

Summary Minutes
City of Sedona
Historic Preservation Commission Retreat
Vultee Conference Room, Building 106 – Sedona City Hall
102 Roadrunner Drive, Sedona, Arizona 86336
Monday, March 10, 2014 – 10:00 a.m.

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

Chair Unger confirmed the retreat was properly noticed and called the retreat to order at 10:03 a.m.

Roll Call:

Commissioners Present: Chair Brynn Burkee Unger, Vice Chair Allyson Holmes and Commissioners Catherine Coté, Jane Grams, Ann Jarmusch, Charlie Schudson and Steve Segner

Staff Present: Audree Juhlin, Cynthia Lovely and Donna Puckett

Council Liaison Present: Dan McIlroy

Facilitator: Judith Keane

2. Approval of the February 10, 2014 minutes

Chair Unger indicated she would entertain a motion to approve the minutes of February 10th, 2014

MOTION: *Commissioner Segner so moved. Commissioner Grams seconded the motion.*
VOTE: *Motion carried five (5) for, two (2) abstentions and zero (0) opposed. (Commissioners Jarmusch and Schudson abstained as they were not present for the February 10th meeting.)*

3. Welcome and agenda overview

Chair Unger explained the purpose of the retreat and indicated that Judith Keane will guide the Commission through it. The Chair then asked the Commissioners to be aware that the retreat is being recorded, to not talk over each other, and to announce their name when speaking. Audree Juhlin added that it helps the public know who is speaking.

Judith Keane reviewed the basic ground rules for the retreat as follows:

- All ideas are equal
- Free to question or clarify
- Be respectful
- Start and stop on time
- Feel free to move around

Judith then reviewed the agenda and different items that would be addressed.

4. Review/discussion of Interviews and Concerns

Presentation:

Judith Keane indicated that in the interviews she held with each Commissioner individually, the following items were mentioned as Pluses, What needs Improvement, and Items for success:

Pluses:

- The Commission is an energetic, passionate, dedicated group
- Commissioners have diverse strengths and skills

- There is a blend of new members and those that have institutional memory, which brings the sense of the past as you guide the future
- Commissioners basically get along with each other and have respect for each other

What Needs Improvement:

- Streamlining meetings - there is too much repetition, and do they need to be as long? There is a desire to have a set schedule.
- Need to get priorities straight - what are the parameters and what should HPC be doing? Also, there needs to be a realistic view of a Work Program, considering the available time and staff.
- Need more training - such as on the City's website, locations of landmarked properties and their current conditions, how properties are surveyed and how the paperwork is done.
- How meetings are run - keep comments in meetings to the agenda, be brief and to the point. Understand that everyone has a responsibility for that, not just the Chair. This would help streamline the meetings, meet the Open Meeting Law, etc.

Items to Success:

- Have a clear understanding of the Open Meeting Law.
- Have a clear understanding of the relationship with the City Council and staff.
- Identify ways that training can be developed and what are the topics for training.
- Develop a clear, strong roadmap of where the Commission is going and identify three priorities for the Work Program.
- Have clarity on individual roles and assignments and how you do work within the boundaries of the Open Meet Law, etc.

Commission Questions, Comments and Suggestions:

- Question regarding how much of today's discussion should be practical, procedural matters versus things Commissioners are passionate about doing, with perhaps some blue-sky thinking. Responses indicated that the first part would be more process and practical, but there would be a little of both, with some time for blue-sky thinking toward the end.
- Suggestion that there be time for the blue-sky brainstorming in the last hour.
- Comment that what the Commission is expected to do should be identified first, and then identify what else we have time to do.

Judith Keane asked Commissioners to identify the most important task for the Commission, and Commissioners' responses included landmarking and protection of the landmarks.

Commission Questions, Comments and Suggestions (continued):

- Question regarding a legal framework that describes what the Commission is supposed to do.
- Comment that a primary purpose of the Commission is to educate the public.
- Comment that the Commission should define and understand its core responsibilities and ensure we are doing those well, then start to dream.
- Comment that there should be an action plan for the training to have targeted events, so Commissioners know what they can learn and when, such as how do you do a survey and find the landmarked properties in the database, etc.
- Comment that to identify properties, county maps were printed in 10-year increments, and then in one meeting a year, the Commission went out and learned how to survey. There should be one training meeting at the beginning of the year, and we have to work individually between meetings, and then bring information to the meetings. Judith Keane indicated that would be a

good question during the discussion on the Open Meeting Law to determine what Commissioners can do.

- Suggestion that the Commission consider how to educate the public, i.e. newspaper articles.
- Suggestion to assign jobs based on the Commissioner's individual strengths, and then report on the work in the meetings. Look at a different way of operating.
- Question as to whether or not it worked like that in the past and if it was perhaps changed during the past year of trauma, or if what was described would be completely different.
- Comment that it would be a completely different; the Commission used to go to see four or five homes, but we all need to be trained, and then we should break it down to what we are good at.
- Comment that individuals were doing different things during the Centennial project, so perhaps we are talking about merging the two ideas of working individually within the parameters of HPC to ensure we are focused.
- Suggestion that, if purchased, the Ranger Station could be an education opportunity, perhaps with public workshops and tours of the buildings now and after restoration, etc.

[Note: Chair Unger and Councilor McIlroy announced that the City did purchase the Ranger Station property for \$640,000.]

