can we? Can we go back and, and try to amend the Code, so that there is a very clear definition of what economic hardship is? And then. . . (interrupted).

Commissioner Segner: But then what happens to people. . . (interrupted).

Commissioner Coté: (continued) there's not an interpretative. . . (interrupted).

Commissioner Segner: (continued) that did it before the amendment?

Audree Juhlin: The amendment would go to the Planning & Zoning Commission for consideration, and then it would go to the City Council for consideration. Depending on if it was approved or not, the Council can say that it's effective 90 days from today or it is effective immediately. They would be the ones determining the effective date, but it would be. . . (interrupted).

Commissioner Coté: Then, we could call a meeting to say that it has to be directly, the economic hardship has to be proven. That's the key word, cause nothing says that anything has to be proven. It has to be proven to be directly related to the designation. Then, they'd have to come forth and say my basement flooded and I got mold; I can't afford to fix it.

Commissioner Segner: How do we know that any place else in America allows delisting? We don't know.

Chair Unger: Well the thing is. . . (interrupted).

Commissioner Segner: We need to look at the history of other places and see how it's done.

Chair Unger: Well in Arizona, we don't have, we don't have a history of it.

Commissioner Segner: Yeah, I, my gut feeling is most places won't let you delist, and in New York City, you try to delist a historic building; you're going to spend \$3 million, okay, so I think before we go down that road of thinking we have something wrong, let's look at some other places. Let's look at California; let's look at here and come back and say here's what they do.

Commissioner Coté: I agree, but let's put it on the agenda. . . (interrupted).

Chair Unger: We need it on the agenda. . . (interrupted).

Commissioner Segner: I think we should talk about it, but I don't want to down the road, especially on record thinking there's something wrong. I don't think there's anything wrong with what we're doing or how it's done. I think this is an instant, and you're going to have instances like this in anything you do.

Commissioner Coté: But if there is unclear language, okay, it's not saying it's right or wrong; it's saying there are holes. . . (interrupted).

Commissioner Segner: Well then that's what's happened. . . (interrupted).

Commissioner Coté: (continued) that need to be patched.

Commissioner Segner: (continued) I understand, but that's what a Commission usually does, is you listen to it and you interpret the laws as best we can until we're overridden, and I think we're interpreting it today the best we could. You know, he's a nice guy; he's got a great house. I have no animosity, you know, I wish him the luck, but I think the way the law is written and the way we're doing it is we list this property for perpetuity, that's the way I kind of see it, and he kind of just wants out because it might need the money down the line. Okay, I know his understanding. I don't think that's strong enough for us to say yes.

Chair Unger: Yeah and we've, now we've hatched that over about a dozen times now, so I think, I mean I think everybody. . . (interrupted).

Commissioner Segner: So, I agree. I'm all with you of having a good discussion on it, but let's not assume we're broke yet.

Chair Unger: Okay, so I think we can move on now to adjournment. Is there anything else staff needs to, uh, for the next meeting? Do we have the next meeting? Are we going to have a regular meeting next month or are we . . .

Audree Juhlin: *(Audio unclear)*

Commissioner Grams: Is next month, October?

Chair Unger: It's October, yeah.

Audree Juhlin: I need to. . . (interrupted).

Commissioner Segner: Can I make a recommendation on meetings. I would like to see us have them only when necessary and only when we have a lot to do, so we don't . . . (interrupted).

Chair Unger: Well we're going to. . . (interrupted).

Commissioner Segner: (continued) stretch the staff anymore.

Chair Unger: (continue) have, we're going to be discussing that too. Well, what do you think?

Commissioner Coté: All of the meetings are already so long, you know, we do have one thing on the agenda and it takes us an hour and a half.

Chair Unger: Well yeah, usually it doesn't take us, I usually get these meetings. . . (interrupted).

Commissioner Segner: *(Audio unclear)* not have meetings just because.

Chair Unger: This is, yeah, this has been a more important meeting; it's usually not. Usually, I get meetings done in about an hour.

Commissioner Grams: I noticed that in the, uh . . . (interrupted).

Commissioner Coté: Are we adjourned?

Commissioner Grams: Oh, dear.

Chair Unger: I don't know.

MOTION: *(Commissioner Segner) move for adjournment.*

Chair Unger: Uh, can we, can we adjourn or do we need to be?

Audree Juhlin: No, you can adjourn.

Chair Unger: Okay, now are we going to have a meeting next month, I guess that's still the last item on our agenda.

Audree Juhlin: That's kind of what we're discussing right now.

Chair Unger: Do you want to just note, should we just send notification out to all the members, is that the best thing, or do you want to make that decision right now?

Kevin Snyder: I think what Audree and I were talking about is there are a couple of things that staff would like to meet on. We need a little time to kind of go through, she and I, we haven't had a chance to talk, and then we would send out and we could consult with you as the Chair, and then I think you could decide whether or not you wanted to poll the rest of the Commission or just call for a meeting, but I agree with Commissioner Segner that it needs to be substantive.

Chair Unger: I think we need to, we need, because we could, I think what, what, um, Commissioner Coté was saying, we should be doing, but I think we need a little more time before that meeting, so why don't we just, can we leave it at that, that we will contact the Commissioners, when we have things. . . (interrupted).

Commissioner Coté: Brynn, would you as the Chairperson give us like an outline of questions or points that we will be discussing at the meeting that we can then prepare for in advance.

Chair Unger: We can probably do that, I think that's going to be between me and staff. We can actually put something together.

Commissioner Coté: And that way, we're not just. . . (interrupted).