- Comment that after getting the boundaries from the presentations on the Open Meeting Law and the Commission's Roles and Responsibilities, it will be easier to do a blue-sky discussion.
- Comment that the Commission's core responsibilities are to Landmark, Monitor, Adjudicate and Educate, and those could be broken down with a person assigned to each responsibility, then the assignments would be discussed in the meetings. The adjudication would be the City saying that we have certain responsibilities, and then educate would be the educating committee. We haven't been able to visualize what we do, and if we can break it down, then we can prioritize what is more important. Monitoring landmarks would be the first way to train new Commissioners.
- Comment that the Commission hasn't done much in monitoring or public education with publicity or open houses, etc. to promote the landmark properties or the Commission. There is room for improvement in all areas.
- Comment supporting the four core responsibilities cited.
- Suggestion to add the word "protect" in the core responsibilities; monitor isn't protecting, it is observing. "Protecting" is more action-oriented.
- Comment that if the Commission doesn't monitor it; it could be rotting.
- Comment that the whole umbrella is really to protect.
- Suggestion to say "Monitor/Proactive Protection" in the core responsibilities.
- Comment that "protect" is what the Commission does, and landmarking, monitoring, adjudicating and educating are all related to that protection. The most important thing is that we protect our past, so that is our key mission or the "umbrella".
- Comment that there may not be any distinction between "protection" and "preservation", but an umbrella word may be "preservation" which is in our title. "Educate" goes into coordination with other organizations, to assure coordination and avoid duplication.
- Comment that one difficulty has been that people tend to think of the Commission the same as the Sedona Historical Society, but to educate, we do need that coordination.
- Comment that in understanding our responsibilities, we also need to have knowledge of other organizations and their parameters to coordinate intelligently.

- Comment that there are people who do the history of Sedona better than the Commission, but we do the history of things like buildings, graveyards, etc. We don't write histories of the founding fathers, etc. and maybe there should be something in our name that better defines us.
- Comment that we may not be in the best position to identify properties, so it would be important to ensure the Sedona Historical Society knows what and who we are.
- Comment that the Commission isn't here to educate people about everything, and we do need to coordinate with the Sedona Historical Society, and one time, there was an idea of having a liaison from the Sedona Historical Society be with the Commission.
- Comment that during the efforts on the Centennial, Janeen Trevillyan was present for the Commission meetings as a liaison, which enhanced the coordination and effort.
- Comment that the Commission shouldn't be boxed into just the legalities; we landmark because there is a story to tell and part of our education is to help tell the story of the properties.
- Question as to whether or not the Commission's goal is the history of things or the history of things with a story.
- Comment that the Commission wouldn't landmark it, if it didn't have an historic story, such as the Madole properties; however, we aren't talking about the Thompsons, etc.
- Comment that the Commission relies a lot on the information provided by the Sedona Historical Society, when we are landmarking. Most of the history has been developed by the Sedona Historical Society, so they deserve a tremendous amount of credit, and that history is included in the description of the landmarks.
- Question as to whether or not the Commission's role includes obtaining history or if that is always the role of the Sedona Historical Society.
- Comment explaining that, for the most part, the human history comes from the Sedona Historical Society, but building records, etc., are also used. We depend on staff to check the background. Certainly, if the Commission wants to do that we can, and then staff would verify all of the facts.
- Comment that the research and process used for the landmarking the Owenby Ditch and the Madole properties is an example.
- Comment that it isn't an either/or proposition; it is both.
- Comment that being inclusive in who we work with is important; it is not either/or and we should use expertise wherever we find it.
- Suggestion to have a later discussion about staff's comfort level with what is being introduced, so the Commission doesn't overwhelm them. There is a need to balance how much is too much and how much is too little. Every Commissioner also needs to feel there is a personal stake in things.
- Comment that the Commission lost sight of its mission last year; we haven't discussed landmarking. We shouldn't try to landmark everything in town and do a better job of monitoring, and being more defined in what we are trying to do will get us there.
- Comment that this is a time for the Commission to get back on track and do your passions.
- Question as to if the Commission has criteria for landmarking. Chair Unger responded yes, it is explained in the HP Ordinance and she will go through that later.
- Question as to whether or not the Commission could augment the HP Ordinance and if the "germ" of it could be read.
- Comment that the Commission wasn't off track last year; notwithstanding that the Commission had to confront other issues, the Commission never lost focus or neglected landmarking responsibilities.
- Comment that this group is a wonderfully dedicated, passionate group and did some impressive things, even in what might be considered the worst year.

- Comment that as a new Commissioner, it was hard to know what the Commission's focus or mission was; there was no big picture and the hope is to change that.
- Comment that the past year was not representative of the Commission's responsibilities.

The facilitator recessed the retreat for a stretch break at 11:07 a.m. and reconvened the retreat at 11:10 a.m.

5. Review/discussion regarding a presentation by the City Attorney's Office relating to the open meeting law, conflict of interest and ex-parte contacts and other applicable state and local regulations

Mike Goimarac distributed a handout of a PowerPoint presentation on Open Meeting Law, Conflict of Interest and Public Records, and he discussed the need to conduct the City's business in the open in accordance with the Open Meeting Laws. The Public Policy states that "Meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings . . . toward this end, any person or entity charged with the interpretations of this article shall construe any provision of this article in favor of open public meetings." So, we always err on the side of caution and the OMLET (Open Meeting Law Enforcement Team) quotes that frequently.

Mike reviewed the sanctions for violating the law in addition to any decision or action taken in violation of the Open Meeting Law becoming null and void. Additionally, he explained that the \$500 fine can be a personal liability to the Commissioners as public officers, particularly if it is shown that a group of you acted intentionally in violation of the Open Meeting Law.

Commission Questions, Comments and Suggestions:

- Comment that a judge could have discretion to specify the source of the funds, and in some cases, it should not be the taxpayers' responsibility.
- Question regarding whether or not the consequence of a violation would be referred to the court or determined by the Attorney General. Mike Goimarac indicated that a civil penalty would have to come from the court. The Attorney General has a progressive discipline philosophy and that penalty would be further down the line of possible consequences, but if it is an egregious violation, it could happen without warnings, etc.

Mike explained that the audience has the right to attend, listen, record and video tape, but they don't have the right to speak or disrupt an open meeting. Mike then explained who has to comply with the Open Meeting Law, including any sub-committees created by the Commission. Judith Keane confirmed that applies to any group consisting of more than one Commissioner, and Mike Goimarac explained that an advisory or sub-committee is one that is established by motion or order of the public body, whose members were appointed for a specific purpose of making a recommendation concerning a decision. Therefore, if the Commission appoints people to do something and make a recommendation, that is a sub-committee that has to abide by the Open Meeting Laws.

Commission Questions, Comments and Suggestions (continued):

- Comment that there is a belief that if two or three Commissioners go to lunch, they had better be sure not to talk about any Commission business; however, if three Commissioners go to lunch, they have not been established as a sub-committee and talking about the business of the Commission wouldn't be in violation, because the lunch wasn't established by a motion or order of the Commission. Mike Goimarac agreed and pointed out that anything less than a

quorum is not a meeting. He then provided the official definition of a meeting, and pointed out that a quorum of the Commission would be four members, and you don't have to vote to make it a meeting.

- Question as to whether or not that definition would stand alone, and Mike explained that the definition is the trump card of what a meeting is. A quorum talking about the business of the Commission means you are having a meeting, and if the group is less than a quorum appointed by the Commission, then you are a sub-committee and you have to comply with the Open Meeting Law. If the group is less than a quorum and hasn't been appointed by the Commission, then you are not having a meeting and you are not a sub-committee; however, if three people discuss something and then one of those people talks to a fourth Commissioner, it is now a violation of the Open Meeting Law. Again, if the Commission assigns two Commissioners to drive around and look at properties, a sub-committee has been formed, meetings have to be posted and the public has the right to be present.
- Question regarding staff or someone outside of the Commission appointing people to do something and if that is against the Open Meeting Laws. Mike Goimarac explained that if staff creates a group that the Commission doesn't tell the staff to create, that is not a sub-committee that has to comply with the Open Meeting Law.
- Question about when an idea comes from the Commission, but is given to the Citizens Engagement group and members of the Commission are put on that task force. Mike Goimarac indicated that there could be no more than three Commissioners assigned to that task force, because if you have a quorum, it is a meeting of the Commission.
- Question about all of the Commissioners attending a party, and Mike Goimarac stated that is a time that Commissioners must self-enforce. Make sure you aren't discussing Commission business. If four of you are going to attend other Commissions' meetings, then the City will post a notice that possibly four or more HP Commissioners will attend.
- Question about if the Commission requested staff to go to Citizen Engagement to ask that a group be pulled together, would it be considered a sub-committee, and Mike Goimarac indicated no, only if it is part of the Commission.
- Question as to whether or not it would be a violation if three Commissioners went to lunch and discussed Commission business and didn't discuss it with a fourth Commissioner; however, the discussion came up in the next meeting. Mike Goimarac explained that to avoid a concern, if less than a quorum discusses something and they want to bring it before the Commission, you put it on an agenda as a specific agenda item, and then you can discuss it in the meeting. As long as you agendize it, there isn't a problem with that.
- Question about after discussing it in the meeting, if the Commission agrees that the three people should work on it, does that create a sub-committee. Mike Goimarac explained that if that is the direction of the Commission, then yes, it would be a formal sub-committee that would have to comply with the Open Meeting Law. A suggestion is that rather than trying to solve all of the hypothetical situations, let Legal work with the Commission to ensure we remain in compliance.
- Question about two Commissioners wanting to survey properties and if some people show up what happens. Mike Goimarac repeated the rights of the public to listen, observe and record, but not to participate. You have to take a tape recorder and record what is said. Audree Juhlin added that we also have to do minutes, because the CLG Agreement says we have to provide written minutes. Mike then added that the meeting is recorded and minutes are prepared regardless of whether or not the public is present.
- Question as to whether or not the Commission could write the minutes or if it has to be done by the staff. Mike indicated that it doesn't have to be staff, but whoever does it would have to be

familiar with the statutory requirements of what constitutes minutes, and then you have the recording as back-up, so that is an option.

- Question as to if the easiest way to get a Work Program done would be to individually assign Commissioners a job, and not in pairs. Mike Goimarac indicated that is correct, that would not be a Commission or sub-committee.
- Question as to if three Commissioners could email each other, and Mike Goimarac explained that if it is a sub-committee no, because you are then another public body and a quorum of three is two, so if two of you are talking, that is a quorum.
- Comment that you should just go and come back to the meeting.