Chair Unger: Well it's more like an, it will be more like an agenda, but we can sort of . . . (interrupted).

Commissioner Segner: I have a staff question; how many of us can get together without being noticed?

Audree Juhlin: Three or less.

Commissioner Segner: I would like to see us maybe meet in twos and maybe we would, one of the group, and I'll call it just a group . . . (interrupted).

Chair Unger: I don't know that we can actually set that up, can we?

Audree Juhlin: If you set it up, you must adhere to the Open Meeting Laws.

Chair Unger: So we, we, that, so we can. . . (interrupted).

Commissioner Segner: I guess what I'm trying to get at is I think it would be a nice project to find out what the laws read in other cities.

Chair Unger: Can, can the staff set up. . . (interrupted).

Commissioner Segner: (continued) you know, we can do that work ahead of time.

Chair Unger: (continued) for two, ask two people to do that as sort of a task force, or can you?

Audree Juhlin: What we've done in the past in similar situations is staff will put a request out. This is some volunteer work, we're needing to have done and you can do the research for us and volunteer. . . (interrupted).

Commissioner Segner: Here's my thought process . . . (interrupted).

Chair Unger: I think that, yeah, that . . . (interrupted).

Commissioner Segner: (continued) and my thought process is this is going to go to the City Council; they're going to ask for pertinent information, okay, and you guys are busy. We're a Commission; I think part of our job is applying pertinent information and if we can be of any use to you in looking up some of this, so that when it comes to the City Council and they might say well, how is this handled in other cities, we can maybe as a group help. I'm really, what I'm trying to do is make us useful.

Kevin Snyder: To Audree's point, as long as you don't officiate it through this Commission, so. . . (interrupted).

Chair Unger: That's what I'm saying; I don't think we can do that, yeah.

Kevin Snyder: (continued) because then you're open to. . . (interrupted).

Chair Unger: Yeah, because then we're open to. . . (interrupted).

Kevin Snyder: (continued) the open meeting laws.

Chair Unger: (continued) open to Open Meeting Laws.

Kevin Snyder: Right.

Chair Unger: We've opened ourselves up to. . . (interrupted).

Commissioner Segner: Each of us. . . (interrupted).

Chair Unger: So what we can do is ask Audree to actually set up like two people to do that.

Commissioner Coté: Or even like, you know, you figure out what cities do, you figure out. . . (interrupted).

Commissioner Segner: Yep.

Commissioner Coté: (continued) some other thing. Everybody has kind of has a little assignment. It's isn't going to take them more than a couple of hours, and then they all bring it together.

Commissioner Segner: I agree.

Commissioner Coté: And then. . . (interrupted).

Chair Unger: Yeah.

Commissioner Coté: (continued) you know, it is not up to staff . . . (interrupted).

Chair Unger: And, I think we'll put that on. . . (interrupted).

Commissioner Coté: (continued) to do that.

Chair Unger: Yeah, and we'll put that on the agenda.

Commissioner Segner: I can guarantee, we'll get calls from a Commissioner saying what's up, what's this about and I think any information that we have, we should know. . . (interrupted).

Commissioner Coté: Well then, when we come to the meeting, we can all come together with the information. . . (interrupted).

Commissioner Segner: And bring it back.

Commissioner Coté: (continued) gathered, make our presentations, and then. . . (interrupted).

Commissioner Segner: I agree.

Chair Unger: Yeah, and Audree can certainly get in touch, maybe what we do is sort of do a sketch. She can do a sketch of what. . . (interrupted).

Commissioner Segner: Yeah.

Chair Unger: (continued) things need to be, but they can't, it can't be directed out of us. . . (interrupted).

Commissioner Segner: Yeah.

Chair Unger: (continued) if there's going to be more than one person doing it, because otherwise, it then becomes. . . (interrupted).

Commissioner Segner: We can do, we can do research those historic designation, add value or subtract value on a national basis. I'm sure there's things out there on it.

Chair Unger: There are some things; the state has some things.

Commissioner Segner: And, delisting, uh, delisting, I think that is something that should be easy to find out when and how, and how do they do it, uh, and the other question I have, if you listed your house 10 years ago, you have an understanding with the City based upon the law 10 years ago. If we change it today, could that be seen as a take?

Chair Unger: I think we're going to have to, you know, we're going to have to, the City Attorney is going to have to. . . (interrupted).

Commissioner Segner: Have to be involved, yeah.

Chair Unger: (continued) be involved in that, because, some of these things could actually be a legal, a legal. . . (interrupted).

Commissioner Segner: Absolutely.

Chair Unger: (continued) problem. I think that's it; we don't really, this is, we're, we're already deciding things that we're putting on the agenda (chuckled). We're not really supposed to be. . . (interrupted).

Commissioner Segner: We're just. . . (interrupted).

Chair Unger: (continued) talking about it.

Commissioner Segner: (continued) going to have stuff for the research.

Chair Unger: What we're going to do is, we'll; those things will be on an agenda. . . (interrupted).

Commissioner Segner: Gotcha.

Chair Unger: (continued) we're really sort of going beyond the (inaudible) of what should. . . (interrupted).

Commissioner Coté: Are we adjourned?

7. Adjournment. (5:45 p.m.)

Chair Unger: Uh, we are adjourn; at this point, at, uh, ten minutes to six o'clock, we are adjourned.

I certify that the above is a true and correct summary of the meeting of the Historic Preservation Commission held on September 23, 2013.

Donna A. S. Puckett, *Recording Secretary*

Date