Mike Goimarac then explained agendas, the posting requirements and the ability to discuss only matters listed on the agenda and other matters related thereto, so you need to ensure there is a direct relationship between the discussion and the agenda. The test is if a member of the public would know that the Commission is talking about the subject by reading the agenda; if not, you may have gone too far afield, and you can't reorder the agenda to deny a person an opportunity.

Mike also explained that the Commission can have Executive Sessions without the public for very limited reasons, such as legal advice. The Commission would have to vote to go into Executive Session and a notice of the chance of going into an Executive Session needs to be on the agenda. You cannot vote in an Executive Session, and there are minutes of Executive Sessions that are available to the Commission, any employee discussed and law enforcement.

Regarding meeting etiquette, Mike Goimarac advised the Commissioners not to text either other during the meetings or talk before or after a meeting, because members of the public get the perception that you are having a pre-meeting, etc. Some cities have tried to circumvent the Open Meeting Law and the Attorney General's Office has clamped down. Mike then addressed not using a computer, etc., to circumvent the Open Meeting Law and explained "splintering the quorum" where less than a quorum has a discussion, but then talks to another member; serial communications; polling members, and sharing communications in the "hub and spoke" concept. When asked about Commissioner A calling Commissioner B and Commissioner B calling Commission C, etc., Mike Goimarac indicated that would be serial communications. Anything that makes everyone aware of the communication when you aren't in a meeting is a violation.

Mike Goimarac then explained that regarding emails, the Attorney General has issued an opinion that you can use email to disseminate information if no one responds, but if a Commissioner proposes something, the very act of proposing is a legal action even if no one responds, and that is a violation of the Open Meeting Law. You can't propose, discuss or take any legal action via email.

Commission Questions, Comments and Suggestions (continued):

- A suggestion for sending emails is to put the recipients in the "bc" field, because they wouldn't have the ability to inadvertently use reply all.
- Question as to whether or not a Commissioner could request something to be on the agenda, and Mike Goimarac indicated yes, you can say you are going to put something on an agenda. Additionally, a suggestion would be to include a note at the end of emails asking members not to forward or respond to other members.

Mike Goimarac then explained the "Substantial Interest Conflict", in which you or a relative has a money interest or a property interest in a decision, such as having an historic structure next to your

house, so you probably shouldn't be involved. For these conflicts, you have to disclose the conflict and refrain from participating in any manner.

Commission Questions, Comments and Suggestions (continued):

- Question about having property next to the Brewer property, even though what happens there will make no financial difference. Mike Goimarac indicated he would have to cross that bridge when we get to it; there may be issues where it is a conflict and issues where there isn't. Mike then explained the benefits of some immunity provided by seeking an opinion from the City's Counsel, because if you violate the Conflict of Interest laws, you could be committing a felony.

Mike then reviewed the interests that are "safe harbors" in the statute and pointed out that you can't provide equipment, materials, supplies or services to the City as a Commissioner, except if it is done pursuant to competitive bidding or providing something less than \$300 and less than \$1,000 per year. Additionally, the "self-dealing conflicts" were explained such as representing a person for compensation before a City agency. An attorney or accountant, etc., also could not appear on a client's behalf before a City agency. Additionally, you can't use confidential information for your profit or disclose it for two years after you are a City official. You also can't receive compensation for services you perform as a Commissioner or use your position for any valuable benefit.

Mike then showed a video of a person being told that he would have to provide a written statement to get a copy of a public record although no name was required. Following the video, Mike indicated that the statute doesn't require a written statement; it says that any member of the public may request, but governments like to know what people are asking for, so we know if we complied with the request, so it is legitimate that we require a written request. Mike explained that requests can include emails and electronic public records, and the public is entitled to get copies.

Commission Questions, Comments and Suggestions (continued):

- Question about what the public can do with the records and if they can post them to Facebook. Mike Goimarac indicated yes, and Audree Juhlin explained that they can request not only staff's emails, but also Commissioners' emails. Mike Goimarac explained that is why you cc Audree, when you are discussing Commission business, because it is still a public record when it is on your private computer, and private computers can be subpoenaed if necessary.
- Comment that if the statute doesn't require the applicant to do anything in writing, the government must not require anything more; however, the employee could do whatever is appropriate to maintain her record keeping. She could have taken notes for her purpose and the person wouldn't have been required to put it in writing.
- Question about whether or not there is anything wrong with making a CD of information for the Commission. Mike Goimarac indicated that the CD would be a public record and it might have mistakes, but a lot of public records have mistakes. There isn't a concern as long as you understand someone could request that, and you are comfortable with what is on there. Audree Juhlin added that the concern was that everything on the computer that is Commission business can be subpoenaed, not just what is on the CD. Mike also explained that we try to avoid having private computers taken by saying that anything on your personal computer has been copied to a staff member, so it is on the City's computers as a first line of defense, but if that is not the case, then your computer is vulnerable.

Mike Goimarac then explained the Commissioners' duties related to preserving public records, and indicated that anybody can request public records without saying why it is wanted. They only need

to pay for the cost of making the copy; we can't charge for the time to locate the records, etc.; however, there is proposed legislation to allow cities to charge if the time to locate the records exceeds eight hours, because it often takes an inordinate amount of time. If we don't provide a copy, we can be sued and have to pay their attorney fees, and they have a separate cause of action against a public official for any damages.

Judith Keane recessed the retreat for lunch at 12:08 p.m. and reconvened the retreat at 12:20 p.m.

6. Review/discussion of Roles & Responsibilities of the Commission

Audree Juhlin reviewed what historic preservation is and the history of historic preservation at the Federal, State and local levels. She also explained that some confusion has been that this Commission is a Federal mandate, and that isn't true. She then discussed the creation of the National Trust for Preservation, which has been a source for research, support and guidance, while the CLG (Certified Local Government) is something the City voluntarily entered into.

Audree reviewed the creation and City Council approval of Sedona's HP Ordinance in 1997 and the creation of the seven-member Commission. When the Council established the Commission, it was not going to have any staff support; however, it became a staff-supported Commission because of the regulations, but that support was to be no more than 20% of staff's time cumulatively, which has been a challenge, as it includes any staff member involved in support of the Commission.

Audree then listed the functions and the purpose of the Commission, which is in Article 15 of the Land Development Code, and reviewed the Chain of Command. She also explained that the CLG component is an agreement between the City Council and SHPO (State Historic Preservation Office) that says how we will operate to be eligible for CLG funds. Any changes to the HP Ordinance have to go to the Planning & Zoning Commission and the City Council.

Audree reviewed Section 1505.01 of the Land Development Code regarding Membership, which requires that you have an interest in the field of historic preservation, and we will be doing a better job of ensuring that. Also, two members should have current or previous professional experience in historic fields; otherwise, if an item requires technical expertise, we have to hire someone. Audree then reviewed the terms of office and indicated that the Council can remove a member by a majority vote and fill unexpired terms. She also discussed the officers' terms and responsibilities.

Audree explained the requirement to have at least four meetings per year, and it was pointed out that the Commission's quorum for voting is a majority of the members present. The Ordinance also contains the Commission's rules (Section 1505.05), as well as the Commission Handbook. Additionally, all meetings must be open to the public and written minutes of the meetings are required by the CLG Agreement.

Audree reviewed the powers and duties of the Commission (Section 1505.06) as presented in the handout of the PowerPoint presentation. She also pointed out that the criteria must be reviewed by the Planning & Zoning Commission and ratified by the City Council.

Commission Questions, Comments and Suggestions:

- Question about whether or not the Commission could propose a district by Tlaquepaque and call it an Art District. Audree indicated if it has a tie to historic preservation, yes.
- Question about the ability to designate an important Historic Area, not as a district or using the Commission's name, for Uptown, Color Cove, etc., just for recognition. Audree indicated that is

one of the possible items for the Commission's Work Program, in terms of how you recognize those areas that may not meet the requirements for a Landmark or Historic District, and that might be an example that the Commission would want to consider, and then how to do it.

- Comment that when a district is created, a certain number of the homeowners have to agree to the district, and we probably wouldn't do a district without everybody's agreement because of Prop 207.

Audree continued her review of the Powers and Duties (Section 1505.06) and discussed Section 1506 on Incentives, which has been difficult to identify. The main incentive we have had is the Small Grant Program to help with maintenance or rehab, and the ability to recommend alternate or transitional uses is still applicable, which was intended to provide a transition between residential and commercial uses.

Audree then reviewed the commitment involved in being a Commissioner; the relationship between the Commission and Council as the ultimate policy maker; the relationship between the Commission and staff, and the relationship between the Commission and citizens. Regarding meetings, Audree explained the different kinds of meetings that Commissions have and stressed that the public hearings must allow public input.

Commission Questions, Comments and Suggestions (continued):

- Comment that the work sessions will be very helpful for the Commission.
- Question about the public attending work sessions. Audree Juhlin explained that all meetings are open to the public, but it is up to the Chair as to if the public will be allowed to speak in a work session; however, the applicant may speak.

Audree explained the importance of the Code of Conduct for Commissioners, including the need to qualify any comment that contains personal opinions. She also reviewed what Commissioners should do in public meetings, unofficial settings, and the conduct of Commissioners toward staff.

Commission Questions, Comments and Suggestions:

- Comment that some Commissioners haven't understood that they can talk with staff, although the door is always open. Audree agreed and encouraged Commissioners to ask questions in advance.

Audree continued her review of appropriate and inappropriate behavior for Commissioners and the expected meeting decorum and order, including among Commissioners and among citizen participants.

Audree then reviewed tips for a successful meeting, and 10 tips for Commissioners as follows:

- Listen
- Educate yourself
- Be polite
- Ask questions
- Be prepared – if a Commissioners wants to go to a property alone, work with staff to ensure you don't violate SB1598, because you can't access a property without the owner's approval, and just because they have submitted an application, it doesn't give us the right to look at the property without permission.
- Avoid ex-parte contacts

- Recognize Conflicts of Interest
- Attend and contribute
- Be independent and informed
- Make a difference

Audree then explained the importance of ethics in serving the public and the importance of the public process. Technically, the Commission is not a political entity; the Commission is to enforce the rules and standards and should not give in to NIMBY.

Commission Questions, Comments and Suggestions (continued):

- Question about the Commission meeting four times a year. Audree explained that the minimum number of meetings would be four.
- Question about the Chain of Command flow and if the Commission is staff-supported, but self-directing. Audree explained that the Commission is directed from Council.
- Comment that Council approves the Commission's Work Program, and then in theory, the Commission Chair can set the agenda. Audree indicated that is correct.
- Comment that in theory, if the Commission didn't want to review an application, the Chair could have not put it on the agenda. Audree explained that is not the case, because the Ordinance is very specific and says that the Commission has to review it within so many days.
- Question pertaining to other agenda items, if the Chair or Commissioners feel they don't want something on the agenda, that is the Chair's responsibility. Audree explained that the Chair and staff work together on the agenda. We like to do it the same as Council, and if you have an item to bring forward, you should get another Commissioner to agree to that, but that process can be bypassed by going to the Chair.
- Comment that the only thing that is mandatory is if we are given an application for a Certificate of Appropriateness or Landmark, the Chair and staff can't say no.
- Question that if somebody from the outside just says they want something on the agenda, you don't necessarily have to include it. The Chair agreed.
- Question about the 20% goal for staff's time. Audree explained that when Council appointed the Commission, it was supposed to be self-sustaining. Council then stated that no more than 20% of any staff could be used, so it is essentially 8 hours a week.
- Question as to whether or not that is one member of the staff. Audree explained that it cannot exceed 20% of her time and Donna Puckett's time.
- Question about what happens when Council asks the Commission to do something extra. Audree explained that is when you hear staff say that we are limited in resources.
- Comment that the Commission should do a Work Program with that 20% in mind. Audree agreed and indicated that Kathy Levin was probably spending 60% of her time in Commission support.
- Question about what takes all of staff's time. Audree explained that when someone calls in asking about preservation or landmarking or making changes to their property or the Small Grant Program, etc., staff will advise them. If an application is received, staff will do the research, etc., before bringing it to the Commission.
- Comment that it is not necessarily things that the Commission is creating. Audree agreed, it is not because the Commission is asking for something.
- Question regarding a Councilor not going to a City employee and telling them to do anything, it has to go through Council or the City Manager, so is that true with how the Commission's work with staff. Audree explained that if the Commission wants something done that is outside of the Work Program, they need to get direction from Council to do that.

Note: Handouts of the PowerPoint presentation on the Purpose, Roles and Responsibilities; the Commission Handbook, and the HP Ordinance were distributed.

7. Discussion regarding strategies to streamline the work of the Commission, including key priorities, number of meetings, distributing individual/committee assignments, staff reports, commission packets, and other related work requirements

Judith Keane introduced agenda item 7 and opened the discussion for comments.

Commission Questions, Comments and Suggestions:

- Comment that the minutes and staff reports are so impressive and long that he is unable to use them. Long minutes would be understandable if meetings weren't recorded, but they are, so reports and minutes could be synopses; it would dramatically reduce staff time. Donna Puckett explained that in 2012, we relied on the audio recordings, which the Open Meeting Law allows; however, the CLG Agreement requires written minutes. Recent minutes are not verbatim as they used to be.
- Question about how much the streamlining has helped. Donna Puckett indicated that the typing, proofing and distribution of verbatim minutes was about 4 hours per hour of meeting, and the summarized minutes are approximately 3 hours per hour of meeting.
- Comment that as a consumer of the minutes, they would be more helpful if they were 10% to 15% the length, so a dramatic reduction would be expected that would be more useful and more time-saving. Donna Puckett explained that in reality, that takes more time, because they can't be typed as they are heard. To listen to a 4-hour meeting and condense it to three pages, takes more time, because everything has to be analyzed to determine what is important. Audree then added that staff then receives comments that it didn't reflect what a Commissioner said or you didn't capture my important point, so it is a double-edged sword.
- Question about just providing minutes of decisions made. Audree explained that those are Action Minutes, but to meet the CLG Agreement, more in-depth minutes has to be provided.
- Comment that we are trying to save pennies instead of dollars. The most important thing is to develop the Work Program and make it more concise, then think hard about calling special meetings and have set meeting dates. Audree noted that the code would have to be changed, and the problem is if someone wants to paint a Landmark, they can't do that without coming before the Commission.
- Comment that some of that stuff needs to be staff; the Commission should empower staff to make some decisions.
- Comment that what has been heard from staff is justification for the status quo and that isn't acceptable. The CLG requirements aren't known, but if as described, they are the tail wagging the dog. We have to say no, if it is producing a product our people can't use and sucking all of our time. We have to see how the CLG requirements can be made compatible with our time.
- Comment that the CLG is something that the City connected with so we could get grants. If we aren't a CLG, we can't apply for the grants. If we don't think the grants are worth the effort, then we have to make that decision.
- Question as to if the development of the Forest Service property is still open as a possibility to get money. Chair Unger explained it would be money for maintenance. Audree added that the City felt the CLG was so important that we wanted to have a special agenda item just to discuss that. Maybe there are ways to change it, but we have to go through the process of negotiations between the City Council and the State. It is 20 years old, so the Commission needs to make some recommendations if it is outdated.

- Comment that in most businesses, this body would set policy that would be enacted by staff, so we may need to look at our policy, so staff would be directed without having to come to the Commission on certain things. Maybe staff needs to be empowered more by having these policies laid out, so if someone needs gutters, staff is able to handle it.
- Comment that we may have to look at the Ordinance, because the Ordinance says that those decisions have to be made by the Commission, so it may have to go to the City Council to see if that Ordinance can be changed, and it may be worthwhile to look at that.
- Suggestion that maybe we just get those things worked out and don't designate houses this year – get our act together to become a better working group.
- Comment that the Commission should set aside some time to restructure so we are effective. Last year, we were confused and taking some time to make the Ordinance and processes more effective would be more valuable if we look at the next 10 years.
- Comment complimenting Audree on the presentation, and a good place to start would be taking this list to see where we need to do some clean-up, etc., and then create an action plan for the year and decide how many meetings we need based on the work we are going to be doing.
- Comment agreeing that time needs to be spent reorganizing, but there should not be a moratorium on landmarking; we have so few that come before us. It was then clarified that the comment was referencing the Commission going out looking for properties to landmark.
- Comment that when people come to us, it is our duty to look at them, and if we don't, the CLG will go away; however, we could slow the proactive search down.
- Comment that if the City does the basic research and it has a sufficient history, it shouldn't take forever, so why don't we know right away that this is a possibility, so it doesn't come to the Commission three months later. A previous example was when the owner wanted to remove the Landmark status.
- Suggestion to use the landmarking responsibility and educational process as one and the same, so as we landmark, we check ourselves to make sure we are learning the process in the course of doing the review.
- Comment to also document the process for future Commissioners.
- Comment that if a landmark is requested, the City has an obligation to post the property, etc., so another question is if we do a work session before the landmark application.
- Question about the time required for the posting. Audree explained that the legal requirement is to notify the neighbors, post the property and place it in the newspaper, so there is advanced notice of 15 days of the hearing; however, to get to that point, the Staff Report has to be completed and reviewing agencies have to have time to work towards that.
- Question about the Commission helping in some of those things. Audree indicated that is something for the Commission to consider; however, you have to be careful, because you are the reviewing agency making a decision, and there has to be the appearance of being neutral.
- Comment that the work session is okay, because it is all in front of the public. Audree added that once the application is received, the work session can be scheduled at that time, and then the public hearing would be scheduled in 45 days or whatever.
- Question about how the Commission could help without crossing over the legal garbage. Donna Puckett noted that there may be some research elements, but if a Commissioner helped with the Staff Report, that report makes a recommendation, so that could be in conflict.
- Comment that staff shouldn't have to deal with the criteria for landmarking; Commissioners could do that groundwork and bring in a preliminary report saying it does or doesn't meet the criteria.

- Question about how the Commission can do that preliminary screening, if the Commission is the decision maker. It was explained that opinions would be a problem, but not facts, such as if it is at least 50 years old.
- Comment that on page 10 of the Ordinance in Section 1507.03, the Landmark designation criteria are listed and those are the things the Commission will review.

Judith Keane summarized that she is hearing that there are some ways to streamline the process and the Commission and staff will have to decide how.

Commission Questions, Comments and Suggestions (continued):

- Comment that a most important failing as a Commissioner is not having the self-discipline to read the Ordinance and other materials.
- Suggestion to hear staff's recommendations regarding streamlining.
- Comment that the same discussion took place five years ago and there were 18 to 20 meetings per year; now we are down to about 10, so we are streamlining. The streamlining will be done at the agenda level and getting our Work Program down to what the Commission feels we can do, and we all need to get in the vans for a day and have a training session.

Judith Keane then summarized the following ideas;

- Agenda streamlining
- Landmarking becomes educational and looking at how to streamline that process
- Self-responsibility to study the Ordinance, Commission Handbook and other materials

Judith then indicated that the Commission is well on the way to developing a Work Program, and then asked what else do you have to do.

Audree pointed out that there are two things the Commission has to do, because of Council direction. First, revise the Small Grant Program. Second, review Article 15 of the Land Development Code, because it doesn't have a clause for emergencies.

Commission Questions, Comments and Suggestions (continued):

- Comment that Council then can give the Commission a dollar amount for the Small Grant Program to work with first.
- Comment that it would mean Audree going to the City Council to ask how much the Commission can have for the Small Grant Program, so the Commission can assess that in a better light. If there is only \$2,000, the Commission will look at it differently.
- Question about whether or not anything was requested in the upcoming budget. Audree indicated it was left out, because the Program has not been revised. There was about \$4,000 to \$5,000 put in for Commission support.
- Comment that the time the paperwork takes is not worth \$4,000 to \$5,000. The preference would be to do nothing for \$4,000 - \$5,000. Audree clarified that amount was for the Commission's projects, not the Small Grant Program.
- Comment that the Commission should have money for the Small Grant Program or not do it.
- Comment that it fosters bad feelings to say there are grants when there is really no money. Audree indicated that in the spring there will be another joint meeting with Council and that needs to be discussed in that meeting.
- Comment that the Small Grant Program was going great when we had \$15,000, but it was reduced to \$4,000 at a time that people didn't have the money to match the 50-50 grant.

- Comment that if the amount is so low that it becomes a bait and switch, we would rather have zero, because we would at least have credibility.
- Question about the need to give a proposal to the Council instead of mandating when they have received no input from the Commission as to what would be reasonable. It would be part of the joint meeting, but we need to have a discussion and then have the meeting.

Judith Keane indicated that if the Commission was to accomplish the things that have been listed, that would be fabulous, so the question is if the Commission can live with those items.

Commission Questions, Comments and Suggestions (continued):

- Comment that those are fine, and if we go to the City Council and say we need \$25,000, they will ask how we are going to spend it, so can someone write what we think would be a good working plan and bring it to the next meeting.
- Question about what the Commission can do to start the process.
- Question about what the Commission's role is going to be with the Ranger Station property and how much time that will take. Audree indicated that it will go before the City Council for a master planning discussion, and that will set the direction on how that master planning will take place. The Commission will obviously play a large role in that over the next 18 months.
- Suggestion to have that prioritizing of Work Program items placed on the agenda for the next meeting. Audree indicated that it can be put in order with the steps that are involved, to help the Commission make decisions on prioritizing.
- Comment that we need to prioritize them and if there are things an individual can take, then let's go for it.

Judith Keane pointed out that self-study can be started now, and Donna Puckett suggested that rather than going to the City Council and asking how much money they are going to give the Commission for the grants, because if they don't give the Commission enough, you don't want anything, perhaps it would make more sense, and decrease the back and forth communications involved, if the Commission to put together what you feel the Small Grant Program should look like, and then give the proposal to the Council and say for this to work, you need X amount of money, and if the Council can't commit to that, then it is better for the Commission to not offer the Program.

Commission Questions, Comments and Suggestions (continued):

- Comment that the suggestion is absolutely doable.
- Comment that the agenda for next month possibly should include the Small Grant Program in addition to the Work Program.
- Comment that the Chair won't be available next month, so we are going to lose a month, and it may be better to take a bite out of one of these things.
- Comment that if you send out the last Small Grant Program and request that each Commissioner come to the next meeting with your idea of what it should look like.
- Comment that for each agenda, we should send Commissioners home with homework, so something is done by the next meeting.
- Request for Audree to send the grant out to each Commissioner.
- Comment that the Small Grant Program is something we should resolve before the meeting with Council and a realistic assignment for the next meeting is self-study, including reading the statutes, etc., and at the next meeting we should be able to complete the conversation about the grant program in 30 minutes, and the previous \$15,000 could be a starting point, so we should have a conclusion by the end of that meeting.

- Question about the timeline for the Work Program. Audree indicated that it is usually a year from January – December, but it is typically the short-term goals, mid-term goals and long-term goals.
- Question as to whether or not we are saying the three things listed will be done by December or next March. Audree indicated that it depends on the project – the Forest Service property will be a multi-year project.
- Comment that we are going to miss Council's budget meeting; however, it was clarified that budget information for the Commission had already been provided, and the grant won't be going in for next year.
- Comment that the Commissioner feels depressed, because if we were a business, we would be broke by the end of the year. We are just cleaning house and not taking care of the things we talked about – protecting, monitoring, etc. We're just figuring out how to streamline things with staff. Judith asked if that isn't protecting and educating if you do the landmarking item.
- Comment that it is training, but it is all in-house housekeeping for a year, and we don't have a clue about properties that have already been landmarked. Audree Juhlin explained that none of that is being excluded. The Commission will receive an email about training Commissioners to look at a number of landmarks. We are going to request help with the website, etc.

Commission Questions, Comments and Suggestions (continued):

- Comment that none of that is on the Work Program. Audree explained that this would be addressed with all of the items already on the Commission's plate, including the survey, the website, etc.
- Comment that for next time, we are talking about prioritizing the Work Program, including the Grant Program, and Council specifically asked for two things, so we need to get those done.

Judith noted that the missing information is what is already in progress, and the Chair confirmed that is the list from the last meeting.

Commission Questions, Comments and Suggestions (continued):

- Comment that we are making sure our structural foundation is solid, so we are able to accomplish all of those things.
- Question as to if Commissioners have agreed on the homework for self-study.

8. Discussion regarding next steps for the Commission, including items identified from discussion of agenda item 7

The Chair stated that the homework is self-study, reading the Ordinance and the Small Grant Program information, and Audree will email that information. Audree indicated that she will also include a list of the past problems that we are trying to fix. Chair Unger also requested the list of things for the Work Program in the previous minutes and Audree indicated that it will be updated prior to the next meeting.

Commissioner Grams noted that the City is expecting something from the Commission on the Grant Program for the Council meeting, but is that a top priority? Audree indicated that the priorities can be discussed at the next meeting, because the Commission should set that priority.

9. Discussion regarding future meeting dates and future agenda items.

Audree summarized that there are two agenda items for the next meeting -- prioritizing the Work Program and discussing the Small Grant Program. Chair Unger indicated that another task,

possibly later, is handing over some of the responsibilities to staff. Audree added that she can discuss some options, because there are some intermediate steps for that at the next meeting.

Councilor McIlroy asked who will do the training on the houses and Commissioner Segner indicated that usually the Commission would survey a house together. The Councilor then asked if the grants are to rehabilitate homes that have been landmarked, and we have no money for that now, but you are asking for maybe \$15,000 - \$20,000. Chair Unger stated yes.

Donna Puckett suggested that since the Chair is not available in April, if the next meeting is May, perhaps in addition to reading the Ordinance and the Small Grant Program go ahead and write your individual vision of the Small Grant Program and email it to staff, so we can compile it into one document to be ready to review in May. Audree agreed that you then wouldn't waste time discussing it individually; you can look at it in advance.

Audree Juhlin indicated that the next regular scheduled meeting will be May 12th. Chair Unger then asked that Audree send to each Commissioner the homework list along with the materials we need.

Judith Keane summarized that the Commission has done some fabulous work and has assignments for the next meeting, and you can put parameters and timelines, because by disciplining yourselves, you will get a lot more done.

The Commission thanked Judith Keane and staff for the retreat.

10. Adjournment

The Chair called for adjournment at 2:07 p.m., without objection.

I certify that the above is a true and correct summary of the actions of the Historic Preservation Commission in the retreat held on March 10, 2014.

Donna A. S. Puckett, *Administrative Assistant*

Date